

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

SS October 13, 2020

The City Council of the City of Elko, State of Nevada met for a regular meeting beginning at 4:00 p.m., Tuesday, October 13, 2020. Due to the restrictions found in the State of Nevada Emergency Directive 006, the meeting was held in the Silver Room of the Elko Convention and Visitors Authority, 700 Moren Way, Elko.

This meeting was called to order by Mayor Reece Keener.

CALL TO ORDER

ROLL CALL

Mayor Present: Reece Keener

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

City Staff Present: Scott Wilkinson, Assistant City Manager
Kelly Wooldridge, City Clerk
Candi Quilici, Accounting Manager
Jan Baum, Financial Services Director
Dale Johnson, Utilities Director
James Wiley, Parks and Recreation Director
Cathy Laughlin, City Planner
Michele Rambo, Development Manager
Jim Foster, Airport Manager
Matt Griego, Fire Chief
Dave Stanton, City Attorney
Lt. Jason Pepper
DJ Smith, Computer Systems
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.

The minutes were approved by general consent.

I. PRESENTATIONS

- A. Presentation of a “Years of Service” Plaque to former Planning Commissioner, Evi Buell, and matters related thereto. **INFORMATION ONLY–NON ACTION ITEM**

Ms. Buell was not present.

- B. Fire Department Badge Pinning

- 1.) Tyler Huff, Fire Fighter

Chief Griego introduced firefighter Tyler Huff and his mother. His mother did the pinning ceremony. Councilman Robert Schmidlein administered the oath.

II. CONSENT AGENDA

- A. Review, consideration, and possible reappointment of Dennis Strickland as Chairperson for the Storm Water Advisory Committee, and matters related thereto. **FOR POSSIBLE ACTION**

Per the Storm Water Advisory Committee Bylaws, the chairperson serves a two-year term. Dennis Strickland has served as Chairperson since September 11, 2018 and is now due for reappointment. Article III, Section 1 of the committee bylaws states that the City Council shall appoint the Chairperson. MR

- B. Review, consideration, and possible acceptance of a “Letter of Resignation” from Arts and Culture Advisory Board Member, Bailey Billington-Benson, and direct Staff to advertise the vacant seat, and matters related thereto. **FOR POSSIBLE ACTION**

Bailey Billington-Benson has submitted a “Letter of Resignation” from the Arts and Culture Advisory Board. A copy of the letter has been placed your packet. CC

- C. Review, consideration, and possible appointment of Kelly Wooldridge, City Clerk as the City of Elko Title VI Coordinator, and matters related thereto. **FOR POSSIBLE ACTION**

The City of Elko is required to have a Title VI program to be in compliance with State and Federal grants. In early May the City was notified by NDOT that they will be completing a Title VI program compliance review. NDOT has also hired consultants to assist the City in completing the Title VI program plan. The program requires a City-wide Title VI Coordinator. KW

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

III. PERSONNEL

A. Employee Introductions:

- 1.) Spencer Sutherland, Landfill Equipment Operator, Public Works, Landfill
Unable to attend..
- 2.) Caleb McHale, Parks Maintenance Technician I, Parks and Recreation
Present and introduced.
- 3.) Aaron Brensel, Equipment Operator I, Public Works, Street Department
Present and introduced.
- 4.) Carlos Gonzalez, Equipment Operator I, Public Works, Street Department
Present and introduced.
- 5.) Nicholas Kyriss, Equipment Operator I, Public Works, Street Department
Present and introduced.
- 6.) Kirsten Kowing, Animal Shelter Worker II, Animal Shelter
Unable to attend.

IV. APPROPRIATIONS

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

Mayor Keener asked about the purchase of a valve tool. Dale Johnson, Utilities Director stated this is an 18-inch valve machine, and it is the only one in the world. The first 18-inch valve was installed three weeks ago. It will also do 4-14 inch valves.

**** A motion was made by Councilwoman Mandy Simons and seconded by Councilman Chip stone to approve the general warrants.**

The motion passed unanimously. (4-0)

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

**** A motion was made by Councilwoman Mandy Simons and seconded by Councilman Chip Stone to approve the print and copy warrants.**

The motion passed (3-0 Mayor Keener Abstained)

C. Review and possible approval of Ruby Mountain Lock & Safe Warrants, and matters related thereto. **FOR POSSIBLE ACTION**

**** A motion was made by Councilwoman Mandy Simons and seconded by Councilman Chip stone to approve the Ruby Mountain Lock & Safe Warrants.**

The motion passed unanimously. (4-0)

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

**** A motion was made by Councilwoman Mandy Simons and seconded by Councilman Chip stone to approve the Great Basin Engineering Contractors Warrants.**

The motion passed (3-0 Councilman Schmidlein abstained)

- E. Review, consideration, and possible final acceptance of the Public Works Department Preventive Maintenance Project 2020 to apply Micro Slurry Seal to select City streets, and matters related thereto. **FOR POSSIBLE ACTION**

At the May 26, 2020 meeting, the City Council awarded the bid for the Preventive Maintenance Project 2020 to Sierra Nevada Construction in the amount of \$514,007.00. The contract came in under budget due to field quantity adjustments. Sierra Nevada Construction has satisfactorily completed the work. DS

Dennis Strickland, Public Works Director stated there was less work than awarded. They were not able to complete College Avenue in front of the high school. Mr. Martinez with AM Engineering is present and they did an excellent job. All of the regional roads have been treated. Mayor Keener stated he doesn't recall this project ever coming in under the budgeted amount.

**** A motion was made by Councilman Robert Schmidlein and seconded by Councilman Chip Stone to approve the final acceptance of the Preventative Maintenance Project 2020 by Sierra Nevada Construction for \$500,675.85**

The motion passed unanimously. (4-0)

- F. Review, consideration, and possible award of the bid for the Swimming Pool Re-Plastering Project, and matters related thereto. **FOR POSSIBLE ACTION**

Bids for the Swimming Pool Re-Plastering Project were opened on Wednesday October 7, 2020. A Bid tabulation sheet has been included in the packet for Council review. JW

James Wiley, Parks and Recreation Director stated this is phase two of the pool projects for this year. The bidding process was a little difficult for this project. We did not receive any bids the first time. The second time we advertised to the public we would receive bids for an additional seven days and we received one bid but it was considered non-responsive. We repeated this process one more time and received one bid from Adams Pool Specialties, Inc. who has done plastering for the pool previously. This bid did come in about \$50,000 over what was budgeted. The additional \$50,000 will come from ad valorem funds. This must be done in order to reopen the pool. Mayor Keener asked how long will it take them to mobilize once they are awarded the bid. Mr. Wiley stated the contractor would like to be here by the middle of November and finish by the middle of December. Mr. Wiley stated City staff will do some maintenance to the plaster

(the plaster will need to be cured). The plan is to reopen the pool after the first of the year. Councilman Stone asked about a warranty. Dennis Strickland stated most contractor warranties are typically a year.

**** A motion was made by Councilman Chip Stone and seconded by Councilman Robert Schmidlein to award the swimming pool plastering bid to Adams Pool Specialties, Inc. for \$175,600.**

The motion passed unanimously. (4-0)

V. UNFINISHED BUSINESS

- A. Review, consideration, and possible approval of an Interlocal Agreement for Communication Facility Exchange between the between the City of Elko and CC Communications for a communication facility exchange, and matters related thereto. **FOR POSSIBLE ACTION**

The City of Elko approved a non-exclusive franchise agreement with the CC Communications on February 11, 2020. The non-exclusive franchise agreement does not provide for the use of City-owned fiber. On June 23, 2020, the City of Elko approved the development of an agreement for future consideration by the Council. The Council action required a condition that CC Communication construct the entire communication infrastructure proposed in the agreement prior to CC Communications utilizing City owned fiber. The proposed agreement reflects that condition. SAW

Scott Wilkinson, Assistant City Manager stated he provided colored copies of the exhibits A & B. Exhibit A is the city owned fiber they would utilize from the intersection of Mountain City Highway and Silver Street up to Pinion Road to the Landfill. The City needs to identify another 1.4 miles of fiber run to be installed and utilized by the City. CC Communications is proposing the language be clarified for section 2.6 of the agreement with the condition the Council had that they finish the infrastructure prior to using the City fiber. Mr. Wilkinson stated the proposed language is reasonable. Mark Feest of CC Communications stated CC Communications would build 4.6 miles of fiber and turn over 12 fibers to the City in exchange for existing 2.3 miles of fiber the City has. The City needs to identify a remaining 1.4 miles. CC Communications is asking one buffer tube be made available. Mayor Keener stated that there would be advantages of fiber going to the new WRF or a need for fiber at the Sports Complex. Mr. Wilkinson stated we definitely should look at the WRF. He stated in the agreement there was some concern about service to Spring Creek in section 2.4 CC Communications will provide services around the routes in the City of Elko prior to providing service to residents or businesses in Spring Creek. Section 2.7 requires the City to provide the information on the 1.4 miles within three months of execution of the agreement. Mayor Keener would like it to go back to staff to determine the 1.4 miles. Mr. Wilkinson stated they will give the City three months to do this and consult with IT and different departments and bring it back to City Council. Mayor Keener wants to make sure Councilman Hance has some input before this decision is made.

Mayor Keener called for public comment. There were no comments.

**** A motion was made by Councilwoman Mandy Simons and seconded by Councilman Robert Schmidlein to approve the interlocal agreement between CC Communications and**

the City of Elko for a communication facility exchange, the revision in section 2.6 the agreement and conditioned on Dave Stanton's approval.

The motion passed unanimously. (4-0)

Councilman Hance who was watching remotely stated he was good with the motion as well.

VI. NEW BUSINESS

- A. Review, consideration, and possible approval of the First Amendment to the Non-Exclusive Franchise Agreement between the City of Elko and Citizens Telecommunication Company of Nevada d/b/a Frontier Communications of Nevada, amending Section 1 of the agreement, granting a Revocable License to pull communications cable in underground conduit owned by the City of Elko located within City Rights-of-Way, and amending Section 5 of the agreement, allowing for a reduction in franchise fees by resolution of the City Council, and matters related thereto. **FOR POSSIBLE ACTION**

Council has recently approved Non-exclusive Franchise Agreements including a provision granting a Revocable Permit for Occupancy of City owned conduit. Additionally, Council passed Resolution No. 4-20 on February 11, 2020, waiving franchise fees for telecommunications carriers beginning July 1, 2020 for a period of five (5) years. Commencing on June 29, 2025, and continuing thereafter, the telecommunication carrier shall pay the Franchise Fee as stipulated in the agreement. The proposed amendment addresses the issues referenced above. SAW

Scott Wilkinson, Assistant City Manager stated that in an effort to have all of the franchise agreements consistent with each other this amendment was proposed. We want the same opportunity for all of the providers and the Council's ability to waive franchise fees. Level III is the last one we will need to do this with. Frontier is not proposing to use City Fiber.

Mayor Keener called for public comment. There were no comments.

**** A motion was made by Councilman Chip Stone and seconded by Councilwoman Simons to approve the first amendment to the non-Non-Exclusive Franchise Agreement between the City of Elko and Citizens Telecommunication Company of Nevada d/b/a Frontier Communications of Nevada amending Section 1 of the agreement, granting a Revocable License to pull communications cable in underground conduit owned by the City of Elko located within City Rights-of-Way, and amending Section 5 of the agreement, allowing for a reduction in franchise fees by resolution of the City Council.**

The motion passed unanimously. (4-0)

- B. Review, consideration, and possible approval of a corrected lease between the City of Elko and ESM2, LLC, for the lease of approximately 8.69 acres of City owned property located generally north of West Idaho and west of the Airport, and matters related thereto. **FOR POSSIBLE ACTION**

Council adopted Resolution No. 15-20, accepting the appraised lease value at its meeting on July 28, 2020, and conducted a public auction for the referenced property on August 25, 2020. At the July 28, 2020, meeting there was considerable discussion concerning the lack of access to the property and public comment requesting a draft lease agreement to be provided. There was comment by City Officials that the lease must address the access issue. To ensure that all potential interested parties would be bidding on equal terms, a draft lease agreement was presented in the Council agenda packet for the public auction process. That draft lease agreement is what the successful bidder bid upon. The draft lease agreement contained some typographical errors and did not contain two of the referenced Exhibits. The typographical errors have been corrected and the Exhibits have been included in the lease agreement. The successful bidder has requested other significant and substantive revisions to the agreement that Staff, based on legal advice, believes would violate NRS 268.062, because substantive revisions would constitute post-bid negotiation prohibited by the law of competitive bidding. For that reason, the presented agreement does not include the revisions requested by the successful bidder. SAW

Scott Wilkinson, Assistant City Manager stated he recommends the City Council take no action on this item. ESM2, LLC requested the item be removed. He intends to bring back a resolution to go through this process again, as NGM has an interest in the lot. Mayor Keener asked if Eric Lattin wanted to comment on the lease and he stated no. Mayor Keener stated no action will be taken on this item.

- C. Review, consideration, and possible termination of the Memorandum of Understanding (MOU) between the City of Elko, and Friends in Service Helping (F.I.S.H.), a Nevada Non-Profit Corporation for the implementation of Elko Policy Procedure, and Action Plan for the Extreme Cold Weather Shelter, and matters related thereto. **FOR POSSIBLE ACTION**

Due to the COVID-19 pandemic, the F.I.S.H. Agency is not equipped to safely operate nor staff the shelter. F.I.S.H. Chairman Robert Leonhardt has submitted a letter and a copy has been placed in the packet for your review. CC

Scott Wilkinson, Assistant City Manager stated F.I.S.H. is not in a position to deal with the requirements of COVID-19 to operate the shelter this year and he recommends we terminate the MOU. City staff will try to identify some other ways to deal with the cold weather and homeless this year. Mayor Keener asked about using hotel rooms and reimbursement under CARES funding. Mr. Wilkinson stated it probably would fall under CARES, however we need to consult with our legal team so we do not create a liability for the City. This decision will be a little more involved prior to bringing anything forward. Councilman Schmidlein asked if the City is required to provide a facility. Dave Stanton, City Attorney stated no. We are required to provide homeless people with a place to go so we created the Humanitarian Campground. If you do not have a place for homeless people to go, it is considered cruel and unusual punishment. However, the City is not required to provide a heated or air conditioned facility. As soon as the City undertakes a duty on behalf of a specific individual, we have assumed potential liability. There would also be liability to the hotel owner. Mr. Stanton wants to vet this with Pool Pact to ensure we have

coverage for this. Staff will work through this and come back to Council with suggestions. Councilwoman Simons asked if F.I.S.H. will resume doing this in the future. Mr. Wilkinson stated he is unsure about this and he commends F.I.S.H. for the efforts they have put into this over the years. Staffing the shelter has been difficult for them. Councilman Stone asked about the deadline for the CARES act. Jan Baum, Financial Director stated it is December 31, 2020

Mayor Keener called for public comment. No comments were made.

**** A motion was made by Councilman Robert Schmidlein and seconded by Councilwoman Mandy Simons to terminate the MOU between the City of Elko and F.I.S.H and direct staff to develop a cold weather plan.**

The motion passed unanimously. (4-0)

- D. Review, consideration, and possible approval of a Performance/Maintenance Agreement for subdivision improvements associated with the Aspen Heights subdivision, and matters related thereto. **FOR POSSIBLE ACTION**

Elko City Code 3-3-21 requires the subdivider to have executed and filed an agreement between the subdivider and the City for the required subdivision improvements, including stipulations on the timeframe for when those improvements are to be completed, and to post a performance guarantee in accordance with Elko City Code 3-3-22.

Final Map 3-20 was approved by the City Council on July 14, 2020. At that time, a Performance and Maintenance Agreement was entered into by the original property owner/developer. Since then, the property has been sold to a new developer (Braemar Construction). Due to this change in ownership, a new Performance and Maintenance Agreement is needed. MR

Michelle Rambo, Community Development Director stated this is simply a change of name for the responsible party since the property was sold to a new Developer. Mayor Keener asked if this was originally Cambridge. Ms. Rambo stated no Cambridge is the one across the street from Aspen Heights.

Mayor Keener called for public comment. There were no comments made.

**** A motion was made by Councilman Robert Schmidlein and seconded by Councilwoman Mandy Simons to approve the Performance/Maintenance Agreement for subdivision improvements associated with the Aspen Heights subdivision and require the developer to enter into the agreement within 30 days.**

The motion passed unanimously. (4-0)

- E. Review, consideration, and possible action to conditionally approve Parcel Map No. 8-20, filed by Gallagher Family Trust, for the merger of two parcels into one, approximately 4.896 acres, located generally on the north side of 30th Street

between Idaho Street and Norco Lane with offer of dedication for Norco Lane Right-of-Way, and matters related thereto. **FOR POSSIBLE ACTION**

The Planning Commission considered this item at its October 6, 2020 meeting, and took action to forward a recommendation of conditional approval Parcel Map 8-20. The Parcel Map contains an offer of dedication for Right-of-Way, and it is for this reason that the map was referred to the Planning Commission, and subsequently to Council. CL

Cathy Laughlin, City Planner stated Mr. Gallagher is present tonight. They are proposing to do an expansion of the facility so we need to move the two parcels into one and get the remainder of Norco Lane dedicated to the City. Mayor Keener stated the driver of this is the building is crossing the property line and Ms. Laughlin stated yes. Mayor Keener asked if this is approved how long until they can start construction. Ms. Laughlin stated we will get the map recorded as soon as we get all of the signatures. They have been issued a site permit to start. A building permit can be issued right away.

Mayor Keener called for public comment. No comments were made.

**** A motion was made by Councilman Chip Stone and seconded by Councilman Robert Schmidlein to conditionally approve parcel map 8-20 , filed by Gallagher Family Trust, for the merger of two parcels into one, approximately 4.896 acres, located generally on the north side of 30th Street between Idaho Street and Norco Lane with offer of dedication for Norco Lane Right-of-Way, subject to the conditions as recommended by the Planning Commission.**

The motion passed unanimously. (4-0)

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

On September 8, 2020, Council accepted a letter of resignation from Planning Commission member Evi Buell. Staff conducted the standard recruitment process and has received two (2) Letters of Interest to serve on the Planning Commission, copies have been 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 2023. CL

Cathy Laughlin, City Planner stated the only requirement is you have to be a resident of the City of Elko and both applicants are residents. We have Mercedes Mendive and Mr. Tony Odeh in the audience and I think either one of them would be great.

Mayor Keener called Ms. Mendive to say a few words. Ms. Mendive stated she was born and raised in Elko. She spent seven years in Florida and came back due to her love for Elko, She is impressed with the growth and development that has happened in Elko in the last few years.

Mr. Tony Odeh thinks this would be a great opportunity for the start of something he is planning in the future. It is great to give back to the community. He would like to help the City grow. He is in real-estate so he is familiar with zoning.

Mayor Keener asked for questions. Councilman Stone asked Mr. Odeh what he is working towards. Mr. Odeh stated his concern is the educational system and that youth need to be taught financial management. He would like to have classes for Seniors and he thinks this will help him get to this step in the future.

Mayor Keener asked Ms. Laughlin who are the current Planning Commissioners. Ms. Laughlin answered. Mayor Keener stated the current composition is five men and one woman. Councilman Stone stated he has known both of them for many years and would support both of them. He feels Ms. Mendive's background makes her comfortable in this setting. Councilman Schmidlein feels both of them would be outstanding and having two voices from the female side makes sense. Councilwoman Simons agreed.

**** Councilman Stone made a motion and Councilman Schmidlein seconded the motion to appoint Mercedes Mendive to the City of Elko Planning Commission.**

The motion passed unanimously. (4-0)

Mayor Keener thanked Mr. Odeh and stated these positions come open frequently and to please apply again.

VII. PETITIONS, APPEALS, AND COMMUNICATIONS

- A. Review, consideration, and possible action to accept a petition for the vacation of a 25' wide public utility easement bisecting APN 001-610-112, consisting of an area approximately 9,944 sq. ft., filed by Grace Baptist Church and processed as Vacation No. 4-20, and matters related thereto. **FOR POSSIBLE ACTION**

The applicant is in the process of selling the parcel to a developer who would prefer to have the public easement run along the property line. The applicant will be granting a new public utility easement to the City of Elko in lieu of this easement.
CL

Cathy Laughlin, City Planner stated this application is for Grace Baptist Church and the easement provided for a sewer line to feed the parcels to the Northwest of this parcel. The property is under contract of sale. The potential buyer does not want this easement. He wants it relocated along property lines. The property is undeveloped. The proposed vacation is in conformance with the Master Plan Land Use component. The proposed vacation is in conformance with the Master Plan Transportation Component. The area is located outside the Redevelopment Area. There are several findings in the staff report and staff recommends City Council approve this application and refer it to the Planning Commission for consideration.

Mayor Keener called for public comment. No comments were made.

**** A motion was made by Councilwoman Mandy Simons and seconded by Councilman Chip Stone to accept the petition for a vacation and direct staff to commence the vacation process by referring the matter to the planning commission.**

The motion passed unanimously. (4-0)

- B. Review, consideration, and possible action to accept a petition for the vacation of a portion of Silver Street Right-of-Way, consisting of an area approximately 1,720 sq. ft., filed by Ygoa Ltd. and processed as Vacation No. 3-20, and matters related thereto. **FOR POSSIBLE ACTION**

The applicant would like to vacate this portion of Silver Street to create an outdoor dining area. CL

Cathy Laughlin, City Planner stated she will go through a couple of key points in the staff report. NRS 278.479 to 278.480, require that the governing body must be satisfied the public will not be materially injured by a vacation. Staff does believe this area is being used for parking, it is right of way parking and taking away the public use of this property is considered materially injuring the public. Second, under land use the Master Plan Land Use shows the area as Mixed Use Downtown. The Property is general Industrial is not a corresponding zoning district for Mixed Use Downtown. It does meet the Master Plan objectives numbers 2 & 6, but staff feels that due to the existing zoning this vacation is not in conformance with the Master Plan Land Use. Under transportation the property is accessed from Silver Street, 3rd Street and River Street. We have already vacated a portion of River Street to the applicant. Silver Street is a major arterial. One plus is the existing egress onto Silver Street is within the area proposed to be vacated and it is being proposed to be moved further to the West. The proposed vacation is in conformance with the Master Plan Transportation Component. Under the redevelopment plan there are three findings. Under Public Uses the Redevelopment Plan states: The intent of this Redevelopment Plan is to maintain the amount of property currently being used for public purposes. This property is being used for a public purpose and makes it a conflict with the redevelopment plan. The Redevelopment Plan states: On street parking is not reserved or limited to the exclusive use of the abutting property owner, but is made available to the public on a first-come, first-serve basis. Parking needs can be met with the conversion of local street blocks to angled parking. A parking deficiency is created due to properties not required to provide off street parking. Public right-of-way is forced to absorb a significant share of the cumulative parking demand. The RDA Vision Plan also talks about parking and it is not in conformance with this. Code 3-2-17 states principal permitted uses which are situated on property located within four hundred feet (400') of the central business district public parking corridor, are exempted from providing required off street parking. This property is within the 400' but the other properties on that block are not. Staff does feel this vacation will create a detriment to the adjoining business due to the loss of parking. In Code 8-7 the City Council is required to determine that the public will not be materially injured by the proposed vacation, and that it is in the best interest of the city, prior to ordering the street be vacated. Some other areas of concern include there is a water line serving properties to the West. There were 7 findings in the staff report and staff recommends denial. We agree it is a great idea but were not able to make it fit within the code.

Scott Ygoa owner of the Star Hotel stated this was proposed to the City about ten years ago and they were not able to get it done. He stated it was evident during Covid that if you didn't have outdoor dining you were going out of business. He stated we know this is going to happen again with Covid. I'm trying to make the business better. The Star will be 110 years old in December. I rent the vacant

lot to the West just for parking. It gives me 12 spots. With this proposal we will lose 4 spots. Mayor Keener asked if Mr. Ygoa has spoken to his neighbors. Mr. Ygoa stated no.

Eric Lattin, Engineer addressed some technical aspects. Parking is the reason for denial. We are proposing to slide over the entrance that is a five-point intersection on a major arterial. You should not put five point intersections on a major arterial. We are not losing good parking spaces. There are accidents at that intersection every year. In terms of the water line, we will simply grant an easement to the City.

Councilman Schmidtlein stated this is a unique area. The entire secondary parking lot should happen going all of the way down and put a curb, gutter and sidewalk all the way down. This would eliminate any safety issues and grant this for all of the business owners. Dennis Strickland, Public Works stated the issue is the other property owners have to be in agreement. He would not recommend parallel parking down Silver Street. Councilwoman Mandy Simons stated everything we do sets a precedent. This is an amazing idea but if we do it for one we need to do it for everyone. What if everyone doesn't want it? Parking is valuable downtown. Mayor Keener likes the concept of outdoor dining. He stated this intersection is a hot mess and it would be in the interest of public safety to remediate it. There are safety related advantages to doing this.

Mr. Ygoa stated the water line is old and breaks at least two or three times a year and it needs to be replaced. Dale Johnson, Utilities Director stated this water line starts in the peninsula and it feeds other business, not the Star. This water line is on the list to be replaced and contractors have already looked at it. Ideally it would be better to have the service come off of Silver Street.

Mr. Lattin added in closing, you have a business owner willing to give something back to the community and beautify the downtown and this is unusual. He understands the reasons for denying it but does not think it applies because there is a safety issue at this intersection. We would like the opportunity to continue moving the project forward. Mayor Keener asked about putting it on the east side of the property. Mr. Lattin stated this would not work. Mr. Strickland stated the intersection was not created like it should have been but he doesn't believe we have had a large number of crashes at this corner. Councilman Schmidtlein would like staff to figure out a way to make this work. Councilwoman Simons would like them to talk to the neighbors. Mr. Strickland stated he has concerns about how the proximity of diners to drivers on a very busy road. Scott Wilkinson wanted some clarification from legal counsel. Is this excess right of way and if we vacate it does it injure the public is the question. As we go through the process and it, goes to the Planning Commission the public will be notified. Council could direct staff to work with the neighboring property owners. Councilwoman Simons asked to table it because right now she would vote no. Mayor Keener asked if Mr. Lattin and Mr. Ygoa if this were tabled would they agree to meet with staff and do outreach with the neighbors. They stated yes.

**** A motion was made by Councilwoman Simons and seconded by Councilman Stone to table this item and direct staff to work with the applicant and include the property owners the in the effected properties.**

Mayor Keener called for public comment. Mr. Ygoa asked what would happen if all of the owners don't agree with it, how will it change things? Mayor Keener stated the Board will hear all sides and take it into consideration.

The motion passed unanimously. (4-0)

- C. Review, consideration, and possible approval of a request by Jeff and Jenny Peterson of 2727 Morning Breeze Drive to pay the costs on a water leak at his residence, and matters related thereto. **FOR POSSIBLE ACTION**

On July 17, 2020 and again on July 22, 2020 the City of Elko was contacted regarding a water leak at 2727 Morning Breeze Drive. It was discovered there were two leaks on the City line. The Petersons are requesting payment of a \$1000 invoice from Fielder Sewer and Drain. The claim was denied by Alternative service Concepts, the City's third-part administrator for insurance claims. The agenda packet contains specific information regarding the leak. KW

Kelly Wooldridge, City Clerk stated this is really a housekeeping item. Normally the City would have paid this directly, however the Petersons paid the invoice so the City will need to reimburse the Petersons.

**** A motion was made by Councilman Robert Schmidlein and seconded by Councilwoman Mandy Simons to authorize city staff to reimburse the Peterson's for the \$1000 they paid to Fielder Sewer and Drain.**

The motion passed unanimously. (4-0)

- D. Review, consideration, and possible action concerning a request for the City Council to direct the Building Department to issue an order of non-compliance to the owner of the property and partially demolished building located at 397 5th Street, and matters related thereto. **FOR POSSIBLE ACTION**

The City received a petition from the owner of the property and structure located at 369 5th Street and abutting the partially demolished structure located 397 5th Street. The request is based on the petitioner intending to complete roof repairs on the structure located at 369 5th Street. The petitioner states that they have attempted to utilize the wall located on 397 5th Street for completion a roof repair on the structure located at 369 5th Street. The petitioner did not provide documentation that the owner of 397 5th Street has granted permission for the use of the wall. The petitioner states that a bricklayer was consulted, and a determination was made the wall is structurally unsound and demolition of the wall is required. A structural analysis completed by a properly licensed professional would be required for a final determination.

The Building Department issued a demolition permit 2018-00000452 on May 21, 2018. That permit is still open pending a final inspection. A final inspection cannot be performed until the owner of the property provides the City a structural analysis showing the portion of the structure left standing is structurally sound. SAW

Scott Wilkinson, Assistant City Manager stated that as a result of receiving this petition he sent a letter to the contractor that worked on the building reminding him there is an open permit and they need to provide a structural analysis or remove the wall. He has also spoken to both property owners. He does not believe the Council needs to take any action on this. There is a copy of an email from the property owner David Knight and he is working with the other property owners to

resolve the issues. He is looking for the property owners to resolve the issue. He recommended no action at this time.

Mayor Keener asked about the tarps on the building. Mr. Wilkinson stated those are not tarps. They appear to be a membrane roof and we would not permit this.

The Council took no action on this item.

VIII. 5:30 P.M. PUBLIC HEARINGS

- A. Review, consideration, and possible action to conditionally approve Tentative Map No. 6-20, filed by Legion Construction and Development, LLC, for the development of a subdivision entitled Jarbidge Estates, involving the proposed division of approximately 2.16 acres of property into 18 lots for residential development and 1 common lot within the R (Single-Family and Multiple-Family Residential) Zoning District, and matters related thereto. **FOR POSSIBLE ACTION**

The subject property is located on the west side of N 5th Street at the intersection of Rolling Hills Drive (APN 001-610-093). The Planning Commission considered this item on September 1, 2020, and took action to forward a recommendation to conditionally approve Tentative Map 6-20. MR

Michelle Rambo, Community Development Director stated this is 2.16 acres that will have 18 townhouse lots, one common lot and a HOA. The zoning change was completed. There were some concerns at the Planning Commission about traffic on 5th Street. The road was designed for 12-15000 trips per day. In 2019 it had about 5000 trips per day and this project will add only 100 trips per day. There is access of the driveways to 5th Street. There is a vacation request for the sewer line they are proposing to use pending. There is a proposed condition that final sewer easement location will be determined prior to final map submission. They comply with the Master Plan, City Code, and regulations. Staff recommends conditional approval.

Mayor Keener called for public comment. There were no comments.

**** A motion was made by Councilman Schmidlein and seconded by Councilman Stone to conditionally approve Tentative Map No. 6-20 for the Jarbidge Estates subdivision, subject to the findings and conditions as recommended by the Planning Commission and the proposed additional condition of approval as presented by Staff. The final sewer easement to be determined and recorded prior to submittal of the final map on all of the construction drawings.**

The motion passed unanimously. (4-0)

IX. REPORTS

- A. Mayor and City Council – *Mayor Keener read a letter complimenting the water department. The letter is in the record. Councilman Stone stated the ECVA is looking for people to be recipients of the Festival of Trees donations.*
- B. City Manager
- C. Assistant City Manager – *Scott Wilkinson wished the City Manager a speedy recovery.*
- D. Utilities Director – *Dale Johnson stated the golf course project is nearing completion. They have started on pond two. Mayor Keener was concerned about the track hoe that went across the fairway and Mr. Johnson stated the contractor will fix any damage. They are hoping to fill the ponds tomorrow. Mayor Keener asked about effluent line failures on Sequoia. A couple yards were flooded and these lines have been repaired. Councilman Stone stated they repaired it very quickly. Mr. Johnson also stated there is conduit going into the Sports Complex. Councilman Stone asked about the COVID Sewer report. Mr. Johnson stated on October 7 the number was 172,707 virus concentration. It is ticking up again. The analysis is based on the flow rate. It estimates there is 5 new cases per day.*
- E. Public Works – *Dennis Strickland stated Cedar Street will be on for final acceptance next meeting. It is a little over budget. The contractor and engineer did a good job. Striping is wrapped up for the year and patching is almost done.*
- F. Airport Manager
- G. City Attorney
- H. Fire Chief – *Chief Griego reported a new resignation of a firefighter going to Storey County. They will try and fill this as soon as possible. Fire is down 25% right now with 2 on maternity leave, one injured and now the resignation. Mayor Keener asked if any of the volunteer firefighters might be interested. Chief Griego stated yes, and that there may be other local people interested.*
- I. Police Chief – *No Report.*
- J. City Clerk – *Kelly Wooldridge reported the City Clerk's office will be accepting mail in ballots only October 19-29. Mayor Keener asked if we will utilize the outside drop box. Ms. Wooldridge stated no we will have to open. They did this for people that don't want to walk into the convention center and stand in line. Councilman Stone asked if you need to have the mail in vote to vote in person. Ms. Wooldridge stated you don't have to but they would prefer you surrender it.*
- K. City Planner – *No Report*
- L. Development Manager – *No Report*
- M. Financial Services Director – **Cares Act Report** *Jan Baum stated we have spent about \$500,000 of the first half, leaving about \$ 1.3 million. She did reach out to the County and they are not willing to agree to adhere to the directives of the Governor. Councilwoman Simons asked if they did not sign the same document the City did with the Governor's office. Ms. Baum stated, yes the County signed the exact same document the City signed.*
- N. Parks and Recreation Director – *James Wiley stated the pool-reroofing project is near completion. Painting and replacing the air unit are the last steps, as well as getting the heating source back in. There is some work at Sno Bowl with electrical issues on the lift. We may need to replace a motor. We anticipate we will be able to ski with Covid restrictions in place. We are working on turf renovation and soil amendments at the Sports Complex. Mayor Keener asked about the Golf Course RFP. Mr. Wiley stated that as of today, we have received one but there are several people on the list.*

- O. Civil Engineer - *Not Present*
- P. Building Official – *Not Present*

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