

CITY OF ELKO
REDEVELOPMENT AGENCY
REGULAR MEETING MINUTES
3:30 P.M., P.S.T., TUESDAY, AUGUST 8, 2017
ELKO CITY HALL, COUNCIL CHAMBERS,
1751 COLLEGE AVENUE, ELKO, NEVADA

CALL TO ORDER

The meeting was called to order by Chris Johnson, Chairman of the City of Elko Redevelopment Agency (RDA).

ROLL CALL

Present: John Rice
Reece Keener
Robert Schmidlein
Chris Johnson.
Mandy Simons (*arrived at 3:31pm*)

City Staff: Scott Wilkinson, Assistant City Manager
Jeremy Draper, Development Manager
Cathy Laughlin, City Planner
Dennis Strickland, Public Works Director
Bob Thibault, City Engineer
Shelby Archuleta, Planning Technician

PLEDGE OF ALLEGIANCE

COMMENTS BY THE GENERAL PUBLIC

There were no public comments made at this time.

APPROVAL OF MINUTES

July 11, 2017 – Regular meeting **FOR POSSIBLE ACTION**

The minutes were approved by general consent.

I. NEW BUSINESS

- A. Review, consideration, and possible award of or authorization to rebid the 400 Block Alley Project, and matters related thereto. **FOR POSSIBLE ACTION**

At the July 11, 2017 meeting, the RDA took action to authorize staff to rebid the 400 Block Alley Project. Bids were received until 3:00 p.m. on August 4, 2017. A bid tabulation and recommended motion will be provided at this meeting.

Cathy Laughlin, City Planner, said that they had the bid opening on Friday and received a bid from Great Basin Engineering for the amount of \$22,855.19.

Robert Schmidtlein disclosed that Great Basin Engineering Contractors is owned by his partners of Canyon. With that he recused himself.

Ms. Laughlin said the bid tabulation form was included in the packet. The City Clerk has had a chance to review it, and everything is in order and complete in the bid package. We had a budget of \$40,000 for the alley work, which included the asphalt overlay in alley. Mr. Strickland is in the audience if there are any questions. Staff felt the remainder, in the budget, will allow for the overlay this year, if the crew can get that work completed this year.

***** A motion was made by Reece Keener, seconded by Mandy Simons to award the 400 Block Alley Improvement Project to Great Basin Engineering Contractors, LLC in the amount of \$22,855.19.**

****Motion passed. (4-0) Mr. Schmidtlein abstained)***

- B. Review, consideration, and possible approval for Sign Permit 17-188 to be located at 460 Idaho St., and matters related thereto. **FOR POSSIBLE ACTION**

All building permits within the RDA area are required to have RDA approval. Due to the nature of this sign, the RDA Chairman felt it was important to have the RDA review the permit application.

Ms. Laughlin explained that this item was put onto the agenda at the request of the Mayor. Staff noticed this sign, which was put up on the 400 Block of Idaho Street, on a new business. Staff recalled that it was not permitted at that time. Ms. Laughlin noticed the contractor that was installing the sign and called them and said the sign needed to be permitted. This is something that is also in the RDA, so it will need RDA approval. The contractor thought the sign and the awning had been permitted with the storefront improvement, which was previously permitted. Staff pulled the plans and they were not permitted. It clearly stated on the plans that were approved that the awning would be supplied and permitted by others, as well as the signage. Because of the detail in the sign for the Moon Bar, Ms. Laughlin felt it would be more important for the RDA to be the one who signs off on the Plan Tracking Form, so she presented it to the Mayor and he requested it be on the agenda for discussion. As the detail of the sign is provocative. There is nothing in the Sign Ordinance in the Elko City Code for details of what you can and can't put on a sign. It is really hard to do that with the Freedom of Speech Act. There is one thing in the current RDA Plan. In the Preliminary Plan it states that signs should function to promote the individual businesses, enhance their identity, and contribute to the public's perception of each business. Ms. Laughlin has had quite a few comments on this sign, from the public, and she feels the public's perception is not what the inside of the bar is, based on the sign.

Mandy Simons asked if it was just a bar.

Ms. Laughlin said it is just a bar, and there aren't other things going on there. The RDA, as required by the NRS, must see and approve all permits within the Redevelopment Area.

Reece Keener asked if it was a dimensional sign that is backlit.

Ms. Laughlin said it is backlit and it is an industrial type box sign. She thought it was the same box from Cucina Fresca. They replaced the frame of the box and got a new insert.

John Rice asked if everything was compliant and if Ms. Laughlin had just gotten some complaints in regards to the graphic. (Yes) Mr. Rice said as long as there are brothels in Elko he has no problem with this silhouette.

Lina Blohm said she was here as a business person, whose business is directly across the street from the subject sign. She disagreed with Mr. Rice on this point. This is very suggestive. Idaho Street is a main thorough fair and it introduces other people, outside of the community, to downtown. This should be reflective of what the businesses want in the downtown. There was Dianna's Corner and the businesses suffered through the issues with Dianna's Corner. Unfortunately, it took a death to put that aside. They also suffered through issues with Swank. Thank goodness, whatever pressures be, they moved to another part of town. Redevelopment is about removing blight. She thought they were accepting a form of blight, because it is suggestive and not representative of what they want downtown business to be like. Surely, somewhere in the code books, and other cities have had these same issues. That's where Redevelopment can reach above general City Code, to be more specific in what signage can and cannot do, and what it shall and shall not be.

Chris Johnson thought Ms. Blohm had a good point with Swank, because the Chief became involved with that because of the type of license they held. This sign goes against what the City is assuming is inside the business. When he saw this sign he thought the RDA should know about it, because he didn't think it was fair. On one hand if you're a sexually oriented business you have to comply with particular things. There was also a strip club down the street and they had certain things they could market. Then you have a general bar that has this sign that indicates other activities, along the lines of a strip club, which isn't the case. Mayor Johnson thought it was fair that the City of Elko could regulate the sign. He also thought that the Code had enough now that indicates that the sign does not indicate the image of the business, or the business services that are being provided. The City has good grounds to say that the sign is not acceptable. Especially because the City has and has had other businesses that if you have a different license you can't portray that. If we are going to get the downtown to work then we have got to come more to center. He thought regulation of this sign was in order and that they should take a closer look at it.

Mr. Rice thought they were beginning to tread a very thin line. This is a silhouette, there are more provocative silhouettes on mud flaps all over this community than this one. It is not a sexually oriented business. He hadn't looked at the brothels signs and didn't know what they had on them. He thought they were treading a line with the First Amendment. Swank moved because they were a sexually oriented business, but they still have the same silhouette on their sign.

Ms. Simons said that that's the kind of business they are, so that might be an appropriate graphic of what's inside.

Robert Schmittlein pointed out that they need to have actual findings if they are going to reprimand this sign. They have to figure out what section of the RDA Plan, within the City Code, and what findings they have. Mr. Schmittlein saw this as false advertisement. You're not going into a brothel, you're going into a bar. The only way we can vote against this is if we have some sort of findings.

Ms. Simons agreed with Mr. Schmittlein. She came into this thinking there was nothing they could do. But, when Ms. Laughlin read the statute, it made her think there was maybe should be a rule. She asked Ms. Laughlin to read the section out of the Preliminary Plan again.

Ms. Laughlin said it was out of the RDA Plan, out of the Preliminary Plan. Signs should function to promote individual businesses, enhance their identity, and contribute to the public's perception of each business. She wanted to put in the record that they were working on the Sign Ordinance. It's a long process and it is going to take a long time to get a good Sign Ordinance in place. We're hoping we will have a Downtown District, within the Sign Ordinance, which we could try to promote businesses to use signage that is more enhancing to downtown. We can have the advice of Legal Counsel at that time on what we can and can't put in signs, or in regulations in the Sign Ordinance.

Ms. Simons asked if we are in the process of working on a code, and a business came in with a sign that we think may, or may not, be in Code. Could we say we don't have any code against it, but this is in the process and when it goes through it will or will not be in violation.

Mr. Keener said they couldn't do it retroactively.

Mayor Johnson said this is why he wanted to have this on the agenda, because there may not be quite enough, but this is a potential. He thought there was enough there that says this sign is not appropriate for downtown, but does the RDA want to take it a step further to better qualify it. The signs shows, to Mayor Johnson, that this business is about more than a bar.

Ms. Simons asked if the owner was present to explain why they chose the image. (No)

Mr. Keener thought it was more tacky than objectionable. It could be perceived as blight. He thought the graphic was misleading, and made the business appear as something other than just a watering hole. He thought they could ditch the silhouette, and add some lunar craters, and do that cheaply. He stated that he was not in support of allowing this type of sign downtown, because he didn't think it had any benefit for the downtown business district.

Mayor Johnson agreed.

*****A motion was made by Reece Keener, seconded by Robert Schmittlein to deny Sign Permit No. 17-188 on the basis of the fact that the graphic is misleading, and we have heard from a downtown business owner that their perception is that it contributes to blight.**

After the motion, but before the vote Mr. Rice said that they have heard from one person tonight. He then asked how many people spoke to Ms. Laughlin.

Ms. Laughlin said two or three.

Mr. Rice said maybe four people had objected to this sign.

Ms. Simons added that they know of. She asked if he was referring to business people, or just people in general.

Mr. Rice said they had heard from Lina, and 3 other people.

Ms. Laughlin clarified that the people she spoke with were business owners in the downtown.

Mayor Johnson added and opinions as elected officials.

Mr. Rice thought they were looking at a lawsuit.

Mr. Schmidtlein stated that the applicant could challenge it at the same time.

Mr. Rice agreed with Mr. Keener when he said that it was more tacky than objectionable. He thought they needed to be very careful about this. We don't have anything, were just saying we don't like it.

Mayor Johnson said that wasn't what they were saying. When you read the code it says the signs is to portray what the business is about. This sign does not do that.

Mr. Rice said the silhouette of a woman on a sign does not say that it's a sexually oriented business. That's a huge statement.

Mr. Keener pointed out that they needed to consider the context. This is Elko and there are those type of establishments in the community.

Mr. Rice said that was another thing he was trying to say. We live in a community that people come to the Council with a moral question. We permit brothels. Mr. Rice said he wasn't a fan of the brothel industry and he didn't think they should have them. But, as long as we have it, we have to own it. He thought they were going down a dangerous road.

Mr. Schmidtlein said there was a billboard that he got several calls on. It was heading west on Idaho Street. It had a Daisy Dukes Girl on it, with the false implants 300 miles away. Somehow it disappeared. All the complaints he had with that, he talked with other people about it, didn't do anything, but it disappeared. He saw where Mr. Rice was coming from. But is this what we want to continue to contribute toward the downtown. He thought Mr. Keener had a valid point for basis of blight. To him it is false advertisement.

Catherine Wines, downtown business owner, saw Mr. Rice's point, but said the brothels are permitted in a very specific area. This is the main street of our town. She thought the sign was incredibly tacky. She was opposed to the industrial box sign in a commercial area. She is against it going right on Idaho Street. She pointed out that Dianna's, at one point, had manikins in the

window with no clothes on, and the City did something about it and they put clothes on the manikins.

Ms. Simons said this was hard for her, because she didn't want any that in the whole community. But, she also believes in people's rights. She asked Ms. Laughlin if the statement she read was actual code.

Ms. Laughlin explained that it is in the RDA Plan, which has been adopted by the City of Elko.

Scott Wilkinson, Assistant City Manager, said it was adopted as a plan, but it is not in the Sign Code. The question here will be, if this isn't approved and they don't remove it, is the RDA going to pay the legal bill to pursue this, or is the City of Elko going to pay the legal bill to force them to remove it. That's the next step, because they probably won't just remove it.

Ms. Simons said if there was something in there, then she wanted to get rid of the sign, but she wasn't sure if it was in there.

Mayor Johnson explained that they were approving this as an RDA, and it's in the RDA Plan.

Mr. Rice said there was nothing in the RDA Plan that prohibited a silhouette of a woman.

Ms. Simons said there wasn't anything that prohibited a lot of specific things.

Agency voted on the motion.

**Motion passed (4-1).
Yes: Councilman Reece Keener, Councilman Robert Schmidlein, Mayor Chris Johnson,
Councilwoman Mandy Simons.
No: Councilman John Rice.*

II. REPORTS

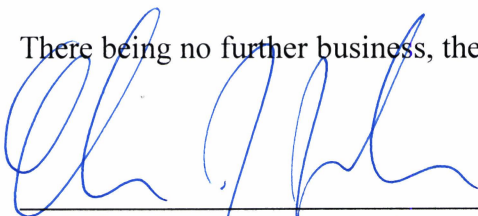
A. Budget

COMMENTS BY THE GENERAL PUBLIC

There were no public comments made at this time.

ADJOURNMENT

There being no further business, the meeting was adjourned.



Mayor Chris J. Johnson, Chairman
Redevelopment Agency