

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

SS May 25, 2010

The City Council of the City of Elko, State of Nevada met for a regular meeting beginning at 4:00 p.m., Tuesday, May 25, 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.

Mayor Present: Michael J. Franzoia

Council Present: Councilman Jim Conner arrived @ 5:53 p.m.
Councilman Jay Elquist
Councilman Chris Johnson
Councilman John Rice

City Staff Present: Curtis Calder, City Manager
Delmo Andreozzi, Assistant City Manager
Don Zumwalt, Police Chief
Alan Kightlinger, Fire Chief
Dawn Stout, Administrative Services Director
Eric Howes, Parks & Recreation Director
Trent Moyers, Airport Director
Dennis Strickland, Public Works Director
Fritz Sawyer, WRF Superintendent
Ted Schnoor, Building Official
Scott Wilkinson, Development Manager
Jessica Johnson, Human Resources Manager
Ed Wynes, City Planner
Jeremy Draper, Civil Engineer
Debbie Henseler, Business License Technician
Linda Buffington, Recording Secretary

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES May 11, 2010 Regular Session
May 18, 2010 Special Session Final Budget Approval

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

Motion passed unanimously.

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

PROCLAMATION ENCOURAGING PARTICIPATION IN “EVERY MONDAY MATTERS”

I. APPROPRIATIONS

- B. Review, consideration, and possible authorization for Staff to solicit bids for the Reuse RIB Expansion Project, and matters related thereto. **ACTION ITEM**

The reuse site is currently being over utilized and requires additional rapid infiltration basin (RIBs) to meet the current and future demand. This project is part of the approved December 2009 Master Plan and part of the 2010/2011 capital request. Engineering has been completed by Knight Piesold utilizing the north pivot area for this expansion. NDEP has approved the project design. Approximately \$1,045,000 was budgeted for this project. Staff is recommending council approval to solicit bids for this project. FPS

WRF Superintendent Sawyer advised NDEP has approved the project; if approved by council Staff will have the bid package available next week. The project will include construction of two RIBS for total surface area of 16 acres on the north pivot. The bidding environment is still good; Staff anticipates the project will come under the engineering estimate.

Mayor Franzoia questioned why the reuse site was being over utilized.

Mr. Sawyer indicated there are several factors; 1) growth within the city and 2) what the rancher is doing on the Miller Ranch. We are over utilizing the RIBs and not allowing them to properly drain down.

**** A motion was made by Councilman Rice, seconded by Councilman Johnson authorizing Staff to solicit bids for the Reuse RIB Expansion Project.**

Motion passed unanimously.

- C. Review, consideration, and possible approval of the submitted Statement of Qualifications (SOQ's) and authorization to solicit SOQ's from qualified engineering firms to perform professional engineering services related to Effluent Disposal Evaluation for the Water Reclamation Facility, and matters related thereto. **ACTION ITEM**

The City is currently seeking 800 acres of BLM property through the Recreation and Public Purpose Act (R&PP) to increase the existing reuse site. Additionally, the East Humboldt River flows next to the WRF. The City ultimately seeks to increase the hydraulic capacity at the reuse site, or, as an alternative, reduce the

hydraulic loading to the reuse site by increasing disposal through other means such as river discharge. FPS

WRF Superintendent Sawyer requested this matter be tabled.

**** A motion was made by Councilman Johnson, seconded by Councilman Rice to table this item.**

Motion passed unanimously.

- D. Review, consideration, and possible approval of an engagement letter with NSB Public Finance to serve as financial counsel for the proposed \$10,500,000 General Obligation Bonds the City of Elko intends to issue for the 2010 Idaho Street Rehabilitation Project, and matters related thereto. **ACTION ITEM**

Council approved the City bonding for the 2010 Idaho Street Rehabilitation Project at their March 9, 2010 meeting. The City is required to retain financial counsel for the bonding process. Enclosed in the agenda packet is an engagement letter from NSB Public Finance for the required services. Expected costs associated with retaining financial counsel are not to exceed \$60,000 plus out-of-pocket expenses. DS

Councilman Johnson questioned if this was an NRS requirement?

Administrative Services Director verified it was; we have to do bond counsel and financial counsel for every issue that we have.

**** A motion was made by Councilman Johnson, seconded by Councilman Rice to approve an engagement letter with NSB Public Finance to serve as financial counsel for the proposed \$10,500,000 General Obligation Bonds the City of Elko intends to issue for the 2010 Idaho Street Rehabilitation Project.**

Motion passed unanimously.

II. 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

- (1) Review and possible approval of a closure of a portion of the corridor in front of the Western Folklife Center between Railroad and Commercial Streets for the Wine Walks sponsored by the DBA on July 10, August 14, September 11, and October 9, 2010 from 3:00 p.m. to 8:00 p.m., and matters related thereto. **ACTION ITEM**

The DBA has changed their closure request from prior years and would like to close approximately 1/8th of the corridor in front of the Western Folklife Center. This area will also be closed on the above referenced dates from 10:00 a.m. to 3:00 p.m. for the Farmer's Market. DH

Gwen Uhlig, DBA representative, was present to answer questions.

**** A motion was made by Councilman Rice, seconded by Councilman Elquist to approve closure of a portion of the corridor in front of the Western Folklife Center between Railroad and Commercial Streets for the Wine Walks sponsored by the DBA on July 10, August 14, September 11, and October 9, 2010 from 3:00 p.m. to 8:00 p.m.**

Motion passed unanimously.

- (2) Review and possible approval of a skydiving event to be held in the Elko City Park, directly across from City Hall, on June 19th at 4:00 p.m. and June 20th at 12:00 p.m. in conjunction with the Elko Motorcycle Jamboree, and matters related thereto. **ACTION ITEM**

The Elko Motorcycle Jamboree Committee has been working with the Parks Department for this event. Due to the nature of the request, City Staff is requesting Council approval. The two events will be conducted by Snake River Skydiving. SO

Ken Wellington, Public Safety Representative, Elko Motorcycle Jamboree, explained they would like to have a sky diving exhibition and are looking for a location. Two jumps are planned; 4:00 p.m. Friday and 12:00 p.m. Saturday. The #1 location is the City Park across from the tennis courts. Mr. Wellington advised the landing area will be secured with yellow tape and there will also be security personnel to keep people out of the landing area. The FAA requires alternate landing sites should something prevent them from landing in the #1 area; those sites are included in the packet. Mr. Wellington indicated Snake River Skydiving have a ten minute window to land; total time for the event, including cleanup, is forty-five minutes. Mr. Wellington advised he spoke with Ty Trouten at the police department regarding street closures; with the parade scheduled for Friday the street in front of City Hall will be partially closed; they have proposed moving the road closure to the other side of the convention center for safety reasons; on day two they will close the entire block off.

Councilman Rice requested clarification on the alternate site.

Mr. Wellington advised there are several alternates as required by FAA.

Mayor Franzoia questioned why the city was involved if this was controlled by the FAA.

Mr. Wellington advised it was due to the fact the committee was requesting to land in the park.

Mayor Franzoia questioned if these were professional target jumpers.

Mr. Wellington verified they are.

Councilman Rice requested clarification on the insurance.

Mr. Wellington advised, upon approval, the jamboree will add Snake River Skydivers to their policy and Snake River Skydivers will add the jamboree to their policy.

Councilman Rice questioned if the city needed to be included on the insurance.

Business License Technician Henseler advised for any event in the city the city is always additionally insured.

Councilman Rice questioned if the city should be included on Snake River Skydiving's insurance also.

Mr. Wellington indicated they could speak to them regarding that.

Mayor Franzoia advised there was no issue as long as the city is covered through the Motorcycle Jamboree.

Councilman Elquist noted some of the alternate landing sites were close to high voltage lines; has contact been made with power company?

Mr. Wellington stated they had not; the FAA set the alternates not the Motorcycle Jamboree.

Councilman Elquist questioned if the skydivers were aware of the area and the hazards that exist.

Mr. Wellington advised they have been out, walked the areas and know the hazards and alternates also.

Councilman Elquist suggested making approval contingent upon approval from the power company so they are aware this is going on.

Mr. Wellington indicated he would ask the committee members to contact the power company.

Councilman Elquist expressed concern over the city's liability if something went wrong.

Mayor Franzoia believed the only concern would be the wind; is there a restriction they can't jump if the wind is blowing a certain speed?

Mr. Wellington verified that was correct; that is set by FAA.

**** A motion was made by Councilman Rice, seconded by Councilman Johnson to approve a skydiving event to be held in the Elko City Park, directly across from City Hall, on June 19th at 4:00 p.m. and June 20th at 12:00 p.m. in conjunction with the Elko Motorcycle Jamboree.**

Motion passed unanimously.

- B. Review, discussion, and possible adoption of the 2010 Street Inventory list, and the 2010 Street Construction Projects priority list, and matters related thereto. **ACTION ITEM**

Staff conducted a street inventory in April 2010. The purpose of this annual survey is to evaluate current road conditions, and to recommend a list of maintenance projects for the upcoming construction season. Please find enclosed for your review, in the supplemental agenda information, City Staff's street inventory 2010, and recommendations for the 2010 streets priority list. DS

Public Works Director Strickland provided a Power Point Presentation; see Exhibit 'A'.

Following the presentation Councilman Elquist referred to the levels of severity in regards to risk assessment, probability and consequence; and believed if Staff ranked the severities 1-3 and created a matrix with traffic volume 1-3 then it would provide further refinement. Councilman Elquist believed it could be the next step in the presentation.

Mr. Strickland advised that is all factored into the rating it receives; Staff takes all that into consideration when they look at a street.

Councilman Elquist indicated he was just trying to get a better feel and understanding of the street conditions.

Mr. Strickland advised the city has come a long way in the past five or six years; hopefully the funding will come back next year.

**** A motion was made by Councilman Elquist, seconded by Councilman Rice to adopt the 2010 Street Inventory list, and the 2010 Street Construction Projects priority list.**

Motion passed unanimously.

- C. Review, consideration, and possible authorization to initiate the possible adoption of new building and fire codes, and matters related thereto. **ACTION ITEM**

Due to the development of new technologies and materials in the building industry, the 2003 ICC Building Codes currently adopted by the City of Elko are becoming obsolete. In order for the building regulatory system to remain efficient, it is necessary to adopt a more current set of codes, which incorporate the latest research results. TS

Building Official Schnoor advised Staff is trying to keep current; the last adopted codes were 2003 editions; the city did not adopt the 2006 codes; staff would like to move forward to the 2009 edition. Mr. Schnoor indicated there have been numerous changes to the codes over the past five years and we need to get current.

Mayor Franzoia noted some areas of the current code are more expensive than the replacement part of the new code.

Mr. Schnoor advised what happens is; as technology and materials evolve and become better adjustments have been made to some of the fire ratings of buildings; made them less restrictive.

Mayor Franzoia questioned if someone came in with building plans using the 2006 codes, can Staff use those?

Mr. Schnoor stated he does not have them or any amendments to them. The city hasn't adopted them in any way; not knowing them it is very difficult for Staff to do a plan review and be able to apply whatever amendments made to a code we have not adopted. It is difficult to enforce a law for a code we haven't adopted. Mr. Schnoor advised design professionals will quickly adapt to the new codes as they get adopted. The software used for design purposes will be for the new codes and everyone will have that by January 1, 2011.

Mr. Schnoor continued and advised once adopted Staff would accept either the 2003 design or the 2009 up until January 1, 2011. After that date only the 2009 design will be accepted; that gives any professionals with a design currently in progress to get that submitted for review; it can be issued and construction can begin without having to update to the new code.

Mayor Franzoia requested clarification on the change over date.

Mr. Schnoor stated January 1, 2011

Councilman Elquist noted municipalities typically stay one edition behind, which is three years. We don't want to be too far ahead.

Mr. Schnoor believed we are at a point we need to adopt the new codes; we are between two and three years behind; depending on the code. If Staff believes there is something in the code that needs to be amended staff may put it off until the next code cycle three years from now. With permission from the council Staff will either amend it or remove it from the code; there are items in the code that are controversial.

Councilman Elquist acknowledged if you get too far behind you can't find material to meet the old codes; you have to stay current, it is a balancing act.

Mr. Schnoor advised staff has gone through the first portion they want to adopt and made amendments as needed. The administrative code has been recreated, the ICC has administrative codes but he believed they were disjointed; the new one he created stands on its own and is for all the codes the city adopts. In addition, there will be amendments to the codes as they currently stand; it won't be everything in the code. The proposed codes have 2,700 pages and there are another 12,000 pages of documentation that supports and explains those 2,700 pages; there is a lot of documentation in the codes. Staff will present the proposed amendments along with the administrative code newly created for council's review; that will cover most of the major areas that need to be amended for our area.

**** A motion was made by Councilman Elquist, seconded by Councilman Rice to authorize and direct Staff to initiate a code change to the City of Elko building codes.**

Motion passed unanimously.

**** A motion was made by Councilman Elquist, seconded by Councilman Rice to authorize and direct Staff to proceed with the adoption of new City of Elko fire codes.**

Motion passed unanimously.

I. APPROPRIATIONS

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

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

Motion passed unanimously.

IV. REPORTS

- A. Mayor and City Council
- B. City Manager –
 - 1. June 2, 2010 Animal Shelter Tour @ 4:00 P.M.
- C. Assistant City Manager
 - 1. Recap of 2010 Take Pride In Your Community
 - a. 17.69 tons of tires
 - b. 565,72 tons of municipal waste
 - c. 1,391 loaded vehicles into landfill
 - d. 927 registered participants
 - i. Recycle alley
 - 1. 1.9 tons paper and cardboard
 - 2. 2,200 pounds metal
 - 3. 5 vehicle batteries
 - 4. 14,225 pounds(1,632 items) electronic waste
 - 5. ½ truck load (2,940 pounds)document shredding
 - 6. 170 cubic yards of illegal dumping from N. 5th Street
 - 7. 50 drop offs of household hazardous waste
 - 8. 1 ¼ 55 gallon drum of prescription drugs
 - 9. 27 trees planted
 - 10. 18 flats of flowers planted (1,600 plants)
 - 11. Leftover food taken to Harbor House
 - 12. Hypodermic needles and one pipe found
 - 13. No reported incidents requiring first aid
 - ii. Thanks to everyone and appreciate support

- D. Building Official
 - 1. Clarification of action item pertaining to fire codes
- E. City Planner
 - 1. Planning commission June 1, 2010
- F. Development Manager
 - 1. Public comment closed on expansion for landfill on May 14, 2010, no public comment received. Permit will be issued.

V. LABOR NEGOTIATIONS

- A. Closed session to discuss labor negotiations with the Elko Police Officers Protective Association, IUPA – AFL/CIO Local 233, and matters related thereto.
INFORMATION ONLY – NO ACTION REQUIRED

Note: This portion of the meeting may be closed pursuant to NRS 288; therefore the Council may move to adjourn the meeting prior to consideration of this item.

5:14 pm. Mayor Franzoia closed the meeting for labor negotiations

5:54 p.m. Mayor Franzoia opened the meeting and called for a brief recess

6:08 p.m. Mayor Franzoia called the meeting back to order.

III. 6:00 P.M. PUBLIC HEARINGS

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

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

There was no public comment at this time.

- B. Review, consideration, and possible action to approve Resolution No. 14-10, a Resolution to approve a change in zoning from C (General Commercial) to RO (Residential Office) for approximately 0.086 acres, filed and processed as Rezone No. 1-10 by Dean Boundy, and matters related thereto. The subject property is located generally on the north side of Court Street approximately 112 feet west of 4th Street. (327 Court Street). **ACTION ITEM**

The Planning Commission considered this subject zone change request at their regular meeting of May 4, 2010, and took action to forward a recommendation of conditional approval to Council with the condition that the applicant is able to successfully obtain all necessary variances for the property prior to the zone change. EW

Mayor Franzoia stated as a property owner in the immediate area he would abstain from this discussion.

Mayor Franzoia turned the meeting over to Mayor Pro Tempore Johnson.

City Planner Wynes advised there was no problem with granting the zone change; the concern is it is substandard lot. Staff recommends allowing the applicant ninety days from today to obtain a variance then the zone change becomes effective. If the variance is not obtained the zone change is no good.

Councilman Elquist questioned why ninety days. We don't want to make this difficult; it is a great opportunity to get rid of an old building and get new construction. Councilman Elquist encouraged Staff to make this work.

Mr. Wynes advised the applicant has up to ninety days; there is detailed information we need that will take applicant time to obtain.

Councilman Elquist questioned why we wouldn't give him a year.

Mr. Wynes advised the applicant wants it done this summer; staff is only asking that he obtain the variance. Once that has been approved he has one year to complete everything with the variance.

Assistant City Manager Andreozzi indicated if we can't find a way to make this work you have a piece of property that would be fallow and you can't develop it. Everybody is trying to find a way to work with the applicant. Staff is not opposed to allowing the applicant additional time if that is the council's wish.

Councilman Rice stated we are going to have more and more of these come up and we want to encourage them to redevelop.

Mayor Pro Tempore Johnson called for public comment and there was none.

**** A motion was made by Councilman Elquist, seconded by Councilman Rice to approve Resolution No. 14-10, a Resolution to approve a change in zoning from C (General Commercial) to RO (Residential Office) for approximately 0.086 acres, filed and processed as Rezone No. 1-10 by Dean Boundy, and matters related thereto. The subject property is located generally on the north side of Court Street approximately 112 feet west of 4th Street. (327 Court Street).**

**Motion passed 4 -0.
Mayor Franzoia abstained.**

Mayor Franzoia assumed control of the meeting.

- C. Second reading, public hearing and possible adoption of Ordinance #713, an Ordinance amending Title 8, Chapter 2, Section 4 of the Elko City Code entitled

“Asphalt Pavement Repair” amending the procedure for construction of temporary and permanent asphalt pavement repairs to allow the permittee to use a properly licensed contractor to perform the work with City approval, and other matters appropriately related thereto. **ACTION ITEM**

There was no public comment on this issue.

**** A motion was made by Councilman Elquist, seconded by Councilman Conner to adopt Ordinance #713, an Ordinance amending Title 8, Chapter 2, Section 4 of the Elko City Code entitled “Asphalt Pavement Repair” amending the procedure for construction of temporary and permanent asphalt pavement repairs to allow the permittee to use a properly licensed contractor to perform the work with City approval.**

Motion passed unanimously.

ADJOURNMENT

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

Mayor Michael J. Franzoia

Shanell Owen, City Clerk