

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

SS June 22, 2010

The City Council of the City of Elko, State of Nevada met for a regular meeting beginning at 4:00 p.m., Tuesday, June 22, 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.**

Mayor Present: Michael J. Franzoia

Council Present: Councilman Jim Conner  
Councilman Jay Elquist  
Councilman Chris Johnson arrived @ 4:05 p.m.

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  
Dawn Stout, Administrative Services Director  
Trent Moyers, Airport Director  
Fritz Sawyer, WRF Superintendent  
Scott Wilkinson, Development Manager  
Lorraine Martinez, Accounting Supervisor  
Ed Wynes, City Planner  
Jeremy Draper, Civil Engineer  
Linda Buffington, Recording Secretary

## PLEDGE OF ALLEGIANCE

## APPROVAL OF MINUTES June 8, 2010

**\*\* A motion was made by Councilman Elquist, seconded by Councilman Conner to approve the minutes of June 8, 2010 as submitted.**

**Motion passed unanimously.**

## PROCLAMATION DESIGNATING JUNE 30<sup>TH</sup> POW\*MIA ELKO AWARENESS DAY

### I. APPROPRIATIONS

- B. Consideration and possible approval of the FY 2010/2011 General Liability Insurance for the Elko Regional Airport, and matters related thereto. **ACTION ITEM**

The General Liability Insurance for the Elko Regional airport is separate from the City's Liability Insurance. On behalf of the Airport, McMullen Insurance solicited quotes. Three quotes were received. Representatives of McMullen Insurance and Staff will be prepared to review and discuss the quotes received.  
TM

John Wahrenbrock, McMullen Insurance, advised a review of the past three years of premiums for the airport were included in the packet; the coverage remains the same but there has been a slight decrease each year. Mr. Wahrenbrock noted a second bid was minimally lower from a different carrier but it was their recommendation to renew with the current carrier which is ACE-USA. They have a slightly higher financial rating than the lower bid but the main consideration is the continuation of a relationship with a carrier that has been providing the coverage for several years; if something were to happen those type of relationships could come into play where they might go the extra step because you have been a long term client. Mr. Wahrenbrock advised the price difference was approximately \$46.00.

**\*\* A motion was made by Councilman Elquist, seconded by Councilman Johnson to approve the purchase of General Liability Insurance from ACE-USA for the Elko Regional Airport in the amount of \$10,296.**

**Motion passed unanimously.**

- C. Brief presentation and possible acceptance of the FY 2010/2011 Pollution Legal Liability Program, including approval of invoice for payment, and matters related thereto. **ACTION ITEM**

The Pollution Legal Liability Program is separate from the City's Liability Insurance. As you may recall, the Nevada Public Agency Insurance Pool Program contains absolute pollution exclusion, meaning that no coverage is provided for pollution liability in that program. Our quote includes coverage for the Landfill, Water Reclamation Facility, Water Department, Swimming Pool, and Hazardous Material Response/Cleanup. CC

Your agenda packet includes an invoice of coverage offered for the following fiscal year. The City of Elko's total program costs for FY 2010/2011 are \$26,348 representing an approximate 4.3% decrease in premiums compared to the current fiscal year. CC

John Wahrenbrock, McMullen Insurance, advised a three year history was included in the packet; again the premiums are declining and coverage remains the same.

**\*\* A motion was made by Councilman Conner, seconded by Councilman Elquist to accept the renewal proposal from the Insurance POOL and approve the invoice for \$26,348 payment from FY 2010/2011 funds.**

**Motion passed unanimously.**

- D. Review, consideration, and possible approval to award a contract for the WRF Secondary Clarifier Rehabilitation Project-2010, and matters related thereto. **ACTION ITEM**

Council authorized Staff to solicit bids for this item at the April 27, 2010 meeting.

This maintenance project is part of the Fiscal Year 2010/2011 capital equipment request. \$65,000 was budgeted for this item.

Bids were opened on June 11, 2010; five bids were received. T&N Johns, Inc. submitted the lowest bid for \$35,345.00. Staff recommends awarding the bid to T&N Johns, Inc. RL

WRF Superintendent Sawyer advised bids ranged from \$91,000 down to \$35,345. In reviewing the bid tabulations there was a concern with T&N Johns low figure for the sandblasting; Staff spoke with the owner several times and the owner also spoke with the paint manufacturer to make sure he understands what he is getting involved in. Staff checked all references and they were all good.

**\*\* A motion was made by Councilman Conner, seconded by Councilman Johnson to award a contract for the WRF Secondary Clarifier Rehabilitation Project-2010 to T&N Johns in the amount of \$35,345.**

**Motion passed unanimously.**

- E. Review and possible approval of an Agreement for Professional Engineering Services for the WRF Equalization Basin Sealing Project Construction Assistance QA/QC, and matters related thereto. **ACTION ITEM**

Provided in your packet for review is an agreement with Konakis Engineering, LLC to provide professional services for the Equalization Basin Sealing Project Construction Assistance QA/QC in the amount of \$33,500. This project is part of a 2004 NDEP order to seal the basin and the approved 2009 Master Plan. This is the last project of the order. Initial studies have been done with Konakis Engineering, LLC evaluating the various options, with this option being chosen. FPS

WRF Superintendent Sawyer advised the engineering studies have been completed and approval from NDEP has been received. The pre-bid walk was held June 18<sup>th</sup> and the bid closes July 2<sup>nd</sup>. Staff would like to retain Konakis Engineering for the QA/QC portion of the project. The design part of the project came on budget and on time; Staff recommends we move forward with the QA/QC portion of the document.

Mr. Sawyer indicated the contract and scope of work to be provided for the QA/QC was included in the agenda packet.

**\*\* A motion was made by Councilman Elquist, seconded by Councilman Johnson to approve the Agreement for Professional Engineering Services for the WRF Equalization**

**Basin Sealing Project Construction Assistance QA/QC with Konakis Engineering, LLC in the amount of \$33,500.**

**Motion passed unanimously.**

## **II. UNFINISHED BUSINESS**

- A. Review, consideration, and possible approval to support the Nevada Attorney General's Office in filing a complaint of intervention on behalf of the City of Elko, and matters related thereto. **ACTION ITEM**

The Nevada Attorney General's Office is filing a complaint in intervention on behalf of the State of Nevada and also various local governments and water districts alleging Nevada Common law claims, false claims, and other statutory claims against JM Manufacturing (aka JM Eagle) and Formosa Plastics, U.S.A. The Nevada Attorney General's office will be acting on the behalf of the State of Nevada and various municipalities and water districts, and at no direct legal expense to the City of Elko.

This is a whistle blower case in which the pipe manufacturer is alleged to falsely represent the product they sell as meeting various pressure and hydrostatic test standards.

The City has purchased, or has accepted on new construction, several thousand feet of the pipe in question from this manufacturer and has a vested interest in the quality and longevity of that pipe. The most recent City purchase of this pipe was 6300' of 24" pipe in 2008. The City has purchased in excess of \$300,000.00 of this pipe in the last two years (2008-2010). RL

WRF Superintendent Sawyer stated we have 17,000 feet of this pipe at the wastewater plant and approximately 2,500 feet at the water shop. This is a huge issue nation-wide and Staff would like to move forward to protect the taxpayers. Mr. Sawyer noted the predicted life span of PVC pipe is typically fifty years; with the failures they are starting to see now, it could be ten years or less.

Mayor Franzoia questioned if this goes forward what the city gets out of it.

Mr. Sawyer advised it was unknown at the present time; this only started in February.

Mayor Franzoia questioned if this pipe was in the streets, which if failure occurred would involve extra costs i.e. asphalt and concrete.

Mr. Sawyer advised the sewer pipe is between the treatment plant and the reuse site. If the pipe failed it could go to the river and cause issues.

Councilman Elquist requested verification we run well under the rating of the pressure; or is the issue different than the pressure rating.

Mr. Sawyer indicated it is a combination of everything. One issue is when they changed the resin they didn't get recertification for the new resin mix; another issue is when they changed the resin

then they didn't get it recertified when they pushed it through their tooling machines, the third issue is they started over producing the pipe beyond the recommended manufacturing rates for their machines.

Mr. Sawyer advised Staff recommends joining with the State of Nevada.

Mayor Franzoia questioned Staff's plan for unanticipated breakage; are you going to start budgeting reserves.

Mr. Sawyer was unable to provide an answer at this time but acknowledged something would need to be done.

Mayor Franzoia referred to the breakages and questioned how long the pipe had been in the ground.

Mr. Sawyer stated the earliest was 1998; the latest 2008.

**\*\* A motion was made by Councilman Elquist, seconded by Councilman Johnson to approve supporting the Nevada Attorney General's Office in filing a complaint of intervention and other claims, on behalf of the City of Elko.**

**Motion passed unanimously.**

- B. Review consideration, and possible action to uphold or overturn the Planning Commission's action to deny Annexation No. 2-09, filed by Charles B. Evans, T.A. Claridge Trust, and Claridge Family Decedent's Trust, to annex territory to the City of Elko involving approximately 101 acres of property, and matters related thereto. **ACTION ITEM**

At the April 28, 2009 regular meeting, the City Council accepted a petition for this subject request and directed Staff to proceed with the annexation process by referring this matter to the Planning Commission.

During the meeting held on June 2, 2009, the Planning Commission tabled this item to provide an opportunity for the applicant to work with City Staff to resolve certain concerns surrounding the proposed annexation. The Planning Commission subsequently took action to forward a recommendation to deny this request to the City Council at the regular scheduled Planning Commission meeting held on June 1, 2010. DA

Assistant City Manager Andreozzi advised the annexation request went through the process with the Planning Commission. As Staff worked through that process, concerns were raised that we were prepared to work on with the Planning Commission with possible conditional approval or possibly a denial; at that time it was premature to know for sure. The applicant and Planning Commission asked if we could work together to resolve some of the concerns; essentially one year went by and there was no additional contact by the applicant so Staff felt it was prudent to take the matter back before the Planning Commission to clear our docket. The Planning Commission forwarded a recommendation of denial to the City Council.

Mr. Andreozzi noted a later agenda item is the first reading of an ordinance for the possible annexation of this property. Staff was advised by legal counsel to have this matter before the Council for a determination of whether to uphold the Planning Commission's decision or deny it. If the Council upholds the decision we will take no action on the first reading.

Councilman Elquist believed the applicant was just trying feeling things out; was that Staff's impression?

Mr. Andreozzi commented there seems to be a lack of interest at this point but initially there was.

Mayor Franzoia expressed support of upholding the decision.

Mr. Andreozzi noted if the Council upholds the Planning Commission's decision this could be considered for annexation again after twelve months.

Mayor Franzoia questioned if there was anything in the ordinance that says when someone annexes property into the city they have to have a plan of development for us to consider because of the potential costs the city would be liable for.

Mr. Andreozzi advised it depends on what zoning they come in under.

Development Manager Wilkinson noted under NRS we are required to look at certain factors and potential cost to the city in order to provide city services to an area; you have to have an idea of how things are going to develop to get to that point.

**\*\* A motion was made by Councilman Conner, seconded by Councilman Elquist to uphold the Planning Commission's action to deny Annexation No. 2-09, filed by Charles B. Evans, T.A. Claridge Trust, and Claridge Family Decedent's Trust, to annex territory to the City of Elko involving approximately 101 acres of property.**

**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 and possible approval of a request by the Amtgard Local Chapter, Desert Rose, to camp in the Main City Park during Art in the Park, July 9-10, 2010, and matters related thereto. **ACTION ITEM**

Art in the Park is going to be held on July 10 & 11, 2010. Amtgard Local Chapter, Desert Rose, has requested to camp in the Main City Park on July

9 & 10, 2010. As vendors, they are covered under the Art in the Park insurance policy. Additionally, they will be assisting with security for the event. SO

**\*\* A motion was made by Councilman Elquist, seconded by Councilman Conner to approve a request by the Amtgard Local Chapter, Desert Rose, to camp in the Main City Park during Art in the Park, July 9-10, 2010.**

**Motion passed unanimously.**

- B. Review, consideration, and possible approval of Map of Reversion to Acreage No. 2-10 filed by Greg and Gina Kronenberg for the purpose of reverting to acreage Lots 13 & 14 of The Point at Ruby View LLC, Phase 1, recorded September 5, 2007, as File No. 580788, located generally south of Khoury Lane and approximately 500' east of Quaid Court, and matters related thereto. **ACTION ITEM**

Mayor Franzoia believed this is a lot line adjustment, not a reversion to acreage, and doesn't need to come before the Council.

City Planner Wynes advised, in discussions with the surveyor, the reason they do it this way is that it is cheaper than going through the lot line adjustment.

Development Manager Wilkinson indicated the basic issue here is the engineering company believes you need to go through this process to merge lots; other engineering companies believe you can do a merger. There is a slightly different interpretation of the NRS; going forward we need to get a legal opinion and probably amend the ordinances that say if you are going to merge lots this is the map you will use rather than reversion to acreage and that is what we will accept as city; that could be processed administratively.

Bob Thibault, Summit Engineering, indicated as they interpret the NRS this is the only way to do it and it is less costly to the applicant.

Mr. Wilkinson agreed it is all interpretation. You have to re-subdivide using the appropriate map per NRS; but you can use a parcel map for four or fewer. A parcel map doesn't preclude the recordation of one parcel; so in Staff's opinion you can take two and create one with a parcel map. That is what we need the legal opinion on; if you can do that. If you are re-subdividing as a subdivision you have to use a final subdivision map. Staff believes the NRS intent is if you are ending up with more than five you have to use a subdivision map; if it is four or fewer it can be a parcel map, but parcel maps can create one parcel. Staff believes it is appropriate to go either way depending on which engineering firm submits.

Mayor Franzoia again expressed concern why this matter would even come before the Council.

Mr. Thibault indicated this was before the Council due to the fact the lots were originally created by a subdivision map that the City Council did sign. The requirement for a map of reversion is that it goes back to the same people that signed the original map that created the lots.

Councilman Elquist believed this time of matter should go before the Planning Commission; if you took it to the extreme you could end up with a rural type development in your city which does have impacts.

**\*\* A motion was made by Councilman Conner, seconded by Councilman Elquist to approve a Map of Reversion to Acreage No. 2-10 filed by Greg and Gina Kronenberg for the purpose of reverting to acreage Lots 13 & 14 of The Point at Ruby View LLC, Phase 1, recorded September 5, 2007, as File No. 580788, located generally south of Khoury Lane and approximately 500' east of Quaid Court.**

**Motion passed unanimously.**

- C. Review, consideration, and possible action to reappoint Planning Commission member Richard Perry to an additional four-year term to expire July 2014, and matters related thereto. **ACTION ITEM**

Richard Perry's term expires July 2010. Pursuant to City Code, Planning Commission members may be reappointed for additional terms. Mr. Perry has indicated an interest to continue serving on the Planning Commission. EW

**\*\* A motion was made by Mayor Franzoia, seconded by Councilman Elquist to reappoint Planning Commission member Richard Perry to an additional four-year term to expire July 2014.**

**Motion passed unanimously.**

- D. Review and possible approval of an Agreement with the United States of America for the Transportation Security Administration (TSA) to lease approximately 133 square feet in the new terminal at the Elko Regional Airport, and matters related thereto. **ACTION ITEM**

The Federal Government's (TSA) is requesting to continue their lease of approximately 133 square feet located in the new terminal. The terms of this lease will be for a period of five (5) years and will include all utilities and janitorial services. Rent for this facility and services will be \$3.60 per square foot per month (\$5,745.60 annually) for a period of five (5) years. There will be no CPI adjustment or escalation in this lease, as the Government is requiring that the lease rate remain constant over the five (5) year period. Therefore, the CPI adjustment was estimated for the five (5) year period and has been included in the lease rates. SO

Mayor Franzoia questioned the CPI rate.

Airport Director Moyers advised it was 25% over five years.

Mr. Moyers indicated GSA, representing TSA, requested a new lease rather than an amendment to the current one. The lease has been reviewed by legal counsel.

**\*\* A motion was made by Councilman Elquist seconded by Councilman Johnson to approve an Agreement with the United States of America for the Transportation Security**

**Administration (TSA) to lease approximately 133 square feet in the new terminal at the Elko Regional Airport.**

**Motion passed unanimously.**

- E. Review and possible approval of an Agreement with the United States of America for the Transportation Security Administration (TSA) to lease approximately 1407 square feet in the old terminal at the Elko Regional Airport, and matters related thereto. **ACTION ITEM**

The Federal Government's (TSA) is requesting to continue their lease of approximately 1407 square feet located in the old terminal. The terms of this lease will be for a period of five (5) years and will include all utilities and janitorial services. Rent for this facility and services will be \$4.65 per square foot per month (\$78,510.60 annually) for a period of five (5) years. There will be no CPI adjustment or escalation in this lease, as the Government is requiring that the lease rate remain constant over the five (5) year period. Therefore, the CPI adjustment was estimated for the five (5) year period and has been included in the lease rates. SO

Airport Director Moyers advised this is similar to the previous item; the differences being the square footage and rate. The rate is higher due to the fact it is more area for City Staff to maintain.

Councilman Elquist questioned if the utilities were included in the lease.

Mr. Moyers indicated they were.

Mayor Franzoia questioned why you would agree to electrical consumption.

Councilman Elquist believed it was due to fact there was only one meter.

Mayor Franzoia recommended over the next five years Staff work into the budget installation of another meter.

**\*\* A motion was made by Councilman Elquist, seconded by Councilman Conner to approve the Agreement with the United States of America for the Transportation Security Administration (TSA) to lease approximately 1407 square feet in the old terminal at the Elko Regional Airport.**

**Motion passed unanimously.**

- F. Review, consideration, and possible direction to Staff to initiate the Business Impact Statement process to add Storm Water Management Utility Fees to the Elko City Code and Fee Resolutions, and matters related thereto. **ACTION ITEM**

Pursuant to Council action during the budget hearings, Staff is requesting Council direction to start the Business Impact Statement process to add to the Elko City Code the necessary language to implement Storm Water Management Utility fees

to help pay for the requirements associated with the Storm Water Management mandates of the State of Nevada. The Business Impact Statement process and City Code changes will be done concurrently to expedite the process. DS

Administrative Services Director Stout advised this will structured much like the street lighting fee; it will be based on the sewer fixture units. However, there will be a \$1.00 minimum.

**\*\* A motion was made by Councilman Elquist, seconded by Councilman Conner directing Staff to initiate the Business Impact Statement process to add Storm Water Management Utility Fees to the Elko City Code and Fee Resolutions.**

**Motion passed unanimously.**

- G. Review of letters of interest and possible reappointments of Mike Creek, Ginna Reyes, and Elizabeth Better to the Elko Regional Airport Advisory Board, and matters related thereto. **ACTION ITEM**

The terms of Mike Creek, Ginna Reyes, and Elizabeth Better will be expiring on July 1, 2010. They have each submitted a letter of interest to continue serving on the Airport Advisory Board for another two years. Their letters of interest have been enclosed in the agenda packet for review. TM

**\*\* A motion was made by Mayor Franzoia, seconded by Councilman Conner to reappointment of Mike Creek, Ginna Reyes, and Elizabeth Better to the Elko Regional Airport Advisory Board.**

**Motion passed unanimously.**

#### **IV. RESOLUTIONS AND ORDINANCES**

- A. Review, consideration, and possible approval of Resolution #17-10 authorizing budget transfers for Fiscal Year 2009/2010 for various funds of the City, and matters related thereto. **ACTION ITEM**  
This is the annual year-end housekeeping item to transfer funds between functions and funds as required to fund all budgetary changes that occurred during the fiscal year. DS

Administrative Services Director Stout advised there is significantly less transfers this year due to everyone cutting back in their budgets.

**\*\* A motion was made by Councilman Conner, seconded by Councilman Elquist to approve Resolution #17-10 authorizing budget transfers for Fiscal Year 2009/2010 for various funds of the City.**

**Motion passed unanimously.**

- B. Review and possible approval of Resolution #18-10 authorizing augmentation of the 2009/2010 Fiscal Year Budget of the Youth Recreation Fund increasing appropriations to \$209,384 to account for \$42,000 in unanticipated revenues, pursuant to NRS 354.615, and matters related thereto. **ACTION ITEM**

The youth recreation fund received \$42,000 in additional revenues from the new special City adult league programs implemented during the fiscal year. This revenue was not budgeted and was unanticipated during the budgeting process. In order to pay for the expenses associated with this revenue it is necessary to augment the budget. DS

**\*\* A motion was made by Councilman Conner, seconded by Councilman Elquist to approve Resolution #18-10 authorizing augmentation of the 2009/2010 Fiscal Year Budget of the Youth Recreation Fund increasing appropriations to \$209,384 to account for \$42,000 in unanticipated revenues, pursuant to NRS 354.615.**

**Motion passed unanimously.**

- C. Review and possible approval of Resolution #19-10 authorizing augmentation of the 2009/2010 Fiscal Year Budget of the Facility Reserve Fund increasing appropriations to \$65,405 to account for \$7,007 in additional beginning fund balance, pursuant to NRS 354.615, and matters related thereto. **ACTION ITEM**

The facility reserve fund had a larger than anticipated beginning fund balance. This was not budgeted and was unanticipated during the budgeting process. In order to pay for additional expenses associated with the Animal Shelter Spay/Neuter clinic, it is necessary to augment the budget. DS

Administrative Services Director Stout advised the Facility Fund does not have a regular dedicated revenue source; we've been working on reserves in the fund. We had some additional expenses associated with the animal shelter; Staff needed to come up with a way to cover those costs and the beginning fund balance was the only way to do that and not have an over-expenditure in this fund.

**\*\* A motion was made by Councilman Elquist, seconded by Councilman Conner to approve Resolution #19-10 authorizing augmentation of the 2009/2010 Fiscal Year Budget of the Facility Reserve Fund increasing appropriations to \$65,405 to account for \$7,007 in additional beginning fund balance, pursuant to NRS 354.615.**

**Motion passed unanimously.**

- D. First reading of Ordinance #714, an Ordinance adding Title 9, Chapter 1, and Section 55 to the Elko City Code entitled "Right-of-way Toll" imposing a right-of-way toll on the Elko Municipal Water Utility, and matters related thereto. **ACTION ITEM**

During the budget workshops, Staff was directed to bring back language imposing a 2.5% right-of-way toll on the Municipal Water Utility. Ordinance #714 adds the appropriate language to the Elko City Code to facilitate the toll. DS

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

**Motion passed unanimously.**

- E. First reading of Ordinance #715, an Ordinance adding Title 9, Chapter 5, Section 36 to the Elko City Code entitled “Right-of-way Toll” imposing a right-of-way toll on the Elko Municipal Sewer Utility, and other matters appropriately related thereto. **ACTION ITEM**

During the budget workshops, Staff was directed to bring back language imposing a 2.5% right-of-way toll on the Municipal Sewer Utility. Ordinance #715 adds the appropriate language to the Elko City Code to facilitate the toll. DS

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

**Motion passed unanimously.**

- F. First reading of Ordinance #717, an Ordinance expanding the corporate boundaries of the City of Elko by annexing approximately 101.02 acres of property located generally on the west and east sides of Sundance Drive adjacent to Sundance Estates, south of Mountain City Highway, filed by Charles B. Evans, T.A. Claridge Trust and the Claridge Family Decedent’s Trust and processed as Annexation No. 2-09, and to possibly direct Staff to set the matter for public hearing, second reading and possible adoption, and matters related thereto. **ACTION ITEM**

The petition for annexation was accepted by Council on April 28, 2009, and Council referred the matter to the Planning Commission. The Planning Commission considered this item at their regular meeting of June 2, 2009, and took action to table the item to allow the applicant time to work out issues pertaining to the annexation with Staff. The Planning Commission considered this item again at their regular meeting of June 1, 2010, and took action to forward a recommendation of denial to the Council. Staff also recommends denial. EW

No action was taken on this item as the recommendation to forward this matter for first reading and possible adoption has been denied under a previous agenda item.

- G. First Reading of Ordinance #718, an Ordinance amending Title 3, Chapter 2, Section 17 of the Elko City Code entitled “Traffic, Access, Parking and Loading Regulations” amending the procedure for public access to City of Elko Right-of-Way or Easements, clarifying the requirement fro civil improvement plan submittal and approval by the City of Elko, and other matters appropriately related thereto. **ACTION ITEM**

Civil improvements are required with the division of property within the City. The amendment is being proposed to clarify the extent of civil improvements required for development of lots of record where civil improvements are required to address issues such as vehicular access, movement and safety, pedestrian safety, and storm water management may be missing. SW

Development Manager Wilkinson advised this was a housekeeping issue.

**\*\* A motion was made by Councilman Johnson, seconded by Councilman Elquist to set for Second Reading, Public Hearing and possible adoption Ordinance #718, an Ordinance amending Title 3, Chapter 2, Section 17 of the Elko City Code entitled “Traffic, Access, Parking and Loading Regulations” amending the procedure for public access to City of Elko Right-of-Way or Easements, clarifying the requirement for civil improvement plan submittal and approval by the City of Elko.**

**Motion passed unanimously.**

## **I. APPROPRIATIONS**

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

Councilman Elquist requested clarification on the light fixtures.

Administrative Services Director Stout advised the Facilities Department was previously approved to purchase energy efficient LED lights in the street lighting fixtures.

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

**Motion passed unanimously.**

## **VI. REPORTS**

- A. Mayor and City Council
  - 1. Councilman Conner- Extended invitation to Basque Festival July 4<sup>th</sup> parade on Saturday July 3<sup>rd</sup> @ 11:00 a.m.
  - 2. Councilman Elquist – Impressed with Public Safety Department during Motorcycle Jamboree
- B. Assistant City Manager
  - 1. Southside Tennis Court Project Update
    - a. Minor concrete issues
    - b. Opened up for public use – no conflict between contractor and public
    - c. Final Acceptance anticipated soon
    - d. CDBG toured project
  - 2. Special Council Meeting Monday, June 28<sup>th</sup> @ 5:15 p.m.
- C. Fire Chief
  - 1. Hazardous material spill update
- D. Police Chief
  - 1. Meth lab located on Hot Springs Road-DEA on scene
  - 2. Motorcycle Jamboree brief review
    - a. Friday noon to Sunday noon - 10 law enforcement agencies involved
    - b. 2,500 man hours of law enforcement for 48 hour event
    - c. \$25,000 in overtime – Elko Police Department only
    - d. 220 hours for Elko Fire Department
    - e. \$9,000 in overtime- Elko Fire Department
    - f. Estimated overtime cost other agencies - \$40,000

- g. Removed 11 bartenders for serving to minors on Friday
  - h. Removed 4 bartenders on Saturday
  - i. Closed 1 bar outside and in- 4 known violations
  - j. Closed another outside bar
  - k. Closed Jamboree vendor bar for a second violation
  - l. 51 arrests Friday, including 7 minor in possession
  - m. 41 on Saturday, including 14 minor in possession
  - n. 23% of arrests were for minor in possession
  - o. Arrests included; Dui's, domestic violence etc.
  - p. 1 officer injury
- E. City Clerk
- 1. CDBG Project & Records Audit very successful
    - a. Grand Opening after Final Acceptance
- F. City Planner
- 1. Planning Commission Meeting July 6th
- G. Administrative Services Director
- 1. Sno Bowl donation to match Elko County
  - 2. Re-appointed to PEBS Board until June 2014
- H. Civil Engineer
- 1. Silver Street update
    - a. Shutdown for Motorcycle Jamboree with no issues
    - b. Lowering manholes today
    - c. Getting ready to do milling and come right back with paving
    - d. 3 Change orders approved to date
      - i. Approx. \$1,000 to excavate water valve under sidewalk
      - ii. \$1,200 to change speed limit down to 20 mph
      - iii. Net change of \$460.00 for additional quantities missed on initial bid tab
      - iv. \$2,800 total to date in change orders
      - v. Pending change order for ADA issues with driveways estimated @ over \$73,000. Matter will be brought before Council at next meeting.
        - 1. To stay on schedule it will require additional change order estimated @\$12,000 to approve contractor to do work

Councilman Conner questioned the cost for lowering the speed limit.

Civil Engineer Draper indicated during the initial review of the traffic control Staff didn't ask for the speed limit to be reduced; if the contractor had come to us and asked to reduce the speed limit it would have been their cost.

Mayor Franzoia questioned why the speed limit had to be reduced to 20 mph.

Mr. Draper stated it was for public safety.

Assistant City Manager Andreozzi advised it is nice to have some flexibility in terms of change orders that we can do administratively; the frequency of council meetings, when a project is ongoing, makes it difficult to bring the change orders before the council. In a lot of the contracts we have there is language that allows the City of Elko to provide materials or services etc. which keeps costs down and doesn't require change orders. This particular contract has language that prohibits the City of Elko from participating at that level. The contractor, at this point, has not been willing to sign a release allowing the City of Elko to participate in any way.

Mayor Franzoia requested verification Staff would have answers to all the questions related to the change orders at the next meeting.

Mr. Draper verified they would; Chilton Engineering will be present also to answer questions.

Mayor Franzoia called for a brief recess at 5:47 p.m.

Mayor Franzoia called the meeting back to order at 6:05 p.m.

**V. 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.

No public comments were made.

**ADJOURNMENT**

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

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Mayor Michael J. Franzoia

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Shanell Owen, City Clerk