

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

SS January 11, 2011

The City Council of the City of Elko, State of Nevada met for a regular meeting beginning at 4:00 p.m., Tuesday, January 11, 2011.

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

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

Mayor Present: Michael J. Franzoia

Council Present: Councilman Jay Elquist
Councilman Chris Johnson
Councilman Jim Conner arrived @ 4:17 p.m.
Councilman John Rice

City Staff Present: Curtis Calder, City Manager
Delmo Andreozzi, Assistant City Manager
Alan Kightlinger, Fire Chief
Shanell Owen, City Clerk
Ryan Limberg, Utilities Director
Dennis Strickland, Public Works Director
Eric Howes, Parks and Recreation Director
Trent Moyers, Airport Director
Will Lehmann, Police Captain
Lorraine Martinez, Accounting Supervisor
Scott Wilkinson, Development Manager
James Wiley, Park Superintendent
Fritz Sawyer, WRF Superintendent
Ted Schnoor, Building Official
Ed Wynes, City Planner
Jeremy Draper, Civil Engineer
Linda Buffington, Recording Secretary

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES December 14, 2010
December 28, 2010

**** A motion was made by Councilman Rice, seconded by Councilman Johnson to approve the minutes of December 14, 2010 and December 28, 2010 as presented.**

Motion passed unanimously.

PRESENTATION BY ELKO COUNTY ECONOMIC DIVERSIFICATION AUTHORITY (ECEDA) REGARDING THE “EMERGE” STRATEGIC PLAN

Pam Borda, Executive Director, ECEDA was present to explain the reasoning for the plan and answer questions. See Exhibit ‘A’.

I. APPROPRIATIONS

- B. Review, consideration, and possible approval of a Professional Services Agreement with Summit Engineering for engineering design work related to water and sewer system upgrades to be completed prior to NDOT repaving sections of roadway in year 2012, and matters related thereto. **ACTION ITEM**

NDOT will be repaving sections of 5th Street, Idaho Street, and Mountain City Highway in 2012. The design work Summit Engineering will be completing is for water system upgrades in those sections of roadway prior to these areas being repaved by NDOT. RL

Utilities Director Limberg clarified this is not related to the Idaho Street project; this is an NDOT repaving project.

Mr. Limberg referred to an overhead projection to identify the project locations and advised Staff is looking at water and sewer infrastructure needs in those areas. The work Staff is proposing and would like to complete before NDOT begins repaving includes:

- ¾” water taps (east and west) and sleeves for tree watering on 3rd Street and Idaho Street
- 10” water tap and extend sewer main to parcel adjacent to Chester Plumbing
- Add one new 1” water service to 437 Idaho and 461 Idaho (even though these are presently one parcel each)
- Add one new 2” water service and sewer stubs (if sewer main in roadway) to South 5th Street
- Loop water main from 18” main near Grant Street to 764 S. 5th Street or South 9th Street intersection. Install 4 new fire hydrants.
- Abandon hydrant at northwest intersection of 3rd and Idaho Street
- Raise valve box at intersection of Argent and Mountain City Highway
- Expose main on Jennings and Mountain City Highway, install elbow, extend out of roadway and recap.
- Install hot patches for all areas of construction
- Install water and sewer main crossing at El Armuth and Mountain City Highway, and also at Sundance Drive and Mountain City hwy.
- Install 1 ½” tap for landscaping irrigation west of 129 W. Idaho Street
- Install new 4” main in Alley behind Machi’s from 5th Street to 4th Street providing looping and reconnect existing taps.

- Install new hydrant at 404 S. 5th Street.

Mr. Limberg advised this professional services agreement is for the design portion of the work. After the design work is completed Staff will come back with another agreement with them for the QA/QC field supervision type of work while they are out there during construction.

**** A motion was made by Councilman Elquist, seconded by Councilman Johnson to approve a Professional Services Agreement with Summit Engineering for engineering design work related to water and sewer system upgrades to be completed prior to NDOT repaving sections of roadway in year 2012.**

Motion passed unanimously.

Under further discussion Councilman Elquist expressed appreciation for Staff's pro-active approach.

- C. Review, consideration, and possible final acceptance of AIP-35, Runway Safety Area Phase I at the Elko Regional Airport, and matters related thereto. ACTION ITEM

The Runway Safety Area Phase I project has been completed. Final acceptance of this project was delayed for several months due to the unavailability of electrical components for windsock lighting. All punch list items have been completed and therefore Staff is now asking for final acceptance of this project. TM

Airport Director Moyers indicated Staff is satisfied with the work and recommend final acceptance.

**** A motion was made by Councilman Elquist, seconded by Councilman Rice to approve final acceptance of AIP-35, Runway Safety Area Phase I at the Elko Regional Airport.**

Motion passed unanimously.

4:17 p.m. Councilman Conner arrived.

- D. Review, discussion, and possible approval of a Professional Services Agreement with Amec Environmental for an effluent disposal evaluation plan, and matters related thereto. ACTION ITEM

At the October 12, 2010 Council meeting, Council approved negotiating a scope of work and bringing back a Professional Services Agreement with Amec Environmental for Council approval. FPS

WRF Superintendent Sawyer advised this Professional Service Agreement will evaluate disposal options for effluent. Once those options are evaluated; we pick and choose, we will dove-tail that into the plant expansion. We are backing into this; trying to determine which is the best option for disposals; once we know what that is and what the treatment levels are we can work on the

plant expansion. Mr. Sawyer stated there are problems at the plant; those need to be addressed fairly quickly due to the old equipment.

Mayor Franzoia questioned if they were expensive problems to solve.

Mr. Sawyer verified they were.

Councilman Johnson believed Staff should discuss getting the quality of the water that comes from the plant and the benefits the City could see from that and good water use.

Mr. Sawyer advised Staff is currently looking at expanding a reuse line down to the parks; we believe there is some utilization of reuse we can do on the ball fields. Once the water quality is improved and we get away from the hundred foot buffer we'll drag that into the main parks, also reduce the buffer at the golf course for increased expansion there and also consider reuse for the soccer field on 5th Street.

Mr. Sawyer indicated the reuse site is bottle-necked currently which is why Staff went after the BLM property through the RP&P process. We hopefully have been granted that; we are waiting to hear if there has been any protest and should know in the next day or so. The first phase will pick up approximately six-hundred acres this year; next year we will pick up the next two-hundred acres. We will have lots of options to evaluate and determine what the best option is. Mr. Sawyer believed we need to start driving water into the city to take the load off the potable system.

**** A motion was made by Councilman Rice, seconded by Councilman Elquist to approve a Professional Services Agreement with Amec Environmental for an effluent disposal evaluation plan.**

Motion passed unanimously.

II. NEW BUSINESS

- A. Review, consideration, and possible action to approve Revocable Permit No. 3-10 filed by Elko County School District to occupy a portion of City Right-of-Way located generally on the southeast side of Elm Street between College Parkway and Burns Road, and on the south side of Burns Road starting at Elm Street and heading southeast approximately sixty-four and a half feet (64 ½'), and then crossing Burns Road to the north side to accommodate the placement of a private fiber optic line, and matters related thereto. **ACTION ITEM**

The school district will be installing a private fiber optic line from the GBC High Tech Building to 850 Elm Street to accommodate the new Central Office. EW

City Planner Wynes advised Staff supports approval. The fiber optic line is in place and has been for some time. We are just asking the school district to sign and agree to the license agreement.

Steve Bowers, Elko School District, acknowledged the line is in place; they hope to start occupying that building in phases starting in the next two to three weeks.

**** A motion was made by Councilman Conner, seconded by Councilman Johnson to approve Revocable Permit No. 3-10 filed by Elko County School District to occupy a portion of City Right-of-Way located generally on the southeast side of Elm Street between College Parkway and Burns Road, and on the south side of Burns Road starting at Elm Street and heading southeast approximately sixty-four and a half feet (64 ½'), and then crossing Burns Road to the north side to accommodate the placement of a private fiber optic line.**

Motion passed unanimously.

- B. Review and possible action to adopt the Local Government Records Retention Schedules for compliance with the records management program, and matters related thereto. **ACTION ITEM**

The Nevada State Library and Archives adopted amended records retention schedules in February of 2010. The last time the City Council adopted retention schedules was in 2001. Staff recommends adoption of the current schedules to ensure compliance with NRS 239.125. SO

City Clerk Owen presented the documents for the council's review. As noted, the schedules have been adopted by the State; before you are those we have to comply with. This is basically a housekeeping issue.

**** A motion was made by Councilman Elquist, seconded by Councilman Conner to adopt the Local Government Records Retention Schedules for compliance with the records management program.**

Motion passed unanimously.

- C. Review, discussion, and possible approval of an Interlocal Agreement with the Nevada Secretary of State for the use of State voting equipment during the June 7, 2011 City of Elko General Election, and matters related thereto. **ACTION ITEM**

The Secretary of State's Office has approved the City's use of State election equipment for the June 7, 2011 General Election subject to Council approval of an Interlocal Agreement. SO

City Clerk Owen advised this will allow us to use the state equipment. Elko County has actual possession of the equipment so agreements are required with the state, county. We will also need an agreement with the company that programs the electronic machines; Staff will bring that agreement before Council in the near future.

Ms. Owen informed the Council based on the county's estimate the city will need eight electronic voting machines. The machines are \$50.00 each; for this agreement the cost is \$450.00. We will still have to pay for some county costs; that includes their manpower to help us

with the election because they know how to operate the equipment. We will also have a cost for programming the machines.

Mayor Franzoia questioned if the machines would be used for early voting also.

Ms. Owen verified they would.

Ms. Owen continued and indicated if the city were to purchase the machines the cost would be approximately \$80,000. Our current machines are outdated and the company we purchased them from will no longer program them.

**** A motion was made by Councilman Rice, seconded by Councilman Elquist to approve an Interlocal Agreement with the Nevada Secretary of State for the use of State voting equipment during the June 7, 2011 City of Elko General Election.**

Motion passed unanimously.

III. RESOLUTIONS AND ORDINANCES

- A. Review and possible approval of Resolution No. 02-11, a Resolution Restating and Amending Ambulance Service Fees for the Fire Department pursuant to Title 6, Chapter 5, Section 3 of the Elko City Code, and matters related thereto.
ACTION ITEM

Although ambulance service fees were added via resolution on October 13, 2009, base mileage fees were only considered for transports outside of City limits. As such, Staff recommends adopting a reasonable, single fee mileage charge of \$20 per mile, rounded to the closest 1/10 mile per federal regulations. AK

Fire Chief Kightlinger advised they are adding a component of a new regulation they are required to comply with; to state they will only charge mileage down to 1/10 of a mile off their base odometer. Staff would also like to delete five lines out of the resolution and go with the single base line mileage charge identical to Elko County's mileage chart.

Chief Kightlinger noted that since the ambulance was licensed the department has had fifty-six transports to date. The collection rates aren't high due to the type of calls received. Medicare and Medicaid are still behind in payments due to health care changes. Medicare will recognize a base transport mileage fee to \$6.74 maximum. The resolution currently states the charge as \$0.00 within the city.

Chief Kightlinger advised Staff believes this to be a sound, well thought out move. APDI, our professional billing company, found multiple mileage rates difficult to work with and supported a base mileage rate.

**** A motion was made by Councilman Rice, seconded by Councilman Conner to approve Resolution No. 02-11, a Resolution Restating and Amending Ambulance Service**

Fees for the Fire Department pursuant to Title 6, Chapter 5, Section 3 of the Elko City Code.

Motion passed unanimously.

Under further discussion Councilman Elquist referred to the fifty-six transports; what was the time frame for that.

Chief Kightlinger advised from October 1, 2009 to present.

Councilman Elquist then questioned whether there was any sort of trend line or is it flat each month.

Chief Kightlinger believed it to be flat; there are no trend lines. The purposes by which we went into the ambulance service are working well.

- B. Review, consideration, and possible approval of Resolution No. 03-11, a resolution increasing and restating cemetery fees collected by the City of Elko, and matters related thereto. **ACTION ITEM**

City Staff is recommending an increase in the annual maintenance fee from \$1,250 to \$2,500 per organization for the maintenance of the Masons and Odd Fellows Cemetery. Staff has been maintaining this property for at least 30 years, and the fee has remained unchanged. EH

Parks and Recreation Director Howes reminded Council this item was first before them in March of 2010. Council directed Staff to meet with representatives of the Masons and Odd Fellows groups to discuss various proposals which are included in the packet. Two proposals under discussion were 1) increase of the fee from \$1,250.00 per year/per organization to \$2,500.00 per year/per organization and 2) working with those organizations to deed that property to the City, leaving them a negotiated number of plots for their purposes and the City maintaining that in perpetuity. Staff met several times with the organizations and has been unable to come to any agreement on proposal #2. Staff is present tonight requesting approval of option #1.

Mr. Howes advised representatives from both organizations were present to answer questions; Duane Jones and Reed Moseley.

Mr. Howes clarified the property under discussion is all the cemetery property south of Cedar Street; everything between 8th and 9th Street; the title is held conjointly by the Odd Fellows and Masons; consisting of approximately three acres. Total area for maintenance is approximately fifteen acres so theirs is approximately one-fifth of that.

Mr. Howes referred to the analysis included in the packet and stated the costs for Staff to maintain that property are very conservative. That section requires two people for the maintenance; estimated at eight hours per person, per week. Some weeks that might be on the low side but on others it could be double that time. The area is maintained for twenty-six weeks;

roughly six and half months but often it can go as long as eight months; depending on the weather. Total estimated cost to the City, including labor, equipment, fertilizer, water etc. is \$17,500 per year.

Mr. Howes indicated another way to look at that expense would be to back into our operating budget. The annual operating budget is approximately \$170,000.00; if that portion of property is 1/5 of our maintenance costs, 1/5 of our resources are directed towards that portion we would be closer to \$34,000.00. Mr. Howes estimated the actual yearly costs to maintain that property is between \$17,000 and \$34,000.

Duane Jones, Odd Fellows member, stated the cemetery issue, as it relates to their lodge, is a delicate one. The Elko Odd Fellows do not have a cash flow substantial enough to cover the proposed increase.

Mr. Jones provided some background history on the Elko Odd Fellows Organization and displayed the original charter. Elko was established in 1869 and their Elko Lodge was chartered in 1871. In that same year, Mr. Crocker, Owner of the Union/Central Pacific Railroad, deeded these properties to the Odd Fellows and Masons. The Odd Fellows believe everyone deserves a proper Christian burial; that was not a given in 1871. The Odd Fellows would never have chartered in Elko without first securing this cemetery. The Odd Fellows contribution to this community since 1871 has been significant; they have made the difference in many lives in many ways; including proper burials. The cemetery was not then or now just for their members; it is a final resting place for influential Odd Fellows in Elko's past as well as Elko's most unfortunate or forgotten.

Mr. Jones believed the real issue is the wants the cemeteries. Instead of negotiating with them, the City proposed a fee increase to pressure them. The City did tell them they didn't have to pay any fees; just turn over the deed to the property. To the organization this looks and feels like something else. If the fees are raised to \$2,500 this year, then next year should they anticipate another increase; perhaps \$5,000 or more until they submit? They are begging for compassion and ask that the rates not be increased.

Reed Moseley with the Masons advised after the original meeting last year their Lodge met to discuss the issue; over twenty members were present. Of those twenty members, more than fifteen wanted to take over private maintenance of the property; three wanted assurance the Lodge wouldn't be billed for a huge water bill. The lodge members felt they were approached in an improper fashion; they received no notification on the first meeting and none for this meeting.

Mr. Moseley advised the Mason & Odd Fellows charters and teachings say they will provide a burial place for their members; and not necessarily only their members because of their charity aspect. The Odd Fellows and Mason trust fund are insufficient to meet the proposed fee increase.

Representatives of both organizations discussed various options related to the property maintenance; less watering, mowing etc. to reduce the labor costs. They would like to sit down with City Staff to negotiate an agreement they can take back to their members. The Odd Fellows

absolutely cannot come up with any additional funds; the Masons could for a short period of time.

Mayor Franzoia questioned Mr. Moseley whether all their plots were for Masons only; or is it similar to the Odd Fellows.

Mr. Moseley advised the plots are for the Master Mason, his wives, etc.; there has to be a connection to the Masons.

Mayor Franzoia first advised there was no intent by the City to take over the property. This matter came up as part of the budget process and all rates were being reviewed.

Mayor Franzoia commented the offer of taking over and scaling back the maintenance is great idea; but the public doesn't know there is a difference between cemeteries. They like what they see and if it changes they complain; it comes to the City because they assume it is the City's responsibility.

Mayor Franzoia noted the organizations are providing to the less fortunate so they are giving back to the community. Mayor Franzoia indicated he was not opposed to keeping things as they are.

Councilman Rice questioned if anyone can purchase a plot.

Mr. Moseley advised the plots are for a Master Mason, wives etc. There has to be a connection to the Masons; the Odd Fellows are more liberal.

Judge Ross Frasier stated the basis of their restriction is you have to have a Masonic connection or you cannot purchase a plot.

Mr. Frasier expressed appreciation this matter was not an ulterior motive by the Council. Unfortunately the circumstances of which this first came about were such that it made the atmosphere rather toxic; the instant conclusion many people came to was that it was a subterfuge of some sort. Mr. Frasier proposed the Council withdraw the request for a rate increase and hold a meeting to come up with a more viable position that benefits the City as well as the Odd Fellows and Masons. Mr. Frasier believed the root of the problem is the City's cemetery is becoming full; taking over our cemetery is not going to solve the problem.

Mr. Frasier believed the City entered into an agreement with the two lodges back in the 70's to provide the maintenance for the cemetery and capped the fee where it is now. To his knowledge there is no written agreement; but at that time it was not uncommon for people of good faith to enter into verbal agreements. Written or not; it was an agreement everyone lived by; changing the rates violates that agreement.

Mr. Frasier believed alternative maintenance measures would greatly decrease the expense. A review by landscape individuals indicate too much water is being used. You could save the total operating costs of the cemetery far more than the total fee the Masons and Odd Fellows pay.

City Manager Calder clarified the conversation years ago regarding the Odd Fellows Cemetery was based upon the perpetual care issue; Mr. Jones was concerned there weren't going to be any Odd Fellows left in the community and how could they ensure the cemetery would receive perpetual care. At that time he did not know all the ownership issues; the matter wasn't a priority so it was put aside for several years.

Mr. Calder continued, we started last year's budget process and we were looking at the fee structures in place. We were looking at areas the City subsidized; where we could either reduce or eliminate those. We could find no other example in the City where the City was actually providing maintenance services on private property. This cemetery was the only situation where we were providing public services on private property. The question was; what are we charging for that, based on our calculations it was being under-funded significantly and that is why we had the proposal. When the matter first came before the Council discussion was held; similar to what we are having tonight. It was determined to hold off on the fee increase, get together and determine if there is some way to make this a win-win similar to what Judge Frasier is talking about. At that Council meeting, because there are financial restrictions with both of these service organizations perhaps there is an opportunity to give them what they need and we would take over ownership, provide the maintenance forever.

Mr. Calder advised Parks and Recreation Director Howes has had meeting with the organizations; the concept was maybe the City could take over ownership, the organizations reserve how many plots they believe they will need in the future; keep those and any balance would be used for City plots to sell. It is not so much of a space issue as means to offset the acquisition of the property. At that time we didn't realize both the Odd Fellows and the Masons own the property together; you will need both organizations to be in agreement. At this point in time they don't want to sell so we went back to our original proposal of fees. The City can acquire cemetery space so that isn't the issue; there was no effort on the City's part to try to acquire additional cemetery space by pressuring the fee issue. The real issue is; should public dollars be expended on maintaining private property.

Mr. Calder stated this is a very unique circumstance and if the City wants to continue business as usual, that's fine too, we can move on. But, we are facing a significant budget issue; right now the City is facing a \$1.0 million deficit going into this next fiscal year budget. Everything has to be scrutinized; if this is an area we don't want to scrutinize that's fine, we can move on. If we want to sit down have those discussions that's great; maybe there is a win-win. Five-thousand dollars total fee to the City isn't going to make or break us; but there is the issues of how many other private properties are we maintaining; I don't think there are any. Maybe it does date back to an agreement that we had with them years ago; we have no record of that.

Mr. Frasier stated there is no written record of the agreement; but it was an absolute agreement that was made probably around 1978.

Mr. Calder advised, as City Manager, his concern is in looking at the budget aspect and looking at the aspect that we are using public resources to maintain private property. We are being reimbursed some of that but it is not enough and that is why the fee proposal is before the Council tonight. If the Council chooses not to pursue that, that's fine and we'll move on.

Mayor Franzoia acknowledged Mr. Calder's concern; the only difference with this is what it is used for, which is quite different, it is not a commercial type venture.

Mayor Franzoia was intrigued with the proposal of reduced service level but maintaining the appearance; he would like to hear more discussion on that.

Mr. Frasier requested verification the Council understood their position of taking the fee increase off the table.

Mayor Franzoia acknowledged Mr. Frasier's statement.

5:15 pm Councilman Rice left the meeting.

Councilman Elquist commented this is a tough issue, just like parades. We have cut wages across the board and we didn't do anything to streets this year any where near our responsibility and no facility maintenance on any of our facilities. We have responsibilities that are real and that we are not able to fund. These shots at the City are unfair in light of what we have gone through in our budget process the last couple of years.

Councilman Elquist advised there are no bad intentions here; these are real budget issues that we have to address as a Council. We can't keep our head in the sand on these issues. Maybe the process with the notices didn't go well but that was quite awhile ago; the issues are on the table now, we know what is going on and had time to digest this thing. We cannot keep doing some of these things i.e. parades, cemetery and not recover the costs because it is coming out of other areas we have a responsibilities for that we are neglecting as a city.

Councilman Elquist stated this is serious. For the first time in history governments are having to cut services; it is a tough pill for many people to swallow. Municipalities are closing their parks and libraries that everyone benefits from. Now, we are cutting services that we used to provide.

Councilman Elquist continued; there is another side to this argument that is real; the reality is we are subsidizing private property. We have a lot of City land so there was no ill intent. We raised a lot of fees this last year on a lot of people; this was just one on the list.

Councilman Elquist noted the Odd Fellows and Masons own the land; with that comes responsibilities. Maybe there are options i.e. zero scape; you need to get creative.

Councilman Elquist questioned what is the right answer from our standpoint, what is our philosophy with this; when in the meantime we are looking at more wage decreases? Another year we neglect our streets completely, potentially and our buildings go without maintenance and they further decline? These are the issues we are facing and you need to see it from the other side also; that side of the argument needs to be presented.

Mr. Frasier understood the City has responsibilities; but to acquaint the cemetery with its juxtaposition location right next to the City Cemetery, as the City subsidizing the golf course and other areas are not at all the same thing.

Councilman Elquist noted the City subsidizes the parks and the golf course, which is open to everyone.

Councilman Conner also believed the City had no negative intention. He supported the idea of further discussions to try and reach an agreement.

Mr. Howes advised last year when this was first proposed it was pointed out the Masons and Odd Fellows had not been notified; that was his fault. The reason this has been delayed since then was in an effort to give him the opportunity to sit down with their representatives to discuss the issue. There have been three or four meetings for that purpose. They met early in December and at that time they were advised the matter would be on the agenda either the 28th of December or January 11th. The notion that there was no notice for tonight's meeting is erroneous. In addition, discussions about cutting services were discussed; there are some positives and negatives to items Mr. Frasier has indicated. There are some absolute savings to be made; that is true. Staff has proceeded down that path and that is why the irrigation system is on central control. It is why in the past three years we have bore under the street to connect that to our irrigation system. There is a point of return when maintaining turf that if you let it go too long between mowing it is harder on your equipment. You may save money on your regular maintenance but eventually you will catch up on your capital. Reducing the water is something that can be done and we are headed in that direction.

Mayor Franzoia commented past history has taught him when something as sensitive as this comes to the forefront in the public arena, a lot of people aren't aware of it; assumptions are out there but they aren't as clear as when we are sitting here. Mayor Franzoia advised his concern is the public doesn't know the boundaries. The solution is to sit down and look at alternatives.

Mr. Moseley advised Mr. Howes has been nothing but cooperative; he did advise us of this meeting and there is no issue there. Both the Odd Fellows and Mason are agreeable to sitting down and coming up with a proposal everyone can accept.

Councilman Johnson referred to last year's wage cuts; that's serious. He is interested in listening to how costs can be cut in half; that is a better way for the City to save money and keep the Masons and Odd Fellows moving forward. But, the City needs to keep on track as far as looking at any and all places to save money. When you get into budget crisis ideas come up and better solutions develop and you move on.

Councilman Johnson encouraged Staff to keep looking for ways the City can save money. We have another budget cycle coming up soon; we need to keep mindful of that. The current budget situation is not a fun place to be, but in using of resources, balancing of budgets will get it to where resources are being used efficiently and that is what we should be doing anyway.

Councilman Conner believed the Parks Department has always looked at ways to save money and they are always trying to cut back on the water; everything they do is going towards cost savings already.

Councilman Conner expressed support of everyone sitting down and discussing the issue further; we need to get this resolved and not extend it out other six or eight months.

**** A motion was made by Councilman Conner, seconded by Councilman Elquist to not accept Resolution # 3-11 and direct staff and those interested on Council to meet with both fraternities to come up with solutions in reducing the expense of operations for that area in lieu of an increase in fees.**

Motion passed unanimously.

After the motion and before a vote was taken Councilman Conner advised he would like to be involved with the discussions.

Mr. Frasier requested representatives from Burns Funeral Home be included in the discussions.

Mayor Franzoia supported the request.

Councilman Elquist again stated ownership has responsibilities; he would like to see some creative ideas to get the work done.

IV. PETITIONS, APPEALS AND COMMUNICATIONS

- B. Review, consideration, and possible action to Record a Grant of Easement on City Property, and matters related thereto. **ACTION ITEM**

On December 14, 2010 the City of Elko received a letter from Robert J. Wines, ESQ. requesting that an easement be recorded across a parcel owned by the City of Elko located near the water treatment plant, APN 001-670-003, allowing his clients access to their landlocked parcel. The easement currently exists on parcel map 611051; Mr. Wines has requested that this easement be formally recorded as an Official Record with Elko County Nevada Recorder's Office. JD

Assistant City Manager Andreozzi referred to an overhead display to identify the property in question. There is an existing easement across City property between the owner's two parcels. The property owner has requested to have an additional form of recordation, other than through a map; that is why the concept of this grant of easement. City Staff has looked at this; it is just additional notification regarding this easement; Staff supports this request.

Mr. Wines advised this request began a couple years back when there were issues with someone renting that back lot. At that time the records were searched and no one could find an easement or legal access to this property. It took him and City Staff nearly two years to find this easement that was just depicted on a map.

**** A motion was made by Councilman Johnson, seconded by Councilman Conner to the record of a Grant of Easement on City Property.**

Motion passed unanimously.

- A. Review and consideration of an appeal from Mr. Stephen Romero regarding the disconnection of water services from Redstone Supply, 2755 Mountain City Highway, and matters related thereto. **ACTION ITEM**

A letter from Mr. Romero has been included in your agenda packet for review.
CC

Mayor Franzoia made note of the fact Mr. Romero was not present at this time.

Accounting Supervisor Martinez advised Staff contacted the property owner to determine who was responsible for the bill. The water department never received any type of notice, written or verbal, that Mr. Romero needed a change of the billing. Mr. Romero received a delinquent notice and the water was shut off which is why the matter is now before the Council. Mr. Romero believes the City did this illegally and is requesting the delinquent fee be refunded to him. Ms. Martinez advised Staff followed proper procedures in disconnecting the water for non-payment.

Mayor Franzoia noted the business changed names back in 2008. The City doesn't assume because they changed names they want everything else changed as well.

Mayor Franzoia advised the bill was paid up to August; what is delinquent is September, October and November. The bill mailed out in December references the billing in arrears. As it was paid up through August it could be concluded that when they decided to go out of business they may have changed bookkeepers and the new one was unaware there was a prior name to the account.

Mayor Franzoia stated in support of the City's position is the fact the landlord has it in the lease that the tenant is responsible for the bill.

Ms. Martinez advised Mr. Romero stated he never received a delinquent notice; the delinquent notice went to the same address he gets his water bill and he brought a copy of his water bill in.

Councilman Elquist questioned typical landlord/tenant agreements where the tenant takes over.

Ms. Martinez advised the owner is responsible if the utility bill is unpaid; but in this instance the lease agreement states the tenant is responsible for all utilities.

Councilman Elquist questioned if the property owner had been notified it was delinquent.

Ms. Martinez verified they had; copies of their response are included in the packet.

Ms. Martinez advised Mr. Romero came in and paid the bill; Staff turned the water back on.

Mayor Franzoia noted the letter from Mr. Romero says he wasn't responsible for it even though he paid the arrears and reconnect. He is appealing the ruling by Staff and wants to be reimbursed for the delinquency/reconnect fee. The determination is; is it warranted.

**** A motion was made by Councilman Johnson, seconded by Councilman Elquist to deny an appeal from Mr. Stephen Romero regarding the disconnection of water services from Redstone Supply, 2755 Mountain City Highway.**

Motion passed unanimously.

I. APPROPRIATIONS

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

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

Motion passed unanimously.

VI. REPORTS

A. Public Works

1. Street Superintendent retired 12/23/2010

a. Dennis Strickland will take back day-to-day operation of street department for minimum of 6 months, may run it out for one year to provide additional flexibility for the budget before rehiring a superintendent

2. Snow and ice control

a. Upside down in salt budget to date

b. \$13,000 left in snow removal

c. Halfway through overtime expenditures

d. Approximately \$22,000 left to get through January-early February

B. Fire Chief

1. Will retire this fiscal year

V. 6:00 P.M. PUBLIC HEARINGS

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

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

There was no public comment.

VI. REPORTS

C. City Manager

1. Staff budget meetings have begun. Will meet at least twice more before Council sees proposed budget and after Governor holds State-of-the-State
2. Legislative session begins February 7, 2011
 - a. We have been asked to appear February 14,2011 before the Assembly Government Affairs Committee
 - i. Want litany of info from us and other local governments
 - ii. City Manager, Mayor Franzoia & Councilman Johnson will attend
3. Calif. Trails Advisory Board meets at 7:30 a.m. Thursday, January 13th
4. Received notice Scott Burns has sold mortuary
 - a. Is our appointed sexton-will contact for determination of whether he wants to continue in that role; if not will need to un-appoint him and appoint someone else in that capacity

ADJOURNMENT

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

Mayor Michael J. Franzoia

Shanell Owen, City Clerk