

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

SS April 27, 2010

The City Council of the City of Elko, State of Nevada met for a regular meeting beginning at 4:00 p.m., Tuesday, April 27, 2010.

This meeting was called to order by Mayor Michael J. Franzoia.

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

ROLL CALL

Mayor Present: Michael J. Franzoia

Council Present: Councilman Jim Conner
Councilman Jay Elquist
Councilman Chris Johnson

Council Absent: Councilman John Rice

City Staff Present: Delmo Andreozzi, Assistant City Manager
Don Zumwalt, Police Chief
Alan Kightlinger, Fire Chief
Shanell Owen, City Clerk
Bob Goicoechea, City Attorney
Ryan Limberg, Utilities Director
Eric Howes, Parks & Recreation Director
Trent Moyers, Airport Director
Dennis Strickland, Public Works Director
Mike Hecht, Deputy Chief/Fire Marshal
Fritz Sawyer, WRF Superintendent
Ted Schnoor, Building Official
Scott Wilkinson, Development Manager
Jessica Johnson, Human Resources Manager
Tony Ferguson, Sr. Engineering Technician
Ed Wynes, City Planner
Jeremy Draper, Civil Engineer
Lorraine Martinez, Accounting Supervisor
Linda Buffington, Recording Secretary

PLEDGE OF ALLEGIANCE

**** A motion was made by Councilman Elquist, seconded by Councilman Conner to approve the minutes of March 30, 2010 as presented.**

Motion passed unanimously.

PRESENTATION BY UNR FIRE SCIENCE ACADEMY EXECUTIVE DIRECTOR, DENISE BACLAWSKI - ACADEMY UPDATE

I. APPROPRIATIONS

- B. Review, consideration, and possible approval allowing the Water Department to sell carbon steel well casing to Elko County, and matters related thereto. **ACTION ITEM**

Elko County would like to purchase a 120' of 16" carbon steel well casing from the Water Department for \$10.00 a foot (\$1,200.00). This current material is excess inventory that is no longer needed and the County is in need of the material for a new well. AM

Water/Sewer Superintendent Mendive advised this casing is close to twenty years old and of no use to the City; selling it would benefit the City, County and Jarbidge.

Councilman Johnson questioned what this would cost new.

Mr. Mendive advised approximately \$35.00 to \$40.00 per foot.

Councilman Johnson questioned if Staff had considered it from a scrap side.

Mr. Mendive indicated they had; staff was quoted less than \$10.00 per foot; sight unseen. They were also advised it would be a shame to scrap it if someone could use it.

**** A motion was made by Councilman Elquist, seconded by Councilman Conner to allow the Water Department to sell carbon steel well casing to Elko County as negotiated.**

Motion passed unanimously.

- C. Review, consideration, and possible action to select a qualified engineering firm to provide professional engineering services related to a Regional Road Repair Plan (primarily consisting of Idaho Street, but possibly including other regional roads if funding becomes available), and matters related thereto. **ACTION ITEM**

Council considered the recommendation of the Selection Committee to select Wood Rodgers, Inc. to provide professional engineering services related to a Regional Road Repair Plan at the April 13, 2010 Council meeting. After

discussion and consideration, Council did not take any action on this item but directed Staff to reword and broaden the agenda topic to provide additional flexibility in selecting a firm for this project.

At the November 24, 2009 Council meeting, Staff was authorized to solicit Statement of Qualifications (SOQ's) to provide professional engineering services related to a Regional Road Repair Plan. The deadline for submitting SOQ's was January 19, 2010; fifteen (15) SOQ's were received. Members of the Selection Committee reviewed the SOQ's and invited the five (5) highest scoring firms to participate in a formal oral interview process. The top five engineering firms that were interviewed and subsequently ranked by the Selection Committee were (ranking sheet is provided in the board packet for review): Wood Rodgers, Inc.; CFA, Inc.; Summit Engineering Corp.; Kimley-Horn and Associates, Inc.; and Stantec Consulting. Summit Engineering Corp. and Kimley-Horn and Associates, Inc. either have an office in Elko or have firms from Elko that will be employed for this project.

Staff is asking Council to select a qualified engineering firm and further direct us to negotiate a professional services agreement to be brought back to Council for review and possible approval. DA

Assistant City Manager Andreozzi advised, as previously directed, Staff has rewritten this item and brought it back to give Council additional flexibility. Staff also sent a letter to the five firms that participated in the oral interview process advising them this matter would be reconsidered at this meeting. The City of Elko has received correspondence from Kimley-Horn, Wood Rogers, Inc., Summit Engineering and The American Counsel of Engineering Companies of Nevada.

Mayor Franzoia stated the committee handled the process correctly; we have five qualified choices and at this level the Council has more discretion. Due to the current economic situation he prefers to support a local company over what the selection committee recommended.

Mayor Franzoia called for comment on this issue.

Public Works Director Strickland believed there was a great deal of integrity in the process. Mr. Strickland agreed we want to keep as much of this money in our local economy as possible but we don't want to overlook the fact a very qualified firm could potentially save the taxpayers a substantial amount of money. The engineering component of this project is only 10% of a ten million dollar job. Mr. Strickland asked the Council to give this careful consideration; the company that rose to the top came up with some outside the box type of thinking that could save quite a bit more than the 10% of the engineering component of the project.

Mayor Franzoia commented the economy is so bad we are already going to see an economic value we would never have anticipated two years ago coming in. Mayor Franzoia advised the City does have the discretion, at the professional level, and no discretion whatsoever when it comes to the bid process on construction jobs. We have a limited opportunity to keep something in the community. It is something he feels strongly about and isn't going to waiver on.

Mr. Strickland acknowledged Mayor Franzoia's statements. This has been the position the city has taken with projects over the years at the airport; we've funded and allowed projects to continue based on the fact it was going to create some economic stimulus in the community; we've set a standard there. Mr. Strickland again stated the important thing to him with Wood Rogers was some of the ideas they brought to the table, from the traffic control side of it; and the potential savings to taxpayers.

Mark Casey, representing Wood Rogers understood the Council's statements in regards to using a local firm but stated a local firm was not a concern at time of their submittal. They have advised staff they are willing to include local firms on the team to perform a substantial amount of work; as it makes sense and would benefit the project.

Councilman Elquist commented we send staff out to do a screening process and they give their best recommendation; that is appreciated. As a Council, you can never give up your discretion. This is a tricky one and there are good arguments on both sides; but in the end, regardless of the economic situation we still have to have discretion. Even though it wasn't listed in the qualifications to have a local firm, clearly companies like Kimley-Horn, Lumos & Assoc. and other companies chose to include some local consultants; they understood that would most likely be a consideration; even if it wasn't explicit in the criteria; it stands to reason that would be part of the decision making criteria. The final Council approval is where we can pick up on anything that was left out. Councilman Elquist believed it would be crazy to award such a large project, in the middle of our community, to an outside company; or at least not put some weighting on a local company. It is important to show support to the local economy. Councilman Elquist expressed appreciation for the whole process but stated he would put his support behind the highest scoring local firm.

Councilman Conner believed the Council needs to show the same support to local business we ask from the community. We need to keep it local; it helps everyone and is the right thing to do.

Councilman Johnson advised as a member of the selection panel he knew due diligence was given to make the process as fair as possible. He views it as; the panel had their job and they did it; they selected five firms out of a total of fifteen; that in itself was a great feat. The interview process was hugely interesting; to see the competition come from each firm and the ideas that each had and the uniqueness of each firm. The panel did their job and the public should have their say as well in part of the process; that is where we are at right now. Councilman Johnson was comfortable if the Council awarded it to a top local firm that the process was as fair as possible; we have to pick one and that is the direction the city should take.

**** A motion was made by Councilman Johnson, seconded by Councilman Elquist to select Summit Engineering as the highest rated local engineering firm to provide professional engineering services related to a Regional Road Repair Plan (primarily consisting of Idaho Street, but possibly including other regional roads if funding becomes available).**

**** Councilman Elquist amended the motion to include; and direct Staff to enter into negotiations to bring a Professional Services Agreement back for consideration. If the City**

of Elko and Summit Engineering cannot come to an agreement the process is open to review the files, Councilman Elquist's second stood.

Motion passed unanimously.

- D. Discussion and possible authorization for Staff to solicit bids for the West Secondary Clarifier Rehabilitation Project, and matters related thereto. **ACTION ITEM**

Painting will be required on all exposed metal surfaces above and below the water line to protect the existing metal from any further corrosional attack (see Figure 1). This maintenance project is budgeted in the 2010/2011 budget at approximately \$65,000. Staff is recommending council approval pending 2010/2011 budget approval. FPS

Mayor Franzoia questioned the timeline.

WRF Superintendent Sawyer advised Staff would be back at the first council meeting in July for approval of the bids.

**** A motion was made by Councilman Johnson, seconded by Councilman Conner authorizing Staff to solicit bids for the West Secondary Clarifier Rehabilitation Project.**

Motion passed unanimously.

- E. Review, consideration, and possible award of the sale and/or conduct an open auction in the case of tie bid responses for a 1979 International 1600 Series AWD-6 Pack Cab, and matters related thereto. **ACTION ITEM**

Bids for the disposal of the 1979 Fire Truck were received until 3:00 p.m. on April 23, 2010. Staff will provide a bid tabulation and recommendation at the meeting. City Council may conduct an open auction in the case of a tie bid. SO

City Clerk Owen advised one bid was received from Fernando Mendive in the amount of \$1,076.76.

Mayor Franzoia questioned if oral bids could now be submitted.

Ms. Owen stated not unless the city had received two tied bids.

**** A motion was made by Councilman Conner, seconded by Councilman Elquist to award the sale of a 1979 International 1600 Series AWD-6 Pack Cab to Fernando Mendive in the amount of \$1,076.76.**

Motion passed unanimously.

After motion and before a vote was taken Councilman Johnson requested clarification on the process; does the Council have to give consideration if someone present wanted to bid on this.

Ms. Owen advised the notice was written indicating if there was a tie bid the Council would open it up to an auction process.

Councilman Johnson requested verification you had to submit in writing in order to be a qualified bidder.

Ms. Owen verified that was correct.

- F. Review, consideration, and possible approval of a three year Fire Extinguisher Service contract, to include fire extinguisher servicing, hydro-testing, and purchase of new equipment, and matters related thereto. **ACTION ITEM**

On January 12, 2010 the Council authorized bids to be let to solicit bids for fire extinguisher servicing and purchase of new equipment. Three bids were received and opened on Friday, April 2, 2010. Attached is a complete Bid Analysis of this bid. One of the bids did not have all of the licenses necessary. JJ

Councilman Elquist questioned the need of fire extinguishers in vehicles; the probability of use is low.

Human Resources Manager Johnson agreed the chance of a vehicle fire was low but coming upon a fire is high.

Councilman Elquist indicated if we have tested and charged them and in five years haven't been used then this is something to consider; it would be a cost savings.

**** A motion was made by Councilman Conner, seconded by Councilman Johnson to approve a three year Fire Extinguisher Service contract, to include fire extinguisher servicing, hydro-testing, and purchase of new equipment to State Fire.**

Motion passed unanimously.

- G. Review and possible approval of an Agreement for Professional Consulting Services for the Recreation Center Feasibility Study, and matters related thereto. **ACTION ITEM**

Provided in your packet for review is an agreement with The Richardson Partnership to provide professional Consulting services for the Recreation Center Feasibility Study in the amount of \$25,000. EDH

Assistant City Manager Andreozzi advised Staff is requesting this item be tabled.

**** A motion was made Councilman Conner, seconded by Councilman Elquist to table this item.**

Motion passed unanimously.

Under further discussion John Carpenter noted Exhibit 'A' was not included in the agreement. Based on that omission, it was his belief; the Council would not have been able to take action on this item. Mr. Carpenter also stated that he was opposed to the city hiring someone to tell us what to do.

II. UNFINISHED BUSINESS

- A. Review and possible approval of amendments to the City of Elko standard contract form for professional services, and matters related thereto. **ACTION ITEM**

This item was brought to the Council on March 10, 2009. The item was tabled to allow Staff more time to make necessary changes. Staff along with legal council have reviewed and made the corrections to the PSA and are presenting it to Council for possible adoption. JD

Civil Engineer Draper advised City Attorney Goicoechea was present to answer any questions. Mr. Draper noted included in the packet was the current eight page agreement and a twenty-four page agreement that is being proposed for any professional services the city contracts.

Mayor Franzoia questioned if the eight page document was outdated?

Mr. Draper advised what is missing is more of a standards practice. We now have different insurance requirements, redesign requirements, OSHA requirements for construction management etc.

Mayor Franzoia questioned if we wrote our own or used an existing one from a bigger city that has already gone through the process.

City Attorney Goicoechea advised it was put together with many things from this area and Mr. Draper worked on quite a bit of it.

Assistant City Manager Andreozzi added Staff tried hard to take any gray areas out. This is a more complete document; if something happens there are provisions spelled out that clarify how to deal with it.

Mayor Franzoia questioned whether the document had been reviewed by the private sector.

Mr. Draper advised the document has been reviewed by all department heads as well as Russ McMullen for insurance purposes; it has not been sent out for review to engineering firms.

**** A motion was made by Councilman Johnson, seconded by Councilman Elquist to approve amendments to the City of Elko standard contract form for professional services.**

Motion passed unanimously.

III. NEW BUSINESS

- A. Review and approval of pending Special Events, and other matters related thereto. **ACTION ITEM**

This item has been added to the agenda in order to consider any application for Special Events received by the Clerks Office. Staff will report on any application on file. SO

- 1) Review, consideration, and possible approval of a change to the 2010 Motorcycle Jamboree Special Event to increase the length of time that the bands will play in the downtown corridor to midnight, and matters related thereto. **ACTION ITEM**

Ken Wellington, Public Safety Chairman, Elko Motorcycle Jamboree indicated this was an attempt to make some extra money for the jamboree and take pressure off the local bars.

Councilman Elquist believed, if approved, this should be reviewed following the event to determine how well it worked out and to address any issues.

Mr. Wellington advised they typically meet with City Staff within a week or two following the event for critique purposes.

City Clerk Owen advised proof of insurance was still needed.

Councilman Johnson questioned if this move will help police and fire.

Police Chief Zumwalt stated it doesn't violate an ordinance and it won't cost the city any more money. The issue for him is the mess he has to clean up once everything shuts down; he is agreeable to trying it for this year.

Assistant City Manager Andreozzi indicated City Clerk Owen spent considerable time researching our records for a noise ordinance with no success.

**** A motion was made by Councilman Conner, seconded by Councilman Elquist to approve a change to the 2010 Motorcycle Jamboree Special Event to increase the length of time that the bands will play in the downtown corridor to midnight and Staff will revisit this change prior to next year's event.**

Motion passed unanimously.

- 2) Review and possible approval of a request from the Elko Lion's Club to accommodate a carnival on City owned property located in front of the Elko Central Dispatch Center to be held on May 17th thru May 24th, 2010, and matters related thereto. **ACTION ITEM**

The Elko Lion's Club is preparing for their carnival and is requesting permission to use City owned property for the carnival.
SO

James Glennon with the Elko Lions Club was present to answer questions.

Mayor Franzoia questioned if the surrounding area was built up yet.

Airport Director Moyers advised they will be in the same area as last year however; we have lost a lot of space; parking will be issue.

City Clerk Owen advised the carnival will need approval for overnight camping for security purposes.

Mayor Franzoia questioned if there was a limit on that previously.

Ms. Owen believed there was not. Ms. Owen was unsure where the overnight camping would be set up for this year.

Mayor Franzoia questioned, if approved, is someone going to notify Newmont; we don't want people overflowing into their area.

Mr. Moyers stated that is now Newmont's leased property. The parking lot is associated with Newmont and the other offices that haven't opened yet. If this is approved there definitely needs to be some communication with those people to let them know what the impact is going to be and how long it is going to be.

Mayor Franzoia stated that is a courtesy; it could also be a security and liability issue.

Development Manager Wilkinson advised, based on their lease, Newmont is guaranteed one hundred eighty-four spaces.

Mayor Franzoia again stated it would be a courtesy issue to advise Newmont of what will be happening in the area.

Mr. Moyers indicated that was the concern; there is going to be a need for overnight parking but there is not adequate space to facilitate that without using the area where Newmont is now located.

Mayor Franzoia stated that was not our call. Our call is to utilize the space we have; which is the issue in front of us tonight.

Mr. Moyers indicated the carnival may not fit into the available space.

Mayor Franzoia clarified the area is not large enough for all the ancillary pieces of equipment; which means they have to find another location to park and/or store those

items. Anything that is not the City's we have no say over; unless those that are leasing from the city grant that request. Has anyone talked to the lessor?

A member of the Elko Lion's Club advised they did not use all the space last year where the carnival was situated. They were requesting the City move some dirt piles further back on the property so they can park the equipment in that area. The concern is what the public will have for parking; they believe that can be addressed through signage. They are willing to work with anyone in any way they can; finding a place for the carnival is very difficult.

Assistant City Manager Andreozzi agreed parking is the issue; in addition to the Newmont area we need to be cognizant of the Dispatch area and not lock them in. Mr. Andreozzi indicated if Council elects to authorize this that we ask them to 1) put up signage, 2) talk with affected parties in the area and the media as well.

Councilman Elquist believed a parking plan was needed; do we know how many spaces are needed.

Public Works Director Strickland indicated if the Lions Club had some contacts in the construction world and were able to move the dirt piles in the back area there would be more than enough area to accommodate the carnival and the parking.

Councilman Johnson questioned whether the fair grounds were an option for the carnival.

Mr. Bynes stated it was not; it is a matter of cost. The parking area across from the fair grounds is actually the college property. In addition, location makes a huge difference. Mr. Bynes indicated they would really prefer to have administrative approval to use the current property for the carnival without having to come before the Council each year.

Mayor Franzoia advised due to the location that was not an option.

Councilman Elquist questioned if the Lion's Club could get a local contractor to move the dirt.

Mr. Bynes indicated they could look into that but they were hoping the City would address the matter.

Mr. Strickland advised he was unsure of the actual area size; our biggest cost would be fuel and time to push all the dirt. If the Lions Club could approach a local contractor to see what they could do we can make a lot of area available.

**** A motion was made by Councilman Johnson, seconded by Councilman Elquist to approve a request from the Elko Lion's Club to accommodate a carnival on City owned property located in front of the Elko Central Dispatch Center to be held on May 17th thru May 24th, 2010 with the following conditions; 1) notification be given to the lease holders on the airport property, if there is any concern or they are not satisfied with the operation of the carnival it is remanded back to Council 2)**

that a simple plan is put together indicating they need 'x' amount of square footage for carnival equipment and placement of equipment 3) a plan is in place for public parking and 4) just enough RV placement to meet their minimum security needs.

Motion passed unanimously.

- B. Review, consideration, and possible action to support the concept of a 9/11 Memorial Statue and/or Public Display, including possible action to request World Trade Center steel artifacts from the Port Authority of New York and New Jersey, and matters related thereto. **ACTION ITEM**

The City of Elko Arts & Culture Advisory Board will make a short presentation to the City Council. CC

Catherine Wines, Arts and Culture Advisory Board, explained their request. The only requirement at this time is a letter from the mayor along with an idea of what will be done with the steel. That will be forwarded to the New York Port Authority where typically they approve the request. The Arts and Culture Advisory Board want to secure their piece of the metal; there would be no cost to the city other than transportation. Ms. Wines indicated the board considered various locations for the completed memorial and the determination was made; if approved; to locate it directly in front of City Hall.

A member of the Arts and Culture Advisory Board displayed for the Council a representation of what they are considering for the memorial. This memorial would be not only for the 9/11 victims & family but also our local fire fighters, police and emergency personnel; we could also celebrate the freedom of our nation through this memorial.

Ms. Wines indicated all they are requesting at this time is approval to ask for the piece of steel.

Mayor Franzoia questioned if approved will they be seeking private donations to create the memorial.

Ms. Wines believed it would be a popular project and it wouldn't be hard to get the public to get involved; grants from the Nevada Arts Council and as well as tourism was another option.

Councilman Johnson expressed concern this request was for taxpayer's money; without more community support he was not in favor of it. Councilman Johnson advised he respects and admires the ideas presented but from a taxpayer's standpoint he would have to say no.

Councilman Elquist believed this was one of the greatest things he has seen since being on the Council although he believed there were better locations than in front of City Hall. Councilman Elquist encouraged the Arts and Culture Advisory Board to make this more of a private than public partnership to create a new amenity for the community.

Councilman Conner believed the community would rally behind this idea and would support it privately.

Ms. Wines advised most of the cities that have taken advantage of this are back east; there are very few in the west.

**** A motion was made by Councilman Elquist, seconded by Councilman Conner to support the concept of a 9/11 Memorial Statue and/or Public Display, and directing Staff to request World Trade Center steel artifacts from the Port Authority of New York and New Jersey.**

**Motion passed 4 to 1.
Councilman Johnson voted against.**

- C. Review, consideration, and possible authorization to enter into a license agreement with Elko Heat Company, and matters related thereto. **ACTION ITEM**

Elko Heat Company has been in the business of providing geothermal heat to certain facilities within the City of Elko since at least 1983, and has had a non-exclusive franchise with the City of Elko since 1983. Recently Elko Heat Company expressed they no longer desire to have a franchise with the City of Elko; however, Elko Heat Company will need to have a license agreement for use of the public roads. DS

Mayor Franzoia questioned why Elko Heat would want to change from a non-exclusive franchise to a license agreement.

City Attorney Goicoechea advised the previous agreement is more of a lease than a franchise as it relates to a public roadway; there could be issues with the existing law. He changed it to a license agreement with a change of wording so the City has more authority if they every need to terminate it. Both City Staff and Elko Heat have reviewed the document and are in agreement.

Councilman Johnson questioned if Elko Heat was paying a franchise fee to the City of Elko currently; would this new agreement make it so they would not pay a franchise fee.

Assistant City Manager Andreozzi verified they do currently pay a franchise fee; there will still be a 2% fee associated with the new agreement.

**** A motion was made by Councilman Johnson, seconded by Councilman Conner to enter into a license agreement with Elko Heat Company.**

Motion passed unanimously.

- D. Review, consideration, and possible action to direct Staff to initiate an amendment to Section 8-2-4 of the Elko City Code, entitled "Asphalt Pavement Repair", and matters related thereto. **ACTION ITEM**

Staff is recommending an amendment to Section 8-2-4 of the City Code as it pertains to the patching of cut permits. The current code only allows for the City to provide the asphalt patch back; Staff would like to amend this to state that the

permittee may also complete the work by hiring a properly licensed contractor only after receiving City approval. DS

Public Works Director Strickland advised this is a better way and simply a housekeeping issue.

Mayor Franzoia requested verification Staff would inspect it on completion to verify it was up to standard.

Mr. Johnson verified that was correct.

**** A motion was made by Councilman Conner, seconded by Councilman Johnson directing Staff to initiate an amendment to Section 8-2-4 of the Elko City Code, entitled "Asphalt Pavement Repair".**

Motion passed unanimously.

- E. Review, consideration, and possible acceptance of a Roadway Dedication, and matters related thereto. **ACTION ITEM**

In June of 2009 Staff had a survey conducted at the Solid Waste Facility to depict boundaries and some elevations necessary for the continued build out of the facility. This survey brought to light an issue regarding the northerly property boundary; the issue being the landfill has encroached into an access and utility easement adjacent to our property. Since that time, Staff has been working with the City Attorney, Elko County Planning and Zoning and the adjacent property owners to acquire an additional thirty feet of property to place the access and utility easement. DS

City Attorney Goicoechea requested this item be tabled. This issue involves four properties we are still in discussion with and the roadway dedication needs to be researched.

A motion was made by Councilman Johnson, seconded by Councilman Conner to table this item.

Motion passed unanimously.

- F. Review, consideration, and possible approval of Map of Reversion to Acreage No. 1-10 filed by Gary Higgins for the purpose of reverting to acreage Lots 9 through 12, of Block 88, of the First Addition to the City of Elko, recorded Jan., 8, 1908 as File No. 5, located generally on the southeast corner of Ash and 4th Streets, and matters related thereto. **ACTION ITEM**

Mayor Franzoia questioned why if it was already improved property why is it being called acreage.

City Planner Wynes advised Staff would prefer to call it a merger; the surveyor does not acknowledge you can do this without going through the reversion to acreage.

Development Manager Wilkinson advised there is specific language with the merger City Staff and the professional land surveyor the supplied the map do not agree on. With a merger the language says “you shall re-subdivide property using the appropriate map”; it was a different map. They interpret that language to mean that you have to re-subdivide that property. They consulted with the Reno office and the Reno office believed you used the merger. Our Civil Engineer has spoken with both Reno and Las Vegas on this issue; Reno prefers the reversion to acreage because it is less cumbersome; Las Vegas uses the merger; both processes can be used. We have a professional surveyor that disagrees with Staff and we are trying to work through this issue with them.

Mayor Franzoia questioned which process is the easier.

Mr. Wilkinson advised the merger of lots is done administratively so that is easier; it doesn't have to go before the Council; through a parcel map process you take two lots and merge them into one. A parcel map is four or fewer lots; it doesn't say you can't have one in that process. That is where we have had some discussion over the language. Mr. Wilkinson noted acreage is not defined in the NRS so there has been discussion along those lines too.

**** A motion was made by Councilman Elquist, seconded by Councilman Conner to approve a Map of Reversion to Acreage No. 1-10 filed by Gary Higgins for the purpose of reverting to acreage Lots 9 through 12, of Block 88, of the First Addition to the City of Elko, recorded Jan., 8, 1908 as File No. 5, located generally on the southeast corner of Ash and 4th Streets.**

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.

Fernando Vargas with representatives of the Elko Boys and Girls Club presented the Council with a thank you card for approving their concept request for a site location in the city park.

John Carpenter spoke of his concerns regarding the Armory in Elko and the Fire Science Academy. Mr. Carpenter provided background information related to the Armory and indicated \$8.0 million was appropriated from the National Guard's budget to construct the Armory in Elko. The governor became involved in the situation and brought up the idea the National Guard should co-locate with the Fire Science Academy. Mr. Carpenter advised he questioned what the plan was for Carlin if they did acquire that site; no one ever came up with a plan as to what was going to happen. Mr. Carpenter advised at the end of the last legislative session he went to the Ways and Means Committee and Senate Finance and asked them to put the \$8.0 million in the Interim Finance; they could make the decision where the money would go to because everything was in such a flux.

Mr. Carpenter continued and noted the presentation given at tonight's meeting still shows there is no definite plan. He has not seen an adjustment in the National Guard's budget where they can use that money to construct facilities in Carlin. If there is a plan and the money has been appropriated by the guard to go to Carlin let's see it. Mr. Carpenter noted if the Interim Finance Committee votes to give that money to the university and the university sells that piece of land to the guard there is a concern; the citizens of Elko and the county purchased that land and gave it to the university with the idea that it would only be used for learning and possibly other things. Mr. Carpenter believed we might lose the Armory and we might also lose the Fire Science Academy because there is no plan of what they can or will do with it.

Mr. Carpenter stated he was going to contact the Interim Finance Committee to see what they have; if it is nothing more than presented tonight we need to keep that money in the Interim Finance Committee in case this thing blows up; we can then go to the guard and say the money needs to be given back for construction of the Armory in Elko.

Mr. Carpenter understood there is another committee that is going to try to get federal funds to help with the operation of the Fire Science Academy. Every other fire academy in the country is financed in a large part by the federal government; especially Texas A&M.

Mr. Carpenter stated we need to be cognizant of what is happening; we could lose the money that was appropriated for Elko. This has all happened very fast, the Regents just approved it and all they care about is getting some money out of it to reduce the debt and they wash their hands of the Fire Science Academy. There is no blueprint, there is no money appropriated by Congress for the guard for this Carlin Readiness Center. There has been in the National Guard budget to construct the Armory in Elko along with the federal and state money.

Glen Guttry agreed with Mr. Carpenter

Councilman Elquist believed the city needs to consider coming out with strong opinion related to the Fire Science Academy if they don't have something sustainable.

Mayor Franzoia advised they need the federal money primarily to pay the debt instead of having it on the students' backs. The facility is making money; it is not making enough to cover the debt.

Councilman Elquist did not believe the facility was making money.

Mayor Franzoia stated it has been proven but it isn't enough to cover the debt.

Councilman Elquist did not believe the Fire Science Academy had a sustainable model without federal assistance. We are at risk of losing the Armory in our community plus all the tourism. This is a complex issue and there are two sides to the argument; we need to get off the fence.

Mayor Franzoia advised regardless of what they do they are still going to have mortgages to pay.

Councilman Johnson questioned if the city should consider making this an agenda item in the near future for discussion.

Councilman Elquist believed with this latest decision by the Regents to clear that land for sale and go against the original intent of educational purposes; we should look at the consequences to the City of Elko and what is in our best interest.

Mr. Carpenter stated if guard wants to locate out there they should get federal money to buy that site; that would make sense.

- A. Second reading, public hearing and possible adoption of Ordinance No. 712, an Ordinance amending Title 8, Chapter 11, Section 2 of the Elko City Code entitled “Public Events” amending “Glass Containers”, and amending Title 8, Chapter 11, Section 7 entitled “Fees and charges for Park and Park Equipment Use” amending the fee structure and to provide other matters appropriately related thereto.

ACTION ITEM

City Council conducted first reading of this Ordinance at their meeting of April 13, 2010 and directed Staff to set the matter for second reading, public hearing, and possible adoption. SO

Mayor Franzoia called for public comment; there was none.

**** A motion was made by Councilman Elquist, seconded by Councilman Johnson to adopt Ordinance No. 712, an Ordinance amending Title 8, Chapter 11, Section 2 of the Elko City Code entitled “Public Events” amending “Glass Containers”, and amending Title 8, Chapter 11, Section 7 entitled “Fees and charges for Park and Park Equipment Use” amending the fee structure.**

Motion passed unanimously.

IV. RESOLUTIONS AND ORDINANCES

- A. Review, consideration, and possible approval of Resolution No. 12-10, a resolution of intent, proposing the issuance of, and authorizing the publication of notices relating to General Obligation (Limited Tax) Street Bonds (Additionally Secured by Pledged Revenues) for the purpose of financing the cost of acquiring, constructing, improving and equipping street projects; providing the manner, form and contents of the notices thereof; providing other matters properly related thereto; and providing the effective date hereof, and other matters related thereto.

ACTION ITEM

The Debt Management Commission, at their meeting held April 12, 2010, approved Resolution No. DMC 3-2010 authorizing the City of Elko to proceed with the issuance of the City’s General Obligation (Limited Tax) Street Bonds (Additionally Secured by Pledged Revenues) in the maximum amount of

\$10,500,000. This resolution is the next step in the bonding process and authorizes the City to make the proper publications in the local paper. DS

Assistant City Manager Andreozzi advised this requires a 2/3 majority of the City Council.

Councilman Johnson understood the city is allocating the property tax and gas tax funds for the bond payments. When it was presented to Council we had different options to go; he liked the cleanest option to get to where we need to be because the citizens of Elko are relying on us to make the best decision.

Councilman Johnson sited various sections of the resolution and indicated a valid point was raised that their intent, as Council, is to allocate gas tax and property tax to pay the bond and it should be discussed if the description is adequately portraying the actions of City Council.

Mayor Franzoia attempted to clarify the issue.

Councilman Johnson was concerned if we are following the right procedure in the dollars he understood to be allocated toward the bond payment.

Assistant City Manager Andreozzi understood we were taking action to pledge the "C" tax dollars to make the payment knowing the other monies would back it up.

Mayor Franzoia recommended the item be tabled until the appropriate staff was present to answer questions.

**** A motion was made by Councilman Johnson, seconded by Councilman Conner to table this item.**

Motion passed unanimously.

V. PETITIONS, APPEALS AND COMMUNICATIONS

- A. The ratification of the Chief of Police issuing a 30-day temporary retail beer and wine liquor license and issuing a regular retail beer and wine liquor license to Abe Croney, dba Kubuki Sushi located at 2525 Mountain City Hwy, Suite 107, Elko, NV 89801, and matters related thereto. **ACTION ITEM**

Police Chief Zumwalt advised there were no issues or concerns and recommended approval.

**** A motion was made by Councilman Conner, seconded by Councilman Elquist to ratify issuing a 30-day temporary retail beer and wine liquor license and authorize issuing a regular retail beer and wine liquor license to Abe Croney, dba Kubuki Sushi located at 2525 Mountain City Hwy, Suite 107, Elko, NV 89801.**

Motion passed unanimously.

I. APPROPRIATIONS

- B. Review and possible approval of Warrants. **ACTION ITEM**

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

Motion passed unanimously.

VII. REPORTS

A. Mayor and City Council

Councilman Elquist

1. Thanked Staff for all their efforts with Take Pride in your Community Day.
2. Would like to continue discussions related to vision setting and outcome based budget.

Councilman Johnson

3. Suggested topics for future discussion related to budget, operational topics and time tables:
 - a. Regional airport – serves large area and funded by city
 - i. Terminal Facility – perhaps use for alternate city function and redirect flights to old terminal.
 - ii. FAA requirements & fire fighter requirements conflict.
 - b. Greater Elko area fire department – is city getting best deal for that service?
 - c. Twelve month swimming pool – should the city consider a seasonal pool?
 - d. Municipal Court
 - i. Should we house it ourselves
 - ii. Citizen arrest – city ordinance or NRS make result in savings to city.
 - e. More police patrolmen
 - i. City merge with county sheriff
 - f. County wide animal shelter – current system with shelter and jail is not a fair trade
 - g. Fleet Maintenance
 - i. Take on more equipment, privatize or assist county
 - h. Landfill
 - i. Access road from Lamoille Hwy. should be landfill expense

B. City Manager – Absent due to attendance at Nevada Public Agency Insurance Pool Board Meetings.

C. Assistant City Manager

1. Take Pride in your Community Day highlights
 - a. Over 900 participants registered
 - b. Appreciate all the help and assistance
 - c. Prescription Drug roundup successful
 - d. Electronic recycling successful

- e. Illegal dumping on N. 5th Street- removed 170 cubic yards of waste vs. last year of 65 cubic yards.
 - f. Youth volunteers becoming aware
 - g. Adopted senior very appreciative and deserving
 - h. Corporate sponsorship exceeds \$10,000 of cash and in-kind donations
- D. Utilities Director
- 1. Sewer rate comparison update as previously instructed by council
 - a. Comparison sheet shows apartment complexes, high-use homes and low-use metered homes. Findings show there is no way to change one rate without adversely affecting someone else.
 - b. Suggested solutions include - leave city code as is.
 - 2. Pulling pump for Well #12 located on Idaho St. near Subway.
- E. Airport Director
- 1. Airport Advisory Board meeting April 30th.
- F. Police Chief
- 1. Residential Burglary update
 - 2. Attending National Law Enforcement Memorial next week
- G. City Planner
- 1. Planning Commission Meeting next week
- H. Administrative Services Director - Absent due to attendance at Nevada Public Agency Insurance Pool Board Meetings.

There being no further business, Mayor Michael J. Franzoia adjourned the meeting.

Mayor Michael J. Franzoia

Shanell Owen, City Clerk