

The City Council of the City of Elko, State of Nevada met for a regular meeting beginning at 4:00 PM, Tuesday, December 14, 2021. The meeting was held in the council chambers, 1751 College Ave., Elko and via GoTo Meeting.

This meeting was called to order by Mayor Reece Keener. The public can participate in person, by phone, tablet, laptop, or computer by registering with the GoTo Meeting link provided in the agenda. Questions can be sent to cityclerk@elkocitynv.gov.

I. CALL TO ORDER

The Agenda for this meeting of the City of Elko City Council has been properly posted for this date and time in accordance with NRS requirements.

II. ROLL CALL

Present:

Reece Keener, Mayor
Mandy Simons, Councilwoman
Chip Stone, Councilman
Clair Morris, Councilman
Giovanni Puccinelli, Councilman

City Staff Present:

Diann Byington, Recording Secretary
Jan Baum, Financial Services Director
Curtis Calder, City Manager
Jeff Ford, Building Official
Jim Foster, Airport Manager
Cathy Laughlin, City Planner
Candi Quilici, Accounting Manager
Michele Rambo, Development Manager
Susie Shurtz, Human Resources Manager
DJ Smith, Computer Information Systems Coordinator
Jack Snyder, Deputy Fire Chief
Dave Stanton, City Attorney
Dennis Strickland, Public Works Director
Bob Thibault, Civil Engineer
Ty Trouten, Police Chief
Scott Wilkinson, Assistant City Manager
Kelly Wooldridge, City Clerk
James Wiley, Parks and Recreation Director
Dale Johnson, Utilities Director
Matt Griego, Fire Chief

III. PLEDGE OF ALLEGANCE

IV. 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.

V. APPROVAL OF MINUTES

V.A. Approval of November 23, 2021 Regular Session Minutes

The minutes were approved by general consent.

VI. PRESENTATION

VI.A. Presentation of a retirement plaque for Fire Chief Matt Griego, and matters related thereto. **FOR POSSIBLE ACTION**

Mayor Keener said a few words about how much Matt Griego will be missed. All councilmembers thanked him for his many years of service and wished him good luck in the future.

Curtis Calder, City Manager, wished him luck. Matt is the third Fire Chief he has had the pleasure of working with. Jack will be No. 4.

Scott Wilkinson, Assistant City Manager, said he has enjoyed working with Matt.

Dave Stanton, City Attorney, said a few words in appreciation and how much he will be missed.

Jan Baum, Financial Services Director, said she appreciated getting to know him.

Robert Lino, Fire Volunteer, said he started as a volunteer when Matt was a volunteer. He learned a lot from Matt and thanked him for his time and service.

Ray Mowrey, Fire Captain, said it will be a different world without Matt and wished him a great retirement.

Jack Snyder, Deputy Fire Chief, thanked him for showing him everything.

Mayor Keener presented Matt Griego with a retirement plaque.

Matt Griego, Fire Chief, spoke about his career in the Fire Department. It has been a joy to work here. He is looking forward to going on some adventures with his wife.

VII. PERSONNEL

VII.A. Employee Introductions:

Employee Introductions:

- 1.) Brian Olvera, Patrol Officer II, Police Department

Present and introduced.

VI. PRESENTATION (Cont.)

VI.B. Presentation by Christina Bailey, Senior Government Strategy Advisor, NV Energy, regarding the conveyance of decorative streetlights to the City of Elko, and matters related thereto. **FOR POSSIBLE ACTION**

Christina Bailey, Senior Government Strategy Advisory, NV Energy, introduced Josh Carson to give the presentation (Exhibit "A").

Josh Carson, NV Energy, said the City currently owns a majority of the lights in the downtown corridor. NV Energy is no longer going to be supporting new decorative lighting across Northern Nevada. The lights are obsolete and they can't get parts for them anymore. The conveyance would come at no cost to the City and allows the City of Elko to maintain the lighting to City standards. He discussed metered service to the lights.

Mayor Keener asked in connecting them to the meter, would that be a separate charge the city would have to pay.

Mr. Carson answered there is no cost to establish a new meter but there would be cost in tying them into the meter.

Dick Campbell from NV Energy indicated the LED fixtures have a longer life and one failure point appears to be lightning strikes. A replacement globe is roughly \$3,200 and they have arms on order.

Dennis Strickland, Public Works Director, said this is the first time he has seen these figures. He was pleased to hear the broken parts were on order. It would take one lightning strike to take out those lights again and the City would be on the hook for a very expensive repair. He requested this be tabled for now so they could look at the numbers a bit more and get a better idea of what we are getting into.

Mayor Keener thanked NV Energy for their time spent on this. Let's see if we could get together with staff to work something out.

NO ACTION

VIII. APPROPRIATION

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

**** A motion was made by Council Member Simons, seconded by Council Member Puccinelli to approve the regular warrants in the amount \$1,418,023.63**

The motion passed unanimously. (5-0)

VIII.B. Review and possible approval of Utility Refunds, and matters related thereto. **FOR POSSIBLE ACTION**

**** A motion was made by Council Member Simons, seconded by Council Member Stone to approve Utility Refunds in the amount of \$249.07.**

The motion passed unanimously. (5-0)

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

**** A motion was made by Council Member Morris, seconded by Council Member Puccinelli to approve General Hand-Cut checks in the amount of \$228,784.74.**

The motion passed unanimously. (5-0)

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

**** A motion was made by Council Member Simons, seconded by Council Member Morris to approve Print 'N Copy warrants in the amount of \$15.09.**

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

VIII.E. Review, consideration, and possible authorization for Staff to purchase a new Crafcro Crack Sealer SuperShot 250D Trailer from Construction Sealants & Supply through Sourcewell Purchasing in the amount of \$66,724.64, and matters related thereto. **FOR POSSIBLE ACTION**

Dennis Strickland, Public Works Director, explained some funding was freed up. Thanks to Sourcewell, they do not need to go out to bid and the old machine will go out to auction.

**** A motion was made by Council Member Simons, seconded by Council Member Morris to authorize staff to purchase a new Crafcro Crack Sealer SuperShot 250D Trailer through Sourcewell Purchasing in the amount of \$66,724.64.**

The motion passed unanimously. (5-0)

VIII.F. Review, consideration, and possible final acceptance of the contract for the construction of curb, gutter, sidewalk, and paving on Jennings Way, and matters related thereto. **FOR POSSIBLE ACTION**

Mr. Strickland thanked Mr. Thibault for his help on this project. On this project we had a homeowner that was positively impacted by this project. There was some additional paving added to the project. The contractors did a great job.

**** A motion was made by Council Member Stone, seconded by Council Member Morris to approve final acceptance of the construction of curb, gutter, sidewalk and paving on Jennings Way in the amount of \$245,503.86.**

The motion passed unanimously. (5-0)

VIII.G. Review, consideration, and possible final acceptance of the construction of VFW Drive Construction Project, and matters related thereto. **FOR POSSIBLE ACTION**

Mr. Strickland recognized Mr. Thibault for his design work. The additional work was due to some items that were missed in the design, at no fault to Mr. Thibault. The road looks very nice.

Mayor Keener thought it was a wonderful improvement to what was there before.

**** A motion was made by Council Member Morris, seconded by Council Member Simons to approve final acceptance of the VFW Drive Construction Project in the amount of \$448,574.98.**

The motion passed unanimously. (5-0)

IX. SUBDIVISION

IX.A. Review, consideration, and possible approval of Final Map No. 5-21, filed by Bailey and Associates, LLC, for the development of a subdivision entitled Cedar Estates Phase 3 involving the proposed division of approximately 7.31 acres of property into 34 lots for residential development within the RMH (Residential Mobile Home) Zoning District, and matters related thereto. **FOR POSSIBLE ACTION**

Michele Rambo, Development Manager, explained this is the final map. The tentative map was approved earlier this year. Nothing has changed since then. She recommended conditional approval.

Mayor Keener asked when you look at the site plan, the grey area in front is a driveway?

Ms. Rambo answered yes.

Mayor Keener asked if they are required to have an awning for parking?

Ms. Rambo answered no.

Scott Wilkinson, Assistant City Manager, asked Ms. Rambo if this is a manufactured home subdivision.

Ms. Rambo answered it is manufactured.

Sheldon Hetzel, Bailey Homes, thanked City Staff for a productive year. They have been professional and helpful.

**** A motion was made by Council Member Stone, seconded by Council Member Simons to conditionally approve Final Map 5-21 for the Cedar Estates Phase 3 subdivision subject to the findings and conditions as recommended by the Planning Commission.**

The motion passed unanimously. (5-0)

X. NEW BUSINESS

X.A. Review, consideration, and possible approval of Revocable Permit No. 5-21, filed by Walsh Properties LLC, to occupy a portion of Silver Street Right-of-Way to accommodate existing off-street parking, landscaping and sign, located generally south of the intersection of Silver Street and 2nd Street, and matters related thereto. **FOR POSSIBLE ACTION**

Cathy Laughlin, City Planner, explained this parcel used to be Ruby Mountain Chiropractor Office. It has a small limited amount of parking. They are requesting a zone amendment on the property that would also require this revocable permit for the parking and sign. Legal counsel has reviewed this.

**** A motion was made by Council Member Stone, seconded by Council Member Simons to approve Revocable Permit No. 5-21 as recommended by Planning Commission subject to the execution of a standard license agreement between the applicant and the City of Elko.**

The motion passed unanimously. (5-0)

X.B. Review, consideration, and possible approval of a Deed of Dedication for a Public Utility Easement, on City owned property, APN 001-860-001, and matters related thereto. **FOR POSSIBLE ACTION**

Bob Thibault, Civil Engineer, stated the easement location has been approved and offered to answer any questions.

**** A motion was made by Council Member Simons, seconded by Council Member Puccinelli to approve the Deed of Dedication for a Public Utility Easement on City owned property, APN 001-860-001.**

The motion passed unanimously. (5-0)

X.C. Review and consideration to initiate an ordinance to review and revise Title Five Chapter 3: Animal and Fowl of the Elko City Code, and matter related thereto. **FOR POSSIBLE ACTION**

Kelly Wooldridge, City Clerk, explained the Animal Code had not been changed for many years. Officer Litchfield asked that some things be changed for clarity and Karen Walther, Animal Shelter Manager, asked for some changes too. It may take a bit to do this but she hoped to have this on the agenda for first reading in the new year.

Officer Litchfield, Animal Control, said she noticed the number of animals the public is allowed to have was not clear in the code. There was nothing for breeders or other special permits. She wanted to clarify the code in order to enforce it. She was having a hard time getting people to comply with code. A lot of the public think they can have 6 animals but our code actually says you can have 3 dogs or 3 cats. It says nothing about a mix of the animals or the total allowed.

Councilman Morris thought the code predated him.

Ms. Wooldridge stated the code was originated in 1974. There were a couple of ordinances that changed it but it is dated.

Curtis Calder, City Manager, said the Animal Shelter used to be under the Police Department and the code was written in that manner. The shelter manager reports to himself, the City Manager. We have been considering updating the code for many years. He was in favor of initiating this change.

**** A motion was made by Council Member Simons, seconded by Council Member Stone to approve the initiation of an ordinance to revise Title V, Chapter 3 of the Elko City Code.**

The motion passed unanimously. (5-0)

X.D. Review, consideration, and possible action to approve an Inter-Local Agreement between the City and Elko County to allow each jurisdiction to issue building permits, conduct inspections, and perform plan review for County or City Projects located in the other entities jurisdiction, and matters related thereto. **FOR POSSIBLE ACTION**

Jeff Ford, Building Official, said he was in support of this. This came about because of the Child Advocacy Center that is coming up. This is for the building permit only.

Scott Wilkinson, Assistant City Manager, said the term in the agreement is for ten years. There will be some benefit to us with this agreement whenever we do improvements in areas that are regulated by the County, such as the SnoBowl.

Mayor Keener called for public comment without a response.

**** A motion was made by Council Member Puccinelli, seconded by Council Member Morris to approve an Inter-Local Agreement between the City and Elko County to allow each jurisdiction to issue building permits, conduct inspections, and perform plan reviews for County or City Projects located in the other entity's jurisdiction.**

The motion passed unanimously. (5-0)

XII. PETITIONS, APPEALS AND COMMUNICATIONS

XII.A. Review and consideration of a non-binding agreement between the City of Elko and Elko County to explore the concept of forming a district health department, and matters related thereto. **FOR POSSIBLE ACTION**

Curtis Calder, City Manager, said the letter summed up the request. He turned it over to Abby to explain what they are doing at the County.

Abby Wheeler, Elko County Transit Coordinator, said she was asked to work on this earlier this year. They had some funding come up that would allow them to have some staff to do the footwork to create a business model. Public health covers a large spectrum of services.

Mirena Works, Elko County, said they are looking at this to see if this is feasible.

Mayor Keener asked how this would affect Dr. Putnum.

Ms. Works answered this would help him and support him.

Mayor Keener asked if this would make us more autonomous.

Ms. Works answered yes.

Councilman Stone asked if the state would still be involved with health inspections if we went through with this.

Ms. Wheeler answered if we became our own authority, the county would then take it all over.

Councilman Stone asked if we will be asked for funding.

Ms. Wheeler answered all participants in the district would be asked to help with funding.

Mayor Keener read a letter into the record from Lee Hoffman, 1085 Barrington Ave., Elko (Exhibit "B").

Ms. Wheeler said she respects Mr. Hoffman and his opinions and agrees that these can be challenging topics. The bureaucracy is there, but do we want it at the state level or here, locally. The money is already being allocated to the services.

Councilwoman Simons thought bringing things local from the state is a great idea but she was worried there are things the state does that we don't need to do. Now we will have to use our funds for this.

Ms. Works said some money will come back to the County that is being paid to the State for these services.

Dave Stanton asked why the City Manager needed to sign the letter. Is this letter needed for the grant or is there some other reason.

Ms. Works answered the letter is not used for the grant. They are using the same pattern being used in other counties. It is just really to put it out in the open and let everyone know what we are doing.

Keith Clark, 169 Rocking Chair Road, Pleasant Valley, said he was present from the School of Medicine. One of the things we say in rural health is that it is kind of like dying of hypothermia. You die from your appendages out. When things need to be cut, it is easier to cut from people you don't know. That is one of the challenges we have. We are talking about quality of life and health. We aren't just talking about another bureaucracy. We have no public nurse. We have one of the largest counties in the nation (geographically). Healthcare should be local. All this grant is doing is to have someone look at that. He consults with hospitals to try to get healthcare workers to come to Nevada. It's tough because of the quality of life in rural areas.

Mayor Keener asked for Mr. Calder's thoughts on this.

Curtis Calder, City Manager, said he thought it was worth studying. There a lot of health needs that are not being met in rural Nevada.

Mayor Keener said he was a no on this but now he thinks he is in the yes column.

Councilman Stone said he is more to the no. He has no problem with studying it but wants to know what's going to happen further down the road. He wants more information regarding the costs.

**** A motion was made by Council Member Simons, seconded by Council Member Puccinelli to direct the City Manager to sign the letter that is a non-binding agreement between the City and the County to explore the concept of forming a District Health Department.**

The motion passed unanimously. (5-0)

X. NEW BUSINESS (Cont.)

X.G. Review, consideration, and possible action to approve an Agreement to Share Appraisal Cost between the City and Union Pacific Railroad (UPRR) relating to the possible acquisition of approximately 78.253 acres, and matters related thereto. **FOR POSSIBLE ACTION**

Scott Wilkinson, Assistant City Manager, explained that both parties would jointly select a qualified appraiser. If this is approved, we would send our list of approved list of appraisers and then the City would handle the interaction with the appraiser. Union Pacific has already executed this agreement which is included in the packet.

Mayor Keener asked when this was appraised in 2007, did they have any concerns with Tessler's appraisal?

Curtis Calder answered no. Mr. Tessler passed away but his appraisal can be used in a new appraisal as a starting point. It is a very complicated appraisal.

Burt Gurr, Realtor, thought this was a good idea and we will be getting rid of some blight. He cautioned signing the contract for sale and purchase until after the appraisal.

**** A motion was made by Council Member Stone, seconded by Council Member Simons to approve the Agreement to Share Appraisal Cost with UPRR and direct the Mayor to execute the agreement on behalf of the City.**

The motion passed unanimously. (5-0)

X.I. Review, consideration, and possible approval of a Performance/Maintenance Agreement for subdivision improvements associated with the Cedar Estates Phase 3 Subdivision, and matters related thereto. **FOR POSSIBLE ACTION**

Michele Rambo, Development Manager, explained this is the performance agreement that goes along with the Final Map the Council saw earlier. It has been reviewed by legal and the applicant.

**** A motion was made by Council Member Stone, seconded by Council Member Morris to approve the Performance/Maintenance Agreement for subdivision improvements associated with the Cedar Estates Phase 3 subdivision and require that the developer enter into the agreement within 30 days.**

The motion passed unanimously. (5-0)

XII. PETITIONS, APPEALS AND COMMUNICATIONS (Cont.)

XII.B. Review and consideration of a request from Travis Shumway, owner of the Double Dice RV Park regarding an extension of time to install a Reduced Pressure Backflow Assembly in order to prevent termination of water service on 12-22-2021, and matters related thereto. **FOR POSSIBLE ACTION**

Mr. Shumway purchased the Double Dice RV Park and applied for a Business License, which triggered City inspections of the property. During the inspection it was noted the RV Park did not have a Reduced Pressure Backflow Assembly required by City Code 9-1-16 Cross-Connection and NAC 445A.67195 Cross-Connection and backflow minimum types of protection for particular service connections. Mr. Shumway was notified by City Staff of the deficiency and allowed to obtain his business license as long as he was moving forward with a plan to install the required backflow device. Mr. Shumway is requesting an extension of time to install the backflow device as he works through things with the previous property owner, and determines who is responsible for installation of the backflow device.

Travis Shumway said he had no idea that this was an issue. This business had been renewing their business license for many years without doing this. They are requesting an extension on this in order to prevent shutting down their water and therefore shutting down their business.

Mayor Keener asked if this was disclosed to them that this was required.

Mr. Shumway answered no. They are trying to understand why the business was allowed to continue without installing this for so many years. They don't want their business shut down because they don't have water.

Mayor Keener said this is a State requirement that is driving this improvement.

Dale Johnson, Utilities Director, said he has spoken to Mr. Shumway over the last several weeks. A contractor reached out to him this afternoon asking questions related to getting this installed.

Mayor Keener said there was some correspondence from the previous property owners. Was that shared with Mr. Shumway.

Dale Johnson answered yes, it was.

Scott Wilkinson, Assistant City Manager, questioned the timeline for the extension. He wondered if 60-days would be enough.

Mayor Keener made a suggestion of 90-days extension with an update at each Council Meeting to be provided by Mr. Johnson. He didn't want Mr. Johnson going after the information but wanted Mr. Shumway to give the update to Mr. Johnson prior to each meeting. Mr. Shumway agreed.

**** A motion was made by Council Member Stone, seconded by Council Member Puccinelli to grant MR. Shumway/Double Dice RV Park, and extension to install said backflow valve of 90 days, to give us an update at each Council Meeting to know how the progress is going. Mr. Shumway to proactively provide Mr. Johnson an update.**

Mr. Shumway wondered, if this is a State requirement, how was the previous owner able to run the business for decades without having to install this backflow device. He has spoken to Mr. Johnson about this and understands where he comes from.

Mr. Johnson said our Environmental Coordinator reaches out to businesses we know do not have backflows and sends them letters. We try to tie these to new business inspections because they all need to get inspections in order to open.

Mr. Wilkinson said when this State law came into effect, we had a lot of non-conformance issues across the community. These are bigger issues for some property owners than others. These can be expensive. We have several trailer parks that were affected. We don't have an army of staff to go out and identify all these issues.

Mr. Johnson said a lot of it is based on the degree of hazard to the customers.

The motion passed unanimously. (4-0 Councilwoman Simons was absent.)

X. NEW BUSINESS (Cont.)

X.M. Review, consideration, and possible approval of a consulting agreement between the City of Elko and Airplanners, LLC, for the purpose of providing air service management and development tasks on behalf of the City, and matters related thereto. **FOR POSSIBLE ACTION**

Curtis Calder, City Manager, said this hit us so quickly and that is why it is on this agenda. There was a meeting with SkyWest last week to discuss this matter. We are one of many communities that SkyWest serves in an At-Risk Capacity. Due to pressures from other contractual relationships, crew shortages, fuel prices, and a lot of different issues that have all been exacerbated by the pandemic, they are looking at all of their At-Risk routes. Airplanners is on the phone and will answer any questions. They do a lot of work in Colorado and have been successful in their efforts. He recommended entering into this agreement because they need the agreement with SkyWest buttoned up and ready for the January 11 Council Meeting.

Bill Tomcich, Airplanners, spoke about his company and what they would be doing.

Mayor Keener felt this was needed and important.

Jim Foster, Airport manager, said we are not alone in this. He spoke with the Pocatello Airport. The same thing is happening to small airports across the country. He read an article that stated Delta is talking about leaving Grand Junction, CO too. Our service will be going down to one flight a day starting January 1st.

Councilman Puccinelli said he read a similar article. It talked about EAS (essential air service). Does that not apply here?

Curtis Calder answered. Over time a lot of those communities lost air service all together because there was no demand. Elko was never considered an EAS community. We would love to be an EAS community but the Federal Government has rolled that program back.

Mr. Tomcich said that program is on its way out.

Sheldon Mudd, Northeastern Nevada Regional Development Authority, said air service is crucial for economic development. NNRDA had about 8 solid leads for the year in 2009. This year we have 46. That is about a 475% increase in leads. They are looking for some assets such as the infrastructure, broadband service and air service. As we bring in companies to look at sites, they fly straight into Elko. Being able to tell prospects that we have air service is critical in order for us to be competitive against other communities.

Councilman Stone asked about the cost of the contract.

Mr. Calder answered the contract outlines a monthly retainer and bonuses.

**** A motion was made by Council Member Stone, seconded by Council Member Puccinelli to approve a consulting agreement between the City of Elko and Airplanners, LLC, for the purposes of providing air service management and development tasks on behalf of the City.**

The motion passed unanimously. (4-0 Councilwoman Simons was absent.)

XI. RESOLUTIONS AND ORDINANCES

- XI.A. First reading of Ordinance No. 866 adopting a change in zoning district boundaries, and matters related thereto. FOR POSSIBLE ACTION**

The Planning Commission held a public hearing on Rezone 1-21 at their meeting December 6, 2021. The Planning Commission recommended that the City Council adopt an ordinance which approves the zoning district boundary amendment from R to C – General Commercial for a portion of APN 001-560-003. CL

Cathy Laughlin, City Planner, explained the rezone. This is the existing McDonald's on Idaho Street. They plan on tearing that McDonald's down and building a new facility. There is a small section where there is a picnic area that is zoned R. This needed to be cleaned up in order to issue a new permit.

**** A motion was made by Council Member Morris, seconded by Council Member Puccinelli to conduct first reading of Ordinance No. 866 and direct staff to set the matter for second reading, public hearing and possible adoption.**

The motion passed unanimously. (4-0 Councilwoman Simons was absent.)

- XI.B. First reading of Ordinance No. 867 adopting a change in zoning district boundaries, and matters related thereto. FOR POSSIBLE ACTION**

The Planning Commission held a public hearing on Rezone 2-21 at their meeting December 6, 2021. The Planning Commission recommended that the City Council adopt an ordinance

which approves the zoning district boundary amendment from GI to C – General Commercial for APN 001-335-001. CL

Ms. Laughlin explained is the same property we saw the revocable permit for earlier. This will bring the property into conformance with our Master Plan Land Use.

**** A motion was made by Council Member Stone, seconded by Council Member Puccinelli to conduct first reading of Ordinance No. 867 and direct staff to set the matter for second reading, public hearing and possible adoption.**

The motion passed unanimously. (4-0 Councilwoman Simons was absent.)

X. NEW BUSINESS (Cont.)

X.E. Review, consideration, and possible approval for the Fire Department to apply for an Assistance to Firefighters Grant (AFG) through the Department of Homeland Security to purchase a Heavy Rescue Special Operations Vehicle, and matters related thereto. **FOR POSSIBLE ACTION**

Jack Snyder, Deputy Fire Chief, explained the grant and what they want to use it for.

Councilman Morris reminded Mr. Snyder that when they were discussing the purchase of a new ladder truck, he told Council they would not need any new vehicles for several years.

Mr. Snyder answered this isn't so much a need but rather a want. It is grant funded and if we are awarded it, this would be brought back to Council to make the decision if we would accept it.

Councilman Morris thought we would need to find a place to park it, then get more firemen to run it. He wanted to hold him to his statement that they won't need any new apparatus.

Mr. Snyder stated they would not need any more staff and they already have a place to store it. This would consolidate their equipment into one truck rather than several.

Councilman Stone said at this point, we are just looking at applying for the grant. If we get the grant we would be able to get rid of the other three.

**** A motion was made by Council Member Stone, seconded by Council Member Puccinelli to approve the Fire Department to apply for a Regional Assistance to Firefighters grant through the Federal Emergency Management Agency Assistance to Firefighters Grant for a Heavy Rescue Specialty Operations Vehicle.**

The motion passed. (3-1 Councilwoman Simons was absent and Councilman Morris voted against.)

X.F. Review, consideration, and possible approval for the Fire Department to apply for an Assistance to Firefighters Grant (AFG) through the Department of Homeland Security for Mobile radio and mobile repeater communication devices, and matters related thereto. **FOR POSSIBLE ACTION**

Mr. Snyder explained this is another grant we have put in for the last couple of years and we have not been successful. This will enhance the mobile radios inside the vehicles. The mobile repeaters will be installed inside the vehicles.

Chief Trouten said the older radios just don't get out due to interference with the towers.

Mayor Keener called for public comment without a response.

**** A motion was made by Council Member Stone, seconded by Council Member Puccinelli for approval for the Fire Department to apply for the Assistance to Firefighters grants for no more than \$50,000 through the Federal Emergency Management Agency Assistance to Firefighters Grant.**

The motion passed unanimously. (4-0 Councilwoman Simons was absent.)

X.H. Review, consideration, and possible action to approve a conditional Purchase and Sale Agreement between the City and Union Pacific Railroad (UPRR) for the possible acquisition of approximately 78.253 acres, subject to the completion of certain items prior to or at the time of closing, and matters related thereto. **FOR POSSIBLE ACTION**

Scott Wilkinson, Assistant City Manager, said he put some exhibits on the dais earlier (Exhibits "C" and "D"). The first shows both areas combined. It is also printed out larger than what was in the agreement. This shows where the areas are in relation to the RDA. We had talked about photos that show blight in the area. He did provide one photo that showed unpermitted uses that will continue until we can gain control of the property. The purchase/sale agreement, it is important that it get executed to move the process forward. We need to agree upon a sales price. There will be some use restrictions in both areas. We might be able to relax some of those use restrictions but UP maintains the entire approval or veto authority on the release of those restrictions. He spoke about appropriate uses of the property.

Mayor Keener asked if we are in the process of just doing the appraisal to determine if it is viable for us, what is the purpose of doing the full survey? Who would be doing the survey.

Mr. Wilkinson answered he has had some conversation with Mr. Thibault and they have reached out to Mr. Morley for the survey. That cost will be minimal.

Mayor Keener asked why it was necessary to do that again.

Mr. Wilkinson answered he didn't feel it was necessary but UP has requested it be done again.

Mayor Keener asked what was the deal with the fencing.

Mr. Wilkinson said UP would like to have that fencing installed and that the City maintain that fencing as a precaution. They fence their right-of-way. As this moves forward he envisions a non-disclosure agreement where they release all of their lease information on the property. Some of those leases could help fund the price of the property over time. We need to get the appraisal under our belt to move forward with this.

Mayor Keener thought we needed to do an environmental due diligence on this. Once we own this, that is it.

Dave Stanton, City Attorney, said that was right. We know about some issues and NDEP has been keeping an eye on it. There have been a number of borings and monitoring wells on the property. He knew of a number of problems on the properties. If anything was missed, it would be on us.

Mr. Wilkinson said NDEP required studies on known pollution. The City went through a Phase 1 process that showed some issues on the West side. NDEP conducted studies and a clean up that was discovered in that process. UP has its own consultants that do that work for them and they would be required to do some extensive work as part of their contracts.

Mr. Stanton stated that if anything is found after the city gains ownership, it will be on us. It is a risk but a lot of work has already been done.

Mayor Keener said he was supportive of this. He thanked Mr. Wilkinson and Mr. Stanton for all the work they have done on this. It will be a game-changer for this community.

**** A motion was made by Council Member Stone, seconded by Council Member Morris to approve the conditional Purchase and Sale Agreement with Union Pacific Railroad Company (UPRR) as presentd, subject to the following items, each of which must be completed, or approved or ratified by the City Council prior to closing:**

A: Agreement on the purchase price;

B: Completion of updated surveys for Area A and Area B, to be added as exhibits to the PSA at or prior to closing;

C: Completion of a feasibility study per the PSA;

D: Preparation of all conveyance documents by UPRR in a form satisfactory to the City, to include a quit claim deed and assignments of all leases and/or licenses, with rentals and license fees appropriately pro-rated;

E: Approval of the final PSA, including exhibits, by an authorized official on behalf of UPRR;

F: Receipt by the City of all governmental approvals required for the transaction per the PSA;

G: Authorization for the City to pay to UPRR the sum of \$36,675.82 at closing, without offset, for the removal of the Strong Licenses without further liability to the City; and,

H: Authorization for the City to pay to UPRR the sum of \$179,500 at closing, without offset, for the termination of the Clear Channel Agreement without further liability to the City.

All other terms and conditions set forth in the PSA shall remain the same at closing unless otherwise agreed in writing by the parties.

The motion passed unanimously. (4-0 Councilwoman Simons was absent.)

X.J. Review, consideration and possible authorization for Staff to solicit Requests for Qualifications from accounting firms to provide independent auditing services and to prepare the annual audit for the City of Elko for Fiscal Years beginning July 1, 2021 and ending June 30, 2026, and matters related thereto. **FOR POSSIBLE ACTION**

Jan Baum, Financial Services Director, explained we want to go out for proposals for our auditing services.

**** A motion was made by Council Member Morris, seconded by Council Member Puccinelli to authorize staff to solicit Requests for Qualifications for independent auditing services for a five-year period beginning July 1, 2021 and ending June 30, 2026.**

The motion passed unanimously. (4-0 Councilwoman Simons was absent.)

X.K. Review, consideration and possible approval of a Land Lease Agreement for Hangar (D4) with GBB EXPRESS P SERIES, LLC. and matters related thereto. **FOR POSSIBLE ACTION**

Jim Foster, Airport Manager, explained this is the third and final lease for this section of T-hangars.

**** A motion was made by Council Member Stone, seconded by Council Member Puccinelli to approve a Land Lease Agreement with GBB Express P Series, LLC for Hangar D4.**

The motion passed unanimously. (4-0 Councilwoman Simons was absent.)

X.L. Review, consideration and possible approval of Amendment # five (5) to Contract Dated February 26, 2019 Between Jviation, INC. and the City of Elko, and matters related thereto. **FOR POSSIBLE ACTION**

Mr. Foster explained this is an amendment to their base contract to provide services for those three grants.

**** A motion was made by Council Member Stone, seconded by Council Member Puccinelli to approve the Amendment No. 5 to the contract between Jviation, Inc. and the City of Elko.**

The motion passed unanimously. (4-0 Councilwoman Simons was absent.)

XIII. REPORTS

XIII.A. Mayor and City Council

Mayor Keener asked if there was any word on the School Bond yet.

Kelly Wooldridge said she was going to look and get back to them on that.

Mayor Keener reported it was a good meeting with SkyWest and Jviation last week. He was sad to see Tera Hooiman leaving the Planning Commission. He asked if there had been any applications so far.

Cathy Laughlin said she has had some phone calls.

Mayor Keener reported it was a great Christmas Party last weekend. Also a great Going Away party for Chief Griego.

Councilman Stone said he ran into Dean Heller at the Snow Flake Festival on Saturday. He was here supporting the community.

Mayor Keener said there will be a swearing in of the new officer and encouraged Council to be there. He announced his intentions of filing for re-election next year.

XIII.B. City Manager

Curtis Calder thanked everyone that showed up to the Christmas Party and Matt's going away party. Since this is the last meeting of the year, he mentioned we had a good productive calendar year but with a lot of highs and lows. It was tough on staff. The workload was high and we got it done with limited resources. He thanked everyone and hoped they have a great Christmas and New Year.

XIII.C. Assistant City Manager

Scott Wilkinson reported he has been unsuccessful in securing an MOU for Cold Weather Events. We had two this year that expressed an interest. One responded that they weren't interested and we didn't get a response from the other one.

XIII.D. Utilities Director

No report

XIII.E. Public Works

Dennis Strickland reported the leaf collection ended a couple of weeks ago, 8,175 bags. He can't thank the part-time employees that collect those bags enough. Last Wednesday a signal pole was ripped down at I80 WB. Titan Electric temporarily fixed the issue in a timely manner. They will be here tomorrow to finish the repair. He wished everyone a safe and happy holiday season.

XIII.F. Airport Manager

Jim Foster reported Fernando Vargas' restaurant is opening tomorrow. The Grand Opening Event will be from 4pm to 8pm tomorrow, with a potential ribbon cutting at 6:30pm. We have been without a restaurant for a long time.

XIII.G. City Attorney

Dave Stanton said Merry Christmas and Happy New Year.

XIII.H. Fire Chief

Chief Griego wished everyone a Merry Christmas and Happy New Year.

XIII.I. Police Chief

Chief Trouten reported there was a Tik Tok Challenge that encouraged kids to skip school on December 17th, but it has morphed into going to school to shoot it up. We looked into this and there has been no such threat at any of our local school. We have had some calls come in regarding this. Merry Christmas and Happy New Year.

XIII.J. City Clerk

Mayor Keener asked if she had found anything on the School Board bonding.

Kelly Wooldridge answered she did not see anything about the School Board bonding. We may be able to go to our new agenda management system at the first meeting in January.

Mayor Keener said there was a request from the Elko Alzheimer's Group. Were we able to add those links to our website?

Ms. Wooldridge answered she will get it all finished up tomorrow.

XIII.K. City Planner

XIII.L. Development Manager

Mayor Keener asked if we could push her report to the next Council Meeting due to the late hour.

Michele Rambo agreed.

Kelly Wooldridge found an early, unofficial report, on the voting report. It has 40.2 % yes, 59.98 % no.

XIII.M. Financial Services Director

No report

XIII.N. Parks and Recreation Director

Curtis Calder said since it is snowing we are hoping we can get the SnoBowl opened up. This weekend is the trianing for the lift operators and the final cert on the lifts.

XIII.O. Civil Engineer

Bob Thibault reported FEMA is in the process of updating flood mapping. We are moving into a 90-day appeal period.

Mayor Keener said he heard from a Southside resident, since the work was done at the Sports Complex that there is water that is pooling up. Is that true.

Mr. Thibault wasn't sure where that might be but there is some pooling water along the river but it was there before the sports complex was completed.

XIII.P. Building Official

Absent

XIV. COMMENTS BY THE GENERAL PUBLIC

Pursuant to N.R.S. 241, this time is devoted to comments by the public, if any, and discussion of those comments. No action may be taken upon a matter raised under this item on the agenda until the matter itself has been specifically included on a successive agenda and identified as an item for possible action.

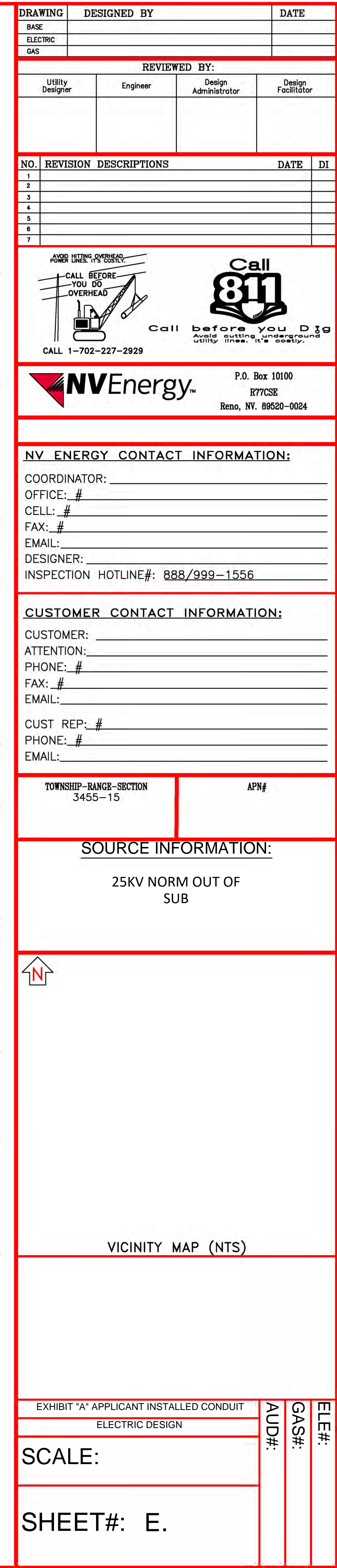
ACTION WILL NOT BE TAKEN

Mayor Keener noted it might be icy in the parking lot. Be safe driving home.

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

Mayor Reece Keener

Kelly Wooldridge, City Clerk



To: Mayor Keener
Vice-Mayor Simons
Councilman Stone
Councilman Morris
Councilman Puccinelli
From: Lee Hoffman
1085 Barrington Avenue
Elko

Re: December 14, 2021, Agenda Item VII A:

Review and consideration of a non-binding agreement between the City of Elko and Elko County to explore the concept of forming a district health department, and matters related thereto.

I am out of town and unable to attend in person to comment on this item. Please consider the following before acting.

My first and primary thought is about the continual growth of government. Bureaucracies never shrink; government budgets never get smaller; our freedoms are ever diminishing. The following quotations, in *italics*, are from the documentation that will be presented the Elko County Commission regarding this topic, followed by my comments:

"We propose to use the CDC Workforce Grant to support two employees to begin the work to investigate, initiate a written plan and lay the foundation in developing a Community Health Department or District while performing some Community Health duties." While no funding is being asked of the City at this time, it is obvious that a permanent new "Department or District" (bureaucracy) will have future costs. These will either be borne by the local governments or make the locals dependent on and beholden to federal agencies such as the CDC.

"A Health District would give the County and partners a higher level of authority and autonomy than compared to a county only health department. The state health department would continue to be supreme in all non-administrative matters concerning health, but a Health District would have substantially more power than a local health authority," The phrases "*higher level of authority*", "*continue to be supreme*" and "*substantially more power*" are very troubling especially as applied to an unelected bureaucracy.

Among the proposed tasks of the "community health employees" are the following:

"Draft county codes, regulations, and fee-schedules" Just what we need, a bureaucracy drafting more codes, regulations and fee-schedules."

"Identify office and/or clinical space" Every permanent bureaucracy requires a good permanent home.

"Apply for funding from state and federal sources in preparation of phasing from a temporary to a permanent organization" We really do not know what future costs, obligations or restrictions will be.

"This grant is like other federally funded grant programs that the county houses or has housed, so there are no more strings attached to this grant than any other federally funded grant. The County already has policy and procedures in place that follow federal fiscal and reporting guidance." I understand that the County has the needed policies and procedures in place to comply with fiscal and reporting

requirements, however, it is naïve to believe that a CDC backed grant will have no other strings attached. This attempt to gain more local control, based on federal grants, will likely backfire. Based on history, Elko and Elko County can have little faith in the CDC and its understanding of rural Nevada.

An item in the initial budget for the grant is *“Electronic Health Record Software - \$50,000”*. This will be a further privacy intrusion into our lives, more tracking, more monitoring, more Big Brother.

It is interesting that the unsigned letter to you, the Elko City Council, begins with *“Elko County is proposing to create a health district by entering into a county-city agreement, in accordance with NRS 439.370, as the best alternative for providing public health services to the population. To accomplish this, we are proposing you sign this letter as a non-binding agreement stating that it is your intention to explore this option.”* I don’t believe that the elected body of the Elko County Commission has yet decided to propose creating a health district. They will consider accepting the grant at their meeting this Wednesday. It seems a questionable step by county staff to send this proposal with a letter for the City to sign. This feels like an attempt to pressure the Commission by addressing another elected board without direction of the Commission.

It is also worth noting that the letter to the City says, “Elko County is funding this project through a grant from the **DPBH** (Division of Public and Behavioral Health) on public health capacity building,” while the document provided to the County Commission is titled *“CDC Workforce Grant Proposal”*. The CDC are definitely behind this effort.

I do not doubt the intentions of those who are promoting this. I only know that many government agencies and programs begin with good and honest intentions. But more government seldom works to our benefit in the long run.

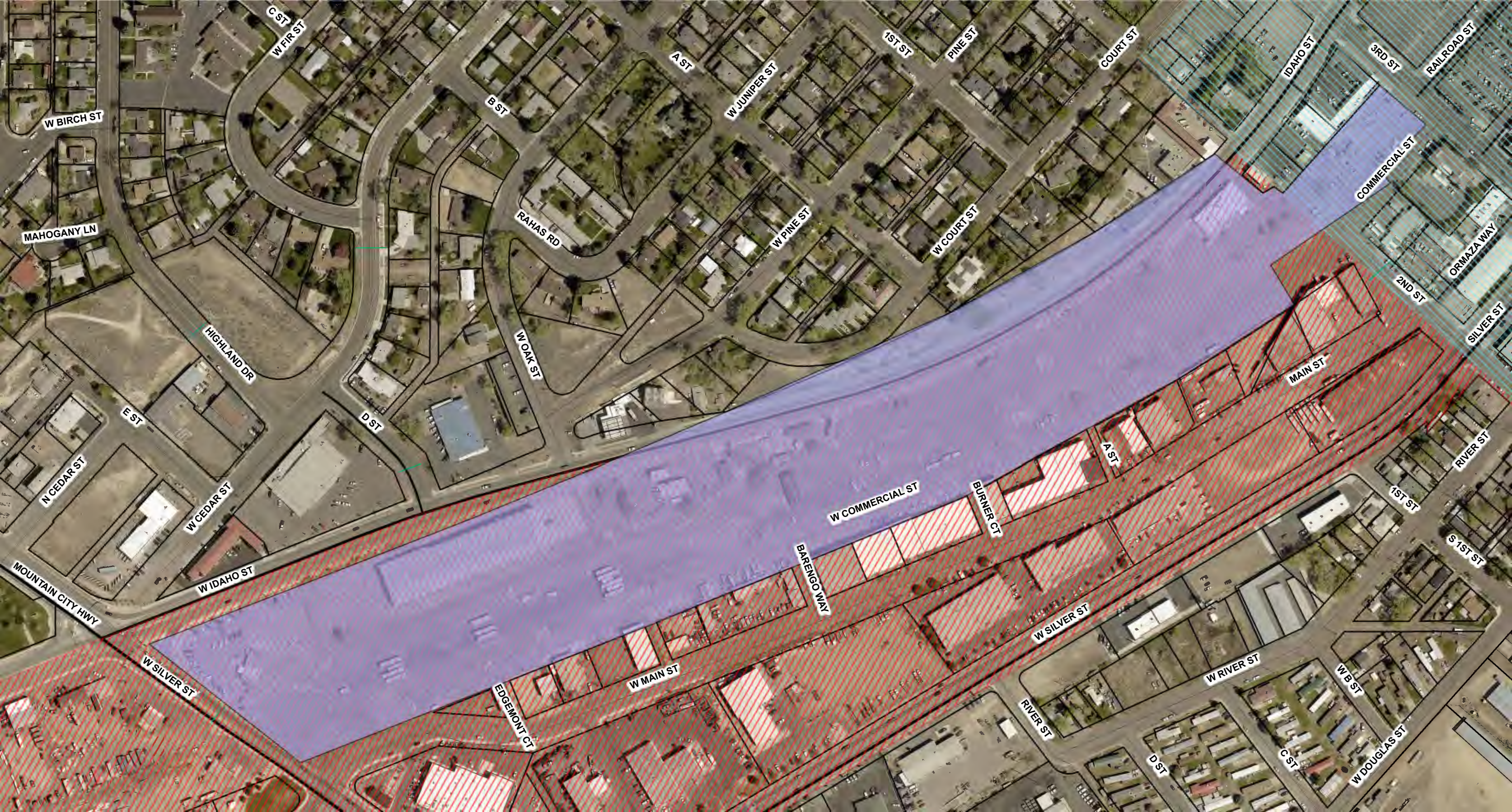
One final comment. I attended the workshop presented by the proponents of this new department. I heard and saw nothing that convinced me of the need for or benefits to be derived from creating a new health district or department.

Please take no action on this item now. At least wait to see what the County decides regarding the grant. There is nothing to be gained in signing this letter except to pressure the Commission.

Respectfully,

Lee Hoffman
1085 Barrington Avenue

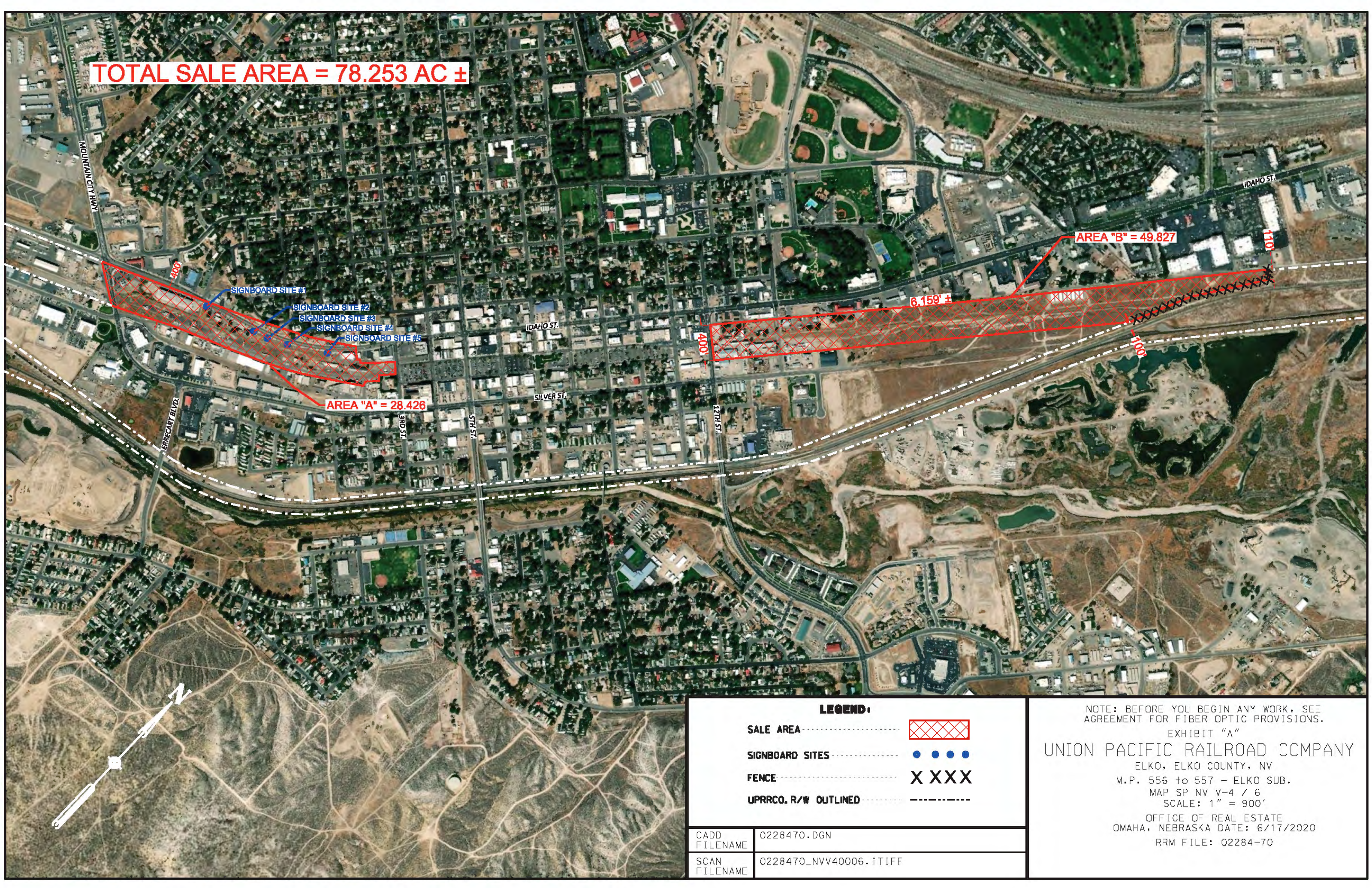






INDIAN VIEW HEIGHTS DR
GRISWOLD DR
RUBY VIEW DR
SEQUOIA DR
RUBY VISTA DR
180
180
GOLF COURSE RD
FLAGVIEW DR
COUNTRY CLUB DR
MOREN WAY
CONVENTION DR
CHRIS SHEERIN WAY
CEDAR ST
13TH ST
OAK ST
14TH ST
COLLEGE AVE
13TH ST
12TH ST
13TH ST
COURT ST
9TH ST
10TH ST
RAILROAD ST
11TH ST
JUNIPER ST
PINE ST
COURT ST
8TH ST
9TH ST
10TH ST
COMMERCIAL ST
10TH ST
RIVER ST
S 11TH ST
S 12TH ST
WATER ST
DRIVEWAY
VIEW DR
BOYD DR
IDAKO ST
MANZANITA LN
ELLIS WAY
GOLF DR
RM695 RAMP
RM694 RAMP
BURNS RD
VFW DR
SILVER ST
CASTLEWOOD DR
VILLAGE PKWY
CLARKSON DR
VILLA DR
INDUSTRIAL WAY
LAST CHANCE RD
SITZEL RD
LARKSPUR ST
WILDWOOD WAY
CHERRYWOOD WAY
ROSEWOOD WAY
PINION RD
DAISY DR
BUZZARD RD
BURNER BASIN RD
CONNECTICUT CIR
ALABAMA AVE
CALIFORNIA AVE
OWL RD
NoName
LAMOILLE HWY
DALE DR
FLAGSTONE DR
OPAL DR

TOTAL SALE AREA = 78.253 AC ±







SIGNBOARD SITE #1
SIGNBOARD SITE #2
SIGNBOARD SITE #3
SIGNBOARD SITE #4
SIGNBOARD SITE #5

AREA "A" = 28.426

AREA "B" = 49.827

6.159 ±

LEGEND:

- SALE AREA 
- SIGNBOARD SITES 
- FENCE 
- UPRRCO. R/W OUTLINED 

NOTE: BEFORE YOU BEGIN ANY WORK, SEE
AGREEMENT FOR FIBER OPTIC PROVISIONS.

EXHIBIT "A"

UNION PACIFIC RAILROAD COMPANY

ELKO, ELKO COUNTY, NV

M.P. 556 to 557 - ELKO SUB.

MAP SP NV V-4 / 6

SCALE: 1" = 900'

OFFICE OF REAL ESTATE
OMAHA, NEBRASKA DATE: 6/17/2020

RRM FILE: 02284-70

CADD
FILENAME 0228470.DGN

SCAN
FILENAME 0228470_NVV40006.1TIFF