

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

SS May 26, 2009

The City Council of the City of Elko, State of Nevada met for a regular meeting beginning at 4:00 p.m., Tuesday, May 26, 2009.

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

ROLL CALL

Mayor Present: Michael J. Franzoia

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

City Staff Present: Curtis Calder, City Manager
Delmo Andreozzi, Assistant City Manager
Shanell Owen, City Clerk
Mike Hecht, Deputy Fire Chief/Fire Marshal
Don Zumwalt, Police Chief
Dawn Stout, Administrative Services Director
Eric Howes, Parks & Recreation Director
Ryan Limberg, Utilities Director
Dennis Strickland, Public Works Director
Trent Moyer, Airport Director
Fritz Sawyer, WRF Superintendent
Scott Wilkinson, Development Manager
Ed Wynes, City Planner
Lorraine Martinez, Accounting Supervisor
Linda Buffington, Recording Secretary

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES May 12, 2009

**** A motion was made by Councilman Conner, seconded by Councilman Rice to approve the Minutes of May 12, 2009 as submitted.**

Motion passed unanimously.

I. PERSONNEL

A. Employee Introductions: Jason Ward, Patrol Officer
Jason Checketts, Patrol Officer
Zachary Hessing, Patrol Officer

II. APPROPRIATIONS

- B. Review, consideration, and possible issuance of final acceptance for well 24 rehabilitation work completed by Carson Pump, and matters related thereto.

ACTION ITEM

The rehabilitation work that was bid out at Well 24 consisted of performing chemical treatment and internal brushing of the well to remove scale buildup inside the casing as well as performing test pumping to determine the maximum safe yield of the well. Test pumping has shown we will only be able to gain a small amount of additional new capacity from this well; however, the downhole video shows the structural integrity of the well remains sound. As part of this project, this well will be connected to the upper pressure zone and will thereby create a second source of supply to the hospital. AM

Utilities Director Limberg advised while ramping up the gpm production they increased the entrained air in the water as well. Although it will pump more water, more air in the water is essentially a sign of over-pumping the well. Unfortunately we will be able to get only a small increase in production from this well; approximately twenty gpm.

Mayor Franzoia questioned if the largest cost for this project was connecting it to the upper zone.

Mr. Limberg indicated this is the largest cost; smaller pieces of the project will be done in-house i.e. reinstalling the pump and motor, connecting to the upper zone etc.

**** A motion was made by Councilman Johnson, seconded by Councilman Rice to approve final acceptance for well 24 rehabilitation work completed by Carson Pump.**

Motion passed unanimously.

- C. Review of the bids received and possible award of a contract for the WRF Concrete Pipe Rehabilitation Project to Camino Constructors, and matters related to thereto. **ACTION ITEM**

Bids were opened on May 13, 2009. Camino Constructors is the low bidder for the project. FPS

WRF Superintendent Sawyer advised two bids were received; Canyon Construction at \$358,392.00 and Camino Contractors from Las Vegas in the amount of \$289,629.29; Staff recommends awarding the bid to Camino Contractors.

Councilman Johnson questioned if Camino Contractors were a specialty contractor for this type of work.

Mr. Sawyer verified they were.

Councilman Johnson then questioned if they was any issue with dewatering etc.

Mr. Sawyer indicated it had all been factored into the bid and there was a mandatory walk-through. We will be bypass pumping the clarifiers and there will be dewatering in the equalization basin.

**** A motion was made by Councilman Johnson, seconded by Councilman Conner to award a contract for the WRF Concrete Pipe Rehabilitation Project to Camino Constructors in the amount of \$289, 629.29.**

Motion passed unanimously.

III. NEW BUSINESS

- A. Review and approval of pending Special Events, and 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.

IV. RESOLUTIONS AND ORDINANCES

- A. Review, consideration, and possible action to approve Resolution No. 10-09, a Resolution Donating Equipment to the Brigham City, UT Police Department, and other matters related there to. **ACTION ITEM**

On April 28, 2009 the Elko City Council reviewed and considered a request from the Elko Police Department to donate a vehicle specifically used for SWAT operations to the Brigham City, Utah Police Department. The Council directed Staff to bring back a Resolution for approval per NRS 268.028. SO

**** A motion was made by Councilman Conner, seconded by Councilman Rice to approve Resolution No. 10-09, a Resolution Donating Equipment to the Brigham City, UT Police Department.**

Motion passed unanimously.

V. PETITIONS, APPEALS, AND COMMUNICATIONS

- A. Review, consideration, and possible action to pursue the possible sale of City owned land as an uneconomic remnant in response to a request by Tauno and Sally Kaukolin, and matters related thereto. The land is adjacent to the rear property line of 1033 Dotta Drive, and is a part of the Angel Park parcel, and matters related thereto. **ACTION ITEM**

The property owner has discussed the possibility of obtaining this land with Staff on several occasions. They were told to put their request in writing for presentation to the council which they have done. EW

City Planner Wynes referred to a wall map that identified the area under consideration. Legal Counsel has advised NRS 268.061 states parcels that are as a result of its size is too small to establish an economic viable use by anyone other than the person who owns real property adjacent to the real property offered for sale or lease; that is how we would look at this as a remnant. Staff believes this property can be considered a remnant and recommends the Council proceeds with the sale of the property in accordance with NRS 268.061.

Mayor Franzoia questioned if other parcels in close proximity are conducive to being remnant property.

Mr. Wynes believed they were.

Mayor Franzoia referred to the parcel in question; was there a qualifier in the process they have to absorb it; not keep it as a separate parcel.

Mr. Wynes believed they would be required to absorb it.

Councilman Rice expressed support of the applicant absorbing the parcel.

Mayor Franzoia noted the parcel is much smaller than others with a steeper slope; is it the City's intent to sell the parcel or get rid of it and have someone else maintain it in the long term.

Mr. Wynes indicated that would be determined by the Council.

Councilman Johnson questioned if this was the first such request or has it happened in the past.

Mr. Wynes advised there appears to have been prior requests.

Assistant City Manager Andreozzi verified the most recent request was on Wright Way for uneconomic excess property the City owned; we sold it for a nominal fee per square foot.

Mayor Franzoia expressed support of the request; it is costing the City to maintain it.

**** A motion was made by Councilman Rice, seconded by Councilman Conner to accept the petition for land sale and direct Staff to work with respective buyer and commence the land sale process for the land adjacent to the rear property line of 1033 Dotta Drive (part of the Angel Park parcel) and that it be absorbed into their existing property.**

Motion passed unanimously.

- B. Consideration of a possible modification to Silver State Liquor & Wine, Inc. existing liquor license, changing the legal business name to Wirtz Beverage Nevada Reno, Inc., and matters related thereto. DZ **ACTION ITEM**

Police Chief Zumwalt advised this was simply a name change.

**** A motion was made by Councilman Conner, seconded by Councilman Johnson to approve a modification to Silver State Liquor & Wine, Inc. existing liquor license, changing the legal business name to Wirtz Beverage Nevada Reno, Inc.**

Motion passed unanimously.

PERSONNEL

- B. Review for consideration and possible approval of a one-year collective bargaining agreement between the City of Elko and the Elko Fire Fighters Association, Local 2423 of the International Association of Firefighters, and matters related thereto. **ACTION ITEM**

In March of 2009, City Staff began negotiations with the Elko Firefighters Association, Local 2423. At this time, both parties have reached tentative agreement on a successor collective bargaining agreement. The proposed collective bargaining agreement has been ratified by the Elko Firefighters Association, Local 2423 and is now before the City Council for consideration and possible approval. CC

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.

Councilman Johnson questioned if typically it had been a three year contract; now we are going with a one year.

City Manager Calder advised in the past there have been different durations on all the contracts, depending on the bargaining unit. In this particular instance we are recommending one year agreement for various reasons.

Councilman Johnson requested verification the recommendation was from the City Manager's Office and not the associations.

Mr. Calder advised two options were recommended; a one year agreement and a multi-year agreement. Due to the legislative issues that are still on-going both sides felt more comfortable only entering into a one year agreement; that would put this contract in-line with the police contract that would expire at the same time.

Councilman Johnson questioned whether there was much difference between this agreement and the one currently in place.

Mr. Calder advised there are several differences. One of the major components to this agreement is a M.O.U. regarding a trial schedule change; going from the current schedule to a 48/96 schedule. It is the same amount of hours worked but the primary difference is a fire fighter will work two back-to-back 24 hour shifts versus a 24 hour shift on, a 24 hour shift off (2X) then a four day break and then go back to the same cycle. This will be 48 hours on, 96 hours off. This is on a trial schedule based on other fire departments going to this type of schedule and having

good results. It is something that was proposed by the fire fighters to the City for consideration and we have at least tentatively agreed to it based on our research and discussions of trying it for a six-month period. At any time through the M.O.U. if we don't believe it is in the best interest of the City or the taxpayers we can stop the trial period; the City still has control to go back to the old schedule. Until we actually have the data to see if it is going to be a benefit to the City it is only a trial basis. That is the major difference between this contract and previous contracts.

Mr. Calder noted another difference would be in the health insurance article. In the past being self-insured there was a lot of language in the contract that spoke about insurance committees, the plan benefits etc.; this was a big concession on the part of the fire fighters to remove all that language; all of the language that pertained to being self-insured has been removed and basically sites that we are under the State of Nevada Public Employee Benefit System and that the union is subject to the rates set by that system; that is non-negotiable. The final item of significance in this contract is under the wages: a big concession was made by the fire fighters regarding wages and that entails remaining flat for this upcoming fiscal year. There is a twenty day period in July where their wages will be increased by 1.75% and then the 1.75% will be reduced down to 0% to pay for the increase in the retirement benefit; there is no salary increases in this contract and is similar to what management agreed to during the budget process also.

Councilman Rice questioned the advantages of the 48/96 schedule.

Deputy Fire Chief/Fire Marshal Hecht indicated there were multiple advantages both to the department and to family life.

Mr. Calder noted Staff believes there will be a reduction in annual leave and possibly sick leave; but that is unknown until the data comes in. Other fire departments like this schedule and have seen some benefits from it. This is a trial period; at any time the City is not happy with it we can revert back to the original schedule.

**** A motion was made by Councilman Rice, seconded by Councilman Conner to approve a one-year collective bargaining agreement between the City of Elko and the Elko Fire Fighters Association, Local 2423 of the International Association of Firefighters as presented and covering the time period of July 1, 2009 through June 30, 2010.**

Motion passed unanimously.

VII. REPORTS

- A. Mayor and City Council
Councilman Conner- Memorial Day celebration @ cemetery-compliments to Staff
- B. City Manager – Legislative update
- C. Utilities Director – Canyon Construction working on Secondary Digester
- D. Deputy Fire Chief/Fire Marshall – June 15 Homeland Security class @ GBC
- E. City Clerk – Notification from NV League of Cities – local applicants awarded scholarships. Motorcycle Jamboree request for carnival on City property.
- F. Administrative Services Director – Correction in EDFP re: Airport Bond

- G. Airport Director – El Aero Open House May 28, 2009 @ 2:00 p.m. and Phase 1 of Terminal Ramp Reconstruction began 5/26 and scheduled for completion 6/25

Mayor Franzoia called for a brief recess until 6:00 p.m.

VI. 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.

- B. Second reading, public hearing, and possible adoption of Ordinance 706, entitled “Whistle Blower Protection”, an ordinance amending the City Code by adding Chapter 14 to Title 1 which sets forth provisions adopting requirements of NRS 281.645, and matters related thereto. **ACTION ITEM**

In 2001 the legislature adopted legislation which is now set forth in NRS 281.645. Pursuant to NRS 281.645 a local government shall, by ordinance, establish procedures for hearing an appeal from a local government officer or employee who disclosed information concerning improper governmental action and believes that as a result of that disclosure, a reprisal or retaliatory action has been taken against the local governmental officer or employee. SO

City Manager Calder advised he met with legal counsel to discuss the questions and concerns brought up by the Council previously and stated he is comfortable with the current language of the ordinance.

**** A motion was made by Councilman Johnson, seconded by Councilman Rice to adopt Ordinance 706, entitled “Whistle Blower Protection”, an ordinance amending the City Code by adding Chapter 14 to Title 1 which sets forth provisions adopting requirements of NRS 281.645.**

**Motion passed 4 to 0.
Councilman Conner was absent for the vote.**

- D. Review, consideration, and possible action to approve Resolution No. 9-09, a Resolution to approve a change in zoning from GI (General Industrial) to C (General Commercial) involving two parcels located generally on the south side of Silver Street approximately 50 feet west of Third Street (232 and 236 Silver Street) filed and processed as Rezone No. 2-09 by the City of Elko on behalf of Raj Naresh and Lisa Hackett, and matters related thereto. **ACTION ITEM**

The Planning Commission considered this subject zone change request at their regular meeting of May 5, 2009, and took action to forward a recommendation of approval to the City Council. EW

City Planner Wynes stated this was a housekeeping issue.

**** A motion was made by Councilman Rice, seconded by Councilman Johnson to approve Resolution No. 9-09, a Resolution to approve a change in zoning from GI (General Industrial) to C (General Commercial) involving two parcels located generally on the south side of Silver Street approximately 50 feet west of Third Street (232 and 236 Silver Street) filed and processed as Rezone No. 2-09 by the City of Elko on behalf of Raj Naresh and Lisa Hackett.**

**Motion passed 3 to 0.
Councilman Conner was absent for the vote.**

II. APPROPRIATIONS

A. Review and possible approval of Warrants. ACTION ITEM

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

**Motion passed 3 to 0.
Councilman Elquist abstained.
Councilman Conner was absent for the vote.**

VI. 6:00 P.M. PUBLIC HEARINGS

C. Review, consideration, and possible action to approve Resolution No. 8-09, a Resolution to approve a change in zoning from C (General Commercial) to IC (Industrial commercial) involving approximately 1.5 acres filed and processed as Rezone No. 1-09 by Chris and Lorrie Johnson. The subject property is located generally on the north side of Mountain City Highway, approximately 750' east of Jennings Way, and matters related thereto. ACTION ITEM

The Planning Commission considered this subject zone change request at their regular meeting of May 5, 2009, and took action to forward a recommendation of conditional approval to the City Council. EW

Councilman Johnson removed himself from the Council panel due to a conflict of interest.

City Planner Wynes requested the motion included the recommendations by Staff; 1) public utility and drainage easement is established over the existing utilities, the utility department has required a minimum of 20' in width and 2) applicant is responsible for all costs associated with obtaining proper legal descriptions and recordation associated with the establishment of a public utility and drainage easement over the existing utilities.

**** A motion was made by Councilman Rice, seconded by Councilman Elquist to approve Resolution No. 8-09, a Resolution to approve a change in zoning from C (General**

Commercial) to IC (Industrial commercial) involving approximately 1.5 acres to include conditions # 1 and # 2 listed in the M.O.U. from Scott A. Wilkinson, City of Elko Development Manager dated 4/27/09, filed and processed as Rezone No. 1-09 by Chris and Lorrie Johnson. The subject property is located generally on the north side of Mountain City Highway, approximately 750' east of Jennings Way.

**Motion passed 3 to 0.
Councilman Johnson abstained due to conflict.
Councilman Conner was absent for the vote.**

ADJOURNMENT

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

Mayor Michael J. Franzoia

Shanell Owen, City Clerk