

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

SS May 12, 2009

The City Council of the City of Elko, State of Nevada met for a regular meeting beginning at 4:00 p.m., Tuesday, May 12, 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 via telephone conference
Councilman Chris Johnson
Councilman John Rice

City Staff Present: Curtis Calder, City Manager
Delmo Andreozzi, Assistant City Manager
Shanell Owen, City Clerk
Ryan Limberg, Utilities Director
Alan Kightlinger, Fire Chief
Don Zumwalt, Police Chief
Eric Howes, Parks & Recreation Director
Ryan Limberg, Utilities Director
Dennis Strickland, Public Works Director
Trent Moyer, Airport Director
Fritz Sawyer, WRF Superintendent
Antonio Mendive, Water/Sewer Superintendent
Scott Wilkinson, Development Manager
Ed Wynes, City Planner
Lorraine Martinez, Accounting Supervisor
Linda Buffington, Recording Secretary

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES **April 14, 2009 Regular Session Minutes**
 April 28, 2009 Regular Session Minutes

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

Motion passed unanimously.

SPECIAL RECOGNITION OF THE CONTRIBUTIONS BY NEVADA YOUTH TRAINING CENTER (NYTC) STAFF AND CREWS FOR THEIR PARTICIPATION IN THE TAKE PRIDE IN YOUR COMMUNITY EVENT

Assistant City Manager Andreozzi gave a summary of the events surrounding “Take Pride in Elko Day”.

PROCLAMATION RECOGNIZING EMERGENCY MEDICAL SERVICES WEEK

PROCLAMATION RECOGNIZING MAY 21, 2009 AS “THE DAY OF HONORS AT ARLINGTON” IN RECOGNITION OF HONORING THE MISSING IN AMERICA PROJECT

I. APPROPRIATIONS

- B. Review of the bids received and possible award of a contract for the 13th Street Sewer Improvements Project, and matters related to thereto. **ACTION ITEM**

Bids were opened on May 8, 2009. A bid tabulation will be provided at the meeting. Staff will make recommendations during the Council meeting. AM

Water/Sewer Superintendent Mendive advised Staff recommends awarding the bid to Peavine Construction, low bidder, in the amount of \$199,000. Mr. Mendive noted the engineer’s revised estimate was \$210,000.

**** A motion was made by Councilman Johnson, seconded by Councilman Conner to award a contract for the 13th Street Sewer Improvements Project to Peavine Construction in an amount not to exceed \$199,000.**

Motion passed unanimously.

- C. Discussion and possible authorization for staff to solicit bids for the East Primary Clarifier Rehabilitation Project, and matters related to thereto. **ACTION ITEM**

Painting will be required on all exposed metal surfaces above and below the water line to protect the existing metal from any further corrosional attack (see Figures 1 through 3). This maintenance project is budgeted in the FY 2009/2010 budget at approximately \$90,000. Staff is recommending Council approval contingent upon FY 2009/2010 budget approval. RL

WRF Superintendent Sawyer noted the interior paint is coming loose; we need to protect the metal structure. Staff anticipates doing the paint job in August.

Mayor Franzoia questioned if the budgeted amount would include other items as well.

Mr. Sawyer stated it was strictly for the painting.

**** A motion was made by Councilman Johnson, seconded by Councilman Rice authorizing Staff to solicit bids for the East Primary Clarifier Rehabilitation Project.**

Motion passed unanimously.

- D. Review, discussion, and possible authorization to solicit bids for removal/relocation of various obstructions located within the runway safety area at Elko Regional Airport, and matters related thereto. **ACTION ITEM**

The City of Elko has applied for a FAA grant (AIP 35) for the removal/relocation of various obstructions located within the runway safety area. The FAA will fund the grant “based on bids”. The FAA will fund 95% of this project and a local match of 5% is required. TM

Airport Director Moyers advised the funds would be from the yearly entitlement funds we receive each year based on the number of planes we get. We applied for approximately \$250,000 out of the estimated \$1.0 million we have available for this fiscal year.

Mayor Franzoia questioned if it had been approved.

Mr. Moyers stated it is based on bids; the funds are there based on our available entitlement funds.

Mayor Franzoia questioned the obstructions; what are they?

Mr. Moyers advised it pertains to anything 250’ feet off either side of the center line of the primary runway and 1000’ off the end; that area has to be free of any obstruction not necessary for landing aircraft i.e. runway lights, the visual slope indicator. Staff is looking at relocating the windsox, the segmented circle that surrounds the windsox, anything off the ends of the runway and possibly some fencing. This is a result of a runway safety survey the FAA conducted several years ago; at that time they identified items that needed to be addressed and haven’t been to this point. It started with the taxiway relocation, which was a result of that survey; this is the last step in clearing all the obstructions out of that safety area.

Mayor Franzoia questioned if the 5% match was budgeted.

Mr. Moyers verified it was; our match is approximately \$12,000.

**** A motion was made by Councilman Rice, seconded by Councilman Conner authorizing Staff to solicit bids for removal/relocation of various obstructions located within the runway safety area at Elko Regional Airport.**

Motion passed unanimously.

- E. Review, consideration, and possible final acceptance of the Aircraft Rescue Fire Fighting (ARFF) building at the Elko Regional Airport, and matters related thereto. **ACTION ITEM**

The ARFF building was inspected on May 5, 2009, by the City of Elko Building Department, and a certificate of occupancy was issued. Staff is requesting final acceptance of this project.

The total cost of the project, including one change order, was \$753,112.02. This item was included in the Airport’s Capital Improvement Program, and was funded

by FAA AIP Grants 30 & 34. If accepted, the City will retain \$37,655.60 for 30 days. TM

Airport Director Moyers advised the retention was to assure any sub-contractor with a claim is paid.

Mayor Franzoia questioned the total project cost.

Mr. Moyers advised because it included multiple items he was unable to provide the information at this time.

**** A motion was made by Councilman Conner, seconded by Councilman Rice to approve final acceptance of the Aircraft Rescue Fire Fighting (ARFF) building at the Elko Regional Airport.**

Motion passed unanimously.

II. 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, discussion, and possible adoption of the 2009 Street Inventory list, which includes the 2009 Street Construction Projects priority list, and matters related thereto. **ACTION ITEM**

Staff conducted a street inventory in April. The purpose of this annual survey is to evaluate current road conditions, and to recommend a list of maintenance projects for the upcoming construction season. Please find enclosed for your review, in the supplemental agenda information, City Staff's 2009 street inventory, and recommendations for the 2009 streets priority list. DS

Public Works Director Strickland gave a brief presentation on this matter; see Exhibit 'A'.

Following the presentation Mayor Franzoia advised prior to the next budget season funds would become available from Errecart Blvd; Staff needs to start considering how we are going to take care of Idaho Street.

**** A motion was made by Councilman Rice, seconded by Councilman Conner to adopt the 2009 Street Inventory list and the 2009 Street Construction Projects priority list.**

Motion passed unanimously.

After the motion and before a vote was taken Councilman Johnson commented Staff should begin work now regarding Idaho Street; it takes time to get the engineering in place. Mr. Johnson requested the motion to include; *“direct Staff to look at the resources coming available to the City of Elko and what options we have to utilize those resources i.e. borrowing money, those as payment, etc”*, looking specifically at Idaho Street for that and any other suggestions Staff has as well.

**** Councilman Rice amended the motion to include “and direct to Staff to look at the resources coming available to the City of Elko and what options we have to utilize those resources i.e. borrowing money, those as payments, looking specifically at Idaho Street for that and any other suggestions Staff has as well”, Councilman Conner’s second stood.**

Councilman Elquist noted the stimulus monies were not fully allocated yet; has Staff considered any joint projects with Elko County i.e. Flagview Drive; would that strengthen our position.

Mayor Franzoia indicated there is \$7.0 million in stimulus funds to be split between the cities and counties. Elko County did not submit any projects. The City of Elko submitted three projects; two that are viable money wise and one that isn’t which is Idaho Street, because of the cost. The issue at this time is how to prioritize the individual projects submitted by the various entities; and how to allocate the funds.

Councilman Elquist supported moving ahead with the engineering for Idaho Street; as everything related to the stimulus monies works out we may end up in a better position that we think; the more prepared we are the better.

Mr. Strickland noted there is strength in cooperative type projects; Flagview is definitely a worthy project and one Staff has considered through the “Safe Routes to Schools” program. We are trying to work with Elko County School District to get something submitted; hopefully next year.

City Manager Calder commented the engineering on Idaho Street is a big-ticket item. It does need to be done but if we do that there will be less money for other projects. Staff will need specific direction if the Council chooses to go in that direction.

Mr. Strickland agreed we would be better off to wait and see what happens with the stimulus monies. Idaho Street is probably a bit unrealistic for us to pull off. We should decide how we want to tackle it if we want to bond for it then approach the engineering and everything at one time.

City Manager Calder advised the bonds for Errecart Blvd. would be paid off in late 2009. Staff has been considering how things need to occur; we don’t want to let the property tax component of the one bond expire; we want to be able to dedicate that towards another project. Staff is also aware of the additional fund from RTC. All our funding sources point to doing a large bond. Depending on the rates and costs of the projects we might be able to bond to take care of 12th Street, Idaho Street and the west side of Silver Street. Perhaps combined there is a way to bond for all of them and get them completed in one construction season. Staff will continue to work on a plan but we will have to determine how much money we can actually bond for once the current bonds are paid off and how much we anticipate in those additional RTC funds we are receiving.

Mayor Franzoia requested Staff bring more information back at an upcoming Council Meeting for consideration.

III. RESOLUTIONS AND ORDINANCES

- A. First reading of Ordinance 706, entitled “Whistle Blower Protection”, an ordinance amending the City Code by adding Chapter 14 to Title 1 which sets forth provisions adopting requirements of NRS 281.645, and matters related thereto. **ACTION ITEM**

In 2001 the legislature adopted legislation which is now set forth in NRS 281.645. Pursuant to NRS 281.645 a local government shall, by ordinance, establish procedures for hearing an appeal from a local government officer or employee who disclosed information concerning improper governmental action and believes that as a result of that disclosure, a reprisal or retaliatory action has been taken against the local governmental officer or employee. SO

City Manager Calder advised this and is strictly a housekeeping issue brought to Staff’s attention by the City Attorney’s Office.

Councilman Johnson questioned if this was driven by NRS. Does the City have options i.e. 1) instead of appointing a hearing officer the City Council could fill that position and 2) was there an option on the time frames.

Mr. Calder advised he would have to consult with the legal counsel further and bring the information back before second reading.

**** A motion was made by Councilman Johnson, seconded by Councilman Rice to set for Second Reading. Public Hearing and possible adoption Ordinance 706, entitled “Whistle Blower Protection”, an ordinance amending the City Code by adding Chapter 14 to Title 1, which sets forth provisions adopting requirements of NRS 281.645.**

Motion passed unanimously.

IV. PETITIONS, APPEALS, AND COMMUNICATIONS

- A. Review and consideration of a request for financial assistance from Judy Emerson, Management Consultant with the Nevada Small Business Development Center, and matters related thereto. **ACTION ITEM**

A letter has been included in the agenda packet for review. CC

Ms. Emerson was not present.

Councilman Rice advised the Small Business Development Center is a part of Great Basin College and part of the Nevada System of Higher Education. The initial state budget cuts last fall resulted in an approximate fifty percent cut to the Small Business Center.

Mr. Rice expressed strong support of the request and noted Great Basin College is considering private funding to match any city/county contributions. Currently the office is open fifty percent of the time; this funding will allow it to be open eighty percent of the time.

City Manager Calder indicated the office is currently open Monday through Wednesday; closed on Thursday, Friday and possibly half day on Wednesday. Staff refined our budget numbers and was able to find \$5,000 in savings. If approved it would be a one-time grant; from the General Fund and would have no impact on the budgets being proposed at this point in time.

Mayor Franzoia questioned if it would come under community support.

Mr. Calder verified that was correct.

Councilman Rice believed there was a relationship between what the Small Business Development Center does and our efforts as a city in regards to redevelopment; we want to encourage small businesses to come into town and invest in our redevelopment area. Councilman Rice saw this as something that could enhance that mission as well in the long-term.

Councilman Elquist opposed the request; the City needs to stay with its core functions i.e. safety, streets, parks and recreation. We need to be careful; these one-time grants turn into annual. We are drifting away from what our goal should be which is to spend our money wisely in our core areas; that is the best thing we can do for the success of small businesses.

Jim Collins spoke in opposition of this request; as a taxpayer he should not have to pay for someone to start up a business. People need to realize we are in a financial crisis right now.

Mayor Franzoia clarified this is not an entity that gives money to businesses; they facilitate and work with people that want to establish a business; they give guidance.

Sara Sweetwater spoke in support of the request; she herself used the services provided by Ms. Emerson when starting up her business and couldn't have done it without that help.

Norma Viergutz expressed strong opposition to this request. The rest of the state is in crisis and it is coming to Elko too; you need to quit spending.

Mayor Franzoia expressed concern that if we approve this it will come back again next year because of the state budget cycle; they are funded through the state. Sales tax receipts for Elko County were down noticeably for the month of February; if it continues to drop we will be cutting back. Mayor Franzoia believed, with the current economy, banks would not be approving loans for a new small business. We need to watch the trend with the City's budget; we may need to make some drastic decisions based on a continuing decline in sales tax receipts. Mayor Franzoia stated he was not in support of the request.

Councilman Rice believed that was all the more reason to support an organization that helps small businesses develop. A \$5,000.00 commitment by the City for something that is going to have a long-term return is certainly valuable. If the worry is too much government, this is the type of thing government can do very well and very effectively; this creates opportunity for private citizens to be successful.

Mayor Franzoia noted there is no certainties as to how long the City of Elko stays healthy and that is why our budget is conservative; so we don't obligate ourselves to doing something and the revenues aren't there to succeed. If the requirement is to cut back we cut back which is better than eliminating the position. If they are still in business providing that service to a lesser degree that is still appropriate; it doesn't go away because we didn't contribute the funds. Mayor Franzoia stated you are not going to see economic activity in an economic downturn market.

Councilman Conner expressed his support of what the business does but was opposed to contributing funds; we need to be more conservative.

**** A motion was made by Councilman Rice to approve a one-time grant of \$5,000 to the Nevada Small Business Development Center.**

Motion failed for lack of a second.

No additional action was taken.

- B. Review and consideration of a request from Zeitel N. Gray to consider amending the Elko City Code to allow city residents to have a limited number of laying hens (no roosters) within the City limits, and matters related thereto. **ACTION ITEM**

A letter has been included in the agenda packet for review. SO

Councilman Rice spoke in support of this request.

Fire Chief Kightlinger questioned clarification on what Ms. Gray considered a "limited number".

Ms. Gray indicated it would depend on the number of people living in the home; for herself she was requesting three.

Mayor Franzoia advised Boise, Idaho allows up to three. If this moves forward Staff can research other communities to determine how they address the matter.

Councilman Elquist was in support of Staff conducting research on the current ordinance and also determining what standards and conditions we want; it is a good idea but we should try to include more than chickens, excluding roosters, i.e. ducks.

**** A motion was made by Councilman Rice, seconded by Councilman Conner directing Staff to review our current ordinance and research other ordinances within the region similar to what was provided by Ms. Gray.**

Motion passed unanimously.

- C. Ratification of the Chief of Police, issuing 30-day temporary catering and retail liquor license and issue a regular catering and retail liquor license and adding Heber Barney to said license to Nevada Wings LLC, dba Elko Wingers, located at 1165 E. Jennings Way, Elko, NV 89801, and matters related thereto. **ACTION ITEM**

Ratify 30-day temporary catering and retail liquor license and issue regular catering and retail liquor license to Nevada Wings LLC, dba Elko Wings, located at 1165 E. Jennings Way, Elko, NV 89801 and adding Heber Barney to said license. DZ

**** A motion was made by Councilman Conner, seconded by Councilman Johnson authorizing Staff to ratify the 30-day temporary catering and retail liquor license and issue a regular catering and retail liquor license to Nevada Wings, LLC, dba Elko Wingers, located at 1165 E. Jennings Way, Elko, NV 89801 and add Heber Barney to said license.**

Motion passed unanimously.

VI. REPORTS

- A. Mayor and City Council
Councilman Conner – Letter of appreciation to Street Department (see Exhibit ‘B’)
- B. City Manager – Legislative update
- C. Fire Chief – Update on Rescue Transport Unit
- D. City Clerk – Early voting begins 10:00 a.m. 5/16/09
- E. Parks and Recreation Director – Advisory Board Meeting 5/21/09

I. APPROPRIATIONS

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

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

**Motion passed 4 to 0.
Councilman Elquist abstained.**

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.

There was no public comment.

ADJOURNMENT

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

Mayor Michael J. Franzoia

Shanell Owen, City Clerk