

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

SS August 11, 2020

The City Council of the City of Elko, State of Nevada met for a regular meeting beginning at 4:00 p.m., Tuesday, August 11, 2020. Due to the COVID-19 pandemic the meeting was held via GoTo Meeting.

This meeting was called to order by Mayor Reece Keener. He stated the agenda for this meeting has been posted for this date and time in accordance with State of Nevada Emergency Directive 006. The public can participate by phone, tablet, laptop, or computer by registering with the Goto Meeting link provided in the agenda. Questions can be sent to cityclerk@elkocitynv.gov.

CALL TO ORDER

ROLL CALL

Mayor Present: Reece Keener

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

City Staff Present: Curtis Calder, City Manager
Scott Wilkinson, Assistant City Manager
Kelly Wooldridge, City Clerk
Candi Quilici, Accounting Manager
Jan Baum, Financial Services Director
Dennis Strickland, Public Works Director
Cathy Laughlin, City Planner
Jim Foster, Airport Manager
Michele Rambo, Development Manager
Matt Griego, Fire Chief
Jack Snyder, Deputy Fire Chief
Dave Stanton, City Attorney
Ty Trouten, Police Chief
Susie Shurtz, Human Resources Manager
James Wiley, Parks and Recreation Director
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. Comments may be made through GoToMeeting.com, or email comments to: cityclerk@elkocitynv.gov **ACTION WILL NOT BE TAKEN**

There were no public comments.

APPROVAL OF MINUTES: July 28, 2020 Regular Session

The minutes were approved by general consent.

I. PRESENTATIONS

- A. Reading of a proclamation by the Mayor in recognition of suicide prevention efforts among Service Members, Veterans and their Families, and matters related thereto. **INFORMATION ONLY-NON ACTION ITEM**

Mayor Keener read the proclamation.

- B. Reading of a proclamation by the Mayor in recognition of American Wind Week (Renewable Energy) August 9-15, 2020, and matters related thereto. **INFORMATION ONLY-NON ACTION ITEM**

Mayor Keener read the proclamation.

II. CONSENT AGENDA

- A. Discussion and possible authorization to request proposals from qualified individuals or firms to provide Golf Professional Services at Ruby View Golf Course, and matters related thereto. **FOR POSSIBLE ACTION**

Although the current Golf Professional Agreement between the City of Elko and Martin Creek Holdings, LLC was extended to December 31, 2021, the City recently received notice from the Golf Professional that he would be terminating the Agreement one (1) year early (December 31, 2020). A copy of the current agreement and previous RFP has been included in the agenda packet for review.
CC

Councilman Schmidlein thought that even though this was on the consent agenda, if someone wanted to make some changes they can say so. This was a boilerplate agreement so we can make changes if needed.

**** A motion was made by Councilwoman Simons, seconded by Councilman Hance, to approve the consent agenda.**

The motion passed unanimously. (5-0)

III. PERSONNEL

- A. Review, discussion, and evaluation of City Manager's job performance for Fiscal Year 2019/2020, and matters related thereto. **FOR POSSIBLE ACTION**

Current City policy states that a performance appraisal shall be completed for Appointed Officials each year in July. For the years that are odd numbered, the appraisals are conducted by the City Council for the previous year. For the years that are even numbered, the evaluations are conducted by the City Manager. The exception to this would be the City Manager's appraisal, which is always conducted by the City Council each year in July. SS

Susie Shurtz, Human Resources Manager, explained in the packet was composite of the scoring from all of the City Councilmembers. Mr. Calder is at the top of the scale so there is no pay increase. She was just looking for approval of the scores and the evaluation in general.

All the Councilmembers spoke in favor of Mr. Calder and all the work he does for the City of Elko.

Curtis Calder, City Manager, thanked everyone for their feedback and for the opportunity. He also pointed out that he couldn't do this without his great City of Elko team.

**** A motion was made by Councilman Schmidlein, seconded by Councilwoman Simons, to approve the job performance for the City Manager for Fiscal Year 2019/2020.**

The motion passed unanimously. (5-0)

IV. APPROPRIATIONS

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

**** A motion was made by Councilwoman Simons, seconded by Councilman Stone, to approve the general warrants for FY 2020 and FY 2021.**

The motion passed unanimously. (5-0)

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

**** A motion was made by Councilwoman Simons, seconded by Councilman Stone, to approve the Great Basin Engineering warrants for FY 2020 and FY 2021.**

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

C. Review of the bids received and possible award of the bid for new scales for the City of Elko Landfill, and matters related thereto. **FOR POSSIBLE ACTION**

Bids were received until 3:00 p.m. local time on August 6, 2020. DS

Dennis Strickland, Public Works Director, explained the bid tabulation was in the packet. There were four bidders on the project. The low bidder was Michelli Weighing & Measurement. There

is a large disparity between the low bidder and the next lowest bidder. He doesn't see any reason not to award to Michelli. A representative from Michelli was online to answer any questions.

Greg Dicker, Account Manager Michelli Weighing & Measurement, gave a brief overview of the company and what they do.

**** A motion was made by Councilwoman Simons, seconded by Councilman Stone, to award the bid for the Landfill Scales to Michelli Weighing & Measurement in the amount of \$99,249.**

The motion passed unanimously. (5-0)

- D. Review, consideration, and possible authorization for Staff to solicit bids for the Elko City Swimming Pool Re-Plastering Project, and matters related thereto. **FOR POSSIBLE ACTION**

The Re-Plastering Project for the Elko City Pool is ready to go out to bid. Construction will begin once the Re-Roofing Project is completed in mid-November of 2020, and will be completed in mid-December of 2020. JW

James Wiley, Parks and Recreation Director, explained we are ready to solicit bids. This is a project that occurs every 7 or 8 years. We would like to start this project after the completion of the re-roofing project.

**** A motion was made by Councilman Stone, seconded by Councilman Hance, to authorize staff to solicit bids for the Elko City Swimming Pool Re-Plastering Project.**

The motion passed unanimously. (5-0)

V. SUBDIVISIONS

- A. Review, consideration, and possible acceptance of Public Improvements for the Tower Hill Unit 2 Subdivision, and matters related thereto. **FOR POSSIBLE ACTION**

Council approved Final Map 14-18 on March 26, 2019. A Performance and Maintenance Agreement was entered into on that same day.

The Developer has completed the Public Improvements in accordance with the approved plans. The City is in receipt of the required Certification of the project by the Engineer of Record. Upon acceptance of the Public Improvements by the Council, the Developer is required to provide maintenance security in the amount of \$93,105.60, for a 12-month maintenance period, which has already been received. MR

Michele Rambo, Development Manager, explained the public improvements have been completed and inspected by staff. They meet our satisfaction.

Mayor Keener asked for public comment without a response.

**** A motion was made by Councilman Schmidlein, seconded by Councilman Hance, to accept the public improvements for the Tower Hill Unit 2 subdivision.**

The motion passed unanimously. (5-0)

VI. NEW BUSINESS

- A. Review, consideration, and possible approval of Revocable Permit No. 3-20, filed by Patray Assets LLP., to occupy approximately 54 square feet of the Commercial Street Right-of-Way adjacent to their parcel located at 524 Commercial Street to accommodate a handicap ramp, and matters related thereto. **FOR POSSIBLE ACTION**

The applicant recently built the handicap ramp and was notified by the City of Elko that the ramp is within the Right-of-Way. CL

Cathy Laughlin, City Planner, explained we don't allow people to build anything in the right-of-way without getting permission first. There is a standard license agreement that has been reviewed by legal counsel. The applicant will still need to get permitting for the handicapped ramp they have already built.

Mayor Keener called for public comment without a response.

**** A motion was made by Councilman Hance, seconded by Councilwoman Simons, to approve Revocable Permit No. 3-20 subject to the execution of a standard License Agreement between the applicant and the City of Elko.**

The motion passed unanimously. (5-0)

- B. Review, consideration, and possible approval of an amendment to the Exclusive Franchise Agreement between the City of Elko and Elko Sanitation Company dated June 11, 2012, as amended, for sanitation service in the City of Elko, and matters related thereto. **FOR POSSIBLE ACTION**

Elko Sanitation Company currently provides sanitation service in the City of Elko pursuant to an agreement dated June 11, 2012, as amended. Elko Sanitation is requesting that the rate schedule be amended pursuant to Section 15.01 (CPI Based Change) of the agreement. The request is to be made in writing. Such request is to be accompanied by statement from an independent certified public account that the contractor's cost of doing business has increased at a rate at least equal to the increase in CPI. The fees or compensation may be increased every two (2) years at an amount equal to the net percentage change in the CPI less one percent. SAW

Scott Wilkinson, Assistant City Manager, explained in the packet was a letter requesting a rate increase from Elko Sanitation. They requested a rate increase of 4.5%. A representative was on the phone to answer questions.

Jared Martin, Elko Sanitation, said per the franchise agreement, they are eligible for a rate increase every 2 years. He included the audit from Glennon & Sandoval showing the rate of increase of their cost of services. The rate increase is about \$0.82 a month per customer.

Councilman Schmidlein wondered if the rate increases could go to every four years rather than two years.

Mr. Martin thought that was possible and offered to consider it when the new contract is negotiated. This contract expires in 2022.

Mr. Wilkinson noted the amendment effective date would be October 1st.

Mayor Keener said Elko Sanitation has been a great provider to the City of Elko. He gets very few complaints about them. Keep up the good work. He called for public comment without a response.

**** A motion was made by Councilman Stone, seconded by Councilwoman Simons, to approve the Amendment to the Exclusive Franchise Agreement between the City of Elko and Elko Sanitation Company dated June 11, 2012, as amended, effective October 1, 2020.**

The motion passed unanimously. (5-0)

- C. Review, consideration, and possible approval of a Non-Exclusive Franchise Agreement between the City of Elko and Anthem Broadband of Nevada, LLC., for Data Communications Over, Under, In, Along and Across Public Roads in the City of Elko, and matters related thereto. **FOR POSSIBLE ACTION**

The proposed term of the agreement is ten (10) years and provides for a five (5) year renewal provided the terms and conditions remain the same. The proposed franchise fee is five (5) percent of the gross revenues actually collected from customers located within the corporate limits of the City. SAW

Mr. Wilkinson explained the packet contained the proposed draft agreement. He asked Council to note some changes to the draft if they choose to approve it. This agreement has not been reviewed by our legal or Anthem Broadband's legal but he did not anticipate any major changes to it. This is the same agreement approved for Safelink.

Dave Stanton, City Attorney, asked that Council also specifically state the correct name of Anthem Broadband of Nevada, LLC.

**** A motion was made by Councilwoman Simons, seconded by Councilman Hance, to approve a Non-Exclusive Franchise Agreement between the City of Elko and Anthem Broadband of Nevada, LLC for Data Communications Over, Under, In, Along and Across Public Roads in the City of Elko, and reference that the name is accurate in the document as Anthem Broadband of Nevada, LLC, and reference the correct address of the Reno office. Page 2 also has a typo in the title and should read Between The City of Elko And Anthem Broadband of Nevada, LLC.**

The motion passed unanimously. (5-0)

Jason Herr, Anthem Broadband of Nevada, stated they are excited to get this going.

VII. REPORTS

A. Mayor and City Council

Mayor Keener said the mining communities in Nevada are being knocked by some of the bills being looked at in the Special Legislative Session. He had the opportunity to meet with the Barrick Director of Legislative Affairs. He read an email from Meachell Walsh that lives in the area of Angel Park regarding a lot that is for sale behind Aaron's (Exhibit "A"). He brought the email to the attention of both Police and Fire. Police said they would be willing to go there and investigate if they get a report of homeless camping.

Councilwoman Simons said there was an Arts and Culture meeting and they will be moving forward with the Mayor's Arts Awards this year.

B. City Manager

Curtis Calder stated he placed letters regarding the Goldie's license revocation hearing in their boxes. The date of the appeal hearing is August 25th. They are still working out the logistics on the meeting but he believes they will have to start the hearing at 3:00 pm.

C. Assistant City Manager

D. Utilities Director

E. Public Works

Dennis Strickland reported the Micro Slurry project is underway. It will continue through next Tuesday. There have been a few issues with abandoned unlicensed vehicles left on the street but they have been removed. They had a small change order on the Ceder Street Reconstruction Project on Country Club across from the Skate Park. They have discovered some unsuitable soils but he thinks they have found a solution.

Mayor Keener asked about the damage to the scraper unit.

Mr. Strickland said they are still looking into it. The scraper runs and the can goes up and down. The damage looks minimal when you look at the machine. We are still estimating but it will be around \$100,000 or maybe a bit more. They are working on some protocols that will hopefully prevent something like this happening again.

F. Airport Manager

Jim Foster reported SkyWest is back to their normal flight schedule. It started on August 1st.

G. City Attorney

H. Fire Chief

Mayor Keener asked Chief Griego to do a PSA regarding how dry it is and some fire safety tips.

Chief Griego said the crews have been very active, both in town and in the County. Ryndon has had a number of fires this year already. The area is very dry and it doesn't take much to ignite a fire. The fire in the area of Angel Park was due to a homeless campfire.

Councilman Stone asked how they like the new radios.

Chief Griego said the radios are in service. They are still tweaking some of the radios. The repeater that was put in last year is working now too. The next stage of the project is the microwave link. Once that goes in then the radios will be fully operational.

Mayor Keener said he got to check out one of the radios this morning at the Police Department meeting.

I. Police Chief

Chief Trouten reported their radios are deployed and working well. They had their first OHV event this last weekend. It went well. They have had some success with arrests for some of the recent outstanding cases.

Mayor Keener wanted to remind everyone to keep their vehicles and homes locked.

Chief Trouten added that they recommend to businesses to have alarm systems and surveillance systems.

J. City Clerk

K. City Planner

Cathy Laughlin reported she will have 9 to 11 items on the next agenda from the Planning Department.

L. Development Manager

Michele Rambo stated she will have a few items on the next agenda too.

M. Financial Services Director - CARES Act Funding

Jam Baum reported the COVID CARES Funding package, along with our expenditure plan, was emailed and a hard copy was sent on July 29th to the Governor's Finance Office. They have verification that the hard copy was received by the State on July 31st. She got an email yesterday (August 10) that the package was accepted. They indicated that we would receive the funds within 5 days of August 10. They also stated that they would not accept any changes to the Agreement. She and Dave have been working on the Interlocal Agreement with the County. We will not spend any additional funds until we receive the funds from the State of Nevada. The County is still working on the grant program that will be administered through NACO.

Mayor Keener asked if she has received any comments on the City receiving the funds.

Ms. Baum said she hasn't received any.

Mr. Calder said we will have to pay close attention to the Governor's Directives and do the best we can to enforce them.

Mayor Keener asked Mr. Calder if he has met with OSHA.

Mr. Calder said he got a message from them and they have been playing phone tag most of the day. He wasn't sure what they will be doing but they were letting the City know they are in town and looking at businesses. We are in the Red Zone and that will put a damper on the events we usually have in the Fall.

Councilman Stone said OSHA came into one of his businesses today. They were looking for masks and were handing out materials. They were non-threatening when they came in. They are looking at what is happening rather than handing out punishments. They were very accommodating.

N. Parks and Recreation Director

O. Civil Engineer

P. Building Official

COMMENTS BY THE GENERAL PUBLIC

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There were no public comments.

There being no further business, Mayor Reece Keener adjourned the meeting.

Mayor Reece Keener

Kelly Wooldridge, City Clerk

Exhibit A

Sent: Thursday, August 13, 2020 3:25 PM
To: Diann Byington
Subject: FW: E-Mail

Here you go!

Kim

From: Walsh, Meachell <meachell.walsh@gbcnv.edu>
Sent: Monday, August 3, 2020 1:38 PM
To: Reece Keener <rkeener@elkocitynv.gov>
Subject: Angel Park area

Mayor Keener - My name is Meachell Walsh and my husband and I live above Angel park on the corner of West Ash and Dotta. Several weeks ago I emailed Gary Morfin, the agent that is selling the plot of property behind the Dollar Store and Aaron's shopping area. I told him that the owners of the property should know that there was a homeless camp on the property.

I do not know if the owners of the property were notified, but on the day of the first fire in that area we noticed that the camp was no longer where it had been located. Yesterday evening there was a second fire, though we do not know the cause of it.

The first fire that occurred on July 31st was pretty scary for all of us that live in the area. The thought of losing property or lives is frustrating, especially when you take into account that what started this particular fire is a manageable problem.

This is why I am writing to you. After looking at plat maps I can see that the City of Elko, homeowners that live on that side of Dotta and Buffalo Partners of Utah own different parts of that property. While I have lived in Elko for almost 20 years we have only been in this neighborhood for just over 5 years. I have never seen the grass or weeds maintained. I have never seen a Bush-hog working out on the hillside or in the flat area. I think that if the property were more well maintained by those individuals that own the property the homeless would not be able to set up camps there and the fire danger could be cut to a more minimum risk.

The homeless have long been an issue in this neighborhood and others. I understand that law enforcement is stretched. We all are... both my husband and I work at GBC, so we get it. However, the potential loss of life and property is just too great a risk to take.

We are happy and willing to discuss solutions. I do not want to speak for my neighbors, but I can guess that they would also be willing to discuss solutions.

I can be reached at this email, or our home phone number is: 738-0695.

Thanks for your time.

Meachell and Eric Walsh