

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

SS March 23, 2010

The City Council of the City of Elko, State of Nevada met for a regular meeting beginning at 4:00 p.m., Tuesday, March 23, 2010.

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

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

ROLL CALL

Mayor Present: Michael J. Franzoia

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

City Staff Present: Curtis Calder, City Manager
Delmo Andreozzi, Assistant City Manager
Alan Kightlinger, Fire Chief
Don Zumwalt, Police Chief
Dawn Stout, Administrative Services Director
Eric Howes, Parks & Recreation Director
James Wiley, Parks Superintendent
Trent Moyers, Airport Director
Rick Hofheins, Airport Security Manager/Assistant Director
Ryan Limberg, Utilities Director
Dennis Strickland, Public Works Director
Mike Hecht, Deputy Chief/Fire Marshal
Fritz Sawyer, WRF Superintendent
Antonio Mendive, Water/Sewer Superintendent
Darren Skelton, Public Works Superintendent
Mike Hess, Landfill Superintendent
Ted Schnoor, Building Official
Scott Wilkinson, Development Manager
Ed Wynes, City Planner
Jeremy Draper, Civil Engineer
Lorraine Martinez, Accounting Supervisor
Linda Buffington, Recording Secretary

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

**March 9, 2010 Special Session Budget Workshop
March 9, 2010 Regular Session Council Meeting**

**** A motion was made by Councilman Conner, seconded by Councilman Johnson to approve the minutes of March 9, 2010 as submitted.**

**Motion passed 4 to 1.
Councilman Elquist abstained.**

READING OF A PROCLAMATION RECOGNIZING THE MONTH OF APRIL AS SEXUAL ASSAULT AWARENESS MONTH

I. PERSONNEL

- A. Review, consideration, and possible approval of a Memorandum of Understanding (MOU) between the City of Elko and the Elko Fire Fighters Association, Local 2423 of the International Association of Fire Fighters, and matters related thereto. **ACTION ITEM**

The proposed Memorandum of Understanding (MOU) modifies Article 20, Paragraph D. Currently, new hire firefighters must complete two (2) years of service before qualifying for a temporary assignment to Driver/Operator I. The proposed MOU reduces the requirement of two (2) years of service to eighteen (18) months, thereby reducing overtime costs. A copy of the proposed MOU has been enclosed in the agenda packet for review. CC

Dan Bledsoe, Union President, advised this was another attempt to hold costs down.

**** A motion was made by Councilman Conner, seconded by Councilman Rice to approve a Memorandum of Understanding (MOU) between the City of Elko and the Elko Fire Fighters Association, Local 2423 of the International Association of Fire Fighters.**

Motion passed unanimously.

II. APPROPRIATIONS

- B. Review, discussion, and possible authorization to solicit bids for Phase II of the 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 an FAA grant (AIP 38) for Phase II of the removal/relocations 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 engineer's original estimate was approximately \$500,000 and what is we applied for. Since that time we held meetings with staff and we are now looking at reducing the cost by approximately \$100,000 by not doing the millings on the road.

Mr. Moyers indicated the 5% match will be through in-kind services.

Councilman Elquist questioned if the building was on airport property.

Mr. Moyers verified it was.

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

Motion passed unanimously.

- C. Review of the bids received and possible award of a contract to supply the City of Elko's Solid Waste Facility with Mobile Litter Fencing, and matters related thereto. **ACTION ITEM**

The deadline for submitting bids was 3:00 pm, local time, on Wednesday, March 17, 2010. A bid tabulation will be provided at the meeting. DS

Mayor Franzoia noted one bid was received from Metta Technologies, Inc. in the amount of \$4,795.00.

Public Works Director Strickland advised the bid price is per panel; staff envisions ordering ten panels.

**** A motion was made by Councilman Elquist, seconded by Councilman Rice to award the bid for the Mobile Litter Fencing to Metta Technologies, Inc. in an amount not to exceed \$47,950.00.**

Motion passed unanimously.

- D. Review of the bids received and possible award of the Hot Bituminous Plantmix Asphalt for 2010, and matters related thereto. **ACTION ITEM**

The deadline for submitting bids was 3:00 pm, local time, on Wednesday, March 17, 2010. A bid tabulation will be provided at the meeting. DS

Public Works Director Strickland indicated the vendor held to last year's prices.

**** A motion was made by Councilman Conner, seconded by Councilman Johnson to award the bid for the Hot Bituminous Plantmix Asphalt for 2010 to Staker Parsons.**

Motion passed unanimously.

- E. Review, consideration and possible approval to award the bid for the purchase of a new ½ ton four-wheel drive pick-up truck with tool boxes and pipe rack installed, and matters related thereto. **ACTION ITEM**

The deadline for submitting bids was 3:00 P.M. local time, March 17, 2010. Staff will make a recommendation for council review. EDH

Mayor Franzoia noted six bids were received; Gallagher Ford, DeLong Ford, Fallon Auto Mall, White Side Chevrolet, Carson Dodge and Dale White. Low bidder was Gallagher Ford with a base bid of \$24,263.90; total bid with alternates \$26,062.90.

Parks and Recreation Director Howes clarified the base bid is the truck; alternates are the flat bed, tool box and pipe racks. Budgeted amount was \$25,000; however there are funds available in Golf Fund to cover the additional cost. Staff recommends awarding bid with alternates to Gallagher Ford.

**** A Motion was made by Councilman Conner, Seconded by Councilman Elquist to award the bid for the purchase of a new ½ ton four-wheel drive pick-up truck with tool boxes and pipe rack installed to Gallagher Ford in the amount of \$26,062.90.**

Motion passed unanimously.

IV. NEW BUSINESS

- D. Review, consideration, and possible appointment(s) to the Airport Advisory Board, and matters related thereto. **ACTION ITEM**

There is currently one vacancy on the Airport Advisory Board. Letter(s) of interest are included in the agenda packet. TM

**** A motion was made by Mayor Franzoia, seconded by Councilman Elquist to appoint Joseph H. Jarvis to fill the vacancy on the Airport Advisory Board.**

Motion passed unanimously.

- E. Discussion of possible streamlined financing options for the 2010 Idaho Street Rehabilitation Project, including direction to Staff regarding the initiation of a possible Interlocal agreement with the Elko County Regional Transportation Commission (RTC), and matters related thereto. **ACTION ITEM**

During the March 9, 2010 City Council meeting, Staff was directed to move forward with a General Obligation (Limited Tax) Various Purpose Bond (Additionally Secured by Pledged Revenues) for the financing of the Idaho Street Rehabilitation Project. A portion of the project will be paid from a \$0.075 ad valorem tax rate the City previously used to pay the 1989 street bond which retires this fiscal year. The balance required to finance the project is proposed to

be paid by the City's portion of the Elko County Regional Transportation Commission (RTC) gas tax revenues. As these are not direct revenues to the City of Elko, Staff is requesting that the Council initiate a request for an Interlocal agreement with the RTC, with a goal of consolidating all financing into one (1) bond instead of two (2).

If an Interlocal agreement were approved, only one bond would be issued, thereby reducing bonding costs and increasing the likelihood of better interest rates. This proposed strategy streamlines the process and may increase the amount of available construction funds received from the bond.

Andrew Artusa with NSB Public Finance will be in attendance to discuss the options with Council. DS

Administrative Services Director Stout advised we do this on our behalf and the Interlocal agreement would be with the county; they would give those revenues to us to pay the portion of the bond related to RTC funds. One benefit of this option is it gives us additional monies.

Mr. Andrew Artusa, Managing Director, NSB Public Finance indicated by combining the bond issue and doing it through the city you generate \$2.6 million in additional proceeds. For an RTC bond you would net approximately \$3.8 million; if you do it through an Interlocal agreement and the city issues it you would net \$6.4 million. We would do this all as one bond issue but the city would have two repayment sources; the RTC money as well as the \$0.0750.

Mayor Franzoia questioned if the cost of putting them together was the same as doing one bond.

Mr. Artusa indicated you would save approximately \$125,000 by doing one bond versus two. The next step is to have a DMC Notice Resolution put before you with the maximum principal amount. It takes six months to get the bonds authorized so you wouldn't have proceeds until beginning of October.

Mayor Franzoia expressed strong support of this option; it will generate more proceeds for the project.

City Manager Calder commented the Council had previously authorized Staff to move ahead with the C Tax Bond and also discussed possibilities of short-term financing; this would be a good time to ask Mr. Artusa any questions regarding those types of financing scenarios.

Mayor Franzoia questioned an Inter-fund loan.

Mr. Artusa indicated the Inter-fund loan would save the most; if you can come up with those resources. When you adopt the DMC Notice Resolution you would adopt a Reimbursement Resolution at that time; any monies you spend prior to issuance of the bonds you will be able to reimburse yourselves. If you can cover yourself until October you would be better to go that way; otherwise you have to go through the medium term process which takes about three

months. You could sell a bond but have to pay double issuance costs; if you do it internally you save on the issuance cost.

Councilman Elquist was concerned with trying to fast track the project into this year; we don't even have a design team on-board yet.

Councilman Rice agreed with Councilman Elquist and also questioned if this bond would tie our hands with any other bonding we might want to do in the future.

Mayor Franzoia advised it would not.

Ms. Stout indicated it does affect it in the respect the city can only issue so much debt.

Councilman Rice questioned if the Recreation Center Feasibility Study could still be addressed or would this have an affect on that.

Ms. Stout advised if you were looking at using property tax revenue, we only have \$0.11 to our cap. The amount of money the city could generate with that is \$440,000 per year and it would have to be a voter over-ride. \$3.5 million is all we could generate as far a debt goes based on that amount.

Councilman Conner questioned if you were looking at a recreational district.

Ms. Stout advised at that point it wouldn't be a city issue; it would be a district issue. As far as the city's tax rate goes we only have \$0.11 until we meet our cap.

**** A motion was made by Councilman Elquist, seconded by Councilman Rice directing staff to make contact with Elko County Regional Transportation Commission to initiate an Interlocal agreement to facilitate the financing of the 2010 Idaho Street Rehabilitation Project.**

Motion passed unanimously.

After the motion and before a vote was taken Councilman Johnson requested verification this step would have no effect on what decision the city makes related to transfer of funds for intermediate or mid-term loan just to get the process started.

Mayor Franzoia verified that was correct.

VI. PETITIONS, APPEALS AND COMMUNICATIONS

- A. Review and consideration of a request from Friends in Service Helping (FISH) to renew the lease for property located at 821 Water Street and/or negotiate with the City to purchase the property at a reduced rate, and matters related thereto.
ACTION ITEM

The existing lease with FISH will expire on June 30, 2010. The lease provides for an option to renew for an additional 20 year period. FISH is requesting the renewal and/or consideration of possible purchase of the property. SO

Susan Martsolf, Executive Director, FISH was present to explain their request. They would like to relieve the city of the liability of the property and they would like to have it in their control for future growth plans.

Mayor Franzoia indicated the easiest way would be to start the lease and move forward which would allow staff time to review the matter further.

City Manager Calder advised the conveyance provision is under NRS 268.055; they would qualify for a conveyance. The conveyance can be made on such terms and conditions as the city would want. The provision does not say you have to give the property at no cost but it does not say what you can charge for it. There is a reversion clause that states if the property is not used for a charitable or civic purpose it would revert back to the city. Mr. Calder noted the property is within the Redevelopment boundaries; even though the city council has authority to convey the property there is likely some point in the process, if we go down that road, that the RDA would have to look at it from the RDA perspective.

Mayor Franzoia questioned what the burden is back to the city currently.

Ms. Martsolf advised the city paved the lot and helped out with the streets when they do the haunt in October. Ms. Martsolf indicated they try not to ask for anything unless they really need it. Ms. Martsolf believed it became more of a burden to the city every time they request permission to do something i.e. put up fencing. Ms. Martsolf advised they have changes in mind that will help them grow.

Mayor Franzoia suggested FISH visit the pros and cons of ownership prior to taking on the obligation and liability associated with it.

Ms. Martsolf expressed concern if they renew the lease at this point and the law changes in twenty years there is a risk they could have to purchase it at the appraised cost; that is huge and they are trying to protect the organization.

Mayor Franzoia supported extending the lease at this time which will allow FISH time to fully understand what transfer of ownership would entail.

**** A motion was made by Councilman Conner, seconded by Councilman Rice to approve an extension of the lease to FISH for property located at 821 Water Street.**

Motion passed unanimously.

City Manager Calder requested clarification of the lease extension; how long was it for.

**** Councilman Conner amended the motion to clarify the lease would be extended for another twenty years, Councilman Rice's second stood.**

Motion passed unanimously.

- B. Review and consideration of a request from the Elko Boys & Girls Club regarding future facility site locations, and matters related thereto. **ACTION ITEM**

An e-mail from Lee Chapman has been enclosed in the agenda packet for review.
CC

Fernando Vargas, Executive Director Elko Boy's and Girls Club gave a brief presentation outlining the facts, misconceptions and core services of the club; see Exhibit 'A'.

Following the presentation Llee Chapman explained the request before council tonight. Last year The Board of Directors authorized a survey and feasibility study to determine what direction the club needs to go next and how to get there. The survey results show the number one concern of the citizens is their kids; are they safe, what about drug use and alcohol, what about all the times no one is home with them; the same citizens expressed their appreciation to the club for providing a safe environment for their children. Another survey result indicated the club needs to be more centrally located and more available to everyone. Based on that feedback the Board of Directors put together a Site Location Committee and they came up with eight or nine great sites all around Elko. However, one site stood out over all others and meets their goal.

Mr. Chapman advised there is vision in this town to create an Elko kids village and citizens village where people can have the quality of life we want for them; a place where you can play basketball, baseball, football, tennis, ride skate boards; do whatever you choose; and you are safe in this facility. They are here tonight asking the Council's permission to allow the Boys and Girls Club of Elko to be part of that vision. They are asking the Council's permission to allow them a place in that vision; place in the number one location that is so superior to everything else they looked; and that is in the city park.

Mr. Chapman acknowledged the city is currently updating the City's Master Plan and working on a feasibility study for a recreation center and they support that. At this time they aren't asking for an exact location because if they receive the Council's approval they have a year's worth of work to do; they have to get organized and raise the money. The intent is to complete the project in phases; phase one will be classrooms, learning center and administration; phase two will be the recreation part of the Boys and Girls Club and they are hoping that phase two is included with the recreation center and they are part of that community effort. Mr. Chapman stated they are not here asking for money; only the opportunity to go after it. Through private funding they can be the catalyst that makes this dream a reality; to ask for a significant contribution to help with the building they need to know where it is going to be located. That is why they are here.

Various member of the Boys and Girls Club expressed support of the club and what it provides to the youth of our community.

Caleb Tapia, Youth of the Year for Elko Boys and Girls Club addressed the council to explain how the club helped pave the way for his future and the impact it had on him. Mr. Tapia thanked the club for the person he is today.

Councilman Conner supported the request; the Boys and Girls Club needs to be part of our plan. The concern is we are currently in the process of doing a feasibility study and need to complete first so everything is placed in the right location.

Mr. Chapman indicated they were present tonight because they are big believers in the recreation center project and want to be part of it. Even with approval tonight from the council they still need one year to make sure everything is ready. The feasibility study will complete by late summer and in the meantime they don't want to just be sitting around. This vision is real; there is a thing called momentum; our economy needs it, our kids need it and they want to get started.

Councilman Rice questioned whether the locations are conceptual; you are just looking for the city's approval to locate it on city property. Councilman Rice also believed going forward with any recreation center in the future will need to be connected to geothermal.

Mr. Chapman verified the park locations shown tonight are conceptual; they can be located anywhere in the general study.

Councilman Rice hoped they are committed to expanding private partnerships.

Mr. Chapman indicated they fully intend to work with stakeholders to build the facility.

Parks and Recreation Director Howes expressed support of the idea but believed it was premature to pick an area in that block. We are looking at four or five potential sites as part of the feasibility study; this is definitely one of the sites but it is part of a study that is not complete. Mr. Howes, as well as the Advisory Board support the idea; it is a good partnership but they are a little ahead of us.

Councilman Rice questioned Mr. Vargas if the feasibility study showed that the site was not in the main city park would that still be in-line with their vision.

Mr. Vargas stated absolutely. Their feasibility study showed that was the best location and they would like to have it in the park but if issues dictate otherwise it doesn't have an effect on how they serve the children.

Councilman Rice restated his question; if the feasibility study for the recreation center showed the best site somewhere else is that where they would like to locate to.

Councilman Johnson clarified the issue for Councilman Rice; the feasibility study for the Boys and Girls Club is one of many different aspects; part of it had to do with marketing, what is the image of the club in the community. Those were things the club needed to get past and address any items to determine what community support there is for the club. The feasibility study is saying to locate the club on the north side of town which will also increase chances for private

contributions. Comments on the feasibility verified some of the misconceptions pointed out in the presentation; because the club is located at Southside School. One recommendation in the study was to get located on the north side of town for sustainability and increased exposure. Councilman Johnson verified eight or nine sites were presented to the Board of Directors at the Boys and Girls Club they received good support.

Mr. Vargas stated they will never abandon Southside; they will always have something there.

City Manager Calder advised currently the geothermal system is at capacity. The group is going through a request for qualification process to bring on engineer that specializes in geothermal systems to determine ways to expand the capacity of the system. Part of the geothermal users' group agreement is that if additional heat can be produced Great Basin College has first dibs on it because they have infrastructure in place at the college they would like to utilize that heat on. The college has applied for a \$1.0 million federal grant which would help with everything from planning to infrastructure upgrades; however there is a \$500,000 match to that grant. The users group is trying to determine if there is any way to use past maintenance, design or improvements to count as in-kind and is working through those issues. City Manager Calder believed this was a key issue and Mr. Chapman mentioned it being a critical path; it will likely appear in the city's feasibility study for our recreation center as well. If in fact there is an assumption made that geothermal is an absolute necessity; that would make this location logical the upgrades to the system to bring those facilities online are going to be substantial; probably \$2.0 to \$4.0 million to upgrade it. City Manager Calder cautioned anyone against thinking this is a slam dunk; you put any facility there it is going to be tapping into the geothermal system as it exists; a lot of improvements are needed to it and that could be a deal-breaker for a recreation center.

Mayor Franzoia advised the geothermal has two uses; the real hot water that comes out first and the tail-end of the water that still has heat that could be utilized. There is technology out there that can utilize it without increasing the flow as much as expecting every ounce of heat out of the water. There are different ways to get that and all ways are better than using natural gas.

Al Bernard stated feasibility studies take a long time. There is a sense of urgency for them; they have the momentum going now and want to keep moving forward; to do that they need to know where the building is going to be located. Mr. Bernard believed having the building in the park is the best; not only for them but for the community.

Mayor Franzoia liked the park location; it is more receptive to the commonality of the community.

Mayor Franzoia challenged Parks and Recreation Director Howes to not throw obstacles in place. We already have budget problems and we can't maintain what we have; perhaps expansion of park facilities may not be our future because it stretches the abilities for us to provide the services with the resources being limited. This is an opportunity for the city to carve a piece of the park out used for youth activities to continue to be used for youth activities; but the private sector now gets to be responsible for that. It gives the citizens and the city taxpayers the benefit of not having to provide that service and upkeep.

Mayor Franzoia believed there is a trade-off that makes sense and the master plan would take into consideration when looking at that area. The consultant needs to be informed of the fact our budget is terrible and that reducing park space should be part of their consideration.

Mayor Franzoia didn't believe we were making a commitment that ties our hands. He supports the park location because it makes sense; where it goes can be determined later based on the master plan.

Councilman Elquist supported a "conceptual/conditioned" approval. Sustainability is an issue; if we are going to commit city land for a facility that is out of our control we have to be as confident as people asking the same questions of the club they are asking money from. We have these relationships that work and this fits right in i.e. Chamber of Commerce but we need to have answers we are comfortable with.

Councilman Elquist acknowledged geothermal is an issue and questioned what happened to the Armory location.

Mr. Chapman advised they will be seeking that information over the next year. They are willing to meet as needed to keep the city updated. Mr. Chapman believed they can help the rest of vision by getting started on their project.

Councilman Elquist believed the time frame needs clarified.

Mayor Franzoia indicated a "conceptual" agreement of a park location gives them time to address the issues and still protects the city.

Councilman Elquist stated there are competing interests here i.e. girl's softballs; what is highest and best use for property.

Mayor Franzoia stated that wouldn't fit here; the area is large enough.

Parks and Recreation Director Howes agreed with Councilman Elquist; the point is relevant. If we decide this is the site for a recreation center then the current ball fields will have to be relocated; there isn't enough room for both.

Mayor Franzoia noted based on the presentation this is a beginning step; they aren't doing the entire thing at one time. They haven't picked where to make the beginning step so let's not kill the issue before it gets started.

Mr. Howes requested Mayor Franzoia not misrepresent his statements; he is a strong supporter of the idea but we need to consider the needs of the other leagues as well.

Councilman Elquist questioned if the same number of representatives were here from the softball organization; what would we be saying to them; if it was half and half who would we support if it is limited? You have to play devil's advocate in these matters.

Mayor Franzoia believed the long-term question is; can we afford more parks.

Mr. Howes believed the master plan will answer questions prior to making a commitment such as this.

Councilman Conner believed the Boys and Girls Club should be part of the recreation center or at least in the vicinity. We can include them in our plan but the feasibility study needs to be completed before we identify a location. Mr. Elquist is right; there are other people making requests.

Councilman Johnson indicated the club recognizes that it is a process and the process needs to take its course. The decision doesn't have to be tonight; these type of discussions need to happen for the good of the community; this is a big commitment.

Mr. Vargas stated he has been with the club twenty-five years; the club is magic, it brings people and communities together. This is a win-win for everyone; especially the kids. Their study indicates this location is where they will make the biggest impact to the Elko children.

Councilman Elquist questioned whether the council could approve the request "in concept" so they can move forward. We don't need to pinpoint the area because there is enough room for them somewhere in the park.

**** A motion was made by Mayor Franzoia, seconded by Councilman Elquist to support the concept of a park location by the Boys and Girls Club subject to when identified that we would enter into a legal situation that would identify location, have an agreement in place for said location that allows opportunity to build in a restricted time zone to be determined later and that this also is included as a concept to be identified in the master plan process and also the concept being passed on to the group doing the feasibility study of the recreation center that could be mixed together for best layout if possible if that goes forward.**

Motion passed unanimously.

After the motion and before a vote was taken Councilman Elquist questioned if that was acceptable to Parks and Recreation Director Howes.

Mr. Howes had no issue with the motion. His concern is that he has been working for five and half years to make sure we are less reactionary in our approach to maintenance and more planned. It has taken that long to get to a master plan update and he wants to make sure all that work is valid; that we have a plan going forward.

Mayor Franzoia advised if they don't know this is out there they can't plan it.

Mr. Howes stated he wants to be less reactionary and more proactive in our approach to everything we do; the master plan is a key component of that.

Councilman Rice believed as long as this "concept" for the Boys and Girls Club matches the vision of the master plan everything was okay.

Mayor Franzoia stated if the individuals doing the master plan are not made aware of this we are doing them a disservice.

Councilman Elquist encouraged everyone involved to work with staff.

Under further discussion Councilman Conner commented his goal is to build a regional recreation center and believed this group is part of it. Councilman Conner believed the community would support it.

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.

I. PERSONNEL

B. Review, consideration and possible authorization for the Parks and Recreation Department to hire necessary seasonal positions, and matters related thereto. ACTION ITEM

The requested positions represent seasonal positions that are critical for the operation of Parks and Recreation Department. Each request has been carefully considered in light of the current budget situation and represents the minimum staffing levels necessary to avoid severe reductions in service levels. Supporting documentation has been included in the packet for review. EDH

Parks and Recreation Director Howes indicated all the positions he would be recommending and asking authorization for are all included in the budget that was presented earlier today.

Parks and Recreation Director Howes addressed the Recreation Department requests first as those positions are funded by the programs and activities they serve. Mr. Howes advised what the Recreation Department is asking for is limited in scope and is nothing different than in past years. It does include the sports coordinators for the softball league which generated a generous amount of revenue last year that was a real benefit to the department.

Mayor Franzoia believed due to the current budget crisis staff would not be asking for the positions unless they were justified.

Councilman Johnson questioned if the positions needed to start in April or May.

Mr. Howes advised for the Parks Department the ideal time to bring them on would be the first part of April. If necessary that could be delayed a couple of weeks if necessary; those positions will eventually be critical in allowing us to do the rotating 4/10 schedule similar to what the landfill is doing; which essentially allows us to reduce or eliminate overtime and callback pay on weekends that has been a major portion of our operating budget the past few years.

Mayor Franzoia requested verification the seasonal workers would more than offset the overtime and callback.

Mr. Howes verified that was correct. In addition, not having the seasonal help would have an important impact on the level of service the Parks Department offers.

Mr. Howes noted in the five and half years of his employment we have made significant improvements throughout the parks system which is a testament to staff's dedication and hard work; the same can be said for all our departments and not just the parks department. The Parks Department is still two full-time equivalents under staffed from what we were thirteen years ago, our parks system has increased and the quality and level of service is increasing.

Mayor Franzoia complimented Mr. Howes on what he has done with the parks system.

Mr. Howes credited his staff; they are as good or better than they have ever been and care about providing excellent service irregardless of what funds are available to make it happen.

City Manager Calder first expressed support of all the requests outlined in the proposal. To make sure the council had all the information necessary to make a decision Mr. Calder then disclosed there is a hiring freeze and we are in the midst of our budget process. If the council directs him, as City Manager, to move down the path of work force reduction the contract for these departments requires that all seasonal, temporary, and part-time employees to be laid off first before any regular employees are laid off. Mr. Calder advised if things turn in that direction the newly hired employees could summarily be dismissed.

Mayor Franzoia indicated if this is approved anyone that gets hired have to be advised of that up front.

City Manager Calder commented that was a given with seasonal employees; it is not a stable source of employment. If there were those types of cuts later down the road, an acknowledgement that of course the service level is going to be reduced; these departments don't function as efficiently and effectively without their seasonal employees; they are a key component to those departments.

Councilman Elquist questioned if the budget takes a turn for the worst what is the earliest date staff would anticipate layoffs.

City Manager Calder advised for the regular employees he is required, by city policy, to give thirty days written notice. All seasonal and temporaries would have to be terminated prior to that.

Mr. Howes advised the two departments that would be most impacted were the parks/cemetery and the pool.

**** A motion was made by Councilman Conner, seconded by Councilman Elquist to approve the seasonal employee request for the Recreation Department, Parks/Cemetery.**

**** Councilman Conner amended the motion to include the Golf Department, Councilman Elquist's second stood.**

**Motion passed 4 to 1.
Councilman Johnson opposed.**

After the motion and before a vote was taken Councilman Johnson stated we should get further into the budget before making this decision.

**** Councilman Conner amended the motion that no positions be filled until the tentative budget is adopted on April 15th.**

Councilman Elquist advised Mr. Howes outlined timelines where he might need the positions before that date.

Mr. Howes indicated it is critical for the Golf Department and also the Parks.

Councilman Rice noted if we can't afford to do it we have a mechanism for undoing it. The motion as it was made allows Mr. Howes to move forward.

**** Councilman Conner withdrew his last amendment.**

III. UNFINISHED BUSINESS

- A. Review, consideration, and possible acceptance of proposed changes to fee structures for the Elko City Cemetery and various other services provided by the Parks and Recreation Departments, and matters related thereto. **ACTION ITEM**

This item was tabled at the meeting on March 9 and is included for further review. Staff is requesting Council consider proposed changes to fees charged at the Elko City Cemetery. Staff is also proposing changes to Title 8 Chapter 11 of City Code including the fees contained therein. Additional information is included in the packet for further review. EH

Parks and Recreation Director Howes gave a brief presentation of the proposed fee changes; see Exhibit 'B'.

Mr. Howes advised staff based their estimates for cemetery fees on a comparison survey throughout the state as well as neighboring states.

Mr. Howes indicated all fees were discussed with the advisory board; they support the proposed fees and proposed changes to Title 8, Chapter 11. Mr. Howes advised he would address each proposed fee change individually.

Park fees; Three time consuming issues include; trash collection, cleaning restrooms and event setup. Mr. Howes noted currently all fees are based on an estimation of the number of people expected at an event. With that fee you receive a certain number of tables and garbage cans. Events expected to be in excess of two hundred people requires a three hundred dollar refundable deposit; if the area is left in good condition. The proposed fees are based on the number of areas reserved and a per day fee. Mr. Howes indicated there will be a slight increase in fees for the larger events.

Mayor Franzoia believed an area needs to be defined.

Mr. Howes advised the areas are defined in code and on map. Mr. Howes noted proposed changes include events over two hundred people would require a deposit of \$500.00; refundable if they left the area in good condition. In addition, staff would like a 30-day notice for the larger events and would also require a brief meeting with staff prior to the event. Additional tables would remain at the same fee but groups of four would be required.

Bleachers: Currently there is no fee structure for the wooden bleachers; staff would prefer to set those out where they can be used more often and not move them around; as we can replace them we will. The seventy-five seat and three-hundred seat bleachers are portable and can be moved easily; we aren't seeing a lot of use of them. The advisory board recommended the \$1.00 per seat fee for those.

Mr. Howes advised there are issues in the park staff is trying to deal with; 1) city code has a differentiation between public and private events; a public event is any event the public is invited to which is most of the larger events which create greater messes and require more staff time to clean up after and are currently provided at no charge; staff recommend that distinguishment be removed and that every event be charged 2) eliminating glass containers from park 3) alcohol in parks by permit only.

Mayor Franzoia questioned Sunday picnics; how would that be handled.

Mr. Howes believed the enforcement would be similar to i.e. the speed limit.

Councilman Elquist advised the police use discretion.

Mayor Franzoia questioned where someone would get a permit on a Sunday; he was looking at the public service side of the issue; a lot of people aren't going to know the rules. If we are trying to be friendly to everyone and give them the opportunity how do we solve that problem?

Mr. Howes noted other cities around the state have dealt with this issue; staff can talk with them.

Mayor Franzoia suggested a drop box system. It's an honesty issue and if someone does a random check in the park they can quickly verify whether someone paid for the permit or not. You could use discretion if the intent is to get the vagrants out legally.

Mr. Howes advised currently applications are at the recreation center. Staff is looking at software to make your park reservation from home and that would include the alcohol permit.

Councilman Elquist advised caution; we need to make it the rule and allow for some discretion in enforcement; or not allow alcohol.

Councilman Conner believed we were punishing everyone for a few people. We need to look at this further before passing an ordinance.

Mayor Franzoia agreed with Councilman Conner; there may be a better solution.

Police Chief Zumwalt expressed strong support of Mr. Howe's intent and stated he would be willing to have a shift supervisor meet with anyone to issue the permit. He wants the parks cleaner, safer, a place where everyone can go. There is an issue with the vagrants but you can't discriminate against people for being homeless.

Councilman Elquist believed you get what you expect. We can have permit only, we can have hours that you can get a permit. We just discussed creating a village; maybe we don't want people drinking at six in the morning in the park in our village; we should have some expectations of good behavior in the park.

Mr. Howes believed it comes down to what is the purpose of our providing the parks; is it to provide another place to consume alcohol or is it to provide a place for our families to go and feel safe and comfortable. And, maybe those things can be there at the same time to some degree.

Councilman Elquist again mentioned hours and areas that are acceptable so there is a safe place for people who don't want to deal with it.

Mayor Franzoia recommended staff work on the wording; clarify things more.

Development Manager Wilkinson questioned how you would deny permits to vagrants?

Mr. Howes advised it is part of a park reservation process, there is a fee attached that goes along with reserving the space; if they pay that then they have the same rights as any other citizen.

Mr. Wilkinson noted not every area requires a reservation.

Mr. Elquist believed if it was done during the acceptable hours and area there isn't much we can do about it if we are going to allow it; that is why it should be restricted.

Mr. Wilkinson believed the code mentioned earlier might be more effective than a permit.

Councilman Elquist indicated part of the permit language could state that you can't be intoxicated in the park.

Mr. Howes advised tonight's discussion is whether the council wants to move forward with the process; staff can include some of the issues discussed tonight.

**** A motion was made by Councilman Elquist, seconded by Councilman Rice to approve the proposed changes to the fee structures for the Elko City Cemetery and various other services provided by the Parks and Recreation Departments, and direct staff to move forward with the alcohol in the parks issue.**

Motion passed unanimously.

After the motion and before a vote was taken Councilman Conner requested clarification on the motion regarding the alcohol issue; council is asking staff to look at other possible alternatives and come back?

Councilman Elquist advised staff can handle it how they choose, look at more alternatives or bring it back in resolution form; we aren't passing anything tonight.

V. RESOLUTIONS AND ORDINANCES

- A. Consideration and possible adoption of a Resolution 5-10, a resolution amending fees charged for services provided by the Elko Police Department, and matters related thereto. **ACTION ITEM**

The Police Department processes work permits and fingerprint cards. The current fees do not cover the cost of reproduction and processing, therefore the City of Elko has proposed increasing the fees as outlined in the Resolution. SO

Police Chief Zumwalt advised this will put us in the middle range of all other entities survey and will generate approximately \$8,000 additional funds.

Councilman Johnson noted this put us in the middle range of fees as previously stated; can we do it for the fee proposed.

Chief Zumwalt indicated we can't do it for less than that.

Councilman Johnson believed staff was on the right track regarding fees; one solution is that anything that can be based on a fee charge and take away from the drain of the general fund should be taken a hard look at and if staff could show it cost the City of Elko 'x' amount of dollars for people that need these things; that should be the number driven to generate the fee. If that is the cost of doing business for 'x' amount of people then they should pay that cost.

Councilman Elquist agreed and suggested we review the fees again in two years.

**** A motion was made by Councilman Elquist, seconded by Councilman Rice to adopt Resolution 5-10, a resolution amending fees charged for services provided by the Elko Police Department.**

Motion passed unanimously.

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.

- B. Review, consideration, and possible action to accept the 2009 Annual Report of Planning Commission Activities, and matters related thereto. **ACTION ITEM**

Pursuant to Section 3-4-23 of the Elko City Code, the Planning Commission is required to prepare and present an annual report of its activities to the Council. The Planning Commission considered this item at their meeting of February 2, 2010, and took action to approve the 2009 Annual Report of Planning Commission Activities, and forward the matter to the Council. EW

**** A motion was made by Councilman Rice, seconded by Councilman Johnson to accept the 2009 Annual Report of Planning Commission Activities.**

Motion passed unanimously.

- C. Review, consideration, and possible action to accept the 2010 Calendar Year Planning Commission Work Program, and matters related thereto. **ACTION ITEM**

The Planning Commission considered their 2010 Calendar Year Work Program at their regular meeting of February 2, 2010, with direction to Staff to refine the priorities and listings. The item was refined and brought back to the Planning Commission at their regular meeting of March 2, 2010, where they approved the 2010 Calendar Year Work Program with one addition to Special Projects regarding the Union Pacific right-of-way acquisition. EW

Councilman Elquist believed the program is too lofty for one year; refine these down to a task and timeline.

City Planner Wynes acknowledged there is more listed than the Planning Commission can accomplish.

**** A motion was made by Councilman Elquist, seconded by Councilman Rice to accept the 2010 Calendar Year Planning Commission Work Program.**

Motion passed unanimously.

II. APPROPRIATIONS

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

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

Motion passed unanimously.

VIII. REPORTS

A. Mayor and City Council

1. Councilman Rice – thanks airport and fire dept. for safe landing of plane

B. Assistant City Manager

1. Carson City 3/24 for CDBG presentation

C. Utilities Director-

1. Update on Fairgrounds water service
2. Annual Water Quality Report for 2009

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

Mayor Michael J. Franzoia

Shanell Owen, City Clerk