

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

**SS**     July 23, 2019

The City Council of the City of Elko, State of Nevada met for a regular meeting beginning at 4:00 p.m., Tuesday, July 23, 2019.

This meeting was called to order by Mayor Reece Keener.

## **CALL TO ORDER**

## **ROLL CALL**

**Mayor Present:**       Reece Keener

**Council Present:**     Councilwoman Mandy Simons  
                              Councilman Robert Schmidlein  
                              Councilman Chip Stone  
                              Councilman Bill Hance

**City Staff Present:**   Curtis Calder, City Manager  
                              Scott Wilkinson, Assistant City Manager  
                              Ryan Limberg, Utilities Director  
                              Kelly Wooldridge, City Clerk  
                              Michele Rambo, Development Manager  
                              Jeff Ford, Building Official  
                              Bob Thibault, Civil Engineer  
                              Candi Quilici, Accounting Manager  
                              Dennis Strickland, Public Works Director  
                              Mike Hess, Landfill Superintendent  
                              Cathy Laughlin, City Planner  
                              Susie Shurtz, Human Resources Manager  
                              James Wiley, Parks and Recreation Director  
                              Jim Foster, Airport Manager  
                              Matt Griego, Fire Chief  
                              Jack Snyder, Fire Department  
                              John Holmes, Fire Marshal  
                              Mike Palhegyi, Police Lieutenant  
                              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**

Mike Palhegyi, Police Lieutenant, spoke about the National Night Out Event coming up in two weeks on August 6.

**APPROVAL OF MINUTES:        July 9, 2019                Regular Session**

*The minutes were approved by general consent.*

## **I.        PRESENTATIONS**

- A.        Reading of a proclamation by the Mayor recognizing Sunday, July 28<sup>th</sup> as “National Parents Day”, and matters related thereto. **INFORMATION ONLY – NON ACTION ITEM**

Mayor Keener read the proclamation.

- B.        Presentation of a retirement plaque to Officer Fred McKown, for his twenty two years of service to the City of Elko Police Department, and matters related thereto. **INFORMATION ONLY – NON ACTION ITEM**

Mayor Keener presented Officer Fred McKown with a plaque in appreciation for his many years of dedicated service.

Mike Palhegyi, Police Lieutenant, said it has been a pleasure working with Mr. McKown. Thank you for always being there. He was very reliable.

Claire Morris, Former Police Chief, said Mr. McKown worked with him a number of years. He has been on the SWAT team for 22 years and he passes the physical part of the test better than many of the younger officers. He is a good man and he hopes he enjoys retirement.

Mayor Keener thanked him for his service.

## **II.        CONSENT AGENDA**

- A.        Review, consideration, and possible action to reappoint Planning Commission members Jeff Dalling and Evi Buell to an additional Four-Year Term to expire July 2023, and matters related thereto. **FOR POSSIBLE ACTION**

Jeff Dalling and Evi Buell’s terms expire July 2019. 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. Dalling and Ms. Buell have indicated an interest to continue serving on the Planning Commission. CL

- B.        Review, consideration, and possible approval of the City of Elko Fiscal Year 2018/2019 Indebtedness Report, Debt Management Policy, and Five-Year Capital

Improvement Plan as required by NRS 350.013, and matters related thereto. **FOR POSSIBLE ACTION**

Pursuant to NRS 350.013, all entities must file the Indebtedness Report, an updated Debt Management Policy, and the Five-Year Capital Improvement Plan. The updated reports are included in the agenda packet for your review. CQ

- C. Review, consideration, and possible approval for the Elko Police Department to acquire a surplus vehicle from the military 1033 Program, and matters related thereto. **FOR POSSIBLE ACTION**

The Elko Police Department coordinates with the Office of Criminal Justice Assistance to acquire surplus equipment and vehicles through the 1033 Program. Acquiring equipment from this program requires no financial commitment from the City of Elko. This is an opportunity to acquire a used Humvee style all-terrain vehicle. BR

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

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

### **III. PERSONNEL**

- A. Employee Introductions:

- 1). Payden Shafer, Landfill Equipment Operator, Public Works Department  
*Present and introduced.*

- B. Review and possible approval of the Financial Services Director position description, and matters related thereto. **FOR POSSIBLE ACTION**

As the result of ongoing reorganization efforts, Staff is proposing the creation of a Financial Services Director position. If approved, the proposed position will oversee the Accounting/Finance and Information Systems Departments. The Human Resources Department will report directly to the City Manager.

The Administrative Services Director position will remain unfilled. Due to the reduction in responsibility, Staff is proposing the Financial Services Director position be placed in Management Pay Grade 38. SS

Susie Shurtz, Human Resources Manager, explained this position would largely manage the Finance Department.

**\*\* A motion was made by Councilman Schmidlein, seconded by Councilwoman Simons, to approve the Financial Services Director position job description.**

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

#### IV. APPROPRIATIONS

- D. Review and possible approval for the Fire Department to purchase one (1) Fire Marshal vehicle and accessories through Nevada State Purchasing for \$57,547.06, and matters related thereto. **FOR POSSIBLE ACTION**

City Council approved the vehicle purchase in the FY 2019/2020 Budget (Capital Equipment Fund). Fire Marshal Holmes is moving forward with ordering the vehicle and accessories. JH

John Holmes, Fire Marshal, explained \$60,000 was budgeted and asked that the request be approved not to exceed \$60,000 with prices increasing since the vehicle was quoted back in February.

Councilman Hance asked if the accessories are under a state contract.

Mr. Holmes answered that portion is not covered by a state contract.

Councilman Hance wanted to see some quotes on that equipment because he thought it was a lot of money.

Councilman Stone asked what the plan was for the old vehicle.

Mr. Holmes answered the one he is in now will be the backup vehicle for the Command Officers and available if other staff need a vehicle.

**\*\* A motion was made by Councilman Hance, seconded by Councilman Schmidtlein, to approve the request from the Fire Marshal to purchase one vehicle and accessories, with getting some competitive quotes for the outfitting equipment on the vehicle, with an amount not to exceed \$60,000.**

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

- E. Review, discussion, and possible approval for the Fire Department to purchase a new Type III Fire Apparatus from Boise Mobile Equipment for the amount of \$331,069.00, and matters related thereto. **FOR POSSIBLE ACTION**

The City of Elko Fire Department would like the approval to purchase a new Type III Fire Engine. The new Fire Engine will replace the current Engine 54 which is 22 years old. The new Fire Engine will be built by Boise Mobile Equipment, at the price of \$331,069.00. The apparatus will feature seating for four firefighters, 500 gallons of water, 500 gallon per minute pump, pump and roll capabilities and increased compartment space. The Fire Department would like to order the apparatus and not require payment until delivery. This purchase will be done utilizing the HGAC purchasing program. JS

Jack Snyder, Deputy Fire Chief, explained they had budgeted \$300,000 but the price of metal has gone up. Boise Mobile Equipment will be building both trucks at the same time and we will not

have to wait another year to get this truck. This truck is almost identical to the truck they requested last year.

Councilman Hance asked, in the sales agreement, Section 2, "...to complete the fire apparatus within 400 days, however, if it is not completed they shall not be in default..." but he didn't think we could agree to anything more than one year out.

Dave Stanton said he wasn't asked to review this contract. He thought they could obligate the funds this fiscal year even if the product isn't delivered within this fiscal year.

Curtis Calder, City Manager, answered yes. This is coming out of our Capital Equipment Fund and those funds roll over from year to year. If something doesn't come in, although we would like it to for audit purposes, if it doesn't come in it can still be paid for in the subsequent fiscal year. He wasn't aware of anything that would prevent the Council approving a purchase that would be two years out.

**\*\* A motion was made by Councilman Stone, seconded by Councilman Hance, to approve the Fire Department to purchase a new Type 3 Fire Apparatus from Boise Mobile Equipment for the amount of \$331,069.**

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

- F. Review, consideration, and possible issuance of final acceptance for the Municipal Swimming Pool Repair Project, and matters related thereto. **FOR POSSIBLE ACTION**

This project was awarded to MGM Construction Inc. at the February 26, 2019 Council Meeting in the amount of \$463,353.00. There were two approved change orders for the project. One resulting in a reduction of cost for the amount of \$1,221.00 and a second resulting in an increase of cost for the amount of \$2,535.00. The net total for change orders amounting to \$1,314.51 bringing the total for the project to \$464,666.51. The project has been completed on time and in conformance with the plans and specifications. JW

James Wiley, Parks and Recreation Director, explained there were only minor change orders on this project. They are happy with the project.

**\*\* A motion was made by Councilman Stone, seconded by Councilman Schmidlein, to approve final acceptance of the Municipal Swimming Pool Repair Project in the amount of \$464,666.51.**

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

## **V. SUBDIVISIONS**

- A. Review, consideration, and possible action to conditionally approve Final Map No. 8-19, filed by Copper Trails LLC, for the development of a subdivision entitled Copper Trails Phase 2, Unit 1 involving the proposed division of approximately 19.194 acres of property into 9 lots for residential development and

1 remainder lot within the R (Single Family and Multiple Family Residential) Zoning District, and matters related thereto. **FOR POSSIBLE ACTION**

The subject property is located at the intersection of Copper Street and Mitty Avenue (APN 001-610-114). The Planning Commission considered this item on July 2, 2019 and took action to forward a recommendation to conditionally approve Final Map 8-19. MR

Michele Rambo, Development Manager, gave a presentation (Exhibit "A").

**\*\* A motion was made by Councilman Schmidlein, seconded by Councilman Hance, to conditionally approve the Final Map No. 8-19 for the Copper Trails Phase 2 Unit 1 Subdivision, subject to the conditions as recommended by the Planning Commission.**

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

- B. Review, consideration, and possible conditional acceptance of Public Improvements for the Autumn Colors Phase 5 Subdivision, and matters related thereto. **FOR POSSIBLE ACTION**

Council approved Final Map 2-18 on June 12, 2018. An Agreement to Install Public Improvements and a Performance Guarantee was entered into June 12, 2018.

The Developer has substantially completed the Public Improvements in accordance with the approved plans with the exception of a few outstanding items. The developer is asking for a conditional acceptance with the understanding that the remaining items will be completed by September of this year. The City is in receipt of the required Certification of the project by the Engineer of Record. Upon acceptance of the Public Improvements by the Council, the Developer is required to provide maintenance security in the amount of \$64,735.00 for a 12 month maintenance period. The maintenance security is on deposit with the City. MR

Ms. Rambo explained they have completed a majority of their improvements. There are just a few items remaining. There is a letter in the packet from Bailey Homes that outlines what items are outstanding. Since that letter was written, some of these items have been completed.

Councilman Schmidlein asked why the ditch was so deep next to the roadway. He wondered what the purpose was because he thought they would put a culvert in there.

Scott Wilkinson, Assistant City Manager, said this all dates back to Phase 1. The whole drainage on the NDOT Right-Of-Way was approved by the Carson City Office for NDOT. They didn't require any additional infrastructure than culverting for the roadway and the storm drain infrastructure that is in place now. There is some head cutting/down grading of the intersection but that is because NDOT's base material upgrade of the intersection is eroding and it gets into the drop inlets that are near the intersection and plugs them up. That is an issue that NDOT has

to correct. He has met with NDOT and they didn't require that additional width of paving when that subdivision was approved. NDOT will have to deal with those issues.

Bob Thibault, Civil Engineer, spoke about the walkway NDOT installed and some erosion in the area.

Ms. Rambo said the applicant was present.

Mr. Wilkinson added that the entire bond would remain in place until those outstanding items are completed.

**\*\* A motion was made by Councilman Hance, seconded by Councilwoman Simons, for conditional acceptance of the Public Improvements for the Autumn Colors Phase 5 subdivision with noted exceptions. The maintenance period is to run for one year from date of completion of the outstanding items.**

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

## **VI. NEW BUSINESS**

- A. Review, consideration, and possible approval of a Performance/Maintenance Agreement for subdivision improvements associated with the Copper Trails Phase 2, Unit 1 subdivision, and matters related thereto. **FOR POSSIBLE ACTION**

Elko City Code 3-3-21 requires the subdivider to have executed and filed an agreement between the subdivider and the City for the required subdivision improvements, included stipulations on the timeframe for when those improvements are to be completed, and to post a performance guarantee in accordance with Elko City Code 3-3-22. As part of the conditions of approval for Final Map 8-19, the Planning Commission recommended that the agreement be approved by the City Council. The Planning Commission also recommended that the Developer shall enter into the agreement within 30 days of the City Council's approval of the Final Map. MR

Ms. Rambo said this is our typical Performance/Maintenance Agreement for subdivisions. Now that Council has approved the Final Map, this is the next order of business.

**\*\* A motion was made by Councilman Stone, seconded by Councilman Hance, to approve the Performance/Maintenance Agreement for the subdivision improvements associated with the Copper Trails Phase 2 Unit 1 subdivision. The subdivider shall enter into the agreement within 30 days.**

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

## **VII. RESOLUTIONS AND ORDINANCES**

- A. First reading of proposed Ordinance No. 842 amending Section 3-2-3 of the Elko City Code entitled "General Provisions" adding a reference to curb, gutter, and sidewalk requirements set forth in Title 8 (Public Ways and Property) and matters related thereto. **FOR POSSIBLE ACTION**

The Planning Commission initiated this amendment to the City Zoning Ordinance at their meeting of May 7, 2019. At their meeting on July 2, 2019 the Planning Commission recommended that the City Council adopt Ordinance No. 842, which approves Zoning Ordinance Amendment No. 1-19 of the Elko City Code, specifically Section 3-2-3. CL

Cathy Laughlin, City Planner, explained a copy of the Ordinance was in the packet. She explained the changes in the ordinance.

**\*\* A motion was made by Councilman Hance, seconded by Councilman Schmidlein, to conduct the first reading of Ordinance No. 842, and direct city staff to set the matter for Second Reading, Public Hearing and possible adoption.**

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

- B. First reading of proposed Ordinance 844 An Ordinance deleting Title 7 Chapter 6 entitled “Recreational Vehicles” and creating Title 7, Chapter 6 entitled “Off-Highway Vehicles” and establishing rules for operation of off-highway vehicles within the municipal boundaries of the City of Elko, established routes for ingress and egress from the City of Elko to public and private lands where off-highway vehicle use is authorized, and establishing the penalties for violations **FOR POSSIBLE ACTION**

City Council initiated this ordinance on August 28, 2018, and directed Staff to form a workgroup consisting of City Staff and interested members of the public. The work group met several times. A public hearing was held on January 24, 2019 to garner further public input. KW

Kelly Wooldridge, City Clerk, explained the ordinance using a presentation (Exhibit “B”).

Mike Palhegyi, Police Lieutenant, talked about the Dotta Drive route. Some more streets may need to be added to the designated routes.

Councilman Hance asked what happens when some of the hotels come back and ask why they are not on the routes.

Mr. Palhegyi answered there is still the option of being on a State Route for up to 2 miles. Residents can still ride on the other streets to get to the designated routes too.

Councilman Schmidlein thought all passengers on the OHV would need a helmet.

Councilman Stone pointed out an error in the definition of a Large All-Terrain Vehicle; an “or” should be used instead of “and.”

Ms. Wooldridge continued with the presentation.

Mayor Keener asked if NRS requires insurance.



Ms. Wooldridge answered yes.

There was some discussion regarding parking of the OHVs and whether or not they should be allowed to park on the street or just off-street. It was asked what Mesquite has in their code for parking OHVs.

Claire Morris, 3131 Midland Dr., Elko, said he has been to Mesquite on his side-by-side. They have no problem with parking it. When he is home, he parks the side-by-side in his garage.

Ms. Wooldridge said the Mesquite ordinance did not address parking.

Dave Stanton, City Attorney, noted the items Council wanted changed so far in the Ordinance: the issue of street parking and possibly placing a time limit on street parking; wanting to look into adding an insurance requirement; adding some clarifying language that passengers will have to have helmets, as well as the people actually driving the vehicle; look into clarifying language about traveling to and from designated routes; and, look at the definitions, there is an error and they will fix that.

Mayor Keener called for public comment.

Claire Morris, 3131 Midland Dr., Elko, said he doesn't understand why they can't operate after dark. They are just as quiet as a car. OHVs have headlights, taillights and signals. They can be seen in the dark and they can see where they are going. What is the reasoning behind that? The lights on his OHV are better on it than his truck.

Councilwoman Simons agreed that it does seem funny that they are required to have lights but can't operate at night.

Mr. Morris felt this is getting complicated. There are going to be problems.

John Glen, 1005 Barrington Ave., said he sat on the OHV committee. After all of the work they did, he recommends that they follow state law (NRS) for this because the laws are going to change and we will have to change our code.

Neil Harris, Walnut Street, said he wondered how he was supposed to get from his house to Elm but then he can drive on the streets for up to two miles. The helmet ordinance does come to question but NRS will change. He has an old original side-by-side and the ordinance is more restrictive than when he bought it in 1946. He is looking forward to this moving forward. He appreciates the time put into this.

Mayor Keener said he knows the DiGrazias have some concerns.

Lenora DiGrazia, 1000 Barrington Avenue, said they live at the end of Barrington Avenue next to City and BIA owned land. They bought this house but had no idea they would have dirt bikes and such zooming around. She finds it annoying that she has to listen to 4-wheelers if she goes outside. The dirt bikes are very loud. They are not supposed to be within 300 feet of her home

but there is a dirt road next to her house that they use all of the time. She doesn't want them in her neighborhood.

Councilwoman Simons thought other people felt the same way about this.

Mayor Keener said he is open to this and has been from the start. He suggested doing this on a trial basis to make sure it isn't aggravating residents and over taxing law enforcement.

Mr. Stanton wanted to do some research to see what the City can require independently. If the state regulates some areas, cities cannot go in and regulate the same thing.

After more discussion and debate, it was agreed that this ordinance needed to be tabled to be revised before more action can be taken.

**\*\* A motion was made by Councilman Schmidlein, seconded by Councilman Stone, to table this agenda item and have Mr. Stanton do some research on the items that were outlined to him moving forward.**

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

## **IX. 5:30 P.M. PUBLIC HEARINGS**

- A. Review, consideration, and possible action to adopt Resolution No. 14-19, a resolution of the Elko City Council adopting a change in zoning district boundaries from PQP (Public, Quasi-Public) to R1 (Single Family Residential) zoning district, approximately 8.02 acres of property located generally north of the intersection of Celtic Way and El Armuth Drive, filed by Bailey & Associates, and processed as Rezone No. 2-19, and matters related thereto. **FOR POSSIBLE ACTION**

The Planning Commission considered the subject zone change request on July 2, 2019 and took action to forward a recommendation to City Council to adopt a resolution which approves Rezone No. 2-19. CL

Cathy Laughlin, City Planner, explained the zone change request and recommended approval.

Christy Armbruster, 1409 Clover Hills Dr., said she isn't opposed to the rezone but she is concerned with putting 35 houses in the area. It seems to be very tight with only one entrance and exit. She felt it would increase the traffic significantly and increase the hazard to children. There are children walking and riding their bikes to the school.

Mayor Keener noted she was worried about an increase of the intensity of traffic.

Ms. Armbruster said she doesn't mind having more neighbors, she was just worried about the traffic.

Mayor Keener said at one point they were looking at putting in a school and that would have increased the traffic more.

Michele Rambo said she will be discussing traffic when they get to the tentative map.

Doug Shippy said he didn't get a letter regarding this meeting but his neighbor did. He had some questions. What is the stipulation as to how close they can build to his lot?

Ms. Laughlin said these questions are related to the subdivision and should be discussed in that agenda item.

Scott Wilkinson, Assistant City Manager, answered that under the R Zone, the rear setback for a principal building is 20 feet. Their home can be set within 20 feet of that rear property line. That was probably the setback when Clover Hills was developed.

Mr. Shippy stated his house is in the county. He asked if they will be using the access across Royal Crest.

Ms. Laughlin asked if he was talking about El Armuth because that was recently eliminated with the Master Plan amendment.

Mayor Keener said from his perspective as a former planning commissioner, this makes sense and will not create as much traffic as it would have if a school or park had been installed.

**\*\* A motion was made by Councilman Hance, seconded by Councilwoman Simons, to adopt Resolution No. 14-19 as recommended by the Planning Commission.**

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

- B. Review, consideration, and possible action to adopt Resolution No. 15-19, a resolution and order vacating a portion of the 3<sup>rd</sup> Street Right-of-Way adjacent to APN 001-224-009, consisting of an area approximately 900 square feet, filed and processed as Vacation No. 3-19 filed by David and Julianne Ernst, and matters related thereto. **FOR POSSIBLE ACTION**

Council accepted a petition for the subject vacation at its regular meeting of June 11, 2019, and directed Staff to continue with the vacation process by referring the matter to the Planning Commission. The Planning Commission considered the vacation at its regular meeting July 2, 2019, and took action to forward a recommendation to Council to adopt a resolution, which conditionally approves Vacation No. 3-19 with findings in support of its recommendation. CL

Ms. Laughlin explained the vacation request and recommended conditional approval.

Mayor Keener called for public comment without a response.

**\*\* A motion was made by Councilwoman Simons, seconded by Councilman Schmidlein, to adopt Resolution No. 15-19, which contains conditions as recommended by the Planning Commission.**

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

- C. Review, consideration, and possible action to conditionally approve Tentative Map No. 7-19, filed by Bailey and Associates LLC, for the development of a subdivision entitled Cambridge Estates involving the proposed division of approximately 8.02 acres of property into 35 residential lots for residential development within the R1 (Single Family Residential) Zoning District, and matters related thereto. **FOR POSSIBLE ACTION**

The subject property is located on the northeast corner of the intersection of Celtic Way and El Armuth Drive (APN 001-660-041). The Planning Commission considered this item on July 2, 2019 and took action to forward a recommendation to conditionally approve Tentative Map 7-19. MR

Michele Rambo, Development Manager, explained the request using a presentation (Exhibit "C"). She handed out some email responses regarding this subdivision (Exhibits "D" and "E"). She recommended conditional approval.

Councilman Schmidtlein asked how much infrastructure is missing on Jennings. Would NDOT go that far from the highway to help build the sidewalk infrastructure?

Dennis Strickland, Public Works Director, answered they have been cautious approaching those types of grants because of what has happened in the past. There are some things that can warrant traffic signals at intersections, such as traffic counts, accidents and turn movements.

Scott Wilkinson, Assistant City Manager, said they met with NDOT when they were looking at some commercial development at that intersection. They commented that they are not seeing a lot of accidents at that intersection to warrant a traffic signal. We believe a traffic signal is warranted but NDOT does not agree.

Bob Thibault, Civil Engineer, indicated what areas were missing sidewalk infrastructure and noted that it is just shy of 500 feet altogether.

**\*\* A motion was made by Councilman Schmidtlein, seconded by Councilman Stone, to conditionally approve Tentative Map No. 7-19 for the Cambridge Estates subdivision, subject to the findings and conditions as recommended by the Planning Commission, including the modifications of standards for lots 7-10, 13, 14, 29 and 35. The City Council determines that the property can be divided based on the findings required in Section 3-3-5-E2 of the Municipal Code, and he also acknowledged that they received two emails/correspondence in opposition to this development.**

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

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

- A. Ratification of the Police Chief issuing a 30-day Temporary Retail Liquor License and issue a Regular Retail Liquor License, to Richard Estey, Paula Graziano, and Allyson Estey, DBA Bourbon Street Bar #178 (Nevada Restaurant Services, Inc.),

located at 2751 Mountain City Hwy, Elko, NV 89801, and matters related thereto.  
**FOR POSSIBLE ACTION**

Mike Palhegyi, Police Lieutenant, explained the background check was completed and nothing was found that would prevent them from receiving a liquor license. He recommended approval.

**\*\* A motion was made by Councilwoman Simons, seconded by Councilman Hance, to ratify the Police Chief issuing a 30-day temporary retail liquor license and issue a Regular Retail Liquor License to Richard Estey, Paula Graziano and Allyson Estey, dba Bourbon Street Bar #178 (Nevada Restaurant Services, Inc.), located at 2751 Mountain City Hwy, Elko, Nevada.**

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

#### **IV. APPROPRIATIONS (Cont.)**

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

**\*\* A motion was made by Councilwoman Simons, seconded by Councilman Schmidtlein, to approve the 2019 Fiscal Year general warrants.**

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

**\*\* A motion was made by Councilwoman Simons, seconded by Councilman Schmidtlein, to approve the Fiscal Year 2019/2020 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 Councilwoman Simons, seconded by Councilman Stone, to approve the Print 'N Copy warrants.**

*The motion passed. (4-0 Mayor Keener abstained.)*

C. Review and possible approval of Great Basin Engineering Contractors Warrants, and matters related thereto. **FOR POSSIBLE ACTION**

**\*\* A motion was made by Councilwoman Simons, seconded by Councilman Stone, to approve the Great Basin Engineering Contractors warrants.**

*The motion passed. (4-0 Councilman Schmidtlein abstained.)*

#### **X. REPORTS**

A. Mayor and City Council

*Mayor Keener had dinner with the owner of Elko Junction Center, Gary Pinkston, and said Mr. Pinkston asked that he pass on his appreciation to City*

*Staff of how easy they are to work with. Jeff Ford took him on a tour of the Komatsu facility on Friday.*

*Councilman Hance said he would like the property on 3<sup>rd</sup> Street getting re-addressed. Cathy Laughlin said that had already been taken care of.*

*Councilman Schmidlein wants staff to pursue a Safe Routes to Schools Grant on Jennings.*

*Councilman Stone said this morning he met with the Convention Center and some blocks on one of the walls is moving. The whole back of the stage wall is getting water into it.*

B. City Manager – Nevada League of Cities Conference

*Curtis Calder informed Council the Nevada League of Cities Conference will be held September 24-26 in Henderson this year. Anyone interested in attending, his office can coordinate travel arrangements.*

C. Assistant City Manager

D. Utilities Director

E. Public Works

F. Airport Manager

G. City Attorney

H. Fire Chief

*Mayor Keener asked if there has been any contact with UP regarding the fire. Matt Griego said he has been in contact with the property manager to let him know about the fire. He will see what they have in mind for clean-up.*

*Councilman Schmidlein said he sees the next-door building going up next, or the roof collapsing. If you are trying to get them to clean-up the burned building, then try to get them to clean-up the next-door building.*

*Matt Griego said they have noticed some other buildings getting broken into and transients breaking into them.*

I. Police Chief

*Mayor Keener asked how the Police negotiations are going. Lt. Palhegyi reported the negotiations are going well. Curtis Calder agreed that they are getting close. Lt. Palhegyi added their new hire showed up at the POST academy yesterday.*

J. City Clerk

K. City Planner

*Cathy Laughlin reported there is a RAC meeting is scheduled for Thursday but it needs to be rescheduled. There is a Redevelopment Agency meeting scheduled before the next Council Meeting on August 13.*

L. Development Manager

M. Parks and Recreation Director

*Mayor Keener said he has had some complaints regarding the golf course irrigation. James Wiley said he sent a response to the Mayor's email and will follow up with Pete at the golf course.*

N. Civil Engineer

*Bob Thibault reported on work at the Sports Complex. There is no resolution on the concrete yet. Scott Wilkinson said the concrete infrastructure around the parking lot is being resolved.*

O. 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 Reece Keener adjourned the meeting.

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Mayor Reece Keener

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Kelly Wooldridge, City Clerk

# Copper Trails

Final Map - Phase 2, Unit 1

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City Council

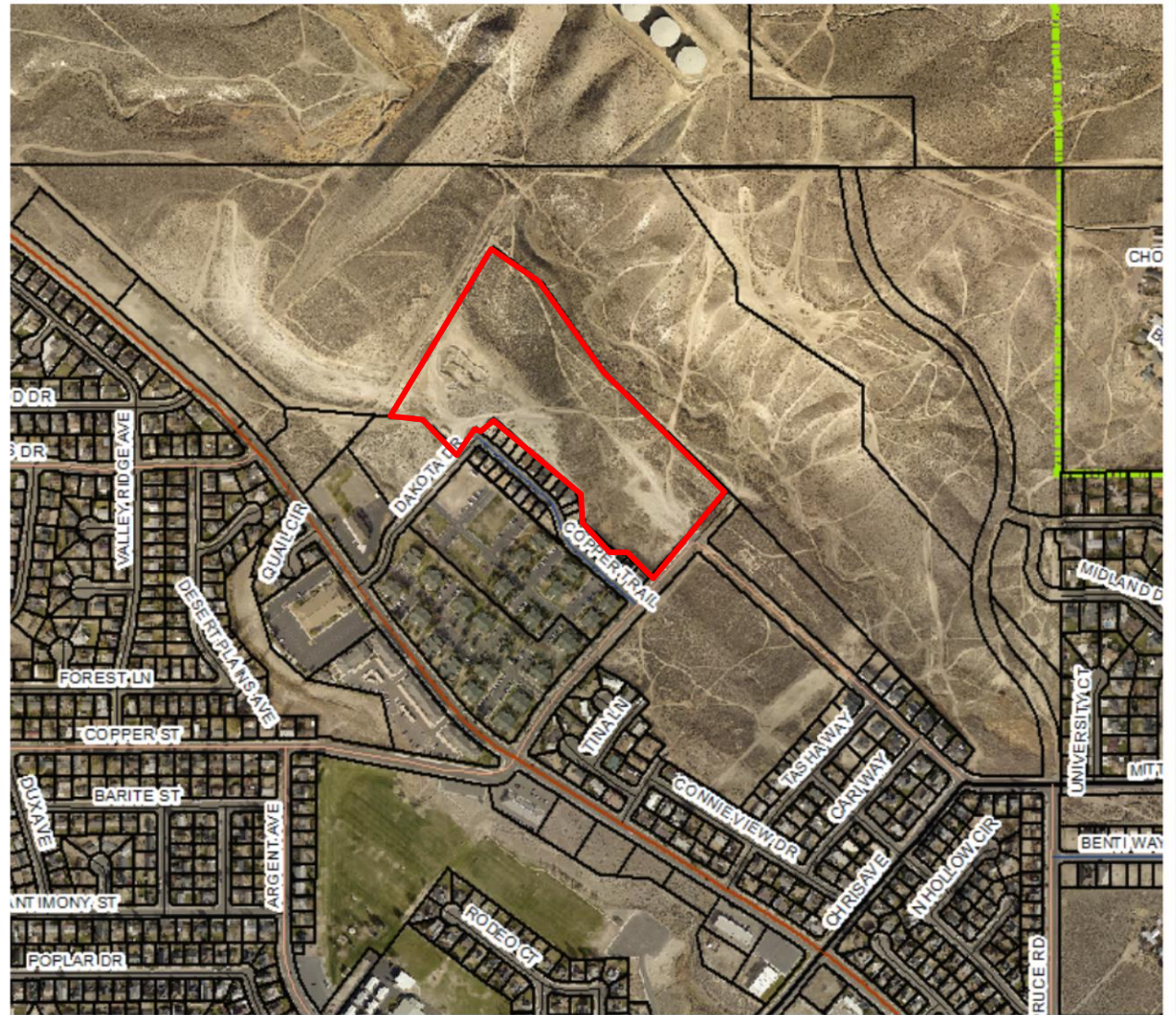
July 23, 2019





## Project Location

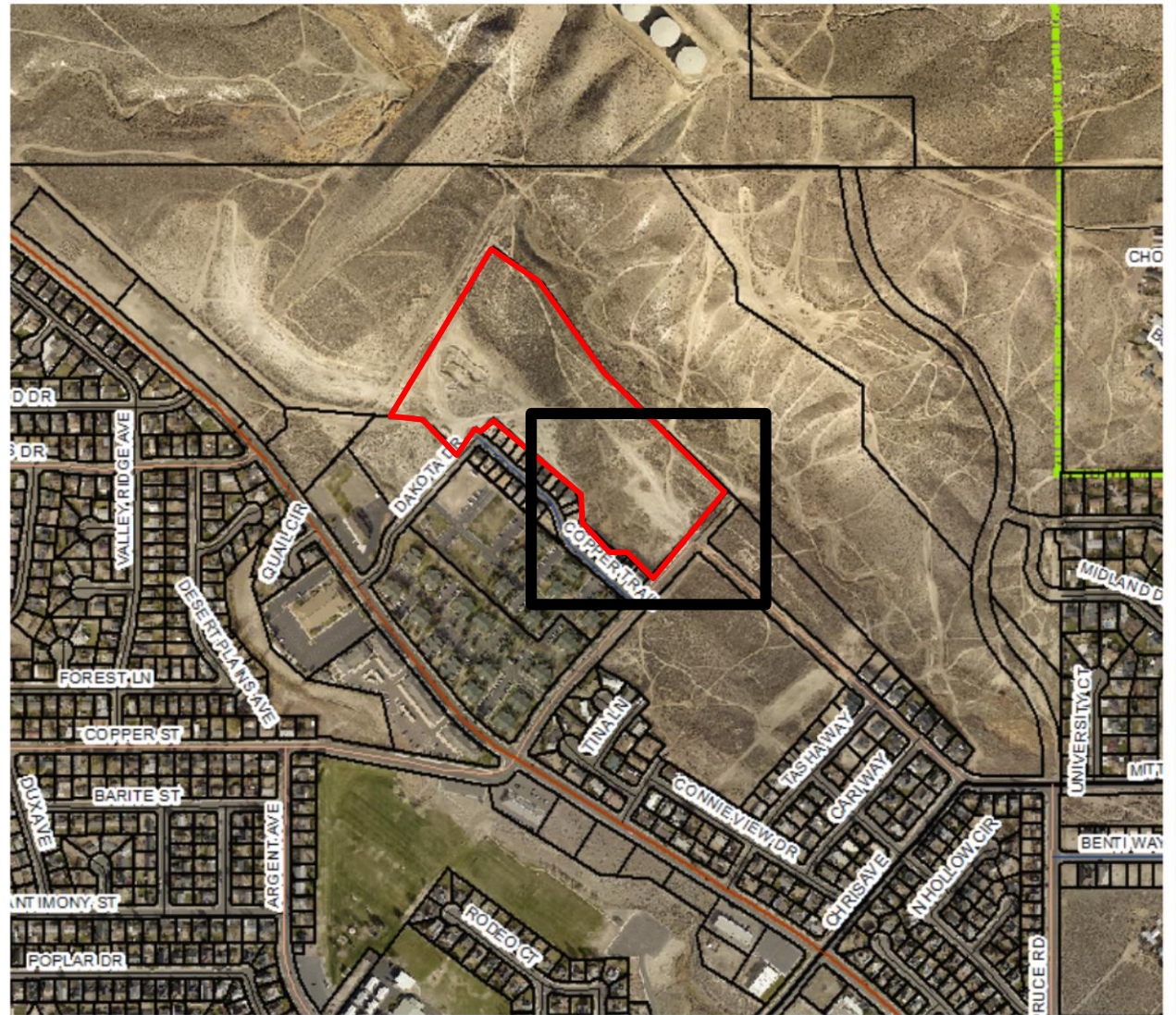
Northwest of the intersection of Mittry Avenue and Copper Street





## Project Location

Northwest of the intersection of Mittry Avenue and Copper Street





## Project Location

Northwest of the intersection of Mittry Avenue and Copper Street

2.235 Acres





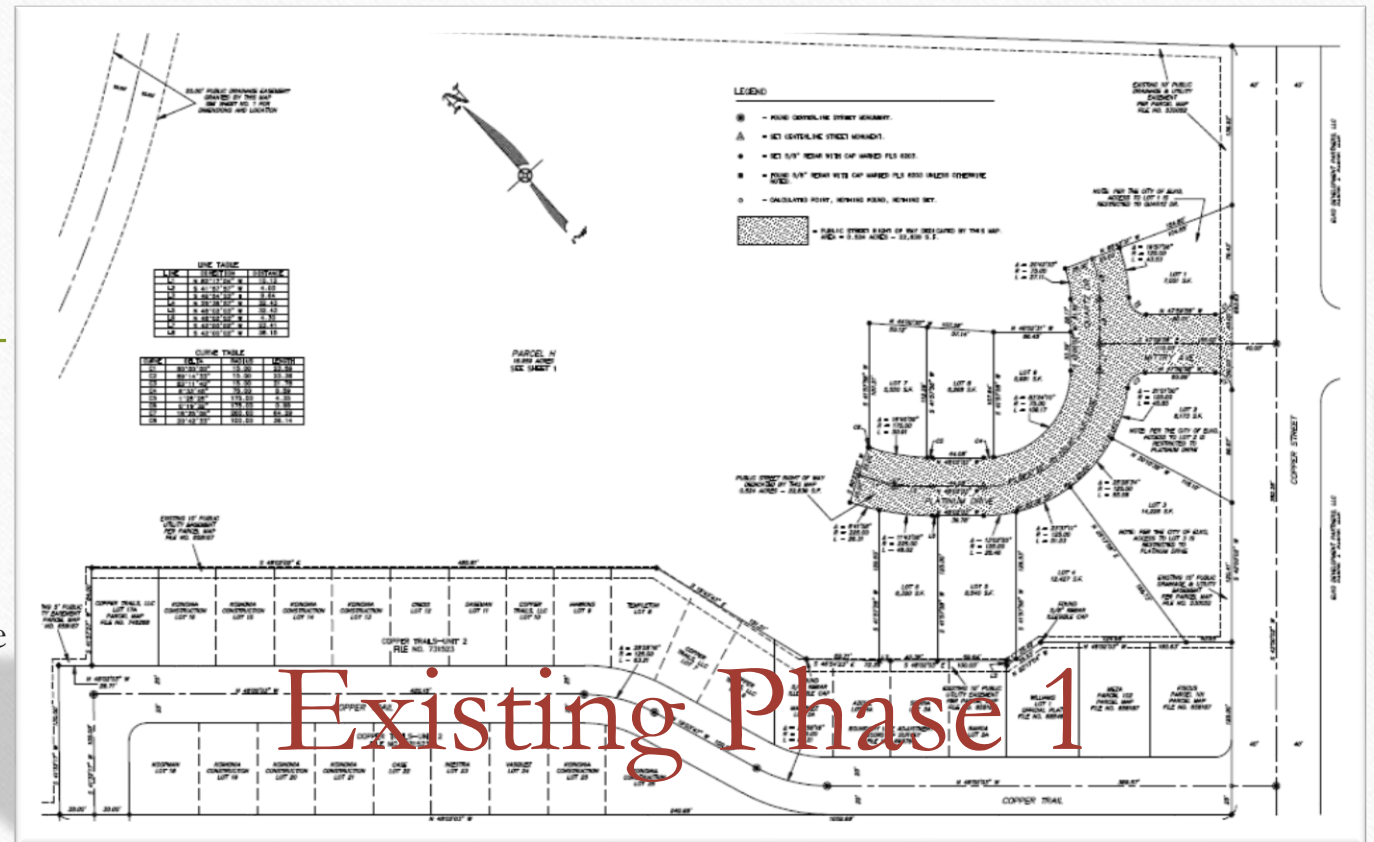
9 Lots

Dedicated drainage easement

Complies with all requirements of City Code

### Dedicated drainage easement

Complies with all requirements of City Code

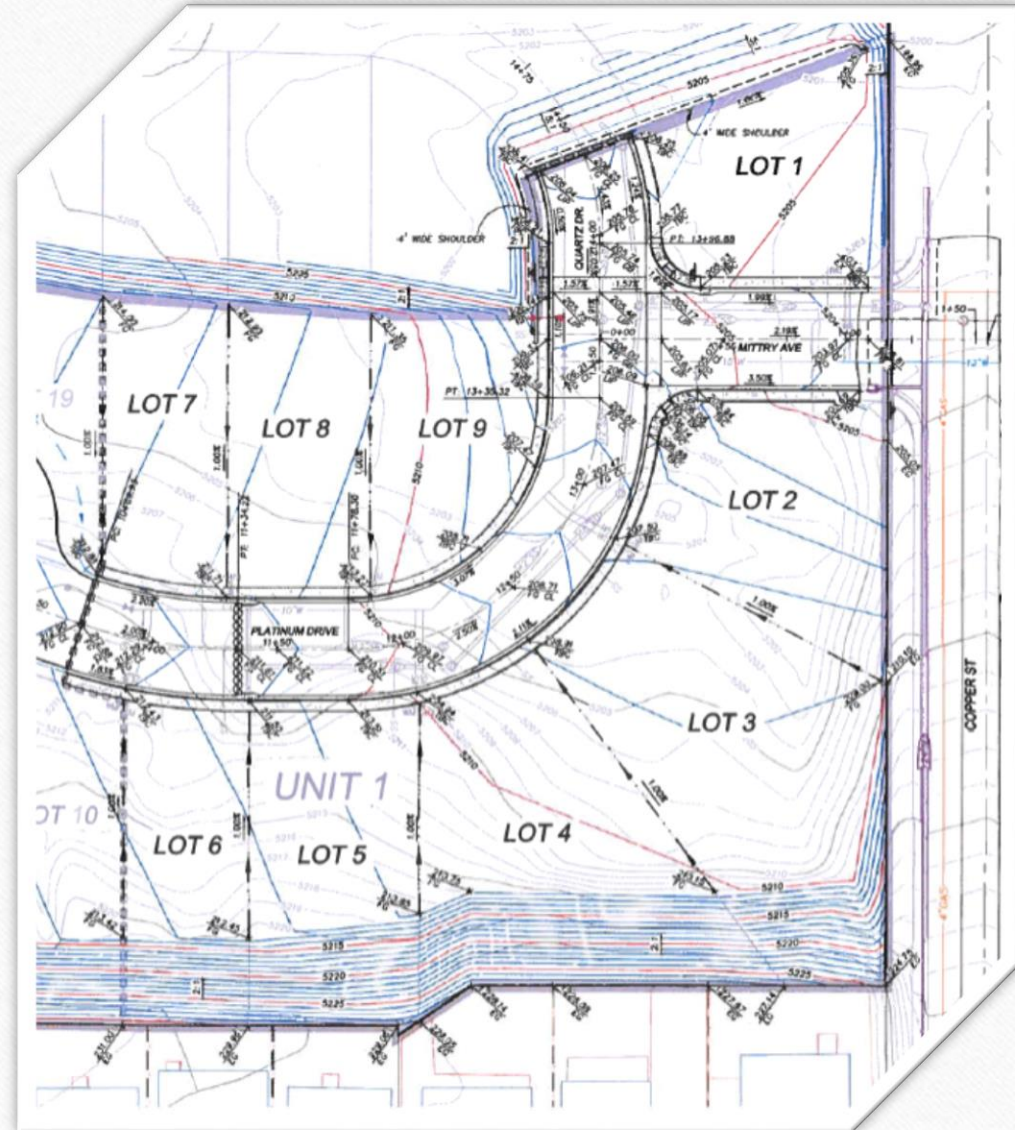


## Construction Plans

Approved by staff

Improvements include: grading, street improvements, utility infrastructure, storm drain system, etc.

Complies with all requirements of City Code





# Compliance/Findings

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- Complies with:
  - Previously approved Tentative Map
  - Master Plan
    - Land Use and Transportation
  - Subdivision Ordinance
  - Applicable Sections of the Zoning Ordinance
    - Approved Modification of Standards

# Conditions of Approval

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- Performance Agreement to be part of City Council approval
  - Must be completed within 30 days
- Will-serve letter to be issued
- No construction prior to NDEP approval
- Designate an Engineer of Record

# Staff Recommendation

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- Conditionally approve Final Map No. 8-19 for the Copper Trails Phase 2, Unit 1 subdivision subject to the conditions as recommended by the Planning Commission.



# Questions?

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**Michele Rambo, AICP**

Development Manager

775-777-7217

[mrambo@elkocitynv.gov](mailto:mrambo@elkocitynv.gov)

# Ordinance 844 – OFF HIGHWAY VEHICLES



# PURPOSE

- NRS 490.100 provides that the City may designate any portion of a highway within its municipal boundaries.
- The City wishes to encourage tourism and use of the outdoor spaces within and in the vicinity of the City.



# History

- City Council Initiated an OHV ordinance on 8/28/2019 and directed staff to form a work group to discuss the ordinance details.
- This work group consisted of interested public and City staff. The work group met several times over several months reviewing ordinances in other cities throughout Nevada.
- The City has consulted with the State of Nevada OHV Commission.
- The City held a public hearing workshop to garner further public input on January 24, 2019.

# ORDINANCE 844 - OHV

In Section One:

This ordinance deletes all of

**Title 7, Chapter 6 Titled "Recreational Vehicles" and replaces it with Title 7 Chapter 6 Titled "Off Highway Vehicles"**



# ORDINANCE 844 - OHV

## **7-6-1: DEFINITIONS -** All definitions taken from NRS 490.010 in order to remain consistent with State Law.

- OFF HIGHWAY VEHICLE: A motor vehicle that is designed primarily for off-highway and all-terrain use. The term includes, but is not limited to:
  - (a) An all-terrain vehicle, including, without limitation, a large all-terrain vehicle without regard to whether that large all-terrain vehicle is registered by the Department of Motor Vehicles in accordance with NRS 490.0825 as a motor vehicle intended to be operated upon the highways of this State;
  - (b) An all-terrain motorcycle;
  - (c) A dune buggy;
  - (d) A snowmobile; and
  - (e) Any motor vehicle used on public lands for the purpose of recreation.
- 2. The term does not include:
  - (a) A motor vehicle designed primarily for use in water;
  - (b) A motor vehicle that is registered by the Department of Motor Vehicles in accordance with [Chapter 482](#) of NRS;
  - (c) A low-speed vehicle as defined in [NRS 484B.637](#); or
  - (d) Special mobile equipment, as defined in [NRS 482.123](#)

# ORDINANCE 844 - OHV

## **7-6-2 OPERATOR REQUIREMENTS:**

For the purpose of reaching a private or public area that is open for use by off-highway vehicles.

- No person under the age of sixteen (16)
- a valid motor vehicle operator's license
- A certificate of registration is attached
- No person shall operate an off-highway vehicle on a highway for a distance of more than two (2) miles.



# ORDINANCE 844 - OHV

## Required Equipment

- One head lamp
- One tail lamp
- A stop lamp on the rear of the vehicle
- A working muffler in constant operation





# ORDINANCE 844 - OHV

Except as provided below, no person may operate an off-highway vehicle on a highway for any purpose other than to travel to or from a private or public area that is open for use by off-highway vehicles. Notwithstanding the foregoing, a person may operate an off-highway vehicle on a highway that is not designated for use by off-highway vehicles:

- Purpose of crossing the highway
- Purpose of loading or unloading the OHV
- During an emergency

# ORDINANCE 844 - OHV

## 7-6-3 ADDITIONAL RESTRICTIONS REGARDING DRIVING OR OPERATING OFF-HIGHWAY VEHICLES:

- Sixteen years old with valid drivers license
- Must wear a helmet (State law)



# ORDINANCE 844- OHV

## 7-6-4 GENERAL RULES AND REGULATIONS:

- Cannot be left unattended with the motor running or key in the ignition
- Only permitted thirty minutes prior to sunrise and thirty minutes after sunset
- Cannot create any unreasonably loud, disturbing and unnecessary noise within 150 feet
- Only used on highways that are designated routes per resolution
- No person shall operate an OHV on a sidewalk.

# ORDINANCE 844 - OHV

## Designated Routes per Resolution 7-19

- North 5<sup>th</sup> Street- arterial routes include Idaho Street, Court Street, Elm Street, & Dotta Drive
- West Bullion Road/Hamilton Stage - arterial routes include 12<sup>th</sup> Street to Clarkson Drive (westbound) to South 9<sup>th</sup> to Wilson Avenue or Silver Street to Errecart Drive.
- Kittredge Canyon- arterial routes include East Jennings Way to Ruby Vista to Delaware Drive
- Last Chance Road (to Burner Basin) – arterial routes Include 12th Street to Clarkson Drive (eastbound) to Last Chance Road

# ORDINANCE 844 - OHV

## Signage

The city may post signs establishing designating crossing routes over streets, roads and highways.

# ORDINANCE 844 - OHV

## **7-6-6 ENFORCEMENT:**

- A violation is a criminal offense as provided in Title 1 Chapter 3 of City Code
- Conviction of three (3) violations of this Chapter by an owner or operator of an off-highway vehicle within a three (3) year period shall constitute prima facie evidence of a nuisance and the Court may make such orders as it deems necessary to abate such nuisance, including, without limitation, an order prohibiting the owner or operator from operating an off-highway vehicle on highways within the City.

# ORDINANCE 844 - OHV

## **7-6-6 ENFORCEMENT:**

- The responsibility for compliance with the provisions of this Chapter shall rest with:
  - (1) the operator of the off-highway vehicle, and/or
  - (2) the owner of the off-highway vehicle who contributes to a violation, or who enables or induces an operator to commit a violation, in which event the operator and/or owner may be jointly or severally prosecuted for the violation.
- It shall not be a defense to an alleged violation of this Chapter that the owner or operator of the off-highway vehicle is a minor.
- A parent or guardian who fails to properly supervise a minor and thereby permits the minor to violate this Chapter may be held liable for the violation committed by the minor.

# ORDINANCE 844 - OHV

## **7-6-7 TOWING AND STORAGE OF OFF-HIGHWAY VEHICLES:**

- The City may tow an off-highway vehicle under the following circumstances:
  - (1) The off-highway vehicle is subject to towing pursuant to Section 7-2-19 of this Code.
- (2) The off-highway vehicle constitutes a nuisance pursuant to Title 5, Chapter 1 of this Code, subject to the provisions of that Chapter.
- (3) The City is authorized to tow the off-highway vehicle pursuant to state law, subject to all applicable statutory requirements.



# ORDINANCE 844 - OHV

## Storage

Off-highway vehicles towed pursuant to this Section shall be stored in a safe place and shall be restored to the owner or operator of such vehicle upon payment of a fee as set by resolution of the City Council, within twenty four (24) hours after the time such off-highway vehicle was removed, plus a fee as set by resolution of the City Council for each additional twenty-four (24) hours or fraction thereof, plus all costs incurred for towing and storing such off-highway vehicle.



ORDINANCE 844 - OHV

QUESTIONS???

# Cambridge Estates

Tentative Map 7-19

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City Council

July 23, 2019

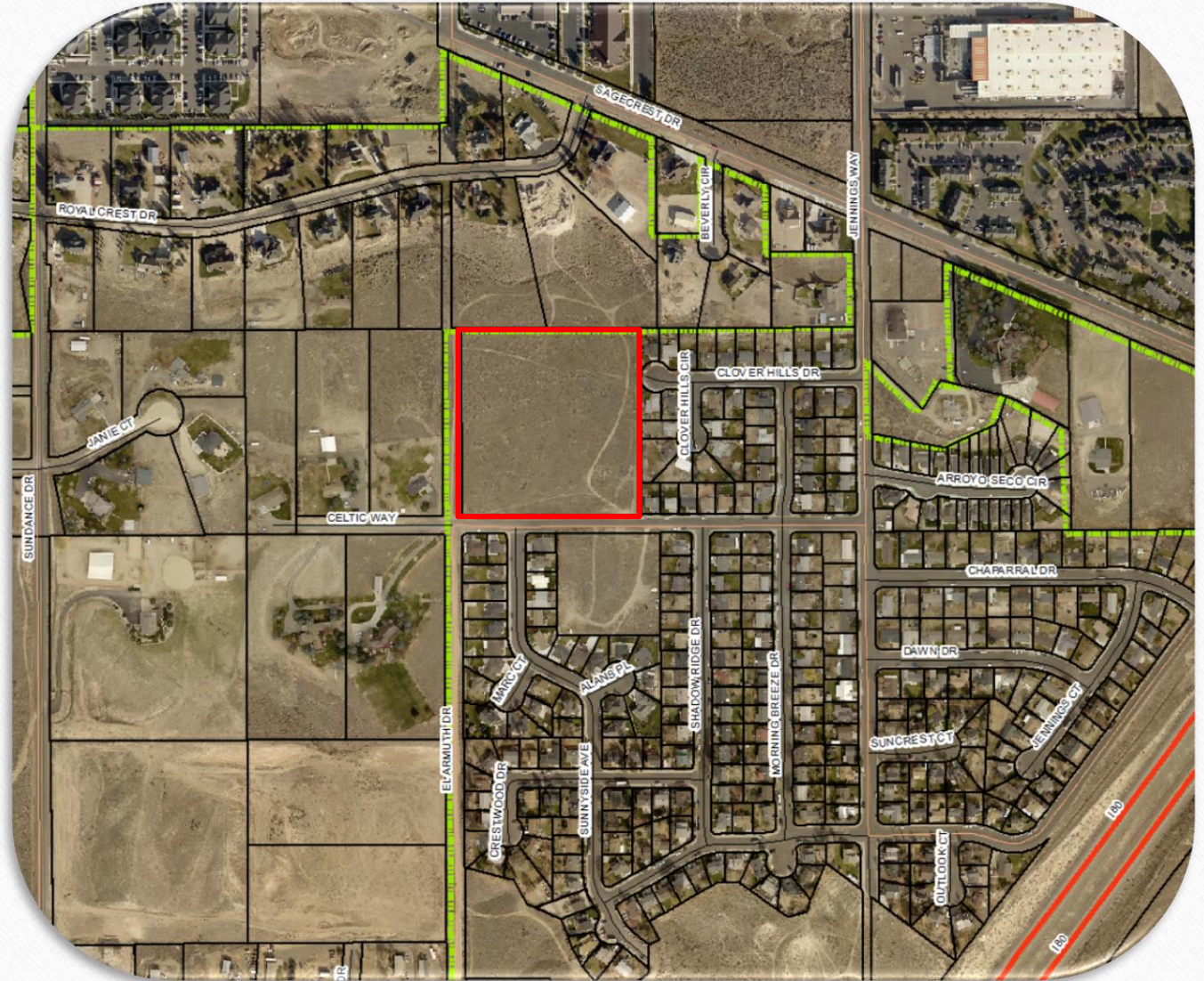




## Project Location

Northeast corner of Celtic Way and El  
Armuth Drive

8.02 Acres

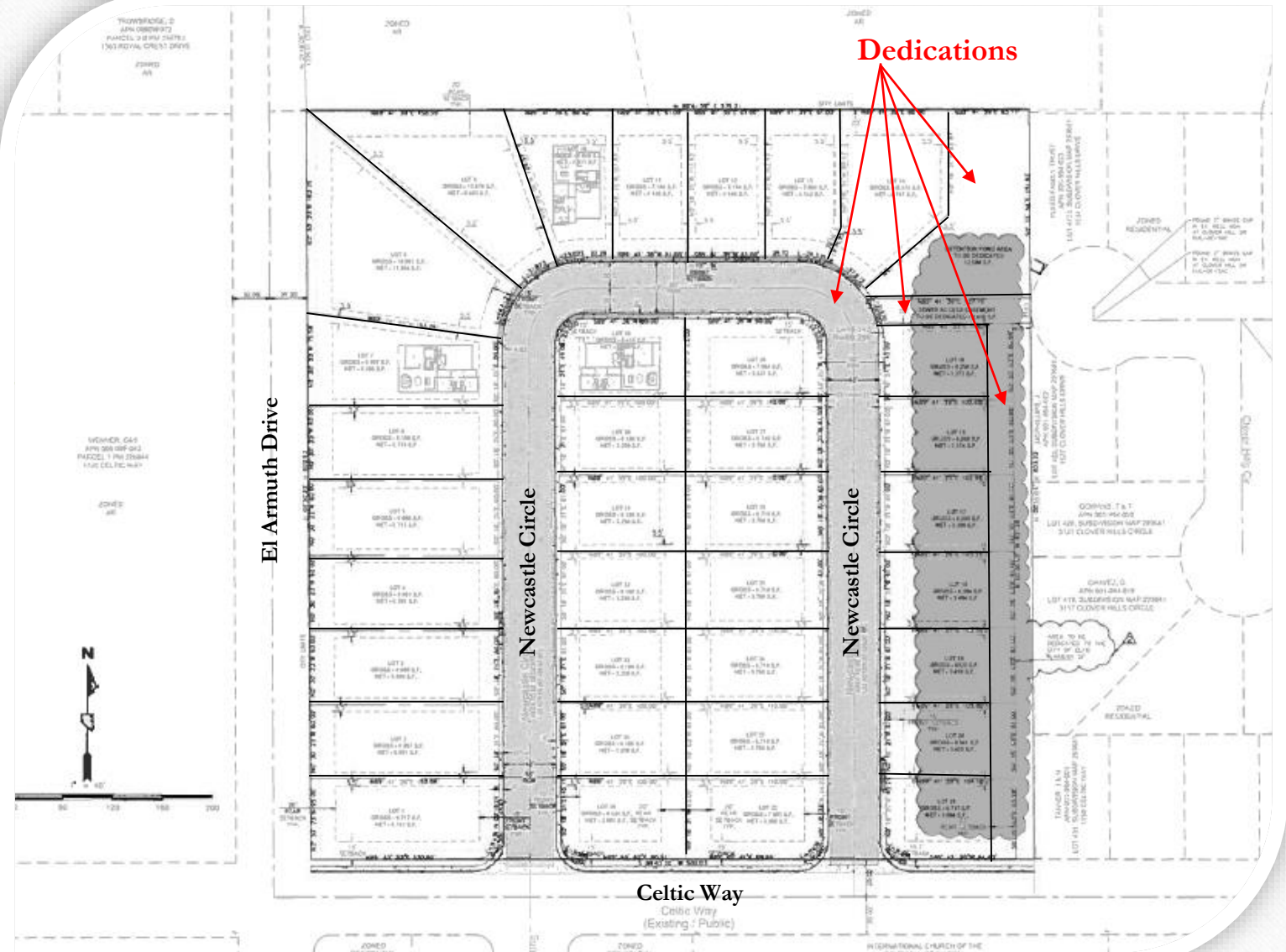




# Tentative Map

35 Lots

To be dedicated: Newcastle Circle, sewer easement, drainage channel, and detention pond

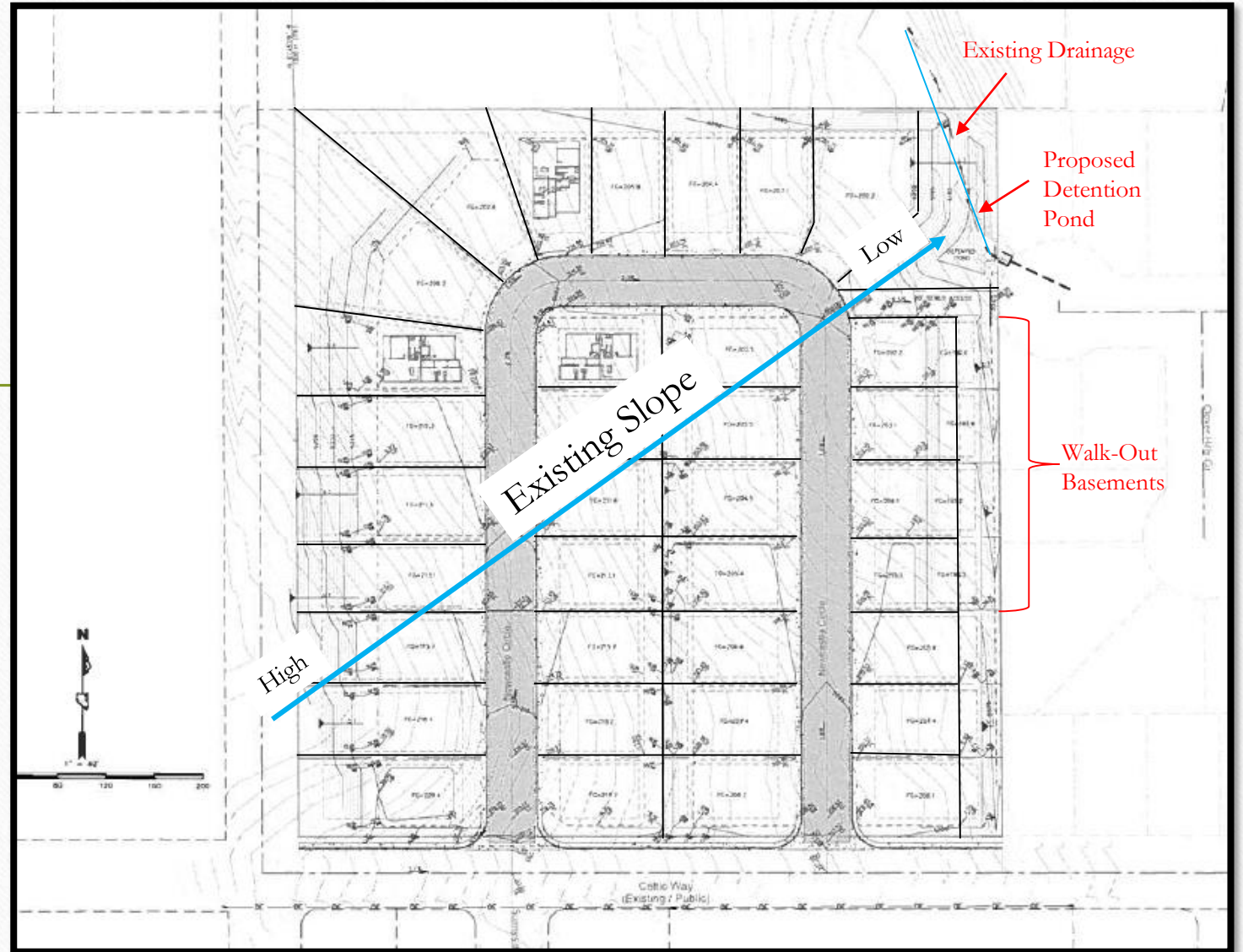


## Grading Plan

Slopes generally from southwest to northeast

Drainage directed to detention pond

Lots 15-18 graded for walk-out basements



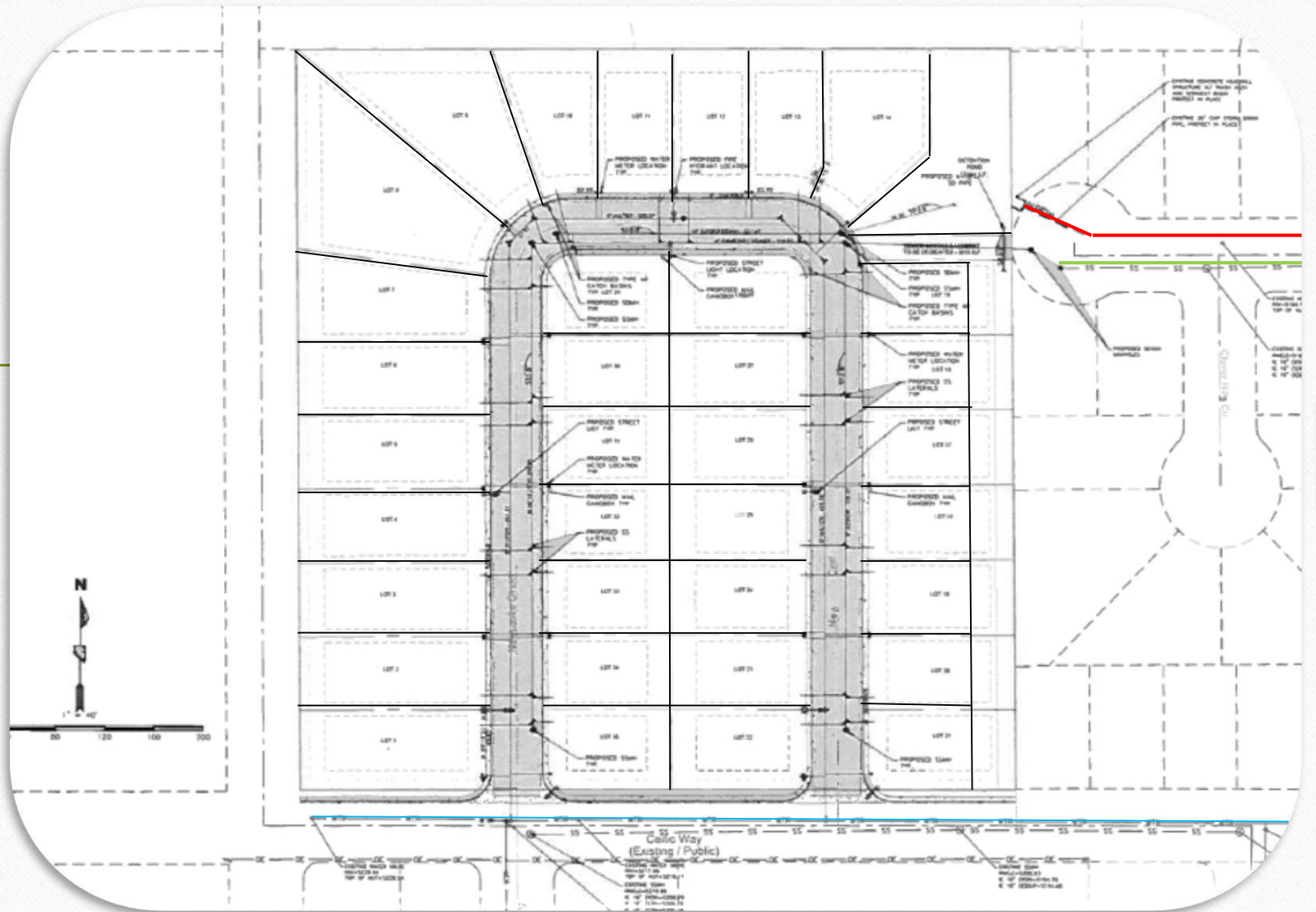


## Utility Plan

All water, sewer, and storm drain infrastructure included

Sewer and storm drain to be hooked into the existing system in Clover Hills Drive

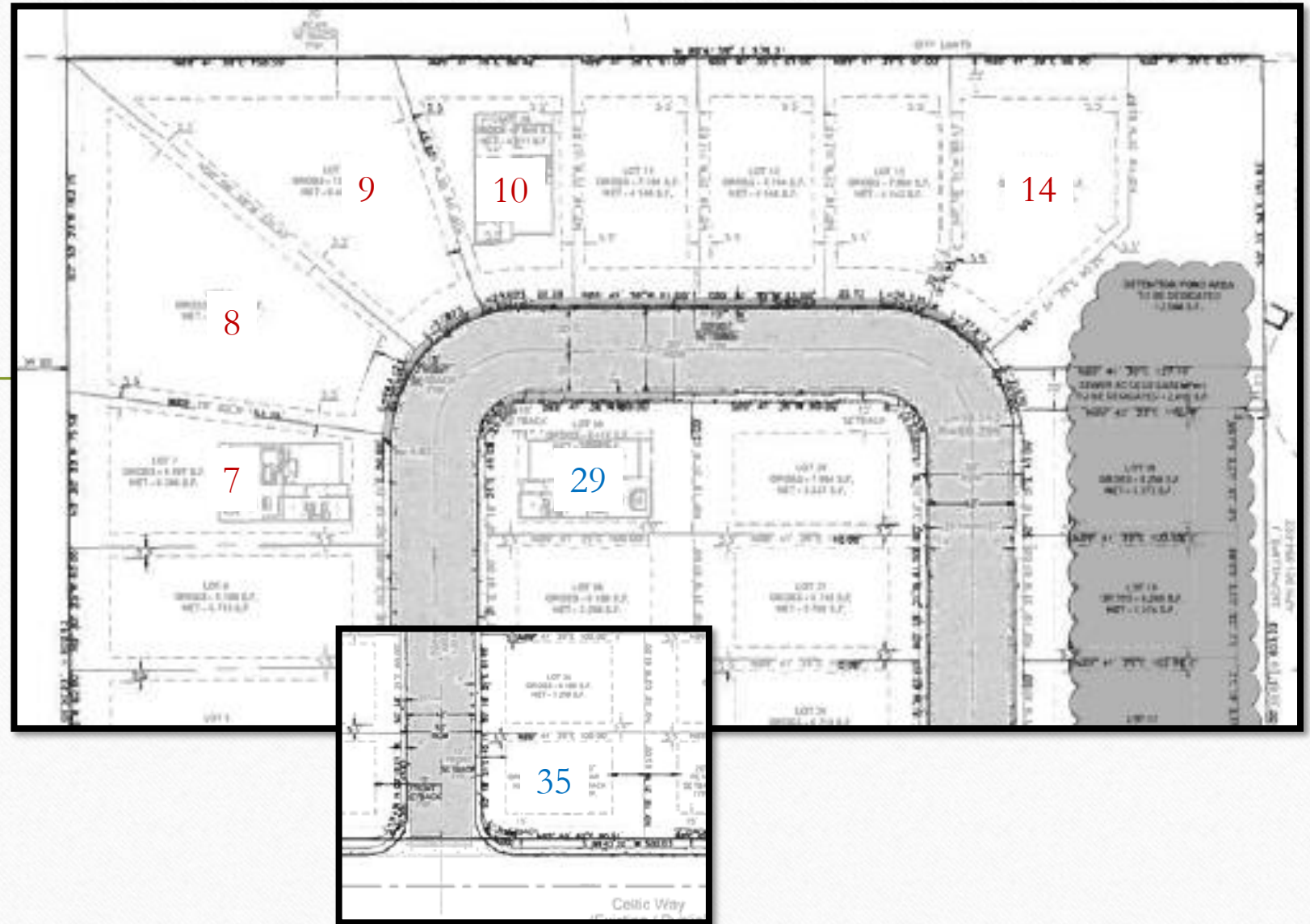
Water  
Sewer  
Storm Drain



## Modification of Standards

Lots 7-10, 13, and 14 to reduce the street frontage width

Lots 29 and 35 to reduce the minimum square-footage of corner lots





# Traffic

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- Site was intended to be a school (about 1,500 trips/day)
  - 35 residential lots generate about 330 trips/day (1/3 amount to require a traffic study)
- Celtic Way is designated as a minor collector in the Master Plan
  - Intended to funnel neighborhood traffic out to Jennings Way
- Cambridge Estates includes relatively large lots
  - Developer could propose smaller lots which would further increase traffic

# Compliance/Findings

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## Complies with:

- Master Plan
  - Land Use and Transportation
- Subdivision Ordinance
- Development Report
- Wellhead Protection Plan
- Applicable Sections of the Zoning Ordinance
  - With approval of the Modification of Standards
- Applicable Sections of Title 9

# Staff Recommendation

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- Conditionally approve Tentative Map No. 7-19 for the Cambridge Estates subdivision subject to the findings and conditions as recommended by the Planning Commission, including the modification of standards for Lots 7-10, 13, 14, 29, and 35. The City Council determines that the property can be divided based on the findings required in Section 3-3-5(E)(2) of the Municipal Code.



# Questions?

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**Michele Rambo, AICP**

Development Manager

775-777-7217

[mrambo@elkocitynv.gov](mailto:mrambo@elkocitynv.gov)

# Exhibit "D"

**Michele L. Rambo**

---

**From:** Shelby Archuleta  
**Sent:** Tuesday, July 23, 2019 9:27 AM  
**To:** Michele L. Rambo  
**Cc:** Cathy Laughlin  
**Subject:** FW: Proposed homes

**From:** Tamera Gowans <tamsfam1@gmail.com>  
**Sent:** Tuesday, July 23, 2019 9:25 AM  
**To:** Shelby Archuleta <sarchuleta@elkocitynv.gov>  
**Subject:** Proposed homes

To: Elko City Council

I would like to address some concerns that I have regarding the proposed homes in the Clover Hills area.

1. The amount of homes that are proposed to be built.

I understand that the amount of homes proposed meets city code, but the concern is the impact that amount of traffic will have on the existing neighborhood.

2. The safety of pedestrians on Jennings Avenue.

There is a section between Sagecrest Drive and Clover Hills Drive that has no sidewalk, or shoulder for pedestrians. This is a safety hazard to all of our pedestrians as this is the Main Street for exiting our neighborhood. This is particularly dangerous for our children who are walking from their bus stop on Sagecrest and to Adobe Middle School. The added traffic of 35 families in and out of the neighborhood without that sidewalk would make our neighborhood less safe.

I understand that this portion of the sidewalk is missing because it is in the county and the sidewalk, curb and gutter are not required. This fact does not minimize or take away our need for a safe walkway out of the neighborhood.

3. The intersection of Mountain City Highway and Jennings is becoming increasingly dangerous with all of the traffic that has been added to the area. Please consider a stop light at this intersection!

I understand that a traffic study is not required because there must be 100 homes added to require the study. I would ask that you consider the accumulative effect of all of the development on Mountain City Highway (Rabbit Brush Apartments and Autumn Colors) and conduct a traffic study at the intersection of Mountain City Highway and Jennings Way.

Please consider the safety of our children walking to Adobe and our residents turning onto or crossing Mountain City Highway. There is a flashing light for pedestrians to access as they cross, but this is often ignored by motorists and is not a long term solution at that intersection.

We love our Clover Hills neighborhood and welcome new families, we ask that you work to keep us all safe!

Thank you for your consideration,

Tamera Gowans

# Exhibit "E"

**Shelby Archuleta**

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**From:** Katie Lemmon <aklemmon3@gmail.com>  
**Sent:** Tuesday, July 23, 2019 4:10 PM  
**To:** Shelby Archuleta  
**Subject:** Regarding new subdivision on Celtic

We am unable to make the council meeting tonight but have a few concerns with the new subdivision going in on Celtic.

The thought of 35 houses going in on a measly 8 acres is alarming. The planning commission altered 5 lots to accommodate the tight quarters of that many houses. Our house backs out onto Celtic. Adding 70+ cars to our neighborhood makes it more unsafe for us. The planning commission said they would never have houses back onto a collector street now as that was poor planning. Our question is, when we cram that many houses into such a small area, when does it become poor planning on poor planning?

We have no curb and gutter going down Celtic and Jennings. All year pedestrians walk in the middle of Jennings which causes traffic to go into oncoming traffic. Drivers also use Celtic as a raceway which becomes more dangerous for the pedestrians walking in the street. Therefore, curb and gutter becomes imperative.

We have been told that lot was going to be a school. In our research a school takes 11+ acres to build. Comparing it with that is not valid in our opinion.

Who is going to purchase these new houses? We have an abundant supply on the market right now with no increase of jobs in our community.

My husband and I are not opposed to building as growth is great. We would love to see less housing in the new subdivision and maybe a park to attract the kids to give them somewhere to play.

Thank you for considering our point of view,

Katie & Alex Lemmon  
1534 Celtic Way