

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

SS November 10, 2015

The City Council of the City of Elko, State of Nevada met for a regular meeting beginning at 4:00 p.m., Tuesday, November 10, 2015.

This meeting was called to order by Mayor Chris Johnson.

NOTE: The order of the Agenda has been changed to reflect the order business was conducted.

ROLL CALL

Mayor Present: Chris J. Johnson

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

City Staff Present: Curtis Calder, City Manager
Scott Wilkinson, Assistant City Manager
Ryan Limberg, Utilities Director
Shanell Owen, City Clerk
Dawn Stout, Administrative Services Director
Aubree Anderson, Human Resources Manager
Mark Gibbs, Airport Director
Ben Reed, Police Chief
Jeremy Draper, Development Manager
Matt Griego, Fire Chief
Bob Thibault, Civil Engineer
James Wiley, Parks and Rec Director
Dennis Strickland, Public Works Director
Dave Stanton, City Attorney
Ted Schnoor, Building Official
Karen Walther, Animal Shelter Manager
Diann Byington, Recording Secretary

PLEDGE OF ALLEGIANCE

COMMENTS BY THE GENERAL PUBLIC

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

There were no public comments.

APPROVAL OF MINUTES: October 27, 2015 Regular Session

The minutes were approved by general consent.

I. PRESENTATIONS

- A. A reading of a proclamation by the Mayor in recognition of November 2015 as National Home Healthcare Month **NON-ACTION ITEM-INFORMATION ONLY**

Mayor Johnson read the Proclamation.

Querubin Iguban, Genesis Home Health Services, said at Genesis they are celebrating the compassionate men and women for their dedication in helping the aging, chronically ill, disabled and dying Americans. Studies have shown that 9 out of 10 people prefer to be cared for in their homes. Thank you for the proclamation; it means so much.

II. PERSONNEL

- A. Employee Introductions:
- 1.) Erin Coleman, Firefighter, Fire Department
Present and introduced.
 - 2.) Robert Glenn, Equipment Operator I, Public Works Department
Present and introduced.

III. APPROPRIATIONS

- C. Review, consideration, and possible approval to solicit bids for the Sewer Slip Line Project 2015, and matters related thereto. **FOR POSSIBLE ACTION**

This project was previously bid in July. One non-responsive bid was received. Staff is requesting Council approval to once again solicit for bids. The work will be scheduled for spring 2016. RL

Ryan Limberg, Utilities Director, gave some background on the prior bid solicitation. They would like to go back out to bid on this project. We found an additional spot we would like to add to the project and we should be pretty close to budget.

**** A motion was made by Councilwoman Simons, seconded by Councilman Rice, to approve soliciting bids for the Sewer Slip Line Project.**

The motion passed unanimously. (5-0)

- D. Review, consideration, and possible final acceptance of the Silver Street Improvement Project, and matters related thereto. **FOR POSSIBLE ACTION**

This project awarded to Great Basin Engineering at the August 11, 2015 Council Meeting in the amount of \$284,788.39. There was one change order in the amount of \$19,908.53. This additional work is the public improvements that were deferred for Flyers Energy. Flyers Energy will be invoiced for this amount. The project has been completed in conformance with the plans and specifications and is ready for final acceptance. DS

Councilman Schmidlein disclosed that his partners at Canyon Construction are owners of Great Basin Engineering so he recused and excused himself.

Dennis Strickland, Public Works Director, offered to answer any questions.

**** A motion was made by Councilman Rice, seconded by Councilman Keener, for final acceptance of the Silver Street Improvement Project in the amount of \$304,696.92.**

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

- E. Review, consideration, and possible approval of acceptance of an NDOT TAP Grant for the HARP Trail Extension, and matters related thereto. **FOR POSSIBLE ACTION**

At the February 25, 2014 meeting, Council authorized Staff to apply for an NDOT TAP Grant to fund the HARP Trail extension and lighting project. The City has been awarded the TAP grant from NDOT. This extension would pass beneath the 12th Street Bridge and continue easterly along the South side of the Humboldt River, behind the Riverside Villas Apartment Complex and connect to Opal Drive. Lighting will be added to the entire trail as the project budget allows. The total Federal TAP funding available for the project is \$238,632.00. The City would be responsible for a 5% match in the amount of \$12,560.00. A draft copy of the Cooperative Local Public Agency Agreement has been provided to legal counsel and has been enclosed in the agenda packet for review. BT

Bob Thibault, Civil Engineer, explained legal counsel reviewed the agreement and had some concerns with it. He asked that the item be tabled.

**** A motion was made by Councilman Rice, seconded by Councilwoman Simons, to table the item.**

The motion passed unanimously. (5-0)

- F. Review, consideration, and possible authorization for a change order to the Elko Police Station Construction Project for the installation of Access Control Equipment, and matters related thereto. **FOR POSSIBLE ACTION**

The Elko Police Station was designed requiring Access Control to certain locations throughout the building. However, it was not included as a part of the bid for the project. The access control is a required component providing officers access to different locations in the building based on responsibility. The access control for the Police Station is to essential areas only; approval of this change

order would be outside the contingency fund established at the start of the project.
JD

Jeremy Draper, Development Manager, explained this is for control throughout the building. This allows the staff of the Police Department complete control to restrict access. We are working with Simplex Grinnel on this. The total cost is \$91,942.50.

Councilman Schmidlein asked what was part of the original base bid for security.

Mr. Draper answered the original base bid had the conduits and the boxes in the wall. It didn't have any of the components for the door control system.

Councilman Rice said we need to do this but that is a significant bill. That would eat up our contingency fund.

Mr. Draper said he has a spreadsheet for tracking all the costs for the project. We are pushing our budget but we are still under budget.

Councilman Rice said it would have been good to know that this wasn't included at first.

Mayor Johnson said going through the budget process the goal of the city was to get the building built. This was one of those things that was pulled out to ensure that. They always wanted to have this type of security but it was pulled out to make sure the building was built.

Mr. Draper explained this has been cut down from the original design. Originally it was just about every door in the building. This is just 26 doors plus the vehicle gates. Just by cutting that back we have saved \$100,000 - \$150,000.

Councilwoman Simons asked should we do this now or wait to see what other change orders are needed.

Mr. Draper answered we need to do this now at this point of the construction.

**** A motion was made by Councilman Rice, seconded by Councilman Keener, to approve the proposed change order to install the access control equipment at the Police Station in the amount of \$91,942.50.**

The motion passed unanimously. (5-0)

- G. Review, consideration, and possible approval for the Fire Department to use up to \$30,000.00 of the Facility Reserve Fund allocated for Station 1 Stucco Repair to replace two roof top heating and air-conditioning units, and matters related thereto. **FOR POSSIBLE ACTION**

The two existing "Carrier" roof-top heating and air-conditioning units are over 18 years old and have become unreliable and difficult to maintain. The Facilities Manager has recommended replacement of both units due to the inability to find replacement parts and outdated refrigerant. MG

Matt Griego, Fire Chief, explained this is money set aside to repair the stucco to Station One. We would like to use that money to purchase new A/C units. They will still have some funds available to make some repairs to Station One, just not all of them.

**** A motion was made by Councilman Keener, seconded by Councilman Schmidlein, to recommend approval for the Fire Department to use up to \$30,000 of the Facility Reserve Fund allocated for Station One stucco repair to replace two rooftop heating and air conditioning units.**

The motion passed unanimously. (5-0)

IV. NEW BUSINESS

- A. Review, discussion, and possible approval of a Memorandum of Understanding between Elko Senior Citizens Center, Inc., City of Elko, and Elko County, and matters related thereto. **FOR POSSIBLE ACTION**

When the Terraces Senior Center was constructed, the City of Elko agreed to provide the land, parking lot maintenance, snow and ice removal, outdoor/landscape maintenance, irrigation supply/sprinkler maintenance, and \$10,000 annually to assist with liability insurance. Although a written agreement regarding these commitments was always envisioned, it never got accomplished.

A proposed Memorandum of Understanding (MOU) has been enclosed in the agenda packet for review. This document was the result of several meetings between the County, City, and Elko Senior Citizens Center and reduces to writing the previously understood responsibilities. Although the MOU does not address the City of Elko's ongoing \$10,000 annual community service donation, Staff recommends the MOU be approved, as it is consistent with past practice. CC

Curtis Calder, City Manager, explained there were representatives from the Senior Center present. The agreement is self-explanatory and is reflective of the past practice of what the city has provided for the Senior Center. He recommended approval.

Kerry Aguirre, Elko Senior Activity Center, thanked the City for formalizing this.

**** A motion was made by Councilman Rice, seconded by Councilman Keener, to approve the Memorandum of Understanding between the Elko Senior Citizens Center, Inc. and the City of Elko and Elko County.**

The motion passed unanimously. (5-0)

- C. Review, consideration, and possible acceptance of a request by the Downtown Business Association (DBA) to change the parade route for Parade of Lights to be held during the Snowflake Festival on December 12, 2015, and matters related thereto. **FOR POSSIBLE ACTION**

The DBA is requesting a change to the parade route to begin at the Crystal Theater, traveling west on Commercial Street, turning right onto 4th Street, then

turning right onto Railroad Street and continuing east to 11th Street where the parade will end. SO

Shanell Owen, City Clerk, explained City Staff reviewed the request and didn't have any concerns in changing the route.

Bailey Billington-Benson, DBA, explained they were making a request to change the route for safety reasons and to give people more opportunity to see the floats.

Councilman Rice said it sounded great and very manageable.

**** A motion was made by Councilman Rice, seconded by Councilwoman Simons, to approve this request. The council supports the DBA's idea that candy not be thrown for safety reasons and because this is a night time parade.**

The motion passed unanimously. (5-0)

- D. Review and possible approval for Staff to apply for a Humane Society of the United States (HSUS) grant, for the purposes of decommissioning the City of Elko Animal Shelter's Carbon Monoxide Euthanasia machine, and matters related thereto. **FOR POSSIBLE ACTION**

A copy of the grant application materials has been enclosed in the agenda packet for review. CC

Curtis Calder, City Manager, explained this is before council because of our grant authorization policy. We need to get authorization before we apply for the grant. It is for \$5,000. If we receive this grant we will need to decommission the carbon monoxide chamber. The money will also be used to train the staff on new equipment.

Councilman Keener said he is pleased we are in the position we are in now. The spay/neuter efforts have been successful.

Mr. Calder shared Karen Walther's Animal Shelter 2015 statistics. Since January 1, 2015 the total incoming animals to the shelter is 1764. 562 of them were adopted. 537 were returned to owner. 272 went to rescue groups. 344 animals were euthanized but 249 of those were feral cats. 756 animals have been spayed/neutered this calendar year.

**** A motion was made by Councilman Keener, seconded by Councilman Rice, to grant approval to staff to apply for a Humane Society of the United States grant for the purposes of decommissioning the City of Elko Animal Shelter's Carbon Monoxide Euthanasia machine.**

The motion passed unanimously. (5-0)

V. PETITIONS, APPEALS, AND COMMUNICATIONS

- A. Review, consideration, and possible action on Curb, Gutter, and Sidewalk Waiver No. 4-15, filed by American High Voltage with authorization from Gary, Pete,

and Joseph Hanington, which requests the requirement for public improvements be waived on the northwesterly side of Manzanita Lane abutting APN 001-560-008, and matters related thereto. **FOR POSSIBLE ACTION**

Per Elko City Code Section 2-13-3, public improvements are required upon the merger or division of property, a change in building occupancy and use of developed land, or upon building expansion or new construction involving the addition of gross floor area greater than 400 sq. ft. The applicants have discussed plans for a new building, but nothing has been submitted at this time. Additionally, they failed to provide evidence that it is impractical to install these improvements because of circumstances beyond their control. JD

Mayor Johnson disclosed that he owns Charles Chester Plumbing and is working on a project with the Hannington's in Downtown Elko. He abstained from the item and turned the gavel to Mayor Pro Tem Rice.

Jeremy Draper, Development Manager, said this is a waiver application. He went over his memo regarding the waiver application. Granting the waiver would be contrary to the Master Plan. We have been working to connect Silver Street to Manzanita Lane. Once that is done this will bump up the classification of Manzanita and Silver Street and we will see an increase of traffic through there. The RDA plan also identifies that connection as one of the objectives of the plan. He went over his findings and recommended denial.

Pete Hannington, 2002 Idaho Street, didn't agree with all of that. We did turn in a paper they asked for and gave reasons why we would be exempt from this. We don't utilize Manzanita Lane for American High Voltage.

Councilman Rice asked if it was a single lot.

Mr. Hannington answered it is one lot. The estimates to put in the curb, gutter and sidewalk and the pavement are \$80,000. That is a lot of money to pave a street that is dirt.

Mr. Draper said the waiver is for curb, gutter and sidewalk. Even if the waiver is granted they would be required to put in the 30' of pavement.

Councilwoman Simons asked if City Council made it so they didn't have authority to grant this unless there is some reason that we would never want those improvements there.

Rich Barrows, Special Counsel to the City, believed she is right. The council has no authority to waive except for good cause in the City Code. Good cause is defined in Section 3 as evidence that impractical to install curb, gutter and sidewalk because of circumstances beyond a reasonable control of the applicant. At least in the application itself there is no attempt to make that showing.

Councilman Rice asked Mr. Hannington if he had any evidence that it would be impractical to install the curb, gutter and sidewalk.

Mr. Hannington answered no.

Mr. Rice explained why the curb, gutter and sidewalks are required to be installed. Manzanita is part of the Master Plan to be used a connector. Unless you are able to show us that this is impractical then we would not have the authority to grant this.

Mr. Hannington asked who would have the authority.

Councilman Rice answered from here he may be able to take it to a court. Even if we had the authority we may not grant this given our tract record. This is a measure that will make Elko a safer community for everyone.

Councilwoman Simons said because this was granted so many times by previous councils, we took that authority away from us. We don't want to pick and choose who has to install this. We want everyone to put it in and be universally fair to everybody.

**** A motion was made by Councilwoman Simons, seconded by Councilman Schmidlein, to deny Curb, Gutter and Sidewalk Waiver No. 4-15.**

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

- B. Review, consideration, and possible action on Curb, Gutter, and Sidewalk Waiver No. 5-15, filed by the City of Elko, which requests the requirement for public improvements to be waived on the southerly side of STP Road abutting APN 001-670-003, and matters related thereto. **FOR POSSIBLE ACTION**

City Code section 2-13-3 requires public improvements at the time a parcel is developed. This includes curb, gutter and sidewalk. As this property frontage consists of Water Reclamation Facility property on one side of the street and active railroad track frontage on the other side of the road, Staff is requesting a waiver of $\pm 1,500$ lineal feet of curb, gutter, sidewalk on the south side of STP Road and in exchange is proposing that curb, gutter, sidewalk and 30' of paving is constructed from the railroad track crossing on the north side of Hot Springs Road to the end of the parcel (approximately 600') that terminates in front of 398 Hot Springs Road. RL

Ryan Limberg, Utilities Director, explained what triggered these public improvements is the addition of the Truck Load-Out building. That would trigger the improvements on the south side road. There is paving there already but we don't have curb, gutter and sidewalk. The south side is WRF property. On the north side of the road is the railroad tracks. We didn't see much benefit on the south side for road that only accesses the treatment plant. It doesn't go anywhere else and serve other properties. We thought rather than do these public improvements on the south side of the road, perhaps we can do them on the opposite side of the road where the homeless camp is located. Doing those public improvements on that side in exchange seemed a better use of the funds for something that will see some use. After further consideration they started to wonder why they needed that right-of-way on the street that only goes to the sewer plant and doesn't go to any other facility. It will never be extended and there will not be any development on the north side of the road. Perhaps we should investigate the possibility of vacating that right-of-way. He requested that this item be tabled to a later date.

Mayor Johnson asked if that would make it such that the city is still considering the improvement or will it change that.

Mr. Limberg answered the area that they would vacate the right-of-way, he wouldn't envision the public improvements there. From the railroad crossing to the right we could still consider it in that location. It doesn't seem like a real prudent use of the taxpayers' money to put those facilities in this location where it is a dead-end street.

Councilman Rice agreed that they need to analyze this further. He likes the idea of improvements on Hot Springs Road.

Mayor Johnson asked are we okay to make the improvements in a different place rather than where the project is.

Mr. Limberg answered from a standpoint of following the code, we are good. We have the money to do this. From the staff level it didn't feel like the best use of the funds. He thought we did something similar for a private property. At the end of the day it is council's pleasure.

Mr. Draper said per City Code 2-13-3 we can request a waiver as long as an equivalent improvement is made elsewhere.

There was some discussion about making improvements anywhere else but where the project is.

Scott Wilkinson, Assistant City Manager, felt the discussion was getting into definitions of frontage and things like that. A private property owner coming in has a responsibility to improve their frontage as defined under the code. The private property owner doesn't have the opportunity to apply for a waiver and offset that equivalent or superior improvement. That is limited to the Development Manager making a request for that waiver. We revised this code basically to deal with the fact that we didn't require improvements on Lamoille Highway when it was developed.

Mr. Draper pointed out that there is no storm water infrastructure along STP road that can actually take the storm water around our plants. Any storm water captured by the plant needs to be maintained by the plant. STP road drains from Hot Springs Road towards the plant. Placing curb and gutter will cause storm water on that roadway to create a large puddle for the plant to deal with. Staff has discussed that STP Road no longer needs to be this long. Originally this was two parcels. They were merged in 2009 creating one larger parcel for us. We use these roadways to provide access to each parcel. Now that this is one large parcel we can come to Hot Springs Road as our public access to the parcel.

Councilman Schmidlein said he sees this road more as a private driveway to the treatment plant rather than public access. It would be asinine to put curb, gutter and sidewalk all the way to the treatment plant. If this is ever developed he can see the need for curb, gutter and sidewalk. He would like to see further evaluation before moving forward.

Mr. Wilkinson wondered do we need a public roadway on STP Road. It is a right-of-way of record that used to serve two parcels. We merged both parcels into one parcel. The roadway

will never serve other parcels. Do we need the public improvements on that roadway? We can come off Hot Springs Road with a drive approach in your public improvements that provides a driveway to that one parcel.

**** A motion was made by Councilman Rice, seconded by Councilman Keener, to table the item.**

The motion passed unanimously. (5-0)

IV. NEW BUSINESS (Cont.)

- B. Review, consideration, and possible acceptance of a recommendation from the Centennial Committee for the location of a project commemorating the centennial of the City of Elko, and matters related thereto. **FOR POSSIBLE ACTION**

At the October 20, 2015 Centennial Committee meeting, a recommendation for locating the Centennial Project along 6th Street in the parking corridor between Railroad Street and Commercial Street was made. This recommendation would require a modification of the currently adopted RDA Plan for the downtown corridor which illustrates a Plaza along 5th Street. The proposed project would consist of constructing a gazebo that can be used to host events in the downtown corridor. JD

Jeremy Draper, Development Manager, explained the Centennial Committee meets monthly and they have been discussing a project that can be used for our Centennial Celebration. One of the things discussed was doing a plaza with a gazebo with a possible clock tower. We haven't narrowed it down far enough yet but everything seems to be pointing towards a gazebo. One thing we want to nail down is where the location will be. The Centennial Committee has discussed this at length. There was a lot of discussion of doing something at 5th Street but the traffic noise on 5th would make it difficult. They chose to go with 6th Street. The drawing on the overhead is one that was approved by the RDA a few years ago. It was never formally adopted into the plan but it is similar to the one that is in the adopted plan. They show a plaza on 5th Street but they would like to move it to 6th Street. The Planning Department is making modifications to the plan. We are looking for a gazebo that is round. Right now we just want a location he can forward to the RDA.

Dave Stanton, City Attorney, said under NRS 279.608 says that any time after the adoption of a redevelopment plan by the legislative body (the City Council), the agency (Redevelopment Agency) desires to take an action that would constitute a deviation from the plan, the agency must recommend an amendment to the plan to the legislative body. Procedurally, the way it would work is the Redevelopment Agency would make the recommendation to the City Council. The City Council can pass the matter off to the RDA and ask it to consider the issue and forward the recommendation back to the council.

Councilwoman Simons asked the Centennial Committee needs to go to the RDA and then the RDA needs to come to us even though we are the same people.

Mayor Johnson explained we would be doing RDA business under a City Council agenda. Folks need to be noticed properly.

Mayor Johnson suggested not taking any action and have this put on the RDA agenda.

Councilman Schmidlein asked if the Centennial Committee communicating to RAC.

Mr. Draper answered no. The Centennial Committee answers to City Council.

Jan Petersen, Centennial Committee, said her opinion is that the RDA and the other groups need to meet collectively and have Mr. Wilkinson explain his thoughts about alternative locations. We were mainly concerned about diverting traffic from 5th Street. She would like a presentation so that everyone is on the same page at the same time.

**** A motion was made by Councilwoman Simons, seconded by Councilman Keener, to remand this back to the Centennial Committee and direct the Centennial Committee to bring their suggestion through the RDA.**

The motion passed unanimously. (5-0)

III. APPROPRIATIONS

A. Review and possible approval of Warrants. **FOR POSSIBLE ACTION**

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

The motion passed unanimously. (5-0)

After the motion and before the vote, Councilman Keener asked about a Temporary Labor charge of about \$5,000 for the Landfill. Is that related to a specific project out there?

Dennis Strickland, Public Works Director, answered no. That is probably related to the temporary water wagon driver and a temporary person that does the garbage collection.

B. Review and possible approval of Print 'N Copy Warrants. **FOR POSSIBLE ACTION**

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

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

VI. REPORTS

A. Mayor and City Council

B. City Manager

Curtis Calder talked about the LASSO fundraiser held last weekend at the Wrights' house. The City of Elko was able to issue a \$500 grant to Animal House Sanctuary. We scheduled a tour of the ECVA earlier today. There was disconnect about the status of the meeting but the ECVA showed it as cancelled. It will be rescheduled ASAP. There is a ribbon cutting ceremony

on the 24th that we are all invited to. We will be presented with something from the Commission on Tourism and Nevada Magazine.

C. Assistant City Manager

D. Utilities Director

Ryan Limberg reported the aerators are working properly again. The motor replacement down there begins the end of this week.

E. Public Works

Dennis Strickland spoke about the damages we sustained from the storm. It was a major storm and it caused a lot of damage throughout the city. The clean-up is still ongoing. Fall Free Day took place last Saturday. His crews are still trying to finish up paving and cut repairs and they were working on Sunday.

F. Airport Director

Mark Gibbs reported on the unexpected closure that occurred last week at the airport. The FAA called us without prior notice to restrict operations. We responded immediately and we worked through our communication channels to resolve this. We reopened the runway on Sunday. All flights are now resumed.

G. City Attorney

H. Fire Chief

I. Police Chief

Ben Reed said everyone should have gotten an invite for a tour of the Police Station facility this Thursday. There have been a lot of big law enforcement cases recently and the troops have been very busy. We have a parade tomorrow at 11:00 am.

J. City Clerk

K. City Planner

L. Development Manager-Police Station

Jeremy Draper reported on the progress on the Police Station. We still have not paved at the Police Station. He also reported on the Sports Complex. They have sent out letters and are drafting applications for grants and donations.

M. Administrative Services Director-Sales Tax

Dawn Stout reported on the Sales Tax Revenues.

N. Parks and Recreation Director

James Wiley reported on the clean-up efforts from the snow storm last week. There was quite a bit of damage to the trees in the parks, the golf course and the cemetery. They have hauled about 8 tons of small branches and chips to the landfill. The larger limbs that fell were chopped up and the public has taken if off our hands.

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 Johnson adjourned the meeting.

Mayor Chris Johnson

Shanell Owen, City Clerk