

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

SS September 14, 2021

The City Council of the City of Elko, State of Nevada met for a regular meeting beginning at 4:00 p.m., Tuesday, September 14, 2021. The meeting was held at Elko City Hall, 1751 College Ave., Elko and via GoTo Meeting.

This meeting was called to order by Mayor Reece Keener. The public can participate in person, 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

Council Present: Mayor Reece Keener
Councilwoman Mandy Simons
Councilman Chip Stone
Councilman Clair Morris
Councilman Giovanni Puccinelli *via GoToMeeting*

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
Susie Shurtz, Human Resources Manager
Dennis Strickland, Public Works Director
Cathy Laughlin, City Planner
Jim Foster, Airport Manager
Matt Griego, Fire Chief
Ty Trouten, Police Chief
Dave Stanton, City Attorney
Bob Thibault, Civil Engineer
Michele Rambo, Development Manager
James Wiley, Parks and Recreation Director
Dale Johnson, Utilities Director
DJ Smith, Computer Information Systems Coordinator
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**

Steve Simpson, CEO NNRH, reported on the state of the hospital right now. Things aren't great. As of that morning, they had 26 in-patients and 17 were COVID positive. Their dedicated COVID ward holds 11 patients and that has been exceeded at 17. There is also an influx of COVID positive patients in the ER. All of this has taken its toll on the staff. They are actively recruiting for staff across the country and cross-training staff but they are still facing the reality that healthcare staffing is finite. We need the help and support of the community to help stop the spread of COVID. We need folks to get vaccinated. They still encourage folks to wear masks indoors in accordance to the CDC guidelines and still promote physical distancing and proper hand hygiene. These are effective ways to limit the spread of the disease. NNRH will continue to care for every sick person that comes through their doors.

Kristopher Dahir, President Nevada League of Cities, said the League is trying to be an information hub from Federal to State to Cities, and the other way around. He thanked the City for sponsoring the League this summer. The League gets together as often as they can to share information on situations we all have. There is a Nevada Veterans Memorial being built in Sparks. This memorial will honor the veterans from the State of Nevada since we became a state. Many of the veterans came from this county. If you are in the Sparks area or you are just interested in the memorial, go to NVNP.US to learn more. He is actively running for Secretary of State for Nevada.

APPROVAL OF MINUTES: August 24, 2021 Regular Session

The minutes were approved by general consent.

I. PRESENTATIONS

- A. Presentation and discussion regarding the updates being made by FEMA to our local floodplain maps, and discussion of the map update process, and matters related thereto. **INFORMATION ONLY – NON ACTION ITEM**

FEMA has been in the process of performing detailed studies of our local floodplains. New preliminary mapping has been received by City Staff. This presentation will outline the work being done, and the next steps for the City. BT

Bob Thibault, Civil Engineer, gave a presentation.

Mayor Keener asked if parcels on the south side will be impacted more heavily.

Mr. Thibault answered yes. He indicated on the overhead what areas would be impacted.

Mayor Keener asked about reaching out to the property owners that were affected.

Scott Wilkinson, Assistant City Manager, said his experience with FEMA re-mapping areas is, mortgages are impacted and the lender will reach out to the borrower.

II. CONSENT AGENDA

- A. Review, consideration, and possible approval of a request from Conrad & Bischoff, Inc., an Idaho Corporation to assign its rights and duties under a lease agreement for airport land generally known as the “Airport Shell” to Conrad & Bischoff, LLC, a Delaware limited-liability company, and matters related thereto. **FOR POSSIBLE ACTION**

Conrad & Bischoff, Inc. was recently acquired by Conrad & Bischoff, LLC, a Delaware limited-liability company through a stock purchase. Although the names of the two companies are nearly identical, these are actually two separate companies. If the assignment and assumption is approved, Conrad & Bischoff, LLC, will assume all rights and duties under the current land lease for the property generally known as “Airport Shell” through the end of the lease term on July 31, 2027, unless sooner terminated under the terms of the lease agreement. JF

- B. Review and possible approval of an agreement between the City of Elko and William Wright, D.V.M., for the provision of independent contractor services on behalf of the City of Elko Animal Shelter, and matters related thereto. **FOR POSSIBLE ACTION**

The City of Elko and Dr. William Wright desire to renew the Veterinarian Contract through December 31, 2022. Under this contract, LASSO reimburses the City of Elko for all fees paid. CC

- C. Review and possible approval of an agreement between the City of Elko and Hannah Rodriguez, D.V.M., for the provision of independent contractor services on behalf of the City of Elko Animal Shelter, and matters related thereto. **FOR POSSIBLE ACTION**

The City of Elko and Dr. Hannah Rodriguez desire to renew the Veterinarian Contract through December 31, 2022. Under this contract, LASSO reimburses the City of Elko for all fees paid. CC

- D. Review, consideration, and possible approval of a request from City Staff to apply for a grant, and matters related thereto. **FOR POSSIBLE ACTION**

The Elko Police Department request permission to apply for an Edward Byrne Memorial Justice Grant for the Elko Combined Narcotics Unit (ECNU) in the amount of \$95,712.00

This grant will allow the purchase of a forensic computer and software. Current computer, which is several years old, takes up to a week to download a single hard drive and is not capable of using all current software. TT

- E. Review, consideration, and possible approval of a request from City Staff to apply for a grant, and matters related thereto. **FOR POSSIBLE ACTION**

The Elko Police Department requests permission to apply for an Edward Byrne Memorial Justice Assistance Grant for the Elko Combined Narcotics Unit (ECNU) in the amount of \$36,001.00

The City of Elko Police Department applies for this grant each year to provide training, travel, equipment, and confidential funds for the ECNU. TT

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

The motion passed unanimously. (5-0)

III. PERSONNEL

A. Employee Introductions:

1.) Valerie Zatarain, Laboratory Manager, WRF

Present and introduced.

B. Review, consideration and possible appointment of a Council member to the vacant position on the Elko County Recreation Board, and matters related thereto. **FOR POSSIBLE ACTION**

Pursuant to NRS 244A the City of Elko must be represented by four members on the Elko County Recreation Board. With the passing of Councilman Hance a vacancy exists. KW

Kelly Wooldridge, City Clerk, explained another Councilmember needs to be appointed.

Mayor Keener asked Councilman Puccinelli if he was up to filling the position.

Councilman Puccinelli answered absolutely.

**** A motion was made by Councilwoman Simons, seconded by Councilman Morris, to appoint Councilman Puccinelli to the Elko County Recreation Board to fill the vacancy.**

The motion passed unanimously. (5-0)

C. Mayoral designation of Councilman Giovanni Puccinelli's "Liaison" positions within the City of Elko, and matters related thereto. **NO ACTION BY COUNCIL REQUIRED**

Councilman Puccinelli was appointed in to the vacant City Council position on August 10, 2021.

The vacant Liaison positions include:

- Airport & Public Property (2nd)
- Streets & Public Works (2nd)

- Building Department (2nd)
- Water & Sewer
- RAC
- Landfill
- IT Department

Mayor Keener explained he met with Councilman Puccinelli and he was good with all of them with the exception of the IT Department. The Mayor will take that one back over.

Ms. Woolridge will update the chart and send it out.

- D. Review, consideration, and possible approval of revisions to the position descriptions for WRF Operator I, II, III and IV, and matters related thereto. **FOR POSSIBLE ACTION**

The WRF Operator I, Operator II, Operator III and Operator IV position descriptions have been revised and updated to include the requirement of a Commercial Driver License (CDL) and accurately reflect the duties, and requirements of the position. SS

Susie Shurtz, Human Resources Manager, explained the changes to the job descriptions (Exhibits “A”, “B”, “C” and “D”).

Mayor Keener asked if this will affect any current employees that do not have their CDL license.

Ms. Shurtz answered they will have 6 months to get their CDL. If not, they will just not be allowed to move up to the next step.

**** A motion was made by Councilman Stone, seconded by Councilwoman Simons, to approve the revised WRF Operator I, II, III and IV position as described and presented.**

The motion passed unanimously. (5-0)

- E. Review, consideration, and possible approval of revisions to the position descriptions for WRF Operator I, II, III and IV, and matters related thereto. **FOR POSSIBLE ACTION**

The WRF Operator I, Operator II, Operator III and Operator IV position descriptions have been revised and updated to include the requirement of a Commercial Driver License (CDL) and accurately reflect the duties and requirements of the position. SS

NO ACTION

- F. Review, consideration, and possible approval of the Part Time Seasonal SnoBowl Maintenance Technician Job Description, and matters related thereto. **FOR POSSIBLE ACTION**

The position of Part Time Seasonal SnoBowl Maintenance Technician will support the SnoBowl operations. This position will provide technical support with the operation/maintenance of mechanical equipment at the SnoBowl, and will provide general support to the Parks Department at the SnoBowl. This is a seasonal, part time position, to be staffed in preparation for the SnoBowl opening, and during the ski season. SS

Ms. Shurtz said they anticipate this position (Exhibit “E”) would support the SnoBowl throughout the year but mainly during the winter months.

Councilwoman Simons asked how this position is funded.

Curtis Calder, City Manager, answered this position will be funded through the Parks Department budget.

**** A motion was made by Councilman Morris, seconded by Councilwoman Simons, to the position description as presented for the SnoBowl.**

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 Simon, seconded by Councilman Stone, to approve the regular warrants in the adjusted amount of \$1,400,081.33.**

The motion passed unanimously. (5-0)

B. Review and possible approval of Print n’ Copy Warrants, and matters related thereto. **FOR POSSIBLE ACTION**

**** A motion was made by Councilwoman Simons, seconded by Councilman Stone, to approve the Print ‘N Copy warrants in the amount of \$434.74.**

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

C. Review and possible ratification of General Hand-Cut Checks, and matters related thereto. **FOR POSSIBLE ACTION**

**** A motion was made by Councilwoman Simons, seconded by Councilman Morris, to approve the general hand-cut checks in the amount of \$434,876.53.**

The motion passed unanimously. (5-0)

- D. Review, consideration, and possible final acceptance of the Public Works Department Preventive Maintenance Project 2021 to apply Micro Slurry Seal to select City streets, and matters related thereto. **FOR POSSIBLE ACTION**

At their June 8, 2021 meeting, the Council awarded the bid for the Preventive Maintenance Project 2021 to Sierra Nevada Construction in the amount of \$560,782.00. Sierra Nevada Construction has satisfactorily completed the work.
DS

Dennis Strickland, Public Works Department, explained we had a successful project. A representative from the engineer was present to answer questions. They did a great job and he expressed a desire to stick with them for future projects. He recommended final acceptance of the project.

Edgar Garcia, AM Engineering, said he has been doing this for five years and has walked many miles behind the contractors as they lay the materials. He felt confident that this year's project went well.

Mayor Keener called for public comments without a response. He noted on the agenda, the additional information showed 2020 instead of 2021.

**** A motion was made by Councilwoman Simons, seconded by Councilman Morris, to approve final acceptance of the Public Works Department Preventative Maintenance Project 2021.**

The motion passed unanimously. (5-0)

- E. Review, consideration, and possible direction to Staff to solicit bids for the Generator Relocation Project, and matters related thereto. **FOR POSSIBLE ACTION**

This is a project budgeted in the current Fiscal Year's Budget. This project consists of relocating the old WRF Generator to City Well I-96. The generator will be placed on a reinforced concrete pad with a fuel containment area due to the proximity of the well. The Generator will have a partial cover built over the top of it to protect it from the elements. The well house and generator will then be outfitted with the necessary electrical components for normal automated operation during power failures. DJ

Dale Johnson, Utilities Director, explained this is one of those projects that has spent years in the making as none of our wells have backup power generation. In the event of a power failure, this well would be able to keep the City in water for a great deal of time. This well runs year-round. He recommended soliciting for bids.

**** A motion was made by Councilman Stone, seconded by Councilman Morris, to direct staff to solicit bids for the Generator Relocation Project.**

The motion passed unanimously. (5-0)

- F. Review, consideration, and possible direction to Staff to solicit bids for the WRF Digester Improvements and Boiler Upgrade Project, and matters related thereto.
FOR POSSIBLE ACTION

This is a project budgeted in the current fiscal year's budget. This project consists of construction and installation of digester draft tube assemblies, including in line heat exchangers, and the rebuild of mixer assemblies for each draft tube. Then an application of a new coat of UV resistant bituminous protective coating over insulation material on exterior of digester, and the removal of two existing boilers with the replacement of a new single boiler, including replacement of existing steam pipelines from boiler building to digester No. 1. The goal of the project is to upgrade the boiler system for the digesters and replace worn and deteriorated digester components. DJ

Mr. Johnson explained this is a large project at the WRF on the digester and the boiler. He explained what will be included in the project.

**** A motion was made by Councilman Morris, seconded by Councilman Stone, to direct staff to solicit bids for the WRF Digester Improvements and Boiler Upgrade Project.**

The motion passed unanimously. (5-0)

- G. Review, consideration, and possible direction to Staff to solicit bids for the WRF West Primary Clarifier Recoating & Repairs Project, and matters related thereto.
FOR POSSIBLE ACTION

This is a maintenance project budgeted for the current fiscal year's budget. The work consists of sandblasting and repainting all metal surfaces above and below the waterline of the clarifier with 3 or 4 coats of paint, respectively. Additionally, any damaged components noticed will be repaired during this time while the clarifier is drained of water. DJ

Mr. Johnson explained we have had the other two clarifier's worked on the last couple of years. This should be the last one for about 5-10 years.

Mayor Keener asked about the 3 or 4 coats of paint. Who decides how many coats are applied?

Mr. Johnson answered the engineer says that. There are different layers of coating.

Mike Haddenham answered the coating requirements are based on our primer and top coat total thickness, to be able to handle the hazardous material in the water.

**** A motion was made by Councilman Stone, seconded by Councilwoman Simons, to direct staff to solicit bids for the West Primary Clarifier Recoating and Repairs Project.**

The motion passed unanimously. (5-0)

- H. Review, consideration, and possible direction to Staff to solicit bids for the WRF BIOTOWER Removal Project, and matters related thereto. **FOR POSSIBLE ACTION**

This is a project budgeted in the current fiscal year's operating budget. The work shall consist of the demolition and removal of the BIOTOWER and pump station and all appurtenances. Additionally, the installation of compacted structural fill will be placed in the void left by the removal of the BIOTOWER and pump station with the completion of final grading of the area. DJ

Mr. Johnson explained the bio tower was used when the RBC's were in use and has not been used for at least 8 years. The RBC's were removed last year and they would like to continue to remove the rest of the components that are no longer necessary at the WRF.

**** A motion was made by Councilman Morris, seconded by Councilwoman Simons, to direct staff to solicit bids for the WRF BIOTOWER Removal Project.**

The motion passed unanimously. (5-0)

V. SUBDIVISIONS

- A. Review, consideration, and possible action to conditionally approve Division of Large Parcels No. 2-21, filed by Section Five Associates, LLC, a Final Map for the division of approximately 590.258 acres of property into eight lots for future development, and matters related thereto. **FOR POSSIBLE ACTION**

The subject property is located at the northern terminus of North 5th Street and consists of two existing parcels. APN 001-01D-001 consists of 314.652 acres in an A (General Agriculture) Zoning District within the City of Elko. APN 006-09L-002 consists of 275.60 acres within Elko County. A Tentative Map was conditionally approved by the City Council on August 10, 2021

The Planning Commission considered this Final Map on September 7, 2021, and took action to forward a recommendation to conditionally approve the Final Map associated with Division of Large Parcels No. 2-21. MR

Michele Rambo, Development Manager, explained the tentative map was approved a couple of meetings ago. Now we are looking at the final map. She went over some key points of the final map. There are 4 conditions for approval. She recommended approval.

**** A motion was made by Councilwoman Simons, seconded by Councilman Stone, to conditionally approve the Division of Large Parcels No. 2-21, subject to the findings and conditions as recommended by the Planning Commission.**

The motion passed unanimously. (5-0)

VI. NEW BUSINESS

- A. Review, consideration, and possible approval of Revocable Permit No. 1-21, filed by Big Foot Holdings, LLC., to occupy .537 acres of 12th Street Right-of-Way adjacent to their parcel located at 1130 River Street to accommodate landscaping and a freestanding sign, and matters related thereto. **FOR POSSIBLE ACTION**

The applicant is requesting the revocable permit to add additional landscaping to the intersection of River Street and 12th Street as well as a freestanding sign for Express Car Wash. CL

Cathy Laughlin, City Planner, explained the request and felt it would beautify the corner. She recommended approval.

**** A motion was made by Councilman Stone, seconded by Councilman Morris, to approve the Revocable Permit No. 1-21, subject to execution of the standard license agreement between the applicant and the City of Elko.**

The motion passed unanimously. (5-0)

- B. Review, consideration, and approval of the 2021 City of Elko Land Inventory update, and matters related thereto. **FOR POSSIBLE ACTION**

City of Elko Land Inventory spreadsheet is to be updated when necessary. Planning Commission reviewed the modifications at their September 7, 2021 meeting and recommended to City Council to approve the updated land inventory. CL

Ms. Laughlin explained the changes in the land inventory.

Mayor Keener thought everything looked good to him.

**** A motion was made by Councilman Stone, seconded by Councilman Morris, to approve the updated 2021 City of Elko Land Inventory.**

The motion passed unanimously. (5-0)

- C. Review, consideration, and possible action to fill a vacancy on the Elko City Planning Commission, and matters related thereto. **FOR POSSIBLE ACTION**

Giovanni Puccinelli was appointed to the City Council on August 10, 2021 leaving his position on the Planning Commission vacant. Staff conducted the standard recruitment process and has received 1 letter of interest to serve on the Planning Commission, copy of which is included in the Council packet. The new member will be appointed to fill the remainder of the four-year term, which will expire at the end of July 2024. CL

Ms. Laughlin explained there was one letter of interest in the packet. Mr. Lemich sent her a text earlier that said he had an issue with some employees and would not be able to attend.

**** A motion was made by Councilwoman Simons, seconded by Councilman Stone, to appoint John Lemich to fill the vacancy on the Elko City Planning Commission with the term expiring July 2024.**

The motion passed unanimously. (5-0)

- D. Review, consideration and possible approval of a Revocable License Agreement between the City of Elko and Elevation Transport, for the use of Airport land as a parking area, and matters related thereto. **FOR POSSIBLE ACTION**

Elevation Transport contacted Staff regarding two (2) parcels leased to Joe's Hauling, known as APN 006-09G-030 and 006-09G-008. In the event Joe's Hauling and the City enter into lease termination agreements for these two parcels, subject to Council approval, Elevation Transport desires to enter into a revocable license agreement with the City to use these parcels as a parking area. JF

Jim Foster, Airport Manager, requested this item be tabled Item D.

**** A motion was made by Councilwoman Simons, seconded by Councilman Stone, to table.**

The motion passed unanimously. (5-0)

- E. Review, consideration and possible approval of a termination agreement between the City of Elko and Joe's Hauling LLC for APN 006-09G-030, and matters related thereto. **FOR POSSIBLE ACTION**

Elevation Transport contacted Staff regarding entering into a lease with the City of Elko for a parcel referred to as APN 006,09G-030, which is currently leased to Joe's Hauling. Joe's Hauling informed City Staff that it was interested in terminating its lease for this parcel. Joe's Hauling is no longer in business. JF

Mr. Foster explained included in the packet was the termination agreement. All parties are in agreement with the termination of the agreement.

**** A motion was made by Councilman Stone, seconded by Councilman Morris, to approve Termination Agreement for APN 006-09G-030.**

The motion passed unanimously. (5-0)

VIII. 5:30 P.M. PUBLIC HEARINGS

- A. Review, consideration, and possible action on an appeal filed pursuant to Elko City Code 3-2-22(H), appealing the Elko City Planning Commission's decision to deny Variance No. 3-21, filed by DAG, LLC on behalf of Sonora LLC, for an increase in the number of allowed freestanding signs per street frontage and increase maximum area of a freestanding sign, located generally on the south corner of the intersection of Idaho Street and 5th Street (397 5th Street), and matters related thereto. **FOR POSSIBLE ACTION**

Pursuant to Elko City Code 3-2-25, the Council may affirm, modify or reverse the decision of the Planning Commission.

The Planning Commission considered the subject variance on July 6, 2021, and took action to deny the variance. Subsequently, the applicant appealed the Planning Commission's decision. The applicant requested the item be tabled July 27, 2021, August 10th as well as the August 24th, 2021 meeting. CL

Cathy Laughlin, City Planner, explained she handed out the section in our code for appeals (Exhibit "F"). The procedures are listed in there and we need to go step by step with those procedures. The first step is to call upon the applicant.

George Robles, Elko, stated when they met with the Planning Commission, they had comments about how innovative and interesting the idea was but they didn't understand their application. When they submitted the application, they were gushing over the property but they stated in their presentation how unfeasible it would be to put a building on that property. Their advertising plaza would be for the community. The businesses would be able to advertise on their billboards and on their walk-up signs. You see this idea everywhere else but here. Our current sign code was adopted in the mid 2000's and is antiquated. Our goal is to cater to the downtown businesses and give them an advertising avenue. They want to be priced at a lower market than the billboard industry. They also envision shows on their signs at times. They do not want risqué or vulgar advertising. They are committed to the safety of the community.

Adrian Gonzales, Elko, said they are doing this for the community. The business is the advertising. They also want to have a walk-up food truck. With COVID they don't want to open up a sit-down dining experience. We want something there to gather the foot traffic. They are both from Elko and drive by that lot every day. It would be tough to put anything else there.

Lena Blohm, downtown property owner, said she would love to see some friendly fun activity on that corner instead of a chain link fence. She was in favor of this.

Dr. Matthew Lipparelli 1263 Fairway Drive, said he would need an easement in order to access his roof. He was neither for or against what they are trying to do with the property, he just wants that access.

Catherine Wines, 421 Railroad Street, said she has looked at that property with 2 different clients. One was considering apartments. Because of the size of the lot, you would probably only be able to get 2 apartments per floor. This person thought they would need 16 apartments to make it pencil. The other one was a restaurant and bar. There is no alley access there and no good place to put a grease trap and trash that restaurants produce. She didn't see a building that could be built there. She was in favor of what is being proposed for that space.

Councilwoman Simons said Ms. Wines pointed out that this is a small lot, but hypothetically, there was retail there and if someone wanted to build retail there, and possibly office space, those would be the only two that would be feasible there.

Ms. Wines answered yes and the cost of construction right now, you would never get your money out of it. You would have to go multi story to get more square footage out of that lot and then you still don't have any place to take your trash out.

Cathy Algerio, Realtor, said these are her clients. As a realtor, she wondered what can you do with that lot. It is a big priority for downtown not to die. That lot is an eyesore. It needs to produce some income. The idea these two have is innovative and she was excited when they brought it to her. Advertising in the right way is excellent. She has a stake in the downtown, just as we all do. Advertising is the key to any business to make them thrive. This would be a complex that will be inviting and showcase the downtown businesses. She felt this should be strongly considered by the Council.

Dean Brown, 531 Sage Street, said he has been in Elko since 1975. He keeps seeing businesses die in the downtown area. The businesses aren't even maintaining their signs. When he saw this proposal, he was blown away and thought we need that. We don't want downtown Elko to be called old town Elko. It is just falling apart. He thinks this will help the city. A shining star at the corner of Idaho and 5th, with updated signs will get other businesses to step up their game.

Mayor Keener continued with the next step in the procedure.

Ms. Laughlin said the City Staff loves the idea of the downtown plaza. Unfortunately, this variance application was for the signage. We hear from people that our sign code is outdated but it is what it is. It is her job to enforce it and with that she had to recommend denial. She went over some items that need to be addressed. It is not in conformance with the redevelopment plan. The applicant had not demonstrated any special circumstances or features regarding the parcel. The applicant had not demonstrated there is a practical difficulty or exceptional undue hardship, which constitutes an infringement of property right and deprives the property owner of reasonable use of the property and granting the variance will substantially impair the intent or purpose of the zoning ordinance and the proposed signs were not in conformance with the Elko City Code. That is where the Planning Commission landed with their denial. She handed out a memo (Exhibit "G") that discussion about another outstanding issue they have with the property. At the appeal hearing they have the right to present additional evidence. One of the issues is that there was a demolition permit issued May 22, 2018 for that building. That permit is still not closed out. They have been trying to get that closed out since 2018. They have sent multiple letters to the contractor on that. We received a letter from the adjacent property owner asking to be on City Council and that item had no action because Mr. Knight stated at that time they were working on an agreement with the Pescio's on a boundary Line Adjustment for him to take ownership of the wall that was remaining. The City's issue with that demolition permit was that we stated that wall was part of that building and needed to come down or they need to provide us a structural analysis showing the stability of that wall is adequate. We haven't seen either one happen. The permit is still open. It is hard for us to take a land use issue and make a decision on it knowing this demolition permit is outstanding. The boundary line adjustment was submitted to the City of Elko in July and administratively approved within a few days by our staff, knowing these guys would need to have that boundary line adjustment recorded prior to them being able to purchase the property. We also felt confident in having a public hearing with Planning Commission because we had that application submitted to her office. We felt confident we had the application, they are moving forward with the boundary line adjustment, and Mr. Knight is taking on the responsibility of the wall, we can make a decision on this property. A variance has a time limit on it. Unfortunately, today, the boundary line

adjustment is still in Arizona with Mr. Knight. He is online so we can ask him questions. It has not been recorded and Mr. Knight has not paid his property taxes in full, which needs to be done prior to the map being signed by the County Treasurer. That is an outstanding issue we need to address. The application that was submitted was shown with the boundary line adjustment already being completed. The dimensions are showing the new size of the property. What we are considering is not even an accurate display of the application because the boundary line adjustment has not been recorded as of today.

Mayor Keener asked if the Pescios have performed and done everything they need to, we are just waiting for Mr. Knight's signature?

Ms. Laughlin answered they have. If this is approved tonight, we will not issue a building permit until the demolition permit has been completed.

Scott Wilkinson, Assistant City Manager, said we should all understand that the applicant and the appellant are not the property owners. The Pescios own the property. At the same time, the Pescios have an open demolition permit and they have dragged their feet on this issue. They are marketing the property and allowing individuals to apply for a variance for a land use on the property and bringing more parties into the fold. That is a real issue. One of the reasons that building was torn down or demolished was it probably would not have withstood a seismic event. To take the building out and leave part of a wall behind did not improve the situation at all. You wonder how this is going to get resolved. When we rely on other people to execute so we can have an outcome never works out. They just don't take care of business because it is not their problem. It becomes the City's problem. It would not be wise for the City to move forward and encourage a land use with this issue remaining. He thought there were alternatives for the applicant so that they are closer to conforming to the code and they don't desire to do that. Our Police Chief has some concerns with the distraction of the lighting. That is our busiest intersection in the City. The applicant has made application for this variance on behalf of the owners of the property who have not demonstrated an intent to deal with this wall issue.

David Knight, 109 Fir Street, said when they said they would buy the building, there was an agreement between the Pescios, Dusty Shipp and himself. The Pescio's insisted he needed to buy the wall so he could affix his roof to it. They wouldn't give permission to affix the roof unless they bought the wall. Dusty Shipp was going to demolish the wall and build a new one for about \$49,000. He gave Dusty a check and he started the work. Dusty said they could not do it for \$49,000 and needed an engineer to look at it. That engineer said it would cost over \$100,000 to replace the wall. There is no way he could afford to do that wall. He shouldn't have to demolish his building because of this. If the wall is removed, it will comprise the integrity of his building.

Mr. Wilkinson said the City does not have the report that states that. Mr. Knight has attached his roof to that wall. This is quite the issue. If the variance is denied, there is nothing in the code that prohibits an application in the future.

Ms. Laughlin said Mr. Knight signed that boundary line adjustment and she was provided a copy of the agreement. She took that as he was in agreement in taking responsibility of that wall. He did attach his roof to it. If that boundary line adjustment got recorded, they could close the demolition permit and they could get a building permit. It is taking one final signature.

Councilwoman Simons stated he doesn't want that anymore so we are back to square one.

Ms. Laughlin said this is the first she has heard that and she has been in touch with his attorney many times in the last 6 weeks. She kept reassuring her that he was going to sign the map and send it back. This is only one of the issues. The variance itself is for the signs. The findings the Planning Commission had were based on the sign code. They did not consider the boundary line adjustment because the boundary line adjustment had been submitted to the Planning Department. What has stopped their compliance in the sign code is that the intent of our sign code is to promote and protect the health, safety and welfare of the citizens of Elko. It has some criteria we have to do. By reducing visual clutter and reduce the sign and advertising distractions, to protect and enhance the physical beauty and appearance of the community, and on and on. Our sign code considers all billboards off premise signs. They are advertising businesses that are off that premise. We have a restriction of 600 feet between off premise signs. There is a reason for that and we don't want to change that in our code or we would end up with billboards everywhere. The problem is that they are proposing multiple off premise signs on one parcel with no distance separation of 600 feet between them. We don't regulate the size of wall signs so they're building two walls and putting three of their signs on the walls. It is the off premise signs and the distance between them. The free standing signs that are the kiosk walkable signs, we do have things in our code that restrict that. We allow one free standing sign per street frontage. They would be allowed one on 5th Street and one on Idaho Street but not for off premise signs. There are two concerns here: the concern of the property and the land use, on a property that we have unresolved issues on; and, we have the sign code. As a developer herself, she has a hard time coming to the finding that the property is unbuildable. It had a building on it up until three years ago.

Dennis Strickland, Public Works Director, said he had not seen what it will look like. He wanted them to envision people in the intersection, on their phones and trying to read a bunch of billboards at the same time. He understands the safety concerns and asked Council to consider that when they deliberate.

Mr. Robles noted that every city has signs (Exhibit "H"). He handed out pictures of different signs in different cities. All of these signs are along major pedestrian and vehicle corridors. There is no national outcry to abandon these signs because they cause accidents. They do not cause accidents.

Mr. Gonzales stated signs and billboards have been studied for over 30 years. One of the studies was a U.S. government sponsored study and their findings were that the longest glance time recorded by a driver was 1.35 seconds. Which is well below their accepted standard of 2 seconds. They are City residents and are concerned about the safety there.

Mr. Robles added they are going to install bollards around the perimeter so people can feel safe in there. The reason they are requesting the amount of signs they are because they have done an analysis and research. If they have just a few signs, they would have to charge the same as the big billboard companies in town. They charge upwards to \$1,000. He would have to charge that to compete with them. If they have the amount they are requesting, then they can lower their pricing. The lower the prices, the better opportunity people have to advertise on those billboards. They are trying to make this marketable.

Mayor Keener asked whose problem is the wall.

Mr. Wilkinson answered it is the property owner's issue. If Council was considering approving this appeal, there are several conditions they would need to consider. One would be to give the property owner no more than 90 days to resolve and close out the demolition permit. If they fail to do that, that is their issue. This issue should not be ignored.

Ms. Laughlin gave Council a list of recommended conditions:

- NDOT approval;
- BLA and demolition permit be closed within 90 days of approval;
- Conformance of plans approved, including but not limited to the outdoor restaurant and plaza area being completed;
- Our standard variance application requires commencement within one year and completion within 18 months; and,
- Subject to review in two years if determined necessary by the Planning Commission.

Dave Stanton, City Attorney, added, that if the Council is planning on reversing the Planning Commission's decision, he recommended there be findings in support of the reversal that are consistent with Section 3-2-22-C, the application requirements. There are six things listed there.

Mayor Keener read more of the steps for the appeal procedure. This is a very complex issue and we had some input from the public that brought out some very valid points. We have a situation in which blight exists and he agreed it was not economically feasible to develop this lot. This parcel has high visibility in our downtown area. He favors the proposal and doesn't see anything else happening with this property. He supported taking a risk on this application. There is still the elephant in the room with the situation of the wall. He thought they could make it contingent upon that issue being resolved within 90 days.

Mr. Wilkinson believed Council would have the opportunity to address Mr. Lipparelli's concerns about the roof access and consider a condition that the development of the site. Either the property owner would provide an easement guaranteeing roof access (which is the best way to do it) or a condition that when they develop the site they provide that.

Councilman Stone stated before the meeting he was contacted by Patty Maynard that has property on 5th Street. They are not happy about it. Back when neon signs came out and were the new thing, people wondered about the impact. This will help the downtown area come to the new age and we will see more of this. There will be other places where we see this. The wall is something they will have to work out and figure out how to deal with it. He would like to be assured that Mr. Lipparelli's access is guaranteed. Give the property owners 90 days to figure out the wall situation. He could support the variance and would find a way to support that with some findings.

Councilman Morris talked to the gentlemen on the phone when it was first submitted. He commended them for their ingenuity and wanting to do something different down there. He had a problem with driver distraction. There is no doubt in his mind this will distract drivers but he didn't know to what extent. It is a good idea and may improve downtown but his concerns are for safety.

Councilwoman Simons was frustrated because she didn't think it would matter what they decide today. Nothing can go forward with that wall. She thought the idea was great and with time they

could work out something. She would probably vote to move forward just to make them take care of that wall situation. Maybe a variance would force their hand.

Councilman Puccinelli stated because of the way they do things in Las Vegas and LA, that is why he doesn't live there. He liked the overall idea of what they are doing but maybe not so many signs.

Councilwoman Simons suggested denying it for now until some things get resolved but then that will put no pressure on the property owners.

Councilman Stone liked the idea of 90 days. As for findings, no alley access, reduce blight.

Mr. Wilkinson said if Council doesn't consider the wall issue, he expects to see applications for permits in the Building Department. We will still have the open demolition permit while the applicant is trying to do their project. His thoughts are to deny the application. The wall is an issue that needs to be addressed and resolved.

Ms. Algerio didn't agree with Mr. Wilkinson and said the wall was an encroachment on the property she is trying to help the applicant buy. The sale cannot take place until the BLA is recorded. No building permits will be applied for until after the sale of the property.

**** A motion was made by Councilman Stone, seconded by Councilman Puccinelli, based on the findings that there are special circumstances or features, i.e. unusual shape, configuration, exceptional topographic conditions or other extraordinary situations applying to the property under consideration, the consideration of no alley access, the special circumstances or extraordinary situation or condition results in exceptional practical difficulties or exceptional undue hardships, and where the strict application of the provision or requirement constitutes and abridgment of property right and deprives the property owner of reasonable use of the property, such special circumstances or conditions do not apply generally to other properties in the same zoning district, the granting of the variance will not result in material damage or prejudice to other properties in the vicinity, nor be detrimental to the public interest, health, safety and general welfare, the granting of the variance will not substantially impair the intent or purpose of the zoning ordinance or effect a change of land use or zoning classification, and the granting of the variance will not substantially impair affected natural resources, to reverse the decision of the Planning Commission of July 6, 2021, and conditionally approve the variance with conditions of roof access and drainage capabilities taken into consideration, building permits cannot be approved until the demolition permit is closed within 90 days, the map recorded with encroachment cleaned up and processed, NDOT approval, conformance of plans approved, including but not limited to the outdoor restaurant and plaza area being completed, our standard variance application requires commencement within one year and completion within 18 months, and subject to review in two years if determined necessary by the Planning Commission.**

The motion passed unanimously. (5-0)

BREAK

VI. NEW BUSINESS (Cont.)

- F. Review, consideration, and possible approval to advertise a request for proposals to operate the Food/Beverage Concession area at the Elko Regional Airport, and matters related thereto. **FOR POSSIBLE ACTION**

The airport would like to advertise to the public for proposals to operate the Food & Beverage Concession in the airport terminal. Any successful bids for a new contract will be negotiated and brought before the City Council for final approval.
JF

Jim Foster, Airport Manager, explained there is another related item on the agenda. He was asking for authorization to proceed with the advertisement. He did have an interested party.

**** A motion was made by Councilman Stone, seconded by Councilman Morris, to authorize staff to solicit bids for the Food/Beverage Concession at the Elko Regional Airport.**

The motion passed unanimously. (5-0)

- G. Review, consideration, and possible approval of the revised Humanitarian Campground Rules, and matters related thereto. **FOR POSSIBLE ACTION**

The Humanitarian Campground Rules require revision to reflect to address expansive campsites due to garbage collection and the difficulty in mandating Fire Department inspection and approval of woodstoves or similar device. SAW

Scott Wilkinson, Assistant City Manager, explained the proposed changes are shown on the document included in the packet. He explained the changes and the reason for the changes.

**** A motion was made by Councilman Stone, seconded by Councilman Morris, to approve the revised Humanitarian Campground Rules as stated.**

The motion passed unanimously. (5-0)

- H. Review, consideration and possible approval of a termination agreement between the City of Elko and Rodrigo Mata-Gonzales, dba Grandpa's Tacos, and matters related thereto. **FOR POSSIBLE ACTION**

In March 2020, the City of Elko entered into a concession agreement with Rodrigo Mata-Gonzales, dba Grandpa's Tacos to open a restaurant in the airport terminal building. Due to the Covid pandemic, start dates to open the restaurant were continually pushed back and it eventually became apparent that opening the restaurant in the terminal would not happen. Staff believes it would be in the best interest of the City to terminate the concession agreement with Grandpa's Tacos to make the space available for another business. JF

Jim Foster, Airport Manager, explained we've tried over and over to get a concessionaire in the restaurant and then COVID hit and restricted a lot of things. He met with Mr. Mata-Gonzales after

the emergency declaration was lifted and it became apparent he was no longer interested in opening up that business in the terminal. He was asking to terminate that agreement.

**** A motion was made by Councilman Stone, seconded by Councilman Morris, to approve the Termination Agreement with Rodrigo Mata-Gonzales, dba Grandpa's Tacos.**

The motion passed unanimously. (5-0)

VII. RESOLUTIONS AND ORDINANCES

- A. Review, consideration, and possible action to adopt Resolution 26-21, a resolution establishing administrative fines associated with the enforcement of Title 9, Chapter 6 (Illegal Discharge and Connection to Stormwater), Chapter 7 (Construction Site Runoff Control), and Chapter 8 (Postconstruction Runoff Control and Water Quality Management), and matters related thereto. **FOR POSSIBLE ACTION**

Title 9, Chapters 6, 7, and 8 were recently updated with new enforcement regulations and procedures. Several sections of these chapters reference an administrative fine possibly being imposed upon issuance of a Notice of Violation or a Stop Work Order. This fine is indicated as being set by Resolution of the City Council. The cost of Staff time for the average Notice of Violation and Stop Work Order was calculated and Staff has determined that a fine of \$500 would be appropriate and justifiable. MR

Michele Rambo, Development Manager, explained they did some updates to the Stormwater Ordinances. There are several options we are allowed to do with the Notice of Violation and Stop Work Order. One is to require the payment of a fine. This Resolution would help cover the cost of staff time.

**** A motion was made by Councilman Morris, seconded by Councilman Stone, to adopt Resolution No. 26-21.**

The motion passed unanimously. (5-0)

- B. Review, consideration, and possible approval of Resolution No. 28-21, donating approximately 200 pairs of inline and quad roller skates to the Igloo, and matters related thereto. **FOR POSSIBLE ACTION**

On January 15, 2021 the Recreation Department received a letter from the Nevada East Roller Derby Girls stating that they would like to donate or transfer approximately 200 pairs of roller skates to the City of Elko to continue the Family Skate Night Event. Due to impacts from the Covid-19 pandemic, the Recreation Department has not been able to continue to hold the event. The Igloo Recreation Center has requested that the City donate the skates to them for public use at their facility. JW

James Wiley, Parks and Recreation Director, explained Family Skate Night was a great event when they were able to partner with the Roller Derby Girls. They controlled the skate rentals because

they owned them. We managed the event and handled the fee at the door. Since COVID hit we have not been able to hold the event. The Igloo wants to restart a skate event at their facility under their management but they need the skates. Since the Roller Derby Girls no longer have a vested interest in that, and for the time being the Recreation Department does not have the staff to pull the event off, he felt it was a good sensible idea to let the Igloo continue the event with the donation of these skates.

**** A motion was made by Councilman Stone, seconded by Councilman Morris, to approve Resolution No. 28-21, donating approximately 200 pairs of inline and quad roller skates to the Igloo Recreation Center.**

The motion passed unanimously. (5-0)

IX. REPORTS

A. Mayor and City Council

Mayor Keener said Councilwoman Simons will be in charge for the next meeting. The Rides and Rods event was successful this last weekend with over 300 entries. There are also a bunch of new murals in town.

B. City Manager

Curtis Calder said we had our ARPA Public Hearing last week and it went well. We need to schedule the second hearing. He would have Kim send out an email. He was happy to see Steve Simpson show and explain how they are struggling. He hopes we are slowing down with our COVID cases.

Mayor Keener asked about a warrant for FISH for \$2,500 for Salt Lake City Express Transportation.

Mr. Calder answered that was an agreement they had come up with FISH to assist them in providing some transportation for folks that do not want to be in Elko that are homeless.

C. Assistant City Manager

D. Utilities Director

Dale Johnson reported the Fire Marshal and Development signed off on the new shop. Tomorrow they have final building inspections. ZGA's team will be out next week to do their final walk-throughs.

Mayor Keener asked that Valerie gives her presentation on the Bio Bot Reports in October since he will be gone for the next meeting.

E. Public Works

Dennis Strickland reported they found good pipe in the collapsed culvert and Great Basin did another great job for us again.

F. Airport Manager

G. City Attorney

H. Fire Chief

Chief Griego reported they had to cancel their picnic. They will take all of the supplies and incorporate that into their school programs. He gave an update on the crews out fighting the fire in Northern California. They will be headed back tomorrow and will need a good rest.

I. Police Chief

Chief Trouten reported October 1 there are some new laws. Misdemeanors will have more restrictions on when you can arrest for them. He expects some push back from the public. They will try to do a PR Campaign explaining what is going on.

J. City Clerk

K. City Planner

L. Development Manager

Michele Rambo reported on the activities of the new Code Enforcement Officer. She also included a report from the software they use so Council could see the complaints they receive (Exhibit "I").

M. Financial Services Director

Jan Baum reported the auditors will be here next week and she thought we had a productive ARPA meeting last week.

N. Parks and Recreation Director

James Wiley updated Council on the status of the indoor swimming pool. The circulation pump went down and the pool is drained. The problem seems to be finding an available pump and motor to put in. They will leave the outdoor pool open as long as they can stand to swim out there. The heat exchanger for the outdoor pool has gone down too. A new heat exchanger has been built but the problem now is shipping to get it here.

Mayor Keener stated he had some kudos for his department from some parents of members of the soccer teams. They said the fields are looking a lot better and they were pleased.

Mr. Wiley reported the new sports complex has made significant progress with the grass but they will not be able to open in October as planned. They will have to reschedule the grand opening until next spring.

O. Civil Engineer

P. Building Official

Mayor Keener asked Jeff Ford if he had gotten anything for the Temple. Jeff Ford answered nothing yet.

Mayor Keener asked about the apartment complex on Manzanita, if he had gotten anything for that one.

Mr. Ford answered no. They have a lot of residential plans in right now but that was it.

COMMENTS BY THE GENERAL PUBLIC

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

There were no public comments.

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

Mayor Reece Keener

Kelly Wooldridge, City Clerk