

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

SS July 27, 2021

The City Council of the City of Elko, State of Nevada met for a regular meeting beginning at 4:00 p.m., Tuesday, July 27, 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.

CALL TO ORDER

ROLL CALL

Council Present: Mayor Reece Keener
 Councilman Chip Stone
 Councilman Clair Morris

Council Absent: Councilwoman Simons
 Vacant

City Staff Present: Curtis Calder, City Manager
 Scott Wilkinson, Assistant City Manager
 Kelly Wooldridge, City Clerk
 Candi Quilici, Accounting Manager
 Jan Baum, Financial Services Director
 Susie Shurtz, Human Resources Manager
 Dennis Strickland, Public Works Director
 Mike Haddenham, WRF Superintendent
 Cathy Laughlin, City Planner
 Jim Foster, Airport Manager
 Matt Griego, Fire Chief
 Ty Trouten, Police Chief
 Dave Stanton, City Attorney
 Bob Thibault, Civil Engineer
 Michele Rambo, Development Manager
 James Wiley, Parks and Recreation Director
 DJ Smith, Computer Information Systems Coordinator
 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**

Mayor Keener expressed sorrow for Councilman Bill Hance's passing. Bill was a dedicated person and he will be missed greatly.

Councilman Stone agreed that Councilman Hance was a great man and was very involved in civil service and volunteering. He was very involved in Relay For Life, which will be held this weekend.

Councilman Morris confessed he had not been able to work very long on the Council with Councilman Hance but he did spend time with him working with Ducks Unlimited. He will be missed.

Curtis Calder, City Manager, said in addition to Bill being a City Councilman, but he also served as the At-Large member for the Central Dispatch Administrative Authority Executive Board. Mr. Calder is also on that board and has worked with Bill for 20 plus years on the dispatch side. Because of Bill's technical expertise with radios, mountain tops, IT and all of those things, he was able to help keep the Dispatch Center operational on multiple occasions. He may also have been involved in the initial construction of the facility when he worked for the State.

Chief Trouten spoke about National Night Out August 3rd from 5:00pm to 8:00pm. All first responders will be there for the community to come out and ask questions. There will be hot dogs and hamburgers.

Catherine Wines, 421 Railroad Street, Arts and Culture Advisory Board, echoed what the board said about Councilman Hance. Next Wednesday, the Arts and Culture Advisory Board will have a presentation of the Mayor's Arts Awards for years 2020 and 2021. Also, the Arts and Culture Advisory Board is helping put on the Elko Art Festival, which will be September 9-12. She thanked City Council for their support in the festival.

Christy Armbruster, 1409 Clover Hills Dr., said she and some others were trying to attend both City Council Meeting and the School Board Meeting that night. For Item IV.J., she wanted to say that CC Communications is doing a great job. She had seen their work being done around town. She thanked Council for their letter to the Governor.

Nicole Sirotek, 855 Country Club Drive, made known she was looking at the budget and didn't see a breakdown for the CARES Act Funding and how it was spent. She wanted to see that itemized breakdown.

Jan Baum, Financial Services Director, noted there was a lot of reporting done and it was sent to the State. She has a detailed accounting of that and Ms. Sirotek can request that from the Clerk's Office. It will also be placed on the City website.

Curtis Calder, City Manager, said the audit from last fiscal year was online and the audit document contained information regarding how money is expended.

Misty Atkins, 388 Cedar Street, asked for an agenda item to be put on the next Council Agenda. There is a conflict between the City Council Meeting and Elko County School District meetings and she wants that addressed and resolved. She spoke favorably about CC Communications.

Mayor Keener stated he has been accommodative with items heard out of order so people wanting to attend both meetings can.

APPROVAL OF MINUTES: July 13, 2021 **Regular Session**

The minutes were approved by general consent.

I. PRESENTATIONS

- A. Presentation by the Nevada Rural Housing Authority (NRHA), and matters related thereto. **INFORMATION ITEM ONLY – NON ACTION ITEM**

Diane Arvizo, Director Home Ownership Programs with NRHA, expressed her condolences with the passing of Councilman Hance. She spoke about the home ownership programs NRHA offers.

- B. Review, consideration of information concerning softball tournament play, and matters related thereto. **FOR POSSIBLE ACTION**

At the Council meeting on July 13, 2021, members of the softball community expressed concerns with tournament play and the relationship with the City during prior years. Comments from the Council indicated the City would consider the concerns expressed during the public comment. The City Manager reported that Staff would present information concerning the matter at a future meeting. SAW

Curtis Calder, City Manager, gave a presentation (Exhibit “A”).

Mayor Keener asked why no proceeds were collected in 2019 from EAS.

Mr. Calder answered he believed it was because they changed who was doing their accounting. He wasn't sure if it was anything nefarious but tournaments were held and the split to the City was not received.

Councilman Stone thanked Mr. Calder for putting that information out there. That was how he remembered it all. The stuff on social media and the way they treated the law enforcement officers was out of line and inappropriate.

Councilman Morris agreed it is good to get both sides of the story.

II. PERSONNEL

A. Employee Introductions:

- 1.) Samuel Cook, WRF Technician Trainee

Present and introduced.

B. Review, consideration, and possible approval of the application, and application process to fill the unexpired term of Councilman Bill Hance, and matters related thereto. **FOR POSSIBLE ACTION**

The City of Elko was notified of Councilman Bill Hance's death on July 15, 2021. Elko City Code 1.060 states: "A vacancy in the city council must be filled by a majority vote of the members of the city council within 30 days after the occurrence of the vacancy. A person may be selected to fill a prospective vacancy in the city council before the vacancy occurs. In such a case, each member of the city council, except any member whose term of office expires before the occurrence of the vacancy, may participate in any action taken by the city council pursuant to this section. The appointee must have the same qualifications as are required of the elective official." The Council needs to make a decision regarding the contents of the application, application process and approve the timeline. In the past the Council has required a letter of interest, a resume, and answers to a list of questions. KW

Kelly Wooldridge, City Clerk, said we are on a tight timeline. Council needs to approve what will be in the application so she can get it advertised in the paper. She would put it on the City website and Facebook tomorrow. The applications will need to be due by 5:00 pm next Wednesday in order for us to post it on the next agenda.

Mayor Keener thought it was all appropriate.

Councilmen Stone and Morris agreed.

Mayor Keener said he reached out to Councilwoman Simons and she indicated that she appreciated Bill's insightfulness and everything he contributed. She noted her sorrow and that he will be missed by everyone.

**** A motion was made by Councilman Stone, seconded by Councilman Morris, to approve the application to fill Councilman Bill Hance's position, due to the City by August 4th, to include a resume, questions as stated, an affidavit of Elko residency and a letter of interest.**

The motion passed unanimously. (3-0)

III. APPROPRIATIONS

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

**** A motion was made by Councilman Morris, seconded by Councilman Stone, to approve the general warrants in the amount of \$526,476.32.**

The motion passed unanimously. (3-0)

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

**** A motion was made by Councilman Morris, seconded by Councilman Stone, to approve the Ruby Mountain Lock & Safe warrants in the amount of \$252.98.**

The motion passed unanimously. (3-0)

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

**** A motion was made by Councilman Morris, seconded by Councilman Stone, to approve the general hand-cut checks in the amount of \$618,953.88.**

The motion passed unanimously. (3-0)

- D. Review, consideration, and possible approval of the Elko Police Department to purchase nine (9) Tasers and related equipment, and matters related thereto. **FOR POSSIBLE ACTION**

Elko Police Department was approved in the FY2021/22 budgeting process to purchase new Tasers. The cost of nine (9) Tasers, eight (8) Taser magazines, and nine (9) Taser holsters is \$11,962.75. TT

Chief Trouten explained why they wish to purchase these tasers.

**** A motion was made by Councilman Stone, seconded by Councilman Morris, to authorize the Elko City Police Department to purchase nine (9) tasers and related equipment.**

The motion passed unanimously. (3-0)

VI. PETITIONS, APPEALS, AND COMMUNICATIONS

- A. Review, consideration, and possible approval of a letter addressed to Governor Sisolak concerning COVID related issues, and matters related thereto. **FOR POSSIBLE ACTION**

The City Council took action at its meeting on July 13, 2021 directing Staff to draft a letter to Governor Sisolak concerning several COVID related issues expressed by members of the community. SAW

Scott Wilkinson, Assistant City Manager, explained a draft letter was included in the packet. He thought the letter covered topics of discussion.

Mayor Keener asked if there was a copy of the letter without the track changes. (no) He was at the County Commission meeting when they came up with their resolution. It is something he supports and has no qualms having a letter of endorsement. It is appropriate that the County lead with this since they have the oversight for the County Health Department.

Councilmembers Stone and Morris spoke in support of the letter and asked that the letter be signed by all board members.

Christy Armbruster, 1409 Clover Hills Dr., spoke in favor of the letter.

Lee Hoffman, 1085 Barrington, thanked Council for considering this item and agreed the letter needed to come from the City Council and not just from the Mayor.

Janine Hansen, Nevada Families for Freedom, thanked council for pursuing the issue and working to protect our civil liberties.

Misty Atkins, 388 Cedar Street, Parents of Elko County, thanked the Council for writing the letter.

Councilman Stone and Mayor Keener discussed some minor changes to the letter and asked Kelly Wooldridge to make the changes before they sign it.

**** A motion was made by Councilman Stone, seconded by Councilman Morris, to approve the letter to Governor Sisolak as written with the changes Mayor Keener just stated, “with our board and citizens” added to, as well as, “from the Elko City Council,” and we also have the opportunity for all Council Members to sign as they see fit.**

The motion passed unanimously. (3-0)

IV. NEW BUSINESS

- J. Review, consideration and possible selection of a provider or providers of fixed broadband service to apply, in partnership with the City, for grant funding from the National Telecommunication and Information Administration (NTIA), and matters related thereto. **FOR POSSIBLE ACTION**

The City Council took action at its meeting on July 13, 2021 directing Staff to solicit proposals from fixed broadband service providers for consideration in partnering with the City in applying for grant funding from the National

Telecommunication and Information Administration (NTIA) for development of broadband service in the City. To be eligible, the City must enter into a qualifying agreement with a provider of fixed broadband service. A covered partnership may include more than one provider of fixed broadband service as part of its application. Applications are due not later than August 17, 2021. Proposals were required to be submitted by the end of the business day on July 20, 2021. Two proposals were submitted, one from CC Communications and the other from Anthem. SAW

Scott Wilkinson, Assistant City Manager, recapped the work that has been done to date. Due to the protest that was submitted by White Cloud Communications, he recommends no action.

Mayor Keener reported he took some time over the weekend to look at the packet. He felt that if we move forward with choosing a partner, that would be controversial. He felt we are better off just sitting on this.

Councilman Stone agreed to no action.

Councilman Morris said he had some concerns with the timeline in the beginning.

David Kirkham, Co-Chair of Broadband Action Committee, said the committee didn't agree with submitting this application at this time. The timeline was way too short. This grant was nationwide but there is another funding opportunity coming through next year that will fund almost the same amount of money just for the state of Nevada. We will have a better chance of getting the funding then.

Mark Feest, CC Communications, said if there is an opportunity to get a grant, of course they would like to get that grant. He didn't see how there was enough time to get all the applications thoroughly evaluated. There are grants in the future. In 2009, he sat on a panel for VTOP and NTIA gave that money out. Money was given out and providers did not build out like they promised to and those areas were ineligible for more federal funding when grants came available again. He suggested including all providers so no one feels left out.

Attorney David Lockie, representing White Cloud, related he was the one that sent the letter regarding to concerns about not enough time for this to be looked at fully and allow a good competitive process to happen. He appreciated the sentiment expressed and echoed what had been said previously. White Cloud has been in the community for 5 years now.

Jason Herr, Anthem Broadband, thanked Council for the consideration. They just want to make sure the community gets connected and they didn't care how it happened. If there is money out there, they will want to go after it. If we don't take it, someone else will.

R. Jeff Williams, 538 Bullwacker Drive, expressed his condolences for the loss Bill Hance and his friends and family. He questioned whether or not Anthem was going to actually put fiber in the ground in Elko or if it was just a dream. They seem to have dazzled their way to this point by talking to the right people at the right time. CC Communications was just left to keep their nose in the trench and work hard to try to get things done and actually produce, rather than just dazzle.

He thought the decision to wait and include all providers was the best decision to make at this time.

Mr. Kirkham spoke about how the committee's relationship with Anthem developed. We need to support all the providers because without competition we will end up in the same boat we are in right now with Frontier.

Glenn Crisler, 1896 Ruby View Drive, former State Manager for CP National and Alltel, reported he has seen a lot of improvements in the City of Elko. We need to be concerned with fiber maintenance and repair if it ever goes down, and perhaps have someone in town with the expertise that can take care of it.

NO ACTION

VII. 5:30 P.M. PUBLIC HEARINGS

- A. Review, consideration, and possible action to adopt Resolution 19-21, a resolution and order vacating a portion of 15th Street Right-of-Way consisting of an area approximately 6,800 square feet abutting APN 001-375-001 to the property owner (The Igloo, Inc.), and matters related thereto. **FOR POSSIBLE ACTION**

Council accepted the petition to vacate this Right-of-Way at its regular meeting of June 22, 2021 and directed Staff to continue with the vacation process by referring the matter to the Planning Commission. The Planning Commission considered the vacation at its regular meeting of July 6, 2021 and took action to forward a recommendation to Council to adopt a resolution, which conditionally approves Vacation No. 3-21 with findings in support of its recommendation. This is item 4 of 5 related to the possible vacation of a portion of 15th Street. MR

Michele Rambo, Development Manager, explained they had planned for items 1-3 to go before this one but the order doesn't matter. This is the Resolution to vacate half the right-of-way of 15th Street to Igloo.

Scott Wilkinson, Assistant City Manager, recommended adding some wording that it be conditioned on items IV. C, D and E being approved.

Mayor Keener said he spoke to Matt at the Igloo and he said he was favorable to this. He called for public comment without a response.

**** A motion was made by Councilman Stone, seconded by Councilman Morris, to adopt Resolution No. 19-21, with findings and conditions as recommended by the Planning Commission, conditional upon items IV. C, D and E being approved.**

The motion passed unanimously. (3-0)

- B. Review, consideration, and possible action to adopt Resolution 20-21, a resolution and order vacating a portion of 15th Street Right-of-Way consisting of an area approximately 6,800 square feet abutting APN 001-373-001 to the property owner (Flyers Energy, LLC), and matters related thereto. **FOR POSSIBLE ACTION**

Council accepted the petition to vacate this Right-of-Way at its regular meeting of June 22, 2021 and directed Staff to continue with the vacation process by referring the matter to the Planning Commission. The Planning Commission considered the vacation at its regular meeting of July 6, 2021 and took action to forward a recommendation to Council to adopt a resolution, which conditionally approves Vacation No. 4-21 with findings in support of its recommendation. This is item 5 of 5 related to the possible vacation of a portion of 15th Street. MR

Ms. Rambo explained this is for the opposite side of the street for Flyers.

Mayor Keener called for public comment without a response.

**** A motion was made by Councilman Stone, seconded by Councilman Morris, to adopt Resolution No. 20-21, with findings and conditions as recommended by the Planning Commission, and conditional upon approval of items IV. C, D and E.**

The motion passed unanimously. (3-0)

- C. Review, consideration, and possible action to adopt Resolution No. 21-21, a resolution and order vacating a portion of Golf Course Road Right-of-Way, consisting of an area approximately 1,842 sq. ft. abutting APN 001-200-002, which is located within the City of Elko, Nevada, to the abutting property owner Elko County, filed and processed as Vacation No. 1-21, and matters related thereto. **FOR POSSIBLE ACTION**

Council accepted the petition to vacate this Right-of-Way at its regular meeting of June 22, 2021, and directed Staff to continue with the vacation process by referring the matter to the Planning Commission. The Planning Commission considered the vacation at its regular meeting of July 6, 2021, and took action to forward a recommendation to Council to adopt a resolution, which conditionally approves Vacation No. 1-21 with findings in support of its recommendation. CL

Cathy Laughlin, City Planner, explained this is similar to the previous items but it is regarding Golf Course Road and the Child Advocacy Center.

Mayor Keener called for public comment without a response.

**** A motion was made by Councilman Morris, seconded by Councilman Stone, to adopt Resolution No. 21-21, a Resolution and Order vacating a portion of Golf Course Road right-of-way, consisting of an area approximately 1,842 sq. ft. abutting APN 001-200-002, which is**

located within the City of Elko, Nevada, to the abutting property owner Elko County, filed and processed as Vacation No. 1-21, conditioned on approval of item IV. A.

The motion passed unanimously. (3-0)

- D. Review, consideration, and possible action to adopt Resolution No. 22-21, a resolution and order vacating a portion of Golf Course Road Right-of-Way, consisting of an area approximately 210 sq. ft. abutting APN 001-200-009, which is located within the City of Elko, Nevada, to the abutting property owner Nevada Health Centers, filed and processed as Vacation No. 2-21, and matters related thereto. **FOR POSSIBLE ACTION**

Council accepted the petition to vacate this Right-of-Way at its regular meeting of June 22, 2021, and directed Staff to continue with the vacation process by referring the matter to the Planning Commission. The Planning Commission considered the vacation at its regular meeting of July 6, 2021, and took action to forward a recommendation to Council to adopt a resolution, which conditionally approves Vacation No. 2-21 with findings in support of its recommendation. CL

Ms. Laughlin explained this will be vacated to Nevada Health Centers. It is also part of Golf Course Road.

Mayor Keener called for public comment without a response.

**** A motion was made by Councilman Stone, seconded by Councilman Morris, to adopt Resolution No. 22-21, which contains conditions and recommendations approved by the Planning Commission, conditional upon approval of item IV.B.**

The motion passed unanimously. (3-0)

- E. Review, consideration, and possible action to conditionally approve Tentative Map No. 3-21, 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**

The subject property is located at the northern terminus of both Primrose Lane and Daisy Drive (APN 001-926-111). The Planning Commission considered this item on July 6, 2021, and took action to forward a recommendation to conditionally approve Tentative Map 3-21. MR

Michele Rambo, Development Manager, explained the development. Because of the design of the project, there is a modification of standards needed for several lots. Planning Commission recommended the modification of standards be approved. She recommended conditional approval.

Mayor Keener called for public comment without a response.

**** A motion was made by Councilman Stone, seconded by Councilman Morris, to conditionally approve Tentative Map No. 3-21, for the Cedar Estates Phase 3 subdivision, subject to the findings and conditions recommended by the Planning Commission, with the modification of standards to lots numbered 4, 5, 13, 14, 21, 22, 23 and 25, to allow for shorter than required lot widths. The City Council determines that the property can be divided based upon the findings required in section 3-3-5-E-2 of the municipal code.**

The motion passed unanimously. (3-0)

- F. Review, consideration, and possible action on an appeal filed pursuant to Elko City Code 3-2-22(H), appealing the Elko City Planning Commission's decision to deny Variance No. 3-21, filed by DAG LLC. on behalf of Sonora LLC, for an increase in the number of allowed freestanding signs per street frontage and increase maximum area of a freestanding sign, located generally on the south corner of the intersection of Idaho Street and 5th Street (397 5th Street), and matters related thereto. **FOR POSSIBLE ACTION**

Pursuant to Elko City Code 3-2-25, the Council may affirm, modify or reverse the decision of the Planning Commission.

The Planning Commission considered the subject variance on July 6, 2021 and took action to deny the variance. Subsequently, the applicant appealed the Planning Commission's decision. CL

Cathy Laughlin, City Planner, explained there was a letter from the applicant requesting this item be tabled.

**** A motion was made by Councilman Stone, seconded by Councilman Morris, to table agenda item VII.F. to the next regularly scheduled Elko City Council Meeting.**

The motion passed unanimously. (3-0)

Mayor Keener noticed some VFW members present in the audience and asked what they were present for.

Mike Musgrove, 666 Thistle Lane, Spring Creek, said he received a letter regarding the vacation of the Golf Course Road property. They are trying to stay abreast of everything because they still use the storage building there. The property went to the County for the advocacy center but they are still not sure what will happen with that section of property.

Cathy Laughlin offered to help him and gave him her phone number.

IV. NEW BUSINESS (Cont.)

- A. Review, consideration, and possible approval of a Grant of Easement for Public Utilities and Drainage adjacent to APN 001-200-002, offered from Elko County to the City of Elko, and matters related thereto. **FOR POSSIBLE ACTION**

City Council has on this same agenda Resolution No. 21-21 to vacate a portion of Golf Course Road Right-of-Way to the adjacent parcel owned by Elko County. There are existing public utilities located in the area proposed to be vacated and would require an easement. The proposed easement will provide the City of Elko with the ability to properly maintain the existing utilities and drainage. CL

Ms. Laughlin explained the easement request.

**** A motion was made by Councilman Stone, seconded by Councilman Morris, to approve the Grant of Easement for Public Utilities and Drainage as presented.**

The motion passed unanimously. (3-0)

- B. Review, consideration, and possible approval of a Grant of Easement for Public Utilities and Drainage adjacent to APN 001-200-009, offered from Nevada Health Centers Inc. to the City of Elko, and matters related thereto. **FOR POSSIBLE ACTION**

City Council has on this same agenda Resolution No. 22-21 to vacate a portion of Golf Course Road Right-of-Way to the adjacent parcel owned by Nevada Health Centers Inc. There are existing public utilities located in the area proposed to be vacated and would require an easement. The proposed easement will provide the City of Elko with the ability to properly maintain the existing utilities and drainage. CL

Ms. Laughlin explained the easement request and recommended approval.

**** A motion was made by Councilman Stone, seconded by Councilman Morris, to approve the Grant of Easement for Public Utilities and Drainage as presented.**

The motion passed unanimously. (3-0)

- C. Review, consideration, and possible approval for the City of Elko to enter into a Reciprocal Access Agreement with the owners of APNs 001-375-001 and 001-373-001 for the purpose of providing all parties with the ability to access a portion of 15th Street proposed to be vacated, and matters related thereto. **FOR POSSIBLE ACTION**

Council initiated the vacation of a portion of 15th Street at their June 22, 2021 meeting. If/When the vacation is approved, the former public street will be used as

a shared private driveway by the abutting property owners (The Igloo Inc. and Flyers Energy, LLC). Existing City of Elko utilities will remain under the vacated street and the City will need to access these from time to time for maintenance. The proposed agreement allows all three parties to access this new private driveway. This is item 1 of 5 related to the possible vacation of a portion of 15th Street. MR

Michele Rambo, Development Manager, explained they have been working with the property owners and they are in agreement with this. She recommended approval.

**** A motion was made by Councilman Stone, seconded by Councilman Morris, to approve the Reciprocal Access Agreement as presented.**

The motion passed unanimously. (3-0)

- D. Review, consideration, and possible approval of a Grant of Easement for Public Utilities and Drainage adjacent to APN 001-375-001 (The Igloo Inc.), and matters related thereto. **FOR POSSIBLE ACTION**

Council initiated the vacation of a portion of 15th Street at their June 22, 2021 meeting. If/When the vacation is approved, the former public street will be used as a shared driveway by the abutting property owners (The Igloo Inc. and Flyers Energy, LLC). Existing City of Elko utilities will remain under the vacated street and drainage will continue to flow through this area. The proposed easement will provide the City of Elko with the ability to properly maintain the existing utilities and drainage. This is item 2 of 5 related to the possible vacation of a portion of 15th Street. MR

Ms. Rambo explained this is part of the 15th Street vacation process. This will give us an easement for public utilities and drainage.

**** A motion was made by Councilman Morris, seconded by Councilman Stone, to approve the Grant of Easement for Public Utilities and Drainage as presented.**

The motion passed unanimously. (3-0)

- E. Review, consideration, and possible approval of a Grant of Easement for Public Utilities and Drainage adjacent to APN 001-373-001 (Flyers Energy, LLC.), and matters related thereto. **FOR POSSIBLE ACTION**

Council initiated the vacation of a portion of 15th Street at their June 22, 2021 meeting. If/When the vacation is approved, the former public street will be used as a shared driveway by the abutting property owners (The Igloo Inc. and Flyers Energy, LLC). Existing City of Elko utilities will remain under the vacated street and drainage will continue to flow through this area. The proposed easement will provide the City of Elko with the ability to properly maintain the existing utilities

and drainage. This is item 3 of 5 related to the possible vacation of a portion of 15th Street. MR

Ms. Rambo explained this is the final document for the vacation. It is an easement for the opposite side of the street.

**** A motion was made by Councilman Morris, seconded by Councilman Stone, to approve the Grant of Easement for Public Utilities and Drainage as presented.**

The motion passed unanimously. (3-0)

- F. Review, consideration, and possible approval of the Second Addendum to the School Resource Officer Cooperative Agreement between the Elko County School District, the County of Elko, and the City of Elko, and matters related thereto. **FOR POSSIBLE ACTION**

The original Cooperative Agreement was entered into by all three parties in January 2015, and the Program has been very successful. The Elko County School District has agreed to provide 100% funding of salary and benefits for two SRO positions for the 2021/22 school year. All parties have met, conferred, and agreed to the conditions set forth in the Second Addendum to the Cooperative Agreement. TT

Chief Trouten explained the original agreement was for 2 officers at 80% funding for salaries and benefits. Two years ago there was a state grant that enabled us to attach one more from the Elko Police Department and one more from the County Sheriff's Office at 100% funding for salaries and benefits. That grant expired on June 30th of this year and does not exist anymore. The School District has agreed to pay 100% for the salaries and benefits and keep the SROs. It still needs to go before the School Board and the County for their approval.

**** A motion was made by Councilman Morris, seconded by Councilman Stone, to approve the Elko Police Department to enter into a Second Addendum to the School Resource Officer Cooperative Agreement between the Elko County School District, the County of Elko and the City of Elko.**

The motion passed unanimously. (3-0)

- G. Review, consideration, and possible action to approve a Revocable Agreement with Bird Rides, Inc. for a stand up electric scooter business throughout the community, and matters related thereto. **FOR POSSIBLE ACTION**

City Council approved the concept of scooter service in Elko and authorized Staff to come back with a revocable license agreement at their July 13, 2021 meeting. CL

Cathy Laughlin, City Planner, explained a revocable agreement was included in the packet. It is for 18 months and we can revoke it at any time. There are stipulations based on their business plan, such as no riding on sidewalks and things like that. Once we enter into this agreement, we

will work with Bird Rides to create a map on areas that contain no-ride zones. Bird Rides has approved the agreement. The operating zone we are showing on the map is just the City limits. This does not include County areas or Indian Colony areas. Bird Rides will have to make their own agreement with those entities.

Councilman Morris said he read through the packet it and it said that helmets would be required. Who will supply the helmets?

Ms. Laughlin answered that is their requirement and it actually says that it is recommended.

Councilman Stone asked for some wording changes when it came to the helmets. Make them recommended and not required.

Mayor Keener said he is in favor of this and trying it out. If there are problems, they will be evident early on. He called for public comment without a response.

**** A motion was made by Councilman Stone, seconded by Councilman Morris, to approve the Revocable Agreement with Bird Rides, Inc., for a trial period of 18 months with an amendment to the words for helmets to be recommended rather than required.**

The motion passed unanimously. (3-0)

- H. Review, consideration, and discussion for the appointment of (3) three new members to the Parks and Recreation Advisory Board, and matters related thereto.
FOR POSSIBLE ACTION

Council authorized Staff to advertise for open positions on the Parks and Recreation Advisory Board at a previous meeting on June 22, 2021. Since then, Staff has received five (5) letters of interest from Katie Neddenriep, Spring Robinson, Leslie Creel, Nick Claerbout, and Ashlyn Greener expressing a desire to serve as members on the Board. Two (2) appointments will be for the remainder of the term through June 30, 2023. One (1) appointment will be for a four (4) term through June 30, 2025. JW

James Wiley, Parks and Recreation Director, explained how they got to three open positions on the board. All of the letters of interest were included in the packet. There was one applicant present in the audience.

Mayor Keener asked that applicant to come up and introduce herself.

Spring Robinson stated she had only been in Elko just shy of 3 years. She is very interested in becoming more involved in the community and thought Parks and Recreation was a great fit for her.

Mayor Keener recommended that we appoint Ms. Robinson. There was a letter placed on the dais from Katie Neddenriep (Exhibit "B") stating she had a conflict with tonight's meeting. He wanted

to see Katie Neddenriep on the board because what she does at the ECVA has a link with Parks and Recreation.

Councilman Stone thought Ashlyn Greener would be good on the board.

**** A motion was made by Councilman Stone, seconded by Councilman Morris, to appoint Katie Neddenriep to a 2-year term and Spring Robinson to a 2-year term and Ashlyn Greener to a 4-year term.**

The motion passed unanimously. (3-0)

- I. Review, consideration, and discussion for the re-appointment of four (4) members to the Parks and Recreation Advisory Board, and matters related thereto. **FOR POSSIBLE ACTION**

The terms for five (5) members serving on the Parks and Recreation Advisory Board expired on June 30, 2021. Colby Curtis, Harmony Stahl, Jim Conner, and Andrew Storla are seeking reappointment for another four (4) year term. Fred Beitia is not seeking another term on the Board. JW

Mr. Wiley explained this is simpler. All 4 of these members have expressed an interest in serving another 4-year term. He recommended reappointing all 4 members.

**** A motion was made by Councilman Morris, seconded by Councilman Stone, to reappoint Colby Curtis, Harmony Stahl, Jim Conner and Andrew Storla to another 4-year term on the Parks and Recreation Advisory Board.**

The motion passed unanimously. (3-0)

V. RESOLUTIONS AND ORDINANCES

- A. Review, consideration, and possible approval of Resolution No. 23-21, a Resolution providing for the transfer of the City's 2021 Private Activity Bond Cap to the Nevada Rural Housing Authority, and matters related thereto. **FOR POSSIBLE ACTION**

The City of Elko has previously transferred its portion of the tax-exempt private activity bond cap to the Nevada Rural Housing Authority. This year the Nevada Rural Housing Authority is requesting the City's allocation of the bonds for the purpose of providing a means of financing the costs of single family residential housing that will provide decent, safe and sanitary dwellings at affordable prices for persons of low and moderate income. A request letter from Nevada Rural Housing Authority and Resolution No. 23-21 have been enclosed in the agenda packet for review. CC

Curtis Calder, City Manager, explained this is similar to previous years. This is the Private Activity Bond Cap transfer. We have no plans for this funding and he recommended approval.

**** A motion was made by Councilman Morris, seconded by Councilman Stone, to approve Resolution No. 23-21, providing for the transfer of the City's 2021 Private Activity Bond Cap to the Nevada Rural Housing Authority.**

The motion passed unanimously. (3-0)

VIII. REPORTS

A. Mayor and City Council

Mayor Keener reported National Night Out is Tuesday and then The Mayor Arts Awards on the 4th. The Nevada League of Cities Meeting will be in Sparks beginning the 25th at the Nugget.

Curtis Calder asked Councilmembers to let Kim know if they want to attend.

Councilman Stone reported the Relay for Life is Saturday (weather pending). The Chamber of Commerce Sherman Dinner is Saturday also.

B. City Manager

Curtis Calder said there is a new emergency directive beginning Friday, requiring all individuals to wear a mask, whether vaccinated or not, in all public indoor spaces. It's an emergency directive that is considered law. He was going to hand out legal opinion memos Robert Salyer wrote for the School District for Council to read. He will be analyzing the emergency directive tomorrow and will get the information out to the employees. We may need to consider doing our next Council Meeting virtually.

Mayor Keener asked about reaching out to ECVA about availability.

Mr. Calder answered there is nothing about social distancing so the space size will not matter. It sounded to him that if you are in an indoor public facility, you will need to wear a mask.

Councilman Stone preferred meeting in person.

C. Assistant City Manager

Mayor Keener asked Scott about Union Pacific Railroad.

Scott Wilkinson stated there is a review completed by Dave Stanton on the PSA that he needs to get back to Union Pacific (UP). He expects acquiring the right-of-way to move quickly. UP has made a proposal to share the expenses on the sound wall. They have a quote from a contractor on the repairs. UP claims there doesn't appear to be an agreement about who takes care of the infrastructure but the City said there was an agreement that UP maintain the infrastructure.

Mayor Keener thanked Scott for his hard work on the NTIA grant application.

D. Utilities Director

E. Public Works

Dennis Strickland reported Micro Slurry begins Monday. Those roads are typically open by this time of day. The work will be going on for a couple of weeks and we ask folks to not move the cones and obey traffic signs. Hopefully the weather will hold out.

F. Airport Manager

G. City Attorney

Dave Stanton said the emergency directive took him by surprise and will be looking over a copy of it and will work with Curtis to see what they need to do.

H. Fire Chief

Chief Griego extended the Fire Department's condolences to Bill Hance's family and friends. He has been working closely with Elko County Fire to get on local fires within the immediate area of the City and keep them very small.

Mayor Keener asked if the NV Energy crew has been helpful with the wildland fires.

Chief Griego answered they have been very helpful.

I. Police Chief

Chief Trouten echoed Chief Griego's sentiments about Bill Hance. They are looking at a change pursuant to a CAD update at Dispatch that necessitates a change to our RMS system. He is looking for help at National Night Out.

J. City Clerk

K. City Planner

L. Development Manager

M. Financial Services Director

Susie Shurtz, Human Resources Manager, reminded Council they needed to complete their Appointed Officials annual reviews and get them back to her in time for the next meeting.

N. Parks and Recreation Director

Mayor Keener asked how the Newmont Field is going.

James Wiley answered it is not at the playable stage yet. There is progress but there is at least 4-6 more weeks for work needed before the field is playable.

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**

Randy Ridgeway, 154 West Maple, said he knew Bill Hance very well and worked with him on Ducks Unlimited. He wanted to come and see what these meetings were all about before he threw his name in the hat for the Council vacancy.

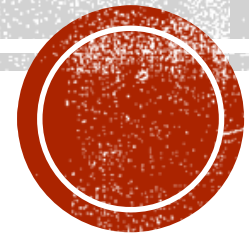
There being no further business, Mayor Reece Keener adjourned the meeting.

Mayor Reece Keener

Kelly Wooldridge, City Clerk

ADULT SOFTBALL

Tournaments & League Play



FULL-SERVICE MODEL - 2011

- In 2011, the Parks & Recreation Department assumed management & operations for adult softball leagues and tournaments.
- Under this model, the Parks & Recreation Department handled registration, organization, directing/managing, budgeting, expenses, field maintenance, and concessions.
- Staffing requirements for League Play: 2 full-time Recreation employees & 1 part-time Concession employee.
- Staffing Requirements for tournament play: 3 full-time Recreation employees; 2 full-time Parks employees; 3 part-time Concession employees.



PARTIAL-SERVICE MODEL - 2016

- In 2016, the Parks & Recreation Department discontinued the management & operations for adult softball leagues, but continued managing Tournament Play.
- This change was a result of Elko Adult Softball's concerns regarding increased fees, and the perception that their League was subsidizing other Recreation functions.
- Under this model, the Parks & Recreation Department retained all team fees and concession revenue from Tournament Play.
- EXCEPTION: Stephanie's Tournament collected and retained all revenue from Beer and Burrito sales.



MINIMAL-SERVICE MODEL - 2018

- In 2018, the Parks & Recreation Department discontinued the overall management of Tournament Play.
- The Parks & Recreation Department continued to assist tournament organizers through registrations, creation of posters, and advertising (print and social media).
- An agreement between the City of Elko and EAS split tournament revenue 80/20. The Parks & Recreation Department retained 20%; EAS retained 80%.
- EXCEPTION: Stephanie's Tournament was a 3-way split: Stephanie's Non-Profit retained 60%; EAS retained 20%; Parks and Recreation Department retained 20%.
- In 2019, no tournament proceeds were received by the Parks and Recreation Department (although tournaments had been played).



NEW SEASON — NEW OBSTACLES - 2020

- COVID-19 Pandemic affected the City of Elko, including the Parks and Recreation Department.
- After various Statewide shutdowns, EAS was able to conduct League Play once restrictions were lifted on outdoor venues, by submitting an Operating Plan to the City of Elko.
- 2020 EAS Field Permit was conditioned upon requirements set forth in “Outdoor Venues” guidance in place at that time.
- Adult Tournament Play was in question, as guidance documents were only specific to “Youth Sports.”
- Despite numerous attempts to get clarification from the State of Nevada Business & Industry regarding the status of “Adult Tournament Play,” none was provided.



STEPHANIE'S TOURNAMENT 2020

- Tournament scheduled for September 11 & 12, 2020.
- City of Elko was a Joint-Sponsor of Tournament.
- EAS was aware Tournament Play was at risk due to the nature of the gathering, Elko County's Elevated Disease Transmission Status, and the State of Nevada's Emergency Directives.
- A COVID-19 outbreak had been traced back to an adult softball tournament in Yerington, Nevada.
- On September 8, 2020, the City of Elko was contacted by the State of Nevada, indicating that "adult and youth tournaments are not allowed under the Governor's Directive(s).



FALLOUT FROM STATE DIRECTIVE(S)

- Upon learning of the State's Directive, City Staff IMMEDIATELY contacted tournament organizers, advising that the tournament must be cancelled. City Staff offered to reschedule the tournament to later in the season.
- Although the City of Elko was extremely disappointed in the State of Nevada's interpretation of its own guidance documents, the City was required to cancel "Stepahnie's Tournament."
- The City of Elko allowed the 9/11 Ceremony and Candlelight Vigil to continue as that event did not violate the Governor's Directive(s).
- On midnight 9/11, the Elko Police Department served a written notice on event organizers/participants stating they were in violation of State of Nevada Emergency Directive 021 for playing softball on City of Elko Facilities.
- Rather than stop and avoid further consequences, EAS Officials/event organizers and tournament participants were disrespectful to law enforcement officials, posted tasteless comments on social media, and continued playing softball well into Sunday, September 13, 2020.



CONSEQUENCES

- Rather than working with City officials to postpone or reschedule this worthy and important event, EAS Officials/event organizers and participants acted unlawfully by deliberately ignoring State of Nevada Emergency Directives, LEAP Guidance Documents, and City of Elko Notice of Violations.
- As a political subdivision of the State of Nevada, the City of Elko is **required** to comply with Governor Sisolak's Emergency Directives.
- Additionally, failure to comply with emergency directives and guidance from the Local Empowerment Advisory Panel (LEAP) would be in violation of the CARES Act agreement between the City of Elko and the State of Nevada, signed July 23, 2020.
- As a result, the 2020 EAS Field Permit was revoked September 17, 2020.



From: Katie Neddenriep <katie@elkocva.com>

Sent: Tuesday, July 27, 2021 7:36 AM

To: Reece Keener <reece@alliancenv.com>; Reece Keener <rkeener@elkocitynv.gov>; Kelly C. Wooldridge <kwooldridge@elkocitynv.gov>; James Wiley <jwiley@elkocitynv.gov>

Subject: 7/27/21 Elko City Council Meeting

Good morning Mayor Keener, Kelly & James,

I wanted to reach out and let you know I am unable to attend tonight's City Council meeting due to a prior obligation. I am available today until approximately 3:30pm to answer any questions you may have regarding my interest in serving on the Parks & Recreation Advisory Committee, item IV.H on tonight's Council agenda.

It is great to see so many members of our community interested in serving in this capacity and I'm confident the City will be well served by those selected.

Best regards,
Katie

Katie Neddenriep, Executive Director
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