

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

SS November 24, 2009

The City Council of the City of Elko, State of Nevada met for a regular meeting beginning at 4:00 p.m., Tuesday, November 24, 2009.

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: Mayor 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  
Trent Moyers, Airport Director  
Dawn Stout, Administrative Services Director  
Dennis Strickland, Public Works Director  
Eric Howes, Parks & Recreation Director  
Mike Hecht, Deputy Fire Chief/Fire Marshal  
Scott Wilkinson, Development Manager  
Lorraine Martinez, Accounting Supervisor  
Jessica Johnson, Human Resources Manager  
Ted Schnoor, Building Official  
Ed Wynes, City Planner  
Jeremy Draper, Civil Engineer  
Lorraine Martinez, Accounting Supervisor  
Will Lehmann, Police Captain  
Linda Buffington, Recording Secretary

## **PLEDGE OF ALLEGIANCE**

## **APPROVAL OF MINUTES November 10, 2009**

**\*\* A motion was made by Councilman Conner, seconded by Councilman Elquist to approve the minutes of November 10, 2009 as submitted.**

**Motion passed unanimously.**

**SPECIAL RECOGNITION OF MS. TERA HOOIMAN OF THE ELKO COUNTY JUVENILE PROBATION DEPARTMENT FOR ORGANIZING, DIRECTING, AND FULFILLING THE COOPERATIVE WORK PROGRAM BETWEEN HER AGENCY AND THE CITY OF ELKO PUBLIC WORKS AND FIRE DEPARTMENTS DURING THE SUMMER OF 2009.**

**SPECIAL PRESENTATION AND REPORT ON THE ISSUE OF HOUSEHOLD RECYCLING; IDENTIFYING THE NEEDS AND DESIRES OF ELKO RESIDENTS REGARDING RECYCLING, PERCEIVED RECYCLING BARRIERS, AND RECYCLING PROGRAM IMPLEMENTATION STRATEGIES IN ELKO.**

**I. PERSONNEL**

- A. Review, consideration, and possible approval of the revised City of Elko Telephone Use Policy, and matters related thereto. **ACTION ITEM**

Due to nationwide concerns regarding distracted driving and/or cellular phone use in vehicles, the City's Safety Committee recommends strengthening the City of Elko's current Telephone Use Policy. A copy of the proposed policy has been included in the agenda packet for review. JJ

Human Resources Manager Johnson advised based on employee concerns regarding the risk of using cell phones while driving or operating equipment the Safety Committee has recommended changes to the current policy.

Ms. Johnson indicated the proposed policy states cell phone use while driving or operating equipment is prohibited. The exclusion would be police in emergency situations.

Ms. Johnson advised, although not included in the revised version before Council, Staff would like to include "texting" as prohibited.

Mayor Franzoia requested clarification on where that would be added.

Ms. Johnson noted it would be included with dialing, answering and checking messages.

Councilman Elquist also believed "browsing" should be included.

Ms. Johnson advised the intent is to eliminate all cell phone use while driving or operating a vehicle. Ms. Johnson noted the EMT and ambulance categories will be eliminated as it falls under the fire department and will be addressed there.

Ms. Johnson indicated, if approved, the policy would become effective January 1, 2010.

Police Captain Lehman advised he has spoken with Chief Zumwalt; they will establish a policy at the department that prohibits the use of cell phones with the exception of the interruption of normal communication with Dispatch.

Ms. Johnson stated it comes down to risk versus reward.

**\*\* A motion was made by Councilman Rice, seconded by Councilman Conner to approve the revised City of Elko Telephone Use Policy as presented with additions as noted.**

**Motion passed unanimously.**

## **II. APPROPRIATIONS**

- B. Review, consideration, and possible approval to solicit Request for Qualifications (RFQ's) for qualified engineering firms to perform professional engineering services related to a Regional Road Repair Plan, and matters related thereto.

### **ACTION ITEM**

During the November 10, 2009 City Council meeting, City Staff presented a proposed repair strategy for regional roads within the City of Elko. As a result of that presentation, City Staff recommends beginning the process of selecting a qualified engineering firm to provide the necessary design to repair regional roads.

No funding will be required until the selection is completed. It is envisioned that the scope of work and tasks will be phased based upon available funding in the Capital Construction Fund. DS

Public Works Director Strickland envisioned a four person panel; Staff would like one member of the City Council appointed to the panel. Capital Construction Funds will be used to retain an engineering firm until the bond measure and other issues are worked out. Once we are able to secure the bond we will be able to use those monies for the cost of the engineer.

Mayor Franzoia commented when a qualified company was selected we can look at alternatives for managing our resources.

Mr. Strickland advised at this point Staff is laying the foundation to expedite process as much as possible.

**\*\* A motion was made by Councilman Rice, seconded by Councilman Elquist directing Staff to solicit Request for Qualifications (RFQ's) for qualified engineering firms to perform necessary design to related to regional road repairs.**

**Motion passed unanimously.**

Under further discussion Mayor Franzoia questioned the time frame for response.

Assistant City Manager Andreozzi advised Staff would need to develop the request first which he estimated at two months. It would then be advertised, reviewed, rated and brought back before the Council. Mr. Andreozzi indicated the single-most time commitment will be reviewing the documents. Whether or not interviews will be conducted depends on the qualifications of the firms responding.

Mayor Franzoia recommended bring the matter back before Council at the next meeting to appoint a panel member.

- C. Review, consideration, and final acceptance of the Railroad Street Curb, Gutter, and Sidewalk Capital Construction Project, and matters related thereto. **ACTION ITEM**

This project was awarded to Canyon Construction on October 13, 2009 in the amount of \$63,736.84. There was one change order on the project in the amount of \$1,052.25 to remove concrete that was under the existing roadway. There was also a cost savings in the amount of \$370.20 for post curb that was not needed, for a final project cost of \$64,418.89. DS

Public Works Director Strickland advised this turned out to be a very nice project and Staff recommends approval.

**\*\* A motion was made by Councilman Rice, seconded by Councilman Conner to approve final acceptance of the Railroad Street Curb, Gutter and Sidewalk Capital Construction Project in the amount of \$64,418.89.**

**Motion passed unanimously.**

- D. Review, consideration, and final acceptance of the Spruce Road Improvements Project, and matters related thereto. **ACTION ITEM**

This project was awarded to Ruby Dome Construction Inc. on August 25, 2009 in the amount of \$68,474.75. There was one change order in the amount of \$2,733.00. As this change order was the result of an error by our Engineer on the project, they have credited the City of Elko for the cost of the change order by providing their services for work on the project to equal the amount of the change order. One progress payment has been made in the amount of \$21,028.05, leaving a balance of \$50,179.70. DS

Public Works Director Strickland advised the engineer was present to answer any questions. The actual credit will be \$2,880.00; which is slightly more than the change order. The final figures show we paid the change order but we are being credited on the other side for some work with Summit Engineering.

**\*\* A motion was made by Councilman Rice, seconded by Councilman Conner to approve final acceptance of the Spruce Road Improvements Project in the amount of \$50,179.70.**

**Motion passed unanimously.**

Under further discussion Councilman Rice thanked Summit Engineering for the good business practice.

Mr. Strickland stated Mr. Bhakta, project engineer, has been great to work with.

### **III. UNFINISHED BUSINESS**

- A. Review, consideration, and possible approval of an agreement for ambulance billing services with ADPI Intermedix, and matters related thereto. **ACTION ITEM**

Resolution No. 24-09, a resolution establishing fees to be charged for ambulance services, was approved at the October 13, 2009 Council meeting. We have been working with ADPI Intermedix to obtain a third party billing agent for the City. A copy of the proposed agreement has been included in the agenda packet for review. DS

Administrative Services Director Stout advised the agreement has been reviewed by legal counsel with no issues.

**\*\* A motion was made by Councilman Conner, seconded by Councilman Johnson to approve an agreement for ambulance billing services with ADPI Intermedix.**

**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, discussion, and possible action to direct City Staff to submit a letter of request to the Regional Transportation Commission (RTC) to consider utilizing the City of Elko's RTC allocation toward the issuance of a bond to fund the repair of regional roads within the City of Elko, and matters related thereto. **ACTION ITEM**

During the November 10, 2009 City Council meeting, City Staff presented a proposed repair strategy for regional roads within the City of Elko. As a result of that presentation, this item is being brought forth to initiate the process of obtaining the necessary funding to repair regional roads. DS

Mayor Franzoia indicated this was a formality to make them aware of what we want to do. They will hold the monies in an account until we decide to use it.

Councilman Johnson questioned if there would be much a lapse between the payoff of Errecart and this project.

Administrative Services Director Stout advised it could be up to one year.

Mr. Johnson believed we would want to ask for any monies collected in the interim to go towards it also.

Assistant City Manager Andreozzi noted there are funds in a reserve account which can be another revenue stream to pay for the consultant. Mr. Andreozzi believed there would be a significant payment to acquire a bond.

Administrative Services Director Stout advised it typically costs 2% of whatever you bond for; that is set by federal law.

**\*\* A motion was made by Councilman Johnson, seconded by Councilman Elquist directing Staff to submit a letter of request to the Regional Transportation Commission (RTC) to consider utilizing the City of Elko's RTC allocation toward the issuance of a bond to fund the repair of regional roads within the City of Elko.**

**Motion passed unanimously.**

- C. Review, consideration, and possible action to accept a petition for the vacation of a portion of the Idaho Street right-of-way consisting of an area approximately 60.00 square feet adjacent to a parcel owned by Gerald R. Molyneux and Gwen Molyneux generally located on the south side of Idaho Street across from the Main City Park (1450 Idaho Street), filed by the City of Elko and processed as Vacation No. 2-09, and matters related thereto. **ACTION ITEM**

The City Council approved a Resolution and Order of Vacation for a portion of the Idaho Street right-of-way being 2100 square feet adjacent to Mr. Molyneux's property located at 1450 Idaho Street on October 10, 2006. City Council further sold to Mr. Molyneux a piece of property adjacent to the property located at 1450 Idaho Street in March of 2009. Mr. Molyneux has requested the City vacate this small portion of the Idaho Street right-of-way to accomplish the task of squaring up his property boundaries for future development. DA

Assistant City Manager Andreozzi referred to Exhibit "A" in the agenda packet; a map drawing of the parcel under discussion. Staff supports forwarding the matter to the Planning Commission.

**\*\* A motion was made by Councilman Elquist, seconded by Councilman Rice to accept a petition for the vacation of a portion of the Idaho Street right-of-way consisting of an area approximately 60.00 square feet adjacent to a parcel owned by Gerald R. Molyneux and Gwen Molyneux generally located on the south side of Idaho Street across from the Main City Park (1450 Idaho Street), filed by the City of Elko and processed as Vacation No. 2-09 and to forward the matter to the Planning Commission.**

**Motion passed unanimously.**

- D. Review, consideration, and possible appointment of Ms. Janet Davis to the Ruby View Golf Course Financial Advisory Committee, and matters related thereto. **ACTION ITEM**

Ms. Janet Davis has submitted a letter of interest in serving on the Ruby View Golf Course Financial Advisory Committee. Ms. Davis' letter has been included in the agenda packet for review. EH

Parks and Recreation Director Howes thanked Debbie Meyers for her years of service.

**\*\* A motion was made by Mayor Franzoia, seconded by Councilman Conner to appoint Ms. Janet Davis to the Ruby View Golf Course Financial Advisory Committee.**

**Motion passed unanimously.**

## **VI. REPORTS**

- A. Mayor and City Council – Holiday wishes
- B. City Manager –Arts & Culture Meeting Dec. 2<sup>nd</sup> @ 6:00 p.m.
- C. Assistant City Manager-Final phase downtown corridor lighting completed
- D. Police Captain – Academy ranking on three graduates
- E. Administrative Services Director – Update on airport bond sale
- F. Parks and Recreation Director – Joe Carr in Parks Dept. Certified Arborist
- G. Human Resources – Christmas Party December 12<sup>th</sup> @ 6:30 p.m.

*5:15 p.m. Mayor Franzoia called for a brief recess.*

## **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 at this time.

- C. Second reading, public hearing, and possible adoption of Ordinance No. 710, an Ordinance expanding the corporate boundaries of the City of Elko by annexing approximately 1.068 acres of property located generally at the southwest corner of Sagecrest Drive and Jennings Way filed by Dennis R. Gilligan and Carla R. Gilligan and processed as Annexation No. 4-09, and matters related thereto.  
**ACTION ITEM**

The petition for annexation was accepted by Council on October 13, 2009, and referred the matter to the Planning Commission. The Planning Commission considered this item at their regular meeting of November 3, 2009, and took action to forward a recommendation of conditional approval to the Council. Council conducted first reading of this Ordinance at their meeting of November 10, 2009, and directed Staff to set the matter for second reading, public hearing, and possible adoption. EW

**\*\* A motion was made by Councilman Conner, seconded by Councilman Rice to adopt Ordinance No. 710, an Ordinance expanding the corporate boundaries of the City of Elko by annexing approximately 1.068 acres of property located generally at the southwest corner of Sagecrest Drive and Jennings Way filed by Dennis R. Gilligan and Carla R. Gilligan and processed as Annexation No. 4-09.**

**Motion passed unanimously.**

- B. Review, consideration, and possible action to approve Resolution No. 27-09, a Resolution to approve a change in zoning from Elko County AR (Agricultural Residential) to RS (Residential Suburban) for approximately 1.0 acre upon acceptance of annexation to the City of Elko, filed and processed as Rezone No. 5-09 by Dennis and Carla Gilligan, and matters related thereto. The subject property is located generally at the southwest corner of Sagecrest Drive and Jennings Way. **ACTION ITEM**

The Planning Commission considered this subject zone change request at their regular meeting of November 3, 2009, and took action to forward a recommendation of approval to Council. EW

**\*\* A motion was made by Councilman Conner, Seconded by Councilman Johnson to approve Resolution No. 27-09, a Resolution to approve a change in zoning from Elko County AR (Agricultural Residential) to RS (Residential Suburban) for approximately 1.0 acre upon acceptance of annexation to the City of Elko, filed and processed as Rezone No. 5-09 by Dennis and Carla Gilligan, and matters related thereto. The subject property is located generally at the southwest corner of Sagecrest Drive and Jennings Way.**

**Motion passed unanimously.**

## **II. APPROPRIATIONS**

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

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

**Motion passed unanimously.**

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