

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

**SS** April 28, 2009

The City Council of the City of Elko, State of Nevada met for a regular meeting beginning at 4:00 p.m., Tuesday, April 28, 2009.

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

## **ROLL CALL**

Mayor Present: Michael J. Franzoia

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

City Staff Present: Curtis Calder, City Manager  
Delmo Andreozzi, Assistant City Manager  
Ryan Limberg, Utilities Director  
Alan Kightlinger, Fire Chief  
Don Zumwalt, Police Chief  
Dawn Stout, Administrative Services Director  
Eric Howes, Parks & Recreation Director  
Ryan Limberg, Utilities Director  
Dennis Strickland, Public Works Director  
Trent Moyer, Airport Director  
Scott Wilkinson, Development Manager  
Jim Echanis, Human Resources Manager  
Nikki Moore, Swimming Pool Manager  
Mike Hecht, Fire Marshal  
Ed Wynes, City Planner  
Lorraine Martinez, Accounting Supervisor  
Debbie Henseler, Business License Technician  
Linda Buffington, Recording Secretary

## **PLEDGE OF ALLEGIANCE**

## **APPROVAL OF MINUTES April 14, 2009 Special Budget Session**

**\*\* A motion was made by Councilman Elquist, seconded by Councilman Rice to approve the minutes of April 14, 2009 Special Budget Session as submitted.**

**Motion passed unanimously.**

**PRESENTATION OF SERVICE PLAQUE TO JIM ECHANIS, HUMAN RESOURCES MANAGER.**

Mayor Franzoia made the presentation and thanked Mr. Echanis for his time of service with the City of Elko.

Human Resources Manager Echanis expressed his appreciation to the City Council and Staff for the opportunity of working with them.

**PRESENTATION BY DENNIS STRICKLAND, PUBLIC WORKS DIRECTOR, ENTITLED “PUBLIC WORKS, THE YEAR IN REVIEW.”**

See Exhibit ‘A’.

**I. PERSONNEL**

- A. Review for consideration and approval the reclassification of the Deputy Fire Chief position to Deputy Fire Chief/Fire ; and to reclassify the Fire position to Deputy Fire and establish the respective pay grades for each position classification; to endorse the promotional appointment of Michael Hecht to the position of Deputy Fire Chief/Fire at Management Grade 32 step 6, effective May 15, 2009, and matters related thereto. **ACTION ITEM**

In August of 2008, the Fire Department experienced 6 retirements including the Deputy Chief’s position. The Chief was brought back from near retirement for up to 2 years to develop a transition plan. The Deputy Chief position has gone unfilled until now for salary savings purposes and to develop a reorganization plan. AK

Fire Chief Kightlinger advised Staff was present to request the position reclassifications and the appointment of Mike Hecht to the Deputy Fire Chief/Fire 1 position.

Human Resources Manager Echanis advised based on a survey conducted to determine what duties were commiserate with the positions as well as the salary range to be attached to each position for compensation, Staff intends to keep the position of Deputy Fire Chief/Fire 1 at its current rate; Grade 32 in the Management Schedule. The job description for the new position of Deputy Fire 1 was put together and sent to the consultant performing our classification compensation update with the request he suggest a placement of the position into a grade and range in the Management Schedule. The consultant’s response back to us was to include the position in a range from 17 to 23. In looking at the position duties Staff believed it was appropriate to be placed at Grade 23 of the Management Schedule. With both of these placements and the approval of Mike Hecht as the new Deputy Fire Chief/Fire position there will be salary savings; the former Deputy Chief was topped out, and the reclassification and creation of the Deputy Fire 1 position will save substantial salary monies as compared to the Fire 1 position.

Councilman Conner questioned when Staff planned on filling the Deputy Fire Chief/Fire 1 position.

Mr. Kightlinger indicated if the request was approved tonight he hoped to fill the position by the end of the week.

Councilman Elquist questioned why Staff decided on Grade 23 for the position of Deputy Fire I when a range of 17 to 23 was indicated.

Mr. Kightlinger advised they decided on 23 for a number of reasons; it is a scale for recruitment and retention and also fits in the City's plan with similar department type heads.

Councilman Elquist believed Staff did a good job of using three positions to get some cross functionality; it seems like it has good succession planning.

**\*\* A motion was made by Mayor Franzoia, seconded by Councilman Conner to approve the reorganization concept and also approve the new Deputy Fire Chief/Fire I and Deputy Fire I job descriptions; to approve salary grade ranges of Deputy Fire Chief/Fire I at grade 32 and Deputy Fire I at Grade 23; and also endorse the promotion appointment of Mike Hecht to the position of Deputy Fire Chief/Fire I at Grade 32 Step 6 effective date of May 15, 2009.**

**Motion passed unanimously.**

## **II. APPROPRIATIONS**

- B. Review, consideration, and possible approval to solicit bids for the rehabilitation two tennis courts, and two basketball courts at the Southside Park through Community Development Block Grant (CDBG) funding, and matters related thereto. **ACTION ITEM**

Lumos & Associates has completed the design for the Rehabilitation of Southside Park's two basketball and two tennis courts through Community Development Block Grant (CDBG) funding. Staff is now asking for City Council approval to solicit bids for this project. DA

Assistant City Manager Andreozzi advised there was one clerical error; the design work is not quite complete.

**\*\* A motion was made by Councilman Conner, seconded by Councilman Elquist authorizing Staff approval to solicit bids for the rehabilitation of two tennis courts, and two basketball courts at the Southside Park through Community Development Block Grant (CDBG) funding; contingent upon the completion of the design work.**

**Motion passed unanimously.**

- C. Recognize the application of ARRA Grant for the possible purchase of ballistic vests, and matters related thereto. **ACTION ITEM**  
This \$36,177 grant application requires Council be aware of the application and what the grant money will be spent on. This is a one time direct award given to Elko County Sheriff's office and Elko Police Department. This grant money will

be used to replace the ballistic vests for the ESRT (Elko Special Response Team, i.e., SWAT Team). DZ

Police Chief Zumwalt advised the money will be spent jointly by the City of Elko and Elko County for the purchase of the vests.

Mayor Franzoia questioned if there would be any match involved.

Police Chief Zumwalt stated there would not.

**\*\* A motion was made by Councilman Rice, seconded by Councilman Elquist authorizing the Elko Police Department to receive the \$36,177 of federal grant money, if awarded, from this one time, direct award, and purchase ballistic vests for ESRT.**

**Motion passed unanimously.**

- D. Review, discussion, and possible approval of substantial completion of AIP 32 Phase IV Taxiway Relocation by Frehner Construction, and a reduction in the retention by \$155,367.20 (4%), and matters related thereto. **ACTION ITEM**

As you may recall the Elko Regional Airport contracted with Frehner Construction to complete Phase IV of the Taxiway Alpha Relocation. This project was funded using AIP monies from the FAA. The project is substantially complete and by the terms of the contract the Contractor can request a reduction in the retention. Staff is recommending that the retention be reduced by \$155,367.20. Upon final completion of the project this item will be brought back to the Council for final acceptance of the project and the final release of all retention. TM

Airport Director Moyers advised there is a change order for approximately \$132,000; what we still have remaining with the 1% would cover the cost of that change order. This is work the FAA inspector indicated they wanted to see done in conjunction with this project during their inspection last fall. Staff has discussed this with the FAA and we should be receiving the approval for that later this week.

Mayor Franzoia questioned if final retention comes up when it is completed; it is not guaranteed for one year.

Mr. Moyers stated we are paying them for the work they have completed.

**\*\* A motion was made by Councilman Elquist, seconded by Councilman Rice authorizing Staff to reduce retention being held on AIP 32 Phase IV Taxiway Relocation by \$155,367.20.**

**Motion passed unanimously.**

- E. Consideration and possible approval to sell the City of Elko's PF5510 Blaw-Knox Paver, and matters related thereto. **ACTION ITEM**

On the advice of the City Attorney, this item was tabled at the City Council meeting of April 14, 2009, in order to allow the City Clerk time to advertise that no bids were received on August 26, 2008. This fulfills the necessary legal requirements in order to facilitate the sale. DS

Mayor Franzoia requested verification everything has been done as recommended.

Public Works Director Strickland verified it has and we received no additional interest in the machine. There is an offer before the Council from Cate Equipment Company to purchase the machine at \$75,000.

Mayor Franzoia noted they were interested at the previous meeting; are they still.

Mr. Strickland verified they are and want the machine as soon as possible.

Mr. Strickland indicated Staff is requesting the funds be retained in the Capital Equipment Fund for future purchase of a machine to be used in the Street Department to replace the one being sold. If the sale is approved Staff and would like the motion to reflect that.

Councilman Rice questioned if the Council had the ability to move the funds if they were needed elsewhere.

Mayor Franzoia advised the funds would stay in the Capital Equipment Fund.

Mr. Strickland stated he did not want the street department to be in a position of competing with the private sector in regards to being a paving company but also didn't want the City to be at the mercy of a contractor for large patch repairs, alley work etc. The machine currently under consideration is small enough for Staff to load on a trailer and haul to any location as needed.

**\*\* A motion was made by Councilman Conner, seconded by Councilman Rice to accept the offer from Cate Equipment Company in the amount of \$75,000 for the City of Elko's PF5510 Blaw-Knox Paver and that the monies be put into the Capital Equipment Fund for future purchases by the Street Department.**

**Motion passed unanimously.**

- F. Review, consideration, and possible approval to award the bid for the purchase of a used rescue/transport unit for the Elko Fire Department, and other items related thereto. **ACTION ITEM**

Council approved authorization to go to bid for a budget approved capital equipment purchase of a used Rescue/Transport Unit for the Elko Fire Department. That authorization to go to bid had testimony from Councilmen Elquist and Johnson to continue to achieve a cooperative relationship with the Elko County Ambulance with regard to this resource as a transport unit available to the citizens of Elko. The door of opportunity, at the present time, was closed in a letter received on March 13, 2009. The bid process was initiated the 1<sup>st</sup> of February and bid openings were March 11, 2009. There were 3 responsive bidders, with the high bidder over budget and the low bidder non-compliant with

specifications on age and mileage. The middle bidder was within reasonable specification and is under budget. (See attached matrix). AK

Fire Chief Kightlinger advised because there were delays in bringing this item back to the Council within thirty days due to continued efforts on a cooperative program with Elko County Ambulance the most responsive bidder substituted a newer, lower mileage used unit for the exact same price.

Mr. Kightlinger advised Staff is requesting the bid be awarded to Apgar LLC. The only exception off the bid specs this company asked for on the replacement is for the tires; original bid specifications required new tires all-around. This vehicle was being sold for \$62,000 and they honored their bid price of \$58,500. The tires have 27,000 on a 20,000 GBW vehicle which is minimal.

Councilman Conner requested clarification of the actual year model.

Mr. Kightlinger advised the chassis was licensed as a 2003.

James Johnston, EMS Coordinator, presented facts and statistics as to the need of this rescue/transport vehicle. Mr. Johnston indicated all research was conducted at Elko Dispatch Center to calculate unit utilization for the past three years; See Exhibit 'B'. Mr. Johnston stated "we are not trying to compete; we are trying to help and add to a system that has been ineffective in the past".

Based on Mr. Johnston's presentation Councilman Elquist believed the conclusion is the equipment is being well utilized.

Mr. Johnston verified that was correct. It is being utilized and put into different places; however what happens when you do that is, there is a delay in calls. Elko County Ambulance runs transports in outlying areas which make the system run thin within the City. This unit would allow the fire department to assist in the city area; it is a win/win and the possibilities are endless.

Mayor Franzoia noted previous discussions indicated the unit would also be an available backup for a city related issue concerning either the city police or fire department on a call; it won't tie up the county ambulance for other things.

Mr. Johnston advised currently the county ambulance does stand-by on all city fire calls. If they receive a 911 call they respond; that leaves no transport unit at the fire scene in the event something happens.

Councilman Elquist referred to the yearly hours of maxed out; is there a benchmark out there; what is it based on and what is considered as an acceptable response time.

Mr. Johnston advised the Council was looking at raw statistics. For the presentation Staff broke down every call over the past three years; they are exact statistics using a thirty minute response time Staff chose. There is no national average for response time.

Mr. Johnston indicated the purpose of tonight's presentation is that Staff sees what happens when the system is maxed out. They are the ones on scene and the ones that have to deal with the issues when there is no ambulance available. We are sitting there and know we could be helping the system. We could implement more of our skills that would be necessary to make the system work and work better.

Mayor Franzoia questioned how the situation was handled when there is no ambulance available; does Staff wait for an ambulance to show up or do they transport.

Mr. Johnston advised it would be the captain's decision. There have been instances where a family member will transport the individual or if the county responds with only one person to the scene we provide the driver. That happens frequently and ties up our response to the next call because we have to follow them to pick up our fire fighter. We do what we have to do.

Dan Bledsoe, Fire Captain, spoke in support of a transport unit.

Mayor Franzoia noted the motion to go to bid on this matter included to work out an arrangement with the county ambulance service. If Council decides to approve this we still need to work something out; it makes sense. Right now there is nothing out there, there is no exclusivity by anybody; it is within the City and the City has a lot of parameters because we have requirements to service the public we work for. However, there are existing facilities already in place; how do we work along with those facilities and supplement them without creating any issues. How do we supplement the limitations they have? We're already being first responders it doesn't say that we take and compete. Having a vehicle that can back them up and service the citizens further while they are out of the immediate area could be worthwhile; it is a very dicey thing to have balance that works well with the existing structure that is in place.

Mr. Kightlinger stated he is optimistic they can come to an agreement with the county ambulance service; the door is still open. Staff believes a third or fourth ambulance, run by the fire department, in cooperation and under the leadership of Elko County Ambulance is needed; the statistics show it. We may only get 'x' amount of calls a year; but those calls are critical to the person that dialed 911.

Mr. Kightlinger believed Staff has been very responsive to the taxpayers in going for a used unit. We are being very responsive in getting a unit that is large enough to carry our rescue and extraction equipment and fulfill the obligations we have with the Interlocal Fire Protection Agreement both within and outside the City.

Mayor Franzoia questioned if approved and Staff is toned out to a medical call this would be the response unit.

Mr. Kightlinger stated this will replace Rescue 1. Even though it is parked at the scene it does not mean it will transport the patient; the blue and white units would be the primary transport unit. This unit would only transport if the blue and whites cannot based upon criteria that would be in the agreement.

Mayor Franzoia believed it made sense; if we do nothing eventually there will be a situation that is going to have a consequence to it. We need to protect our citizens during those times the county ambulance is maxed out.

Mr. Kightlinger advised, if approved at tonight's meeting, the unit will be delivered and can quickly be turned into a rescue unit only, without a gurney in it; then under NRS we have to equip and prepare it to apply for an ambulance permit. It typically takes three to four months to get the permitting process and inspections done before it is approved and can actually be used as a transport unit. Staff fully intends to meet all the requirements; this is a fully D.O.T. certified vehicle, guaranteed in the bid specs that it meets all the requirements, all the equipment is left in it and they declared no stripping of it other than the disposable products. Just because it belongs to the City does not mean it will automatically become a transport unit

Councilman Elquist advised at the December 2008 he stated would agree to go out to bid but would not agree to the purchase without a mutual aid agreement with Elko County; it is important to have a good working relationship. At the scene there is a lot of potential for conflict and uncomfortable situations in an area where there shouldn't be any; it would be nice to have the agreement in place. Mr. Elquist believed it was important, as representatives of the City; we should expect a quality ambulance service. Feedback from firemen and the county by their own admission is that the level of service has been less than adequate in a lot of situations because it is volunteer based. The county has made a commitment to increase their level of service and higher more full-time employees for that purpose; that is a very positive sign. Mr. Elquist stated we still need an agreement and acknowledged all Mr. Kightlinger's efforts to reach out. Mr. Elquist believed there would be an opportunity for another transport unit if we don't go forward with this one. Mr. Elquist believed there had been an effort by the county to increase their level of service for the City as well as the county and we should take a look and have expectations of response time for our citizens; measure it and see how it comes in, all the while working for an agreement with the county. Keep measuring the level of service in the city; if it is falling short we should pursue this. Mr. Elquist indicated he was not against the city getting into the ambulance business if the level of service to the citizens was lacking; we have a responsibility to do that.

Mr. Elquist advised he was still opposed to purchasing a transport unit without an agreement in place with Elko County. The volunteers might not be willing to provide the ambulance service if they are not clear on what the understanding is, the firemen are going to be in a bad position knowing they have a patient and wondering how long to wait before they transport. Mr. Elquist believed this needs to be worked out and still can be.

Mr. Kightlinger advised negotiations haven't gone as well as they should have because we are not in a negotiation position; the decision tonight helps with that. Staff is not criticizing the people that provide the service; their employees, staff, equipment etc. is superior; we want to compliment that with the third or fourth unit where the need for the citizens' within the City limit's lie. Staff wants a better position to negotiate; a loss tonight will take them out of that position and this is a dead subject. There is a need out there for a third or fourth unit; we are the ones capable to provide the service with no increase in budget, no increase in staff, and no increase in supplies, materials and equipment other than this unit.

Councilman Rice expressed support of the request and encouraged Staff to continue discussions with the county regarding an agreement.

Councilman Conner believed this was a win/win for the citizens and expressed support of the request.

Councilman Johnson questioned the cost to equip the vehicle.

Mr. Kightlinger advised that had not been determined but is believed to be minimal. Some items can be transferred over from Rescue 1; we don't know what is inside the unit and what needs to be upgraded or replaced. There is maintenance money in the base budget which could be utilized or; we are under the appropriated budget on this total item without going over. The unit is located in Germantown, Pennsylvania; Staff has not seen it.

Councilman Johnson questioned if the cost was estimated at \$10,000 or \$15,000.

Mr. Kightlinger stated the cost to equip the unit would be considerably below \$10,000.

Councilman Johnson requested verification Staff could have the vehicle equipped and licensed to transport for less than \$10,000.

Mr. Kightlinger verified that was correct. Staff will do it very inexpensively; it is represented to us as a ready-to-go unit.

Mr. Kightlinger informed the Council a representative of Elko County Ambulance was present at tonight's meeting.

Mayor Franzoia questioned without an agreement how is the vehicle used; does it require a permit.

Mr. Kightlinger advised the unit could serve its life strictly as an emergency response vehicle. The focus is to put the resource in the community. There are alternatives that exist besides the agreement i.e. Dispatch could rotate the transport units. That is not Staff's choice; we want to be complementary to the existing system.

Mayor Franzoia indicated based on tonight's discussion we don't need the vehicle if we can't get an agreement in place. But, if the Council decides to acquire the vehicle for first response and condition it that we will not use it for any other purpose until an agreement is in place then we always have it as a first response vehicle; which is still a better piece of equipment than what we currently use.

Mr. Bledsoe pleaded with the Council "Do not take away our ability to help our citizens; that is what we do and why we exist".

Mayor Franzoia believed for the County's benefit an agreement takes away any perceived threat. Mayor Franzoia advised as a better vehicle for first response he was in support of the purchase.

James Johnston referred to the comment regarding possible conflict at the scene and advised there is none; the individuals from both entities work, train and play together on a regular basis.

Councilman Elquist agreed we are all in the business of trying to provide a good service but believed there might be unintended consequences without an agreement in place. This is a sensitive point; having an agreement with clear roles and responsibilities will make it better for everyone.

A member of the fire department indicated there have been discussions on the criteria for making the decision on who responds if this should happen. One possibility discussed was to have Dispatch make the call; they know what is happening in the area and what is available; that way there is no conflict with the county service. We don't want to make it a race to the scene; if we are toned out then we know we will be transporting. All issues can be worked out; we just need to have something to work with so we can make the agreement work.

Councilman Elquist expressed concern this could affect our fire service if the volunteers stop rolling as a result of this decision.

Mayor Franzoia suggested a motion to purchase the unit as a first response vehicle to replace the existing one for efficiency reasons and that it will not transport until an agreement is in place which also has to include Dispatch. The risk is do we get this unit at this price or hold off until we get the agreement in place and then get something at a higher price.

Mr. Johnston informed the Council this situation is used in other areas and is not a new concept. He worked with AMR in Las Vegas; Clark County ambulances would go to the scene but they didn't transport; AMR had first right to transport non-stop, every call. Clark County transported only if there was a specific delay in transport and was permitted by AMR.

Councilman Elquist believed that furthered the argument we can get it in place too; it is not like we are setting a new precedent.

**\*\* A motion was made by Councilman Rice, seconded by Councilman Conner to approve the purchase of 1 each used 2003 International Horton Rescue Van/Transport unit from Apgar LLC, in the amount not to exceed \$58,500.00 with direction given to Fire Chief Kightlinger that discussions that will lead to an M.O.U. continue.**

After the motion and before a vote was taken Mayor Franzoia questioned if Councilman Rice wanted to include in the motion "until an agreement. is in place the unit will not be used for transport".

Councilman Rice believed it would likely take one month for the unit to arrive in Elko; Fire Chief Kightlinger indicated it would take three months to equip the unit; so the agreement discussions can continue. Mr. Rice stated he did not want to amend the motion; he was confident an agreement would be approved and did not want our fire fighters on a scene and forced to keep their hands in their pockets.

Councilman Johnson commented when this idea came up in years past there were a number of citizens highly disappointed the City was even considering to take that direction. Mr. Johnson

was unsure where the County stood on this issue and if all the parties involved on the County side understand the concept the fire fighters have presented to City Council concerning a second or third tier vehicle to be added to the fleet. If Council makes the decision tonight to purchase this vehicle it should be clearly laid out what the intentions are with the vehicle. Mr. Johnson agreed Chief Kightlinger's "with Council on one side saying we won't purchase the vehicle without an agreement in place and the vehicle will not be used for transport until an agreement is in place" certainly puts the negotiations not in a good favor. Purchasing of the vehicle says the City of Elko is going into a second or third tier for transport so it should be part of the motion to authorize Staff to move forward with licensing and also begin the M.O.U. or franchise agreement with the County to ensure they have the first response in responding to a transport call and also lay out when the calls are made that the fire department is under the direction of Dispatch in order how to utilize this vehicle. Councilman Johnson stated he does not want this vehicle to be on a scene and it cannot transport; he does not want to put our citizens in that situation. He was not going to ask any citizen look at a vehicle that looks like an ambulance and be told the patient can't be transported. This is a decision right now; that the City of Elko is going to put a vehicle in place as a second, third or fourth tier as the Fire Chief has described to enhance and compliment Elko County Ambulance.

Councilman Johnson stated if the motion was clear enough that it gives that direction he would support it; otherwise he would not.

**\*\* Councilman Rice amended the motion to include Staff go forward with the permitting process, Councilman Conner's second stood.**

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

Councilman Johnson stated the Council has a roll in this; it is a political issue. Council needs to take a lead on some of the agreements within to ensure we keep a good relation with Elko County and we know the intent is there for this third tiered vehicle to couple with Elko County Ambulance. Mr. Johnson was unsure he was getting all the information but was confident based on tonight's discussion the Council wants to move forward without it. Mr. Johnson stated based on discussions with Elko County and also the City fire department the elected officials need to be part of how to move the process along to couple the two. With direction to Staff to move forward in that indicates to the County that the City is moving in the direction. The bottom line is I don't want to put any citizen, fire fighter or ambulance personnel in place to ever have a conflict that; if this vehicle is on the scene of an accident that it can't be used to get someone to where they need to be; we need to go ahead and make that step now.

Mayor Franzoia questioned Councilmen Elquist and Johnson if they were willing to continue serving as liaisons for the workshops.

Councilman Elquist and Councilman Johnson verified they were.

Councilman Elquist stated he was still standing by his belief; you run out of money before you run out of good deals. There is going to be another transport available; it could be more expensive or not. The agreement is more important than tomorrow's deadline on this bid. We are still in a position of strength and there are other options; if the ambulance service isn't adequate we could put it out to contract and see if there is an outside service that would handle it. There

are a lot of areas we haven't looked at; we are moving into the ambulance business and if it does pass we are going to have to put a lot of effort into having that agreement in place. Councilman Elquist was concerned over having this unit ready to transport and not having clear roles and responsibilities; it isn't good for the firemen, volunteers or the citizens; there will be unintended consequences of that.

Mayor Franzoia questioned if in lieu of any agreement with the county an agreement could be in place with Dispatch which defines the parameters under which this unit would transport; that the intent and roll of the City would be as a supplemental backup to when the County can't respond as they are out of the area.

Fire Chief Kightlinger verified that was possible; there are many national models on how to do a 911 Call Center Unit Rotations System. Mr. Kightlinger stated they prefer to do it under the M.O.U.; Staff wants to support, endorse and recognize the economic business plan the County is working on and compliment that.

Mayor Franzoia indicated he brought the question up to show good faith effort on the part of the city.

*5:58 p.m. Mayor Franzoia called for a brief recess.*

## **VII. 6:00 P.M. PUBLIC HEARINGS**

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

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

There was no public comment at this time.

### **B. Title: Public hearing and possible approval of the 2009 Motorcycle Jamboree Special Event to be held June 18 through June 21, 2009 including the following requests:**

1. Closure of the downtown corridor from 3<sup>rd</sup> Street to 6<sup>th</sup> Street between Commercial and Railroad Street for the duration of the event. The closure request includes the corridors along with the crossroads.
2. Closure of the downtown corridor from 6<sup>th</sup> Street to 8<sup>th</sup> Street between Commercial and Railroad Street for the concert on Saturday, June 20<sup>th</sup>. The closure request includes the corridors along with the crossroads.

Other matters may be discussed as related thereto. **ACTION ITEM**

Due to the number of citizens and businesses this event affects, a public hearing is being conducted to give affected citizens and businesses the opportunity to voice

their concerns and answer any questions. All affected businesses and citizens were notified of this hearing. The event is the same as last year. SO

Assistant City Manager Andreozzi referred to wall maps which identified the street closures and traffic control plan and advised this is the same closure as in previous years. Staff has worked closely with members of the Jamboree in the development of this year's closure; due to the nature of this closure and amount of people it affects it is being held during public hearing so the public has the opportunity to voice any concerns they may have.

Kevin Doerr, President, Elko Motorcycle Jamboree, advised this is their ninth year; they have been able to grow the event to something everyone looks forward to; an event that brings a lot of tax dollars to the City. In an effort to generate more revenue this year's event will include a paid concert on Friday night at the fairgrounds and the Jamboree will have control of the revenue from the liquor sales. Mr. Doerr stated for safety reasons they are working on a bus shuttle to move people back and forth between the downtown corridor and the fairgrounds.

Mayor Franzoia noted this has been a well organized event for a number of years; Staff has worked well with the Jamboree and there haven't been any issues.

Mayor Franzoia called for public comment on this item and there was none.

**\*\* A motion was made by Councilman Conner, seconded by Councilman Rice to approve the 2009 Motorcycle Jamboree Special Event to be held June 18 through June 21, 2009 including the following requests:**

- 1. Closure of the downtown corridor from 3<sup>rd</sup> Street to 6<sup>th</sup> Street between Commercial and Railroad Street for the duration of the event. The closure request includes the corridors along with the crossroads.**
- 2. Closure of the downtown corridor from 6<sup>th</sup> Street to 8<sup>th</sup> Street between Commercial and Railroad Street for the concert on Saturday, June 20<sup>th</sup>. The closure request includes the corridors along with the crossroads.**

**Motion passed unanimously.**

- C. Consideration and possible approval of Resolution No. 7-09, a resolution finding that is in the best interests of the public of the City of Elko to lease certain land located at Elko Regional Airport to El Aero Services, Inc. for the purposes of economic development pursuant to NRS 268.063, and matters related thereto.

**ACTION ITEM**

A copy of Resolution No. 7-09 has been included in the agenda packet for review.  
CC

Mayor Franzoia, for the public's understanding, read into the record Resolution 7-09; see Exhibit 'C'.

Mayor Franzoia now called for public comment.

Mayor Franzoia next read into the record a letter of protest from Mike Lattin, Canyon State Aviation; see Exhibit 'D'.

Mayor Franzoia again called for public comment on this item.

In response to Mr. Lattin's letter City Manager Calder pointed out a few issues; Canyon State Aviation is not an FBO at this time, they have requested that status but is in an application stage. There are a number of items that must be completed before they will even be considered a FBO and competitor to El Aero.

For the public's benefit Mr. Calder summarized, chronologically, the events since June of 2007. In June of 2007 the City filed suit against Canyon Construction, Knight Piesold and St. Paul Fire Marine for defective construction; that started a chain of events. Immediately thereafter, in July of 2007, Mr. Lattin filed a petition for a grand jury investigation against the City which was subsequently denied. In December of 2007 Mr. Lattin filed a petition for a writ of mandamus which was subsequently denied. In January of 2008 Mr. Lattin filed a Minimum Standards Complaint against El Aero which had to be investigated by the City which ended up being completely unfounded. In February of 2008 Mr. Lattin filed an FAA Discrimination Investigation against the City; there have been no findings from the FAA on that item. In October and November of 2007 the City Council received two independent legal opinions from the Jones Vargas Law Firm which is the subject of this issue. In November of 2007 the Council directed Staff to work with legal counsel to release this property in compliance with Nevada Law. At the April 14, 2008 meeting the City Council voted to move forward with this resolution before you. As far as the implications in Mr. Lattin's letter regarding the public information request; basically responding to Mr. Lattin or Canyon Construction's request would have violated an existing court order that was in place at the time and therefore the motion for a protective order was filed and has not been ruled upon. The City of Elko is not saying we will not provide that information but had we done that we would have violated the court order currently in effect.

Councilman Elquist stated he supported this action; it is in the best interest of the public. The history of this is complex but the helicopter lease was being negotiated in good faith without a competitive bid even being considered. To respond to that portion of Mr. Lattin's letter regarding fair treatment; \$0.28 was at the market, at the time the lease was being negotiated. At the later time when Canyon got into a competitive market place and bid up to \$0.98 per square foot that was market at that time. The delays were on both sides but the negotiations were happening in good faith; the law changed in mid-stream. What we are doing here is keeping our word, keeping our integrity. As a representative of the public and on a personal level Councilman Elquist stated he would make the same decision to work within the law to execute this helicopter lease at what was the market and negotiations at the time.

Councilman Rice questioned the amount of time Staff has spent responding to all the issues.

Mr. Calder stated there were hundreds of hours between himself and Airport Staff; not to mention the many hours of attorney's time that is billable time. Mr. Calder advised he only highlighted key points; but there is probably correspondence from Mike Lattin to the City on a weekly or biweekly basis.

Councilman Rice commented this takes up considerable time.

Mr. Calder verified that was correct. Staff takes each piece of correspondence and research and responds to them in a very polite and courteous manner.

Councilman Rice expressed support of the resolution; we have always worked within the confines of NRS and the public's best interest in mind.

Mayor Franzoia referred to Mr. Lattin's comment on subsidizing; the airport is a very controlled environment and we are the landlord. It is quite different from private property outside those controlled boundaries and controlled standards of either state, city, federal or FAA code. Mayor Franzoia stated he was in support of the resolution.

Stu Wilson, representing El Aero expressed appreciation for the Council's comment. In the event there is litigation with Mr. Lattin they would like to have as part of the record, Gina Reyes's written presentation. Mr. Wilson stated it did not have to be read into the record but incorporated by reference and made available to the public because it does state why they think El Aero is a worthwhile economic venture; particularly at times like this, the City would want to do business with. Mr. Wilson believed having that on the record would of assistance to them.

Mayor Franzoia advised it would be incorporated into the record; see Exhibit 'E'.

Mr. Wilson then addressed Mr. Lattin's comments on ethical behavior. Mr. Wilson believed there was no conflict; what Wilson, Barrows and Salyer have are two clients who are both in total disagreement with Mr. Lattin.

Mr. Wilson continued and stated Mr. Lattin is using litigation to further his FBO agenda; some might say that is not ethical.

**\*\* A motion was made by Councilman Elquist, seconded by Councilman Rice to approve Resolution No. 7-09, a resolution finding that is in the best interests of the public of the City of Elko to lease certain land located at Elko Regional Airport to El Aero Services, Inc. for the purposes of economic development pursuant to NRS 268.063.**

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

After the motion and before a vote was taken Councilman Johnson advised he originally voted the agreement was not null and void. His no vote today is not against El Aero; this is not the correct path to get to where we want to be.

- D. Second reading, public hearing, and possible adoption of Ordinance 705, an ordinance amending Title 4, Chapter 6, Sections 10 and 13 of the Elko City Code respectively entitled, "Allocation and Use of Transient Lodging Tax Funds"; and "Uses and Purposes of Transient Lodging Tax Proceeds," by amending the use of the 2% Elko Regional Airport Debt Service Transient Lodging Tax Fund to allow the Elko Convention and Visitor's Authority to donate a minimum of \$25,000 or up to a maximum of 25% of their allocation for their facility expansion fund to

the University of Nevada Fire Science Academy and adding a sunset clause for the donation, and matters related thereto. **ACTION ITEM**

Staff was directed by Council on October 23, 2008, to bring back an ordinance allowing the Elko Convention and Visitor's Authority to donate a portion of their facility expansion fund to the University of Nevada Fire Science Academy, contingent on the Academy staying open for three years. Council also directed there to be a sunset clause of three years for that donation. Ordinance 705 reflects the direction given to Staff. DS

There was no public comment on this item.

Councilman Conner questioned the status of the academy.

Councilman Rice advised at the December Board of Regents Meeting they voted to keep it open with no particular conditions, for two years.

**\*\* A motion was made by Councilman Elquist, seconded by Councilman Conner to adopt Ordinance 705, an ordinance amending Title 4, Chapter 6, Sections 10 and 13 of the Elko City Code respectively entitled, "Allocation and Use of Transient Lodging Tax Funds"; and "Uses and Purposes of Transient Lodging Tax Proceeds," by amending the use of the 2% Elko Regional Airport Debt Service Transient Lodging Tax Fund to allow the Elko Convention and Visitor's Authority to donate a minimum of \$25,000 or up to a maximum of 25% of their allocation for their facility expansion fund to the University of Nevada Fire Science Academy and adding a sunset clause for the donation.**

**Motion passed unanimously.**

## **II. APPROPRIATIONS**

- G. Consideration, review, and possible approval to allow the Elko Police Department to donate one (1) vehicle, specifically used for SWAT operations, to the Brigham City, Utah Police Department, and matters related thereto. **ACTION ITEM**

The Elko Police Department received this vehicle by donation. The department has used it for many years. This vehicle is too small for our department use and has been replaced. The department has a newer, larger vehicle that is now being used for SWAT operations. The Brigham City, Utah Police Department has trained with the Elko Police Department and has been helpful to us in gaining training and other equipment. DZ

Police Chief advised this is the first step in the process for disposing of City property in the proper manner. Brigham City Police Department does not have a vehicle and Staff has expressed an interest in donating it to them.

Mayor Franzoia questioned if there were different options on disposing by donation.

City Manager Calder indicated there are a couple of options; this being one.

Chief Zumwalt noted this vehicle has been in the department in excess of ten years; a new one was recently donated to us and the department has no need for two.

**\*\* A motion was made by Councilman Elquist, seconded by Councilman Rice to allow the Elko Police Department to donate one (1) vehicle, specifically used for SWAT operations, to the Brigham City, Utah Police Department.**

**Motion passed unanimously.**

### **III. SUBDIVISIONS**

- A. Review, Consideration and Possible Acceptance of Public Improvements for the Riverside Condominiums Subdivision, and matters related thereto. **ACTION ITEM**

City Council approved a Final Map for this subdivision on January 8, 2008. The Public Improvements for this subdivision are currently covered under the Agreement to Install Public Improvements and a Performance Guarantee for the Riverside Condominiums dated November 3, 2008. The Agreement is backed by a Time Certificate of Deposit in the amount \$135,064.00. The Developer has substantially completed the Public Improvements in accordance with the approved plans with a few outstanding items. Certification has been submitted to the City along with the final As-Built. The City is in receipt of the required Quality Assurance and Quality Control test results. The City of Elko has requested the crack seal on 12<sup>th</sup> Street and striping removal between 12<sup>th</sup> Street and Clarkson be redone. The Developer has completed its obligations toward the installation of the lights. Final installation of the three street lights is dependent on NV Energy having crews available. This work will be completed during the 2009 construction season. There are two sections of water line that did not meet the minimum bury depth specified on the plans. The City of Elko Utility Department has determined the preferred mitigation would be a five year warranty covered by \$20,000. The Developer has agreed to a five year warranty and the amount. Upon acceptance of the Public Improvements by the City Council, the Developer will be required to enter into a five-year maintenance agreement with the City backed by security in the amount of \$135,064.00. After one year the amount for the maintenance agreement may be reduced to \$20,000. The Developer currently has a Time Certificate of Deposit in place for the amount of \$135,064.00. SW

Development Manager Wilkinson advised Staff is recommending conditional approval. The developer has substantially completed the project; a certification from the engineer of record is included in the packet. Staff requested some of the work be redone during the 2009 construction season; crack sealing on 12<sup>th</sup> Street where they did their patch back and rework some striping. In addition there were two issues with the water lines for the potable system; both areas were under the parking lot within the condo parking areas; one was approximately 2" to 4" shallow and the other was 10" to 12". The utility department is recommending we enter into a five-year warranty for that issue and also concluded that retaining \$20,000 in that maintenance period would be sufficient. The other issue is the developer has installed the bases for the street lights; crews from NV Energy are currently working out of the area until more work justifies them coming back into town. However, Staff is recommending a conditional approval that would require the street

lights be installed and working before a Certificate of Occupancy for the buildings. Staff recommends the following conditions; 1) the developer enter into a five-year maintenance agreement; developer will be required to bond for \$135,064; after one year if there are no issues the bond amount could be reduced down to \$20,000 for the remaining four years to deal with the shallow bury depth issue and 2) developer completes the crack seal and striping on 12<sup>th</sup> Street during the 2009 construction season and 3) street lights are installed before a Certificate of Occupancy is issued for the buildings.

**\*\* A motion was made by Councilman Elquist, seconded by Councilman Johnson to accept the Public Improvements for the Riverside Condominiums Subdivision conditioned upon the following three items; 1) developer enters into a five year maintenance agreement with the provisions as outlined in the packet 2) developer is to redo the crack seal and striping on 12<sup>th</sup> Street and 3) street lights are installed before a C.O.O. is issued for the buildings.**

**Motion passed unanimously.**

After the motion and before a vote was taken Councilman Rice questioned if there was a time constraint on the crack sealing and striping on 12<sup>th</sup> Street

Mr. Wilkinson requested clarification in the motion it was to be completed during the 2009 construction season.

**\*\* Councilman Elquist amended the motion to include the redo of the crack sealing and striping on 12<sup>th</sup> Street would be completed during the 2009 construction season. Councilman Johnson's stood.**

#### **IV. NEW BUSINESS**

- A. Review and approval of pending Special Events, and 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

There were no special events.

- B. Review, consideration, and possible acceptance of a Deed of Dedication from Norco, Inc. for Right-of-Way access to several different parcels within the area, and matters related thereto. **ACTION ITEM**

The City of Elko is seeking Right-of-Way access immediately off 30<sup>th</sup> Street to provide Right-of-Way access to several parcels within immediate area. An access easement exists adjacent Parcel 001-560-055 leading to Right-of-way adjacent to Parcels 001-860-086, 001-860-092 and 001-860-093. Additional Right-of-Way will be required adjacent to Parcel 001-560-045 to complete full width Right-of-Way access. SAW

Development Manager Wilkinson advised APN maps were included in the packet to identify the area in question; off 30<sup>th</sup> Street between Norco and Gallagher Ford is an access easement; when you get into the back three parcels there is existing right-of-way. When Norco built their warehouse back there this year and did a remodel on the front store City Staff asked them to consider a Deed of Dedication for the right-of-way right off 30<sup>th</sup> Street; they agreed to that. We have had verbal conversations with Gallagher Ford with regard to the outside of 30<sup>th</sup> Street; the City does have a deferral agreement in place with Norco to finish out 30<sup>th</sup> Street off 13<sup>th</sup> Street. There is a back parcel there that would still require pavement eventually to get a full width street through there.

**\*\* A motion was made by Councilman Elquist, seconded by Councilman Rice to accept of a Deed of Dedication from Norco, Inc. for Right-of-Way access to several different parcels within the area.**

**Motion passed unanimously.**

- C. Review and possible approval of an agreement with NOAA National Weather Service to Adopt-a-Street for litter collection in the public right-of-way on Ruby Vista Drive from the corner of East Jennings Way to the corner of Kittridge Canyon Road, and matters related thereto. **ACTION ITEM**

NOAA National Weather Service is interested in volunteering their services for the Adopt-a-Street program. DS

**\*\* A motion was made by Councilman Conner, seconded by Councilman Johnson to approve an agreement with NOAA National Weather Service to Adopt-a-Street for litter collection in the public right-of-way on Ruby Vista Drive from the corner of East Jennings Way to the corner of Kittridge Canyon Road.**

**Motion passed unanimously.**

- D. Consideration and possible action to accept the resignation of Parks and Recreation Board Member Jim Winer, and further authorize Staff to commence with the standard recruitment process to fill the vacancy on the Parks and Recreation Board, and matters related thereto. **ACTION ITEM**

Parks and Recreation Director Howes thanked Mr. Winer for his service. Mr. Winer is one of the inaugural members of the board and his input has been valuable to the process over the last year.

**\*\* A motion was made by Mayor Franzoia, seconded by Councilman Johnson to accept the resignation of Parks and Recreation Board Member Jim Winer, and further authorize Staff to commence with the standard recruitment process to fill the vacancy on the Parks and Recreation Board.**

**Motion passed unanimously.**

## **V. RESOLUTIONS AND ORDINANCES**

- A. Consideration and possible approval of Resolution No. 5-09, a resolution amending the Elko Municipal Swimming Pool fees pursuant to Elko City Code,

Title 8, Chapter 14, Section 3 of the Elko City Code, and matters related thereto.  
**ACTION ITEM**

The City of Elko has not amended the municipal swimming pool fees since June of 2005. Review of fees of other municipal pools indicates that the fees need adjusting to help better fund the operations of the swimming pool. Included in the Council packet is a list of the pools surveyed for comparison. All fees would become effective June 1, 2009 except the season passes which would become effective upon renewal or November 1, 2009 which ever comes first. The increase in fees is estimated to generate approximately \$21,000 annually. A copy of Resolution No. 5-09 has been included in the agenda packet for review. DS

Administrative Services Director Stout advised the operating costs for the pool are approximately \$400,000 for the current fiscal year; that amount increases for the next fiscal year. Pool fees generate approximately \$100,000 in revenue.

Ms. Stout advised last year the Elko Swim Team voluntarily proposed paying a \$5.00 per participant fee. It was not incorporated into this resolution therefore Staff will bring a resolution back that does reflect a player fee for the swim meets they have at the pool. The purpose of those fees is to go back and benefit the swim team.

**\*\* A motion was made by Councilman Rice, seconded by Councilman Conner to approve Resolution No. 5-09, a resolution amending the Elko Municipal Swimming Pool fees pursuant to Elko City Code, Title 8, Chapter 14, Section 3 of the Elko City Code.**

**Motion passed unanimously.**

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

- A. Review, consideration, and possible action to accept a petition for annexation, filed by Charles B. Evans, T.A. Claridge Trust and Claridge Family Decedent's Trust, involving the possible annexation of approximately 101 acres of property located generally on the west and east sides of Sundance Drive, adjacent to Sundance Estates, south of Mountain City Highway, and other matters related thereto. **ACTION ITEM**

Mayor Franzoia requested verification the water right issues would be addressed if we allow it to go through the process.

City Planner Wynes the water rights are not addressed in the application.

Mayor Franzoia clarified the issue is bringing a lot of acreage into the city that we can't provide for without additional water rights.

Mr. Wynes indicated the question of whether they are going to provide water will be addressed at the Planning Commission.

Mayor Franzoia questioned if the applicant was aware of that being a potential question to them.

Mr. Wynes believed they were aware.

Wayne Testolin representing Claridge and Evans on this issue stated they do have water rights for the property; they are quasi-municipal and are attached to it. They are willing to deed the water to the City.

**\*\* A motion was made by Councilman Elquist, seconded by Councilman Rice to accept a petition for annexation, filed by Charles B. Evans, T.A. Claridge Trust and Claridge Family Decedent's Trust, involving the possible annexation of approximately 101 acres of property located generally on the west and east sides of Sundance Drive, adjacent to Sundance Estates, south of Mountain City Highway and direct Staff to proceed with the annexation process by referring this matter to the Planning Commission.**

**Motion passed unanimously.**

- B. Consideration and possible modification to the Red Lion's existing liquor license, adding Ruben Garcia, removing Fred Coleman, and matters related thereto.  
**ACTION ITEM**

Police Chief Zumwalt stated the police department received this liquor license application and issued a temporary license; tonight they are asking the Council to issue a regular packaged liquor license to Ruben Garcia dba the Red Lion Chevron.

**\*\* A motion was made by Councilman Conner, seconded by Councilman Elquist authorizing Staff to issue a packaged liquor license to Ruben Garcia dba Red Lion Chevron and to ratify the temporary liquor license.**

**Motion passed unanimously.**

- C. Consideration of issuance of a regular retail liquor license to Toki Ona's Restaurant, located at 1550 Idaho Street, Elko, Nevada 89801, and matters related thereto. **ACTION ITEM**

Police Chief Zumwalt clarified the license would be issued to Jose Salazar dba Toki Ona's Restaurant.

**\*\* A motion was made by Councilman Rice, seconded by Councilman Elquist authorizing Staff to issue a regular retail liquor license Jose Salazar dba as Toki Ona's Restaurant, located at 1550 Idaho Street, Elko, Nevada 89801.**

**Motion passed unanimously.**

- D. Consideration of a request for a letter of support for the proposed expansion of the Northeastern Nevada Historical Society and Museum, and matters related thereto.  
**ACTION ITEM**

The Northeastern Nevada Historical Society and Museum has requested a letter of support from the City of Elko for the purpose of submitting a grant application to the Donald W. Reynolds Foundation. A draft letter of support has been included in the agenda packet for review. CC

City Manager Calder advised museum representatives were unable to attend tonight's meeting. Final draft of the letter is ready; if approved they will pick up the letter tomorrow and submit it along with other letters from the community with their grant application.

Mayor Franzoia questioned if they gave any indication of where the planned expansion may be.

City Manager Calder advised it would be similar to the proposed expansion they presented to the Council over a year ago. There are some conceptual ideas they need to work through with Staff; expansion will be to the south.

**\*\* A motion was made by Councilman Elquist, seconded by Councilman Conner authorizing Staff to write a letter of support for the proposed expansion of the Northeastern Nevada Historical Society and Museum.**

**Motion passed unanimously.**

- E. Review, consideration and possible approval for Staff to issue a Certificate of Occupancy prior to completion of offsite improvements required by a lease between the City and Johnson Family Trust assumed by Aspen Plaza Partners, LLC for the development of the Aspen Plaza, and matters related thereto.

**ACTION ITEM**

APP LLC is in the process of developing property leased from the City of Elko located on State Route 225. Section 1.04 of the lease requires the construction of Thomas Gallagher Drive on or before the issuance of a Certificate of Occupancy in addition certain other improvements on Aspen Way and State Route 225. Improvements on Aspen Way and State Route 225 are not time specific. The Lessee is currently constructing an approximately 55,500 sq.ft. office building and is requesting the possible issuance of a Certificate of Occupancy prior to completion of all the required public improvements.

The issuance of a Certificate of Occupancy would be subject to the Building meeting all the City requirements for sign off in addition to have functioning ingress, egress and parking. The ingress/egress from State Route 225 is scheduled for completion by July 10, 2009. The ingress/egress from Terminal Way is scheduled for start in early May and would be completed prior to requesting a Certificate of Occupancy. The Lessee is under contract to complete all required public improvements associated with the development of the property by October 31, 2009. SW

Development Manager Wilkinson advised the developer has contracted with Tanamera; they have subcontractors working on all the improvements and expect to be finished before the end of this construction season. Mr. Wilkinson indicated Staff has a conditional recommendation for consideration; Staff to issue a certificate of occupancy prior to completion of the off-site improvements with two conditions as outlined in the agenda packet.

Mayor Franzoia questioned the need for security for the outside improvements. If you give the certificate of occupancy prior to; then there is nothing that holds leverage to have it completed.

Mr. Wilkinson believed the lease was leverage; they would be in default of the lease if they did not complete those improvements. Mr. Wilkinson also believed Council would be amending the lease with this action, which allows the certificate of occupancy before that; it doesn't modify the lease to say they did not have to complete those improvements. They are under contract to complete those improvements this year; a copy of the contract is included in the agenda packet for review.

**\*\* A motion was made by Councilman Conner, seconded by Councilman Rice authorizing Staff to issue a Certificate of Occupancy prior to completion of offsite improvements required by a lease between the City and Johnson Family Trust assumed by Aspen Plaza Partners, LLC for the development of the Aspen Plaza subject to the following conditions; 1) Building meets all the City requirements for sign off in addition to having functioning ingress, egress and parking 2) Lessee completes all required public improvements associated with the development of the property by October 31, 2009.**

**Motion passed unanimously.**

## **II. APPROPRIATIONS**

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

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

**Motion passed unanimously.**

## **VIII. REPORTS**

- Mayor and City Council
  - Councilman Elquist – Appreciation to Staff for “Take Pride in Elko” day
- City Manager
  - Legislative Update
  - CA Trail Wayside installation completed in Main Park
- Assistant City Manager
  - Take Pride in Elko – thanks to Staff
  - Tree replacement downtown by DBA
- Public Works
  - Hannah Drive schedule for paving May 5<sup>th</sup>
- Police Chief
  - SWAT Team training & competition winners
  - Law Enforcement Memorial in Carson City May 7<sup>th</sup> – 11 officers will run baton 113 miles
- Administrative Services Director
  - Barrick students
  - Retirement luncheon for Jim Echanis
- Parks and Recreation Director
  - Thanks to Rotary Club for Johnny Appleseed Park
  - Softball program begins Monday, May 4<sup>th</sup>

## **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