

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

SS September 13, 2016

The City Council of the City of Elko, State of Nevada met for a regular meeting beginning at 4:00 p.m., Tuesday, September 13, 2016.

This meeting was called to order by Mayor Chris Johnson.

ROLL CALL

Mayor Present: Chris J. Johnson

Council Present: Councilman John Rice
Councilwoman Mandy Simons
Councilman Robert Schmidlein
Councilman Reece Keener

City Staff Present: Curtis Calder, City Manager
Scott Wilkinson, Assistant City Manager
Ryan Limberg, Utilities Director
Shanell Owen, City Clerk
Aubree Barnum, Human Resources Manager
Dawn Stout, Administrative Services Director
Jonnye Jund, Accounting Manager
Jeremy Draper, Development Manager
Mark Gibbs, Airport Director
James Wiley, Parks and Rec Director
Dawn Leyva, Recreation Services Manager
Mike Hess, Landfill Supervisor
Cathy Laughlin, City Planner
Dave Stanton, City Attorney
Matt Griego, Fire Chief
Brian Burgess, Deputy Fire Chief
Ben Reed Jr., Police Chief
Rich Genseal, Police Lieutenant
Ted Schnoor, Building Official
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: August 23, 2016

Regular Session

The minutes were approved by general consent.

I. PRESENTATIONS

- A. A reading of a proclamation by the Mayor in honor of POW*MIA Recognition Day 2016, and matters related thereto. **INFORMATION ONLY-NON ACTION ITEM**

Mayor Johnson read the proclamation.

Les Brown, Elko POW*MIA Awareness and National League of POW*MIA Families, thanked City Council for the proclamation. He will forward it to national and it will go up on their website.

- C. Presentation by Nevada League of Cities and Municipalities Executive Director Wes Henderson on League Activities and BDRs, and matters related thereto. **INFORMATION ONLY-NON ACTION ITEM**

Wes Henderson spoke about the upcoming Nevada League of Cities Conference that will be held in Sparks, NV. The Nevada League of Cities submitted four BDR's to the legislature and he explained each one. The upcoming City Summit is to be held November 16 & 19 in Pittsburg. He will have a seat on the National League Cities Board of Directors. We proposed changing the name of the league at the last meeting to the Nevada Municipal League. Carson City is back in the league, as well as, Minden.

Councilman Keener asked if the event is still going to be hosted at the Sparks Nugget. (yes)

Curtis Calder, City Manager, asked if there is a bill draft to deal with the property tax cap abatements.

Mr. Henderson answered there will be a bill but he doesn't know the specifics of it yet. The intent is to do something to correct the problem that the secondary calculation on non-residential properties has.

- D. Police Radio Project Presentation by Police Chief Ben Reed, and matters related thereto. **INFORMATION ONLY-NON ACTION ITEM**

Ben Reed, Jr., Police Chief, and Rich Genseal, Police Lieutenant, gave a presentation (Exhibit "A").

Councilman Keener asked if the north tower was put on a city parcel.

Mr. Genseal answered yes and it is a very secure location. This was partially funded and paid for by a grant that was applied for and received by Fire Chief Burgess.

Chief Reed said this was driven by the problem of our old system being unserviceable because it was far past its life. He has been asked about the new tower at the new station. That will give us options such as a repeater magnifier and more redundancy.

- B. A presentation of a Years of Service Plaque for Deputy Fire Chief Brian Burgess, and matters related thereto. **INFORMATION ONLY-NON ACTION ITEM**

Mayor Johnson and Matt Griego, Fire Chief, presented Brian Burgess with a plaque.

Brian Burgess, Deputy Fire Chief, thanked the City of Elko for nearly 22 years of allowing him to work for the City. It has been a good time.

Chief Griego thanked Brian Burgess for all of his courage and dedication to the City of Elko and the Country as he has served over the years.

II. PERSONNEL

- A. Badge Pinning Ceremony, Fire Fighter Austin Hughes, and matters related thereto. **INFORMATION ITEM ONLY – NO ACTION WILL BE TAKEN**

Chief Griego introduced Austin Hughes and Mr. Hughes' mother pinned the new badge to his uniform.

Councilman Schmidlein administered the Firefighter's Oath.

- B. Review, discussion, and evaluation of City Manager job performance for Fiscal Year 2015/2016, 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. AB

Aubree Barnum, Human Resources Manager, explained the packet included the scoresheets that Mr. Calder was graded on. Overall, Mr. Calder has received very positive feedback and exceptional performance ratings.

Councilman Keener congratulated Mr. Calder for another successful year of service in his role as City Manager.

Mayor Johnson spoke favorably about Mr. Calder's work performance, especially in a position as tough as his.

Councilman Rice added we often see Mr. Calder's commitment to the entire staff and his commitment to staff being recognized for doing their job as well as they do.

**** A motion was made by Councilwoman Simons, seconded by Councilman Keener, to approve the evaluation of the City Manager's job performance for Fiscal Year 2015/2016.**

The motion passed unanimously. (5-0)

III. APPROPRIATIONS

- D. Consideration to accept FAA AIP Grant Offer #47, and accept substantial completion of the contracts associated with this grant, and matters related thereto. **FOR POSSIBLE ACTION**

On May 24, 2016, Council authorized the City Finance Department to purchase Snow Removal Equipment for the Airport despite the FAA grant offer being delayed due to continued Congressional negotiation of the Federal Aviation Administration Reauthorization Act of 2016. The reauthorization was signed into law July 19, 2016. The Grant Offer associated with this purchase was received on August 17, 2016.

The delivery of the equipment was completed on August 8, 2016 along with the associated manufacturer training contained in the contract scope. Jviation, Inc. who provided Professional Services in the procurement has also substantially completed the Scope of Services in their contract. MG

**** A motion was made by Councilwoman Simons, seconded by Councilman Schmidlein, to accept the FAA Grant Offer No. 47 and award substantial completion on the contracts from Buttars Tractor of Tremonton and Jviation, Inc. for their work associated with this grant.**

The motion passed unanimously. (5-0)

- E. Review, consideration, and possible final acceptance of the Public Works Department Preventive Maintenance Project 2016, to apply Micro Slurry Seal to select City streets, and matters related thereto. **FOR POSSIBLE ACTION**

At their June 14, 2016, meeting, the City Council awarded the bid for the Preventive Maintenance Project 2016 to Sierra Nevada Construction in the amount of \$303,807.00.00 plus the additive alternate in the amount of \$10,200.00, for a total of 314,007.00. Per contract, Staff increased the amount of Micro Slurry Seal to be placed. Micro Slurry Seal was also placed on Airport and Golf facilities. Sierra Nevada Construction has satisfactorily completed the work. DS

Scott Wilkinson, Assistant City Manager, explained we completed over five miles of roadway maintenance and Mr. Strickland recommended final acceptance of the project.

**** A motion was made by Councilman Keener, seconded by Councilman Schmidlein, to approve final acceptance of the Preventative Maintenance Project 2016 in the amount of \$366,188.62 to Sierra Nevada Construction.**

The motion passed unanimously. (5-0)

- F. Review, consideration, and possible approval for the Elko Police Department to accept a Community Service Grant of \$2,500.00 from Wal-Mart, and matters related thereto. **FOR POSSIBLE ACTION**

The Elko Police Department was notified of Wal-Mart's intention to award a Community Service Grant. The Police Department plans to utilize this funding for safety equipment such as reflective vests, CPR masks, crime scene cameras, etc. There is no funding match required for this mini-grant. BR

Chief Reed explained this is the same grant the Fire Department brought to council previously. This came together quickly and the check arrived today.

**** A motion was made by Councilman Rice, seconded by Councilman Keener, to approve the Elko Police Department's acceptance of a Community Service Grant of \$2,500 from Wal-Mart and extend our thanks to Wal-Mart, as well.**

The motion passed unanimously. (5-0)

- G. Review, consideration, and possible award of the bid for the Elko Pool Boiler Replacement Project, and matters related thereto. **FOR POSSIBLE ACTION**

Bids for the Boiler Replacement Project were opened on Wednesday September 7, 2016. A Bid Tabulation Sheet has been included in the packet for Council review. JW

James Wiley, Parks and Recreation Director, explained this is a project that we started design work on back in January. It took a while to get to this point. The engineer's estimate climbed up a bit since this all started. We are over budget on the project. Two contractors bid on the project; KAP Mechanical and Snyder Mechanical. The low bidder was Kap Mechanical at \$179,250. Snyder's bid was \$199,120. Both bids were deemed responsive and complete. He has spoken to Dawn Stout about the project. We need to do this. We are solely reliant on the geothermal heat system and that system will be repaired this fall. We need to move forward on this.

**** A motion was made by Councilman Schmidlein, seconded by Councilwoman Simons, to approve the award of the Elko Pool Boiler Replacement Project to KAP Mechanical in the amount of \$179,250 pending a 5-day protest period.**

The motion passed unanimously. (5-0)

- H. Review, consideration, and possible authorization to award a Five Year Airport Marketing Professional Services Contract to Letter23, LLC, and matters related thereto. **FOR POSSIBLE ACTION**

On May 10, 2016, Council granted the Airport permission to bid the Five Year Airport Marketing Professional Services Contract. The bid process was completed with two firms interviewed. Letter23, LLC of Utah was the most qualified

professional. Please consider and award the contract to Letter23, LLC for airport and airline marketing services. MG

Mark Gibbs, Airport Director, explained this was tabled from the last council meeting. As part of the contract, each year there is a statement of work that will be presented before you that will outline the exact use of the funds available and what campaigns and grants are being awarded. Every year you will look at where the money is going.

**** A motion was made by Councilman Rice, seconded by Councilman Keener, to award a Five Year contract to Letter 23, LLC for Airport Marketing and Professional Services.**

The motion passed unanimously. (5-0)

IV. SUBDIVISIONS

- A. Review, consideration, and possible acceptance of the public improvements associated with Great Basin Estates Phase 1A, and matters related thereto. **FOR POSSIBLE ACTION**

Council approved the Final Map for Great Basin Estates Phase 1A on June 14, 2016. The developer has substantially 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. The developer has posted a cash maintenance bond in the amount of \$72,111.00 with the City for the twelve month maintenance period upon acceptance of the public improvements. JD

Jeremy Draper, Development Manager, explained this is Great Basin Estates Phase 1A, which includes 12 lots. Phase 1B should follow shortly as soon as we hear from FEMA. He recommended final acceptance of these improvements and enter into a one year maintenance period.

**** A motion was made by Councilman Schmidlein, seconded by Councilman Rice, to accept the public improvements for the Great Basin Estates Phase 1A.**

The motion passed unanimously. (5-0)

V. UNFINISHED BUSINESS

- A. Review, consideration, and possible authorization to reject all bids associated with the Food/Beverage Concession area at the Elko Regional Airport and re-advertise a request for proposals, and matters related thereto. **FOR POSSIBLE ACTION**

The airport received one bid. However, it was not complete, and could not be accepted for consideration based upon the RFP document. The airport requests to re-advertise solicitation for proposals to operate the airport concession. MG

Mark Gibbs, Airport Director, explained per our City Manager, an advertisement should be put in the paper to make it more visible to people who may be interested in bidding.

Mayor Johnson asked if we were going to use that space for something else.

Mr. Gibbs said he has spoken to the City Manager about this and he wants to continue to try to get a concessionaire in there. If we can't find anybody he would like to go over some other ideas he thinks we may be able to forward with.

Curtis Calder, City Manager, said we have a large investment in the equipment there that we own. It would benefit us to have a concessionaire in there. If we are unsuccessful, we may look at another model like something you would see at the St. George Airport with vending machines. We would like to see a start-up restaurant go in there and succeed. Their success would be our success. This concession would be based upon sales. There would be no up-front costs.

Mr. Gibbs said this is the best deal he has seen anywhere at any airport. It is a 5% revenue sharing up to \$10,000 per month. All the utilities and code requirements are kept up by the city. The marquee is paid for and provided by the city. All of the capital equipment is there. It is revenue sharing. As the gross sales increase the percentage paid to the city will go up. He would be willing to adjust the percentages if the Council or City Manager wanted him to.

Mr. Calder said when Flying Fish was there they were triggering the higher percentages. We would love for someone to come in and be successful. The previous business models have not been able to attract people from outside the airport like Flying Fish did.

Councilman Keener recommended advertising in the Reno Gazette Journal.

**** A motion was made by Councilman Rice, seconded by Councilman Keener, to reject bids and re-advertise for a vendor at the Elko Regional Airport.**

The motion passed unanimously. (5-0)

VI. NEW BUSINESS

- A. Review, consideration, and possible approval to waive requirements of section 9-5-33 (A) of Elko City Code at 1875 Royal Crest Drive, and matters related thereto. **FOR POSSIBLE ACTION**

Section 9-5-33 of City Code requires developers to extend sewer mains across the full frontage of developing properties. Due to the impracticality of this requirement, on this street, City Council has waived this requirement numerous times in the past. The applicant is requesting City Council again waive this requirement for the property they are developing at 1875 Royal Crest Drive to waive this requirement Council must find that one or more of the following conditions can be met: 1) not economically feasible, 2) will discourage future development, 3) will not serve the best interests of the public. RL

Ryan Limberg, Utilities Director, explained the request letter is included in the packet. Council is allowed to waive this requirement but you must first make a finding that one or more of those

conditions has been met. Council's practice in the past has been to approve this request. City code does not give city staff the authority to approve this waiver or make those findings.

Mayor Johnson pointed out this property was approved for all septic. Anyone building on this street will be putting in septic.

**** A motion was made by Councilman Rice, seconded by Councilwoman Simons, to find that we waive Section 9.5.33(A) of City Code requiring developers to extend the sewer main across the full frontage of developing properties and we waive it because we have found that 1) that it is not economically feasible; 2) will discourage future development; and, 3) will not serve the best interests of the public. Evidence of that is in our prior actions on properties in this development.**

The motion passed unanimously. (5-0)

- B. Review, consideration, and possible approval to grant a utility easement to NV Energy across property owned by the City of Elko near the WRF lined storage reservoirs located out Bullion Road on APN 006-080-013, and matters related thereto. **FOR POSSIBLE ACTION**

NV Energy is requesting the City grant an easement to install a powerline across the property; City Staff supports this request. RL

Mr. Limberg explained the Grant of Easement document is in the packet. There is a power pole on the property and NV Energy would like to drop a line from that power pole to an adjoining lot. We don't have an issue with it and we recommend approval.

**** A motion was made by Councilwoman Simons, seconded by Councilman Schmidlein, to approve granting an easement to NV Energy across a parcel of land identified as APN 006-080-013 owned by the city as shown in the exhibit.**

The motion passed unanimously. (5-0)

- C. Review, consideration, and possible approval of a request from the City of Elko Parks & Recreation Department for the closure of the 700 block of the downtown corridor and the Green Belt Park and permission to open the caboose for a Trunk or Treat Event to be held on October 27, 2016 from 6:00 p.m. to 9:00 p.m., and matters related thereto. **FOR POSSIBLE ACTION**

This is a new event that will not include vendors. This event is for businesses, non-profits and individuals to enter their "decorated trunk" that will be used to provide giveaway's/candy to the participants. The event will also include pumpkin patch pictures and small carnival games. The event is free to the public. The closure will take place from 8:00 a.m. to 10:00 p.m. on October 27, 2016. JW

Shanell Owen, City Clerk, explained the application, questionnaire and staff flow sheet are included in the agenda packet. All the staff departments recommend approval. Also included is a sign-off sheet of affected business owners. The JL Apartments were not available for

signature. La Fiesta refused to sign due to affected parking for their business. As far as the application process, we have everything that we need for approval for this event.

Jerod Linder, Recreation Coordinator, explained the event. This is the Thursday before Nevada day. The owner of La Fiesta did not agree with holding the event on Friday so the event was moved to Thursday. She still refused to sign but she was happier with a Thursday night rather than Friday night. The kids will be out of school and we can be a good neighbor with the businesses downtown.

Councilman Rice clarified that La Fiesta doesn't have any say in the parking lot because that parking lot belongs to the city.

Mr. Linder said he contacted the owner of the JL Apartments. She had said that she would come down to their office and sign the paper but she never showed up. The Parks Department has the keys to the caboose. We were looking at, with approval, opening that up, decorating it and cleaning it up and have people actually go inside the caboose.

Mayor Johnson thought it was a great idea and a great use of the park. As a business, I would think you would want as many people in the area as possible.

**** A motion was made by Councilman Keener, seconded by Councilman Schmidlein, to approve the Trunk or Treat Event scheduled to be held Thursday, October 27, 2016, with the closure of the roads from 8:00am to 10:00pm. That will involve the 700 block of the downtown corridor.**

The motion passed unanimously. (5-0)

- D. Review, discussion, and possible appointment of one (1) candidate to serve on the Arts and Culture Advisory Board, and matters related thereto. **FOR POSSIBLE ACTION**

A Letter of Interest has been submitted by Ms. Simone Turner, and has been included in your Council packet for review. CC

Curtis Calder, City Manager, explained we have two vacancies on the board. Ms. Turner sent him an email indicating an interest in serving. He recommended her appointment.

Councilman Rice thought she would be an excellent addition.

**** A motion was made by Mayor Johnson, seconded by Councilwoman Simons, to appoint Ms. Turner to the Arts & Culture Advisory Board.**

The motion passed unanimously. (5-0)

- E. Review, discussion, and possible authorization to advertise for one (1) vacant position on the California Trail Advisory Board, and matters related thereto. **FOR POSSIBLE ACTION**

Chairman Kurt Alleman, California Trail Advisory Board has submitted his resignation from the Board, which leaves one vacant position. A letter of resignation from Chairman Kurt Alleman has been included in your Council packet for review. CC

Mr. Calder explained this is a vacancy that will need to be filled. He have trouble reaching quorums on this board on a regular basis.

Councilman Keener asked if we need to accept this resignation.

Mr. Calder thought Council did need to do that.

**** A motion was made by Councilman Keener, seconded by Councilman Rice, to accept Chairman's resignation from the California Trail Advisory Board and authorize staff to advertise for the vacancy.**

The motion passed unanimously. (5-0)

- F. Review and discussion pertaining to the "Order Granting Amended Motion to Dismiss Petition for Judicial Review," issued by the Fourth Judicial District Court, with possible action to appeal the Order to the Nevada Supreme Court, and matters related thereto. **FOR POSSIBLE ACTION**

A copy of the above referenced Order has been included in the agenda packet for review. In summary, the Court has dismissed the petition for lack of subject matter jurisdiction. CC

Mr. Calder said Mr. Stanton was present. One of the Aspen Plaza Partners, Jim Winer, was also present in the audience.

Dave Stanton, City Attorney, said we are in this in-between point where we have a final judgment in the case and the possibility of appealing the decision to the Nevada Supreme Court. The issue involved a parcel of real property with a building owned by Aspen Plaza Partners on it. The underlying property is owned by the City of Elko. It is within the confines of the Airport Layout Land, the federal document that demarcates the exterior boundaries of the Airport. There is a NRS provision that we interpret as providing a property tax exemption for property located on an airport. The City of Elko took the position that there would be a benefit by interpreting the statute in that way because it would help the city develop vacant property on the airport. This is property that is subject to FAA restrictions and is harder to lease out than other property in the city. Having this tax advantage would help attract developers. The issue went to the Nevada Board of Equalization. The board decided that the exemption did not apply. We took it to District Court in Elko and we were hoping to get an interpretation of how this exemption is supposed to work. What the judge said is that we don't get there. According to the judge, you only get in front of the judge if you are aggrieved. The only way a city can be aggrieved is by losing its share of the property taxes. There is no Nevada Supreme Court Case defining this. He wants the council to recognize that this is a statewide issue. There has been some interest expressed by other airports in the state. There is a possibility of a legislative resolution. The legislature can go in and amend the airport exemption in such a way that it eliminated the inconsistencies that we are seeing in the state. We need council to consider all of this and decide

whether or not we will do anything. This District Court decision does not establish a precedence at all, nor does it affect the state. We could file a notice of appeal but it would take at least a year and a half to get a decision out of them.

Jim Winer, member of Aspen Plaza Partners, said Aspen Plaza Partners want the statutes, the law, applied as written. The attorneys have traveled down this road, gathered additional facts and information and it is clear that the county is not applying the NRS 361.157 correctly. As a result, Aspen Plaza and the tenants are being improperly and illegally taxed by the County of Elko. We agree with Mr. Stanton's comments and agree to stay engaged in pursuit of resolution. It is the only way the city and all of its airport tenants can be preserved. This statute was passed as an incentive for development of airports. The City deserves to have this statute applied as written. Aspen Plaza did not get a tax bill for years and suddenly a tax bill appeared. There are a lot of tenants out there that this applies to that are, in our opinion, inappropriately/illegally taxed by the county when they shouldn't.

Councilwoman Simons felt it would have been nice to have that clarification. If that is how a judge is going to look at this then she wonders if it would be worth it. Aspen Plaza is aggrieved so maybe they would like to pursue this.

Councilman Rice thought this is a broader question. This would not be precedence setting across the state. A law needs to be looked at in a broader fashion. There may need to be some legislation discussion. The statute was not written properly; not thinking about this consequence. It is interesting that years went by where Aspen Plaza had not been taxed.

Mr. Stanton said the District Court's decision that is in the packet does not set a precedence. If we took this to the Supreme Court and they rule to on it and interpret the statute, then it would set a precedence.

Mr. Calder said when you read through the order, there is an interesting statement made on page 5. The Judge states, "The parties all agree that if the decision stands the city will still have tax exempt property, the payments it gets from leasing the property and a share of the tax on APP's leasehold/possessory interest in the property." That statement contradicts itself. We have tax exempt property that we are receiving our share of the tax on. He is getting lease revenue from the plaza and the general fund is getting property tax on top of that. I am aware of the statute. I took an oath of office to follow the laws of the state of Nevada. He agrees with Aspen Plaza that the law is not being interpreted properly by the assessor. If I were in the shoes of one of the tenants, I would have complaints as well.

Councilman Rice asked about a price estimate of an appeal for the City. Also, has there been a cost share on this with Aspen Plaza?

Mr. Stanton answered the costs vary. On average they seem to be about \$15,000. Sometimes less and sometimes more. The legal fees have not been shared by the City and Aspen Plaza. We have paid our own separate legal fees.

Councilman Schmidlein didn't feel it is our fight anymore. We did what we could.

**** A motion was made by Councilman Rice, seconded by Councilman Keener, that we do not appeal this decision.**

The motion passed unanimously. (5-0)

Councilman Rice added, we need clarification on this. The conversations will continue.

Mr. Calder said staff will reach out to our legislatures to see if there is an appetite for a bill draft.

- G. Review, consideration, and possible approval of an agreement between the City of Elko and Dr. William Wright, for the provision of part-time veterinary services, and matters related thereto. **FOR POSSIBLE ACTION**

This agreement is in addition to the current agreement between the City of Elko and Dr. Erika Johnson. The Local Animal Shelter Support Organization (LASSO) wishes to expand veterinary services at the Dumke-Weeks Spay/Neuter Clinic, located at the City of Elko Animal Shelter. As such, the City of Elko will act as a pass-through entity, receiving funds from LASSO and disbursing funds to Dr. Wright. A copy of the proposed agreement has been included in the agenda packet for review. CC

Curtis explained this is an exact duplicate to the agreement that we have with Dr. Johnson. Dr. Johnson is doing a great job but cannot handle the volume by herself at this time. Dr. Wright has been volunteering his time up to now. We think it is only fair that LASSO pay him for his time. This is a year-to-year agreement and is at no cost to the city.

**** A motion was made by Councilman Keener, seconded by Councilman Rice, to approve the Veterinarian Contract as submitted.**

The motion passed unanimously. (5-0)

BREAK

VII. 6:00 P.M. PUBLIC HEARINGS

- A. Review, consideration, and possible adoption of Resolution No. 24-16, a resolution adopting a new Landfill Fee Schedule pursuant to Elko City Code Title 9, Chapter 2, Section 21, and matters related thereto. **FOR POSSIBLE ACTION**

Pursuant to NRS 237.080, the City of Elko completed the Business Impact Statement process and Resolution No. 24-16 is ready for adoption by the Council.
SO

Shanell Owen, City Clerk, explained we completed the full process of the business impact statement in order to increase the landfill fees. We are proposing the fee schedule be effective on October 1, 2016. No type of public communication regarding the fee increase has been received. This is ready for adoption.

Mayor Johnson called for public comment without a response.

**** A motion was made by Councilman Schmidlein, seconded by Councilwoman Simons, to approve Resolution No. 24-16 and it will take effect October 1, 2016.**

The motion passed unanimously. (5-0)

- B. Review, consideration, and possible adoption of Resolution No. 25-16, a resolution amending the water connection fees pursuant to Elko City Code Title 9, Chapter 1, Section 27, and matters related thereto. **FOR POSSIBLE ACTION**

Pursuant to NRS 237.080, the City of Elko completed the business impact statement process and Resolution No. 25-16 is ready for adoption by the Council.
SO

Ms. Owen explained the business impact statement process has been completed for the water connection fee increases. We received no public comment. This one will also be effective October 1, 2016.

Mayor Johnson called for public comment without a response.

Councilman Keener hates to raise development costs but we can't have current users subsidizing new development as it happens.

**** A motion was made by Councilman Keener, seconded by Councilwoman Simons, to adopt Resolution No. 25-16.**

The motion passed unanimously. (5-0)

III. APPROPRIATIONS

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

Mayor Johnson asked about the city paying for the blue houses at the golf course. Are those part of the landscape contract?

James Wiley, Parks and Recreation Director, said the contractor has their own blue houses. The port-a-potties out there were ordered by staff due to some problems with some of the restrooms on the course.

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

The motion passed unanimously. (5-0)

- C. Review and possible approval of Great Basin Engineering Warrants, specific to the Cedar Street Reconstruction Project Phase I, and matters related thereto. **FOR POSSIBLE ACTION**

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

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

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

**** A motion was made by Councilwoman Simons, seconded by Councilman Schmidlein, to approve the Print ‘N Copy warrants.**

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

VIII. REPORTS

- A. Mayor and City Council

Councilman Keener had the opportunity to stand in for the Mayor at Walmart’s grand reopening last Friday. He also had the opportunity to attend the Airport Appreciation Picnic. The Attorney General was in town and he gave the community an overview of what they are doing to serve the citizens of Nevada.

Councilwoman Simons noted the Airport Appreciation Picnic was a very nice event.

Councilman Schmidlein said he went through the Denver International Airport over the weekend and there were two areas in the airport that said Explore Elko, Fly Delta.

- B. City Manager

Curtis Calder said we have the flyer for the Nevada League of Cities. It is in the north so it is easier to get to this year. He and Shanell are going. Contact Kim to reserve rooms and get it all taken care of. There needs to be a trip down south to meet with legislatures regarding the Airport legislation.

- C. Assistant City Manager

- D. Utilities Director

- E. Public Works

- F. Airport Director

Mark Gibbs told council that on September 26, 2016 the outreach program for the Airport Master Plan will be taking place. Everyone is welcome to attend.

- G. City Attorney

- H. Fire Chief

- I. Police Chief

Chief Reed just returned home from Reno. There he attended training regarding law enforcement problems dealing with legalized recreational marijuana. He updated council on the E911 surcharge being passed and donations are being collected to get E911 up and running as soon as possible. Lt. Ty Trouten departs for Quantico, VA and will be gone October through December while he attends the FBI National Academy for Commanders.

- J. City Clerk

K. City Planner

Cathy Laughlin reported Planning Commission had a meeting last Tuesday. They are in the public hearing process of two rezones. Both were conditionally approved. One was for SW Gas Corporation off Ruby Vista changing the zoning to Industrial Commercial. The other was filed by Big Foot Holdings for a property off 12th Street, between Water and River. That is also being proposed to change from General Industrial to Industrial Commercial.

L. Development Manager

M. Administrative Services Director

Dawn Stout reported on sales tax revenues for FY 2016. Overall we were up 4.9% from last year.

N. Parks and Recreation Director

James Wiley reported on the Golf Course Irrigation Project. The irrigation portion is almost complete. They are milling the cart pathways. We just did a change order to run a new water service line from the Club House area to the maintenance shed.

O. Civil Engineer

P. Building Official

Mayor Johnson noted we are close to an election and he is glad that he doesn't have any campaign signs out there. We need to think about what we want to do in 2017 and 2018. He has some ideas that he has been considering. He wants to recognize everyone for all of their hard work. This is a fabulous community.

COMMENTS BY THE GENERAL PUBLIC

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

There were no public comments.

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

Mayor Chris Johnson

Shanell Owen, City Clerk