

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

SS April 28, 2020

The City Council of the City of Elko, State of Nevada met for a special meeting beginning at 4:00 p.m., Tuesday, April 28, 2020. Due to the COVID-19 pandemic the meeting was held via GoTo Webinar.

This meeting was called to order by Mayor Reece Keener. He stated the agenda for this meeting has been posted for this date and time in accordance with State of Nevada Emergency Directive 006. The public can participate by phone, tablet, laptop, or computer by registering with the Goto Webinar link provided in the agenda. Questions can be sent to [cityclerk@elkocitynv.gov](mailto:cityclerk@elkocitynv.gov).

## **CALL TO ORDER**

## **ROLL CALL**

**Mayor Present:** Reece Keener

**Council Present:** Councilwoman Mandy Simons  
Councilman Robert Schmidlein  
Councilman Chip Stone  
Councilman Bill Hance

**City Staff Present:** Curtis Calder, City Manager  
Scott Wilkinson, Assistant City Manager  
Dale Johnson, Utilities Director  
Kelly Wooldridge, City Clerk  
Candi Quilici, Accounting Manager  
Jan Baum, Financial Services Director  
Dennis Strickland, Public Works Director  
Bob Thibault, Civil Engineer  
James Wiley, Parks and Recreation Director  
Cathy Laughlin, City Planner  
Jim Foster, Airport Manager  
Matt Griego, Fire Chief  
Dave Stanton, City Attorney  
Ty Trouten, Police Chief  
Diann Byington, Recording Secretary

## **PLEDGE OF ALLEGIANCE**

## **COMMENTS BY THE GENERAL PUBLIC**

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

GoToWebinar.com, or by calling (775) 777-0590, or email comments to: [cityclerk@elkocitynv.gov](mailto:cityclerk@elkocitynv.gov). **ACTION WILL NOT BE TAKEN**

*There were no public comments.*

**APPROVAL OF MINUTES:**            **April 7, 2020**            **Special Session**  
   **April 14, 2020**            **Regular Session**

*The minutes were approved by general consent.*

**There were some technical issues getting the speakers on the line for the presentations.**

Curtis Calder, City Manager, said the three new cases of COVID-19 in Elko County that were reported in the newspaper, are out of West Wendover and were previous positives in the March timeframe, but were somehow recalculated into the Elko count.

Chief Griego, Fire Chief, said they didn't have much more information on that. Dr. Putnam was doing some research on those cases. It will be difficult to do any contact tracing on those subjects since this was back in March. They were treated in Utah and the paper trail got lost getting back to the State and then to Elko County.

Mayor Keener asked if the cases were back in March, are they recovered yet.

Chief Griego answered they are. They are considered recovered now but this was a late posting of positive cases.

Mayor Keener spoke about challenges people have had with unemployment.

Curtis Calder said he was looking forward to hearing from Mr. Ellison regarding this and other subjects.

## **II. CONSENT AGENDA**

- A. Review, consideration, and possible appointment of Elko County Family Court Master Andrew Mierins as a Disciplinary Appeal Hearing Officer for the express purpose of conducting a disciplinary appeal hearing, pursuant to the City of Elko Human Resources Policy Manual, and matters related thereto. **FOR POSSIBLE ACTION**
  
- B. Review, consideration, and possible approval for the Elko Police Department to apply for a Services-Training-Officers-Prosecutors (STOP) Grant in the amount of thirty thousand dollars (\$30,000), to assist with costs associated with the part-time Domestic Violence Services Advocate (DVSA) position, and matters related thereto. **FOR POSSIBLE ACTION**

The DVSA works with victims, officers and the District Attorney's office to assist domestic violence victims through the criminal process. Since January 1, 2020, the Elko Police Department has received 239 domestic violence related calls, and filed

72 cases with the District Attorney's Office. The STOP Grant requires a cash match. TT

- C. Review, consideration, and possible approval of the Elko Police Chief applying for an Office of Criminal Justice Assistance (OCJA) Grant in the amount of thirty-two thousand dollars (\$32,000), for costs associated with the Elko Combined Narcotics Unit (ECNU), and matters related thereto. **FOR POSSIBLE ACTION**

The Elko Police Department would like to apply for an Office of Criminal Justice Assistance (OCJA) Grant in the amount of thirty-two thousand dollars (\$32,000), for costs associated with the operations of the Elko Combined Narcotics Unit (ECNU); OCJA requires no cost-match. TT

- D. Review, consideration, and possible approval of the Elko Police Chief to apply for an Office of Criminal Justice Assistance (OCJA) Grant. The grant, valued at eighty-seven thousand, eight hundred and eighty-two dollars (\$87,882.00) would be used to replace three Elko Police Department, Bomb Squad explosive resistant suits including helmets, and matters related thereto. **FOR POSSIBLE ACTION**

The Elko Police Department would like to apply for an OCJA Grant for the replacement of three Elko Police Department, Bomb Squad explosive resistant suits including helmets.

The explosive resistant suits and helmets are necessary for the Bomb Squad members to safely and effectively place equipment and/or manipulate suspected explosive devices. These suits, like the ballistic vests, have a five-year shelf life and the three we currently own are all expired. Each suit is twenty-nine thousand, two hundred and ninety-four dollars (\$29,294.00). We are seeking to replace the three expired suits for a total cost of eighty-seven thousand, eight hundred and eighty-two dollars \$87,882.00 dollars. There are no matching fund requirements. TT

- E. Review, consideration, and possible approval for the Fire Department to apply for Staffing for Adequate Fire and Emergency Response (SAFER) Grant through the Department of Homeland Security to continue the Volunteer Retention and Recruitment Position, and matters related thereto. **FOR POSSIBLE ACTION**

The City of Elko Fire Department Fire Department would like to apply for the 2019 FEMA Staffing for Adequate Fire and Emergency Response (SAFER) Grant. The application would apply for a Volunteer Retention and Recruitment Coordinator position. The current grant that has lasted four years will be expiring in November of 2020. This position has been a great success to increasing our volunteer firefighting force, while certifying all individuals to national standards. There is no match by the City for this grant. JS

- F. Review and possible extension of "Administrative Leave with Pay" for full-time employees sent home pursuant to Governor Sisolak's amended shutdown order,

starting May 1, 2020 through May 16, 2020, and matters related thereto. **FOR POSSIBLE ACTION**

Due to Governor Sisolak's extension of the statewide business shutdown beyond April 30, 2020, the City of Elko needs a mechanism to keep affected full-time employees in a pay status through May 16, 2020. CC

**\*\* A motion was made by Councilman Schmidlein, seconded by Councilwoman Simons, to approve the Consent Agenda.**

*The motion passed unanimously. (5-0)*

### **III. PERSONNEL**

- A. Review, consideration, and possible approval of proposed City of Elko Human Resources Emergency Family and Medical Leave Policy, and matters related thereto. **FOR POSSIBLE ACTION**

The Families First Coronavirus Response Act (FFCRA) was signed into law by President Trump on March 18, 2020 and is in effect from April 1, 2020 through December 31, 2020. As part of the FFCRA, the Emergency Family and Medical Leave Expansion Act (EFMLEA) provides up to 12 weeks of FMLA Leave for full-time, part-time, or seasonal employees who meet the eligibility requirements. The EFMLEA is available for any eligible employee who is unable to work or telework, due to a need for leave to care for his/her child whose school or place of care has been closed, or childcare provider is unavailable for reasons related to COVID-19. Public employers are covered under this Act. This POOL/PACT policy provides the details of Emergency Family and Medical Leave eligibility, and use. SS

Susie Shurtz, Human Resources Manager, explained this is the first part of the Act and covers leave for people who need to be out to take care of their children while schools and daycares are closed. It provides for 12 weeks of leave.

Mayor Keener called for public comment without a response.

**\*\* A motion was made by Councilman Schmidlein, seconded by Councilwoman Simons, to approve the City of Elko Human Resources Emergency Family and Medical Leave Policy as presented, effective April 28, 2020.**

*The motion passed unanimously. (5-0)*

### **I. PRESENTATIONS**

- B. Report by County Manager Robert Stokes, and matters related thereto. **INFORMATION ONLY – NON-ACTION ITEM**

Robert Stokes, County Manager, offered to relay some of the information he has from John Ellison regarding his presentation. Mr. Ellison and Senator Goicoechea have been getting calls from

concerned citizens regarding their frustrations with the State unemployment process. There is a meeting tomorrow afternoon and one of the items will be Senator Goicoechea giving a report on this. He received the notice about the new director for DETR. He noted that the claims have gone up significantly since the COVID-19 shutdown. There have also been problems with the unemployment system going down. Assemblyman Ellison told him he had been hearing some heartbreaking stories from citizens. He understood that once someone was in the system, they will get benefits dating back to when they filed, including the federal stimulus monies.

Mayor Keener noted there was an agenda item on the County meeting for tomorrow that will state Elko County as Stage One Qualified of reopening.

Mr. Stokes said the City Council must be receiving the same calls from business owners that they are, asking when they can open their businesses. The Commission will be taking a look at that tomorrow. They have sent a letter to the Governor asking him to look at a policy that is not “one size fits all” for the state. The rural areas did not get the same impact as the rest of the state. The Governor plans to do a press conference either tomorrow or Thursday night to address the recovery issue.

Councilman Hance asked if the PUA side of unemployment for the self-employed was addressed. He has tried to get answers from DETR but they just keep telling him they don’t have the computers set up for it. He felt we needed to put some pressure on the state to get that going.

Mr. Stokes said they don’t have any more information than he had. Delmo Andreozzi was present in his office, who is also part of the Emergency Economic Management Recover Task Force.

Delmo Andreozzi, County Commissioner, thanked everyone for all their efforts. It has been a heavy load for citizens and especially the elected officials. They have been going through a process to implement and convene the recovery portion. We have been in the response phase and two weeks ago we convened our first recovery meeting. Last Friday they met as a group. They have an outline of what they are trying to do. They would like to have a regional recovery plan but they are still working on the framework. It is difficult to do this in a short period of time and probably should have started this a month ago.

Mayor Keener thanked Mr. Andreozzi for all the work and time he has been putting in on this committee. He looks forward to achieving a successful completion for the County getting the economy restarted and recovered.

- A. Presentation by Assemblyman John Ellison regarding COVID-19 Unemployment Insurance Claims and the State of Nevada Department of Employment, Training, and Rehabilitation, and matters related thereto. **INFORMATION ONLY – NON-ACTION ITEM**

John Ellison, Assemblyman, said Mr. Stokes and Andreozzi both did a good job in their reports. He has had lots of calls coming in from people that cannot get help with their unemployment. One woman was on hold for 36 hours and never got through. He is asking the City and County to send a letter to the Governor’s Office explaining we have some emergency situations with families not getting money. It is critical.

Mayor Keener asked if the unemployment numbers in Nevada are understated because the state hasn't been able to process the claims.

Mr. Ellison said the people operating the computers are not able to access the information. He is getting calls from all over from people begging for help. He doesn't know what else to do. The Mormon church has stepped up with their food bank, getting food to the people. The money is there but the DETR system is broken.

Mayor Keener felt a letter was something the City could do. He asked Mr. Ellison if they should forward the letter to him to send to the State, if there would be a bigger impact if they did.

Mr. Ellison said he would be happy to take care of that for them. If something isn't done soon, there will be a big impact. He has heard from some business owners that have told him they will have to close their doors for good. He was hoping to hear from Mr. Pinkston today about this. Some barber shops are saying they will have to shut their doors because they aren't getting stimulus money or unemployment. They are not getting any help at all. He felt some of these businesses could open.

Mayor Keener opened up public comment.

Gary Pinkston, Meridian Pacific, Elko Junction Center, Kohl'/Cal Ranch Center, explained they operate shopping centers in many states. It is interesting that the nature of the smaller communities usually has a better response. This shutdown is damaging to their tenants. Petco is doing 80% of its normal volume. The public is trying to shop and the tenants are trying to open. Every day this moves forward it makes it harder for them to reopen. The big guys can survive but it is killing the little operators. He is hoping that Elko can open up because of the low number of cases out here. He would be willing to send a letter too.

Mayor Keener thanked Mr. Pinkston for calling. He has sent a letter to Governor Sisolak, urging him to let Elko reopen in a cautious and methodical manner. He hasn't heard back from his office yet. Hopefully, there will be some good information from the Governor later this week. We are doing everything we can to get things reopened in Elko.

Mr. Pinkston asked who would be enforcing the shutdown order if a business was to reopen in Elko.

Mayor Keener said the Governor's declaration expires April 30, 2020. We haven't seen anything in writing past that date. As it stands, after April 30, the Elko Police Department will do just the minimum obligation they have to, serving a document that states they are in violation of the order. If the Governor's Office wants to enforce anything, they will have to do it themselves.

Mr. Pinkston said if there is any use for his parking lots, they are available. If someone needs to set up a testing station, they have about 40 acres available.

Mayor Keener thanked him again for all he does for the community. The entire community is looking forward to businesses opening up again.

Mr. Ellison said he received a letter yesterday from the Cosmetology Board, that stated anyone opened would be in violation and their permits would be revoked. He copied it to the Mayor. Anyone that does open, their state permits will be pulled.

Mayor Keener asked about the duration of that.

Mr. Ellison said he heard it would be permanent but he found out later from an attorney that would be illegal and unconstitutional.

Curtis Calder, City Manager, asked Mr. Ellison if there were any plans from the Legislature to challenge the emergency directives like other states have. What is the Legislature's plans?

Mr. Ellison said they will have a caucus meeting tonight at 6:30 pm to see what they want to do. He sent a letter off today. California just announced that all schools will be shut down until after July. Unfortunately, the Governor isn't being responsive to anyone's correspondence right now.

### **III. PERSONNEL (Cont.)**

- B. Review, consideration, and possible approval of proposed City of Elko Human Resources Emergency Paid Sick Leave Policy, and matters related thereto. **FOR POSSIBLE ACTION**

The Families First Coronavirus Response Act (FFCRA) was signed into law by President Trump on March 18, 2020 and is in effect from April 1, 2020 through December 31, 2020. As part of the FFCRA, the Emergency Paid Sick Leave (EPSLA) provides 2 weeks (up to 80 hours) of paid sick leave for full-time, part-time, or seasonal employees who meet the eligibility requirements. Public employers are covered under this Act. This POOL/PACT policy provides the details of Emergency Paid Sick Leave eligibility, and use. SS

Susie Shurtz, Human Resources Manager, said this is the second part of that legislation. This allows for another 80 hours of sick leave. It is required to be taken in one lump sum. We have had some interest in this already.

Curtis Calder, City Manager, said we are required to fund this and didn't think the City would be reimbursed for it. The City will be absorbing it.

**\*\* A motion was made by Councilman Schmidlein, seconded by Councilman Stone, to approve the City of Elko Human Resources Emergency Paid Sick Leave Policy, as presented, effective April 28, 2020.**

*The motion passed unanimously. (5-0)*

### **IV. APPROPRIATIONS**

- C. Review, consideration, and possible action to award a bid for the WRF East Primary Clarifier Recoating Project 2020, and matters related thereto. **FOR POSSIBLE ACTION**

This is a yearly maintenance project, which rotates between five (5) clarifiers. Bids were opened on February 19, 2020, and Council rejected all bids for noncompliance on March 10, 2020. Staff was directed to rebid the project, and bids were opened on April 20, 2020. A Bid Tally Sheet is included as supplemental agenda information with Staff findings. DJ

Dale Johnson, Utilities Director, explained that they are asking for approval of a bid award for the WRF East Primary Clarifier. The low bidder was MMI & Industrial Services for \$96,155.

**\*\* A motion was made by Councilwoman Simons, seconded by Councilman Stone, to award the bid for the WRF East Primary Clarifier Recoating Project 2020 to MMI & Industrial Services for the base plus all the alternates for \$96,155.**

*The motion passed unanimously. (5-0)*

## V. NEW BUSINESS

- A. Review, consideration, and possible approval of the Second Amendment to the Non-Exclusive Franchise Agreement between the City of Elko and Beehive Broadband LLC, amending Section 2 of the agreement, granting a revocable license to pull communications cable in underground conduit owned by the City of Elko located within City Rights-of-Way and amending Section 10 of the agreement, allowing for a reduction in Franchise Fees by resolution of the City Council, and matters related thereto. **FOR POSSIBLE ACTION**

Council has recently approved Non-Exclusive Franchise Agreements including a provision granting a revocable permit for occupancy of City owned conduit. Additionally, Council passed Resolution No. 4-20 on February 11, 2020 waiving Franchise Fees for telecommunications carriers beginning July 1, 2020 for a period of five (5) years. Commencing on June 30, 2025, and continuing thereafter, the telecommunication carrier shall pay the Franchise Fee as stipulated in the agreement. The proposed amendment addresses the issues referenced above. SAW

Scott Wilkinson, Assistant City Manager, explained we are trying to have all the providers be on the same playing field. A couple franchise agreements have included these provisions. The next item deals with White Cloud.

**\*\* A motion was made by Councilman Hance, seconded by Councilman Stone, to approve the Second Amendment to the Non-Exclusive Franchise Agreement between the City of Elko and Beehive Broadband LLC, amending Section 2 of the agreement, granting a revocable license to pull communications cable in underground conduit owned by the City of Elko located within City Rights-of-Way and amending Section 10 of the agreement, allowing for a reduction in Franchise Fees by resolution of the Council.**

*The motion passed unanimously. (5-0)*

- B. Review, consideration, and possible approval of the Second Amendment to the Non-Exclusive Franchise Agreement between the City of Elko and White Cloud

Communications, Incorporated, amending Section 2.1 of the agreement, allowing for a reduction in franchise fees by resolution of the City Council, and matters related thereto. **FOR POSSIBLE ACTION**

Council passed Resolution No. 4-20 on February 11, 2020, waiving franchise fees for telecommunications carriers beginning July 1, 2020 for a period of five (5) years. Commencing on June 30, 2025, and continuing thereafter the telecommunication carrier shall pay the franchise fee as stipulated in the agreement. SAW

Mr. Wilkinson explained with this amendment, White Cloud already has a provision granting the revocable permit for the use of the conduit, so we didn't need to address that. This is strictly related to the franchise fee.

**\*\* A motion was made by Councilman Stone, seconded by Councilwoman Simons, to approve the Second Amendment to the Non-Exclusive Franchise Agreement between the City of Elko and White Cloud Communications Incorporated, amending Section 2.1 of the agreement, allowing for a reduction in franchise fees by resolution of the City Council.**

*The motion passed unanimously. (5-0)*

- C. Review and possible approval of the Skywest Landing and Lease Deferral Policy, and matters related thereto. **FOR POSSIBLE ACTION**

Staff will provide the Skywest Landing and Lease Deferral Policy for City Council consideration. JB

Jan Baum, Financial Services Director, said this policy was written because SkyWest is asking for a deferral of their landing and lease payments. The way this is written, it will be a five month deferral with all fees paid by the end of the year. There will be a minimum charge of \$25 per month for each monthly landing and the terminal lease payments being deferred.

Mayor Keener asked if this is standard in other markets.

Ms. Baum answered yes and SkyWest has asked all other airports for similar deferrals.

**\*\* A motion was made by Councilwoman Simons, seconded by Councilman Stone, to approve the SkyWest Landing and Lease Deferral Policy.**

*The motion passed unanimously. (5-0)*

## **VI. PETITIONS, APPEALS, AND COMMUNICATIONS**

- A. Review and consideration of a request from Becky Tyree to consider amending the Elko City Code 5-3-1 changing the number of laying hens not used for commercial purposes allowed in private residences, and matters related thereto. **FOR POSSIBLE ACTION**

The City received email correspondence requesting to amend City Code 5-3-1 that allows two laying hens not used for commercial purposes in private residences. The email is in the agenda packet. KW

Kelly Wooldridge, City Clerk, explained the email correspondence was included in the agenda packet. It was someone requesting the City allow more than just the two hens for larger families. The applicant does not appear to be online for comment.

Mayor Keener said he knows there is a lot of this going on. An employee of his lives on a farm and she is having a hard time getting chicks. He understands the request. If you are going to entertain doing something like this, perhaps include an expiration on it.

Councilwoman Simons suggested moving this to four or even six hens allowed. She knows of some families with three hens. If you have a large family and you rely on the hens for eggs, that is not enough.

Mayor Keener asked if she requested a specific number. (no)

Curtis Calder, City Manager, said he has had some correspondence with the applicant and she didn't really talk about specifics. You can get into a lot of technicalities with lots sizes, etc. He has never received one complaint about hens, but maybe Planning has. He didn't see much problem doubling it to four hens. At this point we are just initiating the ordinance change.

Mayor Keener said he got a text message regarding this item and she indicated there have been noise and smell issues with too many chickens. Hopefully four won't be too many for this. If it becomes a problem, perhaps we can come back and revisit this.

Councilman Schmidlein asked if we wanted to include an end date.

Councilman Stone just thought we should increase the number to four and leave it at that. If it becomes a nuisance or a problem, it can be addressed.

Cathy Laughlin, City Planner, said they have had some complaints but these complaints have been warranted. Once house had ten hens in the back yard.

**\*\* A motion was made by Councilwoman Simons, seconded by Councilman Stone, to begin the process of amending the Elko City Code 5-3-1, to change the number of laying hens not used for commercial purposes from two to four, allowed in private residences.**

*The motion passed unanimously. (5-0)*

- B. Review, consideration, and possible action to accept a petition for a slope easement of approximately .75 acres along the southern portion of approved Tentative Map 14-19 (Mountain View Townhomes), filed by Koinonia Development, LP, and matters related thereto. **FOR POSSIBLE ACTION**

Due to the existing topography of the development site, the applicant's engineer is proposing off-site grading onto City of Elko-owned property (a portion of

Mountain View Park). A condition of approval of the Tentative Map was that a slope easement be granted to allow for this off-site grading. SAW

Scott Wilkinson, Assistant City Manager, explained when they looked at this proposed development, they purchased a portion of the slope area to accommodate the proposed subdivision. After that, they started looking at the grading and we feel it is a good idea to minimize the slope in that area. In order to accomplish that, they will be running that slope out into this area. He recommended approval.

**\*\* A motion was made by Councilman Stone, seconded by Councilman Schmidlein, to accept the petition for a slope easement and direct staff to refer the matter to the Planning Commission.**

*The motion passed unanimously. (5-0)*

- C. Review, consideration, and possible action pertaining to a request to purchase approximately 2,800 sq. ft. of City owned parcel referred to as APN 001-01R-001, and matters related thereto. **FOR POSSIBLE ACTION**

City Council approved a petition to sell or lease approximately 900 sq. ft. to the applicant at their February 11, 2020 meeting. The applicant has since requested a larger parcel, 70x40, and has submitted a new application.

Pursuant to NRS 268.063, the City Council may adopt a resolution which triggers an “economic development” exception, finding that it is in the best interest of the public to sell the property without offering the property to the public. SAW

Mr. Wilkinson explained Safelink had considered the purchase of 900 sq. ft. just off the cul-de-sac on the west side of the 5<sup>th</sup> Street Bridge. Subsequent to that request, they determined they need a larger piece of ground to accommodate their equipment. They proposed 2,800 sq. ft. is needed for their full build-out. We are looking at a possible economic development determination in order to sell the property.

Mayor Keener noted it is the same as heard in February but a larger piece of property.

**\*\* A motion was made by Councilman Hance, seconded by Councilwoman Simons, to authorize staff to obtain the required appraisal for the proposed sale of a 2,800 sq. ft. portion of APN: 001-01R-001 and proceed with the statutory process for selling the parcel pursuant to NRS 268.063, subject to the Council accepting the appraisal.**

*The motion passed unanimously. (5-0)*

- D. Review, consideration, and possible action to accept a petition requesting that the City of Elko provide 1 buffer tube of fiber in existing fiber paths to CC Communications in exchange for CC Communications providing the City of Elko a buffer of the same liner feet within the city, and matters related thereto. **FOR POSSIBLE ACTION**

The City of Elko approved a non-exclusive franchise agreement with the CC Communications on February 11, 2020. The non-exclusive franchise agreement does not provide for the use of City owned fiber. CC Communications is requesting the City consider allowing CC Communication use of the existing fiber in exchange for an equivalent city use of CC Communications fiber. A separate agreement between the parties would be required. SAW

Mr. Wilkinson explained none of the franchise agreements allow for the use of City fiber or the conduit in which City fiber exists. CC Communications has taken a look at our maps and has determined there will be some benefit for the Council to consider. Legal has taken a look at the NRS and believes we can develop an agreement under the NRS that will allow this to occur.

Mark Feest, GM CC Communications, thanked Council for allowing him to present this request. CC Communications sat down with the Mayor and the Assistant City Manager and discussed the assets the City had. We felt the City owned fibers down Idaho Street were not going to be used. We wanted to purchase some of those fibers but found out there was an opinion by the City Attorney that without an appraisal, it cannot be sold. We looked for an avenue that would benefit everyone. We proposed an even exchange of linear foot by linear foot. The fiber will just sit there unused otherwise, even though it does have value.

Councilman Hance asked if CC Communications had any plans to build out in Elko.

Mr. Feest answered they plan to serve anyone that their fiber passes. There are businesses and residences along their proposed paths that they would be willing to serve. That is why they got the franchise agreement rather just permits to bury fiber.

Mr. Wilkinson said CC Communications also reached out to Dennis Strickland. They had discussion about intelligent signaling. This route would provide some of that opportunity of having the fiber on 12<sup>th</sup> and the capability of having it run to the Public Works Office for the intelligent signaling. The details of how this would work is something several staff could sit down and discuss with CC Communications.

Councilman Hance had some concerns regarding this because CC Communications is going to be servicing a neighboring community with this fiber. The City would not gain the benefit of it. We can put in our own fiber. Fiber is not a dollar for dollar for what you get. They are getting a mile of very valuable fiber but we may not get the same value in the fiber we get.

Mr. Wilkinson said the NRS doesn't look at dollar for dollar. The infrastructure in Idaho Street right now is City owned and not being used.

Mayor Keener said this is not exclusive and could be open to other providers if they petition Council.

Dave Stanton, City Attorney, mentioned the NRS has several different mechanisms that can be used in exchanges. There is a provision that if it is going to be an exchange for property, subject to some limitations, we have to pay or convey property worth an amount the current appraised value of the property being exchanged. If it is going to be exchanged it does have to be equal to the current appraised value.

Mayor Keener asked if we are going to exchange a mile of very valuable fiber down Idaho Street, we may get four miles of another area.

Mr. Stanton said yes, that is a possibility.

**\*\* A motion was made by Councilman Schmidlein, seconded by Councilwoman Simons, to accept a petition requesting the City of Elko provide one buffer tube of fiber in existing fiber paths to CC Communications in exchange for CC Communications providing the City of Elko a buffer the same linear feet within the City equal to the current appraised value of the property being exchanged.**

Councilman Hance said they are asking for valuable fiber without offering anything of equal value. We have no reason to run twelve fibers to individual City facilities. We dropped our franchise fees to zero and nobody is wanting to provide anything in the City. In Spring Creek they are digging in dirt to provide that fiber at a lower cost. He can support this motion but wants to be involved in the agreement process.

*The motion passed unanimously. (5-0)*

## **VII. PUBLIC HEARINGS**

- A. Review, consideration, and possible adoption of Emergency Ordinance No. EO-001, an emergency ordinance deferring certain utility fees, penalties, and charges to assist businesses adversely affected by the COVID-19 Pandemic, and matters related thereto. **FOR POSSIBLE ACTION**

A copy of the proposed emergency ordinance has been included in the agenda packet for review. CC

Curtis Calder, City Manager, explained at the request of some public at the last meeting, for some relief in water billing, we came up with this emergency ordinance for deferrals for businesses not on water meters. We need to cover our costs so this may or may not get a lot of takers. We have some grant funding available for water meter installation.

Kelly Wooldridge pointing out that on the agenda, this is numbered EO-001 but the Ordinance number is actually 851. She wondered if Mr. Stanton had an opinion on what ordinance number to use.

Dave Stanton, City Attorney, stated for the purposes of this meeting, the ordinance number didn't matter. The next number in line will be fine.

Ms. Wooldridge asked that when they make a motion, Ordinance No. 851 be used.

Mayor Keener called for public comment without a response.

**\*\* A motion was made by Councilman Schmidlein, seconded by Councilman Stone, to adopt Ordinance No. 851.**

*The motion passed unanimously. (5-0)*

#### **IV. APPROPRIATIONS (Cont.)**

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

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

*The motion passed unanimously. (5-0)*

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

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

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

#### **VIII. REPORTS**

- A. Mayor and City Council

*Councilman Stone reported he was contacted by Janet Pescio regarding the seniors living at Highland Manor that are not allowed to leave their rooms. He set up his music and played for the seniors and it was a good time for everyone.*

*Mayor Keener reported he met with Danny Story with the Elko Adult Softball League. They want to get their league (and other sports) up and running again. The Elko Rotary Club asks that if there is someone with a need, they may be able to help out. They are looking at parades and other events for the residents. He will be reaching out to Council and staff to help with some projects. He is getting a large volume of phone calls from the public and hopes to have more information for everyone soon from the Governor.*

- B. City Manager

*Curtis Calder updated everyone on what is going on with staffing. This was the first week they brought some people back to work. We went from about 33% being home to about 15% being home. This is where we will probably stay until the emergency directives are lifted. There was a press release last week extending the shutdown from the previously described date of April 30. We were anticipating a new date but one has not been released. The Attorney General says a new date will be posted in the next day or so. We are hoping to see something soon. Regarding the unemployment situation, he felt that was completely unacceptable and will write a letter.*

*Mayor Keener noted that after this meeting, we will have to resume the RDA meeting. Kelly Wooldridge stated there may be an issue getting back onto the previous webinar.*

*Cathy Laughlin noted all was left on that agenda was reports.*

*Dave Stanton said there will be final public comment, terminate the City Council Meeting, and then resume the RDA meeting. In terms of open meeting law, you recessed the meeting so you can resume the meeting after Council Meeting.*

C. Assistant City Manager

D. Utilities Director

*Dale Johnson reported they broke ground on the WRF/Water Shop yesterday. The project is underway.*

*Mayor Keener said there was an issue with the screens clogging at the WRF. Is that still an issue?*

*Mr. Johnson answered that doesn't seem to be an issue right now.*

E. Public Works

F. Airport Manager

*Jim Foster reported they are averaging one or two people a flight, for the midday flight. There will be no Tuesday or Saturday flights moving forward. There will only be five days of flights a week. There is a 98% drop in enplanements nationwide.*

G. City Attorney

H. Fire Chief

*Chief Griego said they are still progressing with the work at the EOC and trying to soften the blow to the public. They are working with private industry providers with food donations. The faith-based groups have helped with the food deliveries. We are trying to band together countywide to provide all the services they can. The new engine has been delivered and it is being outfitted. He hopes to have it in service in the next week.*

I. Police Chief

*Chief Trouten reported they have been in contact with the schools regarding graduation ceremonies. The protest that occurred last week was well behaved and set a good example.*

J. City Clerk

K. City Planner

L. Development Manager

M. Financial Services Director

N. Parks and Recreation Director

*James Wiley reported the pool repair project will be put out to bid as soon as the budget is complete. They will keep the pool closed during construction.*

*Mayor Keener asked about COVID related pool closures.*

*Mr. Wiley said he has heard that the swimming is safe due to chlorine and other chemicals in the water. The showers and other parts of the facilities are where the dangers are and need to be sanitized. They have increased the staff in the parks for maintenance. He has a letter from Danny Story that he will read into the record during public comments.*

O. Civil Engineer

P. Building Official

## COMMENTS BY THE GENERAL PUBLIC

Pursuant to N.R.S. 241, this time is devoted to comments by the public, if any, and discussion of those comments. No action may be taken upon a matter raised under this item on the agenda until the matter itself has been specifically included on a successive agenda and identified as an item for possible action. Comments may be made through GoToWebinar.com, or by calling (775) 777-0590, or email comments to: [cityclerk@elkocitynv.gov](mailto:cityclerk@elkocitynv.gov). **ACTION WILL NOT BE TAKEN**

James Wiley, Parks and Recreation Director, read the letter from Danny Story into the record (Exhibit "A").

Mayor Keener noted in the letter Danny stated that they are willing to volunteer time to help with care and feeding of the fields. Can the City accept volunteer help in this case?

Curtis Calder, City Manager, said we have a volunteer program at the City. You have to go through the application process like a regular employee, in order to have the appropriate workers compensation coverage.

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

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Mayor Reece Keener

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Kelly Wooldridge, City Clerk



To whom it may concern,

During these trying times most people are struggling in one way or another. While certain Urban areas of the nation have seen an influx of this virus, Rural areas around the country have barely seen any serious cases among its community members! As you are aware local business owners that were deemed "Non Essential" by the Governor, have begun an initiative to reopen May 1 following the same restrictions/guidelines set forth by the CDC that current "Essential" businesses are held to. This needs to happen in Rural areas because ALL businesses are ESSENTIAL to someone! This leads me to outdoor recreation...

With many people being forced to stay at home anxiety and stress is on the rise and may eventually lead to a rise in crime specifically domestic violence and child abuse. People need a release!! I am no scientist, but I believe it has been proven that these types of viruses do not survive well in warm weather, so closing outdoor recreational facilities seems counterproductive to me.

Many summer recreational activities/leagues have already cancelled, (I believe prematurely), leaving little to no recreational activities to release stress and anxiety, as well as stay physically active.

Elko Adult Softball would like to be the regional leaders in this area. We are very conscious of this virus and are not trying to ignore or downplay it. We have put together a Mitigation plan to get things started locally, following the same guidelines as the "Essential" businesses were held to.... Attached you will find this Mitigation/Contingency plan as constructed by our Safety Officer whose profession is in Health and Safety! Concessions and the main parking area will remain closed until further notice. We will encourage players to park on Cedar St and enter through the middle isle, which will be the only entrance. Spectators can park along the outfield fence and watch from their vehicles, but no bleacher space will be available for them to gather.

At this time this is a request to open LOCAL play only, as we are aware that traveling may still be an issue! With that being said, Weber Co, UT has approved an open invitational Slow-pitch tournament Memorial Day weekend. We would like to get to this point very soon so we can put some "Heads in Beds" to help pay for our new complex and stimulate our economy but are aware that is another hurdle!

In closing EAS is a local 501(c)(7) Non-Profit that has given back over \$50000 to local youth organizations and other Non-Profits. This is not a money grab; this is a genuine attempt to help show our community we are ready to open RESPONSIBLY! EAS would like the City's cooperation in opening our parks so folks can get out and enjoy them. EAS would be willing to assist Parks staff with grooming to relieve some pressure, and we have already offered our volunteer services when the Parks Dept needs help at the new complex as well. Hopefully, this can open the possibility for Youth sports to open up in the near future.

Thanks for your time and consideration in this matter,

Sincerely,

**Danny Story**

EAS Pres

PRAB Member

EPF Member

VP Baseball Elko Little League

775-385-2829



## PANDEMIC MITIGATION/CONTINGENCY PLAN AS OF 04/27/2020

All,

Elko Adult Softball (EAS) is ready to begin playing again. EAS is ready to make whatever precautions that are necessary to make this happen. On a safety front there are a couple of things to look at in which we already do,

- Maintain 6ft social distancing
- Safe and healthy environment
- Maintain our hygiene facilities (restrooms/blue rooms)

As we maintain these functions, I can also say that EAS is going to continue a safe environment and continue to improve. EAS is also willing to comply with CDC recommendations. EAS will be buying,

- Hand sanitizer stations to put in each dugout, on both sides of the building (concession stands)
- Will be able to continue our social distancing being no more than 10 people in dugout at a time
- Buy a thermal temperature radar to check temperatures as people enter the fields as long as the CDC requires.
- Eliminate post game handshakes
- Adding hand washing stations/blue rooms

In order to make this happen the only thing we ask that the field entrance (for parking on dirt lot) stays closed and that we open the entrance's to Herrera's complex from Cedar St so people who would like to watch can park and stay in their vehicles. We will make all players and participants enter through the center isle where we can take everybody's temperatures to enter and play. We will of course allow all people wanting to wear masks to do so and will purchase masks if need be, and if able too. With this being said, the people wearing masks will be monitored more frequently due to heat exhaustion and/or heat stroke.

Our organization is willing to put forth the effort needed to commence our operations of playing in the safest way possible. If you have any questions or concerns, please do not hesitate to reach out to any board member.

Best Regards,

**Shawn Sandoval**  
VP/Safety Representative  
Elko Adult Softball  
T (775) 397-4129  
M (775) 455-1904

**Danny Story**  
President  
Elko Adult Softball  
M (775) 385-2829