

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

SS October 23, 2018

The City Council of the City of Elko, State of Nevada met for a regular meeting beginning at 4:00 p.m., Tuesday, October 23, 2018.

This meeting was called to order by Mayor Chris Johnson.

CALL TO ORDER

ROLL CALL

Mayor Present: Chris J. Johnson

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

City Staff Present: Ryan Limberg, Utilities Director
 Kelly Wooldridge, City Clerk
 Dennis Strickland, Public Works Director
 Cathy Laughlin, City Planner
 Candi Quilici, Accounting Manager
 Mike Haddenham, WRF Superintendent
 Jack Snyder, Deputy Fire Chief
 John Holmes, Fire Marshal
 Ben Reed Jr., Police Chief
 James Wiley, Parks and Recreation Director
 Jim Foster, Airport Manager
 Bob Thibault, Civil Engineer
 Jeff Ford, Building Official
 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**

Councilman Keener reminded everyone of Council's position on some of the items on the Election Ballot: Marsy's Law (Vote Yes on Question 1) and the Energy Initiative (Vote No on Question 3).

The minutes were approved by general consent.

I. PRESENTATIONS

- B. Presentation by Komatsu Mining Corporation, President John Pfisterer and the General Contractor, Hughes, and matters related thereto. **INFORMATION ONLY- NON ACTION ITEM**

John Pfisterer, Komatsu Mining Corporation, thanked Council and staff for their help getting the Komatsu Mining project going. He gave a presentation (Exhibit “A”). This will be the largest Komatsu combined service center in North America. He said the waterline was a big reason they broke ground and they are looking forward to the sewer line being installed. They will use septic until the sewer line can be completed.

Councilman Keener added that both Newmont and Barrick donated money for that waterline installation because they recognized the importance of developing that area. Their donations made it so we could complete that project.

- A. Reading of a proclamation by the Mayor in recognition of Go the Extra Mile Day, and matters related thereto. **INFORMATION ONLY – NON ACTION ITEM**

Mayor Johnson read the Proclamation.

II. PERSONNEL

- A. Employee Introductions:

- 1.) Kara Vera, Technical Assistant, Building Department
Not Present.
- 2.) Casey Berry, Building Permit Technician, Building Department
Present and introduced.
- 3.) Matthew Theuret, Parks Maintenance Technician I, Parks Department
Present and introduced.

III. APPROPRIATIONS

- C. Review, consideration, and possible approval for the City of Elko to apply for a grant from the Nevada Off-Highway Vehicles Program through the Nevada Department of Conservation and Natural Resources, including a letter of support from the Elko City Council, and matters related thereto. **FOR POSSIBLE ACTION**

The Nevada Commission on Off-Highway Vehicles was created on July 1, 2011 to promote responsible off-highway vehicle (OHV) recreation in the State of Nevada. The Commission uses OHV registration proceeds to award grants for

projects relating to OHV trails and facilities in the State of Nevada. Approximate funding available across the State for Fiscal Year 2019 is \$950,000.

The City Council approved a work group regarding a possible OHV ordinance on September 11, 2018. The group held the first meeting on October 10, 2018. At this time the City was informed about the grant opportunity and invited to apply. The grant does not require matching funds, however the grant will score higher for documentation of in-kind resources. The amount the City will request is undetermined at this point, however discussion in the workgroup centered around three goals for a possible grant application: 1) Develop an ordinance outlining OHV use in the City of Elko and a City of Elko OHV program; 2) Develop public outreach and awareness regarding the ordinance, N.R.S. and other related regulations; and 3) Develop the law enforcement approach to public education regarding personal/environmental safety and code enforcement. The grant is due November 1, 2018. KW

Kelly Wooldridge, City Clerk, explained she and Chief Reed will be writing the grant. The grant focuses on thirteen items but we will be looking at planning, mapping and signing, safety training and education and OHV compliance.

**** A motion was made by Councilman Rice, seconded by Councilman Keener, to direct staff to apply for a grant from the Nevada Off-Highway Vehicles Program through the Nevada Department of Conservation and Natural Resources and include a letter of support from the Council.**

The motion passed unanimously. (5-0)

IV. SUBDIVISIONS

- A. Review, consideration and possible acceptance of Public Improvements for the Tower Hills Phase I Subdivision, and matters related thereto. **FOR POSSIBLE ACTION**

Council approved the Final Map 4-18 on April 24, 2018. An Agreement to Install Public Improvements and a Performance Guarantee was entered into on May 22, 2018.

The Developer has substantially completed the Public Improvements in accordance with the approved plans with a few minor outstanding items. The City is in receipt of the required Certification of the project by the Engineer of Record. Upon acceptance of the Public Improvements by the City Council, the Developer is required to provide maintenance security in the amount of \$109,577.00 for a 12 month maintenance period. The maintenance security is on deposit with the City. CL

Cathy Laughlin, City Planner, explained this is the final step in the Tower Hills Phase 1 Subdivision. In the packet is the certification from the engineer for the final improvements that were required. We have the maintenance security on deposit with the City. She recommended approval.

**** A motion was made by Councilman Keener, seconded by Councilman Schmidlein, for acceptance of public improvement for the Tower Hills Phase 1 Subdivision. The maintenance period is to run from October 9, 2018 to October 9, 2019.**

The motion passed unanimously. (5-0)

- B. Review, consideration, and possible action to conditionally approve Final Plat No. 11-18, filed by Parrado Partners LP., for the development of a subdivision entitled Great Basin Estates, Phase 3 involving the proposed division of approximately 9.650 acres of property into 38 lots for residential development within the R (Single Family and Multiple Family Residential) Zoning District, and matters related thereto. **FOR POSSIBLE ACTION**

Subject property is located generally northeast of Flagstone Drive between Opal Drive and Clarkson Drive (APN 001-633-030). Preliminary Plat was recommended to Council to conditionally approve by Planning Commission May 3, 2016 and conditionally approved by Council May 24, 2016. The Planning Commission considered this item on September 6, 2018 and took action to forward a recommendation to Council to conditionally approve Final Plat 11-18. CL

Ms. Laughlin explained the Planning Commission reviewed this application. It was pushed back as much as they could because they had not received the engineer's estimate. We were on the tail end of the NRS requirement of 60 days, so the Final Map had to be on this agenda. Normally we would have the Performance Agreement on the agenda as well, but without the engineer's estimate, they could not prepare the Performance Agreement. It will be on the next agenda. She explained the subdivision.

Katie McConnell, Attorney, explained Mr. Capps is on medical leave out of the country. They asked that this agenda item be tabled so Mr. Capps could be present. He won't be back until late next week from Europe. She questioned the NRS Statute requirement of 60 days because she could not find it.

Ms. Laughlin and City Attorney, Dave Stanton, looked up the statute and agreed that the item could be tabled.

**** A motion was made by Councilwoman Simons, seconded by Councilman Keener, to table this item.**

The motion passed unanimously. (5-0)

V. NEW BUSINESS

- A. Review, consideration, and possible approval of Settlement Agreement with Smith Power Products Inc., and matters related thereto. **FOR POSSIBLE ACTION**

The City of Elko purchased a new generator from Smith Power Products Inc. After reviewing the specifications and submittals, the City built a new concrete pad for the generator to sit on. When the generator arrived, the enclosure for the generator was much larger than the original specs and the power stub up was located in a different location than the original specs indicated. This resulted in the pad being too small and the power stub up being built in a location that doesn't work.

To rectify this situation, Smith has agreed to pay for the cost of enlarging the pad.
MH

Ryan Limberg, Utilities Director, explained the pad was built around the design criteria for the enclosure. The original manufacturer, who was building the enclosure for Smith, went out of business and another manufacturer completed it. When it was received, the dimensions were not what they were approved to be.

**** A motion was made by Councilman Rice, seconded by Councilman Schmidlein, to approve the Settlement Agreement with Smith Power Products Inc.**

The motion passed unanimously. (5-0)

- B. Review, consideration, and possible action to initiate Ordinance 837, an amendment to Title 4, Chapter 9 of the Elko City Code entitled "Prostitution," and matters related thereto. **FOR POSSIBLE ACTION**

Police Chief Ben Reed, Jr is recommending changes to the Brothel Code. If initiated, the proposed Ordinance will require the City Clerk's Office prepare a business impact statement. BR

Chief Reed explained earlier this year they started looking at the Brothel Code and thought it was a good idea to clean it up. He explained some of the proposed changes and proposed resolutions for the fees. He has met with each of the brothel owners and let them know that the fees may be going up. He showed a list of fees other towns/counties charge for brothels (Exhibit "B").

Mayor Johnson wondered if they should be specific about fees in this meeting.

Dave Stanton, City Attorney, agreed that Council should be cautious regarding that. The meeting is agenzized to begin the Business Impact Statement process after tonight.

Councilman Rice spoke about human trafficking and the prostitutes having interpreters during their checkups. We want to ensure the citizens that there is no human trafficking in our community.

Mr. Stanton said the draft ordinance was on his desk and he would add language to that effect.

Chief Reed said they used an interpreter service a while ago and that cost a couple hundred dollars. That is an expense that the brothels need to cover in their fees. He will probably revamp the forms they fill out at the Police Department since they are outdated.

Kathleen Ornelas, Desert Rose Brothel, said the counties with the highest fees have larger communities with more visitors to their establishments. The income levels at those brothels are much higher than what they experience in Elko. She agreed with Councilman Rice and there has to be protection for the women. Some women have worked illegally in the past and they need legal protection in what they do.

Councilman Keener asked her thoughts on going from five brothels to four.

Ms. Ornelas thought this community could handle a reduction in the number of brothels. She was worried about it being reduced to the point where legal workers are not allowed. The workers should have a title change because "prostitute" is demeaning.

Chief Reed said the old school approach of having the workers sequestered in the brothels is no longer necessary. They have good working relationships with the brothels and pull cards if there is a problem. With the code, in theory, there is some protection there for the public. They want to clean up the code and make it more modern.

Councilman Keener said he was good on the reduction of establishments.

Mr. Stanton said he would put that in his draft as well.

**** A motion was made by Councilman Rice, seconded by Councilwoman Simons, to approve the initiation of Ordinance No. 837, an amendment to Title 4, Chapter 9 in the Elko City Code entitled "Prostitution," and initiate the Business Impact Statement process, and then refer the matter for first reading.**

The motion passed unanimously. (5-0)

VI. PETITIONS, APPEALS, AND COMMUNICATIONS

- A. Possible issuance of a Regular Packaged Liquor License to Ajit Singh and Jasjit Kaur Hira, dba Elko Food Mart (Hawara, Inc.), located at 2210 North 5th Street, Elko, NV 89801, and matters related thereto. **FOR POSSIBLE ACTION**

A Memo from Police Chief Ben Reed, Jr. has been included in your packet. BR

Chief Reed explained there was an existing liquor license at this location. There is a new owner. They had some information of liquor being sold to minors at that location under the previous owner. He met with the owner and then conducted an alcohol buy program in the City and at this location. They were refused at this location. The background investigation was completed successfully. The applicants were in the audience to answer questions.

**** A motion was made by Councilman Keener, seconded by Councilman Schmidtlein, to issue a Regular Packaged Liquor License to Ajit Singh and Jasjit Kaur Hira, dba Elko Food Mart (Hawara, Inc.), located at 2210 North 5th Street in Elko.**

The motion passed unanimously. (5-0)

II. PERSONNEL (Cont.)

- B. Review, consideration and possible recognition of the Sergeant Supervisory Unit as a separate bargaining unit under the Elko Police Officers Protective Nevada Association (EPOPA) of Public Safety Officer Communications Workers of America AFL/CIO, Local 9110, including possible approval of the corresponding Collective Bargaining Agreement between the City of Elko and the Sergeants Supervisory Unit of the EPOPA, July 1, 2017 – June 30, 2019, and matters related thereto. **FOR POSSIBLE ACTION**

The Nevada EMRB's decision dated August 29, 2018, ruled that the City of Elko Police Sergeants are supervisory employees as defined in NRS 288.075(1)(a), and therefore must be excluded from the bargaining unit of the employees they direct pursuant to the language of NRS 288.170(3). A redlined copy of the proposed Collective Bargaining Agreement has been included in the agenda packet for review. AB

Note: This portion of the meeting may be closed pursuant to NRS 288; therefore the Council may move to adjourn the meeting prior to consideration of this item.

Chief Reed explained Aubree Barnum handled the negotiations. This item is related to the next item. The negotiations were put on hold about a year and half ago when there was a question about the Police Sergeants being in the same bargaining unit as the employees they direct. The EMRB gave their decision and the negotiations were quickly wrapped up. They can stay in the same association but they need to be in a separate bargaining agreement. He went over some changes in the agreement. If council was good with this, the motion would need to reflect that there is a new bargaining unit.

**** A motion was made by Councilman Schmidtlein, seconded by Councilman Rice, to recognize the Sergeants Supervisory Unit as a separate bargaining unit under the Elko Police Officers Protective Nevada Association, a Public Safety Officer Communications Workers of America AFL/CIO, Local 9110, and approve the Collective Bargaining Agreement between the City of Elko and the Sergeants Supervisory Unit of the EPOPA, July 1, 2017 through June 30, 2019.**

The motion passed unanimously. (5-0)

- C. Review, consideration and possible approval of an Agreement between the City of Elko, and the Elko Police Officers Protective Nevada Association of Public Safety Officer Communications Workers of America AFL/CIO Local 9110, July 1, 2017 – June 30, 2019, and matters related thereto. **FOR POSSIBLE ACTION**

The City of Elko has concluded negotiations for FY 2017/2018 and FY 2018/2019. A redlined copy of the proposed Collective Bargaining Agreement has been included in the agenda packet for review. AB

Note: This portion of the meeting may be closed pursuant to NRS 288; therefore the Council may move to adjourn the meeting prior to consideration of this item.

Chief Reed explained this is pretty much the same as the previous one but does not include the sergeants.

**** A motion was made by Councilman Rice, seconded by Councilman Keener, to approve the Collective Bargaining Agreement between the City of Elko and the Elko Police Officers Protective Nevada Association of Public Safety Officer Communications Workers of America AFL/CIO Local 9110, July 1, 2017 through June 30, 2019.**

The motion passed unanimously. (5-0)

III. APPROPRIATIONS (Cont.)

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

**** A motion by Councilman Rice, seconded by Councilwoman Simons, to approve the regular warrants.**

The motion passed unanimously. (5-0)

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

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

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

VII. REPORTS

A. Mayor and City Council

Councilman Keener attended the mandatory firearm training with the Police Department last week. He learned a lot. He also attended the School Resource Officer diversion training held on Saturdays for kids that are caught with drugs at school. Chip Stone was there too. He was impressed with Officer Gustafson with his presentation to the children and their parents. He went to the Senior Center for lunch today and Mrs. Gustafson thanked the City for their partnership with their operations and facilities. He welcomed the Boy Scout and his parent that were present in the audience.

Councilwoman Simons thanked everyone for what they did last weekend to prepare for the Trump Rally.

Mayor Johnson said he went to the Mayor's Conference in Las Vegas during the last Council Meeting. After the Trump event, on Monday, there were a couple of interviews. He was complimented on the City Logo.

Councilman Rice acknowledged the Chamber and their Government Affairs Committee and the candidate forums that have been going on.

Mayor Johnson said the Subdivision Planning Committee has finished and will be moving forward to Planning Commission in November.

- B. City Manager
- C. Assistant City Manager
- D. Utilities Director

Ryan Limberg reported a natural gas line was broken by a contractor at the WRF last week. They were worried that the timing was perfect for a smelly visit for the President. The contractor ordered the parts to fix it but the parts didn't get there in time. SW Gas stepped up and ordered some parts too. They were able to get it repaired on Friday and the Airport was not smelly after all. They are in the process of getting SOQ's for the design of the sewer system. Those SOQ's will be rated and brought back to Council for the official selection.

- E. Public Works

Dennis Strickland reported they had what constitutes an emergency repair on 6th Street while working on the storm drain. While performing repairs, it was discovered that a significant portion of the storm drain downline had failed. They needed to perform an emergency repair for the health, safety and welfare of the community. Additional storm drainpipe was purchased to continue with the repair. They ordered 160 feet of pipe. As soon as they got that installed it caved in again. They ordered more pipe and have installed another \$92,000 worth of pipe. They have added \$113,000 to the storm drain project. As they were tying in today, they found some material they thought they could tie into. The pipe was just rotted. That was probably some of the oldest infrastructure that can be found in the City.

- F. Airport Manager

Jim Foster reported the Part 139 Inspection was cancelled last week by the FAA. The two construction projects are making significant progress. He thanked everyone that helped with the Trump event, before, during and after.

- G. City Attorney
- H. Fire Chief
- I. Police Chief

Chief Reed reported on the President Trump visit at the Elko Airport and gave a presentation (Exhibit "C").

- J. City Clerk
- K. City Planner
- L. Development Manager
- M. Administrative Services Director
- N. Parks and Recreation Director

James Wiley reported the Golf Course will be closing for the season at the end of the month. The Parks Department has closed the restrooms for the winter and they are finishing up with the irrigation. The pool was taken off the geothermal system because they were not getting enough heat, and they switched over to the boilers. Nikki Johnson, Pool Manager, was walking around the pool building and saw some settling issues. Bob Thibault and Jeff Ford recommended that they consult with a structural engineer to get their

recommendation. This Friday will be the Pumpkin Bob at the pool and the Trunk or Treat in the pool parking lot. The Sports Complex is continuing to progress nicely.

- O. Civil Engineer
- P. 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**

There were no public comments.

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

Mayor Chris Johnson

Kelly Wooldridge, City Clerk

Komatsu Equipment Company: Elko Service Center



KOMATSU

EQUIPMENT

KEC Elko Service Center – Fact Sheet

KEC is a wholly owned subsidiary of Komatsu.

Our new Service Center is a significant investment for the community, our employees and our customers:

- Expected to open January 2020
- Expected capital expenditure between \$47M and \$49M.
- Approximately 189,000 ft² - With room to grow
- Sits on approximately 30 acres
- Komatsu's largest combined service center in North America
- Serving Nevada and supporting the entire western United States
- Mining, Construction and Utility industries
- Approximately 150 employees will be based out of the Elko Service Center
- Steady growth throughout KEC territory since 2007

We appreciate the support from the City of Elko:

- Construction of waterline
- Annexation of property
- Professional relationship with our engineers, architect and general contractor
- Update on sewer line extension

Brothel Licensing Fees

Shelby Womack
Created 7/14/2017
Updated 1/30/2018

City of Elko	Application Fee	\$2,500
	License Fee	\$3,000 per year (revised 2010)
City of Wells	Application Fee	\$0
	License Fee	\$5,000 per year
City of Carlin	Application Fee	\$2,500
	License Fee	\$1,200 per year
City of Winnemucca	Application Fee	\$50.00 each applicant listed
	License Fee	\$1,500 plus area fee Area Fee \$150 per square foot
Battle Mountain	Application Fee	\$1,000
	License Fee	\$50 per year
Nye County	Application Fee	\$5,000 per person \$1,000 manager
	License Fee	\$1,875 per quarter (1-5 girls) \$3,500 per quarter (6 and up)
Mineral County	Application Fee	\$1,500 per applicant
	License Fee	\$500 1-5 prostitutes per quarter \$1,000 6-9 prostitutes per quarter \$1,500 10 and up per quarter
Lyon County	Application Fee	\$6,000 per applicant
	License Fee	\$19,800 1-20 rooms per quarter \$23,100 21-40 rooms per quarter \$26,400 41 and up rooms per quarter
Storey County	Application Fee	\$3,000 per applicant
	License Fee	\$18,750 per quarter

PRESIDENT DONALD TRUMP

Elko, NV

October 20, 2018 – Elko Regional Airport







































































