

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

SS July 26, 2011

The City Council of the City of Elko, State of Nevada met for a regular meeting beginning at 4:00 p.m., Tuesday, July 26, 2011.

This meeting was called to order by Mayor Chris J. Johnson

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

Mayor Present: Chris J. Johnson

Council Present: Councilman Jim Conner
Councilman Jay Elquist
Councilman Richard Perry
Councilman John Rice

City Staff Present: Curtis Calder, City Manager
Delmo Andreozzi, Assistant City Manager
Don Zumwalt, Police Chief
Mike Hecht, Acting Fire Chief/Fire Marshal
Dawn Stout, Administrative Services Director
Ryan Limberg, Utilities Director
Trent Moyers, Airport Director
Eric Howes, Parks and Recreation Director
James Wiley, Parks Superintendent
Scott Wilkinson, Development Manager
Ted Schnoor, Building Official
Jeremy Draper, Civil Engineer
Lorraine Martinez, Accounting Supervisor
Linda Buffington, Recording Secretary

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES June 28, 2011

**** A motion was made by Councilman Conner, seconded by Councilman Elquist to approve the minutes of June 28, 2011 as presented.**

Motion passed unanimously.

I. APPROPRIATIONS

- B. Review, consideration, and possible approval of a change order to the Regional Road Repair Project (Idaho Street) to install stamped concrete or other similar options including the possibility of reconsidering the use of pavers along Idaho Street from 5th Street to 9th Street, and matters related thereto. **PUBLIC COMMENT WILL BE TAKEN PRIOR TO ANY CITY COUNCIL ACTION: FOR POSSIBLE ACTION**

At the July 12, 2011 City Council meeting, Staff was directed to request a price from Q&D Construction to stamp the dyed concrete being installed in lieu of pavers between 5th and 9th Street. Staff has subsequently received a price from Q&D Construction for stamping the concrete and has provided that information to the Council. Staff is also requesting a selection of the pattern that will be used to stamp the concrete. JD

Civil Engineer Draper advised the base bid for the project included the option to go back in with dyed concrete at the intersections where work is being done and the existing pavers are removed; there was also an additive alternate to install the pavers back in. At the time of award Council made the decision not to award the reinstallation of the pavers due to funding. As the project progressed and the existing pavers were removed the contractor has found they are not reusable; they are falling apart and it will be difficult to get them back into the two foot square where they were at.

Mr. Draper provided a brief summary of the options he will be discussing tonight. Option one is to go with the base bid which includes approximately six hundred square feet; removing the pavers and going back with dyed concrete; there is no additional cost. If we decide to reuse the existing pavers there is a base cost of \$4,650.00; that was assuming we could reuse the existing pavers. We now know we cannot reuse those pavers so we would have the additional cost of purchasing new pavers. The concern is we are not sure if we can get the same pattern and color match with the existing pavers. Mr. Draper directed the Council's attention to a sample of what the contractor is proposing. The contractor provided a price of \$2.75 per square foot to stamp the dyed concrete and put the cure on it; for the six hundred square feet that is an additional cost of approximately \$1,650.00.

Councilman Rice questioned whether conduit for water and electrical would be in place under the installed concrete.

Mr. Draper verified that is part of the base bid scope of work; anywhere the pavers are disturbed the contractor will place conduit. There will be a three-inch conduit for irrigation in the future and a one-inch conduit for future running of power to each of the trees per the DBA's and RDA's request.

Councilman Rice commented there will be areas where the pavers are not disturbed and they will remain as is.

Mr. Draper verified that was correct and referred to an overhead showing a typical intersection and identified the small area where the infrastructure would be stubbed in.

Public Works Director Strickland advised at some point in time we are going to have to go back and redo everything behind the back of curb; with respect to the pavers and where they are. With this we are going to achieve a temporary transition; anywhere we disturb the pavers we are going back in with this temporary patch. It was Staff's belief that if we go back in with the dyed concrete when we are ready to do all of it we won't be ripping out something that you paid additional cost for. Staff is very unsupportive of pavers going back in; it is a safety hazard.

Mr. Strickland reminded the Council the price we have only qualifies six hundred square feet; as you spread that out over the project we are looking at approximately \$15,000.00 to reuse the existing pavers and approximately \$8,600.00 to do the stamped concrete.

Mayor Johnson questioned whether the \$1,600.00 scope of work is the same as the \$4,600.00 paver scope of work.

Mr. Draper verified that was correct.

Mr. Strickland clarified it was for the six hundred square feet.

Councilman Elquist understood this project is going to work the intersections a little bit.

Mr. Draper verified that was correct.

Councilman Elquist questioned if we go back with the dyed concrete; what would the total change order amount be?

Mr. Draper advised for dyed concrete only, there is no additional cost to the project; that cost is built in. If we go back with dyed and stamped; for the six hundred square feet; the cost is \$1,650.00. It is minimal and gives a more aesthetic feel to it.

Councilman Elquist questioned the cost to take out all the pavers and put in conduit.

Mr. Draper advised to remove the pavers and replace with colored concrete and to place the conduit; the cost is \$31,300.00. It would be an additional \$8,600.00 cost to stamp it. It would be \$40,000.00 total to remove the pavers, putting in conduit and going back with dyed and stamped concrete. Mr. Draper indicated that would be from 5th Street to 8th Street on the South side and to 9th Street on the North side.

Mayor Johnson stated the main issue right now is to decide on pavers, colored concrete or colored/stamped concrete.

Mr. Draper advised the contractor will be pouring colored concrete tomorrow; they will be at the intersection of 5th Street and Idaho.

Councilman Elquist believed his question was relevant. If we choose to go back with non-stamped concrete tomorrow but Staff comes back in two weeks and say they want to put \$40,000.00 to clean that area up. Councilman Elquist believed it was beyond safety; it doesn't

even look that good and we feel this project has the dollars in it. Would we still have to tear it out if they pour tomorrow?

Mr. Draper advised if colored concrete was poured tomorrow and you wanted to go back with stamped concrete then yes; you would have to tear out what was just poured. If Council makes the decision tonight to use stamped concrete you can carry that on.

Councilman Elquist requested clarification; Mr. Strickland had indicated we would have to pull this concrete out eventually.

Mr. Strickland advised where we are stubbing into those areas shown and depending on how far we get in there; there may be some that have to come back out. Mr. Strickland believed it would be a minimal amount.

Councilman Conner was concerned that once something is put in; it stays. We should do this right the first time instead of going back later; it could be ten years. We are trying to make an attractive downtown. Also, if the pavers are a safety issue; we need to do something about that.

Councilman Conner questioned the cost to replace the area with brick pavers.

Mr. Draper advised we would have to purchase the pavers. Mr. Draper indicated that wasn't included in the bid and estimated the cost at \$3.00 to \$5.00 per square foot to purchase the pavers so you are looking at an additional \$3,000.00 for the six hundred square feet.

Councilman Conner noted the cost to go back with brick pavers would then be close to \$8,000.00.

Mr. Draper advised if we are considering replacing with brick pavers we should probably do all of them.

Lina Blohm stated we have worked for years to develop a redesign for downtown and adopt a revitalization plan, adopt a new master plan which clearly states that we need to be considering design elements, streetscape etc. This isn't a decision that needs to be made in 12 hours because we will live with it for next few generations; that has been the practice in Elko.

Ms. Blohm continued and expressed concern that their business, Blohm Jewelers, fit into this 5th to 9th Street project because they are on the other side of the street. The pavers in front of their business have been torn out; however at the beginning of 5th going west is not in the current Idaho Street Upgrade Project. That means they will have pavers from the edge of their building on down and then the dyed concrete right in front of their store; what kind of a patchwork is that going to look like and who knows when the rest of Idaho Street will be addressed as far as an upgraded renovation project. Ms. Blohm believed there are many items to consider at this point; not just the cost benefit of colored concrete that we may or may not have to destroy at some point; which sounds like a reckless use of City funds.

Ms. Blohm stated we need to take time to think through this and do it right. Ms. Blohm referred to the stamped sample presented earlier and advised it was in no way compatible with the pavers in the area; if we are talking aesthetics and design elements this is going to be a patchwork look.

Ms. Blohm acknowledged concrete may be more durable but the pavers lasted for thirty years in fairly good shape until the contractor started digging them out and tossing them aside. She understood the difficulty of replacing the pavers that were removed; it is labor intensive. Ms. Blohm commented concrete in our area is very difficult to maintain so are we really doing the right thing by going back in with that and is it smarter than the pavers which have withstood for decades in many places. We have to rethink and relook and re-determine this; Idaho Street through the middle of our community is a keynote drive; it demands our attention.

Jacque Errecart agreed with Ms. Blohm. His concern is it would start to set a precedent for what the alternative material would be for downtown. They have been trying to set some design guidelines established and they want to make sure a hasty precedent like this doesn't cause problems later on.

Councilman Elquist requested the costs again for dyed/stamped.

Mr. Draper advised there is no cost for the dyed concrete; for the stamped it would be approximately \$1,650.00.

Councilman Rice commented the cost to reuse the existing pavers is \$4,650.00 but Staff is estimating another \$3,000.00 to \$4,000.00.

Mr. Draper verified for the six hundred square feet that was correct; the contractor will not be able to reuse the pavers they pulled out. If we expand that across the entire three thousand square feet, for the remainder of the project, we have an additional \$12,000.00 cost just in the bid alternates and an estimated \$15,000.00 in pavers.

Mr. Strickland commented he has lived in the community for fifteen years and for that entire time the pavers have been in this condition; they haven't withstood for decades. They may have made it for a ten year period, possibly, without settling. Mr. Strickland stated we will have an on-going maintenance problem if we elect to go back with pavers.

Councilman Elquist agreed and was not supportive of pavers; they are unsafe and unattractive; if we have an opportunity to replace them, we should.

Councilman Elquist acknowledged a solution was needed for tomorrow; we can go with a no cost solution and call it temporary; keep the project moving or we can spend \$1,650.00 and put a little design element to it.

Mr. Strickland commented at some point we will have to redo all the pavers. Perhaps we look at a temporary measure for now and take a stance toward allocating some capital monies next year when the project is complete; come back in and do it all at once so everything looks the same. As

stated by Ms. Blohm, they will have a patchwork look on that corner until we can continue down the block from 5th Street to 4th Street.

Utilities Director Limberg stated there is urgency for decision by the Council for whichever option.

Councilman Perry questioned whether there was a design guideline in the master plan or in the downtown redevelopment plan.

Assistant City Manager Andreozzi advised Staff did consider what we had as far as an RDA Plan during the design phase of the Idaho Street; Summit Engineering was provided with our redevelopment plan and why some of the elements were considered in terms of the traffic circulation. The CRSA master plan update was not entirely completed until the design of the project was completely done. There is a street scape design in the RDA Plan portion of the update. It talks about a variety of walkways but leaves it pretty open; there are some colored renderings of the downtown area. It says acceptable paving materials include; brick, flagstone or concrete pavers, colored, scored or stamped concrete may be considered. There is some flexibility but essentially what you decide sets the stage as you go forward.

Mr. Andreozzi noted if the Council desires stamping this area see if contractor has a stamped pattern similar to the paver pattern that is there now.

Mr. Strickland doubted the contractor would be able to do that; but you can always have a pattern built. The issue is; the contractor is ready to begin pouring tomorrow.

Mr. Strickland again stated his belief we do have some options; we could temporarily put gray concrete back in there until we can redo it all at once. If they want to match the paver pattern we are in a better position to have a custom stamp made that could be done a year down the road when we can look at addressing all of it. Again, anything we do with this project will not match what we put in six months from now i.e. color. Mr. Strickland was a strong advocate of temporarily putting some concrete in and then going back with something we can uniformly do throughout the downtown area, have it all match and done in one project.

Ms. Blohm believed they were reasonable business and community minded people. Ms. Blohm was opposed to having a slab of gray concrete in front of their building with remaining block still in pavers; is there something that can be done along the front of their building? If the contractor is pouring tomorrow can that section that was pavers be blocked off to allow them an option? Ms. Blohm noted that what is “supposed” to be short-term, becomes long-term, maybe lifetime.

Mr. Draper advised in front of Blohm Jewelry there will be approximately a five foot section that will either be colored or stamped concrete.

Ms. Blohm believed it was a larger area.

Mr. Draper advised a new ADA ramp will take up a portion of the area.

Ms. Blohm indicated she walked the area in question and believed it was larger than Mr. Draper indicated. Ms. Blohm advised they are asking that in order to retain the look of those few blocks from 5th going west that they be given a different option.

Mr. Errecart commented he hopes this begins to illustrate how important it is that we continue the process they started with the redevelopment plan; it is an on-going process that shouldn't be stopped by issues such as this. Immediately we need to start formalizing some design guidelines and that is going to take some professional help. Mr. Errecart stated; what we see right now is a room full of non-designers making design decisions; it doesn't work.

Councilman Elquist agreed with Mr. Errecart and some of what Mr. Strickland had said. This project is getting Idaho Street redone; we had to tear some things out for handicap access and street light accommodation. Let's not get into design business, let's go back with a no cost dyed concrete and take on the design portion through the RDA at a later date. We need to keep our eye on the prize of getting Idaho Street completed.

Councilman Rice wanted some sort of provision added that was going to allow for the replacement of the pavers in front of Blohm Jewelers; he did not want a patch of gray concrete in there. Councilman Rice noted the Blohm's have already agreed to take on a substantial portion of the cost to move a signal pole there.

Mr. Strickland believed Mr. Draper's numbers are fairly accurate. We have a pallet of the old pavers; there is a possibility Staff can go back in and relay the small portion in front of Blohm's store with those pavers.

Councilman Conner questioned whether there would be enough to do the portion on the other side; from 5th Street to 4th Street; for continuity.

Mr. Strickland believed with the pavers removed by the contractor and what we have in inventory there would be enough.

Mr. Andreozzi reiterated the DBA has wanted to assist the City of Elko with getting the infrastructure to those trees; we would all benefit from that. It was his recommendation, at this time, not to pursue that and let this project get completed; then next year see if we can partner with the DBA to get that infrastructure in the tree wells and see if we can come up with a design of what the pour back would be throughout the whole project area.

**** A motion was made by Councilman Rice, seconded by Councilman Perry directing Staff to go with red dyed concrete on all intersections, at the no cost option, with the exception of 5th Street north on the 5th Street intersection in front of Blohm's Jewelers towards 4th Street on both corners where Staff will work to replace those pavers with their inventory; all other areas will go with the red dyed concrete, with no cost.**

Motion passed unanimously.

After the motion and before a vote was taken Councilman Rice wanted clarification this leaves us open for other design options in the future. That it does not lock us into any type of design scheme for the future, or substantial additional cost if we are taking anything out when we decide to do something next year in terms of RDA specifications.

Mr. Draper advised there should be minimal removal at the time of the redesign or final street scape design.

- C. Review, consideration, and possible approval of an increase in the amount of funds available in the force account for the Regional Road Repair Project (Idaho Street), and matters related thereto. **PUBLIC COMMENT WILL BE TAKEN PRIOR TO ANY CITY COUNCIL ACTION: FOR POSSIBLE ACTION**

As part of the Idaho Street Project a force account was established allowing Staff to authorize change orders for the project up to \$100,000. This item is intended to allow staff the opportunity to update council as to the current status of the force account and to request an increase in the funds available in the force account if warranted. JD

Civil Engineer Draper referred to a spreadsheet which showed where we currently are at with the project. To date \$68,000.00 has been committed to the Force Account for change orders; with an additional \$37,000.00 pending. The \$37,000.00 is an estimate; one change order is for the oil tanks found at the southeast corner of 5th street; there will also be disposal costs for the material that was removed; estimated at \$15,000.00.

Mr. Draper directed the Council's attention to change orders that were paid for by other parties; one from Ed Achura, another from Lostra Brothers who requested an increase in the size of their driveways and also the relocation of the signal pole by Blohms that was directly in front of their business. Staff did not take those change orders into account as affecting the force account.

Mr. Draper advised with the possible change orders that are coming through we will be \$7,000.00 over the \$100,000.00 limit; Staff would like to increase the force account by \$50,000.00. Staff hopes that will get us through the next month; we are getting into the downtown area where we fully expect most of our change orders to be; although we did see quite a few change orders on the east end. One change order was a miss by one of our design professionals; that cost us \$51,000.00. There was some miscommunication but it needs to be addressed with this project because of future federal requirements that go into effect next year.

Mr. Draper noted the change orders have been minimal; we have had \$22,000.00 in extra work items where the contractor has uncovered utilities that weren't shown on the plans or were in different locations than shown on the plans.

Councilman Rice requested clarification on the \$51,000.00 miss on the design.

Public Works Director Strickland advised; next year federal law will require that we have a protected permissive turn movement; anywhere we have a left turn movement. Where it now

says yield on green, it will be lit up with flashing yellow that says you don't go left without using caution. Our design professional for the traffic side of the project was doing a great job then he accepted a job out of state; some things with our project were left hanging; that is where the \$51,000.00 in change orders exists from.

Councilman Rice questioned if we engaged that design professional; not Q & D?

Mr. Strickland advised Summit Engineering had a design professional; we discussed amongst ourselves who we wanted to use for the traffic side of the project and Staff was comfortable with one of the groups that had presented during the SOQ process so we went that direction as did Summit.

Councilman Rice didn't understand why the City was responsible for the \$51,000.00.

Mr. Strickland advised it was omitted; it was never in the drawings and never bid on. With respect to the traffic signal items; all those plans came in at the last moment. Because of this persons departure from the company he left the City, and Summit Engineering, in a difficult position. The plans weren't received until the last week and a thorough review wasn't able to be completed before that went to bid; all the signal heads were missed.

Councilman Rice questioned if that wasn't something Summit Engineering should have caught before it got this far.

Nitin Bhakta, Summit Engineering, stated that was the total responsibility of Fehr & Peers. Summit Engineering was the design professional but they had a consultant work on that portion as Summit's expertise wasn't in traffic signals; but it was for the consultant.

Councilman Rice stated Summit Engineering engaged the consultant.

Mr. Bhakta verified that was correct. Staff can go back and ask why that was omitted. Summit checked their records to see if this was ever in the discussion and nothing was found.

Mr. Strickland verified there were discussions; it happened to be at one of the meetings at Summit's office. We didn't have great documentation of that particular meeting; all the rest of them we do. It got missed and no fault of anybody and that is the bulk of our change orders.

Mr. Strickland noted another change order listed is for \$27,000.00 to cap a culvert that crosses Idaho Street out by Pizza Barn. That was something we had no way of knowing was going to be a problem until we pulled the asphalt off and saw the culvert was starting to collapse.

Mr. Strickland advised those were the two big change orders and without those we are pretty much unscathed to this point in the project. Mr. Strickland also noted we do have cost savings in several other areas that cover a big portion of the dollar amount before Council tonight; however, we will not realize that until the end of project.

Councilman Perry requested clarification on what is driving the signal issue.

Mr. Strickland advised it is a federal guideline that goes into effect nationwide; you have to be fully compliant by the end of 2012.

Councilman Perry questioned whether we had to replace every signal light in town.

Mr. Strickland clarified only where we have the left turn movements; that is several locations on Idaho Street. Next year when NDOT does Mountain City Highway they will be funding that portion of the work.

Councilman Elquist questioned if we would we have changed those anyway?

Mr. Strickland stated we would have had no choice because of the new Federal guideline.

Mayor Johnson called for further public comment.

Cheri Thornton expressed strong support flashing yellow lights. Ms. Thornton advised she walks to work every morning; she works for Newmont Mining Corporation and lives behind Wal-Mart. While crossing at designated crosswalks she has had several incidents where she was nearly struck by a vehicle because they don't observe caution; a yellow flashing light could save lives.

**** A motion was made by Councilman Elquist, seconded by Councilman Rice to approve an increase in the amount of funds available in the force account for the Regional Road Repair Project (Idaho Street) by the amount of \$50,000.00 for a total to date of \$150,000.00.**

Motion passed unanimously.

- D. Review, consideration and possible authorization for the Parks Department to go out to bid for a new 1 ton dump truck with snow plow installed, and matters related thereto. **PUBLIC COMMENT WILL BE TAKEN PRIOR TO ANY CITY COUNCIL ACTION: FOR POSSIBLE ACTION**

This vehicle would replace a 1990 Chevy 1 ton dump truck. This truck is used to carry soil for Cemetery operations and refuse to the Landfill. This truck would also be used in winter months to enhance snow removal operations. This purchase was included in the FY 2011/2012 Capital Equipment Budget. EDH

Parks Superintendent Wiley was present to answer questions.

There was no public comment on this item.

**** A motion was made by Councilman Conner, seconded by Councilman Elquist authorizing the Parks Department to go out to bid for a new 1 ton dump truck with snow plow installed.**

Motion passed unanimously.

II. SUBDIVISIONS

- A. Review, consideration and possible approval of a Joint Development Agreement between the City of Elko and Brookwood Development, LLC for the development of Rocky Road, and matters related thereto. **PUBLIC COMMENT WILL BE TAKEN PRIOR TO ANY CITY COUNCIL ACTION: FOR POSSIBLE ACTION**

City Council conditionally approved the Brookwood Estates Phase 2 and Phase 3 Preliminary Plats at its meeting on April 26, 2011. One of the conditions was to amend the existing Rocky Road Agreement for Council consideration and possible approval before Council consideration of the Final Plat for the proposed Brookwood Subdivision. SAW

Development Manager Wilkinson advised the Draft Agreement was included in the packet; including exhibits. As we go through the civil improvement plan review and get revisions and areas of the plans approved they would become the exhibits to the agreement. The exhibits will actually be civil improvement plans designed by Chilton Engineering that the City of Elko Staff will approve. Mr. Wilkinson advised the plans are submitted but are not approved at this time; we have requested some revisions. The exhibits submitted in the packet are drafts and subject to revisions.

Mr. Wilkinson continued and indicated with this agreement Rocky Road is broke out into two sections. The previous agreement did not address what would happen on the City property; that has been covered in this agreement. In addition, when we had the preliminary review we talked about routing traffic on Wright Way until Rocky Road is actually developed. That is included in the agreement as part of the scope of work; to extend Wright Way and tie it in with the existing Rocky Road. Mr. Wilkinson referred to page four of nine; Section five that addresses the recordation of the plat, project completion dates, road vacation construction and realignment sequence and timing. The important thing there is the developer has an obligation that began in 1997; for the realignment and construction of Rocky Road. So, we have language that regardless of whether the Phase Two final plat gets recorded or not; we will proceed with the developer constructing and realigning Rocky Road. In Section Six we are requiring a security for the agreement this time; we didn't have a security in place last time so we didn't have an agreement that we could enforce easily. Previous discussions at council meetings for the preliminary plat we had talked about the need for this agreement to be secured.

Mr. Wilkinson indicated Chilton Engineering was present representing Brookwood Estates and he was unaware if they had any comments.

Lana Carter, Chilton Engineering advised they did not.

Councilman Elquist questioned the security amount.

Mr. Wilkinson advised once the final plans are revised and approved we will get quantities from the engineer. Our engineer will look at those quantities; apply unit costs to them and we will be able to determine that final security amount.

Councilman Elquist then questioned how long before the agreement is executed.

Mr. Wilkinson indicated Staff intends for it to be executed right away; two to three weeks at the most.

Councilman Elquist requested verification the developer has three years to get this completed.

Mr. Wilkinson clarified if he doesn't record the final plat within two years the City would proceed with the realignment. The developer would have three hundred and sixty-five days, or a year, to get that work completed at that point in time. Within the three hundred and sixty-five days the developer has to have dedicated the right-of-way and begun construction of the road or we will call the bond.

Councilman Elquist stated this project has been out there for a number of years and the developer didn't follow through the first time. Councilman Elquist wanted some guarantee; market conditions change.

Mr. Wilkinson advised the one difference we have this time is the agreement will be secured.

Councilman Elquist wanted it clearly spelled out that if the developer doesn't perform; the City can call on that security. That needs to be clear so we don't end up in a lawsuit.

Mr. Wilkinson advised the difference here is originally Brookwood was proposed in two phases. The developer has come back with three phases now which pushes the construction of Rocky Road out to Phase Three. Considering the proposed phasing of the subdivision you end up taking this approach on the agreement. Another approach the Council could take is that Rocky Road is realigned and constructed with Phase Two; what that does is force a lot of additional civil improvements along North 5th Street. You would have additional improvements that would have to be constructed on North 5th Street to tie everything together.

Councilman Elquist indicated he was okay with this but he wanted it rock-solid; that if he doesn't perform the City can build it.

Councilman Perry requested clarification on the existing and proposed areas.

Through the use of Pictometry Mr. Wilkinson identified the areas in question.

Mr. Wilkinson advised the developer would be responsible for full-width collector development across his property, curb, gutter, sidewalk, and paving. We are proposing we would have full-width grading across the City property but it wouldn't be just a thirty foot width of base material because you want to be able to extend utilities at a later date. Depending on how that property develops, when we are setting up the utility alignment so those utilities could be extended outside of the based section of the road; then you could complete your road after that.

Councilman Perry indicated it was his understanding the road runs north of the proposed Phase Three.

Mr. Wilkinson clarified on the proposed realignment Phase Two is along the North 5th Street area up to the other property boundary is shown. Phase Three is adjacent to the proposed realignment of Rocky Road and on the westerly boundary of the properties there.

Councilman Elquist understood the timelines. Councilman Elquist was concerned the agreement says everything he has to do but it doesn't if he doesn't then the City will call on his security to finish the project. Councilman Elquist believed it needs to be more specific.

Mr. Wilkinson advised a sentence could be added under Section Six that in the event the developer fails to perform the City will. If Council wants to include that in the motion Staff will get it to legal counsel for review.

Mayor Johnson called for public comment and there was none.

Mr. Wilkinson questioned whether Council wanted the agreement brought back to verify the language was correct.

Councilman Perry indicated it should be reviewed by legal counsel.

**** A motion was made by Councilman Perry, seconded to Councilman Conner to approve a Joint Development Agreement between the City of Elko and Brookwood Development, LLC for the development of Rocky Road with the following modification the Joint Development Agreement; Item Six under Security For Completion of Project to add a sentence that says the security deposit will be used for the City to complete this section of the road if the developer doesn't.**

Motion passed unanimously.

Following the motion and before a vote was taken Mayor Johnson questioned if the exhibits are tied into the agreement as well.

Mr. Wilkinson advised the exhibits are referenced throughout the agreement and are required to be part of the agreement.

Mayor Johnson requested verification Staff was okay with that.

Mr. Wilkinson verified they were; we have to go through our final approval and we will get the appropriate exhibits attached to the agreement.

Mayor Johnson requested verification Staff will determine what the security amount will be.

Mr. Wilkinson advised that is typically what is done for subdivisions; the engineer estimates the quantities for us and we apply our unit cost based on more recent contracts the City has entered into and that is the amount of bond we require for security agreements.

Mayor Johnson questioned whether that needed to be qualified in the motion as well.

Mr. Wilkinson did not think that was necessary; Staff plans on doing that.

- B. Review, consideration, and possible action to approve Final Plat No. 4-11 Brookwood Estates Subdivision Phases 2 & 3, filed by Brookwood Development, LLC, for the proposed division of approximately 16.18 acres into 54 lots for single family residential development, located generally on the west side of North 5th Street, approximately 100' north of Rolling Hills Drive, and matters related thereto. **PUBLIC COMMENT WILL BE TAKEN PRIOR TO ANY CITY COUNCIL ACTION: FOR POSSIBLE ACTION**

The Planning Commission considered this Final Plat at their regular meeting of June 7, 2011, and took action to conditionally approve the final plat and forward a recommendation of conditional approval to Council. SAW

Development Manager Wilkinson advised included in the packet is a memo to the Council dated July 19, 2011; the memo is an update of where we are in the review and approval process for the subdivision. On page five of that memo is Staff's recommendation for conditional approval with seven conditions:

- 1) The first condition has been satisfied at tonight's meeting.
- 2) We have appropriate bonding for the construction of Rocky Road on file; prior to certification of the Phase 2 map. That will provide an extra level of assurance to the City.
- 3) The civil improvements are revised; based on a letter dated July 20, 2011.
- 4) The map of reversion to acreage associated with the project is of record prior; to the City certification of the final plat.
- 5) State approvals for the subdivision.
- 6) Performance Agreement with regard to the dedicated public improvements being in place prior to the City of Elko certifying the map; as required in 3-3-44 of City Code.
- 7) Appropriate security is required prior to the City of Elko certifying the final map; as required in 3-3-45 of City Code.

Lana Carter, Chilton Engineering responded to the requested conditions outlined by Mr. Wilkinson; she had reviewed them earlier and did have a few items she would like to discuss with Staff; but nothing major.

Councilman Elquist noted a power line ran through one of the parcels; will it stay in the ten-foot utility easement?

Ms. Carter verified it would. The easement will remain as-is; because of its nature it can't be put underground by any economical means. It will run behind two lots.

Mr. Wilkinson advised on the preliminary plat the lots were renumbered and lot 329 was added. Lots 308, 309, 310, 311 all extended through that easement; so the property line did not end at the easement. Chilton Engineering met with NV Energy to say they did not want it in the back yard so the property lines had to end at the easement. Regarding the area where 329 is now

shown; we viewed as being in substantial conformance with the preliminary plat; so we have a lot there. There is an easement in existence and the property lines do not cross the easement and that satisfies NV Energy's requirements.

Councilman Elquist requested verification there would be ten feet of fence with a ten foot section with a power line running through it.

Mr. Wilkinson verified they could.

Ms. Carter indicated they also reviewed the location of where the poles are. NV Energy checked to make sure their truck could reach over. Basically the poles are located near Rocky Road right-of-way and also near 5th Street right-of-way; there is not a pole in someone's backyard per se. Ms. Carter advised Chilton Engineering met with NV Energy several times to make sure they are okay with what is being done and she offered to revise anything they needed revised; so far they have seemed satisfied with what is being done.

Councilman Perry questioned Lot A; offered for dedication.

Mr. Wilkinson advised it is the drainage area. There is a lot of property to property drainage reporting out there. Also, there is City property to the west of county property below Rocky Road; if the City ever develops in that area you will have City drainage reporting to Wright Way and ultimately to that major drainage ditch; ; Staff felt it appropriate that that area be dedicated.

Mayor Johnson called for public comment and there was none.

**** A motion was made by Councilman Elquist, seconded by Councilman Rice to approve Final Plat No. 4-11.**

After the motion Mr. Wilkinson recommended a conditional approval based on the conditions outlined in the memo.

Councilman Elquist questioned if he could amend the motion.

Mayor Johnson advised there had been no discussion on the motion so it could be withdrawn.

Councilman Elquist stated he would like to pull his motion.

**** A motion was made by Councilman Elquist, seconded by Councilman Rice to conditionally approve Final Plat No. 4-11 Brookwood Estates Subdivision Phases 2 & 3, filed by Brookwood Development, LLC, for the proposed division of approximately 16.18 acres into 54 lots for single family residential development, located generally on the west side of North 5th Street, approximately 100' north of Rolling Hills Drive; with the conditions recommended by Staff in the memo dated 7/19/2011.**

Motion passed unanimously.

After the motion and before a vote was taken Mayor Johnson questioned if that would also include the conditions the Planning Commission had on it.

Mr. Wilkinson verified it did.

III. NEW BUSINESS

- A. Review, consideration, and possible action to fill two vacancies on the Elko City Planning Commission, and matters related thereto. **PUBLIC COMMENT WILL BE TAKEN PRIOR TO ANY CITY COUNCIL ACTION: FOR POSSIBLE ACTION**

Due to the resignations of Rich Perry and Brent Elmore in June 2011, there are currently two vacancies on the Planning Commission. Staff conducted the standard recruitment process, and has received three letters of interest to serve on the Planning Commission, copies of which are included in the Council packet. One appointment will fill the remaining term of Rich Perry expiring in July 2014. The other appointment will start a full four year term expiring in July 2015. DA

Assistant City Manager Andreozzi advised three applications were received and all applicants are eager to serve. Mr. Andreozzi noted one of the applicants was present tonight; Mr. Greg Thornton.

Councilman Perry indicated he would like to hear from the applicant that is present; if he would like to speak.

Greg Thornton addressed the Council to express his extreme interest in the workings of the City and becoming a member of the Planning Commission. He is eager to contribute what he can to make the City a better place.

Mayor Johnson called for Council discussion on the applicants.

Councilman Elquist commented Mr. Negrete was active with high school athletics in the community and was confident he would do a good job.

Councilman Rice also believed Mr. Negrete would do a good job.

Mayor Johnson questioned if there were any concerns with the other applicants not being present.

Mr. Andreozzi advised all the applicants were invited to attend; we received notification from Mr. Negrete that he could not attend.

Councilman Perry advised he was familiar with Mr. Thornton from past encounters around the City and with Mr. Negrete from his days at the high school and his involvement in the community.

**** A motion was made by Mayor Johnson, seconded by Councilman Conner to appoint Greg Thornton to fill the full four-year term expiring in July 2015 and to appoint Jose Negrete to fill the remaining term of Rich Perry, expiring in July 2014.**

Motion passed unanimously.

After the motion and before a vote was taken Councilman Rice questioned if the positions needed to be identified.

Mr. Andreozzi verified they did.

Mayor Johnson questioned Mr. Thornton on which position he would like.

Mr. Thornton indicated he would like the full term position.

Mayor Johnson then clarified the motion was to appoint the two named individuals with Greg Thornton taking the full four-year term expiring in July 2015 and Jose Negrete to fill the remaining term of Rich Perry, expiring in July 2014.

- B. Review and possible approval of the City of Elko Fiscal Year 2010/2011 Indebtedness Report, Debt Management Policy, and Five-Year Capital Improvement Plan as required by NRS 350.013, and matters related thereto.
PUBLIC COMMENT WILL BE TAKEN PRIOR TO ANY CITY COUNCIL ACTION: FOR POSSIBLE ACTION

Pursuant to NRS 350.013, all entities must file the Indebtedness Report, an updated Debt Management Policy, and the Five-Year Capital Improvement Plan. The updated reports are included in the agenda packet for your review. DS

Administrative Services Director Stout advised on the Five-Year Capital Improvement Plan shows the new police department and the swimming pool; should the money become available.

Ms. Stout noted our funding is year to year; we don't know what we are going to have long term other than in those funds that have dedicated tax revenues i.e. Capital Construction and Capital Equipment Funds.

Ms. Stout continued and advised the Debt Management Policy shows all the debt out there. Ms. Stout noted Council had approved paying off the 1998 Nevada Revolving Loan so that will be coming off; but it does include our new \$10.5 million bond for the Idaho Street Project.

Councilman Elquist questioned the source of funding for larger capital projects. i.e. pool. Could we take a pay as you go approach; is that mechanism in place.

Ms. Stout advised it is but; you would have to determine which fund would fund those projects. You would also have to make sure that you comply with statute and GASB 54; keeping in mind that anything involving GASB 54 has to be formal action by the Council.

City Manager Calder reminded the Council when our auditor, Terri Gage, was here there was still some uncertainty as to whether certain accounts would be protected pursuant to NRS versus how GASB designates those accounts. Mr. Calder advised at this time he does not have a clear understanding or answer on that and cautioned Council before those types of decisions were made he would want a very clear answer on what accounts are protected and what accounts are not.

Ms. Stout advised GASB 54 is very specific on capital funds. However the Revenue Stabilization, Recreation Fund etc. are special revenue funds that are non-capital funds and they are the funds we are unclear on.

Councilman Elquist questioned if we should have a better understanding of that or is the best strategy; if Staff's opinion; bonding as the only way to do some of these major projects?

Ms. Stout advised with the pay as you go concept we know we get approximately \$150,000.00 in our Ad Valorem Capital Projects Fund; it would take time to build up enough to build i.e. the police department.

Councilman Elquist indicated that wasn't what he was thinking; it isn't adequate. He was thinking the General Fund and you said half a million a year.

Ms. Stout advised with that budget being as tight as it is she wasn't sure where you would get the half million.

Councilman Elquist requested verification that in Ms. Stout's opinion, bonding is the only way we can do it.

Ms. Stout verified that was correct unless we have some type of a donation from a foundation or organization that would like to see whatever facility it is that we would want to build. If they were willing to make a huge donation; obviously we could make it happen a lot quicker. For most large projects over a million dollars they will probably have to be financed in one manner or another; we just don't have that kind of money lying around.

City Manager Calder advised bonding allows you to access another tool, which is the ability to get additional property tax revenue to fund those types of projects through an override. Without that, there would be no way to access additional revenue if you came in short because again; our general fund is funded mostly through sales tax and it ebbs and flows. It is not a reliable funding source even on a pay as you go status; unless you had a large influx of money as noted by Ms. Stout, either through a grant, donation or possibly land sale.

Councilman Elquist agreed it ebbs and flows and we have good and bad times. But in good times, he wondered if we shouldn't have a restricted fund to take care of some of these long term items. We could put land sales in there and when it is flowing instead of ebbing we take money and put it away.

Ms. Stout noted a few years ago we had sales tax revenues that came in over anticipated amounts; the Council elected to put those monies into streets.

Ms. Stout stated we don't have control over our own destiny because we don't have control over our sales tax monies and various different revenues the City charges; we're limited on those as well; by statute.

Councilman Perry noted there are four existing bond issues out there for the City. The Idaho Street one is just starting and won't pay off until 2031, the Sewer Enterprise Fund Bond pay out in 2018, the Airport Refunding Bond pays out in 2027 and the final one is the Recreation Facilities Bond that will be paid out in 2025.

Ms. Stout clarified the Sewer Enterprise Bond is what Staff is proposing to pay off this year.

Councilman Perry commented after this year there will be three bond issues for a total indebtedness of approximately \$16 to \$17 million.

Ms. Stout indicated it would be approximately \$15 to \$16 million.

Councilman Perry then questioned our ability to bond, under NRS, is actually quite high with regards to the amount we have versus what is allowed. From a benchmarking standpoint with the cities in Nevada our general obligation debt is only 2.72% of assessed valuation; which is low compared to what most cities have.

Ms. Stout verified that was correct and clarified the general obligation debt is just the street bond. The others are revenue bonds even though they are backed by the city's ability to tax; they are revenue bonds supported by room taxes. The only one that is supported by monies that would typically go into the General Fund is the street bond. Those are guaranteed by 15% of sales tax revenues but they are paid by RTC Funds as well as a \$0.07 tax that went to the previous street bonds that retired in 2009.

Councilman Perry commented we are paying all the bond principal and interest with revenues; not out of the General Fund.

Ms. Stout verified that was correct.

Councilman Perry commented there are good questions about it but he didn't know the answer.

Councilman Elquist struggled with always saying there is no answer and believed it is our responsibility. We are letting these things come down around us and on our watch and really doing nothing about it and putting no budget away for it. Maybe it is time we rethink repaving or doing the little annual things and put some money away in a restricted account until we have enough to do some of these big ticket items. Ultimately it is on our watch and we need to have a solution.

Ms. Stout again advised the General Fund is very tight; to take anything out of any functional area of the General Fund would be devastating to any of them.

Councilman Elquist questioned what hurts worse; shutting down the pool. He believed it goes back to priorities. It has to come out of what we make and we are responsible. It has to come out of it somewhere if we are going to improve upon them and keep them vital. Things are good right now, should we restrict some of these funds for some of these longer term projects?

Councilman Elquist stated he would feel more comfortable with some sort of plan or strategy. Even if it is twenty years out; at least we are doing something about it. We push them all the way out every year and cross out fingers; that isn't adequate.

Ms. Stout advised it is difficult for Staff to budget if for year to year. We make a budget based on what we think our revenues are going to be; sometimes it comes to fruition and sometimes it doesn't; those are our issues.

Councilman Elquist stated that nowhere in the budget is it addressing these long term items.

Ms. Stout acknowledged that was correct; for us to even address them on a year to year basis or even every two years is extremely difficult because we don't know what the revenues are going to do year to year; and that is the problem.

Councilman Perry agreed with Councilman Elquist's comments.

Councilman Elquist stated every business has to do it; at least the successful ones. They have to find the money somewhere to keep their business vital and not run into the ground. It is a challenge and hard for all managers to put money away for something five years down the road when they know they can improve something right now.

Councilman Elquist didn't know the answer but believed we should have some sort of strategy; he said the same thing during the budget process.

Mayor Johnson acknowledged Councilman Elquist had valid points; as we go through these Council meetings we need to address each topic and also keep that vision going. That is what he wants to see happen; how are we going to get there in the next several years; it is going to take a 5/10 year type plan to get these bigger capital projects underway.

Ms. Stout advised the enterprise funds support their capital improvement plans; they have plans because they have a dedicated revenue source we can adjust as we need to; to make sure we support those things. Unfortunately we don't have that capability in the governmental funds and that is the difference.

Councilman Elquist advised he would argue that the general fund's job is to also have capital plans; to keep their entire infrastructure up; otherwise we can't afford it. If we can't afford to keep up our facilities then we either can't afford those facilities or we can't afford something else because it has to fund it.

Ms. Stout advised that is one of the reasons why all capital was taken out of the general fund. The general fund couldn't afford to fund that.

Councilman Elquist stated when that was done he was very uncomfortable with that; as everyone knew. It means it is not a sustainable path, not a sustainable budget.

Mayor Johnson questioned options for submittal; this is just an idea?

Ms. Stout indicated this is Staff's best guess at this point in time; and required by statute.

Mayor Johnson noted this is one less thing to get done if we ever decide to take on the police department or pool and wanted to borrow money or bond for it.

Mayor Johnson called for public comment and there was none.

**** A motion was made by Councilman Elquist, seconded by Councilman Rice to approve the City of Elko Fiscal Year 2010/2011 Indebtedness Report, Debt Management Policy, and Five-Year Capital Improvement Plan as required by NRS 350.013.**

Motion passed unanimously.

V. PETITIONS, APPEALS AND COMMUNICATIONS

- A. Ratification of the Chief of Police issuing a 30-day temporary liquor license and issue a regular packaged liquor license to Maverick Inc., dba Maverick, Located at 1111 Idaho Street, Elko, NV 89801, and matters related thereto. **PUBLIC COMMENT WILL BE TAKEN PRIOR TO ANY CITY COUNCIL ACTION: FOR POSSIBLE ACTION**

Police Chief Zumwalt advised items A and B are for both Maverick Stores; they are changing the type of liquor license they want to have. Currently they hold a license for beer and wine; they want a license that allows them to sell hard liquor.

Mayor Johnson called for public comment and there was none.

**** A motion was made by Councilman Conner, seconded by Councilman Perry to ratify the Chief of Police issuing a 30-day temporary liquor license and approve the issuance of a regular packaged liquor license to Maverick Inc., dba Maverick, Located at 1111 Idaho Street, Elko, NV 89801.**

Motion passed unanimously.

- B. Ratification of the Chief of Police issuing a 30-day temporary liquor license and issue a regular packaged liquor license to Maverick Inc., dba Maverick, Located at 2520 Mountain City Hwy, Elko, NV 89801, and matters related thereto. **PUBLIC COMMENT WILL BE TAKEN PRIOR TO ANY CITY COUNCIL ACTION: FOR POSSIBLE ACTION**

Mayor Johnson called for public comment and there was none.

**** A motion was made by Councilman Conner, seconded by Councilman Perry to ratify the Chief of Police issuing a 30-day temporary liquor license and to approve the issuance of a regular packaged liquor license to Maverick Inc., dba Maverick, Located at 2520 Mountain City Hwy, Elko, NV 89801.**

Motion passed unanimously.

IV. RESOLUTIONS AND ORDINANCES

The following discussion pertained to Items A, B, C & D related to Ordinances; 738,739,740 & 741.

Utilities Director Limberg advised full frontage is discussed in various sections of City Code but nowhere do we have a definition for full frontage. Tonight's action will add the definition of that term in our City Code in various sections of the listed ordinances. Items A and B; Ordinances 738 and 739 also have some associated minor revisions for clarity.

Mayor Johnson questioned the driver for this.

Mr. Limberg advised public improvements as well as utilities extensions are required across the full frontage of property as stated in various sections of our existing City Code. At times questions come up as to what constitutes frontage.

Mr. Limberg advised Staff wrote a definition which has since been reviewed and modified by legal counsel. The legal definition of Full Frontage now reads *"All lot lines of any lot, parcel or tract of property adjacent to a road, street, alley or right-of-way, to include lots, parcel, or tracts containing multiple borders or edges, such as corner lots."*

For a clearer understanding of what Full Frontage would look like Mr. Limberg requested Civil Engineer Draper use Pictometry to display various addresses with the full frontage. Mr. Limberg noted one lot on the corner would be deemed to have two sides of full frontage while the property right next to it would have only one side of frontage.

Mr. Limberg advised Staff wanted to define this term so people who wish to develop a piece of land or corner lot everyone is clear what the definition of Full Frontage is. Also, Staff looks at each application; we don't require the utilities or public improvements on every side of frontage unless they are actually required, used and useful. If there isn't a reason to do it Staff doesn't red-line on require that on the plans.

Councilman Elquist noted there were minor revisions being made to items A and B. Has Staff looked at other ordinances to see if there are there opportunities to improve some old language?

Mr. Limberg advised they had and is why this goes beyond definitions; it gave us the opportunity to clarify other sections in our City Code.

Mayor Johnson requested verification that for the first ordinance all that is happening is that a new definition is being added of Full Frontage.

Mr. Limberg advised Page Four addresses full frontage and Page Ten has some additional language under number six which makes it consistent with our existing code in section nine.

Mayor Johnson noted with item six on page ten; does have a potential cost.

Mr. Limberg advised again that is consistent with what our existing Section Nine of City Code currently says.

Mayor Johnson questioned a water line/sewer line extension on a corner lot. There is an existing project in Elko right now with this type of a scenario of frontage versus improvement front and what to do down the side; because they are on the corner. It was his understanding the property owner is saying he paid for the frontage and he should end at the corner. The question is; would that satisfy the code; that that property extend the water and sewer solely to the corner; calling that frontage; or should that developer be required to take that utility around the corner, if, it makes sense for future development? Mayor Johnson believed that is where the big change is going to come in this; was he correct?

Mr. Limberg advised our existing code, in section nine, for both water and sewer, talks about line extensions across the full frontage. It says the utility extension will be across the full frontage and not only to the nearest property line or corner of the lot.

Mr. Draper accessed City Code and displayed the section of code under discussion for clarification.

Mayor Johnson noted Staff wants to qualify that full frontage is all lot lines of any lot line, parcel or tract adjacent to a road. Where the argument has come is that their full frontage is the same side of the property that is their address; is that correct?

Mr. Limberg acknowledged a person could potentially argue that. Staff's intent tonight is to try and qualify that and clarify the definition.

Mayor Johnson advised he wanted the Council to be aware there could be an impact to a corner lot. Whether or not that is fair is up to the Council to decide.

Development Manager Wilkinson indicated the real issue was that in the zoning ordinance we had definitions there and nowhere did we define full frontage or define frontage. In that definition on a corner lot we had a front line defined. It gave the impression that because you had a front lot line defined on a corner lot that it would only apply to frontage in front lot line; that only applied to how that was defined there. That is not the intent, we have had a lot of discussion about the idea was to have utilities extended across the full frontage of property so we don't go back and tear up roads when new development comes in etc. The intent of that was to extend those utilities; and that is probably how that section of the code got adjusted at some point in the past; where we went in and talked about full frontage there but we didn't go in and define what

full frontage meant. So you are looking for a definition, something to guide you in the code and you start getting into a front lot line definition, and then you have a corner lot and you get into ambiguity there. Adding the definition through the various sections of the code and tweaking the code in a few specific locations takes away all that ambiguity. It should serve the intent of what we had in our utility sections of the code; with regard to full frontage.

Mayor Johnson referred back to a development on north 5th; the other thing that should be a player in how much the developer pays for is; does it make sense to extend the utility? Is that still an option?

Mr. Limberg verified that was correct. Staff always looks at the plans and we have some flexibility there. If it isn't logical and orderly, be used and useful to the City; we don't require it.

Mayor Johnson questioned whether Staff had that discretion.

Mr. Limberg verified when we review the plans we do. If the people who are having the plans reviewed feel we are being unreasonable they can always bring that to Council and appeal Staff's decision.

Councilman Elquist believed we could add language saying you have to do it in the most efficient and effective way you can.

Mr. Limberg advised he checked with other utilities i.e. Carson City/Sparks and they have language that is quite similar about full frontage or all frontages; their code is quite consistent with this as well.

Councilman Elquist questioned whether they had any language about we can use any frontage we want but it does have to tie to a plan.

Mr. Limberg advised the code for Carson City was even stricter. He believed they were erring on the side of caution for the city as opposed to the side of caution for the developer. Staff takes a reasonable look at the plans and people can come to the Council if they feel something is unreasonable. Fairness plays out at the Council and it has worked agreeably for everybody.

Mr. Wilkinson commented if you start adding that type of language we are going to have even more ambiguity in our code. Typically, almost always, all of these improvements are necessary to serve their proposed development. Some exceptions would be along Mountain City Highway.

Mayor Johnson called for public comment on any of the items under discussion and there was none.

**** A motion was made by Councilman Elquist, seconded by Councilman Rice to set for Second Reading, Public Hearing and possible adoption Ordinance No's 738, 739,740 and 741.**

Motion passed unanimously.

- B. First reading of Ordinance No. 739, an Ordinance amending Title 3, Chapter 3, Section 2 of the Elko City Code entitled, “Definitions” hereby adding a definition of full frontage and amending Title 3, Chapter 3, Section 43 of the Elko City Code entitled, “Required Improvements” hereby adding provisions for full frontages, and matters related thereto. **PUBLIC COMMENT WILL BE TAKEN PRIOR TO ANY CITY COUNCIL ACTION: FOR POSSIBLE ACTION**

Recently Staff has discovered that City Code does not currently have a definition for the term “Frontage”. Legal counsel has advised Staff to create and include a definition of this term in City Code to avoid ambiguity. RL

**** A motion was made by Councilman Elquist, seconded by Councilman Rice to set for Second Reading, Public Hearing and possible adoption Ordinance No’s 738, 739,740 and 741.**

Motion passed unanimously.

- A. First reading of Ordinance No. 738, an Ordinance amending Title 3, Chapter 2, Section 2 of the Elko City Code entitled, “Definitions” hereby adding a definition of full frontage and amending Title 3, Chapter 2, Section 3 of the Elko City Code entitled, “General Provisions” hereby adding provisions for full frontages and amending Title 3, Chapter 2, Section 17 of the Elko City Code entitled, “Traffic, Access, Parking and Loading Requirements” hereby reinforcing the requirement for civil improvements for full frontages, respectively, and matters related thereto. **PUBLIC COMMENT WILL BE TAKEN PRIOR TO ANY CITY COUNCIL ACTION: FOR POSSIBLE ACTION**

Recently Staff has discovered that City Code does not currently have a definition for the term “Frontage”. Legal counsel has advised Staff to create and include a definition of this term in City Code to avoid ambiguity. RL

**** A motion was made by Councilman Elquist, seconded by Councilman Rice to set for Second Reading, Public Hearing and possible adoption Ordinance No’s 738, 739,740 and 741.**

Motion passed unanimously.

- C. First reading of Ordinance No. 740, an Ordinance amending Title 9, Chapter 1, Section 3 of the Elko City Code entitled, “Definitions” hereby adding a definition of full frontage and amending Title 9, Chapter 5, Section 3 of the Elko City Code entitled, “Definitions” hereby adding a definition of full frontage, and matters related thereto. **PUBLIC COMMENT WILL BE TAKEN PRIOR TO ANY CITY COUNCIL ACTION: FOR POSSIBLE ACTION**

Recently Staff has discovered that City Code does not currently have a definition for the term “Frontage”. Legal counsel has advised Staff to create and include a definition of this term in City Code to avoid ambiguity. RL

**** A motion was made by Councilman Elquist, seconded by Councilman Rice to set for Second Reading, Public Hearing and possible adoption Ordinance No's 738, 739,740 and 741.**

Motion passed unanimously.

- D. First reading of Ordinance No. 741, an Ordinance amending Title 3, Chapter 5, Section 3 of the Elko City Code entitled, "Definitions" hereby adding a definition of full frontage, and matters related thereto. **PUBLIC COMMENT WILL BE TAKEN PRIOR TO ANY CITY COUNCIL ACTION: FOR POSSIBLE ACTION**

Recently Staff has discovered that City Code does not currently have a definition for the term "Frontage." Legal counsel has advised Staff to create and include a definition of this term in City Code to avoid ambiguity. RL

**** A motion was made by Councilman Elquist, seconded by Councilman Rice to set for Second Reading, Public Hearing and possible adoption Ordinance No's 738, 739,740 and 741.**

Motion passed unanimously.

VI. 6:00 P.M. PUBLIC HEARINGS

- A. Public comment period. **ACTION WILL NOT BE TAKEN**

This agenda item is to provide time for the general public to address the City Council regarding items of concern. Action cannot be taken at this time, but a matter can be set on the agenda for a future meeting, as appropriate.

There was no public comment.

- B. Review, consideration, and possible action in response to an appeal filed of the decision of the Elko City Planning Commission which denied Variance No. 5-11, filed by Alfredo Uribe, to increase the density of no more than one mobile home per space in an RMH-2 (Residential Mobile Home) Zoning District to two (2) mobile homes per space, located generally on the southwest corner of Douglas and 4th Streets (320 Douglas Street), and matters related thereto. **PUBLIC COMMENT WILL BE TAKEN PRIOR TO ANY CITY COUNCIL ACTION: FOR POSSIBLE ACTION**

The Planning Commission considered this item at their regular meeting of July 5, 2011, and took action to deny the subject variance request. Subsequently, an appeal was received of the Planning Commission's decision. SAW

Development Manager Wilkinson provided a history of the matter. This came to our attention when Mr. Uribe filed for a parcel map with the City. The proposed parcel map took an area of 12,500 square feet and proposed parcel one at 5,000 square feet and parcel two at 7,500 square

feet; the area is zoned RMH2 and is developed with three mobile homes there. The RMH2 district has a minimum area requirement of 6,000 square feet. Staff's comments during the review were that administratively we would not be able to approve a parcel that had less area than required in the zone. Staff brought that issue before the City Council to request authorization for Staff to approve that parcel map which would have one area at 5,000 square feet which is less than required in the zone and the other parcel at 7,500 square feet which is more than required in the zone. Based upon the condition that Mr. Uribe obtains variances, if required, for any setbacks, and a site plan is provided that shows they are meeting the setbacks. The second variance would be the allowance of two mobile homes on one lot area; the code specifically says one unit per lot area of 6,000 square feet. Mr. Uribe had High Desert survey the property and we were able to determine that none of the mobile homes met the required setbacks from the public street. Staff took both applications to the Planning Commission and they were able to determine a hardship and grant a variance for the setback but the Planning Commission is prohibited, in our code, from taking action that changes the use of a property in a zone from the designated use or increases the density in a zone.

Civil Engineer Draper provided an overhead showing the property area under discussion.

Mr. Wilkinson noted it was Staff's thought that a denial by the Planning Commission would form a basis for an appeal to the City Council and the Council could then consider the request. Mr. Wilkinson believed somewhere in the past we have probably played some role in allowing three trailers in an area that didn't meet the area requirements. Mr. Wilkinson advised he did not know the specifics of how, why or when things happened.

Mr. Wilkinson continued and advised that block area was originally zoned GI; Mr. Uribe picked it up in the early 1990's; the City requested he rezone it RMH2. Mr. Uribe cleaned everything up and started placing mobile homes on there. Mr. Wilkinson identified two parcels in the immediate area that are each 5,000 square feet; somewhere over time we have accrued some parceling even at 5,000 square feet. Mr. Wilkinson indicated this is an older part of town characterized by twenty-five foot wide lots and noted we do provide for 5,000 square foot lots under an R zone but not RMH. It seems appropriate we could go down to 5,000 square feet for an area size but the question is; does Council have the authority to increase the density?

Mr. Wilkinson advised this issue has been out there since 1993. It has gone to the Planning Commission several times under conditional use permits for smaller lot areas; they talked about dedicating streets, it has gone to the City Council, the streets have never been dedicated to increase the lot size. Even with all those proposed actions it still wouldn't have satisfied the area requirements.

Mr. Wilkinson questioned whether Council can even take action and advised Legal Counsel was present to answer questions.

Mayor Johnson referred to the map included in the packet and requested clarification on how it correlated with the overhead presentation.

Mr. Wilkinson advised the north arrow on the parcel map is towards the intersection of Douglas and 4th Street; and identified the area under discussion.

Councilman Elquist requested clarification on what Mr. Uribe was asking for.

Mr. Wilkinson advised the reason for the parceling is the occupant of the third trailer has purchased the unit and area from Mr. Uribe. The idea is to try and create a legal parcel to effect ownership change. Is that our issue; not really. Is it appropriate that we have 5,000 square foot parcels in that area of town; our code doesn't allow it; but it has been done and; if we have made mistakes maybe we shouldn't continue to make mistakes. Mr. Wilkinson advised we have a lot of areas in our community where we have these types of problems; they go unnoticed until somebody wants to do something.

Councilman Rice commented we had the same issue with three small homes on 3rd between New Pine and Oak; what did we do there?

Assistant City Manager Andreozzi advised that issue hasn't been resolved.

Mr. Wilkinson questioned whether that was because we can't meet lot areas to try and parcel it off? What are the issues with that?

Mr. Andreozzi did believe the minimum lot size was the driving factor.

Councilman Rice advised it involved two lots that run north and south; the three homes were built straddling the two lots perpendicular.

Mr. Wilkinson stated that creates building code issues; when you have property lines bisecting a structure.

Mr. Andreozzi agreed with Mr. Wilkinson's statement that our community is characterized by twenty foot lots. Every home on the tree streets, all the way through town, there are lot lines running right through the middle of a house. That condition exists and has existed from the beginning.

Mr. Wilkinson advised the code requirements didn't exist at the time those were constructed. We recently did some rezones on River Street; it was a condition of those rezones we had them merge those lots to get rid of that condition so if they ever need to do anything to the structure the property lines don't exist anymore. As these issues come before us we try to get them cleaned up.

City Attorney Goicoechea believed the Council could establish the lots at 5,000 square feet because they have existed that way for a long time. Mr. Goicoechea also believed the lots had not been sold.

Mr. Wilkinson advised the area with the three mobile homes has not been parceled at this time. They are proposing to parcel off 5,000 square feet with the third trailer in from 4th Street on that

parcel; that seems to be consistent with what we allow in R Zone in the tree streets. It seems appropriate that it could come to the Council for approval of a 5,000 square foot parcel in this area. That leaves 7,500 square feet with two units on it and code requires one unit on 6,000 square feet. The parcel would meet the area requirement of the code; but having two units on it increases the density in the zone. The Planning Commission is prohibited, in our code, from taking that kind of action. Again, the question is; can the Council take action that allows two mobile homes on a lot that meets the area requirements in the zone.

Councilman Elquist commented we are cleaning up one area but leaving a mess on the other; why not make three parcels for each of those; they already have utilities to each of them. Councilman Elquist acknowledged they are non-conforming but, in a sense, they are grandfathered in like a lot of the tree street homes.

Mr. Wilkinson advised the other two parcels would be fairly small at 3,750 square feet; now you are even smaller than what is required.

Councilman Elquist believed the way to clean it up is to give each unit its own parcel.

Mr. Wilkinson advised that has been before the Planning Commission and City Council in the past; it never made any headway to go down to that small of a lot size.

Utilities Director Limberg addressed Councilman Elquist's question and advised the two northernmost trailers share one water service and the larger trailer to the south has an individual one.

Mr. Limberg requested Civil Engineer Draper use Pictometry to verify the water service.

Mr. Wilkinson advised Staff had High Desert check on that and they believed all were on separate services.

Mr. Limberg referred to the Pictometry overhead which verified one water service to the two trailers.

Mr. Andreozzi commented what exists today is a legal non-conforming issue. The question is if you move forward you create a non-conforming issue; is that something we can do. City Code is very specific in the zoning district, it says this zone shall have 'x' amount of square feet. We do have ways to have smaller lots through the development agreements.

Mr. Wilkinson indicated this isn't a legal non-conforming use; none of this was in place when the ordinance was adopted in 1979.

Mr. Goicoechea believed the applicant hasn't applied to parcel the one lot with the two homes.

Mr. Wilkinson advised Staff does have a parcel map application; it was submitted approximately one year ago.

Councilman Perry questioned whether it was for three lots or two.

Mr. Wilkinson advised two lots.

Mr. Goicoechea again stated the applicant hasn't applied for what Councilman Elquist is discussing so the Council cannot take any action on that. Mr. Goicoechea indicated the two units on the one lot comply; the other unit is 5,000 square feet and Council can go ahead and approve that.

Councilman Perry advised the two trailers on one lot do not meet RMH2 Code.

Mr. Wilkinson clarified the requirement for RMH2; one unit on 6,000 square feet of lot area.

Mr. Goicoechea stated he was talking about the two units on the existing 7,500 square foot lot.

Mr. Wilkinson advised the existing is 12,500 square feet with three units on it.

Mr. Goicoechea clarified if Council approves the parcel map for the one parcel at 5,000 square feet; the remaining parcel is 7,500 square feet with two units on it; does that meet code.

Mr. Wilkinson stated it does not.

Mr. Goicoechea advised it does not meet code but they are not asking to expand it or change it. It was his belief the Council can approve the one parcel for 5,000 square feet and don't do anything with the remainder of it.

Councilman Perry commented he has seen this item several times during his time on the Planning Commission. RMH2 is the mobile home equivalent of R1; 6,000 square foot or more lot with one dwelling per lot. To Councilman Perry the proposed 5,000 square foot lot was just a variance; it is an undersized lot and it is a hardship; very typical of what we have done on the tree streets many times. The northern lot is also zoned RMH2; with two dwelling units on one lot it doesn't follow the zoning code. Councilman Perry was unsure you could give a variance for density to have two homes on one lot. Councilman Perry did agree with Councilman Elquist that there be three lots; there is precedence, all of them smaller than the 6,000 square foot because of hardship. That is consistent with what we did several years ago on Oak Street.

Councilman Perry believed what happened in this instance is we have over-printed a zoning district, RMH2, on top of land that was surveyed prior to the zoning code on 25' x 100' lots. That is a consistent hardship we have dealt with by allowing variances. The one part of this he struggled with was a variance to allow two homes on one lot; that is a precedent he didn't see.

Mayor Johnson requested more information on hardship.

Councilman Perry advised under a variance; a hardship is the lot is substandard or some particular reason. The hardship here is the lots were surveyed and laid out prior to the zoning saying RMH2 is 6,000 square foot or more. This clearly predates the 1979 zoning code.

Mr. Wilkinson clarified this was zoned General Industrial; Mr. Uribe purchased that area of the block, rezoned it RMH2 and placed the mobile homes on there. One of the conditions we had was the individual parcels would have individual utility services and they are to be verified by our city utility department before recordation of the parcel map. Staff made the assumption if they had individual utilities there we would have played some role in there but; if they tapped off one and put another mobile home in there we may not have played any role in that increased density.

Councilman Perry questioned whether two water bills were being paid.

Mr. Limberg noted the overhead shows two; the question is; are there two or are there three.

Administrative Services Director Stout believed the two on the one service are billed on one bill; one is 320 the other is 320-1/2 Douglas; she would need to look at the bill to verify that.

Councilman Elquist believed that was relevant.

Council requested Ms. Stout to verify the water billing.

Councilman Rice questioned whether the parcel with two units on it could be rezoned to RMH4 as a trailer park.

Mr. Wilkinson advised RMH2 is for individual ownership. If we are creating parcels and trying to set up for the possibility of individual ownership that would not be in concert with that district.

Councilman Perry advised with RMH4 there is a minimum acreage requirement.

Councilman Rice believed a variance might be the answer. We can go back to the applicant and say we may have a solution but it is going to require a bit more from you. That way we have something that is defensible and equitable throughout the community; and with precedence.

Councilman Perry commented that it ultimately solves the problem that has been lingering around this corner for years.

Councilman Elquist agreed. We create the second lot for Mr. Uribe at 5,000 square feet with a single family home and tell him we are going to create the second lot but he needs to bring it into compliance by either removing one of the trailers or create the third lot and have three non-conforming lots.

Mr. Wilkinson questioned if we could grant a variance that allows two units on one lot.

Councilman Elquist didn't like the fact there was only one water service.

Mr. Goicoechea advised the Council has to deal with what is in front of them. Mr. Uribe has applied for a parcel map that that creates the one lot; if you approve that it is going to create

problems with the remaining parcels. Mr. Goicoechea believed the action would be to deny it and then Mr. Uribe has to come back with a solution that works.

Mr. Wilkinson clarified what is before the Council tonight is an appeal on a Planning Commission decision to deny a variance for two mobile homes on one lot area in the RMH2 district.

Councilman Elquist believed the message is to come back with a solution that fixes the whole thing.

Ms. Stout informed the Council that a search on the address of 320 Douglas Street shows they are paying for one mobile home and it is not under Mr. Uribe's name.

Mr. Wilkinson advised that brings into question of whether the trailer is actually there legally or not. If the City didn't play any role in that; is it our responsibility to try and solve the problem we didn't help create.

Councilman Elquist commented there is also the issue of another utility; if we approved a building permit they could have gotten service.

Mr. Wilkinson advised he attempted to find building permits for a mobile home at this address; he found one in 2001. Mr. Uribe indicated he placed the second mobile home with the City's permission in the mid 90's. Mr. Wilkinson advised the state handles building permits for mobile homes; the City would issue a permit for utilities and he found no record of that.

Mayor Johnson directed everyone's attention back to the agenda item; the Planning Commission denied the variance, asking City Council to approve it or deny it. Was the Council ready to make a motion to take action on that?

Bob Morley, High Desert Engineering, representing the applicant indicated after listening to the comments it was his understanding the Council may be amenable to an alternate solution by creating separate parcels if in fact they have separate services, if they don't have service Mr. Uribe might have to install a service to go down to the 3,750 square foot area for the two parcels on the end.

Mayor Johnson advised caution; he didn't want Mr. Morley leaving tonight thinking the applicant has a commitment and a path.

Mr. Morley understood that but based on the conversation tonight it is his understanding the Council feels there is possibilities for a solution to this problem.

Councilman Elquist stated he was willing to approve this with the condition Mr. Uribe removes one of the trailers on the other parcel; it is clear he put two on one.

Councilman Perry advised the variance request is to have two on one. The issue is he wants to split the 5,000 square feet and Staff is saying they won't do that until he resolves the other lot.

Mayor Johnson again cautioned Mr. Morley.

Mr. Morley acknowledged this is a confusing issue; they have met with Staff numerous times and have taken their suggestions as a way to proceed on a lot of this. The parcel map was before the City Council already; and it was approved with the 5,000 square foot lot. A condition of the parcel map approval was that these variances be approved. Once the parcel map was approved by the Council to allow the 5,000 square foot lot they started back through trying to comply with the conditions of the approval and ran into these problems.

Mr. Wilkinson believed one idea would be to table this item until we can spend more time with legal counsel to determine whether Council can act on the variance. Give legal counsel the opportunity to get familiar with all the facts; we haven't provided our legal counsel the opportunity to look at that.

Mr. Wilkinson commented if he had a parcel map with all these small parcels he would take it to our legal counsel and say; when I take this to the Council can they approve it? If you create smaller parcels; you are increasing the density in a zoning district. Again, 5,000 square feet seems reasonable because the area is characterized by twenty-five foot wide lots.

Mayor Johnson advised if the Council goes down that path it might be a good way to go; as far as time saving for the applicant if something comes out of it.

Mr. Andreozzi advised with appeals the Council is limited to three courses of action; tabling is not one of them. The Council can; affirm, modify or deny.

Mr. Goicoechea commented the Council should deny the request. Mr. Goicoechea advised caution in considering smaller lot sizes. This issue will come up again in that area; Mr. Uribe isn't the only one that has slipped mobile homes in there.

Mr. Andreozzi questioned whether this area still has the twenty-five foot legal lots of record. If so how do these sit in terms of those legal lots of record?

Mr. Wilkinson verified the area does have the twenty-five foot legal lot.

To answer Mr. Andreozzi's question, Mr. Morley referred to the parcel map and pointed out the diagonal line that runs through the two parcels; to the south of that line you see the delineation of the existing twenty-five foot lots. To the north of that line is all one piece of property that is not part of the original subdivision; it was part of another subdivision or it wasn't even subdivided. That portion does not have the twenty-five foot lot designation; it is all one piece of property so it is even more complicated. That was part of the reason for the parcel map or boundary line adjustment; to add the triangular portion within the 5,000 square foot lot to the two existing partial twenty-five foot lots.

Councilman Elquist advised when you pull in a second trailer and tap a water line after the service entrance; you probably know you are fitting one in out of compliance.

Mr. Morley indicated Mr. Uribe has told him he spoke to the City about adding water service to the second trailer. He maintains it was a permitted connection. Mr. Uribe also has said there is a separate service to each home but Mr. Morley had not verified that.

Mr. Wilkinson again advised he tried to find a copy of a building permit. He did find one for utilities in 2001 and questioned Mr. Uribe if it was for the second mobile home. Mr. Uribe stated it was not and he had placed the second mobile home in 1995.

Mr. Morley indicated he was unsure if Mr. Uribe had told him he was allowed to put in one meter box and two services from that. He did say the City allowed him to put the second service to the second home; that it wasn't a midnight operation.

Mr. Goicoechea commented that is why the City gets everything in writing. Mr. Uribe doesn't have anything in writing.

Mayor Johnson called for further public comment and there was none.

**** A motion was made by Councilman Perry, seconded by Councilman Rice to deny an appeal filed of the decision of the Elko City Planning Commission which denied Variance No. 5-11, filed by Alfredo Uribe, to increase the density of no more than one mobile home per space in an RMH-2 (Residential Mobile Home) Zoning District to two (2) mobile homes per space, located generally on the southwest corner of Douglas and 4th Streets (320 Douglas Street).**

Motion passed unanimously.

- C. Second reading, public hearing and possible adoption of Ordinance No. 737, an Ordinance increasing the corporate limits of the City of Elko, Nevada, pursuant to the provisions of N.R.S. 268.670 annexing thereto a certain tract of land partially contiguous to and not embraced within the present limits of the City of Elko described as follows: A parcel of land located in Section 8, T. 34 N., R. 55 E., M.D.B. & M., Elko County, Nevada, consisting of 0.776 acres, more or less, located generally south of Mountain City Highway, approximately 118' east of Sundance Drive, filed by KLO Global, LLC and processed as Annexation No. 1-11, and matters related thereto. **PUBLIC COMMENT WILL BE TAKEN PRIOR TO ANY CITY COUNCIL ACTION: FOR POSSIBLE ACTION**

The petition for annexation was accepted by Council on May 10, 2011, and Council referred the matter to the Planning Commission. The Planning Commission considered this item at their regular meeting of June 7, 2011, and took action to forward a recommendation of approval to the Council. City Council conducted First Reading of this Ordinance at their meeting of June 28, 2011, and directed Staff to set the matter for Second Reading, public hearing, and possible adoption. SAW

Mayor Johnson disclosed he owns property in close proximity to this project on Mountain City Highway; but he will vote on the issue.

Councilman Perry noted KLO Global is partially owned by Pedro Ormaza. Councilman Perry disclosed he has a business relation with Mr. Ormaza; a partnership where the own land in the County. Councilman Perry stated he will not participate or vote on this issue.

Councilman Elquist disclosed he has a brother involved in the engineering of the apartments being constructed in the area; however he believes he can make a fair decision and he will vote on this issue.

Mayor Johnson stated although he disclosed he has property in the area; he will be voting on the issue.

Development Manager Wilkinson was available to answer questions. Mr. Wilkinson advised Staff held up the Second Reading to allow a rezone application to catch up to this application for consideration at the same meeting.

Mayor Johnson called for public comment and there was none.

**** A motion was made by Councilman Rice, seconded by Councilman Elquist to adopt Ordinance No. 737, an Ordinance increasing the corporate limits of the City of Elko, Nevada, pursuant to the provisions of N.R.S. 268.670 annexing thereto a certain tract of land partially contiguous to and not embraced within the present limits of the City of Elko described as follows: A parcel of land located in Section 8, T. 34 N., R. 55 E., M.D.B. & M., Elko County, Nevada, consisting of 0.776 acres, more or less, located generally south of Mountain City Highway, approximately 118' east of Sundance Drive, filed by KLO Global, LLC and processed as Annexation No. 1-11.**

**Motion passed 4 to 0.
Councilman Perry abstained.**

- D. Review, consideration, and possible action to approve Resolution No. 33-11, a resolution of the Elko City Council adopting a change in zoning district boundaries from County AR (Agricultural Residential) to C (General Commercial) upon annexation to the City of Elko, involving approximately 0.256 acres of property, located generally south of Mountain City Highway, approximately 118' east of Sundance Drive, filed and processed as Rezone No. 7-11 by KLO Global, LLC, and matters related thereto. **PUBLIC COMMENT WILL BE TAKEN PRIOR TO ANY CITY COUNCIL ACTION: FOR POSSIBLE ACTION**

The Planning Commission considered this subject zone change request at their regular meeting of July 5, 2011, and took action to forward a recommendation of conditional approval to City Council with the condition being approval of the accompanying annexation first. SAW

Mayor Johnson disclosed he owns property in close proximity to this project on Mountain City Highway; but he will vote on the issue.

Councilman Perry disclosed he has a business relation with Mr. Ormaza and he will not participate or vote on this issue.

Councilman Elquist disclosed his brother is working in the area however he will vote on this issue.

Development Manager Wilkinson was present to answer questions and advised the rezone is consistent with the adjacent property that is currently under development. In the end, they intend to merge the two properties together.

Councilman Conner requested clarification of the parcel under discussion.

Mr. Wilkinson identified the property.

Mayor Johnson called for public comment and there was none.

**** A motion was made by Councilman Rice, seconded by Councilman Conner to approve Resolution No. 33-11, a resolution of the Elko City Council adopting a change in zoning district boundaries from County AR (Agricultural Residential) to C (General Commercial) upon annexation to the City of Elko, involving approximately 0.256 acres of property, located generally south of Mountain City Highway, approximately 118' east of Sundance Drive, filed and processed as Rezone No. 7-11 by KLO Global, LLC.**

**Motion passed 4 to 0.
Councilman Perry abstained.**

- E. Review, consideration and possible action to approve the application for tentative approval of Planned Unit Development No. 1-11, filed by Elko Mountain Village, LLC, involving approximately 35.01 acres, located generally 1,732 feet southeast of the corner of S.R. 227 (Lamoille Highway) and Powder House Road (APN 001-770-009), and matters related thereto. **PUBLIC COMMENT WILL BE TAKEN PRIOR TO ANY CITY COUNCIL ACTION: FOR POSSIBLE ACTION**

The subject property was rezoned from R3 (Multiple Family Residential) to PUD in July 2008 to allow for more flexibility in developing the topographically challenging property. There was never a tentative map presented to the City Council for approval of the development, although a preliminary site map was presented at the time of rezone. The preliminary site map appeared to be in conformance with the applicable provisions of NRS. The applicants have reevaluated the proposed development and have submitted a site plan substantially different from the site plan presented with the PUD rezone application. Subsequently, staff requested the revised site plan be reviewed by the Planning Commission. The Planning Commission considered Site Plan Review No. 1-11 at their June 7, 2011, regular meeting and took action to forward a recommendation of *conditional* approval to City Council. The applicant has filed

an application for a tentative map. The applicant has also filed a companion rezone application in the event the PUD application is denied. SAW

Development Manager Wilkinson advised included in the packet is a memo to the City Council dated July 19, 2011 with background information and a detailed analysis of the proposed application in conformance with a PUD District. At the end of that memo is a recommendation by Staff.

Mr. Wilkinson advised Aaron Robertson was present and would likely offer testimony in support of the development under the PUD District.

Mr. Wilkinson noted the original PUD application for a rezone provided a site plan that showed clustered development, a network of trails and a lot of natural open space remaining. Subsequent to that submittal, the developer has been going through quite a bit of evaluation of the property and a lot of detailed engineering; quite an effort has gone into getting to the point of where we are at today. The developer has now decided what they need to do is grade the entire thirty-five acres and they are proposing multi-family development along with sixty-seven units of townhomes along the periphery of the apartment complex. When they submitted the conceptual plan Staff noted it was quite different than what was submitted for the zone change application.

The decision was made to take it to the Planning Commission under a site plan review to get their thoughts on the proposed development under a Planned Unit Development (PUD). At that time the City Planner recommended approval of the site plan review by the Planning Commission.

Mr. Wilkinson stated he recommended denial. He had concerns, not with the project, but with the zone. He did not believe it is a PUD and doesn't meet the intent and objectives of the "PUD District. Mr. Wilkinson cited his arguments for recommending denial of the PUD application:

1. Section 3-2-15(A) (1) – It does not appear the proposed development meets the objectives and intent for usable open space as stipulated in the PUD district. The proposed land use is appropriate for the area under the appropriate zone. The applicant should consider a more appropriate zone to facilitate the proposed development and file for a rezone of the property.
2. 3-2-15(A) (2) – No natural areas will remain and it does not appear the intent of the code is being met. The applicant has presented an idea that manufactured slopes maintain the existing character of the area.
3. 3-2-15(A) (3) – The current proposal is basically an apartment complex with townhomes proposed on the periphery of the development and creating a limited variety of housing types.
4. 3-2-15 (A) (4) – The entire property will be graded under the current proposal. It does not appear the objective and intent of the code is being met.
5. 3-2-15 (A) (5) – It appears the most efficient use of the land is proposed; although for the type and size of the project; it is not clear that this meets the intent of the code.
6. 3-2-15 (A) (6) – The proposed use of the site is residential and does not include the inclusion of compatible associated uses.

7. The Protective Covenants define common open space to include all parking lots and spaces including parking adjacent to the townhomes. That common space was included in the definition for usable open space in the Protective Covenants.

Mr. Wilkinson believed an “R” zoning would be more appropriate for this type of development. In Staff’s opinion this is a large apartment complex with single-family dwellings on the periphery of the apartment complex.

Mr. Wilkinson advised Staff requested our legal counsel review the application and determine whether this planned development fits under PUD.

City Attorney Goicoechea agreed with everything Mr. Wilkinson had said. In addition, he doubts the owner and developer have retained a Nevada attorney that specializes in PUD’s. In this case, the only part they want now would be Planned Unit Residential Development. In order to obtain a PUD they have to not only comply with the City Code but also with Chapter 278 (A) of NRS.

Mr. Goicoechea indicated a rezone would be appropriate and believed the developer had already submitted an application for that.

Aaron Robertson, Elko Mountain Village, first set up colored rendering of site for the Council’s awareness.

Mayor Johnson advised he would only be looking to determine whether this should go down path of a PUD.

Mr. Robertson commented Mr. Wilkinson did a fairly good job of providing an analysis of what they are trying to accomplish with their project.

Mr. Robertson noted the property was annexed as R3 and they put it under contract to purchase. Representatives spoke with City Planner Wynes regarding what they wanted to accomplish; the recommendation was to go with a PUD; which they then did. As they got further into the process Mr. Wilkinson made the repeated recommendation he felt they should go to an R-zone. They tried to do an analysis of the risks and benefits of the different zones; for an R-zone they would have to get a variance on all the requirements and believed the City would not approve them asking for a variance of nearly everything stipulated in the code. Mr. Robertson commented City Staff indicated they could get around that largely by doing a special development agreement; if that is how the City Council wants to proceed with this project; it seems odd, but they are fine with it.

Mr. Robertson provided rebuttal on some Mr. Wilkinson’s statements and noted under 3-2-15 (A) it says the purpose is to establish procedures and standards for Planned Unit Developments within corporate limits of the city in order that the following objectives may be obtained. Mr. Robertson pointed out not all are being required; these are to help establish the intent and desire and it is all up to the interpretation of the City Council. It is subjective, based on your interpretation, we do not need to do all of these; it is whatever the City wants.

- 1) 3-2-15 (2) – Flexibility and design to take greatest advantage of natural land, trees, historical and other features.

Mr. Robertson acknowledged they are not preserving any historical features or very many trees or natural land. They are regarding about 75% of this site. Much of it will be re-vegetated to the natural landscape once we have re-created the layout they are trying.

- 2) 3-2-15 (3) – Creation of a variety of housing types and compatible neighborhood arrangements; thereby giving the homebuyer a greater choice of selecting types of environmental living units.

Mr. Robertson acknowledged they are not offering a complete smorgasbord of options for a buyer that you may encounter in a larger development or a different development in a different location. They are creating two different basic housing types; one for homeownership and one for rental use. They believe they are creating some variation that way.

In response to Mr. Wilkinson's statement this was an apartment complex being used and we are throwing townhomes around the periphery Mr. Robertson commented 51% of the ground is going to an apartment complex and the balance to townhomes.

- 3) 3-2-15- (4) – Allowance for sufficient freedom for the developer to take a creative approach to the use of land and related physical development as well as utilizing inventive techniques to enhance the visual character of the city.

Mr. Robertson believed what they are trying to do is take an unbuildable piece of property and put some structures on it. They have real limitations with the slope and have some massive grading; purely to maintain slopes and code requirements on the roads to access the property. By the time you put in those roads; with the cuts and fills required; we are left with serious limitations on what they can build next to it. If they were to leave the ground unmolested from the roads, you will be driving down canyons and feel like you are driving across big land bridges with random pockets of housing that would be inaccessible from the road.

Mr. Robertson stated the grading is a killer on this site; trying to keep things within proper slopes; regardless of what the density is. That is one of the reasons they changed from the original layout to what they propose now. Mr. Robertson advised they had issues with the original layout, with slopes. When they first did the PUD zone there was a lot of open space but it did not meet the City's 10% requirement; most of the open space at that point was too steep. They built on all the flat area; not that any of it is flat; nothing there is flat. They are trying to use their abilities of grading and retaining to make the site buildable and useable.

- 4) 3-2-15 (6) – As stated by Mr. Wilkinson they have established criteria for inclusion of compatible associated uses to complete residential areas within the PUD.

Mr. Robertson noted the way the City's PUD ordinance is written the uses as stated are; townhomes, condominiums, garden apartments and a combination thereof. It is really an ordinance designed purely for residential use. Other codes in other locations for what some

people think of as a PUD is more of a master planned community that includes commercial and other things.

Mr. Robertson indicated they own sixty acres of Planned Commercial around this project. As they have done this layout; they have kept that in mind. They are buffering that Planned Commercial area with apartments; which seems an appropriate use; and then they are transitioning into townhomes.

Continuing, Mr. Robertson stated they are meeting the intent of creating a transition within the PUD and trying to meet what they are surrounded by. They are just putting a couple of townhomes around the periphery trying to make a token effort.

Mr. Robertson believed it was important for everyone to understand how they did their calculations and referred to the Elko Mountain PUD Land Use and Useable Open Space Calculation Sheet which gave several different breakouts of different types of area. Mr. Robertson wanted to clarify how they did their calculations and what was included, where and when. To be consistent with NRS and City Code Mr. Robertson believed he first need to clarify some definitions; 1) Common Space – space that is owned in-common by all the people that would own parcels in this project i.e. the pavilion, parking lots, private utilities etc. some of that will be useable and some of it will not 2) Open Space – is non-parking space that is not being used for parking or for hard surfaces; not being used as an amenity for public entertainment. That would include the steep hillsides, the pavilions, trail system 3) Useable Open Space – is specifically the open space that is below 10% of what they are deeming useable. Included in that useable open space are: the sport court which is a hard surface and will also be utilized as a turnaround for the fire department. Also included is a trail system with workout stations; the portions of sidewalk that fall within that trail system are being included as part of the useable open space calculation. In addition, they are using all the ground that is below a 10% slope as part of that calculation. Mr. Robertson noted they do have useable open space that is overlapping some of the lot so there is cross-easements of use as stipulated in their restrictive covenants.

Mr. Robertson identified a twenty-four plex area and advised it will have a lot that is bigger than twenty-four plex. That lot is being maintained by the HOA and everyone within the HOA has use of that lot so even though it's a lot of ownership that is primarily being created; a) to meet the requirement within the city code but B) it serves a purpose for the developer for financing. Because we are financing individual buildings, financing has changed, that becomes a necessity as they try and phase through things and create ownership for the bank etc. But, for all intent and purposes, and as far as the renters within the building and owners of the townhomes; you really won't see that.

Mr. Robertson advised the have pulled the lots of the townhomes out of the open space; that is not part of their useable open space. The intent in that is to provide the option for the owners of the townhomes to fence their backyards if they choose.

Mr. Robertson indicated based on how they understand city code they believe they have included items that are allowed, pulled out items that are clearly not. Therefore as they do their analysis for a PUD they are not asking for any variances and are not asking the city to throw out any

major parts of city code as far as lot restrictions, width, sizes or setback etc.; they are meeting all those requirements.

Mr. Robertson advised this is a PUD intended for the use of residential. They cannot come in with single-family units and make it work. It doesn't pencil, there is too much there; there is too much infrastructure that is being placed on their backs as opposed to being fronted by the city that they have to resolve. This works!

Mr. Robertson stated they have groups looking to finance this project. This is market and community driven and as near as they can tell it is in conformance with city code. They have strong support from members of ECEDA, strong support from the mines and the hospital is very ecstatic over the project.

Mr. Robertson verified they have submitted an application for a rezone if the Council has a different interpretation of the code than they do; they are happy to take a different route and still try to get the project approved.

Under further discussion Mr. Robertson informed the Council they have retained local counsel; Robert Wines. They have been working with him for some time; he prepared the draft submitted.

Councilman Elquist requested further information on the density of the development.

Mr. Robertson advised under the PUD ordinance 12 is allowed, with density bonuses being allowed for trails, sport courts, etc.; they are at 10.82. They are over two parking units per unit; both in the apartments and in the townhomes. They have exceeded the City's requirements for parking and are under the density requirements.

Mayor Johnson questioned whether there are other PUD's in Elko.

Mr. Wilkinson advised there are not.

Mayor Johnson wanted to know more on the down side of the rezone; and if we go down that path the need for setbacks.

Mr. Robertson noted they were R3; Mr. Wilkinson is recommending R. Mr. Robertson agreed R is closer to what they are trying to do. In the R zone, with a conditional use permit they can have apartments; that is an allowed use. It also allows for Townhomes. Both uses they have are allowed in the R zone; however when you look at the area requirements in the chart, Section G-1 "Table of Area Requirements" for the R zone it says corner lots need to be 6,500 square feet and other lots need to be 6,000 square feet with a lot width of 60 feet, lot depth of 100 feet, rear and front yards of 15 & 20 feet and it also discusses setbacks of 10 feet.

Mr. Robertson stated the townhome lots are not 6,000 square feet but approximately 4,500 square feet; so they don't meet the lot size. In addition, none of the townhomes are 60 feet wide, they are closer to 30-ish. Mr. Robertson advised it is primarily the townhomes they have the issue with; it is a zero line setback; not the 10 or 15 feet that is required. It didn't make sense to

Mr. Robertson that where there is an allowed use for townhomes; to have those restrictions. It says you want sixty foot townhomes. You could do a layout where that sizing works; where the lot isn't as deep; but that is a completely different layout than what works for them on this site; and most sites. Mr. Robertson noted the apartment lots are bigger and they meet the code.

Mr. Robertson advised they are taking the City's area chart and asking for a variance on it.

Councilman Elquist wanted the ownership clarified.

Mr. Robertson indicated they would be parceled out and sold.

Councilman Elquist questioned the intent with the apartments.

Mr. Robertson advised each apartment complex will be able to be owned individually.

Councilman Elquist now questioned the HOA.

Mr. Robertson advised the HOA will be in charge of all properties outside the building area. Maintenance is being provided on the apartment lots by the HOA; the apartment buildings are not maintaining their own lots. Individual owners will participate in the HOA. Mr. Robertson clarified the only areas in this development that will not be handled by the HOA is what is inside the buildings and the backyards of the townhomes; if they are fenced and the main road dedicated to the City.

Councilman Elquist questioned Mr. Robertson on their path of development.

Mr. Robertson referred to the overhead and indicated it will be fully developed up to the water tank; the lower tier will start with three or four buildings along with the townhomes and will be the first phase. Depending on the financing capacity; they may do two or three phases at once.

Councilman Elquist believed there was a contradiction when the PUD allows that kind of density but when he reads through the NRS it wants to take advantage of the natural open space. Our density seems too dense; how can you allow that much density and still want a bunch of open space?

Mr. Wilkinson advised you see a higher density like that is because a PUD is designed to address an area that is challenged with natural topography and things like that. In exchange for working around those issues you allow a higher density development that would normally be allowed in any of your other codes. Once you establish a PUD all your other zoning requirements go out; it is designed to allow the flexibility to get the property developed.

Mr. Wilkinson referred to open areas; the sidewalks are required for the apartment complex but didn't believe it was appropriate to include them as part of the trail work; the bottom of the detention ponds included in the calculation, the slope areas aren't allowed to be considered, the street and other areas are questionable. The idea of useable open area is you have someone in one area that wants to come over and utilize open space.

Councilman Elquist struggled with this issue; by the time you have the density at twelve and provide for the parking for that density it doesn't seem there is much room.

Mr. Wilkinson noted this will probably be the largest apartment complex in the City of Elko.

Councilman Elquist stated he was trying to picture an acceptable PUD with the allowable density.

Mr. Wilkinson noted the rezone application was included in the packet and showed small neighborhood networks with streets and roads then inner-connectivity with trail systems. City Code allows us to increase the density for more lineal footage of bike lanes or trails; it is all geared towards natural, open space environment.

Councilman Elquist believed this is close; both parties making good arguments. The concern is that none of it is natural because you have to grade the whole thing; it seems PUD wants you to tie into the natural land and preserve natural amenities. This area makes a lot of sense for a PUD; but we have to defend it.

Mr. Wilkinson stated this is a great project but the bottom line is; this is what is required to support the infrastructure.

Councilman Elquist questioned what is most appropriate zone for this development?

Mr. Wilkinson advised the 'R' zone does allow for it and we have precedence where we have done development agreements. Our development agreements are really applicable to acreage of this size. We have done development agreements where we have done small lots on subdivisions i.e. The Pointe and Arroyo Seco; these are very similar units to what is being constructed at Arroyo Seco. Under either one of them you have multi-family, single family. If you look at the PUD it also envisions creating a variety of housing types; we have two with this development. Is this really a PUD or are we grading thirty-five acres and putting an apartment complex and town homes on it is the question.

Mayor Johnson advised he would take a couple more questions and then would like to get an indication from Council if we are ready for a vote.

Councilman Perry clarified the intent of a PUD is to allow for a developer to layout and develop a greater than five acre parcel in a way; outside of the normal zoning districts. It allows for higher density in some areas, balanced by using that space that they save for common areas that are either dedicated to the municipality or maintained by an HOA.

Councilman Perry noted this area was rezoned to PUD in 2008; this has that zoning district on it and clearly in 2008, if you look at the final last map in the district, it fit that. An alternative to this as noted by Mr. Wilkinson, would be some residential zoning with a conditional use permit and a development agreement.

Councilman Perry indicated the pros are: this is the biggest development ever done in Elko; it opens up Powder House Road and puts roads up there in an area of the city that has no infrastructure. They pay for all the roads and put them in, there has to be a water tank put in. It opens up development to a big chunk of the City that wasn't there before. There are 312 units in it which is significantly larger than the original plan unit development when it was rezoned. It is in the master plan as high density.

Councilman Perry continued and noted the key point as indicated by Mr. Wilkinson is in City Code, 3-2-15 under the open space and density; "in no instance shall the total amount of usable open space within the PUD be less than 20% of the gross acreage of the PUD; the following shall not be counted as usable open space; land that has an average slopes of greater than 10%, any streets, parking areas, or other asphalt or paved areas; except for pedestrian and bicycle paths".

Councilman Perry noted while on the Planning Commission he stated "there is no good match for a zoning district for development like this in Elko."

City Attorney Goicoechea advised NRS 278 (A) is an entirely separate chapter related to this; here are also NAC provisions. Under the state law there are numerous things that have to be met. Mr. Goicoechea stated under NRS 278 (A) there are only a few definitions; there is a definition of common open space; no other definition the developer was talking about. There is definition of a landowner and definition of a plan.

Mr. Goicoechea believed this development would not make it through the State process.

Councilman Elquist noted the developer had been mention of Common Space as opposed to Common Open Space; are they counting Common Space in the calculations or not?

Mr. Robertson advised they did a series of different calculations; based on definitions, there is some overlap. Common Space is area that is owned in-common.

Councilman Elquist repeated his question to Mr. Robertson.

Mr. Robertson advised based on the definition in NRS; it allows them to count space that is also above 20% so Common Open Space does not mean Common Usable Open Space. You have to be careful with your terminology.

Councilman Elquist stated the developer also had to be careful with the terminology. Common Open Space is also something that maybe the county, city or municipality may have to take over someday.

Mr. Robertson stated NRS opens that up for a variety of things; it is not specific and is why they are going to the City Code to identify exactly what the City wants and requires. Mr. Robertson advised they have not read all of the NRS pertaining to PUD's; they have gone through most of it with their attorney Mr. Wines; they are relying on his professional opinion as far as meeting a lot the codes and based upon what they have done in other municipalities.

Councilman Elquist believed it is close but it does lend itself more to an 'R' zone. Common Open Space isn't meant to be common area inside an apartment complex; it is supposed to be more of a natural feature; more of a common area that even a city could take over. Grabbing parts and pieces to meet the requirement is not the intent.

Mr. Robertson stated the NRS is written with broad language; it has intent for doing a lot of different things. The intent of the PUD is to take a piece of ground that isn't fitting with normal constraints and letting the developer tweak it.

Councilman Elquist noted the developer has grade all those out.

Mr. Robertson acknowledged they have graded it out; without that grading it renders the site completely undevelopable.

Councilman Elquist advised with the grading it lends itself to the 'R' zoning and almost grades out the PUD.

Councilman Rice agreed; grading removes the characteristics of the land that made it attractive to a PUD.

Mr. Robertson believed it is still attractive to a PUD; the slopes are still there; they have realigned them so it is developable. And, City Code required them to grade out some of the flat ground; if it weren't for the code they would be happy to leave more natural vegetation. Their interpretation of identifying what the PUD is trying to do is saying; "take a piece of ground that is undevelopable and try to develop it. That is what they are trying to do; and yes it requires a lot of grading; but that is the point of the PUD; to allow you to do something that isn't normally there.

Mr. Goicoechea read the definition of Common Open Space from NRS; "it means a parcel or parcels of land within the site designated for the PUD which is designed and intended for the use and enjoyment of the residents or owners of the development. Common Use may contain such complementary structures appropriate for the benefit and enjoyment of the residents of the owners." Mr. Goicoechea believed that was saying there has to be areas that are for the benefit of all the residents and owners; sidewalks in front of apartments are not a benefit to all the owners. It is talking about things like swimming pools, land and water developments.

Councilman Elquist requested clarification the Planning Commission approved this.

Mr. Wilkinson advised there was a rezone and a site plan was submitted with it; that site plan was substantially different from this. When the developer applied for a PUD they had not done the level of engineering that have done at this point; they had a grading plan they submitted at the time and it looked reasonable. They weren't lacking a level of analysis to that point; certainly costs and some of the more detailed engineering for road sections, utilities etc. had not been looked at. They probably had the cart before the horse but we don't control that; it is their responsibility. Staff looked at what they submitted and believed it met the intent of a PUD. They came back with changes.

Mr. Wilkinson acknowledged there is a lot of open space but much of it is manufactured slopes and parking areas that is what is required.

Mr. Wilkinson continued and noted when the developer came back with the changes Staff was uncomfortable moving forward with a PUD and wanted a determination as to whether it met the intent of the code. With the Planning Commission it was not a unanimous vote but they voted that they thought it did meet the intent of the code.

Mr. Wilkinson advised for whatever reason our planner had not evaluated the site plan under the zone and he disagreed with his approval.

Councilman Elquist commented the PUD wants more natural and common open area parcels. This is a great project but as we move forward he believed the developer would want it zoned as appropriately as possible.

Mayor Johnson called for public comment and there was none.

**** A motion was made by Councilman Elquist, seconded by Councilman Rice to deny the application for tentative approval of Planned Unit Development No. 1-11, filed by Elko Mountain Village, LLC, involving approximately 35.01 acres, located generally 1,732 feet southeast of the corner of S.R. 227 (Lamoille Highway) and Powder House Road (APN 001-770-009) and to instruct the applicant to apply for a more appropriate zone.**

Motion passed unanimously.

Mr. Limberg advised Mr. Robertson had mentioned a willingness to rezone. The problem with rezone is meeting the new code requirements discussed earlier.

Mr. Wilkinson advised Staff has precedence on dealing with small lots; there is a way to have small lots. Staff will work through issues with the developer if they file for a rezone.

I. APPROPRIATIONS

- A. Review and possible approval of Warrants. **PUBLIC COMMENT WILL BE TAKEN PRIOR TO ANY CITY COUNCIL ACTION: FOR POSSIBLE ACTION**

Mayor Johnson called for public comment and there was none.

**** A motion was made by Councilman Rice, seconded by Councilman Conner to approve the warrants as presented.**

Motion passed unanimously.

VII. REPORTS

- A. Mayor and City Council

1. Mayor Johnson
 - a. will be at City Hall 2nd & 4th Tuesday
 - b. Voice messaging & e-mail working well
 2. Councilman Conner – Good luck wishes to Mr. Howes
 3. Councilman Elquist
 - a. SkyWest considering dropping one flight
 - b. Strictly financial decision; 4 flights don't have load factor
 - c. Supportive of putting together team to discuss subsidizing
 - d. Notified ECVA in today's meeting – have interest in strategizing
 4. Councilman Rice
 - a. Merchants re: Idaho Street Project
 - i. No complaints but observations
 - ii. Need to be aware of customer service
 - iii. Downtown business down 50-80%
 - iv. Good communications with Contractor but could improve
 - v. Look at coordination of that communication
 - vi. Encourage everyone to shop
- B. City Manager
1. City met with Q&D, Summit and NDOT
 - a. Ideas to mitigate some traffic control issues
 - b. Areas of complaints are NDOT right-of-ways
 - c. On-street parking issue will continue for awhile
 2. World Trade Center steel will arrive tomorrow. Will store at GBC until it can be fabricated.
 3. Upcoming Meetings
 - a. Arts & Culture Advisory Board Meeting August 3rd
 - b. Special City Council Meeting @ 4:00 p.m. August 4th
 - i. Trying to coordinate Board Governance Meeting
 - ii. Helpful to new board members
 - c. Planning Commission August 2nd
 - d. Trying to schedule joint meeting with Elko County Commissioners for tour of CA. Trail Center August 11th; tentatively @ 4:00 p.m.
 4. Mayor Franzoia's dinner Thursday, July 28th
 5. NV League of Cities October 5th -7th in Mesquite, NV
- C. Assistant City Manager
1. Planning Commission Meeting August 2nd
 - a. C.U.P. for cell tower
 - b. Rezone
 2. Meeting re: Idaho St. Project and traffic control
 - a. Staff is trying to minimize issues
 - b. Remind people to continue to shop
 - c. Q&D doing good job of sequencing

- d. Will coordinate meeting with DBA to explain scope and duration of road closures
- D. Utilities Director
 - 1. Display of pipe from Water Department taken from Idaho Street Project
- E. Public Works
 - 1. Idaho Street Project Update
 - a. 12th Street due for completion next week
 - b. Paving will move to East End
 - c. Will progress downtown
 - 2. Micro Surface Project will begin August 2nd
 - a. Will post schedule for public awareness
- F. Airport Director
 - 1. Airport Advisory Meeting on August 29th
 - 2. FAA still shut down
 - a. FAA has no spending authority
 - b. Pavement Maintenance on hold
 - c. Wildlife Hazard Assessment in limbo
 - i. Draft form on FAA's desk – waiting for approval
 - 1. When approved we can submit final payment
- G. Police Chief
 - 1. August 2nd - National Night Out
 - 2. August 9th - Town Hall Meeting with Attorney General Staff at GBC @ 6:00 p.m. re: how to stop hometown violence
 - 3. Department Issue -Evidence storage re: vehicles will have to be addressed
- H. Parks and Recreation Director
 - 1. Johnny Appleseed Park closed for yard work through August
 - 2. Johnny Appleseed Irrigation Renovation to start soon

ADJOURNMENT

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

Mayor Chris J. Johnson

Shanell Owen, City Clerk