

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

SS     August 8, 2017

The City Council of the City of Elko, State of Nevada met for a regular meeting beginning at 4:00 p.m., Tuesday, August 8, 2017.

This meeting was called to order by Mayor Chris Johnson.

## **ROLL CALL**

**Mayor Present:**       Chris J. Johnson

**Council Present:**    Councilman John Rice *left at 7:11 pm*  
                          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  
                          Jonnye Jund, Administrative Services Director  
                          Aubree Barnum, Human Resources Manager  
                          Cathy Laughlin, City Planner  
                          Ben Reed Jr., Police Chief  
                          Ty Trouten, Police Chief  
                          Mike Palhegyi, Police Lieutenant  
                          James Wiley, Parks and Recreation Director  
                          Jeremy Draper, Development Manager  
                          Bob Thibault, Civil Engineer  
                          Jeff Ford, Building Official  
                          Dennis Strickland, Public Works Director  
                          Jack Snyder, Deputy Fire Chief  
                          Matt Griego, Fire Chief  
                          James Foster, Airport Manager  
                          Dave Stanton, City Attorney  
                          Diann Byington, Recording Secretary

## **PLEDGE OF ALLEGIANCE**

## **COMMENTS BY THE GENERAL PUBLIC**

Pursuant to N.R.S. 241, this time is devoted to comments by the public, if any, and discussion of those comments. No action may be taken upon a matter raised under this item on the agenda until the matter itself has been specifically included on a successive agenda and identified as an item for possible action. **ACTION WILL NOT BE TAKEN**

*There were no public comments.*

**APPROVAL OF MINUTES:** July 25, 2017

**Regular Session**

*The minutes were approved by general consent.*

## **I. PRESENTATIONS**

- A. Reading of a Proclamation by the Mayor, in appreciation and recognition to VFW Post #2350, and matters related thereto. **INFORMATION ONLY–NO ACTION WILL BE TAKEN**

Mayor Johnson read the proclamation and presented a copy of it to Gil Hernandez, VFW.

Gil Hernandez, 1316 7<sup>th</sup> St., thanked the community for their help in doing this. Painting the “E” is a big task. It wouldn’t have been done without the volunteers. It means a lot when other people get involved.

Mayor Johnson read a Proclamation in Recognition of Lion’s Club Day and presented a copy of it to a representative.

Cathy Hamre, President Elko Lion’s Club, thanked the City for the honor. They could not be the club that they are without the support of the people of Elko and the surrounding area. They will be having a District Cabinet Meeting of many Lion’s Club dignitaries coming into town this weekend.

Mayor Johnson presented a plaque to James Riordan, Fire Captain, for his many years of service.

James Riordan, Fire Captain, said it has been an honor to serve this community. It has been quite an experience over the years. He will be moving to Southern Utah and opening up a scenic flight business.

Chief Griego said it has been an honor to serve with Mr. Riordan. It is sad to see him go but he is glad to see him moving on with his passion of flying.

## **II. PERSONNEL**

- A. Employee Introductions:

- 1.) Janet Schwandt, Building Inspector, Building Department

*Present and introduced.*

## **I. PRESENTATIONS (Cont.)**

- B. Presentation by the Elko Park Foundation regarding a proposal to develop and install a collection of wind sculptures at the Peace Park, and matters related thereto. **FOR POSSIBLE ACTION**

Kent Aveson, President Elko Park Foundation, gave a presentation (included in the packet).

Councilman Keener thought it was a terrific idea. His only concern was vandalism but that was addressed with the raised planter and lighting.

**\*\* A motion was made by Councilman Schmidlein, seconded by Councilman Keener, to accept the proposal from the Elko Park Foundation to install a collection of wind sculptures at the Peace Park.**

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

### **III. APPROPRIATIONS**

- C. Review, consideration, and possible approval of a Professional Services Agreement with Konakis Engineering for construction assistance, materials testing and construction staking for the construction of the 12-Inch Diameter HDPE Effluent Pipe, and Sanitary Sewer to the new Sports Complex, and matters related thereto. **FOR POSSIBLE ACTION**

This project began August 1, 2017, Construction Management related services are required for the project. RL

Mayor Johnson said the City has, in hand, the permit from the Army Corps of Engineers.

Ryan Limberg, Utilities Director, said Mr. Konakis was in the audience to answer questions.

**\*\* A motion was made by Councilman Keener, seconded by Councilman Schmidlein, to approve the Professional Services Agreement with Konakis Engineering.**

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

- D. Review, consideration, and possible award of a bid for AIP-48 Runway 6/24 Safety Area Stabilization, Drainage Improvements and Windsock Relocation Project, pending FAA approval, and matters related thereto. **FOR POSSIBLE ACTION**

Bids were opened on August 3, 2017. Staff will report on the bid results. JF

James Foster, Airport Manager, explained we did receive two bids. They were both complete and reviewed by the consultant. He recommended award to Road and Highway Builders.

**\*\* A motion was made by Councilman Keener, seconded by Councilman Rice, to award the bid for Airport Improvement Project 48, Project No. 3-32-005-048, pending FAA approval to Road and Highway Builders, in the amount of \$2,383,383.**

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

- E. Review, consideration, and possible final acceptance of AIP 45: Rehabilitate Runway 6/24-Phase 3 and RWY 6/24 PAPI Upgrade Project at the Elko Regional Airport, and matters related thereto. **FOR POSSIBLE ACTION**

The final punch list items for AIP Project #45 have been completed for this project to the satisfaction of airport management and the project engineer. A final walk through inspection took place on September 28, 2016, and all punch list items were satisfactorily completed. Airport staff is asking for final acceptance of this project and to begin grant close out documentation.

This project completed a major reconstruction of Runway 6/24 pavement/subgrade, the expansion of runway shoulders, new runway edge lighting, runway safety area grading improvements, and a new PAPI navigational aid installation for both runway ends. The final project cost was \$8,180,537.44. There were 4 change order associated with this project in the amount of \$305,721.65. The total local share for this project was \$511,278.77. The project was 11% under initial contracted amount. The prime contractor for construction was Road & Highway Builders, LLC and the project engineer/construction manager was Jviation, Inc. JF

Mr. Foster explained they want to close out this grant. The FAA wants us to close it out as well. We need council approval to start the process.

Councilman Schmidlein asked how many days of liquidated damages were assessed and what the fee per day was.

Mr. Foster answered there were 50 days that they were over their allotted time. The total price was around \$88,000.

Councilman Keener asked on the liquidated damages, is that enough to reimburse Jviation for the additional costs they incurred.

Mr. Foster answered yes.

**\*\* A motion was made by Councilman Keener, seconded by Councilman Rice, to accept substantial completion of Airport Improvement Project No. 45, Runway 6/24-Phase 3 and Runway 6/24 PAPI Installation Project, and direct staff to close out documentation for this grant with the Federal Aviation Administration.**

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

#### **IV. UNFINISHED BUSINESS**

- A. Review, consideration, and possible approval of Revision No. One (1) to Amendment No. Six (6) to the Contract Dated January 14, 2014 between the City of Elko and Jviation, Inc., and matters related thereto. **FOR POSSIBLE ACTION**

Additional days were needed to complete Airport Improvement Project (AIP) 45. Due to this, additional engineering services were required from Jviation to cover these days over the contract days. JF

**\*\* A motion was made by Councilman Rice, seconded by Councilman Schmidlein, to accept Revision No. 1 to Amendment No. 6, to the contract between Jviation and the City of Elko.**

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

- B. Review, consideration, and possible approval to initiate a land transaction between the City of Elko and Elko County for the transfer of the “Snobowl Recreational Facility” currently owned by Elko County, and matters related thereto. **FOR POSSIBLE ACTION**

At the January 14, 2014 City Council meeting, Staff was directed to initiate a draft partnership agreement between the City of Elko and the Elko Snobowl Foundation for the administration and management of operations of the Snobowl Recreational Facility. Concurrently, discussions took place with Elko County, the owners of the land and lessor to the Snobowl Foundation. It was determined that in order for the City of Elko to incorporate the Snobowl as part of its recreation program that a transfer of the County owned property to the City would be the most viable option to facilitate this action. On January 21, 2015 the County Commission took action to approve a Quit Claim Deed to transfer the property owned by Elko County for the Snobowl to the City of Elko. Since that time, Staff has been working with Elko County, the Snobowl Foundation, and various stakeholders to provide a clean and clear title for the transfer of ownership. Legal Counsel recently acquired the necessary documents and signatures from the adjacent property owners regarding access easements to the property. If the initiation of the land transaction is approved, the Elko County Board of Commissioners and the Elko City Council will need to approve the Interlocal Agreement for Property Transfer and Access Maintenance. JW

James Wiley, Parks and Recreation Director, explained a significant amount of time has passed since we were last before Council regarding the Recreation Department playing a bigger role in the operation and maintenance of the Elko Snobowl. He tried to summarize the last three years in the background information. Dawn Leyva and Rocky Bush from the Snobowl were present to answer any questions. He was looking for authorization to initiate a land transaction.

Councilman Keener asked if this would be annexed at some point.

Curtis Calder, City Manager, answered no unless the city boundaries extended that far to the north.

Councilman Keener asked how many acres.

Mr. Calder answered he believed it was 640 acres with regard to the actual section of property. There is a pending RP&P lease application that will come with the transaction that BLM has told us will come with the property. The possibility would be another 640 acres of BLM ultimately

being absorbed into that through an RP&P lease which we could possibly get patented at a later time. It has a lot of recreation potential. It also comes with the water rights.

Councilman Keener asked if Mr. Calder supports this.

Mr. Calder answered yes. The City has an established Recreation Department where the County does not. By doing this we ensure it will be utilized into the future as a city asset. There is a transient lodging tax allocation that goes to the Snobowl Foundation to pay the wages of the operator.

Councilman Keener asked if the city will have a plan for maintaining the access to the facility during winter time.

Mr. Calder answered that is always a problem. The Snobowl maintains the access road. The road to the south back into town is a county road and is maintained by the county.

**\*\* A motion was made by Councilman Rice, seconded by Councilwoman Simons, to authorize staff to initiate a land transaction between the City of Elko and Elko County for the transfer of Snobowl Recreational Facility.**

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

## **V. NEW BUSINESS**

- A. Review, consideration, and possible approval of a request from the Elko Downtown Business Association (DBA) and Gateway RV for the closure of the corridor between 6<sup>th</sup> Street and 7<sup>th</sup> Street for RV Sales with the closure starting on August 9, 2017 at 9 p.m., and ending on August 12, 2017 at 10 p.m., and matters related thereto. **FOR POSSIBLE ACTION**

The DBA and Gateway RV are requesting the closure for their sales event to be held on August 10<sup>th</sup> & 11<sup>th</sup> from 8 a.m. to 6 p.m., and August 12<sup>th</sup> from 8 a.m. to 5 p.m. They have completed the application, and will be submitting the appropriate insurance. SO

Shanell Owen, City Clerk, explained included in the packet was the application and the staff flow sheet. The departments approved the event. The affected property owners signed off for the event. The streets will remain open. The corridor is all that will be closed.

Councilwoman Simons asked if this is just a Gateway RV sale. What is the DBA role in this?

Rushelle Melton, DBA Coordinator, explained this is during one of our wine walk events.

**\*\* A motion was made by Councilman Rice, seconded by Councilman Schmittlein, to approve the request from the Elko Downtown Business Association and Gateway RV for the closure of the corridor between 6<sup>th</sup> and 7<sup>th</sup> Street for RV sales. The closure starting on August 9<sup>th</sup> at 9:00 pm and ending August 12<sup>th</sup> at 10:00 pm.**

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

- B.** Review and possible approval of a concession agreement for food and beverage at Elko Regional Airport with Deann Descutner, d.b.a. Gypsy Café, and matters related thereto. **FOR POSSIBLE ACTION**

James Foster, Airport Manager, explained we finally have a proposal that we accepted a couple of months back. City Staff has negotiated a contract with Deann Descutner to operate our food and beverage concession at the airport.

Councilwoman Simons asked if they are already open.

Mr. Foster answered no. The last time he spoke with her she was thinking of opening the first of September. They are still getting equipment installed.

**\*\* A motion was made by Councilman Keener, seconded by Councilman Rice, to accept the new Airport Food and Beverage Concession Agreement with Deann Descutner.**

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

## **VI. RESOLUTIONS AND ORDINANCES**

- A.** Review, consideration, and possible approval of Resolution No. 30-17, a Resolution Amending the Distribution of Electrical System Franchise Fee Revenue, as Defined in Ordinance 821, and matters related thereto. **FOR POSSIBLE ACTION**

A copy of Resolution No. 30-17 has been enclosed in the agenda packet for review. CC

Curtis Calder, City Manager, explained this is the final action that is required to allocate the franchise fee revenue from the recently approved NV Energy Franchise Agreement. It spells out where the funds go.

Councilman Keener said he would suspect that these fees will be a pass-through from the customers.

Mr. Calder said they are and that is why we approve this by ordinance. The franchise fees can only be approved by ordinance.

**\*\* A motion was made by Councilman Rice, seconded by Councilwoman Simons, to approve Resolution No. 30-17, a resolution amending the distribution of electrical system franchise fee revenue as defined in Ordinance No. 821.**

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

After the motion and before the vote, Councilman Schmidtlein asked what kind of impact this will be per household.

Mr. Calder answered it will be based on a percentage of what the fees are. It will be a 1% increase effective October 1, 2017.

**Council voted on the motion.**

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

- A. Review and consideration of a petition requesting changes to the previously approve parade route, and matters related thereto. **FOR POSSIBLE ACTION**

Curtis Calder, City Manager, explained we have some folks that want to weigh in on this subject from the city. We didn't have the petition at the time of posting so that came out a little bit later and we sent it out via email.

John Lemich, 450 Commercial, Machi's, explained this is a petition to restore the parade route back to the traditional parade route. It was moved without any notification to the stakeholders on Commercial Street. The parade route is always a good boost to his business. Some of the other business owners say they miss that parade. It has been a tradition. It has always been on Commercial Street. Commercial Street at that time of the day, 11:00am, is shaded. It was moved to the other side of the corridor onto Railroad Street where there isn't any shade. People were miserable during the 4<sup>th</sup> of July/Basque Parade. He brought a signed petition to council with a couple of hundred names on it of people that want this changed back to where they feel it belongs.

Mayor Johnson said when he was campaigning for Mayor there were a lot of folks along that street. There is an advantage to having exhibitors being along that Commercial side because you have the advantage of the shade waiting for the parade to get started. He wondered if that is why that parade route was picked in the very beginning. When he saw the petition he thought it was worth another look.

Councilwoman Simons said we changed it for safety reasons.

Councilman Rice said it was his understanding that the DBA had been notified and consulted. We didn't hear any objections. He isn't opposed to moving it back. There are some safety concerns. It moves against traffic and it creates a bottleneck. It became dangerous during the Christmas Parade because there were people that wanted to leave. When we acted on it he didn't hear any comments.

Councilman Schmidlein read some of the minutes from the previous meeting.

*"Councilman Keener thought this makes sense to him from a safety standpoint. Some people don't like change and he wondered if some of the businesses along the old route would not support this change."*

We are all starting to have the same concerns and question if they were all notified. When it was presented to us, nobody was here. It doesn't seem that the property owners affected were notified.

Councilman Keener said he listened to the eight minute hearing earlier today. Ty Trouten was here pinch hitting for Chief Reed. I asked him if they cooperated with the DBA and he indicated



that yes, that Bailey Benson-Billington had been involved in the process. She was no longer with the DBA at the time of the route change. We have the legitimate safety concerns that are not as prevalent during the daytime. The Christmas Event at night, is that a big event for your establishment?

Mr. Lemich answered no. He didn't think many of the other businesses are open that late. The 11:00 am one is important to him.

Councilman Keener thought we could consider keeping the current route for the night events and use the old route for the daytime events. Mr. Trouten had indicated in the audio transcript that he had talked to a number of different parade organizers. It was never really made clear who exactly those organizers were.

Ty Trouten, Police Captain, said we had Mike Musgrove from the Veterans Affairs, Zac Gerber who was running the Fair Parade, Bailey Billington and Jim Connor. They met with Dennis Strickland and himself and went over the issues they were facing. Those are the ones that helped come up with this decision.

Councilman Keener asked if the department contacted the businesses. Was there any door to door contact with the businesses along the parade route?

Captain Trouten answered there was. After the vote he went down door to door on both sides of the corridor to all of the businesses that were open. He explained the change and how it would affect what was going on. He emphasized both the benefits to the businesses and the benefits to the safety factor, which is first and foremost.

Chief Reed said they are looking at safety issues. Their focus is not the effect on the businesses. We moved at the request of the DBA at that time, working with Ms. Billington, December 2015. That Snowflake Festival we did an experiment where we went just corridor only with the parade. It didn't work so well. It magnified what we have down there with the old fashioned parade route. Cars go head to head on the one way. It is up to the parade organizers to control the gaps. People march slower than the vehicles drive. Horseback is a different issue. People stop at the reviewing stand in front of the Court House and perform. We get gaps all of the time. When there are big gaps people will get frustrated and try to leave in their vehicles. Looking at the traditional parade route, anybody in that corridor cannot exit without violating the law or moving a barricade. You are stuck. We have heard the complaints over and over. When the parking corridor is locked down you cannot get out. You also can't come to the business establishments and park nearby. He doesn't have the staffing and the manpower to lock that whole thing down and put an officer on every intersection. They have looked at, with the Public Works Director, how many curb cuts are in that parking corridor. We can't staff those or stop those cars from leaving. People take issues into their own hands. That is where safety comes in. In the spring of 2016 he asked Captain Trouten to get with the parade organizers and get with the Public Works Director and see if there are better ideas. This route came from their suggestions as a safer happy medium. We have had two parades since the route change: Cinco de Mayo and July 4<sup>th</sup>/Basque Festival. Both went very well. They have been the best ever as far as safety and flow. People seemed to appreciate that they can come and go from the corridor without being locked in. We are not required to go out and notify all of the businesses by any requirement but

he did ask Captain Trouten to go and do that. He also attended the next DBA meeting and gave a presentation.

Captain Trouten reiterated their primary focus is safety. In our modern age, we have all seen the concerns with an upset driver when he can't get where he wants to go. We have had drivers exit out of the corridor and try to make it to Idaho Street but end up in the middle of parades. We have had people go head to head and refuse to move to the side so the parade could continue. We inevitably have people that are in the corridor who are not there for the parade and just want to leave the area. They essentially are held hostage until the parade is past and the roads are opened back up. By utilizing Railroad Street we leave the parking corridor open for what it was intended for: parking.

Dennis Strickland, Public Works Director, added circulation in the corridor is always an issue. At one point we encumbered 3<sup>rd</sup> Street which totally cut off being able to get in and out of downtown whatsoever. That was the first modification we made; to drop back to 4<sup>th</sup> Street. When Captain Trouten put the meeting together with the parade organizers we had nobody that had any heartburn with the new route. Public Works in the last decade has probably taken on a much more frontline role with Elko Police. When he first started they didn't provide any assistance whatsoever. Now we are putting traffic control at every point of ingress and egress throughout the parade route. This is the first push back he has heard of since the change was made.

Chief Reed thought part of this may be growing pains. We have additional pressure from NDOT. They remind us a couple of times a year that we have the responsibility to keep their State Routes clear and flowing.

Shanell Owen, City Clerk, said today she received an application for the Elko County Fair Parade. That has been paid for and approved utilizing this route. If you change the route effective today she will have to let them know and possibly go through the review process again.

Councilman Rice said we may be able to require the parade organizers to put up signs in the corridor that say this will be happening and parking in the corridor may be inconvenienced. We had too many parades. That is why we raised the fees. It is difficult and it becomes a real expense. Let's put safety on the organizers.

Councilman Keener wondered if we should table this item and let the DBA come to us with a plan for the traffic mitigation issues. Maybe the DBA can help organize the route and help keep it safe?

**\*\* A motion was made by Councilman Rice, seconded by Councilman Schmidlein, to accept the petition and return to the original parade route; direct staff to work with the DBA and other businesses effected to devise a way to communicate to people who use the corridor that it will be shut down for a period of time and that you may find yourself stuck in the corridor because we don't want to let traffic out; it is the traffic that creates the safety problems; and parade organizers be responsible for making those communications within the corridor 48 hours prior the event. The notice to say that they may not be able to move their vehicle from the corridor until after the parade is complete. This is effective today.**

***The motion passed. (4-1 Councilwoman Simons was opposed.)***

After the motion and before the vote, Mayor Johnson asked how effective do you think the notifications will be. He doesn't want to put something on staff that can be...

Councilman Rice said he doesn't expect staff to make that notification; the parade organizers will do that. The motion is that the parade organizers are responsible for making that notification so it won't be an additional burden on staff.

Mr. Strickland answered they can do all the notification they want but if there is an accident that doesn't alleviate the city's liability associated with that. We will be advocating that people will be trapped in there and they would not be able to get out in a legal manner.

Councilman Rice said it will be on the parade organizers to communicate that.

Councilwoman Simons thought we just found a solution to solve one problem and now we have created another problem.

Councilman Schmidlein said when the parade was moved off 12<sup>th</sup> street, he felt that was a huge improvement. Same thing when they moved the parade from 3<sup>rd</sup> to 4<sup>th</sup>. The flow of traffic was improved because now we could get around the parade.

**Council voted on the motion.**

**BREAK**

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

- A. Review, consideration, and possible action to adopt Resolution No. 24-17, a resolution of the Elko City Council adopting a change in zoning district boundaries from RS (Residential Suburban) to R1 (Single Family Residential) approximately 93.52 acres of property located generally north of Jennings Way and south of Statice Street, filed by The City of Elko and processed as Rezone No. 5-17, and matters related thereto. **FOR POSSIBLE ACTION**

The Planning Commission considered the subject zone change request on July 18, 2017, and took action to forward a recommendation to City Council to adopt a resolution which approves Rezone No. 5-17. CL

Cathy Laughlin, City Planner, explained City Council conditionally approved a rezone of this property on January 24, 2017. After the approval by the City Council but before satisfaction of the conditions and signature of the Mayor, it was determined that the rezone would frustrate the intent and purpose of the City of Elko Master Plan. Our Elko City Code 3-3-5-A states that zoning amendments must conform with the Master Plan adopted by the Planning Commission and City Council. The zoning amendment did not conform with the Master Plan as the Master Plan calls for this area to be medium density on this particular parcel. RS, which is Residential Suburban zoning district, is not listed as a corresponding zoning district for medium density. The RS zoning is only listed as a corresponding district for the low density. As stated, this

would have the effect of frustrating the purpose and intent of the Master Plan, therefore, the city should maintain the zoning that now exists, the R1, irrespective of the application rezone 10-16 having been conditionally approved. The rezone application was initiated with the direction from legal counsel and the Assistant City Manager and at that time she turned it over to Dave Stanton and Scott Wilkinson.

Dave Stanton, City Attorney, said thank you. He understood that John Rice needs to leave soon so he offered to talk as quickly as he could. If he needed to go back let him know. Because there have been some questions about this whole issue and some discussion about it, he wanted to give the council a little bit of an overview of the legal parameters that he thought applied in this situation. Without trying to weigh in on the policy decisions, whether this should be low density, whether this should be medium density, that kind of situation is Council's call. He wanted to talk about the effect of the Master Plan on zoning changes and how you use a Master Plan in connection with a decision to change a zoning district boundary. He would also like to talk about the Elko City Codes, specifically 3-2-21 and the process for effecting a zone change and how it comes about. Master Plans are a creature of NRS. NRS 278.150 says that a Master Plan has to serve as a basis for the development of the city if it is adopted. There are several elements that may be included in a Master Plan. If they are included they have to do certain things. One of those elements is known as the Land Use Element, which is a part of our Master Plan. If the Land Use Element is adopted it must contain comprehensive plans for the most desirable use of land and standards and principals governing the subdivision of land. That is language right out of the NRS 278.160. The NRS authorizes this City Council to divide the City into zoning districts and we have done that. However, zoning districts, by NRS, must be adopted in accordance with the Master Plan for land use and among other things, must take into account the immediate and long range financial impact of the application of particular land use to particular kinds of development. That is also out of the NRS and that is something that he believed had been done previously. There has been some litigation over exactly how Master Plans interrelate to zoning decisions. In a way it is described as changing zoning district boundaries which is a zone change. The Nevada Supreme Court has given us some guidance on how Master Plans and zoning decisions interrelate. He thought the most applicable case is a 2006 Nevada Supreme Court decision called Sustainable Growth Initiative v Jumpers. In that case the Nevada Supreme Court clarified that a zoning ordinance that is enacted need not be in perfect conformity with every Master Plan policy. The intent of the Master Plan is to provide guidance for land use decisions, in this case, not intended to be some sort of a strait jacket. On the other hand, the relevant inquiry, and he paraphrased the Supreme Court, but the relevant inquiry is not whether it is a direct conflict between the Master Plan's provision and an ordinance, or in this case, a resolution because of the way we do it here, and this is the important language, whether the ordinance is compatible with and does not frustrate the Master Plan's goals and policies. That is really what you have to look at. It's not that you can't disregard the Master Plan when you make a zone change decision. You can't just say "I'm going to pretend it's not there." You have to pay attention to it. It's just not designed to be something that sort of confines you to a specific decision. It is a policy.

Councilwoman Simons asked if he was saying the question is not whether this is what the Master Plan is, because it doesn't necessarily have to be exactly what the Master Plan is, but whether this kind is of what we were going for. This is similar to what we are going for?

Mr. Stanton said he was not saying that. There doesn't have to be precise conformity, and he was talking state law at that point, there doesn't have to be precise conformity with a Master Plan. That is not the requirement. The Master Plan must be used in making land use planning decisions.

Councilwoman Simons asked if we decide to go to slightly alter it, that's okay.

Mr. Stanton said they have to make the decision about whether you are slightly altering or whether you're frustrating the Master Plan's goals and policies. You can't do that.

Councilwoman Simons said to her, frustration is, and maybe there is some legal term, would mean that you are just completely disregarding it.

Mr. Stanton offered to put this case in context. He thought that in order to figure out what this Master Plan is supposed to be doing you have to look at the document. You need to see what it says. We are talking here about medium and low density.

Councilwoman Simons said to her doesn't seem to be frustrating. It's medium or low but obviously Cathy Laughlin feels like it is. That's why she is trying to clarify this.

Mr. Stanton said he is concerned about it. He is concerned about, once again this is their decision to make, the history behind the change to the current Master Plan. There appears, and this is the Planning Commission's job to develop the Master Plan, and there appears to have been a substantial amount of discussion about medium vs. low density zoning. We are just talking residential now. It appears as if there were protracted discussions on this very topic at that stage and that a conscious decision was made on the part of the Planning Commission to take out low density zoning for future zone changes in residential areas. Hopefully council has had a chance to go back and take a look at that history and maybe have some familiarity with what the Planning Commission did. That is his big concern. Here we have a Master Plan that specifically excludes low density residential zoning for future zone changes. It expressly does that. Now, there is a little bit of a disconnect between the way zoning density is characterized in the City Code vs. how it is characterized in the Master Plan. For example, we are talking about RS and R1 zoning. Well, as he understood it, and he thought this was correct, that RS and R1 zoning are both characterized with low density zoning in the City Code but the Master Plan characterizes RS as low density and R1 as medium density. It looks to him as if different criteria were used in coming up with those conclusions. He thought they may, and this is another thing to consider, but the zone code may be using the terms low density and medium density differently than the Master Plan is using those terms.

Scott Wilkinson, Assistant City Manager, said maybe to help this discussion, simply put, the Master Plan looks at number of units per acre in helping to define low and medium density. We had quite a discussion on what that medium density should be. Our consultant recommended that it be much higher than the minimum of five units per acre that we specified in the Master Plan. The reason we included R1 in the medium density is because the medium lot size is 6,000 sq. ft. and you can design a subdivision under the R1 district to meet the intent of medium density land use designation. The RS zone, the minimum lot size has to be 15,000 sq. ft. You cannot even achieve a minimum density of 3 units per acre. You cannot design a subdivision that can meet the intent of medium density. It's not possible. That's why the RS was classified

as low density, which is 1-4 and the medium density is 5-8. That discussion went into the revisions to the last Master Plan, which were Planning Commission meetings and joint meetings with the City Council. We had several joint meetings. This was a half a year long process. Considerable discussion went into that. The reason being, you get into sustainability. When you look at low density development, it's just not sustainable for a community to promote that as its objectives across the board. It just doesn't work. We did a very detailed analysis as staff, a sixteen page report. We revisited this again to whether we should include globally a low density designation. We did not draw any conclusion that would lead us to make that recommendation going forward.

Councilman Keener said he knew the Master Plan was in the vault in documents. When this location here, this general area, was specified for medium density, did that take into account the topography there?

Mr. Wilkinson answered we did a pretty detailed analysis and the topography really doesn't factor into how you lay out a subdivision to a large extent. Frankly this property can be graded equivalent to some other areas in the immediate vicinity that have been graded. It's really up to what a developer wants to or not wants to spend money on. The answer to that is no, topography didn't factor in to that but we certainly took into account the sustainability of promoting low density over medium density when we went through that. How the medium density, there's a range of lot sizes or units per acre that is specified there. What our code provides and what our Master Plan provides is a lot of opportunity for developers to address a lot of different market opportunities and we see that in a variety of different types of subdivisions across the community. We have subdivisions from Cedar Estates that are manufactured homes subdivisions to the Pointe where you have ¾ million dollar and over million dollar type homes. Interesting enough, if you take a look at efficiency on assessed valuation, a development like Autumn Colors rises to the top on a per acre basis. Development like the Pointe is second only to Cedar Estates. It is very interesting as we went through that analysis. It just shows the efficiency of land use, which further supports the prior decision we made not to have low density as an objective in our Master Plan.

Councilman Keener asked you're saying, just to repeat that, even though there's such a high assessed value along the Pointe, for instance along Khoury Lane, you're saying the efficiency is still greater at Autumn Colors than it is?

Mr. Wilkinson answered yes. If you look at assessed valuation on a per acre basis, an Autumn Colors, or Brookwood, or Eight Mile type development will give you a higher assessed valuation per acre than a development like the Pointe. The reason being, the Pointe density is so low on a per acre basis that the assessed valuation doesn't overcome that issue.

Mr. Stanton pointed out as an aside that specifically dealing with subdivisions, 3-3-5-A in the Code talks about zone changes requested in connection with subdivisions. The requirement is that zoning amendments must conform with the Master Plan. That is the language from our Code. He will leave that to council to interpret exactly what that means. "Zoning amendments must conform with the Master Plan" could be interpreted as a strict requirement, that you must comply, there has to be strict compliance with it. He viewed it the same way as the Supreme Court views the State requirement in the sustainable growth case. He saw it as being essentially the same requirement that the zone change can't frustrate the purposes of the Master Plan's goals

and policies. Not that it really leads to a substantially different conclusion in a case like this but he wanted to point out that the Council having, this really is true for pretty much every ordinance we have, if there is room for interpretation, this Council's interpretation of an ordinance will carry great weight. He left that to the Council to interpret. Council heard his interpretation. He wanted to jump into the procedural issue in terms of how this all came about. He came in late in the game. As he understood it, initially we heard Cathy Laughlin talk about this, that initially the zone change from R1 to RS just sort of went through the process. It started with an application to the Planning Commission. The Planning Commission approved the change. It went up to this Council. This Council approved the change to RS. There were conditions. Ultimately the conditions weren't satisfied and the resolution wasn't signed. It was left in a state of limbo when this issue came up. That is where he got involved. He was faced with the issue of should we go back to this council with the decision it just made to approve the Planning Commission's recommendation, or do something different. It was his recommendation that because the train had already gone down the tracks so far that the right way to handle this, and this is just generally his philosophy about this stuff, is gives the affected people, the public or whoever is affected by the decision, as much process as possible. His recommendation was to take it back to the Planning Commission if this was the way we want to handle this and treat this as R1 zoning instead of RS zoning for the purpose of this subdivision, and go back through the process again. That's the reason it went back to the Planning Commission and that's the reason it is back here today in this configuration. There was some question, he was not sure if this is an issue that anybody has, but there was some question about the way this was initiated the second time around. As he understood it, an application was filed by the city with the Planning Commission in order to start the process. He thought the code, he doesn't see that as a problem. There are two ways that a zone change can be initiated and the code lays that out. A) The Planning Commission or the City Council can initiate a zone change on its motion, just make a motion to do it and that starts the process, and then it goes through Planning and back up to City Council. The other way of doing it is an application filed by somebody in the area that is affected by the zone change. The application process can start in one of those two ways but then you get further down in 3-2-21 and there are references to a hearing on the application. It just seems like the intent is to start it in one of those two ways and then just have this process. He sees that the process was followed. There was some question as to whether there should have been an application in the mix or not. He doesn't see that as being harmful to anybody. He didn't think it deprived anybody of any rights or any procedure they would have been entitled to. He thought the procedure was followed, it's just there is a question as to whether the City should start the process using an application vs. just a motion. As he understood it there was a motion to start the process. There you go. He won't belabor this too much longer. What he wanted to make sure that comes of all this is that when the council does make a decision one way or the other, he would really recommend the decision specifically reflect the rule that applies, and that is that the zoning conforms and is compatible with and does not frustrate the Master Plan's goals and policies, wording to that effect, regardless of what this council does. Just because this issue has really come up and has risen to the surface and he would like to put that to bed. If anybody has any questions from him...Thank you.

Councilman Schmittlein asked Mr. Wilkinson, regarding topography, are they looking at continuing to potentially going with septic?

Mr. Wilkinson answered we have had, actually the topography factors into that very issue. You could have some of the leachate result in a surface expression so that's one of the concerns of the

State. Because you that typed of topography that you may have the leachate report to the surface rather than infiltrate into the ground. The topography doesn't rely on the zoning. There has been a misconception out there that we needed an RS zone to support septic. That is not the case. He thought a very fundamental issue, and he will reiterate a comment that Dave Stanton made was that when you really get into subdivision of property, you need to be paying attention to your Master Plan. That's really one of the objectives of that. If you are subdividing property and you are proposing a zone amendment, and that's the language that's in there, it must conform to the Master Plan. The issue we have here is in our Master Plan we have stated densities. One through four for low density and five through eight for medium density. It is not possible to design a subdivision under the RS zone that would even approach conformance with the density stated in the Master Plan. That is a fundamental issue that we have to start with. Second to that, and that's the reason why the RS zone is not recognized or specified in the Master Plan as a supporting zone for the medium density but the R1 is. A real difference between those is the RS is, under the code it states its intent is for low density but it's semi-rural and agriculture. That's the intent of that RS zone. The R1, although it's stated as to preserve low density areas, there is nothing about agriculture. It restricts accessory buildings size, it restricts the area of the building, the height of the building. You can build forty foot tall accessory buildings in an RS zone where you can't do that in the R1. The R1 is geared towards single family development only. You can't do duplexes. You can't do triplexes. They're just not allowed. So the way it accomplishes that, it's restricted to single family only. The minimum lot size could be 6,000 sq. ft., the same as an R district. You can design a subdivision that's much denser than the RS district and you just can't accomplish that in the RS district. And then under the RS district, if you want to deploy rural roads, then the minimum lot size is ½ an acre. You are even lower density than what you would be if you want to try to take advantage of that. Depending on what your objectives are with septic there are minimum sizes stated with the State, and he thought that was ¼ acre. It's just not possible to design a subdivision under the RS district that would conform with the Master Plan. That's a fundamental issue. He apologized to Council that they didn't catch this. Staff should have identified this as an issue in that subdivision process. We failed to do that and we have an unpleasant situation that we had to bring back to City Council.

Mayor Johnson called for public comment.

Councilman Rice asked what was the vote in the Planning Commission.

Mr. Wilkinson answered they would recommend R1.

Councilman Rice asked what was the tally of the vote.

Mr. Wilkinson answered it was unanimous.

Jim Winer, 700 Idaho St., said this is an awkward situation. His comments are short in writing. For those that have heard it twice already, he apologized. It is the same written statement that he read into the record in the Planning meeting. He will read it again. He made some notes based on some stuff that was just said this evening that he will give a brief comment to.

*A year ago, he engaged his engineers. Through data collection and analysis of the property, it was determined the highest and best use of the land was for large lot RS development. We then approached City Staff through a series of meetings with that idea. The Planning Commission, by a public process and motion and*



*vote, made the recommendation to the City Council for approval of the property to RS zoning subject to approval of a plat. There were conditions. This body, by a public process and by motion and vote then approved the property for RS zoning subject to approval of a plat. With that approval he moved forward with the design and the engineering of the plat. He was told it was required. He relied upon the city's representations and actions. He did everything he was told, asked and directed to do by the city at considerable time and incurring considerable cost and expense to his detriment. When the city said to complete a form or application, he did. He submitted it with the fees required of him. By way of example, the city said that before he could submit the plat he had to apply to the NDEP for approval of septic. That required both the soils study and a hydrology study. More applications, more fees. So he had to hire more engineers. The city said he had to dedicate a road easement for Bizkaia Blvd. He hired surveyors, filled out forms and submitted the fees. The city said he had to have a secondary access for fire suppression and it had to hold the weight of the city's largest fire truck so he hired engineers to go study the soil depths of the access to confirm if it would or would not hold the fire equipment. It should be noted that in the staff reports and comments to both the Planning Commission and this body, prior to all of the votes, it was noted in writing in those staff reports that you guys all get, that the property did not conform to the Master Plan. With that knowledge, this body and the planners approved the zoning subject to a plat which he attempted then to go get. In summary, he did nothing wrong. He did everything he was asked to do. He relied on the City's actions, representations and directions. He opposed the taking of the property's RS zoning that was granted by City action in January of this year.*

The only thing to add, and it's the same thing that he keeps reading into the record, there was mention tonight of a sustainability report that was done, sounds like some time ago, in a zoning process. One report he recalled that the planners asked for a report to talk about sustainability of a subdivision, what it costs for streets, maintenance and snow. That report was presented by the city to this board months ago. It showed not one subdivision in this community pays for itself. They all lose money when it comes to replacing road, curb, gutter, sidewalk, removing snow, chip seal, everything else involved. It was either a 30 or 50 year study in that report, he didn't remember. It did show that this one lost less money than most of the other subdivisions. He didn't know if that was a good thing but it didn't lose as much as other subdivisions. That report, he didn't know the validity, if everything was taken into consideration, but he did recall that report, and Council got that report. Again, popular opinion, when a developer does look at developing a subdivision, cost does come into play. Topography, curb, gutter, sidewalk, water, sewer, does it grade downhill, do you have to pump it up hill, are in the water tank district, there's a million things that come into play when assessing, what he calls the highest and best use of property. Market demand is a big one. So we, engineers, we looked at all sorts of ways to develop this property. He mentioned it started a year ago. It was determined that the highest and best use, based on all this cost analysis and market demand, said RS was the way to go. Building bigger lots that are, if you will, part of being in the country within the city. If we had wanted a traditional small lot, 6,000 sq. ft. subdivision, A) that's what we would have gone for because it would have made economic sense and the demand wasn't there. No one is going to go buy 300 six thousand sq. ft. lots that cost \$125,000 apiece. Why would you do that? There is no demand for it and the costs are out of whack. There was a lot of analysis prior behind the scenes as to the path that was taken. Septics, correct, we had submitted to the NDEP, the hydrology report and

the soils report, might have been within the same day or two that the report response came back from NDEP as when he found out about this zoning thing. That report was a denial. There were three engineers involved in that report and one of them has since admitted oops. He submitted soil samples on the template for a whole other subdivision. He put in wrong soils, wrong language and everything else. He since has written his letter to correct his error by submitting soils on a whole other site. He told everyone when he found about the zoning, stand down. He said he wasn't spending any more money on this. Don't do a thing. They all stood down. The other two engineers are prepped to, because the letter does say if you have additional information, blah blah blah, please submit it. But he told everyone to stop. The slope side engineering, that engineer is prepared to write their thing that all of the septic will conform to NAC, blah blah blah, some septic code standard. The biggest drainage in there is that one where that blue line is. If you guys have driven out there you've seen. At that point it is 60 to 80 feet but you got a lot that has an acre, there's a lot of it that is still flat. No one is going to build a septic coming out the backend of a hill because you're not allowed to. You build it on the flat parts. He thought that was it, his written statement and addressing a few things that came up tonight. Any questions?

Ms. Laughlin commented the way this subdivision has been designed to date, the 87 lot subdivision, it can be developed under the R1 zoning district. There are two key differences. With the RS district, if you can recall several months ago, we changed the domesticated animal policy in our City Code for non-domesticated animals to only be allowed within zoning that allows it. The RS district would allow for horses, cows and non-domesticated animals. That is one difference. The other difference is in road standard. So with an R1 the standard would have to be curb, gutter and sidewalk on both sides of the street. Right now we have sidewalk proposed on one side of the street with the RS. The 87 lot subdivision can still be developed here. We don't have a maximum size lot size in our code for the R1. It can still be developed here. It's just that those are the two key differences between the RS zoning and the R1.

Councilwoman Simons said this is frustrating because she thought this fulfills a need for people that want the bigger lot, want some space, maybe own a horse. She is frustrated this has gone on this long. That's a lot of money spent. Even to make those changes, she would imagine it would cost money. She doesn't know, she hasn't researched the market, but Jim Winer has and she didn't know if there was a market. Maybe the market was that you wanted animals or whatever. This has gone so far. We acknowledged that this doesn't conform to the Master Plan but we are approving it but now we are peddling back. It is very frustrating to her that this information wasn't brought ahead of time. It is obviously frustrating to Mr. Winer too.

Mr. Winer said there is a builder in the community that there is a contract sitting there that they would buy everyone one of those lots and build houses on them. They are waiting and then the whole thing imploded. Is there a demand? He would say the answer is yes. Hamilton Stage, and he didn't know what he has said at other meetings, he might be repeating stuff, but Hamilton Stage is bit of a prototype, if you will. Larger lots, close to the city but they are out in the county. There is now 100 or how many houses out there that have been built over the past so many years. In the county, using all the city streets and everything to come and go but out in the county. This one is actually in the city. All the houses with the bigger lots that were RS on the new part of Royal Crest, there are 22 houses, that was done through the parcel map process and not the subdivision process. They kind of went with the rules at hand to do the same thing, different process.

Councilman Rice asked Mr. Stanton, if we were to adopt this it would make us compliant, it aligns us with the ordinances, state statutes. If we were to reject this what are we opening ourselves up to?

Mr. Stanton answered he would hate to speculate. If we adopt a change to a zoning district boundary that is so different from what the Master Plan contemplates and disregards the Master Plan, he could see someone challenging it. There is an NRS and City Code provisions that say you conform to the Master Plan and you have to at least use the Master Plan as a guidance document in order to make these land use decisions. You just can't disregard it. That would be his concern.

Councilman Rice asked Ms. Laughlin, Jim can do everything he wants to do with the 87 lots except have animals and then curb, gutter and sidewalk. He is a big fan of curb, gutter and sidewalk. When he and Mr. Winer talked about this before he really wanted to make sure that we had pedestrian and bicycle ways. He isn't so concerned about that requirement. Is there a way if we were to go into R1 that we would be able to allow for animals?

Ms. Laughlin answered not in the way our code is written right now with 5-3-17. It's strictly states it's allowed in the agricultural zoning and in the RS zoning.

Mr. Wilkinson thought large animals were really not the issue here. If you take a look at all of the RS parcels that we have, if any, there's probably one or two that have animals. People aren't pursuing large parcels so that they can have a horse or raise cows or any of that. He didn't know that that is a real concern here. That low density agricultural type development, we made a decision quite some time ago when we evaluated the Master Plan that wasn't something we wanted to pursue. Fundamentally, it comes down to the roadways and whether you have curb, gutter or sidewalk. As we went through this analysis here we actually showed that Hamilton Stage like development is probably the worst type of development you could do to just, nodding from assessed valuation, but to generate enough revenue to pay for your roads over thirty years, it's one of the worst performing because it is such a low density out there.

Councilwoman Simons said his report said, wasn't there a report with his saying that his would...

Mr. Wilkinson said that report was, he characterized it as inadequate. It wasn't comprehensive, it didn't take a look at a variety of different types of subdivisions. It pulled Royal Crest which is custom homes, high assessed valuations, took a look at it and said here's the golden key to paying for roads. You can have an RS zone that develops like Sundance. There's no assurance that you are going to have homes that are valued at \$500,000 or \$400,000 or \$600,000. There's no assurance. We don't, when we approve something, we are approving a lot layout for a subdivision. We have no control on the value of the structure that gets built there. When we went back and said hey, we really need to look at this comprehensively, which we did. We took a look at a variety of subdivisions in the city. The medium density type developments, the different zones that developed under medium density, which were Cedar Estates manufactured homes, the Bluffs, Brookwood, Eight Mile, Autumn Colors, all of that and then we took a look at the low densities. We took a look at Sundance, because you could have a variety of subdivisions. We took a look at Royal Crest and we took a look at Hamilton Stage. We weighed

those. We had weighted averages on them and looked at the assessed valuations, looked at the road maintenance and construction costs, looked at assess valuations, looked at connection fees for utilities. When you go with low density and you encourage it, and remember if we go with an RS district, it's not like you can change your mind if the market changes and say you want to go with medium density, no your lots 15,000 sq. ft. You can't go back. We lose, over a 30 year period, when you encourage low density, we just start losing millions of dollars. And then over 30 years it is tens of millions of dollars in connection fees for utilities and assessed valuation. What was very surprising, when they looked at the rural type construction costs vs. a typical road section, you're upside down on the rural road stuff. If you get a variety of subdivisions, you can be upside down. If you went further into this and said we are going to restrict the code and you can't build anything but \$600,000 homes on these large lots and all that and try to control it to that degree, you can control the outcome but we would have to do that to not set the stage where we create a lot of potentially negative consequences to the City. If you go low density here you may have other areas of the community where people say they want the same treatment. You're starting to set a precedent that would allow that. We have already had communication from people that have said if they don't have to do that, I don't want to do that. It's a small community and everyone is aware of what is going on. Fundamentally you can't design a subdivision that can be in conformance with the Master Plan under that RS district. It's just not possible to even come close to meeting the objectives of the Master Plan. That's why it wasn't identified as a supporting district for medium density land use.

Ryan Limburg, Utilities Director, said under the AND MATTERS RELATED THERETO section of this item, he just wanted to inform council of a water issue on this parcel as well. You will have all of the background so it doesn't come up six months later and you wonder why you weren't informed. At this particular location we have a water main that runs up Statice Street and then down the property line back towards the City of Elko, however, with the elevation of the property and the contours as they exist now, we would not be able to serve much of the property as it exists now with that water main. It would require one significant capital improvement to provide water service here, or two, it would require significant grading of the property. Mr. Winer is aware of that. The issue has been discussed at length, what are the options. He just wanted to make council aware of that piece of information. It's unlike most other areas. It's probably a little more like Elko Mountain if you were to compare it to something. The developer couldn't just tie into that water main today and serve that property with whatever zoning it is. He's afraid the problem is even more complicated than just the zoning but that's just our item for tonight.

Mr. Wilkinson said there are several other issues we need to work through, septics, roadways, water infrastructure. Those issues are still outstanding. We don't have, the information has not been submitted. That's getting off the subject matter. Just so everybody is aware, there are a lot of other issues out there besides this but we are dealing with this tonight. The Planning Commission's recommendation to the City Council is to maintain the R1 district. Staff's recommendation would be to do that also. With regard to curb, gutter and sidewalk, there is a process under the subdivision code for modification of standards. Mr. Winer could propose, under an R1 district, not to develop with curb, gutter and sidewalk. That would go through a hearing at the Planning Commission. The Planning Commission would have a recommendation to City Council, yes or no on whether that would be a good idea or not. There is an opportunity under the subdivision code for a modification of standards. We'll have to take a look at, if they propose septics, we would have a modification of standards under the subdivision code. In

addition to that it will require specific action for the City Council to waive connection to the sanitary sewer and allow for septic. This is very complicated outside of this very issue. Mr. Winer can propose a lot of different things with this subdivision and ask for a modification of standards under the subdivision process.

Mayor Johnson said the code is specific that if a property is not within 300 ft.

Mr. Wilkinson said the option is to extend the sewer.

Mayor Johnson said the code allows if he is not within X amount of feet of a connection, you don't have to hook up to it.

Mr. Wilkinson said you can ask for a waiver from the council. The council has to grant that.

Mayor Johnson said you have to be on the water system if you are within the city limits. But there are provisions not to be on the sewer system.

Mr. Wilkinson said correct. A separate section of code outside of the subdivision code.

Mr. Limberg said we do have this section code that also requires the extension of those facilities by the developer too. It kind of goes, you can choose which argument you want to make on that one.

Mayor Johnson said that was the argument of Royal Crest.

Mr. Limberg said true but, for example, if you look at the Pointe, he didn't just extend the sewer through his subdivision, but he also extended it down on the motel frontage on adjacent property. It's complicated for sure.

Mr. Wilkinson said we will deal with all of the issues. The developers chose to leapfrog away from infrastructure and with that decision comes all of these issues that we will be talking about as were to move forward with the subdivision. That is a choice of the developer, not to develop adjacent to existing infrastructure, but to leapfrog up several hundred feet away from that. As we work through those issues, the City, Planning Commission, City Staff, City Council, will decide how much responsibility the developer bears in extending that type of infrastructure as a result of making that choice. The developer has made that decision. The City Council has not directed the developer to do that leapfrog development.

Councilman Keener asked what is the minimum lot size for septic.

Mr. Wilkinson answered he believed recently it's a ¼ acre if you are on city water. The problem is if you want to use a rural road standard under RS, you have to go with ½ acre. That drives your density down. These are the type of decisions the city will need to consider, not only as precedent setting, but are these the types of things, the type of development the city should be approving in order to make sure our community is sustainable over 20, 30, 40 and 50 years. We will be able to provide all that information. We are working through a Master Plan amendment with the Planning Commission. This is a pretty complicated process that we are working through the Planning Commission. It's going to take several meetings. We did present our

analysis for the Planning Commission to consider a low density designation on the land use map for the City of Elko. They took a look at that analysis and they'll have a recommendation to the City Council to not do that. They've already taken action. They don't believe that's the right thing for the City of Elko moving forward. They believe that a sustainable development for the City of Elko is a medium density designation.

Mr. Winer said a couple of brief quick answers for clarity. All the issues are not unknown to the developer. We know it is above the water tank level. We've known that. It was in the analysis, the cost analysis. It's roughly \$650,000 to put in a pressurization station to meet PSI for fire and domestic. We've known that. The sewer thing, if it gravity feeds it takes three pump stations and has to go through, there's no way to do it without going through private property and BLM, the Southwest Gas piece that's being built there. The engineer did the analysis. It was at the beginning. We made a presentation with the zoning, the whole thing. In order for it to gravity feed out of there, it was three lift stations and it has to go through Southwest Gas private property, which requires a private easement from another party. When the Pointe Phase 1 developed the sewer that ran in there ran inside of a city street right-of-way. You didn't have to cross private property. That was easy. On R1 big lots, the difference isn't just curb, gutter and sidewalk. It's also street standards. RS streets are this wide and R1 streets are this wide, and RS street is this thick and R1 is that thick. So it's not just curb, gutter and sidewalk. It's also street standards. He can't quote how many feet but he knows it is thicker and wider.

Mr. Wilkinson said the asphalt thickness will be the same but we are really discussing things that aren't relevant to the item.

Mr. Winer said everyone was talking about costs. He was just trying to correct a few things for the record. When it comes to development you'd have to proof off other builders and developers. There is about a 20% rule of thumb of total cost to land. So if you are going to spend \$20,000 on the lot, your total package is usually \$100,000. If you look at the modular lots for sale over on Pinion, he thought those were \$45,000 for those lots, so they dictate a certain package that is so much and people can afford so much. These lots are averaging \$85,000 was the analysis. \$85,000-\$89,000 in there. Some were more expensive and some were a little bit less expensive. If you do the math, and it's not an exact science, that puts about a \$400,000ish dollar home on there, highs and lows. Again, you have to proof that with other builders but you typically can't afford to pay \$85,000 for a lot then put a \$50,000 house on it. The subdivision was going to restrict, through private CC&R's everything has to be traditional site built, no modular, no mobile. That was all going to be accounted for. He was just trying to address some of the things that came up about costs. The report that was turned in wasn't his report in data. The city did it. He didn't touch the thing. He didn't do the analysis. He didn't collect the data. He didn't prepare the report. Those numbers are what they are.

Mayor Johnson asked if there were other questions of Mr. Winer. Council discussion? Well, he thought there were a couple of ways of looking. If it's good for any organization to look at what they accomplished or what decisions they made in the past and whether or not that was the right decision, probably is one that says hey, I'm willing to build my character, if you will. There is a lot of merit in that. He is faced today, and he likes the information coming back, is that he was not hearing much tonight of what he didn't hear at the last meeting when we approved it. There is R1 zoning, the request was to change it to RS. The density can still be built the same as R1 as RS except for requirement of road standard and curb, gutter and sidewalk. We talked about these

kinds of things at the first meeting. We talked about the Master Plan and how it effects it. When he looks at the option of the developer that he could go ahead and develop the property R1, still wouldn't meet the intent of the Master Plan, wouldn't be required to meet the intent. But he can build it RS because that makes if more so of what the market can support. He doesn't know that the city is losing anything to go from an R1 to an RS. As far as absolute strict conformance to the Master Plan, he appreciated the options and you guys weigh it. It is a tough decision. He thought it was fair describing both sides. He has to go along the lines of the other side of it as far as, he doesn't see where this zone change frustrates the Master Plan. Can he make a decision based on changing the zone and stay within the parameters of the Master Plan? Possibly not. Can he stay with the zone change and make it so that I frustrate the Master Plan? Ya, I think I'm pretty clear of that. As Master Plans are developed within a community, it looks, and he has given the example of 30,000 feet, maybe it's closer to 10 or 5, of what you want the community to look like and then once you start dialing down into each individual property that the city should have some flexibility in things that maybe weren't discussed during the Master Plan process but still don't necessarily go against the Master Plan itself or the intent of the community based on the proximity of the property, the topography, the adjoining areas being county, the argument that transitional zoning is a good player here in why this zoning should be approved. He drives around Elko and he even listened tonight of the different discussions of where the city has been and how the City has grown, and the concerns of city staff, which he thought, and he has brought it up himself, of the problems with RS zoning. He has made comments that he wished the city probably took a hard look at RS and eliminated it and only used it for annexations. Apparently that is not an option that the city can move forward. He sees the same concerns of what staff has brought in the development of. He sees the successes of the City of Elko and the densities that support Elko and why. He doesn't know that we have actually found a time or really looked at the analysis to know. It's interesting that Autumn Colors subdivision would be outpacing other subdivisions based on assessed valuation but there are other things that come into effect when you get into the bigger houses, is that what those structures cost to build will not be assessed at, whereas, maybe Autumn Colors, that ratio is closer. From a collection of tax standpoint, those formulas all come back in. Tonight is a good example of why they are here as Planning Commission members and as elected officials. We are responsible to listen to all of the parameters and make the very best decision we can. It is not, and he wasn't sure if he could make it because of that, to backtrack and lose the credibility of the City of Elko in granting a zone and then coming back after the fact and wanting to reverse it. What we heard in January is what we are hearing tonight. We based our decision on that information. We knew the risks going into it. It is very important that we sustain that decision and we move on. As far as the way that Elko has developed, he can go down different parts of the community and he can see different development standards that have happened in this community. They go along those lines and other elected officials come in to play and then they change back. He trusts that other future elected officials will look at the merits in the development of. The merits that were presented at the beginning of this back in January are still the same today and there is risk in any way that the City takes. It is definitely not a clear path, but again, the discussions that are here tonight were here in January and he thought that zoning should remain in place.

Councilman Keener thought Mayor Johnson brought up some great points. This is really a difficult issue. It really is. It is very unfortunate that we got to this point to where we are at but after listening to the compelling monologue on that he is inclined to agree to the points that he made that is certainly hurts the city's credibility. There's not much for the city to lose by changing, by reversing the zoning.

Councilman Rice said his concern is the precedent they set. He understands that it is unfortunate that we have come to this point. He understands that there were a lot of stumbles internally and externally as we came to this point. He is concerned about setting a precedent with this that will go forward. If we don't adopt this that may create some challenges for future councils.

Councilwoman Simons said something quick about precedent because she understands that too but what about the precedent that if we miss something and we take you all the way to the end, the city will make it right, you don't have to. What about that precedent. Because if we... She didn't think they would ever be in this exact situation first of all, but she thought it's on the city to make it okay, and not say that now you need pay to change all your plans and conform. We, in good faith, brought it to this point. She felt that was a precedent too.

Councilman Rice said it appears that we made a mistake, even in good faith.

Councilwoman Simons said we should take the brunt of that, not somebody else.

Councilman Rice said he didn't know if a court would agree with her on that. Principally you have a point but he didn't know that she had a standing. It is unfortunate that they are where they are. He was in support in the adoption of this resolution. That is where he stands with it.

Mayor Johnson called for other discussions.

**\*\* A motion was made by Councilman Rice, seconded by Councilwoman Simons, to adopt Resolution No. 24-17 as recommended by the Planning Commission.**

***The motion failed. (1-4 Mayor Johnson and Councilmembers Simons, Schmidlein and Keener were opposed.***

Mr. Stanton said his concern, and he will say it again, and he thought before council adjourns, any motion can be brought up and voted on again and discussed again. His concerns is the legal issue. We have a section of code specific to subdivisions that says the zone change in connection with a subdivision must conform to the Master Plan. We have state law that says a zone change must be compatible with and not frustrate the Master Plan's goals and policies. The discussion he heard was that the city needs to be consistent, that kind of thing.

Mayor Johnson asked do you think that the comments on the record are enough or should we make it more so of a...

Mr. Stanton said what he was hoping for was an actual finding that the vote to maintain, or in this case if you are going to vote to maintain RS zoning, that the zoning that is going to be going along with this subdivision complies with all of the things he just said.

Mayor Johnson asked if it would be better to have a motion voted in a positive way with the findings attached to it.



Mr. Stanton said that would be better. Something that says this council finds that X zoning conforms with the Master Plan and is compatible with and does not frustrate the Master Plan's goals and policies. And affirmatively makes that finding.

Mayor Johnson said he would support a motion that went along those lines with that stipulation.

Councilwoman Simons asked if it would be someone that voted yes or no to do it. Normally it's yes.

Mayor Johnson said the prevailing side. Any four of us could. Councilman Rice couldn't.

Councilman Rice said he wouldn't.

Councilman Keener thought the bottom line is that the City has liability either direction because if in fact this was adopted, the developer would be within his rights to seek reparations for all of the fees he has incurred in good faith based on what he was told by staff.

Mr. Stanton said those are some of the legal parameters. Certainly Mr. Winer could make a claim. There is nothing to stop him from doing that for whatever the costs are, sort of the delta between the costs incurred for our RS zoning and R1 zoning, or something along those lines. This council has the authority to settle disputed claims. In terms of making a decision to zone land in a manner that frustrates the Master Plan's goals and policies, the result is different. If somebody decided to challenge that and see judicial review of this Council's decision, and what the court would do is look at the decision and say, for example, "No, you adopted a Master Plan. It says it needs to be medium density zoning from this point forward. The Master Plan says that this is low density." If he was the court he would think they acted outside your legislative grant of authority at this point. Your decision is void. And a court can come back and do that. It is called Void Ab Initio, its void from the date you made the decision. Two different consequences depending on which way it goes.

Mr. Wilkinson asked Mr. Stanton if the council has a finding that the RS zone does not frustrate the Master Plan and is compatible with the Master Plan, and we have somebody else come in, that we still have our medium density designation and they rely on this decision, or could they rely on this decision to support additional subdivisions with the RS district.

Mr. Stanton said that is another problem. If you treat one person one way you can't play favorites. You have to be consistent. If you are going to interpret RS zoning for this subdivision as conforming to the Master Plan, somebody else comes in and says "I want to do RS zoning too for my subdivision," same Master Plan, same zone code, you haven't changed anything, you have to treat people consistently. You have some constitutional issues that come up if you don't do that. Unless there is a clear difference between the two, but all things being equal, yes, sure.

Councilman Keener asked why we couldn't just take, at a later date, take the RS zoning out of the City Code so it's not an option.

Mr. Stanton said just eliminate RS zoning, sure. That can be done.

Mr. Wilkinson said we have several properties that have that existing zoning on there.

Mr. Stanton said that is the issue.

Mr. Wilkinson said we can't just eliminate it is the problem.

Mayor Johnson said this is his point, and this is where the city is on good ground. Council is on good ground because this is where we really come into play. Here's the situation, and he thought they had listened to that, you have property that is zoned R1. The developer can develop the property at low density. Here is your choice City Council, the property zoned R1, they can develop as is. It puts them in a better position to develop as RS because of the road standard. The property is located on the City limits, close to County. It is a good transitional zoning between County and the City. Not everybody is going to have that going in. The other side too, and that's why he brought up the point, there have been development standards that have changed in the City's history. A great example is to go and look at Fir Street. There is no curb. There's no sidewalks. Or there is only sidewalks on one side. These types of struggles, back and forth between developers and the City have had their challenges and made the changes. If you look at North Fifth, although they are on permanent foundations, which turns them into real property, are a modular type construction. Again, those types of things have come through the community based on what the developer said the market is and how it is. It's right, you have to be careful of the precedence but on the other side the City still has some backing and all of the things that we heard about in January haven't changed today. That other side of it too says that we should. His interpretation of frustration is probably more along the lines of what Councilwoman Simons was headed for earlier in the meeting. He didn't see where they are frustrating the Master Plan, but he thought the City still had the option of when you dial down to particular properties based on discussions that maybe didn't happen and since this property is zoned R1, he isn't changing the existing side of it. In other words, if the property was zoned R and we relaxed it all the way to RS, possibly. If we were going to Commercial, Industrial, possibly he could see frustrating of the Master Plan. But to go from a practicality standpoint of RS vs. what he can see in R1, he didn't see much difference. That is a practicality issue. As an elected board those are the things they are allowed to weigh and make a decision on whether or not this zoning is allowed. Those are things that he would support in findings. He felt good about the circumstance. It's not a perfect world. Going the other route to him is a worse situation.

Councilman Rice said it seemed to him there was a difference tonight from January, and that is that we now understand from our attorney, and from staff, and from the Planning Commission, that RS is non-compliant with our Master Plan and with the statute. There is a big difference between our discussion tonight and the one we had in January.

Councilwoman Simons asked wasn't there a report earlier that said we understand this is not in compliance with the Master Plan.

Mr. Wilkinson said that was a mistake on the part of staff who is tasked to make sure that doesn't happen and they missed the mark. It was required to be "Must conform with the Master Plan." He thought fundamentally, it is almost this simple. Under the RS district, because of the minimum lot size, you cannot design a subdivision. He understood all of them don't have maximum lot sizes, but fundamentally under the RS district, you cannot design a subdivision that could even remotely approach the density specified for medium density in the Master Plan. You

can't do it. Mathematically you cannot do it. There are 43,560 sq. ft. in an acre and when you have minimum lot sizes along this line you cannot achieve that.

Mr. Stanton pointed out previously, way back when the zone change to RS took place, sounds to him there was a finding that the zone change did not conform to the Master Plan. That was approved. That's a problem because our Code says, and we have the ability to create our own subdivision standards, and we did, and we created a standard that said it must conform to the Master Plan. That's us talking. We actually had an affirmative finding that it did not. The question is was there some sort of a waiver of this requirement for this particular subdivision. He didn't think there was. He thought there was a finding that conflicted with the Code requirement. He is asking Council if you are going to go with RS zoning here, he thought they needed to reverse that finding. He thought there needed to be a finding that it does conform to the Master Plan. He didn't see flexibility there. He didn't think they could go forward with a finding that it does not conform with the Master Plan. He didn't think the code gives them that.

Councilwoman Simons asked if they would have to waive that requirement.

Mr. Stanton didn't think they could waive it. There is no process for waiving it. He thought there has to be a finding that it does conform and how you go about doing that, that's up to them. He thought going forward he didn't think a waiver was there, waivers have to be written into code. We have to actually have a waiver process. It just can't be done on an Ad Hoc case by case basis.

Councilwoman Simons asked he was saying it does conform with Code because of X, Y, & Z.

Mr. Stanton answered if you can make that finding and back it up and justify that decision.

Councilwoman Simons asked so they can say because medium density is R1 or something like that.

Mr. Stanton said it was a struggle for him to do that because of the way the Master Plan reads. But if you are going to make that finding he asked that they go to the Master Plan and see what the requirements are relative to density and residential areas and make a finding that what you are doing conforms to that.

Mayor Johnson asked if there any other questions. He thought Mr. Winer had a point to the discussion.

Mr. Winer said he had the written finding with him in the staff reports. Under findings, the proposed zoning is not in strict conformance with the Master Plan use component. Strict conformance is not required with properties already located within the City boundaries. So under findings is this from the city staff. You said you need a finding and it's there.

Mr. Stanton said that wasn't what he was saying. He isn't saying it isn't strict. This word strict doesn't appear in the code. It's not there. It says must conform. Let's take out strict. He doesn't know what it means in this context. He thought what needs to be found is that it does conform with the Master Plan. He thought the finding has to track the words of our code and he thought there needs to be a basis for that decision, particularly in light of the history behind all of

this. He thought they need to look at the Master Plan and you have to look at what is being proposed in terms of zoning. You have to say that this does conform with the Master Plan. The way the Master Plan is written, he struggles with that. Maybe council won't have that struggle. We need to find that though.

Mayor Johnson said he was going to take his interpretation of his comments earlier in the meeting and go along those lines. He thought the City was in good position. He would have to go back and look at some of the things he said. Mr. Stanton did make his presentation. He gave them options and asked for a decision. From the practicality standpoint, when he looks at what R1 can do vs. RS, that is a driver for him. It makes no sense for him to go back to R1 or not allow RS zoning when they can do just about the same thing in either one. He felt that had merit. That was brought up at the first meeting. He is still in support of the findings.

Councilman Schmidtlein added that it is all residential at the end of the day. You are not introducing commercial. You are not introducing light commercial or any of those standards.

Councilman Rice said the finding has, what Mr. Stanton was asking for or recommending, is that the finding be affirmative. That if you were to make a motion to, an affirmative motion, that the zoning remain residential suburban, the finding must be that it conforms with our Master Plan.

Mr. Stanton said right. During his presentation he asked for some specific language finding that it conforms and that it does not frustrate and is consistent with the goals and policies of the Master Plan. That it be an affirmative motion. The code requires this council to approve or reject the Planning Commission's recommendation. That part of it needs to be wrapped up in the motion as well. In light of everything that has happened there has to be at least that finding. In terms of the policy behind medium and low density zoning and whether it's a good idea, he thought the time to do that was in the Master Planning process or the decision to change portions of the zoning code. When we are actually creating our equivalent of law, then we talk about all of this stuff. He cautioned against making these types of broad policy decisions to justify case by case issues because we have to resolve specific cases within the contours of the Ordinances that we've adopted in the past and the Master Plan that we adopted in the past. When a specific case comes up we have to be really careful about going back and rewriting all of that in order to achieve a specific result and a specific case. That's why he was asking the council not to do that. And not justify this decision based on broad policy decisions that might contravene the Master Plan. He asked council to make a decision that this is consistent with the Master Plan, it conforms to it, and that it does not frustrate the goals and policies of the Master Plan. There is a difference.

Councilwoman Simons asked if it could just not frustrate it. Does it have to...

Mr. Stanton said our Code says conform to. That's our code.

Councilman Keener wanted to try a motion. This is considerable trepidation. He respects the work that Planning Commission does as he served on that body for years. This is a very unusual circumstance.

**\*\* A motion was made by Councilman Keener, seconded by Councilman Schmidtlein, to deny Resolution No. 24-17. His findings are that the subject parcel is transitional in**

**nature, situated on the edge of Elko City Limits, bordering the County. The strict conformance with the Master Plan is not required. This denial does not frustrate the intent of the Master Plan, and its goals and policies. Given the unique topographical features of this property, this is the highest and best use for this property, the RS zoning.**

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

After the motion and before the vote, Councilman Rice said the motion states that our Ordinances do not require conformance with the Master Plan.

Councilman Keener said he was going to parse that a little bit to say, **“it does not frustrate the intent of the Master Plan.”**

Councilman Rice pointed out the Ordinance and the NRS doesn’t allow that language. It says conform.

Mayor Johnson said he would take it that it comes back to his point. What are we getting done here tonight? We are going through all of this and we could end up right back with R1 zoning with the same development density that could happen in RS. So from a practicality, he can support in this case it is not in strict conformance with the Master Plan but it doesn’t frustrate it. It’s a risk. There are still great points that come back on it. He was there weighing the options of where the city needs to go. We made a decision in January and now we are going to back up? That is huge. We heard just about everything we heard in January and we went with it. He said his case and why it should, the transitional zoning that Councilman Keener has put in it. It is a risk either way but this is the better option. Further discussion?

**Council voted on the motion.**

*Councilman Rice left at 7:11 pm.*

- B. Second reading, public hearing and possible adoption of Ordinance No. 823, an ordinance amending Title 4, Chapter 1, Section 2 of the Elko City Code entitled “DEFINITIONS” and matters related thereto. **FOR POSSIBLE ACTION**

The proposed ordinance further clarifies and defines the Definitions section of the Business License Code. SO

Mayor Johnson called for public comment without a response.

**\*\* A motion was made by Councilman Schmidtlein, seconded by Councilman Keener, to conduct second reading, public hearing and adopt Ordinance No. 823.**

*The motion passed unanimously. (4-0)*

### **III. APPROPRIATIONS**

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

**\*\* A motion was made by Councilman Keener, seconded by Councilman Schmidlein, to accept general warrants.**

*The motion passed unanimously. (4-0)*

- 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 Schmidlein, to approve the Print 'N Copy warrants.**

*The motion passed. (3-1 Councilman Keener abstained.)*

## **VIII. REPORTS**

- A. Mayor and City Council

*Councilman Keener said he knows what it is like to be on the Planning Commission and have City Council overturn something. He felt it would mean a lot if Mayor Johnson showed up at the next Planning Commission meeting and explain his position on that item. Great job on National Night Out.*

- B. City Manager

*Curtis Calder reported on a meeting with Frontier Communications regarding the 911 communication issue. Frontier has been responsive to the 911 outages and they have rewired the Dispatch Center through a different routing, directly to the Idaho Street office rather than utilizing the previous loop that goes all the way up through Jennings and has lots of different connections to it. A second meeting has been tentatively scheduled for August 24 regarding service levels and capital improvement plans. The county, NNRDA and Spring Creek have all asked to attend. This is not a public meeting and a mob will be stopped at the door. It has taken a very long time to get this meeting scheduled. The May Sales Tax results are very good. On the revenue side for the City they were up over 10%.*

- C. Assistant City Manager

- D. Utilities Director

*Ryan Limberg reported that last Thursday a contractor hit a water line on Stitzel. Several homes and businesses were damaged in that area. We left our sewer clean up brochure and we will be working through that with our insurance but ultimately the liability lies with the contractor.*

- E. Public Works

*Dennis Strickland reported that micro started last Thursday. It has been a bit frustrating since we are taking on some of the biggest streets in our jurisdiction. We should wrap up on Friday. The asbestos mitigation should be a week and half or two weeks out before complete.*

- F. Airport Manager

- G. City Attorney

- H. Fire Chief

- I. Police Chief

*Chief Reed thanked council for their assistance at National Night Out. He thanked the Mayor and Councilman Keener for attending their promotion ceremony last week.*

- J. City Clerk
- K. City Planner
- L. Development Manager
- M. Administrative Services Director
- N. Parks and Recreation Director

*James Wiley reported we have received the 404 permit and it is in hand. The utility crossing is on order to be completed. More information will be coming forward for bidding the sports complex.*

- O. Civil Engineer
- P. Building Official

*Jeff Ford reported that three of the four large commercial projects he talked about at the last meeting have kicked off. The last one, Kenworth at the end of Ruby Vista, got their permit on Friday and they started moving dirt this week.*

## **COMMENTS BY THE GENERAL PUBLIC**

Pursuant to N.R.S. 241, this time is devoted to comments by the public, if any, and discussion of those comments. No action may be taken upon a matter raised under this item on the agenda until the matter itself has been specifically included on a successive agenda and identified as an item for possible action. **ACTION WILL NOT BE TAKEN**

*There were no public comments.*

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

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Mayor Chris Johnson




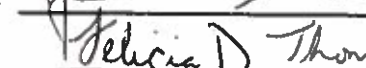
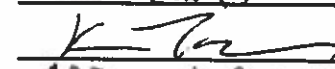













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Shanell Owen, City Clerk

Coffee Mug

## Petition to Restore Elko's Historical Parade Route

The undersigned hereby petition Elko City Council to restore the historical parade route along Commercial Street that we all have enjoyed for generations. The parades are not only traditions, they are family reunions. Without notice, our families all know we will meet, have a drink and visit in front of the Stockmen's, Silver Dollar, Bodily's, Machi's, Ogi Deli, Capriola's, Duncan Little Creek, Coffee Mug, Evergreen Flower Shop, La Fiesta, etc., to enjoy the parades and begin the weekend festivities. Moving the parade route across the corridor will spoil these traditions. Please move the parade route back to where it belongs.

1. 
  2. 
  3. 
  4. 
  5. Felicia D. Thomas
  6. 
  7. 
  8. 
  9. 
  10. 
  11. 
  12. 
  13. 
  14. 
  15. 
  16. 
  17.   
P. Jueden
-   
Donna Bowers  
K. Grogan  
  
Tony Corral  
O. Hunsaker





M. Quintero

~~John~~  
Olivio DeAngelo

~~John~~

~~John~~

Charles A. Allen

Bill Nantz

Harvey Frederick

Elizabeth Jones

Don T. H.

Robert Lee

Bobbie Long

Carol Jones

Donna Sims

William Kerr

Raul Kerr

Gene Davidson

Mike Knicker

Vicky Andrus

Phil Anderson

Elaine Simons

~~James H. Long~~

~~Myers~~

Chae Myers

David Gault

P. Collet

~~Leah Smith~~

~~Don~~

Murphy

Karen Schum

Samuel Schum

Mike W.

Meridan Walmsley

Craig Thompson

~~3. J.~~

~~Robert~~

~~John~~

Martinez

James Stark

~~Mike W.~~

Chris Allen

~~John~~

Earl Sutton

John Ward

John Dill

Paul Ridd

~~James H. Long~~

~~Myers~~

Walter Albert

men Gennell

Lichy Tarver  
Don Kraus

Alma Kraus

~~Annex Hox~~

Brenda Dart

~~Chad Dart~~

~~Gene Hager~~

~~David Hager~~

~~Bluesky~~

Byce Tazek

Deanna Allen

~~Jim Lind~~

~~Dale Stollan~~

Bonnie Timmons

Doug Timmons

Gene D'Auto

~~Debra D'Auto~~  
Jeremy Natchinck

~~Barbara Calant~~

~~Debra D'Auto~~

Hopi Teroni

Carrie Puzmont

Randy Johnson

Robin Mueller

John Mueller

Joe Hatt

Misty Hette

Nami Hatt

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1. J M Capriola Co. *Jonas Capriola*
2. ~~CAPRIOLAS~~ *RICK BIERKE*
3. *J.M. Capriola's - Wendy Kenda*
4. *J.M. Capriola's - Amanda Wilson*
5. *Capriola's - Heather Coomb*
6. *J.M. Capriolas Dni Center*
7. *J.M. CAPRIOLAS T2 VS*
8. *Meredith Trindle Meredith Trindle*
9. *Grant HINDSON Grant HINDSON*
10. *Tulip Groves Capriolas Julie Groves*
11. *Joan WALKER Joan Walker*
12. *Edna Hobb Edna Hobb*
13. *See name*
14. *Jon Foster Jon Foster*
15. *Sue Ann Wright*
16. *Marilyn Fustacha*  
*Charles Marshall*  
*Ray Shultz*

2000

1.  $\frac{1}{x} = x^{-1}$   
 $\frac{d}{dx} x^{-1} = -1 x^{-2} = -\frac{1}{x^2}$   
 $\frac{d}{dx} \frac{1}{x} = -\frac{1}{x^2}$

2.  $\frac{d}{dx} \frac{1}{x^2} = \frac{d}{dx} x^{-2} = -2 x^{-3} = -\frac{2}{x^3}$   
 $\frac{d}{dx} \frac{1}{x^2} = -\frac{2}{x^3}$

3.  $\frac{d}{dx} \frac{1}{x^3} = \frac{d}{dx} x^{-3} = -3 x^{-4} = -\frac{3}{x^4}$   
 $\frac{d}{dx} \frac{1}{x^3} = -\frac{3}{x^4}$

4.  $\frac{d}{dx} \frac{1}{x^4} = \frac{d}{dx} x^{-4} = -4 x^{-5} = -\frac{4}{x^5}$   
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5.  $\frac{d}{dx} \frac{1}{x^5} = \frac{d}{dx} x^{-5} = -5 x^{-6} = -\frac{5}{x^6}$   
 $\frac{d}{dx} \frac{1}{x^5} = -\frac{5}{x^6}$

6.  $\frac{d}{dx} \frac{1}{x^6} = \frac{d}{dx} x^{-6} = -6 x^{-7} = -\frac{6}{x^7}$   
 $\frac{d}{dx} \frac{1}{x^6} = -\frac{6}{x^7}$

7.  $\frac{d}{dx} \frac{1}{x^7} = \frac{d}{dx} x^{-7} = -7 x^{-8} = -\frac{7}{x^8}$   
 $\frac{d}{dx} \frac{1}{x^7} = -\frac{7}{x^8}$

8.  $\frac{d}{dx} \frac{1}{x^8} = \frac{d}{dx} x^{-8} = -8 x^{-9} = -\frac{8}{x^9}$   
 $\frac{d}{dx} \frac{1}{x^8} = -\frac{8}{x^9}$

9.  $\frac{d}{dx} \frac{1}{x^9} = \frac{d}{dx} x^{-9} = -9 x^{-10} = -\frac{9}{x^{10}}$   
 $\frac{d}{dx} \frac{1}{x^9} = -\frac{9}{x^{10}}$

10.  $\frac{d}{dx} \frac{1}{x^{10}} = \frac{d}{dx} x^{-10} = -10 x^{-11} = -\frac{10}{x^{11}}$   
 $\frac{d}{dx} \frac{1}{x^{10}} = -\frac{10}{x^{11}}$



11.  $\frac{d}{dx} \frac{1}{x^{11}} = \frac{d}{dx} x^{-11} = -11 x^{-12} = -\frac{11}{x^{12}}$   
 $\frac{d}{dx} \frac{1}{x^{11}} = -\frac{11}{x^{12}}$

12.  $\frac{d}{dx} \frac{1}{x^{12}} = \frac{d}{dx} x^{-12} = -12 x^{-13} = -\frac{12}{x^{13}}$   
 $\frac{d}{dx} \frac{1}{x^{12}} = -\frac{12}{x^{13}}$

13.  $\frac{d}{dx} \frac{1}{x^{13}} = \frac{d}{dx} x^{-13} = -13 x^{-14} = -\frac{13}{x^{14}}$   
 $\frac{d}{dx} \frac{1}{x^{13}} = -\frac{13}{x^{14}}$

14.  $\frac{d}{dx} \frac{1}{x^{14}} = \frac{d}{dx} x^{-14} = -14 x^{-15} = -\frac{14}{x^{15}}$   
 $\frac{d}{dx} \frac{1}{x^{14}} = -\frac{14}{x^{15}}$

15.  $\frac{d}{dx} \frac{1}{x^{15}} = \frac{d}{dx} x^{-15} = -15 x^{-16} = -\frac{15}{x^{16}}$   
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16.  $\frac{d}{dx} \frac{1}{x^{16}} = \frac{d}{dx} x^{-16} = -16 x^{-17} = -\frac{16}{x^{17}}$   
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17.  $\frac{d}{dx} \frac{1}{x^{17}} = \frac{d}{dx} x^{-17} = -17 x^{-18} = -\frac{17}{x^{18}}$   
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18.  $\frac{d}{dx} \frac{1}{x^{18}} = \frac{d}{dx} x^{-18} = -18 x^{-19} = -\frac{18}{x^{19}}$   
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19.  $\frac{d}{dx} \frac{1}{x^{19}} = \frac{d}{dx} x^{-19} = -19 x^{-20} = -\frac{19}{x^{20}}$   
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20.  $\frac{d}{dx} \frac{1}{x^{20}} = \frac{d}{dx} x^{-20} = -20 x^{-21} = -\frac{20}{x^{21}}$   
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~~Paul K~~

Thomson

Daisy Maym

Larry Duncan

Ken Hall

Charlie Wright Charlie Wright

Lynn Tomera

HARDIE MITCHELL

Doris Donley

~~Paula Roberts~~

John

Leora Betkhat

Edith Betcher

Nina Sandover

Jorge

Maria Sandover

Melle Melendrez SM Capriola's

Scott Brown SM Capriola's

Blair Smith

~~John~~

Karen Caporale

Rob Bars

Nancy Matheux

Dana J. Lina

Alb Dean-Fect

Maura Smith

Eric Hill

Laura Payne

Rickal G

Susan Somder

Michael Azumel

~~Ben Toke~~

Devel Taylor

~~John G. Jones~~

Jarman Hile

St. Hanbann

~~Al~~

~~John D. Duff~~

John X MCR

Amber Rauter

Nehal Mawik

Kathryn Smith

Steph Pluna

Loel

Shaney Ritchie

~~John~~

~~John P. Mill~~

~~Kathryn~~

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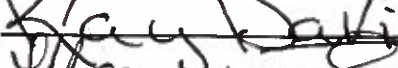
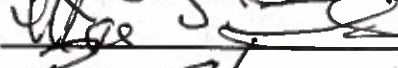
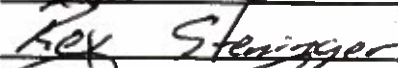




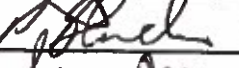
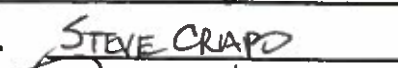
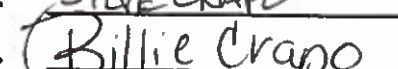
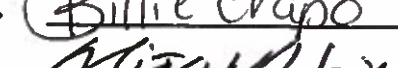

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- |     |   |   |
|-----|---|---|
| 1.  |   | JOHN LEMICH   |
| 2.  |  | JOE GILL  |
| 3.  |  | Matt Davis  |
| 4.  |  | Mary Davis  |
| 5.  |  | (tradition! Tradition!)   |
| 6.  |  | Rex Steinger  |
| 7.  |  | Ann Benson  |
| 8.  | BRAD MARTIN   |  |
| 9.  | PATRICK BLANCH  |  |
| 10. | STEVE CRAPO   |  |
| 11. | Billie Crapo  | Billie Crapo  |
| 12. |  |  |
| 13. |  | Pat Laughlin  |
| 14. |  | Anthony Faganga   |
| 15. |  | MIKE LAUGHLIN   |
| 16. |  | BOB ROSEVEAR  |





signatures

Signature

Lee Raine  
Lisa Bonham  
Jim Gibbons  
Carol L. Buckner  
Lisa L. Coveice  
D Mike Smales  
Amy Rodriguez  
Kelly Buckner  
Paul Dale Rogers Jr.  
AL Sampedro  
Shelly Canepa  
Todd Dykstra  
Sheila Smales  
Pauline Sampedro  
Kelly Wintemute  
Shanlee Meigors  
Olivia Smales  
Hayley Smith  
Cassidy Smales  
Arista Bistulli

Print

Lee Raine  
Lisa Bonham  
Jim Gibbons  
Carol L. Buckner  
Lisa L. Coveice  
D Mike Smales  
Amy Rodriguez  
Kelly Buckner  
Kathy Lemich  
Spring & Dykstra  
Levi Bengoed  
Todd Dykstra  
Sheila Smales  
Pauline Sampedro  
Kelly Wintemute  
Shanlee Meigors  
Olivia Smales  
Hayley Smith  
Cassidy Smales  
Arista Bistulli

+  
Print



Signature

~~Tollins~~

~~Thang Thell~~

~~Chelsie Gray~~

~~Justin Gray~~

~~Cherry Christean~~

~~George Nash~~

~~Brenda Jonas~~

~~Toby Jonas~~

~~Linda Headley~~

~~Lyle Mendive~~

~~Antonio R Mendive~~

~~Toni L Mendive~~

~~Denny R Gilligan~~

~~Brandy Brown~~

~~Randy Munger~~

~~Savannah York~~

~~Jennifer Koopman~~

~~Toei M. Martinez~~

~~Sydney Marnie~~

Print

Tolanda Gillins

Danny Gillins

Chelsie Gray

Justin Gray

Tony Szczawinski

Cherry

George Nash

~~Brenda Jonas~~

Brenda Jonas

Toby Jonas

LINDA HEADLEY

Lyle Mendive

Antonio R Mendive

Toni L. MENDIVE

Denny R. Gilligan

BRANDY BROWN

RANDY MUNGER

Savannah York

Jennifer Koopman

Toei M. Martinez

Sydney Marnie



# Signature

Mitchell Read  
Jonathan Martinez  
Steve Kruse

Catherine Stewart Leon  
Dean Tuma

Toni Markley

Mikayla Elegante

Madison Arbilla

Zach Aronson

Tabitha Arbilla

George Mandity

Kayla Ozman

Verda Jo Hawker

Barbara D. Scriptor

Melissa Neisler

Jane Neisler Jane Wex

Olivia Dorey

Jared Dorey

Danielle Meyer

Jini Maer

Paul V. Connor

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Jini Maer

Paul V. Connor



## Signature

Jeanna D Johnson

Claudia Zunino

Tony Zunino

Donna Moore

John Petre

Leslie Goicoechea

Eric Goicoechea

Scottie Vega

D. Scott Breschini

Anyie Choppeel

Melanie Leith

S

Michael W Martin

Brenna Malone

David Malone

Les Jones

Peggy Jones

Jeff Thompson

Jennifer Carsrud

Orly Wall

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Melanie Leith

Sandra Inman

MICHAEL W MARTIN

Brenna Malone

David Malone

Les Jones

Peggy Jones

JEFF THOMPSON

Jennifer Carsrud

Orly Wall





Signature

~~Barack~~

John D.J.

L.T. Bridger Harte

Harbor

~~HUNTER SANDOVAL~~

Kimberlee Ashe

Amy Bell

Jim Force

Steve Lage

Richard Monte DeCane

Tom Monte DeCane

Michael Shurtz

Lauren Lynch

Ariel Massie

Luxi Samper

Dorena Kostedeytchek

Armeda Martin

Print

Maxine Waters

Barack Obama "O"

Joseph Smiley

Missy Smiley

L.T. Bridger Harte

Tiffany Olsen

Zack Armstrong

HUNTER SANDOVAL

Kimberlee Ashe

Amy Bell

Jim Force

Steve Lage

TJ SHIPPY

Stephen DeCane

Michael Shurtz

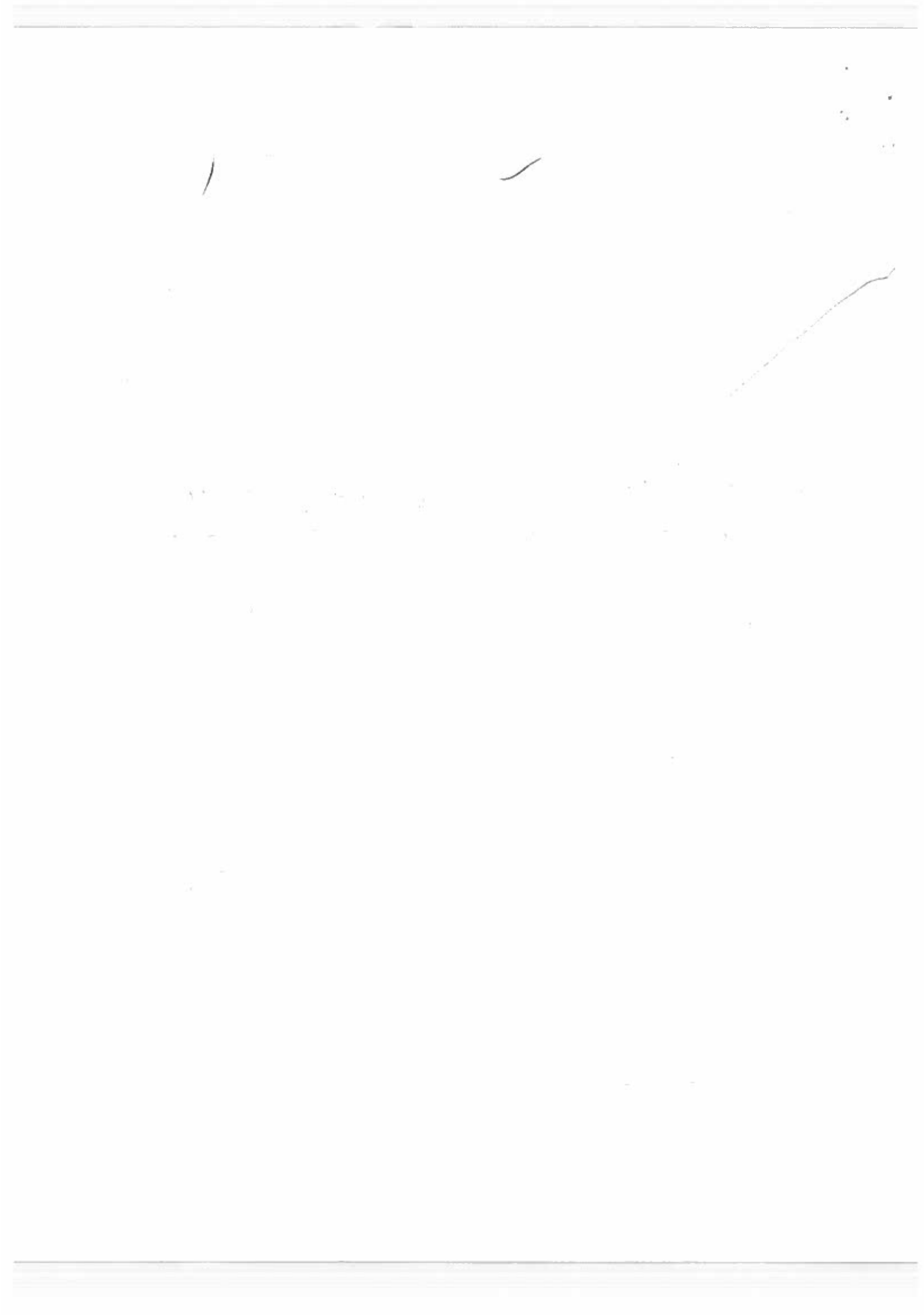
Lauren Lynch

Ariel Massie

Luxi Samper

Dorena Kostedeytchek

Armeda Martin



# Signature

Guillermo Crawford

Fritz Carlos Nunez

John A. Dunn

Jon A. Wahrenbrock

Tyrel Ferguson

Tresa Alzugaray Ferguson  
Robert Colon O'D  
Ryan P. McDonough  
Charlotte Parker-Whitney  
Carmen Lightmeyer  
Richard Dyer

Sara Riley

Sharon Sutherland

Steve Goicoechea

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Carmen Lightmeyer

Richard Dyer

~~Sara Riley~~

Laura Winkler

Steve Goicoechea

Sara Riley

Sharon Sutherland

Josh Wiers

Thelma M. Homer

Mardis Pessa

Theresa Carletti





Stephanie Blach  
Kirsten Stevens

Dale Goff  
Dwight Huns  
Julie Hamilton  
~~Ben Hamilton~~  
Mia

Steph Hall  
Chris Cupples  
Tim Lynch  
R.H. Haidox

Rodney Kozmerich  
Linda Vega  
Brenda Claiborne  
Jennifer MacDonald  
Kim Ivory  
Jennifer Obieta  
Matt Obieta

Stephanie Blach  
Kirsten Stevens

Hayley Spador  
Kristal Harris  
Julie Hamilton  
Ben Hamilton  
Bexie Marin

Stephanie Hallinan  
Chris Cupples  
Tim Lynch  
R.H. Haidox

Rodney Kozmerich  
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Matt Obieta



100

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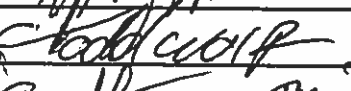
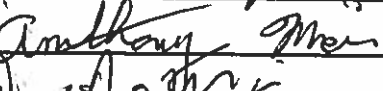
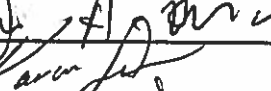
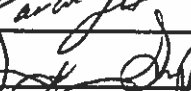
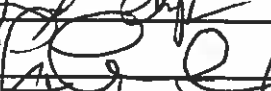






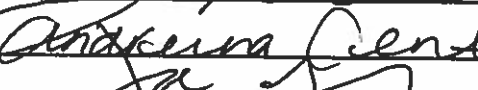



1. Tama A. Schiappa
2. Keith Phydor
3. Scott York
4. Gregory Watson
5. Robert B. B. B.
6. Mark Gravel
7. Samson E. Alvarez
8. Skates Hef
9. Phyllis Chan
10. \_\_\_\_\_
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16. \_\_\_\_\_





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1. 
2. 
3.  Anthony Meier
4.  Debra
5.  Karen
6. 
7. 
8. 
9. 
10. 
11. 
12.  Bob Feist
13.  Jason STARR
14.  Joe O'Leary
15.  Anderson Center
16. 



AL

Shirley

Bob Martin

Wendy

James

Julie

John

Orlando

St. Louis

Joe



## Petition to Restore Elko's Historical Parade Route

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SIGNATURE

PRINT

- |                                    |                   |
|------------------------------------|-------------------|
| 1. <u>Alexander Davis</u>          | Alexander Davis   |
| 2. <u>Lorayne O. Henderson</u>     | Lorayne Henderson |
| 3. <u>Jose Beite</u>               | Jose Beite        |
| 4. <u>MICHELLE BIERISTAIN</u>      | Kraeya Memes      |
| 5. <u>Kraeya Memes</u>             |                   |
| 6. <u>Bobbi Sutton</u>             | Bobbi Sutton      |
| 7. <u>Shere Sutton</u>             | Shere Sutton      |
| 8. <u>Lois Lillette</u>            | Lois Lillette     |
| 9. <u>Jeel Gillette</u>            | Jeel Gillette     |
| 10. <u>MARK PARIS - Mark Paris</u> | Joe Gill          |
| 11. <u>Bill Wines</u>              | Bill Wines        |
| 12. <u>Glen Gentry</u>             | Glen Gentry       |
| 13. <u>Amij Bor Cardua</u>         | Amij Bor Cardua   |
| 14. <u>Christina Sainas</u>        | Christina Sainas  |
| 15. <u>Shelbie Dorsa</u>           | Shelbie Dorsa     |
| 16. <u>Shelbie Dorsa</u>           |                   |



# SIGNATURE

Cindy A. Elquist

Aspen Heddon

Damen Coats

Vidal Edayan Jr

Leonard Herrera

Genaro Herrera

Jim Bailey

Erin Pommerening

Michael J. Hassett

Robert J. Shilen Jr.

Vicky Lane

Mike Moore

SL Herrera

Alex Heston

Lori Bailey

Peggy Longhurst

John Burke

G.J. Keizer

Karen Wright

Ashley Zahrowski

Corele Thomson

# PRINT

CINDY A. ELQUIST

Aspen Heddon

Damen Coats

Vidal Edayan Jr

LEONARD HERRERA

GENARO HERRERA

Jim Bailey

Erin Pommerening

Michael J. Hassett

Robert J. Shilen Jr.

Vicky Lane

Mike Moore

SL HERRERA

~~Corele Thomson~~

Lori Bailey

Peggy Longhurst

John Burke

G.J. Keizer

Karen Wright

Ashley Vela

Ashley Zahrowski

Corele Thomson



1. The first part of the paper is devoted to the study of the properties of the function  $f(x)$  defined by the equation

$$f(x) = \int_0^x \frac{1}{1+t^2} dt, \quad (1)$$

and to the investigation of its behavior as  $x \rightarrow \infty$ . It is shown that the function  $f(x)$  is increasing and concave down, and that it approaches a horizontal asymptote as  $x \rightarrow \infty$ .

2. In the second part of the paper, we consider the function  $g(x)$  defined by the equation

$$g(x) = \int_0^x \frac{1}{1+t^2} dt, \quad (2)$$

and we study its properties. It is shown that the function  $g(x)$  is increasing and concave down, and that it approaches a horizontal asymptote as  $x \rightarrow \infty$ .

3. In the third part of the paper, we consider the function  $h(x)$  defined by the equation

$$h(x) = \int_0^x \frac{1}{1+t^2} dt, \quad (3)$$

and we study its properties. It is shown that the function  $h(x)$  is increasing and concave down, and that it approaches a horizontal asymptote as  $x \rightarrow \infty$ .

4. In the fourth part of the paper, we consider the function  $k(x)$  defined by the equation

$$k(x) = \int_0^x \frac{1}{1+t^2} dt, \quad (4)$$

and we study its properties. It is shown that the function  $k(x)$  is increasing and concave down, and that it approaches a horizontal asymptote as  $x \rightarrow \infty$ .

5. In the fifth part of the paper, we consider the function  $l(x)$  defined by the equation

$$l(x) = \int_0^x \frac{1}{1+t^2} dt, \quad (5)$$

Signature

Bill Crabb

Keith Meyers

Don Copen

Neil Harris

Justin Wines

Morgan Kaisershot

Pauline Copen

Wes Wacker

Mike Martindale

Darin Povey

Megan Tibbals

Colby Par

REBEN GARCIA

Jill Garcia

Vincent Chappell

Levi Harkness

Albert Hankin

Richo Bessert

Anahis Bessert

Patty Dren

Print

Bill Crabb

Keith Meyers

Don Copen

Neil Harris <sup>Former Parade Riders</sup>

Justin Wines

Morgan Kaisershot

PAULINE COPEN

WES WACKER

Mike Martindale

Darin Povey

Megan Tibbals

Colby Par

REBEN GARCIA

Jill Garcia

Vincent Chappell

Levi Harkness

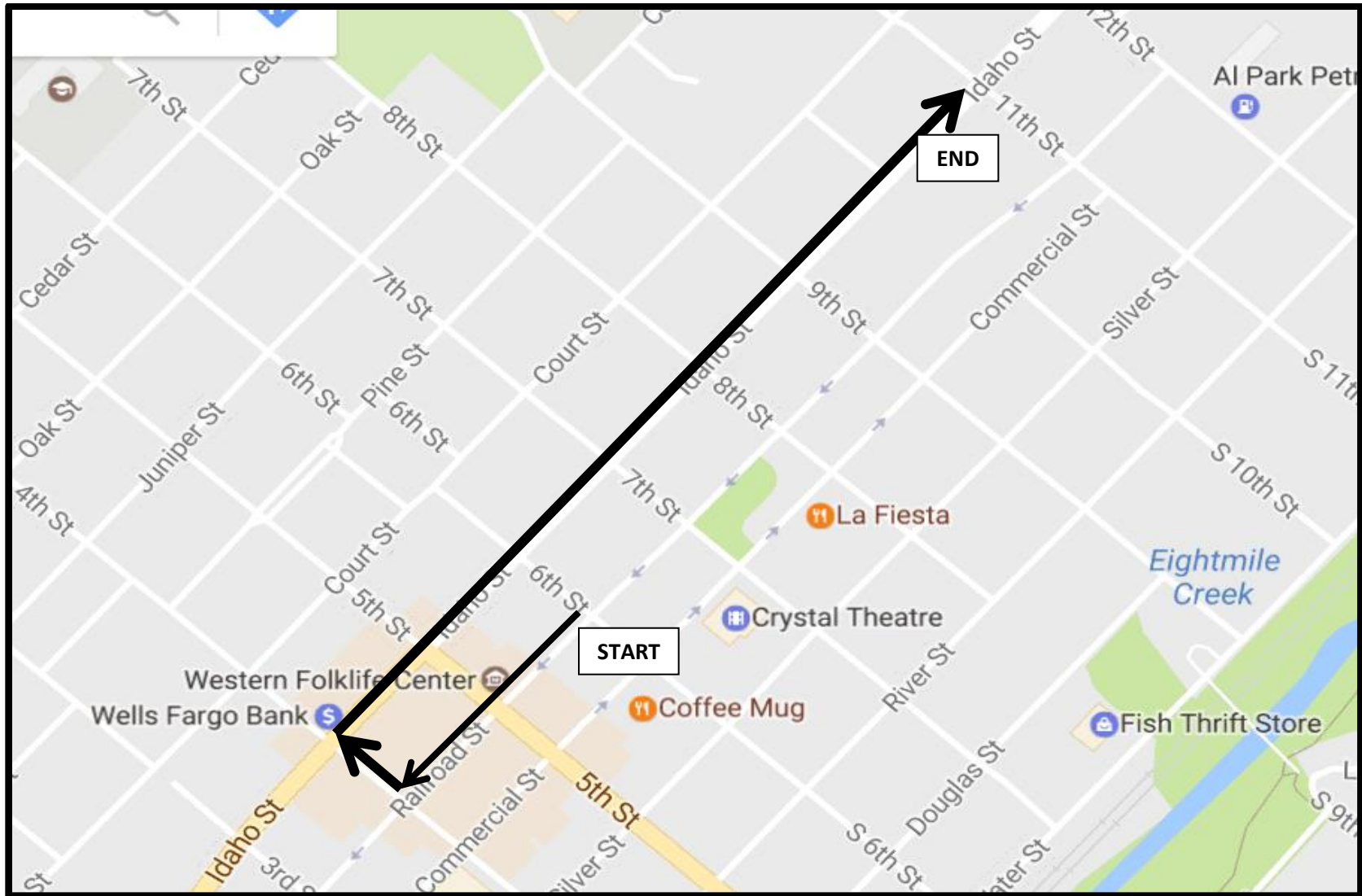
Albert Hankin

Richo Bessert



City





**CITY OF ELKO DESIGNATED PARADE ROUTE – MARCH 28, 2017**