

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

SS August 25, 2009

The City Council of the City of Elko, State of Nevada met for a regular meeting beginning at 4:00 p.m., Tuesday, August 25, 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  
Shanell Owen, City Clerk  
Alan Kightlinger, Fire Chief  
Don Zumwalt, Police Chief  
Dawn Stout, Administrative Services Director  
Trent Moyers, Airport Director  
Ryan Limberg, Utilities Director  
Eric Howes, Parks & Recreation Director  
Dennis Strickland, Public Works Director  
Scott Wilkinson, Development Manager  
Antonio Mendive, Water/Sewer Superintendent  
Mike Hecht, Fire Marshall  
Ted Schnoor, Building Official  
Ed Wynes, City Planner  
Jeremy Draper, Civil Engineer  
Linda Buffington, Recording Secretary

## **PLEDGE OF ALLEGIANCE**

### **APPROVAL OF MINUTES August 11, 2009**

**\*\* A motion was made by Councilman Conner, seconded by Councilman Elquist to approve the minutes of August 11, 2009 as submitted.**

**Motion passed unanimously.**

## **READING OF A PROCLAMATION RECOGNIZING SUICIDE PREVENTION WEEK**

**READING OF A PROCLAMATION RECOGNIZING FAMILY DAY – A DAY TO EAT DINNER WITH YOUR CHILDREN**

**I. PERSONNEL**

- A. Employee Introduction: Joshua Carson, Deputy Fire Marshal

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

- A. Review, consideration, and possible approval of a request by the Elko County Fair Board for the donation of a John Deere lawn tractor/mower, and matters related thereto. **ACTION ITEM**

The Elko County Fair Board has requested that Council consider a request for donation of a John Deere lawn tractor/mower that had been used at the Elko City Cemetery. This piece of equipment was replaced last year summer and is scheduled for removal from City inventory through the auction process. EDH

**\*\* A motion was made by Councilman Rice, seconded by Councilman Conner to approve the request by the Elko County Fair Board for the donation of a John Deere lawn tractor/mower.**

**Motion passed unanimously.**

Following the motion a representative of the Elko County Fair Board thanked the Council for the donation.

**I. PERSONNEL**

- B. Review, consideration, and possible acceptance of the GASB 45 actuarial valuation of the City's retiree health insurance program as of July 1, 2009 conducted by Demsey Filliger & Associates, and matters related thereto. **ACTION ITEM**

In June, 2004, the Government Accounting Standards Board (GASB) issued its final accrual accounting standards for retiree healthcare benefits, GASB 43 and GASB 45. GASB 43/45 requires public employers to perform periodic actuarial valuations to measure and disclose their retiree healthcare liabilities. The City contracted Demsey Filliger & Associates to conduct the biennial actuarial for the City's retirees. A copy of the report is included in the packet for review. DS

Mayor Franzoia questioned how often the City was required to perform the valuations.

Administrative Services Director Stout advised every two years. Ms. Stout noted there were recommendations in the report that the City try to pre-fund these liabilities; unfortunately with the PEBS subsidy changing every two years that isn't possible. The funds would have to be put into a trust and left there to be used for that purpose only. Ms. Stout estimated it would take in

excess of a million dollars per year to try and pre-fund that liability; currently we budget for it and pay as we go.

Councilman Elquist questioned if there was an opportunity to do a mix of pre-funding and pay-as-you-go; start a process towards pre-funding to be more responsible.

Ms. Stout advised there has been discussion at Staff level on how to potentially pre-fund the liability; we don't have the resources. Ms. Stout believed there was a potential, at some point, for the subsidy to go down significantly or go entirely away; if that were the case that liability would also go away.

**\*\* A motion was made by Councilman Conner, seconded by Councilman Rice to accept the GASB 45 actuarial valuation of the City's retiree health insurance program as of July 1, 2009 conducted by Demsey Filliger & Associates.**

**Motion passed unanimously.**

## **II. APPROPRIATIONS**

- B. Consideration and possible approval of substantial completion for Water Well No. 43 Wellhouse Project, and matters related thereto. **ACTION ITEM**  
The above project was awarded to Mach 4 Construction on February 10, 2009 in the amount of \$499,899.56. There were 3 change orders (one for the power service, one for changes NDEP and NDOT required, and one for a concrete pad) which total \$29,598.50 or 6% of the project cost, which brings the project total to \$529,498.06. Mach 4 Construction has substantially completed the improvements included in the project scope of work. RL

Utilities Director Limberg advised this is a request for substantial completion only; they are still waiting for the pump and motor which is a separately bid item on this project. The work on the Wellhouse is essentially complete; Staff wants to test everything to make sure it is working properly before final acceptance. To clarify matters for the Council Mr. Limberg provided additional information pertaining to the change orders.

**\*\* A motion was made by Councilman Rice, seconded by Councilman Johnson to approve substantial completion for Water Well No. 43 Wellhouse Project.**

**Motion passed unanimously.**

- C. Consideration and possible acceptance of a grant from the Federal Aviation Administration (FAA) in the amount of \$280,250 for AIP 35 – Runway Safety Area obstruction removal at the Elko Regional Airport, and matters related thereto. **ACTION ITEM**

Compliance with FAA standards requires the removal of obstructions located within the Runway Safety Area. A contract to complete the aforementioned work identified in AIP-35 was awarded to CR Drake & Sons during the August 11, 2009 City Council meeting. The Elko Regional Airport received a grant offer

from the FAA in the amount of \$280,250. The local match for this grant is \$14,750. TM

Airport Director Moyers anticipated a start date of September 1, 2009.

**\*\* A motion was made by Councilman Elquist, seconded by Councilman Conner to accept a grant from the Federal Aviation Administration (FAA) in the amount of \$280,250 for AIP 35 – Runway Safety Area obstruction removal at the Elko Regional Airport.**

**Motion passed unanimously.**

- E. Review, consideration, and possible authorization for the Public Works Department to solicit bids for the Railroad Street Improvements Project, and matters related thereto. **ACTION ITEM**

This project was approved with the adoption of the Street Inventory and work program for FY 09/10. There is \$44,736.18 remaining in the Capital Construction Fund, the remainder of the funds needed to fund this project would come from the Street Department's Curb Gutter and Storm Drains line item which has \$74,015.60 available. The work will take place between 5<sup>th</sup> and 6<sup>th</sup> Street. DS

Public Works Director Strickland advised \$12,000 would be pulled from the Street Department's line item for Curb, Gutter and Storm Drains to fund the balance of this project. Mr. Strickland identified the project area through the use of Pictometry.

Mayor Franzoia questioned if there was a partnership on the parking area.

Mr. Strickland advised Staff will wait and see what the bids come in at; the owner of Roy's Market has verbally committed to helping out if needed.

**\*\* A motion was made by Councilman Conner, seconded by Councilman Elquist authorizing the Public Works Department to solicit bids for the Railroad Street Improvements Project.**

**Motion passed unanimously.**

- D. Review, consideration, and possible final acceptance of the 13<sup>th</sup> Street Sewer Main Replacement Project, and matters related thereto. **ACTION ITEM**

This project was awarded on May 13, 2009 to Peavine Construction in the amount of \$199,000. There were additive and subtractive change orders for this project resulting in a total project cost increase of \$45,937.54, primarily due to unknown, unmapped, and unrecorded water, sewer, and geothermal lines in the area which required extensive additional construction costs. RL

Utilities Director Limberg advised there were multiple obstacles, repairs and emergencies that were necessary with this project. Through the use of Pictometry Mr. Limberg identified the various areas and specific issues; overall the project was extremely difficult and challenging and

in-part, the reason for the higher than normal amount in change order work and emergency repairs.

Councilman Elquist questioned whether any lessons were learned on how to bid this type of project in the future; the change orders are significant.

Mr. Limberg stated if any of the issues had been known, Staff would have planned different. Staff returned the plans numerous times to Eric Lattin, Project Engineer with noted changes; every effort was made to eliminate the variables before starting work on the project but when we don't know about some of them we can't address them i.e. new sewer main, water line or utilities.

Water/Sewer Superintendent Mendive noted Mr. Lattin had Plumblin Mechanical run a scope down the laterals to determine where things went; Staff was able to uncover a lot of surprises at that time. Peavine Construction also hired another company to re-camera and re-mouse some areas Plumblin had already done; they were comfortable moving forward with the project. Mr. Mendive was confident Staff had done everything correct; there is always room for improvement.

Mr. Limberg stated this was a costly project for what was ultimately accomplished; in the future Staff will take it on a house-by-house basis.

**\*\* A motion was made by Councilman Elquist, seconded by Councilman Rice to approve final acceptance of the 13<sup>th</sup> Street Sewer Main Replacement Project.**

**Motion passed unanimously.**

- F. Consideration and possible final acceptance of the Public Works Department 2009 Slurry Seal Project, and matters related thereto. **ACTION ITEM**

A contract was awarded to American Asphalt & Grading Company on July 14, 2009 to supply and apply slurry seal on approximately 161,071 square yards of selected city streets. American Asphalt & Grading Company has satisfactorily completed the project according to contract documents and specifications. As our Contract allows for the City of Elko to increase the bid quantity by as much as 25 percent, we did exercise this option and applied an additional 30,795 square yards of slurry to selected city streets, and 4,478 square yards was also applied to asphalt at the City's Solid Waste Facility. This additional work equated to \$26,637.67 for streets and \$3,873.47 for the landfill. DS

Public Works Director Strickland stated the project had gone extremely well; much better than last year's work.

Councilman Conner requested verification this includes the warranty period.

Mr. Strickland advised there is a one-year warranty period.

Councilman Rice advised numerous citizens have expressed appreciation for the work being done to maintain the street life.

Mr. Strickland advised warranty work for last year's project would begin later this week.

**\*\* A motion was made by Councilman Conner, seconded by Councilman Johnson to approve final acceptance of the Public Works Department 2009 Slurry Seal Project to American Asphalt and Grading Company in the amount of \$162,870.98.**

**Motion passed unanimously.**

- G. Review, consideration, and possible authorization for the Parks Department to solicit bids for a new trailer-mounted articulating boom lift, and matters related thereto. **ACTION ITEM**

Last year the bucket truck used by the Parks Department failed to pass a safety inspection due to several mechanical problems. The Fleet department recommended replacement and funds were allocated during the budget process for the current fiscal year. EDH

Parks and Recreation Director Howes advised Staff is requesting a less expensive, smaller trailer-mounted boom lift for use in more areas throughout the City. \$50,000 was budgeted for this equipment; if there are any remaining funds Staff would like to replace some older department vehicles in the near future.

Councilman Elquist questioned whether it wouldn't be less costly to rent if the equipment is not utilized that frequently.

Mr. Howes stated it is hard to obtain rental equipment. This piece of equipment will fit numerous applications around the City.

**\*\* A motion was made by Councilman Conner, seconded by Councilman Rice authorizing the Parks Department to solicit bids for a new trailer-mounted articulating boom lift.**

**Motion passed unanimously.**

- H. Review, consideration, and possible award of the Spruce Road Improvement Project, and matters related thereto. **ACTION ITEM**

The deadline for submitting bids was 3:00 pm, local time, on Friday, August 14, 2009. Bids were reviewed and a bid tab has been provided. DS

Public Works Director Strickland advised five bids were received; Staff recommends awarding the bid to Ruby Dome, low bidder.

Mayor Franzoia noted bids ranged from a high of \$91,966.73 to the low of \$68,474.75.

**\*\* A motion was made by Councilman Rice, seconded by Councilman Johnson to award a contract to Ruby Dome Construction, Inc. for the Spruce Road Improvement Project in the amount of \$68,474.75.**

**Motion passed unanimously.**

### **III. UNFINISHED BUSINESS**

- A. Review, consideration, and possible approval of a “Cooperative Agreement for Ambulance Support Services” between Elko County and the City of Elko, and matters related thereto. ACTION ITEM

This item was tabled during the August 11, 2009 City Council Meeting. On August 11, 2009, Staff presented the first draft of an ambulance cooperative agreement between Elko Fire Department and Elko County Ambulance Service.

City Attorney Bob Goicoechea presented several concerns/issues and productive discussion ensued with testimony and Council input. Staff was asked to review, rework and enhance the agreement and bring back a second draft for consideration. Staff and the committee of Fire Commissioner Franzoia and Assistant Fire Commissioner Elquist have contributed to this rewritten document.

Staff believes the revised agreement reflects the comments made during the August 11, 2009 City Council meeting. Although the original draft version of “Appendix B, Billing Agreement” has been included for reference, Staff is requesting that Appendix B be removed from the cooperative agreement. AK

City Attorney Goicoechea indicated he still had concerns with some verbiage in the revised agreement and identified the particular areas. Exhibit ‘A’ under Operating Procedures in the first main paragraph, the last two lines and part of paragraph two reads; “Dispatch will determine if the county ambulance service is not or will not be available within a reasonable time period after receiving a 911 call ....”; we may want to discuss the word “reasonable”. And, paragraph II; sub-paragraph B reads “if dispatch determines that Elko County Ambulance cannot respond at the same time or prior to the City ambulance ...” Mr. Goicoechea believed we are putting the burden on dispatch to make the determination.

Mayor Franzoia advised knowing where the ambulances are is called statusing and there is protocol for that.

Fire Chief Kightlinger indicated the verbiage in question refers to when neither the fire department nor the ambulance answer the page-out from dispatch; what is the time frame. Meetings are being held with dispatch to establish this time; normally it is three minutes before they send someone to find out why no one is responding.

Mayor Franzoia believed, in regards to response timing and the decision; whatever protocol is established through Central Dispatch should be included in this agreement; they make that determination because of the safety issues.

Christine Stork, Dispatch Manager, advised currently there is no statusing for Elko County Ambulance. If the city fire department leaves the station they are good about informing dispatch of their location at all times. That is not the case with the county ambulance unless they are on a call.

Mr. Goicoechea questioned if the wording was agreeable with dispatch.

Ms. Stork advised when the tone goes out for the ambulance they ask for Radio 1 and wait for a response, when a response from Radio 1 comes in that makes it the first attendant and ambulance. As for Radio 2 if they don't get the response they go to Radio 3 and Radio 4; if they get no response there they re-tone the call. Ms. Stork believed it could be reworded to say if the call is toned twice with no response from Radio's 1, 2, 3 & 4 then it would automatically go to the other agency; the same would apply for when they tone out the fire department and they don't respond within two tones.

Councilman Rice questioned the time period between the two tones.

Ms. Stork advised the response is usually immediate; if they say Radio 1 and get no response they say no response Radio 1, Radio 2; they wait and go down the line to Radio 4.

Councilman Rice questioned if the fire department is already responding.

Chief Kightlinger verified that was correct; if Staff heard tone-out they would be responding to the emergency. We don't know at that moment whether we have the service expectation or not of the transport. We are still going to have the service expectation of patient response, care and stabilization.

Councilman Rice believed the term "reasonable time" was too vague.

Chief Kightlinger advised in the scenario just presented by Ms. Stork; it is a maximum of forty seconds where they are getting no response. There is a standard procedure in the administrative stage presently going to the final stage in the operations board review that ambulance has priority of the radio for the first thirty seconds; both Elko Police and Fire Departments follow that so those units can be statused "in-service" to that emergency.

Chief Kightlinger stated there are areas within the City that are marginal at best with the radio and staff is aware of that; typically the response back is instantaneous. The sequence described by Ms. Stokes covers a minute and a half, at the very most. Emergency services go in service or they don't; we are all in the emergency services, life-saving business. Chief Kightlinger advised this agreement designates Elko County Ambulance as the first responder.

Mr. Goicoechea questioned if including "within one and one-half minutes of receiving the 911 call" should be a consideration; if the City shows up and then the county within a few minutes the intent is the county will transport.

Chief Kightlinger advised everything for the dispatch center has to be achievement based; they are working under the worst scenario and that is the 911 call.

Ms. Stork expressed concern over the minute time lie; when you put a time on it you are asking for a lot of human error.

Councilman Elquist was opposed to a time limit.

Mayor Franzoia believed the verbiage was clear giving that authority; the professionals know exactly if they get no response to a tone they have a protocol to follow and the emergency does not go ignored.

Chief Kightlinger suggested placing a period after the word “available” and deleting the rest; that seems to be the confusing part (page four of six under subheading Roman numeral I).

Mayor Franzoia and Councilman Rice were supportive of that suggestion; someone is making that determination and if the city is running they will find out in transit, or soon, that the ambulance is on the way.

Mr. Goicoechea was agreeable to the suggestion.

Councilman Rice noted the effective date and renewal was five years out; had there been any discussion of a shorter period.

Chief Kightlinger advised there is a 180 day/six month notification for modification, cancellation or amendment; both parties need an elected board approval for anything.

Councilman Rice indicated he preferred a shorter time period but was agreeable to the six month notification.

Councilman Johnson questioned if the new apparatus would be responding to each call and replacing the use of the one-ton truck/Engine 1.

Chief Kightlinger stated it will be the first to roll; anticipating the initial quick response. This agreement would determine whether the exceptions happen that we are in the transport business. We are not replacing the one-ton/Engine 1; it will still be used as our county zoned extraction vehicle and vehicle fire vehicle.

Councilman Johnson indicated there are conditions for use of the city ambulance; perhaps the word ambulance qualifies it; do we need to add the conditions for use of city ambulance for transport. It could be interpreted that the city is not going to use this vehicle unless they are the transporting authority; do we need to qualify it.

Chief Kightlinger advised the word transport is the common terminology but he has no issue with qualifying it. This vehicle will carry airbags, extraction equipment and other stabilization equipment. The tone out will tell us what vehicle to run and the location. The purpose of the vehicle is to keep an ambulance within the City of Elko at all times and also within a one-mile perimeter. This will be the first vehicle out within the city limits and it will have other functions; transport being one of them and because of its makeup can immediately roll into that responsibility if it qualifies.

Councilman Johnson questioned again if we should qualify conditions for use.

Mayor Franzoia advised whether or not this vehicle becomes the transport vehicle will be based on certain conditions i.e. county ambulance not arriving.

Mr. Goicoechea indicated he was comfortable with how it was currently written.

Dan Bledsoe, Elko Fire, expressed concern regarding ALS emergencies; the fire department needs to have the right to transport an ALS patient if there is not a county ambulance available or within a proper time limit.

Mayor Franzoia stated life-threatening situations cannot wait; it calls for an immediate decision on site.

Chief Kightlinger noted the agreement states we can serve in each other's units for patient care so the customer gets the best level of service.

Matt Griego, Elko Fire, advised knowing the status of the county ambulance is critical before the fire department rolls; if there is only one county unit available we wouldn't want both units on the same scene and not have one available for a second call.

Bob Palmer addressed the Council to express his concerns. The standards for both entities have to be the same for responding and reporting in; the county needs to agree to the communication standards set by the fire department. Mr. Palmer believed the agreement shouldn't be signed unless it was very clear that dispatch makes the determination as to who responds.

Mr. Goicoechea requested clarification on how the billing was going to be handled. The agenda packet includes a revised Exhibit 'B' for 20% as well as other changes. The current draft agreement does not include Exhibit 'B'.

Chief Kightlinger indicated Staff is requesting to eliminate Exhibit 'B' for consideration.

City Manager Calder noted Exhibit 'B' refers to billing; as discussed at the previous meeting, Staff is more than capable of handling all the billing and support the Fire Chief and City Attorney request to exclude Exhibit 'B' entirely.

Councilman Elquist questioned Staff's comfort level with the roll of dispatch; especially with the status issue. Is status that important, if after two tones, they go to the next resource; that is good protocol. Status would be nice to know and we can encourage that in the agreement but from a level of service standpoint; tone twice and go on to the next resource, if they aren't available move on to the next. Mr. Elquist believed the City should direct dispatch, at some level; it is the City's responsibility to provide the service to the City residents.

Chief Kightlinger clarified status; it is your daily availability at any one time; the requirement for immediately manned to respond is 100% the responsibility of dispatch.

Councilman Elquist believed if statusing was important to dispatch then we should require it from the county.

Ms. Stork advised they dispatch for the police department and sheriff's office; at all time they know exactly who is on. The officers log on in the morning and if they have to be somewhere i.e. court, then they notify dispatch; it is very simple, every does it with the exception of the county ambulance at this point.

Councilman Elquist noted the procedural steps do not indicate the county will report status of their availability.

Mr. Goicoechea hoped the county would agree to do that; we would want that in the agreement. Councilman Elquist believed we should advise the county this is a condition of them providing service to the city. Mr. Goicoechea indicated the city could adopt the agreement, on the condition the county agrees to provide the level of service required by the city; and provide notice to dispatch.

Matt Griego believed it was already addressed under the procedural steps.

Councilman Elquist referred to the billing; there are going to be cases where there are shared resources; should it be made clear that whoever transports gets the billing?

Mayor Franzoia advised it has been addressed; whoever transports gets to bill regardless of what personnel is in the unit.

Councilman Elquist then questioned if we need to monitor the level of service.

Chief Kightlinger advised the agreement includes a "call-by-call" evaluation. A member of the fire department stated he would like the agreement to include that the county ambulance would be staffed with two individuals per the N.A.C. The county has a history of running with one individual and depends on the fire service to fill in.

Mr. Palmer stated the county ambulance service has to become professional and that needs to be incorporated in the agreement.

Mayor Franzoia questioned legal counsel on the N.A.C.; how long can you ignore the rules.

Mr. Goicoechea advised it could be addressed in the agreement; Page 5-IV, sub-paragraph C, in the second line Staff could include "the immediate availability and in-service units manned as required by N.A.C. provisions".

**\*\* A motion was made by Mayor Franzoia, seconded by Councilman Conner to accept the revised agreement as presented with the changes so noted and the revised document based on those changes to be approved and with the elimination of Exhibit 'B' as an item for consideration.**

After the motion and before a vote was taken Chief Kightlinger requested clarification on how to move the agreement forward and outlined the options.

**\*\* Mayor Franzoia amended the motion to include; and to forward the agreement directly to the county commission for their consideration, and based on their response we will have two council level members talk with their group about this agreement, Councilman Conner's second stood.**

Councilman Johnson believed if the county wanted to take it to the next level that Mayor Franzoia and Councilman Elquist should represent the city. Mr. Johnson also noted for the motion as this is presented tonight it is Exhibit 'A'.

**\*\* Mayor Franzoia amended the motion to accept the revised Exhibit 'A', Councilman Conner's second stood.**

**Motion passed unanimously.**

**\*\* Mayor Franzoia made the motion, seconded by Councilman Johnson to appoint Mayor Franzoia and Councilman Elquist to represent the City Council in any negotiations that may take place in the future on this item.**

**Motion passed unanimously.**

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

- B. Consideration and possible authorization to activate Elko Fire Department Rescue 1 (City of Elko Ambulance) upon receipt of the State of Nevada EMS Permit, including possible approval to charge for services rendered, and matters related thereto. **ACTION ITEM**

Upon receipt of the State of Nevada EMS Permit, the City's Ambulance will be prepared for service. Although a formal resolution will be required, the Fire Department is proposing a \$750 loading charge and a \$4.50/mile transport rate.  
CC

City Manager Calder advised this item was on the agenda based on Council direction at the last meeting. In the event negotiations are unsuccessful, are rejected by the county, or drag on for some time we will have a licensed ambulance ready to go; Staff would like authorization to use the ambulance and also establish a charge for the transport. The rates proposed are for discussion only and just a starting point; we would have to come back before the Council with a resolution to establish those fees.

Mayor Franzoia questioned whether anything related to this matter would have to be forwarded to the State.

Chief Kightlinger advised this is an internal decision. Chief Kightlinger continued and gave a status report on the permit process; it is Staff's belief they have met the statutory requirements for an application for a permit to operate an ambulance and are waiting for the inspection notice.

Mayor Franzoia stated he would like to see some substantiation of the proposed charges. If we move forward with on this the resolution should include that the charges stay in a specific fund for the benefit of the operation.

Councilman Elquist was not supportive of a per mile charge unless it was outside the city limits.

Chief Kightlinger advised he would review the N.A.C. further for flat-rate charges.

Deputy Fire Chief Hecht indicated Staff could also check with the state for rates.

**\*\* A motion was made by Mayor Franzoia, seconded by Councilman Johnson authorizing the Elko Fire Department to activate Elko Fire Department Rescue 1 (City of Elko Ambulance) upon receipt of the State of Nevada EMS Permit, including possible approval to charge for services rendered and to direct Staff to bring back a resolution regarding appropriate fees for loading charges and/or mileage transport rates with the idea to include that a base rate of \$800 be considered, including transport, within the city limits.**

**Motion passed unanimously.**

After the motion and before a vote was taken Chief Kightlinger noted there had been the question of “what is the alternative if this motion passes and the county is unsuccessful in accepting the negotiated or previous agreement”; the answer is, you go into a rotational system similar to what dispatch does with tow trucks. The only thing that defers from that is EMD (Emergency Medical Dispatching); if the call warrants the breaking of the rotation due to the nature of the call the rotation is broken with no complaints allowed because the conditions warranted immediate ALS.

Councilman Elquist questioned why we don't say this is our expectations for level of service; we want you to status, if you don't you won't get the call; we will tone twice and go on to the next resource. We are sending this to the county for feedback and it doesn't necessarily have to be an agreement; it could be this is our expectation for level of service and we are going to enhance it with our transport. It doesn't matter if the county signs it or not; it is how dispatch handles it and what we as the city expect from them.

Chief Kightlinger believed the question is if we are going to agree to a standard and we are both going to status for availability etc. the city is going to fall into the backup role; we have to agree on that otherwise you have to go to a rotation; dispatch has to have it in black and white. If only 50% of the involved parties agreed to this then the other can call-jump on everything; now you have two units racing to a scene.

Councilman Elquist didn't believe the agreement, as written, allows for two to jump on a scene. Mayor Franzoia stated the agreement doesn't. Without an agreement you can; unless you have it in black and white that in lieu of an agreement you have dispatch rotate them by availability.

Marilyn Pennington requested verification the city would be handling all the billing and would the city bill various insurances for the services, including Medicare.

Mayor Franzoia verified the city would handle the billing and would bill the applicable insurance companies.

Councilman Elquist commented if the county doesn't agree to this he was not supportive of a rotation. Maybe we should change the language to say this is the city's protocol to dispatch an ambulance service. They are in the business of transporting, they should be the first call if available all the time; they are more qualified and have better personnel for it. We are an enhancement and should not be every other call; we don't want that to be our role.

Mayor Franzoia stated in lieu of an agreement, and we do a rotation, it identifies the problem we have; they can only man one ambulance; that is a problem.

Councilman Elquist believed that was okay; the market only demands one 90% of the time.

Mayor Franzoia advised currently there is one ambulance taking care of a 40,000 population; that is a problem.

Councilman Rice indicated if 85% of the calls to Elko Fire Department are medical that means one out of five times when you call 911 there is not an ambulance available.

Councilman Elquist stated that means 80% of the time there is. If they are doing a good job at that level then we should keep it at 80%. It is written well whether they agree with it or not that protocol works and we are enhancing the service; which is our goal. Councilman Elquist stated the goal, from his perspective was to enhance it and bring up their level of service.

Councilman Rice strongly disagreed that 80% was acceptable.

Mayor Franzoia stated in lieu of an agreement and you go into a rotation, it does enhance their level of service. If the county has three ambulances manned and available it rotates among those three, if we have one manned it rotates among four.

Councilman Elquist was still opposed to rotating every other call.

Matt Griego, Fire Captain, requested verification the Operational Board of the Central Dispatch that decides the procedures the dispatchers will use.

Chief Kightlinger verified that was correct.

Mr. Griego then noted whatever is decided on this matter will have to be approved by that board as to what is best for the users of the system.

Chief Kightlinger verified that was correct; those decisions are based on the K.I.S.S. philosophy because a dispatcher is in the highest height of adrenalin and community service during that initial phase of the 911 call; it has to be clear. Chief Kightlinger advised the context of rotation he was referring to was using it in the context of the two two-truck companies that operate in the Elko, Spring Creek area; they rotate back and forth unless dispatch knows a status differential or the customer requests a specific company.

Councilman Elquist stated it is not two ambulance services; it is a fire service and an ambulance service; the ambulance service has first roll out and that is how he wants to see it.

Chief Kightlinger advised the entire “tone” was there in the agreement just approved. Staff is hopeful the county sees the entire tone of that when it comes before them; they are the primary and we are the enhancement.

## **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. Second reading, public hearing, and possible adoption of Ordinance No. 707, an Ordinance expanding the corporate boundaries of the City of Elko by annexing approximately 14.75 acres of property located generally at the southwest corner of Mountain City Highway and Sundance Drive filed by Andrew C. Knudsen and Shannon Knudsen and processed as Annexation No. 3-09, and matters related thereto. **ACTION ITEM**

The petition for annexation was accepted by the City Council on June 23, 2009, and referred the matter to the Planning Commission. The Planning Commission considered this item at their regular meeting of August 4, 2009, and took action to forward a recommendation of conditional approval to the City Council. City Council conducted First Reading of this Ordinance at their meeting of August 11, 2009, and directed City Staff to set the matter for Second Reading, public hearing, and possible adoption. EW

Mayor Franzoia read into the record a letter from Tammy Parker, adjacent property owner to the Knudsen's. Ms. Parker cited four items of concern 1) Housing standard 2) Future barrier between commercial and residential areas 3) Traffic on unpaved portion of Tamarack Road and 4) City water/gas hookup to their adjacent county lot, see Exhibit 'A'.

Mayor Franzoia responded to Ms. Parker's concerns with input from City Planner Wynes and Development Manager Wilkinson 1) the property is zoned residential and would allow a manufactured home but not a mobile home 2) because this is commercial property abutting residential a conditional use permit would be required 3) Tamarack Road is a county easement and therefore the city is unable to respond to that concern 4) regarding the water hookup; they would need to petition for an extension for city services outside the city limits. The city does not deal with gas lines therefore Staff should advise Ms. Parker to contact the appropriate utility.

Carolyn Smith commented Tamarack Road, as a county road, is currently straight; will it remain so when portions of it are annexed into the city and what impact will it have on the property owners at the end of Royal Crest.

Mayor Franzoia advised Tamarack Road is not a county road it is an easement. Before the city ever takes it for a roadway it has to be converted by the county; they have to get title to the land before they can give it to the city. Typically the easements are split 50/50 with the property owners, to get the right-of-way you have to get them to vacate that easement as a right-of-way; it is a process and is a benefit to the property owners as it gives them more defined legal access.

Development Manager Wilkinson believed the question was if the fence is in the right location at this point in time; Staff cannot answer that. As the properties are surveyed in, as they are developed that issue works itself out. For the two lots on Royal Crest we created access easements for the possibility of Tamarack being developed as a street so we will have easements created for the entire property boundary associated with Tamarack on the Knudsen property. Across from Royal Crest where they will create residential development they will create right-of-way in anticipation of developing Tamarack as a street that would then connect to Cattle Drive and then connect to the state route and ultimately provide paved access in and out of the area two ways.

Ms. Smith noted the map shows existing 8" water lines on portions of Royal Crest and Tamarack; the plan says a 10" line is required to serve the proposed area; is the pavement going to be disturbed to place the correct waterline or will it come from another area.

Mr. Wilkinson advised the waterline is at the end of Royal Crest and already extended as an 8" line up to the proposed Cattle Drive; a 10" line will be installed down Tamarack towards Sundance.

Ms. Smith commented the residents on Royal Crest have spent considerable amounts to make their property nice; there is a strong concern that the city allows someone to sell the lots and not care what can go on those lots whether it be an RV or a shack. What is built there will either help the property value of the homes in that area or it will decrease the value. Ms. Smith believed the master plan, statute or city code should specify what can be built.

Mayor Franzoia advised the city has no control over who your neighbor will be.

Ms. Smith indicated she also had concerns over what can be built on the commercial property.

Mayor Franzoia advised the zoning will dictate what goes there.

City Planner Wynes stated it was zoned general commercial; anything you see downtown on Idaho Street could also go on this location; there are requirements for parking, fencing, lighting etc.

Ms. Smith questioned, when developed, how the commercial property would be accessed.

City Planner Wynes believed it would be accessed off Mountain City Highway.

Development Manager Wilkinson advised if the property parcels into more than one piece and develops that would drive ingress/egress; City Code sites distances from intersections etc. for

ingress/egress. Mr. Wilkinson indicated there is a possibility that NDOT would prefer to see ingress/egress to that property off Cattle Drive.

Ms. Smith noted the residential has septic systems; how does it work for commercial.

Mayor Franzoia advised it works the same; there are commercial standards for septic. Once sewer gets within a specific distance to a property that isn't connected but is within the city they are required, by state law, to tap into the system.

William Garton questioned the paving on the section of Tamarack Road that will be annexed into the city.

Development Manager Wilkinson advised the property owners will be required to pave Tamarack in front of their lots. In front of Mr. Garton's property there will be a gravel road that is an access and utility easement; the lot across the street will still be an access and utility easement that is somewhat graveled. The plan is at some point in the future to work with those property owners, look at converting that to public right-of-way and then paving that so we have a full road-width development; we would have vehicular looping through Royal Crest up to Cattle Drive then over to the state route. Whether Tamarack is developed as a paved road from the end of Mr. Garton's property down to Sundance is not something that can be answered; half of it is county property and we don't know how the commercial property will develop.

Mr. Garton noted the portion being developed will have a paved road but it will be gravel in front of his property; it makes no sense.

Mr. Wilkinson advised if Mr. Garton wanted to convert the easement to a public right-of-way and ask the city to pave it then it is an option Staff can explore in the immediate future.

Mr. Garton stated if the city was going to pave the other half he would convert his.

Mr. Wilkinson clarified Mr. Garton's half was committed with the Royal Crest Subdivision in the form of an easement. The other half, because they will need paved access that ties into Royal Crest for those residential lots, they will be committing, to the city, public right of way which is the same type of street as Royal Crest. Where the pavement stops it will not be blocked off; there will be a public access and utility/drainage easement that will extend to Sundance.

Assistant City Manager Andreozzi advised currently the width of Tamarack extending from Sundance to Mr. Garton's property is 30' access easement. What is proposed is that when the Knudsen's property develops there will be a portion of right-of-way that would take that 30' width and make it 60'. Whenever you subdivide or parcel off property you gain access to that property by that property owner giving up a portion.

Mr. Garton believed if all this time and money are being spent why not do it right and pave both sides.

Mr. Wilkinson advised Staff would like to do that and are working with the Knudsen's. The City of Elko will have to look at paving a portion on Mr. Garton's property and the lot across the

street. We have a budgeting process to work through, depending on the timing of their development that may be a possibility, but before it is paved it has to be converted to public right-of-way. Staff would need discussion that with all the involved property owners to determine if it was agreeable at this point in time and then see how the timing works with the city budget.

Mr. Garton believed the proposed six homes would face Tamarack; why isn't there a plan that shows that and where the septic tanks will be, how far the homes will be set back etc.

Mr. Wilkinson advised it is all in code; it will develop the same as Royal Crest. That level of detail isn't needed at this time; as the lots sell the homeowner works through the details and present plans to the city for approval.

City Planner Wynes advised the Knudsen's will have to go through the parcel map process to develop the six lots. You will not see that level of detail until the annexation is approved.

Mr. Garton questioned when all that information is available will the surrounding property owners receive copies.

Mr. Wynes informed Mr. Garton they would need to keep abreast of council agendas.

Mr. Wilkinson noted when Mr. Garton submitted his building plans they were reviewed by City Staff in accordance with City Code; the public did not have the right to review the plans and comment and determine if the proposed building was appropriate or not. City Staff looks at it and determines whether it is appropriate for the zone; it is approved based on that in addition to fire and building codes etc.

Mr. Garton stated he built a home that matched the requirement of others in that area and that is his concern.

Mr. Wilkinson acknowledged Mr. Garton's concerns but noted when you build with undeveloped property around you future development is going to come. The RS zoning does require stick-built or modular homes so there is some protection. Royal Crest is zoned RS so it is staying consistent with the zone that exists there; however they are not proposed CC&R's whereas the sub-divider for Royal Crest did and the City cannot require them.

Mr. Garton requested clarification if the city sewer came out that far would they require the residents of Royal Crest to tie in.

Utilities Director Limberg advised per City Code if the sewer is within 300' you will be required to hookup. State policy is 400'.

Assistant City Manager Andreozzi clarified any parcel of property that is within the city, or any other jurisdiction, has a zone attributed to it and there are permitted uses within that. Staff evaluates the criteria whenever there is anything built on a parcel either through a building permit process or the parcel map or subdivision process. If the commercial property develops there is a conditional use permit that would be required because of that zoning and its proximity

to residential area; everyone within a 300' area of that would be notified. Mr. Andreozzi advised for the commercial side of that development there is a lot of opportunity for the public to provide comment for consideration.

**\*\* A motion was made by Councilman Rice, seconded by Councilman Conner to adopt Ordinance No. 707, an Ordinance expanding the corporate boundaries of the City of Elko by annexing approximately 14.75 acres of property located generally at the southwest corner of Mountain City Highway and Sundance Drive filed by Andrew C. Knudsen and Shannon Knudsen and processed as Annexation No. 3-09.**

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

After the motion and before a vote was taken Councilman Elquist noted this annexation has been before the council numerous times; the owner and Staff have done a very good job with all the conditions set forth.

- C. Review, consideration, and possible action to approve Resolution No. 20-09, a Resolution to approve a change in zoning from Elko County AR (Agricultural Residential) to RS (Residential Suburban) for approximately 3.65 acres and C (General Commercial) for approximately 9.34 acres upon acceptance of annexation to the City of Elko filed and processed as Rezone No. 4-09 by Andrew C. Knudsen and Shannon Knudsen, and matters related thereto. **ACTION ITEM**

The subject property is located generally at the southwest corner of Mountain City Highway and Sundance Drive. The Planning Commission considered this subject zone change request at their regular meeting of August 4, 2009, and took action to forward a recommendation of approval to City Council. EW

Councilman Johnson indicated the commercial zoning was fine; but believed the intent of the residential suburban was for annexation purposes and was not appropriate for an urban type setting within the city. It is important that the city maintain a dense development which creates a stronger property tax base for services provided to the citizens.

Councilman Elquist agreed with Councilman Johnson's statement; the city should be selective with the zoning.

Development Manager Wilkinson advised that because sewer is not in that area it is not possible to go down to less than half-acre lots.

Councilman Elquist stated that was correct; unless you require the sewer to be extended, which pays for itself in more dense development.

Mayor Franzoia supported the zoning; it fits in with what is already there.

Councilman Conner also supported the zoning.

**\*\* A motion was made by Councilman Conner, seconded by Councilman Elquist to approve Resolution No. 20-09, a Resolution to approve a change in zoning from Elko**

**County AR (Agricultural Residential) to RS (Residential Suburban) for approximately 3.65 acres and C (General Commercial) for approximately 9.34 acres upon acceptance of annexation to the City of Elko filed and processed as Rezone No. 4-09 by Andrew C. Knudsen and Shannon Knudsen.**

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

- D. Review, consideration, and possible action to approve Resolution No. 18-09, a Resolution to approve a change in zoning from C (General Commercial) to IC (Industrial commercial) involving approximately 3.4 acres filed and processed as Rezone No. 3-09 by Catalina Laughlin on behalf of Stephen E. Trettin and Pamela J. Trettin Family Trust and Nancy Starkey, Trustee of the Nancy Starkey Living Trust, and matters related thereto. **ACTION ITEM**

The subject property is located generally on the north side of Alta Vista Drive, approximately 300 feet east of Jennings Way. The Planning Commission considered this subject zone change request at their regular meeting of July 7, 2009, and took action to forward a recommendation of approval to City Council subject to the condition that the parcel map is submitted to the City of Elko and properly recorded prior to the rezoning. The City Council took action to table this item at the request of the applicant at their July 28, 2009 meeting. EW

Mayor Franzoia excused himself from this discussion due to a conflict of interest and turned the meeting over to Pro Tempore Johnson.

City Planner Wynes requested if the council chooses to approve this application it be conditioned that upon filing of the parcel map the resolution for approval can be signed by the Mayor.

**\*\* A motion was made by Councilman Elquist, seconded by Councilman Rice to approve Resolution No. 18-09, a Resolution to approve a change in zoning from C (General Commercial) to IC (Industrial commercial) involving approximately 3.4 acres filed and processed as Rezone No. 3-09 by Catalina Laughlin on behalf of Stephen E. Trettin and Pamela J. Trettin Family Trust and Nancy Starkey, Trustee of the Nancy Starkey Living Trust with the condition that the parcel map is filed prior to the mayor signing the resolution.**

**Motion passed 4 to 0.  
Mayor Franzoia abstained due to a conflict of interest.**

#### **IV. 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

There were no special events.

- C. Review, consideration, and possible action to fill the current vacancy on the Elko City Planning Commission, and matters related thereto. **ACTION ITEM**

Due to the resignation by Mark Mudlin in January 2009, there is currently one vacancy on the Planning Commission. Staff recently received a letter of interest to serve on the Planning Commission, a copy of which is included in the City Council packet. EW

**\*\* A motion was made by Mayor Franzoia, seconded by Councilman Johnson to appoint Alene Sutherland to fill the current vacancy on the Elko City Planning Commission.**

**Motion passed unanimously.**

- D. Review and possible approval to solicit proposals from qualified vendors for the restaurant facility located at Elko Regional Airport, and matters related thereto. **ACTION ITEM**

In an effort to restore food service at the Elko Regional Airport, staff is requesting authorization to solicit proposals for a food service concession. TM

**\*\* A motion was made by Councilman Johnson, seconded by Councilman Elquist authorizing Staff to solicit proposals from qualified vendors for the restaurant facility located at Elko Regional Airport.**

**Motion passed unanimously.**

## **V. RESOLUTIONS AND ORDINANCES**

- A. First reading of Ordinance No. 708, an Ordinance amending Title 5, Chapter 3, Section 1 of the Elko City Code entitled "Animals and Fowl" adding a definition of secured chicken coop and including two or less laying hens as household pets, and matters related thereto. **ACTION ITEM**

At the Council meeting of May 12, 2009, Council directed Staff to review other City ordinances related to laying hens and to bring this item back before Council. SO

**\*\* A motion was made by Councilman Rice, seconded by Councilman Conner to set for Second Reading and possible adoption Ordinance No. 708, an Ordinance amending Title 5, Chapter 3, Section 1 of the Elko City Code entitled "Animals and Fowl" adding a definition of secured chicken coop and including two or less laying hens as household pets.**

**Motion passed unanimously.**

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

- B. Review, consideration, and possible approval of a waiver request from the US Forest Service for the construction of curb, gutter and sidewalk on Manzanita Drive, and matters related thereto. **ACTION ITEM**

The US Forest Service has submitted Construction Documents for the proposed development of a 3,000 square foot warehouse and three recreational vehicle pads on Bureau of Land Management property fronting both Idaho Street and Manzanita Lane. Access is proposed from Manzanita Lane. The US Forest Service has requested a waiver specific to curb, gutter and sidewalk along the Manzanita frontage. The waiver is based on information cited in a Bureau of Land Management (BLM) letter to the City dated April 29, 2008, with regard to the proposed construction of a hotshot facility on the same property. The City has not approved the BLM plans as of this date. Staff memo dated August 18, 2009 provides a more detailed discussion of the issue and related issues. SW

Development Manager Wilkinson indicated a memo was provided with more information and possible options for the council's consideration. Representatives of the forest service are present to answer questions as well as legal counsel.

Mr. Wilkinson advised Staff's position at this time is they have provided relevant information with regard to improvements on private property but have not addressed to our satisfaction expenditures on public right-of-way.

Mayor Franzoia requested clarification; this is a request for waiver?

Mr. Wilkinson verified this was a request from the U.S. Forest Service for a waiver to do the improvements on Manzanita; they intend to develop on the BLM property.

Tom Montoya, District Ranger, U.S. Forest Service advised the complication with the issue is that the forest service facility is on BLM land and not forest service land. Ken Miller, BLM District Manager has agreed to request a more recent opinion from their solicitor's office whether they can expend federal money for those improvements; the forest service believes they can. Mr. Montoya stated the forest service is willing to do those improvements as long as they can work with the city and BLM to defer them until such time the street is paved and they can budget for that. The forest service stance is they have done public improvements at other district offices and paid for them out of federal monies.

Mayor Franzoia provided comments pertaining to a deferral; what the forest service receives is based on what congress allocates. If there is a deferral, there is no guarantee unless we have something in writing; in lieu of congress appropriating it, it has to come out of an operating budget or some other type in a future year. Mayor Franzoia noted in reviewing the documents that it was possibly omitted as part of the request, to have adequate funding for the project.

Mr. Montoya advised they currently do not have a budget for the facility being constructed.

City Attorney Goicoechea indicated the letter received last year from the BLM was citing general accounting practices from the 1920's. It was very vague saying the general accounting office in the 1920's didn't think they could use federal funding on private land; there were no circumstances or facts for that. Mr. Goicoechea believed federal funding could in fact be used

for this project and was sure an updated opinion from the solicitor would be different than the letter received last year.

Mr. Wilkinson advised Staff currently has plans for the BLM hot shot facility that have not been approved and plans submitted from the forest service. Depending on the motion, with regard to the waiver, we made need direction to Staff on what to do with the forest service plans currently submitted and possibly direction on the BLM plans that have not been approved to date.

Councilman Elquist supported denying the waiver; let it go through the proper process.

Mr. Wilkinson indicated if that happened there still are plans pending that don't show the Manzanita improvements; the concern is what impact that might have on the forest service.

Councilman Elquist questioned, as far as the development goes, do we want the curb, gutter and sidewalk before the paving.

Mr. Wilkinson advised city code is very specific on curb, gutter and sidewalk. A lot of the requirements pertain to either lots or parcels where we have a paved street and we don't have that infrastructure. When you develop a property there are certain minimal things you have to do; you have provide utilities to the property, you have to provide paved access for vehicular access, you have to have curb and gutter for drainage control off that street and you have to have sidewalk for pedestrian access; Staff's position on paving is the forest service would do the paving also; the city does not pave streets.

Councilman Elquist likened this to recent projects that had change orders i.e. they forgot the power and now have to find the money to make it happen. If it was power they would find a way to make it happen.

Mr. Wilkinson indicated areas of Manzanita have drainage and elevation concerns; this area is not one of them, if they can budget those improvements they can do them at the time of development. Mr. Wilkinson advised it was his understanding, from the BLM; they can't encumber future budgets by entering into a deferral agreement; that wouldn't work for them, if they were able to expend federal funds off federally controlled property. Based on that information Staff is looking for those improvements to go in at the time of development.

Mr. Montoya advised they are currently out to bid for this facility and they bid curb, gutter and pavement. It makes no sense paving right now when the rest of the street is not paved. They are willing to do the paving when the rest of the street is done; they can budget for that. Their budgets run on a two-year cycle and they can submit a request for that on the next budget cycle and get the monies appropriated from congress. Mr. Montoya advised they can do the curb, gutter and sidewalk out of their 2010 budget which is October 1<sup>st</sup>.

Mayor Franzoia questioned the time line for construction.

Kevin Carnes, U.S. Forest Service Facilities Engineer, advised construction will begin in two months. The current plans do not include curb, gutter and sidewalk but it can be included in negotiations with the contractor. Mr. Carnes requested clarification on the paving; based on

discussion at the development review meeting it was his understanding that because Manzanita had been paved at one time and has reverted back to a dirt road the city wasn't pushing to have pavement taken care of.

Mr. Wilkinson was unsure Staff would stick with that position and put that commitment on the city. In regard to paving sections at a time; there is no plan for the city to pave that entire road. The city does have a lot of deferral agreements for businesses that haven't put in public improvements to date because of design issues down there; drainage issues in particular. Manzanita is unique in the fact that it has a lot of spot development, vacant parcels etc. so as they continue to develop we need to get the public improvements in; there will be gaps and is an issue we need to work through. We don't know what the road condition was like when it was relinquished to the City of Elko. The bottom line is; as you have developed property you need to have a paved surface for ingress/egress to all those properties; we have concluded the developer should be putting that pavement down.

City Attorney Goicoechea advised the agenda item is for curb, gutter and sidewalk; if the council acts on that they can direct Staff to come back with a deferral agreement related to the pavement; it cannot be addressed tonight.

Mr. Wilkinson indicated a deferral could be done administratively and would not have to come back before the council. If council denies this waiver request Staff, forest service and BLM will have to discuss the extent of the paving; our expectation is they would have to pave along their frontage.

Mayor Franzoia believed when you grant a waiver you are accepting responsibility back on the taxpayer; that is not equitable to everyone that develops.

**\*\* A motion was made by Councilman Elquist, seconded by Councilman Conner to deny a waiver request from the US Forest Service for the construction of curb, gutter and sidewalk on Manzanita Drive.**

**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**

- A. Mayor and City Council
  - 1) Councilman Elquist – compliment Staff for visual effects
  - 2) Councilman Rice – compliment Street Dept & Airport
- B. City Manager
  - 1) Fortune Magazine article on Elko

- 2) City picnic Sept. 13<sup>th</sup> 1-5 p.m. @ Johnny Appleseed Park
- 3) League of Cities Conference Oct. 14-17
- C. City Planner
  - 1) Aug. 28<sup>th</sup> meeting for review procedure of SOQ's for Master Plan
- D. Administrative Services Director – Report on year-end transfers
  - 1) Report on year-end transfers
- E. Parks and Recreation Director
  - 1) Peace Park landscaping

**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