

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

SS September 24, 2019

The City Council of the City of Elko, State of Nevada met for a regular meeting beginning at 4:00 p.m., Tuesday, September 24, 2019.

This meeting was called to order by Mayor Pro Tempore Robert Schmidlein.

CALL TO ORDER

ROLL CALL

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

Council Absent: Mayor Reece Keener
Councilman Chip Stone

City Staff Present: Scott Wilkinson, Assistant City Manager
Michele Rambo, Development Manager
Jeff Ford, Building Official
Bob Thibault, Civil Engineer
Candi Quilici, Accounting Manager
Dennis Strickland, Public Works Director
Cathy Laughlin, City Planner
Jim Foster, Airport Manager
Shane Fertig, Landfill Superintendent
Justin Alanis, Facilities Superintendent
Dale Johnson, Water Superintendent
Susie Shurtz, Human Resources Manager
Matt Griego, Fire Chief
Jack Snyder, Deputy Fire Chief
John Holmes, Fire Marshal
Ben Reed Jr., Police Chief
Ty Trouten, Police Captain
Dave Stanton, City Attorney
Diann Byington, Recording Secretary

PLEDGE OF ALLEGIANCE

COMMENTS BY THE GENERAL PUBLIC

Pursuant to N.R.S. 241, this time is devoted to comments by the public, if any, and discussion of those comments. No action may be taken upon a matter raised under this

item on the agenda until the matter itself has been specifically included on a successive agenda and identified as an item for possible action. **ACTION WILL NOT BE TAKEN**

There were no public comments.

I. PERSONNEL

A. Employee Introductions:

- 1) Shane Fertig, Landfill Superintendent, Public Works

Present and introduced.

- 2) Justin Alanis, Facilities Superintendent, Public Works

Present and introduced.

APPROVAL OF MINUTES: September 10, 2019 **Regular Session**

The minutes were approved by general consent.

II. APPROPRIATIONS

- B. Review, consideration and possible final acceptance of the Public Works Department Preventive Maintenance Project 2019 to apply Micro Slurry Seal to select City streets, and matters related thereto. **FOR POSSIBLE ACTION**

At their June 11, 2019, meeting, the City Council awarded the bid for the Preventive Maintenance Project 2019 to Sierra Nevada Construction in the amount of \$404,007.00. As allowed in the contract, the City of Elko increased the amount of work by 52,083.30 square yards. Sierra Nevada Construction has satisfactorily completed the work. DS

Dennis Strickland, Public Works Director, handed out the signed off payment request from Sierra Nevada Construction (Exhibit "A"). He stated that everything appears to be in order and he recommended final acceptance.

**** A motion was made by Councilman Hance, seconded by Councilwoman Simons, to approve Final Acceptance of the Preventative Maintenance Project 2019, to Sierra Nevada Construction, in the amount of \$493,802.28.**

The motion passed unanimously. (3-0)

- C. Review, discussion, and possible approval for the Fire Department Interagency Cooperative Agreement with the Bureau of Land Management, and matters related thereto. **FOR POSSIBLE ACTION**

The City of Elko Fire Department is seeking approval of the Interagency Cooperative Agreement between the City of Elko Fire Department and the Bureau of Land Management. This agreement would last for a term of 5 years and both parties have accepted the agreement as written. JS

Jack Snyder, Deputy Fire Chief, explained the agreement and recommended approval.

**** A motion was made by Councilwoman Simons, seconded by Councilman Hance, to approve the Interagency Cooperative Agreement between the City of Elko Fire Department and the Bureau of Land Management.**

The motion passed unanimously. (3-0)

III. UNFINISHED BUSINESS

- A. Status update on the Public Nuisance complaint regarding 403 Pine Street, and matters related thereto. **INFORMATION ITEM ONLY – NON ACTION ITEM CC**

Due to a fire at 403 Pine Street, the structure has been inspected and red-tagged by the City Building Department. Since that time, the property owner has done little to mitigate the attractive nuisance, resulting in several complaints from neighbors and calls for service to the City of Elko Police Department. At this time, the City Staff has verified the public nuisance and has reported findings to the City Attorney's office for further action. Additionally, notice has been served to the property owner regarding a public hearing scheduled for October 22, 2019. CC

Scott Wilkinson, Assistant City Manager, explained they expect to have some public present for the hearing scheduled for October 22. After speaking to some of the neighbors, they are concerned and looking forward to this matter being resolved.

IV. NEW BUSINESS

- A. Review and possible approval of the First Amendment to the Lease Agreement between the City of Elko and Elko Leasing Company, changing Article 1, the term of lease from 10 years to 20 years, Article II, Feasibility, deleted in its entirety, Article VII, Paragraph B, deleted in its entirety, and replaced with clarifying language to extent of the Lessors maintenance responsibilities, and matters related thereto. **FOR POSSIBLE ACTION**

City Council approved a Lease Agreement between the City and Elko Leasing Company on January 8, 2019. The lease Agreement was executed on January 9, 2019. Elko leasing Company has requested an amendment changing the term of lease from 10 years to 20 years. Additionally, Staff has proposed deleting Article II in its entirety. As a feasibility period is no longer required, and revision to paragraph B under Article VII clarifying that the lessor is not responsible to maintain any leased areas within the parking lot. JF

Jim Foster, Airport Manager, explained Mr. Martinez was present to answer questions. They are cleaning up the agreement and extending the initial term.

Dave Stanton, City Attorney, said he found a typographical error in the amendment (paragraph 1A) and asked that Council make that finding in the motion and they will reprint the amendment for signatures.

**** A motion was made by Councilwoman Simons, seconded by Councilman Hance, to approve the First Amendment to the Lease Agreement between the City of Elko and Elko Leasing Company, changing Article 1, the term of lease from 10 to 20 years, Article II, Feasibility, deleted in its entirety, Article VII, Paragraph B, deleted in its entirety and replace with clarifying language to extent of the Lessors maintenance responsibilities, and also noting a typographical error in Paragraph 1A, where the number 10 will be updated to the number 20.**

The motion passed unanimously. (3-0)

- B. Review and possible approval of a Communication Facilities Lease Agreement between the Elko Television District and White Cloud Networks, Nevada, allowing for the installation and operation of communications equipment located in the Airport Fiber Shelter, and matters related thereto. **FOR POSSIBLE ACTION**

The current lease agreement between the City of Elko/Elko Regional Airport and the Elko Television District allows subletting, with the approval of the City of Elko. A copy of the proposed Agreement is enclosed in the agenda packet for review. JF

Mr. Foster explained this is a sublease that is allowed through our normal leases. These subleases require council approval. A representative from the Elko Television District was present for questions.

**** A motion was made by Councilwoman Simons, seconded by Councilman Hance, to approve the Communication Facilities Lease Agreement between the Elko Television District and White Cloud Networks, Nevada, allowing for the installation and operation of communications equipment located in the Airport Fiber Shelter.**

The motion passed unanimously. (3-0)

- C. Review, consideration and possible approval of a Hangar (D-8) Lease Agreement with R. Jeff Williams, and matters related thereto. **FOR POSSIBLE ACTION**

Mr. R. Jeff Williams recently purchased Hangar D-8 from Leslie Olmstead and a new Lease Agreement needs to be completed with Mr. Williams. Additionally, airport ground leases of less than one-half an acre are no longer subject to appraisal/auction process for cities whose population is less than 25,000 (NRS 496.80) JF

Mr. Foster explained this is our standard T-Hangar lease agreement.

Dave Stanton, City Attorney, explained on page 10 of the lease, the attest block under the Mayor's signature was illegible. The lease that gets signed needs to have that corrected.

**** A motion was made by Councilwoman Simons, seconded by Councilman Hance, to approve the T-Hangar Lease (D-8) with R. Jeff Williams, acknowledging the attest signature line needs a name under it.**

The motion passed unanimously. (3-0)

- D. Review, consideration, and possible approval to sell a portion of APN 001-610-075, approximately .37 acres, pursuant to NRS 268.061 or NRS 268.062, city owned property located adjacent to the soccer field and east parking lot of Mountain View Park, and authorization to Staff to obtain the required appraisal, and matters related thereto. **FOR POSSIBLE ACTION**

Staff has received a request from Koinonia Development LP. to purchase a narrow strip of city owned property adjacent to property they purchased along North 5th Street. The property lies on the sloped area above the soccer fields and parking lot of Mountain View Park and currently is undeveloped. The Parks and Recreation Board reviewed this request at their July 18, 2019 meeting and recommended the City Council approve the land sale with a condition that the funds received go back to the Recreation fund or are applied to a future park project.

NRS 268.061 1. (e) allows the governing body to sell property owned by the City to any person(s) who owns property adjacent to such property without offering it to the public if the governing body determines, by resolution, that the sale will be in the best interest of the City, and the property is a parcel that is too small to establish an economically viable use by anyone else.

NRS 268.062 allows for the sale of any real property at auction after adopting a resolution declaring its intention to sell the property at auction.

City Council must determine if the property is economically viable to anyone other than the adjacent property owner. CL

Cathy Laughlin, City Planner, explained the difference between selling City property under the two different NRS codes above. Koinonia made the request to purchase the property and she took the request to the Parks and Recreation Board for their approval. The Parks and Recreation Board made the request that the money go to Parks and Recreation but that is impossible because the money from land sales goes to Capital Construction. Koinonia just purchased the adjacent properties and plan on building a townhouse development. This strip of land will allow for more driveway access and parking.

Mayor Pro Tem Schmidlein asked if there should be stipulations put on this. Is there any set development they should put in the motion.

Ms. Laughlin said this agenda item is just for the sale of the land. When the developer brings in their tentative map, that is when we would look at conditions.

Scott Wilkinson, Assistant City Manager, stated he didn't think there should be any conditions other than the standard conditions for a land sale.

Councilman Hance said he would like to see some decorative retainage other than the standard concrete wall.

Mayor Pro Tem Schmidtlein said he didn't feel this property would benefit anyone else but it could be incorporated into their development nicely.

**** A motion was made by Councilwoman Simons, seconded by Councilman Hance, to authorize staff to obtain the required appraisal for the proposed sale of a portion of APN: 001-610-075, approximately .37 acres, pursuant to NRS 268.061, based on the findings that the area for proposed sale is adjacent to the Koinonia Development LP property and that the proposed sale is in best interest of the City, the proposed area to be sold is too small to establish an economically viable use by anyone else, and Koinonia Development LP is responsible for all costs related to the sale of the property, if determined to sell pursuant to NRS 268.061. The proposed sale is subject to the Council accepting the appraisal.**

The motion passed unanimously. (3-0)

- E. Review, consideration, and possible approval of Revocable Permit 1-19, filed by Northern Nevada Asset Holdings, LLC to occupy a portion of the City of Elko Silver Street Right-of-Way, to accommodate installation of a grease interceptor, and matters related thereto. **FOR POSSIBLE ACTION**

Northern Nevada Asset Holdings, LLC has applied for a building permit for the Old Chicago Pizzeria. The project would include installation of a new grease interceptor and the only possible location outside the building would be within the Right-of-Way. City Code requires they have a Revocable Permit to Occupy the Right-of-Way. CL

Ms. Laughlin displayed the Exhibit B map from the Revocable Permit on the overhead screen. This is our standard application process.

Mayor Pro Tem Schmidtlein asked about manhole covers on the sidewalk and recommended that they be installed so they don't create tripping hazards.

**** A motion was made by Councilman Hance, seconded by Councilwoman Simons, to approve Revocable Permit No. 1-19, subject to the execution of the License Agreement between the applicant and the City of Elko.**

The motion passed unanimously. (3-0)

- F. Review, consideration, and possible action to vacate up to 2.5' of the southeasterly portion of Commercial Street between 5th and 6th Street involving 8 properties, filed by City of Elko and processed as individual Vacations 4-19 through 11-19, and matters related thereto. **FOR POSSIBLE ACTION**

A recent survey has been submitted to the City of Elko showing an encroachment of their building into Commercial Street Right-of-Way. Further surveying has determined that most of the 600 block has encroachments into the Commercial Street Right-of-Way and therefore the City of Elko is the applicant for the vacation. CL

Ms. Laughlin explained the City requested a survey of the property formerly known as the G Bar. That survey showed an encroachment of .9 feet into the Commercial Street Right-of-Way. Staff worked with that surveyor and had the entire block resurveyed. There are encroachments from Capriola's to the final building in the block, which was not encroaching. Our agenda item shows vacation applications 4-19 through 11-19 because they had assumed that all eight properties encroached Commercial Street and that there would be some vacation on all eight. It has been determined that only seven of the buildings are encroaching Commercial Street. They are proposing vacating two feet from the existing property lines. Our Code reads that Council would be making a motion to vacate. Council has the right to realign any street. She was proposing vacations no. 4-19 through 10-19 because they have determined a vacation is not needed on the north property.

Mayor Pro Tem Schmidlein asked how many feet they want to vacate.

Ms. Laughlin answered this will be referred to the Planning Commission. The legal descriptions and display maps were received today and they will be included in the Planning Commission agenda as separate agenda items, with an exact amount for each vacation.

Scott Wilkinson, Assistant City Manager, said he felt they should stick with "up to 2.5 feet" tonight to give staff flexibility in case an error is found. Council can eliminate one of the applications tonight in the motion.

Councilman Hance wondered why that last building didn't need a vacation. He felt the vacations should create a straight line all the way across. We should not treat that building any different than the others.

Mr. Wilkinson said it does seem logical to vacate it. There is the issue of public sidewalk on personal property but if we rebuild the sidewalk we could get their permission. If we did that could we get the survey in time?

Ms. Laughlin answered yes.

There was some discussion where it was explained that vacated property will increase the assessed value of the properties they are vacated to, and increase their taxes a bit. By vacating all the way across, it will give the property owners the ability to change the front of their buildings if they want to without going through the vacation process again.

**** A motion was made by Councilman Hance, seconded by Councilwoman Simons, that the findings are in the best interest of the City, that no person will be materially injured, thereby, move to approve the proposed individual vacations 4-19, 5-19, 6-19, 7-19, 8-19, 9-19, and 10-19, involving the seven properties and to notify the owner of the last**

property that would become 11-19, and the eighth property in the block, and direct staff to commence the vacation process by referring the matter to the Planning Commission.

The motion passed unanimously. (3-0)

V. PETITIONS, APPEALS, AND COMMUNICATIONS

- A. Ratification of the Police Chief issuing a 60-day Temporary Packaged Liquor License and issue a Regular Packaged Liquor License, to Noel Aguirre, DBA La Unica Market, L.L.C., located at 524 Front Street, Elko, NV 89801, and matters related thereto. **FOR POSSIBLE ACTION**

Chief Reed stated this is a change of ownership. He visited with them regarding the Liquor Code. There are no issues with the background check. He recommended approval.

**** A motion was made by Councilman Hance, seconded by Councilwoman Simons, to ratify the Police Chief issuing a 60-day temporary packaged liquor license and issue a Regular Packaged Liquor License to Noel Aguirre, dba La Unica Market, LLC, located at 524 Front Street, Elko, Nevada 89801.**

The motion passed unanimously. (3-0)

II. APPROPRIATIONS (Cont.)

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

**** A motion was made by Councilwoman Simons, seconded by Councilman Hance, to approve the general warrants for Fiscal Year 2018-2019.**

The motion passed unanimously. (3-0)

**** A motion was made by Councilwoman Simons, seconded by Councilman Hance, to approve the general warrants for Fiscal Year 2019-2020.**

Mayor Pro Tem Schmidtlein asked about a \$42,000 charge for the Police Department to Axon Enterprise Inc. He assumed it was a payment for the rental of the body cameras. Was that a one-year lease payment?

Chief Reed answered Axon is the body camera company. We are under a 5-year contract with them. We added some cameras and licenses and that was the charge for those.

The motion passed unanimously. (3-0)

VI. REPORTS

- A. Mayor and City Council

Mayor Pro Tem Schmidtlein said he had the opportunity to attend the Fire Department exercise, along with other agencies. He thought it was a good exercise.

- B. City Manager – Absent (attending Nevada League of Cities Conference)
- C. Assistant City Manager – Elko Mural Expo; Special Meeting September 27, 2019
Scott Wilkinson reported the Mural Expo has been kicked off. He went over the activities related to the Mural Expo. We have a special meeting scheduled for 2:00 pm on September 27, 2019, regarding Cabo Bar.
- D. Utilities Director
- E. Public Works
- F. Airport Manager – AIP Project Update
Jim Foster gave an update on AIP50. All the routing and major crack sealing has been completed. They are finishing up with the small runway but they have lost some days to weather.
- G. City Attorney
- H. Fire Chief
Chief Griego thanked Councilman Schmidlein and Councilman Stone for coming to their exercise. It was a good full community exercise. The Fire Prevention Picnic is scheduled for Saturday but the weather is not looking good and they may reschedule the picnic.
- I. Police Chief
Chief Reed reported they will be ready for the hearing on Friday. Next Gen 911 got the final approval from the County last week for some specific software packages from the selected vendor that will help the dispatchers and first responders. October 22, 2019, he is planning to swear in the new Police Chief.
- J. City Clerk - Absent (attending Nevada League of Cities Conference)
- K. City Planner
- L. Development Manager
- M. Parks and Recreation Director
- N. Civil Engineer
Bob Thibault gave an update on the Sports Complex project. Things are moving along and looking good. They added some weather days and some additional days for extra work. October 7th is the scheduled completion date for all three projects.
- O. Building Official

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**

Mayor Pro Tem Schmidlein said the Boys and Girls Club is having a grand opening for their addition, on Thursday at 6:00 pm. Everyone is welcomed to attend.

There being no further business, Mayor Pro Tempore Robert Schmidlein adjourned the meeting.

Mayor Pro Tem Robert Schmidlein

Kelly Wooldridge, City Clerk

Application and Certificate For Payment

<p>To Owner: CITY OF ELKO 1751 COLLEGE AVENUE ELKO, NV 89801</p> <p>From (Contractor): SIERRA NEVADA CONSTRUCTION P.O. BOX 50760 2055 EAST GREG STREET SPARKS, NV 89435</p> <p>Phone: 775-355-0420</p>	<p>Project: ELKO - 2019 MICRO SLURRY VARIOUS STREETS ELKO, NV</p> <p>Contractor Job Number: 57030</p> <p>Via (Architect): Contract For: PWP #EL-2019-228</p>	<p>Application No: 1</p> <p>Period To: 08/31/19</p> <p>Architect's Project No:</p> <p>Contract Date: 06/17/19</p> <p>Date: 08/31/2019</p>
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Contractor's Application For Payment

Change Order Summary	Additions	Deductions
Change orders approved in previous months by owner		
Change orders approved this month	Date Approved	
	Number	
Totals		
Net change by change orders		

The undersigned Contractor certifies that to the best of the Contractor's knowledge, information, and belief the work covered by this Application for Payment has been completed in accordance with the Contract Documents, that all amounts have been paid by the Contractor for work for which previous Certificates for Payment were issued and payments received from the Owner, and that current payment shown herein is now due.

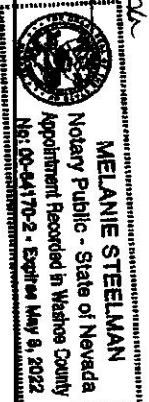
Contractor: [Signature] **Date:** 9-16-19

By: [Signature] **County of:** Washoe

State of: Nevada **City:** Sparks

Subscribed and sworn to before me this 14th day of September 2019 (year). Notary public [Signature]

My commission expires May 3, 2022



Original contract sum	404,007.00	
Net change by change orders	0.00	
Contract sum to date	404,007.00	
Total completed and stored to date	493,802.28	
Retainage		
5.0% of completed work	24,690.11	
0.0% of stored material	0.00	
Total retainage	24,690.11	
Total earned less retainage	469,112.17	
Less previous certificates of payment	0.00	
Current sales tax	0.00	
0.0000% of taxable amount	0.00	
Current sales tax	0.00	
Current payment due	469,112.17	
Balance to finish, including retainage	24,690.11	

Architect's Certificate for Payment

In accordance with the Contract Documents, based on on-site observations and the data comprising the above application the Architect certifies to the Owner that to the best of the Architect's knowledge, information and belief the Work has progressed as indicated, the quality of the Work is in accordance with the Contract Documents, and the Contractor is entitled to payment of the Amount Certified.

Amount Certified: \$ 469,112.17

Architect: [Signature] **Date:** 9-16-19

By: [Signature]

This Certification is not negotiable. The Amount Certified is payable only to the Contractor named herein. Issuance, payment, and acceptance of payment are without prejudice to any rights of the Owner or Contractor under the Contract.

Exhibit A