



CITY COUNCIL MEETING MINUTES

COUNCIL CHAMBER, 401 CALIFORNIA AVENUE,
BOULDER CITY NV 89005

FEBRUARY 28, 2023 - 5:00 PM

CALL TO ORDER

CONFIRMATION OF POSTING AND ROLL CALL

Council members present: Mayor Joe Hardy, Council Member Cokie Booth, Council Member Matt Fox, Council Member Sherri Jorgensen, Council Member Steve Walton (5)

Absent: None (0)

Also present: City Clerk Tami McKay, City Attorney Brittany Walker, City Manager Taylour Tedder

Council member Walton participated via teleconference.

INVOCATION AND PLEDGE OF ALLEGIANCE

Deacon Tim O'Callaghan from St. Andrews Catholic Church provided the invocation, and Mayor Hardy led the Pledge of Allegiance.

PUBLIC ANNOUNCEMENTS

Mayor Hardy noted Deacon O'Callaghan was a member of St. Andrews Catholic Church.

Mayor Hardy presented a proclamation to Hali Bernstein Saylor honoring her retirement.

PUBLIC COMMENT

Mayor Hardy opened the public comment period.

Hali Bernstein Saylor said she enjoyed her time in Boulder City and thanked the community for its support.

Kiernan McManus provided public comment and asked that his comments be included verbatim. (Attached)

No further comments were offered and the public comment period was closed.

FOR POSSIBLE ACTION: APPROVAL OF REGULAR AGENDA

Motion: Approve

Moved by: Council Member Cokie Booth **Seconded by:** Council Member Sherri Jorgensen

Vote:

Aye: Mayor Joe Hardy, Council Member Cokie Booth, Council Member Matt Fox, Council Member Sherri Jorgensen, Council Member Steve Walton (5)

Nay: (0)

Abstain: (0)

Absent: (0)

Motion Passed

FOR POSSIBLE ACTION: APPROVAL OF CONSENT AGENDA

Motion: Approve

Moved by: **Seconded by:**

Vote:

Aye: Mayor Joe Hardy, Council Member Cokie Booth, Council Member Matt Fox, Council Member Sherri Jorgensen, Council Member Steve Walton (5)

Nay: (0)

Abstain: (0)

Absent: (0)

Motion Passed

CONSENT AGENDA

1. For possible action: Approval of the Minutes of the February 14, 2023 regular meeting

A staff report was submitted by City Clerk Tami McKay and included in the February 28, 2023 City Council agenda packet.

2. For possible action: Resolution No. 7582, a Resolution of the City Council of Boulder City, Nevada, approving Settlement Agreement No. 23-2011 in the amount of \$165,000.00 in the Lorene Krumm v. Boulder City matter

A staff report was submitted by City Attorney Brittany Walker and included in the February 28, 2023 City Council agenda packet.

3. For possible action: Resolution No. 7583, a resolution of the City Council of Boulder City, Nevada, repealing Resolution No. 6522 and approving amendment to Agreement No. 05-1038E between Western Area Power Administration (WAPA) and the City of Boulder City for Ownership, Operation, Maintenance, Replacement (OOMR) and Financial Responsibilities of the facilities at Mead Substation

A staff report was submitted by Utilities Director Joseph Stubitz and included in the February 28, 2023 City Council agenda packet.

4. For possible action: Resolution No. 7584, a resolution of the City Council of Boulder City, Nevada, approving Agreement No. 23-2012 (Interlocal Contract 3086) between the Regional Transportation Commission of Southern Nevada and the City of Boulder City to provide project funding in the amount of \$300,000.00 for the Boulder City Parkway Shade Structures, B.C. Project No. 21-1132-MC, and amending both the funding and expenditures of the Fiscal Year 2022-23 capital budget

A staff report was submitted by Public Works Director Jamie Curreri and included in the February 28, 2023 City Council agenda packet.

REGULAR AGENDA

PRESENTATIONS

5. Presentation of the Boulder City Museum and Historical Association's Annual Report

A staff report was submitted by City Manager Taylour Tedder and included in the February 28, 2023 City Council agenda packet.

Council member Fox provided the following disclosure:

"I would like to disclose that I have a commitment in a private capacity to the Boulder City Museum Historic Association, I lease the restaurant space located in the Boulder Dam Hotel and the Association is my landlord. Because this item is a presentation and confers no benefit or detriment to the Association, I have been advised by the City

Attorney that I may participate in any discussion on this item.”

John Calvert, Chairman of BCMHA provided a PowerPoint presentation and a summary of the annual report. The annual report was included in the agenda packet.

Tiana Marie, Manager of Museum and Collections, provided an overview of the permanent exhibits. She discussed a rotating exhibit display which would promote community involvement. She noted Clark County School District created a summer enrichment program for 254 student. She said BCMHA contributed to out-of-state schools from across the United States and provided them with information and educational materials. She said BCMHA cleaned up property and replaced the roof at the Fenton House on Avenue C. She noted once the plans were finalized for the renovation of the home, it would be brought to the Historic Preservation Commission for its review.

Council member Walton said he was thankful to the volunteers and those who help build up the museum. He said it was a labor of love and invaluable to the community and its history. He said he was hopeful to continue supporting the museum.

Council member Jorgensen said she echoed the comments of Council member Walton. She disclosed she was the appointed Council member who served on the Board of Directors and noted she had learned a lot about the museum since her appointment. She noted the archives were amazing and said the amount of people who reached and utilized the museum was amazing. She thanked them for their time and effort on continuing the story of Boulder City.

Council member Fox said he sees the visitors on a daily basis and commented about the importance of bringing people in to learn about Boulder City’s history.

Council member Booth said she had the honor to have met Dennis McBride and Teddy Fenton. She said she learned about the importance of history from Mr. McBride.

Tiana Marie said Teddy Fenton’s collection had journals and manuscripts that were invaluable to the museum and Boulder City’s history.

Council member Booth said Ms. Fenton formed the Polka Dot Club for the younger people in Boulder City.

BILLS

6. Introduction of Bill No. 1932, an ordinance of the City of Boulder City, Nevada, approving Lease Agreement No. 07-1141B amending Lease Agreement No. 07-1141A between the City of Boulder City and Boulder City Airport Properties, LLC to include Title VI Civil Rights Assurances

A staff report was submitted by Airport Manager Marissa Adou and included in the

February 28, 2023 City Council agenda packet.

Motion: Introduce Bill No. 1932 and waive the reading except for title.

Introduced by: Council member Jorgensen

“INTRODUCTION OF BILL NO. 1932, AN ORDINANCE OF THE CITY OF BOULDER CITY APPROVING LEASE AGREEMENT NO. 07-1141B AMENDING LEASE AGREEMENT NO. 07-1141A BETWEEN THE CITY OF BOULDER CITY AND BOULDER CITY AIRPORT PROPERTIES, LLC TO INCLUDE TITLE VI CIVIL RIGHTS ASSURANCES”

Bill No. 1932 will be considered at the March 14, 2023 City Council Meeting

7. For possible action: Matters pertaining to Public Works permits:
 - A. Public Hearing on a proposed amendment to Title 9 of the City Code to repeal Chapter 1, Excavations and Obstructions and replace with an updated Chapter 1, Public Works Permits
 - B. Consideration of Bill No. 1930, an Ordinance of the City Council of Boulder City, Nevada, amending Title 9 of the City Code to repeal Chapter 1, Excavations and Obstructions and replace with an updated Chapter 1, Public Works Permits
 - C. Resolution No. 7585, a resolution of the City Council of Boulder City, Nevada, for the adoption of the design and construction standards for water, flood control, roadways, and electric
 - D. Resolution No. 7586, a resolution of the City Council of Boulder City, Nevada, repealing Resolution No. 6569 and replacing the Public Works Department Development Service Fees

A staff report was submitted by Public Works Director Jamie Curreri and included in the February 28, 2023 City Council agenda packet.

Public Works Director Curreri provided a brief overview of the staff report noting this would allow a streamlined process.

Mayor Hardy noted this was the time and place scheduled to conduct a public hearing and asked for public input.

No comments were offered and the hearing was declared closed.

Motion: Adopt Bill No. 1930

Moved by: Council Member Matt Fox **Seconded by:** Council Member Cokie Booth

Vote:

Aye: Mayor Joe Hardy, Council Member Cokie Booth, Council Member Matt Fox, Council Member Sherri Jorgensen, Council Member Steve Walton (5)

Nay: (0)

Abstain: (0)

Absent: (0)

Motion Passed

Bill No. 1930 will become known as Ordinance No. 1695, effective March 23, 2023.

Motion: Approve Resolution No. 7585

Moved by: Council Member Sherri Jorgensen **Seconded by:** Council Member Cokie Booth

Vote:

Aye: Mayor Joe Hardy, Council Member Cokie Booth, Council Member Matt Fox, Council Member Sherri Jorgensen, Council Member Steve Walton (5)

Nay: (0)

Abstain: (0)

Absent: (0)

Motion Passed

Motion: Approve Resolution No. 7586

Moved by: Council Member Cokie Booth **Seconded by:** Council Member Matt Fox

Vote:

Aye: Mayor Joe Hardy, Council Member Cokie Booth, Council Member Matt Fox, Council Member Sherri Jorgensen, Council Member Steve Walton (5)

Nay: (0)

Abstain: (0)

Absent: (0)

Motion Passed

8. For possible action: Matters pertaining to a zoning ordinance text amendment:
 - A. Public hearing on a proposed zoning ordinance text amendment
 - B. Consideration of Bill No. 1931, an Ordinance of the City of Boulder City, Nevada to amend Title 11 of the City Code, Section 11-35-7 to extend the zoning approval expiration period for variances and permits (AM-23-362)

A staff report was submitted by City Planner Susan Danielewicz and included in the February 28, 2023 City Council agenda packet.

Community Development Director Mays provided a brief overview of the Staff Report.

Mayor Hardy noted this was the time and place scheduled to conduct a public hearing and asked for public input.

No comments were offered and the hearing was declared closed.

Motion: Approve

Moved by: Council Member Steve Walton **Seconded by:** Council Member Sherri Jorgensen

Vote:

Aye: Mayor Joe Hardy, Council Member Cokie Booth, Council Member Matt Fox, Council Member Sherri Jorgensen, Council Member Steve Walton (5)

Nay: (0)

Abstain: (0)

Absent: (0)

Motion Passed

Bill No. 1931 will become known as Ordinance No. 1696, effective March 23, 2023.

REGULAR BUSINESS

9. For possible action: Resolution No. 7587, a resolution of the City Council of Boulder City, Nevada, approving a Residential Historic Preservation Grant in the amount of \$10,000 for Robert Kolar, 504 Ash Street

A staff report was submitted by Community Development Director Michael Mays and included in the February 28, 2023 City Council agenda packet.

Community Development Director Mays provided a brief overview of the staff report. He noted the Historic Preservation Commission met the guidelines and approved the window replacement.

In response to Member Booth, Community Development Director Mays noted the funds were available on a reimbursement basis.

Council member Jorgensen said she was pleased to see the opportunity to improve the historic homes.

Motion: Approve

Moved by: Council Member Sherri Jorgensen **Seconded by:** Council Member Matt Fox

Vote:

Aye: Mayor Joe Hardy, Council Member Cokie Booth, Council Member Matt Fox, Council Member Sherri Jorgensen, Council Member Steve Walton (5)

Nay: (0)

Abstain: (0)

Absent: (0)

Motion

10. For possible action: Adoption of the report titled "Annexation Report For Eldorado Valley BLM Property" setting forth the plans to provide services for the proposed annexation of approximately 2554.88 acres in the Eldorado Valley to corporate limits of the City

A staff report was submitted by Community Development Director Michael Mays and included in the February 28, 2023 City Council agenda packet.

Community Development Director Mays provided a brief overview of the staff report. He said Staff prepared the annexation report which examined the need to provide services to the area. He said the area was largely designated as open space and was all BLM owned property. He said the demand on services to Boulder City would be minimal. He noted there was an exception of approximately 80 acres which would potentially be an expansion to the Townsite Solar Project. He noted the annexation report would be in the City Clerk's office for public inspection.

Council member Walton said he appreciated all of the efforts with BLM and the City of Henderson.

Motion: Approve

Moved by: Council Member Steve Walton **Seconded by:** Council Member Cokie Booth

Vote:

Aye: Mayor Joe Hardy, Council Member Cokie Booth, Council Member Matt Fox, Council Member Sherri Jorgensen, Council Member Steve Walton (5)

Nay: (0)

Abstain: (0)

Absent: (0)

Motion Passed

11. For possible action: Matters related to potential RV Park Resort to be located at 1500 Veterans Memorial Parkway:

A. Resolution No. 7588, a resolution of the City Council of Boulder City, Nevada, authorizing, pursuant to NRS 268.063, direct negotiations with Top Dollar Entertainment LLC DBA Elite Resorts to lease, develop, construct, and operate a short-term rental recreational vehicle resort facility and related improvements upon real property consisting of approximately 76 acres located at approximately 1500 Veterans Memorial Parkway

B. Discussion and possible direction regarding the issuance of a requests for proposal for development of real property consisting of approximately 76 acres located at approximately 1500 Veterans Memorial Parkway

C. Resolution No. 7589, a resolution of the City Council of Boulder City, Nevada, authorizing the appraisal of land consisting of approximately 76 acres located at approximately 1500 Veterans Memorial Parkway

A staff report was submitted by Acting Finance Director Angela Manninen and included in the February 28, 2023 City Council agenda packet.

Contracts and Real Estate Manager Brok Armantrout provided an overview of the Staff Report.

Community Development Director Mays explained the disposition of City-owned land was initiated through the Land Management Process in April 26, 2022. He said City Council evaluated requests for the potential lease and identified that Parks and Recreation should review the impact on Boulder Creek Golf Course. He said they also wanted City Staff to evaluate infrastructure needs that determined the development would not have an adverse impact on utilities. He said Parks and Recreation evaluated

the proposal and identified items for further evaluation by City Staff. He said the Planning Commission held a Public Hearing on the LMP and recommended adding Elite RV to the LMP list. He said City Council approved Resolution No. 7470 adding Elite RV to the LMP list. He said the Planning Commission held a subsequent hearing to review existing land use to community commercial. He said it was advanced to the City Council as Resolution No. 7520 approved to accommodate Elite RV in the plan as a community commercial zone.

Gary Baldwin, said he was a long-time resident of Boulder City and developer of property on the Strip. He said they have prided themselves on being sensitive to the community. He said the RV resort would attract tourists to town which would be economically beneficial to businesses. He said the goal was to maximize the beauty of the golf course. He said he is in the hospitality business and excited to develop the plans. He said he loved Boulder City.

Council member Jorgensen said a clubhouse was proposed and asked about the services that would be provided.

Mr. Baldwin said it would include a spa, exercise room, salon, and meeting facility. He said he was not in the restaurant business and would support the restaurant and bar at the golf course. He said there would not be not competition with the Strip, and said it could offer a subscription service to locals who want to use the tennis courts or pickleball courts.

Council member Walton discussed early morning aircraft noise concerns and asked if the noise had been evaluated and addressed.

Mr. Baldwin said it was a substantial amount of investment and they would put the burden on themselves. He also addressed concerns about golf balls hitting the RVs and did not believe it would be an issue with the setbacks.

Council member Jorgensen said she appreciated tthey have heard the concerns and addressed them. She agreed a diversification of revenue was great and attracting tourists was beneficial. She said her concern was the piece of land in the middle of the golf course that was open between the Resort and golf course and expressed concerns about animals and people crossing.

Mr. Baldwin said Council member Jorgensen's concerns could be addressed during the planning phases. He also noted there would be 24/7 security, and RV specifications for entrance.

Council member Jorgensen expressed concern about fences, but would also feel badly if the golfers did not have a quiet course they have become accustomed to.

Mr. Baldwin said they wanted to preserve the area and said he had numerous properties on the Strip.

Frank Manzulo, partner, mentioned the 9 holes on the side of the course Council member Jorgensen was referring to touches 4 fairways. He said the development would encompass 5 of the 27 holes. He said the issues would not be different than the homes on the municipal course.

In response to Council member Booth, Mr. Baldwin said there was a 200-person capacity at the proposed club to accommodate reunions or other groups. He said there were two examples of RV Resorts in Southern California to look at.

Mayor Hardy said if the Council did not like the project, an appraisal should not be sought. He said Boulder City is not thrilled to build homes, build airport hangars, etc. He said this project was an alternative revenue source for leasing land. He said it would be compatible with slow growth, qualified for the economic development exception and fits in with the moratorium on water. He said he could not think of a different plan for the area that was compatible with Boulder City and protect the views. He said the project looked good. He said if it failed, it would revert to the City and continue to support the golf course. He said the current residents would not be anymore affected by airport noise. He said the contract would not allow subdividing or long-term rentals. He said he was appreciative of the proposed project. He said he was thrilled there may be a contract beneficial to all.

Council member Booth said she preferred a 30-day RFP to prove to the community there were no other options available for the property.

Mayor Hardy said he had concerns about an RFP which would allow others to use Elite Resorts designs.

Council member Walton said he appreciated the organized, well thought out arguments presented by Mayor Hardy. He said he had expressed concerns and referred to the City's Strategic Plan. He said he had full faith and confidence in Top Dollar Entertainment to make a good product and said his comments had no baring on that aspect. He said the Strategic Plan wanted infill development and there were other properties that would fulfill that requirement. He said the City valued its open land. He also said there was a long waiting list for additional hangars and there were plans for expansion at the airport. He said the concept of the development was fantastic. He said smart use devices were a good use, but not an economic benefit to the City. He said permanent jobs and increased tourism was a benefit. He said his primary issue was the location and had concerns developing open land. He discussed water use and recapturing it. He said the idea of an RFP versus Economic Development exemption did not work well for him because it would propose the City was seeking development. He said he supported the concept more than he supported the location.

Council member Fox said he favored using the Economic Development exemption because no one else had made a proposal to the City. He said the concept was perfect for Boulder City.

Council member Walton said a lease would be the only way for the City to ensure the property was not subdivided or used as long-term use.

Mayor Hardy said he believed the conference center proposed would be a benefit to the community.

In response to Council member Walton, Community Development Director Mays said the Planning Commission voted 3 to 2. He said per NRS, it required a super majority. He said it had to be forwarded to City Council and they voted 4 to 1.

In response to Council member Booth, City Attorney Walker explained the RFP process.

Council member Booth said she preferred an RFP be explored.

Council member Walton said if the location was the concern, why would Council request an RFP. He said if the economical exemption weren't approved, why would it go further.

Council member Jorgensen said she still wanted to discuss the project, but did not agree with a portion of the land to be used. She said she loved the idea and plan with that exception.

Mayor Hardy said he agreed an RFP was not the right option if a portion of the land was not desired.

Council member Fox asked where that would leave the project if the matters on the agenda were tabled.

City Manager Tedder noted staff could continue discussions with Elite RV and bring it back at a later date.

Mayor Hardy called for a 10-minutes recess at 7:05 p.m.

Mayor Hardy called the meeting back to order at 7:17 p.m.

Motion: Approve Resolution 7588

Moved by: Mayor Joe Hardy **Seconded by:** Council Member Cokie Booth

Vote:

Aye: Mayor Joe Hardy, Council Member Matt Fox (2)

Nay: Council Member Cokie Booth, Council Member Sherri Jorgensen, Council Member Steve Walton (3)

Abstain: (0)

Absent: (0)

Motion Failed

Motion: Table Item B and C and direct Staff to continue discussions.

Moved by: Council Member Matt Fox **Seconded by:** Council Member Sherri Jorgensen

Vote:

Aye: Mayor Joe Hardy, Council Member Cokie Booth, Council Member Matt Fox, Council Member Sherri Jorgensen, Council Member Steve Walton (5)

Nay: (0)

Abstain: (0)

Absent: (0)

Motion Passed

12. For possible action: Update, discussion and possible staff directive regarding the new Swimming Pool Recreational Project design, funding sources and possible reallocation to fund the project.

A staff report was submitted by City Manager Taylour Tedder and included in the February 28, 2023 City Council agenda packet.

City Manager Tedder said the item was placed on the agenda for discussion and possible staff direction to re-engage with SCA to seek updated cost estimates. He noted an option for additional funding for the pool could be sought if voters approved using the existing \$17M voter approved CIP fund which increased by approximately \$2.8M per year. He also explained the issuance of bonds did not require an increase in taxes.

Mayor Hardy asked if the City had asked about what the available \$12M could buy.

In response to Council member Jorgensen, Parks and Recreation Director Hall said the funding used to maintain the pool was costly. He said the 42 year old pool was not built for the use of chemicals. He noted a recent water heater replacement was \$27K. He said the pool was leaking and would require a re-plaster.

Council member Jorgensen said allowing the leaks was not being a good steward of water.

Council member Walton thanked Parks and Recreation Director Hall and City Manager Tedder. He said he appreciated the information provided about the issuance of a bond and it not raising taxes.

Parks and Recreation Director Hall read the recommendations of the Ad Hoc Pool Committee. He said he would recommend a new, updated cost estimate. He said a great deal of work would be required if any construction were done on the grandfathered pool such as current ADA compliance, updated electrical codes, etc. He said the Ad Hoc Committee recommended a new facility instead of remodeling.

In response to Council member Booth, City Manager Tedder said obtaining an updated cost estimate should be relatively easy. He said he could ask that a component for a basic pool cost be included.

Council member Fox said he was in favor of determining cost estimates for different pool options.

Council member Jorgensen said she would not mind determining a basic pool cost and a cost for the Ad Hoc Committee's recommendations.

Council member Walton said he would like to seek updated costs for Ad Hoc's recommendations. He said he would like to ensure the depth and width can accommodate swimming competitions, as well as water polo. He said he agreed with the idea of phase building certain projects, but not for a municipal pool that required a lot of underground and in-wall infrastructure which could lead to increased costs. He said he preferred redoing the pool one time. He said he would prefer the final product include input from the Boulder City High School and BC Heatwave. He said he would also like to consider alternative funding sources.

Parks and Recreation Director Hall said the Ad Hoc Committee did not want to close the existing facility completely until the new pool was constructed. He talked about closing it for 2 years or build a new facility to the south and knock down the existing building after final construction. He said they also recommended keeping the existing racquetball court.

Motion: Direct Staff to obtain updated cost estimates from SCA

Moved by: Council Member Cokie Booth **Seconded by:** Council Member Sherri Jorgensen

Vote:

Aye: Mayor Joe Hardy, Council Member Cokie Booth, Council Member Matt Fox, Council Member Sherri Jorgensen, Council Member Steve Walton (5)

Nay: (0)

Abstain: (0)

Absent: (0)

Motion Passed

13. Receive report about Nevada League of Cities nomination and appointment of Mayor Joe Hardy as the At-large/Medium Cities Executive Board Member

A staff report was submitted by Mayor Joe Hardy and included in the February 28, 2023 City Council agenda packet.

Mayor Hardy explained his appointment to the Nevada League of Cities Executive Board.

14. City Manager's Report Claims Paid Report

A staff report was submitted by Acting Finance Director Angela Manninen and included in the February 28, 2023 City Council agenda packet.

City Manager Tedder noted there was nothing of note to report.

15. City Manager's Report Financial Report (unaudited)

A staff report was submitted by Acting Finance Director Angela Manninen and included in the February 28, 2023 City Council agenda packet.

City Manager Tedder noted there was nothing of note to report.

Council member Walton noted his questions were addressed during briefings.

PUBLIC COMMENT

Mayor Hardy opened the public comment period.

Rose Ann Rabiola Miele said people are imperfect and have different priorities. She said she could hardly think about an upscale RV Resort and for those who have million dollar RVs. She also said she could not imagine using public funds for a swimming pool. She said Elite RV Park was not about bringing money to the community. She said the priority was water so if golf courses need to be closed, so be it. She said her priority is doing whatever she can with whatever she has whether it's through knowledge or volunteering. She said she's going to keep doing it until she can't. She said she would never be the old lady who yelled at kids. She wanted to ensure Boulder City remained Boulder City. She said she wanted water to drink, cook with and wash her clothes. She said she was sad not all of the Council Members responded to her email. She said it would be nice if they would.

No further comments were offered and the public comment portion was closed.

CITY COUNCIL'S REPORT

Council member Fox thanked City staff for their work preparing for meetings. He also wished his sister a happy 20th birthday.

Council member Booth commented on the drug court graduation and said she learned it was a long process to complete the program. She said she was very impressed with the graduate, Michael.

Council member Walton said he had the pleasure to watch the Mayor's presentation to the Assembly and said it was refreshing to have a Mayor show his love and compassion for the people of Boulder City. He said with respect to the BCMHA, everyone in Boulder City is part of the legacy of the Dam Workers.

Mayor Hardy said he read to children for Nevada Reading Week.

Mayor Hardy adjourned the meeting at 8:09 p.m.

Joe Hardy, Mayor

ATTEST:

Tami McKay, City Clerk