

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

SS August 9, 2011

The City Council of the City of Elko, State of Nevada met for a regular meeting beginning at 4:00 p.m., Tuesday, August 9, 2011.

This meeting was called to order by Mayor Chris J. Johnson

AMENDED

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

Mayor Present: Chris J. Johnson

Council Present: Councilman Jim Conner
Councilman Jay Elquist
Councilman Richard Perry
Councilman John Rice

City Staff Present: Curtis Calder, City Manager
Delmo Andreozzi, Assistant City Manager
Shanell Owen, City Clerk
Don Zumwalt, Police Chief
Mike Hecht, Acting Fire Chief/Fire Marshal
Dennis Strickland, Public Works Director
Ryan Limberg, Utilities Director
Trent Moyers, Airport Director
James Wiley, Parks Superintendent
Scott Wilkinson, Development Manager
Ted Schnoor, Building Official
Jeremy Draper, Civil Engineer
Lorraine Martinez, Accounting Supervisor
Linda Buffington, Recording Secretary

PLEDGE OF ALLEGIANCE

Mayor Johnson called for a moment of silence in remembrance of Judge Andrew Puccinelli.

APPROVAL OF MINUTES July 12, 2011: PUBLIC COMMENT WILL BE TAKEN PRIOR TO ANY CITY COUNCIL ACTION: FOR POSSIBLE ACTION

**** A motion was made by Councilman Rice to approve the minutes of July 12, 2011 as presented.**

Motion passed unanimously.

PRESENTATION OF A RETIREMENT PLAQUE FOR MR. JOEL VEGA, FORMER FLEET MAINTENANCE SUPERINTENDENT - NON-ACTION ITEM

Mayor Johnson thanked Mr. Vega for his twenty-eight + years of service to the City of Elko.

Prior to Commissioner Guttry's monthly county update Mayor Johnson presented a check to Elko County for the City's contribution to the regional transportation.

COUNTY MONTHLY UPDATE: COMMISSIONER GLEN GUTTRY – NON-ACTION ITEM

I. PERSONNEL

- A. Review and possible approval of recommended Fire Chief Candidate list, including possible action with regard to the selection process and interview date(s), and matters related thereto. **PUBLIC COMMENT WILL BE TAKEN PRIOR TO ANY CITY COUNCIL ACTION: FOR POSSIBLE ACTION**

City Manager Calder advised as directed; Councilmen Conner, Perry and he reviewed the applications for the position of fire chief. The positions were reviewed jointly and later re-evaluated individually. Initially, they had a list of four candidates for recommendation to the City Council. Late last week one individual withdrew from the process because he accepted another position; we now have three candidates for consideration. We need to discuss possible interview dates for the City Council, as well as a decision with regard to a second panel interview. That second panel interview would be a non-public official type interview panel; perhaps made up of community members. That interview would be done in conjunction; either before or after the City Council conducts their interview. The previous fire chief has supplied a list of suggested names for that panel with the idea it would be a technical type panel versus the City Council's interview; which would be more broad and general in scope.

Councilman Perry indicated they started with twenty-seven applications from thirteen different states; fifteen of those were short-listed for consideration with a final list of four candidates.

Councilman Conner indicated he was very comfortable with final list of recommendations.

Mayor Johnson questioned the Council whether they had any concerns with the process at this point.

Mayor Johnson called for public comment and there was none.

Mayor Johnson advised a decision now needed to be made on how to move forward. The City Manager has recommended either having an actual panel to narrow it down to one candidate or, the other options is whether or not the City Council wants to make that decision.

Mayor Johnson clarified this position will be hired by the City Council and will report directly to the City Council.

Councilman Rice advised he would be more comfortable having recommendations from a technical panel to provide input for that position.

Mayor Johnson stated everything is wide open at this point; whatever the Council thinks is the best way to get to the point of offering a position.

Councilman Elquist found the idea of a technical panel interesting; he also supported the inclusion of any individuals the fire chief will have on-going interaction with.

City Manager Calder advised those types of individuals would be on the panel; Staff will need to contact them to see who is available on whatever date we chose to conduct the interviews. City Manager Calder recommended having all the candidates here on one day. Hold the technical interview in the morning, forward their recommendation to the Council and then Council will do another interview in a public setting. City Manager Calder clarified this is an appointed position; if the Council is going to conduct an interview; it is going to be in an open meeting. By doing both interviews in one day the Council can get the information they need quickly and can take action at the conclusion of the final interview.

Councilman Elquist referred to the technical panel and believed it wouldn't necessarily provide a recommendation; but a technical score that we can weight into our decision. The position of fire chief certainly needs to be technically savvy; but there is also budgeting etc.

Councilman Perry recommended the City Manager, Police Chief, and possibly the County Ambulance Director as part of the technical panel; along with a second layer of interviews.

Mayor Johnson stated in the end; City Council has the final decision.

Councilman Elquist believed the technical aspect was important but he envisioned questions that touch on all the qualities we are looking for; technical, financial and all the competencies so, as a Council, we could garner questions from various people.

City Manager Calder commented with the screening process and the short list that is proposed Staff feels strongly all three are technically competent; or they wouldn't be at this point. Given that, there are certain aspects of how they are going to interact with their peers in the community, what their philosophies are etc. that we could possibly combine and just do the Council interview. However, he believed it is very important to have those discussions with these individuals because this is an official appointed position, reporting directly to the City Council and the fit is going to be important for our community.

Councilman Conner expressed support of conducting both interviews on the same day.

**** A motion was made by Councilman Conner, seconded by Councilman Perry to refer to a technical committee, made up of "x", to submit a score to City Council as developed by**

the City Manager and possibly another step process in there of what we want to see happen between the technical committee and final decision.

Mayor Johnson noted we need to qualify who the technical committee will be made up of.

Mayor Johnson indicated the score for ranking, by the technical committee, will be made up by the City Manager; was that okay?

City Manager Calder explained the technical panel would rank each candidate individually; come up with a combined score and ranking. Based on those scores, that information would be forwarded to the City Council for review and consideration.

Mayor Johnson questioned whether a standard HR type procedure would say; “we are going to base this category with this many points etc. or, would each individual person on the technical committee submit a score i.e. 0-100 to make it simple?

City Manager Calder advised it could be done either way. If you tie it to weighted numbers it is tighter and does not provide as much flexibility for the Council.

Mayor Johnson commented based on that statement that would not be a good part of the motion; we will take that out.

Mayor Johnson reworded the motion to say “moved to refer to technical committee made up of “x” to submit a score to City Council. Mayor Johnson questioned City Manager Calder on what would be a good describe there?

City Manager Calder indicated a score with a rankings list.

Mayor Johnson continued with the reworded motion; “to submit a score with rankings list”.

Mayor Johnson questioned whether that qualified the process to get it back to Council.

City Manager Calder verified it did; once the Council received the score and ranking list they would have that information available for their interview. City Manager Calder believed for the Council interview you would need to allocate about three hours of time for the three candidates.

Mayor Johnson requested verification that Mr. Calder, as the City Manager, was recommending to have the technical committee submit a ranking list and provide that list to the City Council for their use. The Council will conduct their interview and make a final determination at the end of that process; make the offer.

City Manager Calder clarified the City Council would need to give Staff the authorization to make a job offer contingent upon successful background checks etc.

Mayor Johnson clarified the ratings list will be presented to Council just before Council’s interview.

Mayor Johnson first began to question the Council about going through the amendment process on the motion; he then indicated they could keep it open. Mayor Johnson then questioned if the Council wanted to qualify who was going to be on the panel.

Councilman Perry proposed the City Manager, Chief of Police and the Elko County Ambulance Director, if available, for the technical panel.

Councilman Rice requested that someone from the agencies we have our inter-local agreements with be included.

Councilman Conner suggested NDF.

City Manager Calder recommended at least two peers from other local entities this individual would work with; whether it be NDF, BLM etc.; somebody in that line of work that he would have interaction with on a professional level. City Manager Calder advised the specific agency could be left blank; Staff can go through the list and determine who is available on the date selected.

Mayor Johnson questioned how many people we would want on the panel.

City Manager Calder commented that based on the discussion it would be five.

Mayor Johnson restated the motion;

**** A motion was made by Councilman Conner, seconded by Councilman Perry to refer to a technical committee made up of five people as selected by the Elko City Manager; to submit a score with a rankings list to the City Council just before the Council interview of the three interviewees.**

After the motion and before a vote was taken Mayor Johnson called for further comment.

John Carpenter stated the City Council needs to keep this open so public knows what is happening.

City Manager Calder advised the technical committee could be an open meeting to the public.

Mayor Johnson commented when it comes to Council's portion of the interviews Staff is recommending a three-hour time frame; one hour apiece for each candidate. We probably need to qualify that as well; how to get those questions developed etc.; is that something Staff would like to have happen tonight?

City Manager Calder advised Staff would like to verify the date; the questions can be developed in a relatively short time frame. However, Staff will need a couple of weeks.

Mayor Johnson believed the Council needed to vote on the motion. Get it out that the technical committee will be one part of the interview process and open to the public; with this motion.

Mayor Johnson called for a vote on the motion.

Motion passed unanimously.

Mayor Johnson commented Staff would like to have some dates.

City Manager Calder verified that was correct; based on the Council's Calendar. Staff needs to know when all five Council Members will be available because we are likely looking at a special meeting.

After some discussion it was determined that Council Members would be available on August 23rd at 1:00 p.m.

**** A motion was made by Councilman Rice seconded by Councilman Perry to conduct the interviews in a three-hour time block; beginning at 1:00 p.m. on Tuesday, August 23rd for interviews.**

Motion passed unanimously.

Mayor Johnson questioned what Council was going to do at that meeting.

City Manager Calder advised the interview questions need developing. There also needs to be a decision on what the protocol will be for making the final decision. City Manager Calder was unsure that decision needed to be made now or if it could be made at that meeting.

Mayor Johnson wanted to adhere to a fair HR policy. He believed the questions need to be submitted or known; or is it that a Councilman can ask any question.

City Manager Calder stated the questions will be structured and given to the Council in advance; along with the applications.

Mayor Johnson questioned who was going to develop the questions.

City Manager Calder advised he will work on those in advance and have them developed.

Councilman Elquist questioned whether there were any concerns with the questions being circulated; should the Council meet with the City Manager a few days ahead to discuss them.

City Manager Calder advised with regard to i.e. the technical panel, which they will be conducting on the morning of the 23rd; the candidates will show up for the interview and be given the questions the day of. City Manager Calder advised Staff can make the questions available in advance to the Council if they desire but he didn't see any reason to have them too far in advance.

Councilman Elquist noted if there are questions that interest them, as Council, we should submit them to the City Manager.

City Manager Calder verified that was correct; Council should e-mail to him any specific questions they would like asked and he will include them.

Mayor Johnson called for public comment and there was none.

Councilman Elquist supported forty-minute interviews; that leaves time for scoring and ranking.

City Manager Calder indicated he estimates forty-five minutes of actual interview time, with fifteen minute breaks between. That will give everyone time to get their individual paperwork completed between interviews.

Mayor Johnson questioned whether a motion was needed or did Staff have enough information.

City Manager Calder advised Staff has enough direction to move forward.

City Manager Calder listed, in no particular order, the top three candidates: Interim Fire Chief Mike Hecht, Fire Captain Mathew Griego, and Mr. Daniel Allred from Las Vegas.

Councilman Elquist questioned whether Mr. Allred should be contacted tonight to verify he can make that date.

City Manager Calder advised Staff will contact him first thing in the morning. If for some reason there is an issue where he can absolutely not make the date; Council will be notified immediately. Because he is in this recruitment, he knew this decision would be made tonight; he will most likely make himself available; short of some type of emergency situation.

II. APPROPRIATIONS

- B. Review, consideration, and possible approval to award an engineering contract to Aqua Engineering, Inc. for the Plant Upgrade Project; and matters related thereto.
PUBLIC COMMENT WILL BE TAKEN PRIOR TO ANY CITY COUNCIL ACTION: FOR POSSIBLE ACTION

The current estimate for the plant upgrade is approximately five (5) million dollars with an engineering design cost of \$327,000 or 6.5 percent of the project cost. Approximately \$350,000 has been budgeted for design engineering in this fiscal year. This project is part of the adopted Master Plan and 10-Year CIP. Staff is recommending council approval to award the engineering contract to Aqua Engineering, Inc. in the amount not to exceed \$327,000. The scope of work and engineering contract are attached for your view. FPS

Utilities Director Limberg indicated the standard Professional Service Agreement and Scope of Work were included in the packet for review. Mr. Limberg advised this work is for engineering design to upgrade our waste water treatment plant to produce a higher quality effluent. Currently we produce a Class C effluent; this is for engineering to take that effluent/reuse water to a Class B level; that would enable us to use that water on the parks, ball fields and other locations.

Mayor Johnson questioned whether there was enough information, at this point, to turn an engineer loose, how much of a risk is there to know; 1) can the water quality get to a Class B and 2) does this \$5.0 million extend the life of the plant as well?

Mr. Limberg verified it would extend the plant life. Part of this engineering is to look at multiple options as well, not just that one design option; to come up with the answers to those questions. We will look at STM air rotors, activated sludge, MBR and various treatment technologies; the goal is to come back with the most cost effective solution to get to that reuse Class B. Once we have that option defined we can project some future life spans for the equipment we will install. Mr. Limberg stated it is difficult to provide a life expectancy of it now until we know the actual component that appears to be the best value to the City.

Mayor Johnson called for public comment.

John Carpenter commented this is a major expense. There was a lot of talk, at least by the former Mayor, to move that plant to a different location. Is this upgrade going to solve the problem so it can remain in its location for a number of years?

Mr. Limberg advised that is the intent. We have been making upgrades at the water reclamation facility for several years; it is our intent to continue along those lines. This does help us get the water quality to a higher level so we can use it at other locations. It also enables us to save that capacity in our domestic wells that are currently serving the parks and ponds.

Mayor Johnson commented at one time the plant brought in the MBR process; is some of that data in the mix here; because Aqua Engineering was involved in that?

Mr. Limberg advised multiple treatment options will be looked at; MBR will be one. The issue is; there are better treatments out there that are more cost effective with ongoing maintenance expenses and operational concerns.

Mayor Johnson brought up a past concern; what about getting rid of the grit; did the head gate take care of that?

Mr. Limberg advised that will not be part of this process; this is actually at the tail end of our treatment works; the grit is at the front end of the treatment works. Staff continues to look at ways to reduce the grit. We have significantly reduced our flows to the water reclamation facility through our in-flow and infiltration; we will continue along those lines and hopefully reduce some of the grit there as well. We will have to look at grit going forward; but this is a higher priority at this time.

Councilman Perry, as liaison to Water and Sewer, advised this project is two-fold; there are some process components in the waste water facility that are nearing their life expectancy and are never going to reach the levels that they need to reach Class B. Some of this engineering money is test work to determine what will and won't work; it has to be done in order to determine what the next step is at that facility. Councilman Perry believed part of what drives this is; it a risk management issue for the City. There is a sense of urgency to get to a Class B because it would

reduce the necessity to use the RIBs. It would open up a whole world of being able to irrigate our parks which would free up an estimated 500 to 1,000 acre feet of water that we are currently pumping out of the ground now that we wouldn't have to pump; the pipelines already exist to do that. Councilman Perry stated the goal of this is to reduce biological oxygen demand, nitrates, and fecal and coliforms that are in there.

Councilman Elquist acknowledged the merits are three-fold. Councilman Elquist referred to river discharge; if we treat it to this better level is this a system where we can take that next step? Or is that whole new level of investment, is it a modular type thing, does it benefit that, or is it one system or the other?

Mr. Limberg advised a study was done last year and we are not able to move in that direction for several years. This is something we can do right now and it takes it one level up. If river discharge becomes more feasible in the future we are one step closer.

Councilman Rice stated he would prefer we look at ways not to be discharging it down the river; find ways to use it.

**** A motion was made by Councilman Perry, seconded by Councilman Conner to award the engineering contract to engineering contract to Aqua Engineering, Inc. for the Plant Upgrade Project.**

Motion passed unanimously.

After the motion and before a vote was taken Mayor Johnson called for further public comment and there was none.

- C. Discussion and possible authorization to allow Staff to solicit bids for the annual scarification of the Rapid Infiltration Basins (RIBs), and matters related thereto.
PUBLIC COMMENT WILL BE TAKEN PRIOR TO ANY CITY COUNCIL ACTION: FOR POSSIBLE ACTION

The WRF permit requires annual scarification and sediment removal from the RIBs. The dirt work improves percolation and overall winter storage water balances. This is a NDEP permit requirement. FPS

Utilities Director Limberg clarified the term scarification; plowing up or turning over the bottom of the RIB', usually with large ripper teeth with a bulldozer or scraper.

**** A motion was made by Councilman Elquist, seconded by Councilman Rice authorizing Staff to solicit bids for the annual scarification of the Rapid Infiltration Basins (RIBs).**

Motion passed unanimously.

After the motion and before a vote was taken Mayor Johnson called for public comment and there was none.

- D. Discussion and possible authorization to request proposals from qualified firms to provide group health insurance consulting services, and matters related thereto. **PUBLIC COMMENT WILL BE TAKEN PRIOR TO ANY CITY COUNCIL ACTION: FOR POSSIBLE ACTION**

The City of Elko's contract with the Nevada Public Employees' Benefits Program expires on June 30, 2012. As such, the City is interested in exploring all available options for the provision of group health insurance for City employees, dependents, and retirees. CC

City Manager Calder indicated Staff is requesting authorization to request proposals from health insurance consulting firms; we need a consultant in this capacity to access the available markets for health insurance. Staff does not envision a big cost associated with it but we would find that out during the proposal process. This is a necessary step in order to evaluate our options. It seems early to start but there are a lot of steps involved and Staff would like to have a consultant in place no later than October 1st. We want all of our options identified and costs associated with each option provided during our budget process; which begins in February 2012.

Mayor Johnson called for public comment and there was none.

**** A motion was made by Councilman Elquist, seconded by Councilman Rice authorizing Staff to request proposals from qualified firms to provide group health insurance consulting services.**

Motion passed unanimously.

- E. Review, consideration and possible authorization for the Parks and Recreation Department to purchase a small Sport Utility Vehicle (SUV) rather than a small pick-up truck as was previously approved in the FY 2011/2012 Capital Equipment Replacement Fund, and matters related thereto. **PUBLIC COMMENT WILL BE TAKEN PRIOR TO ANY CITY COUNCIL ACTION: FOR POSSIBLE ACTION**

The Parks Department has been approved to purchase a replacement vehicle in the FY 2011/2012 Capital Equipment Replacement Fund with a budget of \$19,000. It has become apparent that the City will not be able to purchase a new pickup truck for this amount. However, Staff has located a new, small 4 x 4 new SUV that is available through the State of Nevada Department of Administration Purchasing Division for the price of \$18,045. Due to its versatility, Staff believes that the SUV will better serve the Parks & Recreation Department. JW

Parks Superintendent Wiley advised Staff has been trying to find a vehicle that will fit within the budget; included in the packet are two examples from the State Purchasing Agreement. The pickup that was originally requested will not fit in the budget once the options are added. The proposed SUV fits the budget, has 4-Wheel Drive capability and seats 4-6 comfortably. Staff believe the SUV will meet the department needs and provide the necessary versatility.

Councilman Elquist questioned if a pickup was found within the budget would they still prefer the SUV.

Mr. Wiley verified that was correct. The vehicle is intended for the department director/supervisor; an SUV will meet all the requirements.

**** A motion was made by Councilman Conner, seconded by Councilman Rice authorizing the Parks and Recreation Department to purchase a small Sport Utility Vehicle (SUV) rather than a small pick-up truck as was previously approved in the FY 2011/2012 Capital Equipment Replacement Fund.**

Motion passed unanimously.

After the motion and before a vote was taken Mayor Johnson called for public comment and there was none.

- F. Review, consideration, and possible authorization to modify the Assistance to Firefighters Grant Application, specifically to request a Type-3 Wildland 4x4 Engine rather than a Tactical Water Tender, and matters related thereto. **PUBLIC COMMENT WILL BE TAKEN PRIOR TO ANY CITY COUNCIL ACTION: FOR POSSIBLE ACTION**

City Council recently approved the allocation of \$21,000.00 in matching funds for the Assistance to Firefighters Grant Application for a Tactical Water Tender. After checking with vendors on pricing for tactical tenders, the closest quote was approximately \$320,000, thereby exceeding the approved match.

In response, the City of Elko Fire Department is requesting authorization to modify the grant application to allow for the purchase of a Type-3 Wildland 4x4 engine rather than a tactical tender. If purchased, the Type-3 unit would replace a 1981 International ARFF truck that is currently being used as the City's 4x4 Wildland engine. The annexation of County wildland areas has created a demand for off-road capable equipment. MH

Interim Fire Chief Hecht explained after checking with Staff it was his belief the tactical tender better meets the City's needs.

Chief Hecht indicated matching funds are needed to apply for this grant. The Type-3 Wildland 4x4 including everything spec'd out by Staff would be an additional \$9,000.00. Chief Hecht advised prices for this equipment range from \$254,000 up to \$300,000.

Councilman Rice questioned whether Staff would keep the ARFF truck in service.

Chief Hecht indicated Staff would like a recommendation from Council and Staff on that; he would like to sell it.

Councilman Rice questioned what is driving this request.

Chief Hecht advised the wildland engine would be more beneficial to the City for several reasons; the Tactical Tender does not allow you to go off road and there are sufficient fire hydrants within the City limits for the water source. The Wildland Engine will allow you to get off road and reach the lightning strike fires or man caused fires quicker; thereby reducing that threat to the City.

Councilman Rice questioned why this wasn't done originally.

Chief Hecht indicated the original request was from the previous Fire Chief and what he wanted.

Councilman Perry requested clarification if the City is willing to commit \$30,000 for the grant request someone else is willing to cover the balance of \$290,000. And, who is the entity?

Chief Hecht clarified it is a 10% match; if the City matches \$30,000 the vehicle can be purchased for \$300,000. This is an Assisted Firefighters Grant through the government and something Staff has utilized in the past. Mr. Hecht advised if we aren't awarded the grant the City isn't out anything but we do need show the City allowed Staff to apply for the grant; with the 10% match.

Councilman Perry requested verification Staff is asking to replace the 1981 International unit that is there now.

Chief Hecht verified that was correct. Council approved the Tactical Tender and Staff is asking for approval to change that to the Type-Wildland 4x4.

Councilman Perry questioned what was wrong with the existing unit.

Chief Hecht advised it is a 1981 piece of equipment with maintenance issues; it also travels at a top speed of approximately 45 mph. We are trying to improve the age of our fleet.

Councilman Perry noted this piece of equipment is 4x4 so it can go out into the sagebrush.

Chief Hecht verified that was correct. Currently we have nothing with that capability except for Engine 10. The other units that Lee Engine Company Volunteers run are NDF. Staff would like to get something that is City owned.

Councilman Elquist questioned where the \$21,000 match was coming from.

City Manager Calder advised the match is budgeted in the Capital Equipment Fund; there is sufficient funding to increase that to the requested amount.

Councilman Elquist questioned whether we have approached the county on this; we have inter-agency agreements.

Chief Hecht advised they have not; the county provided Engine 3 and it does respond in the county. Staff is looking more towards the City; we need something in the City limits.

Councilman Elquist noted it is part of our inter-agency agreements; we respond to the county also. This is a great deal, no doubt. It is four-wheel drive and will help our response to those inter-agency areas too. Councilman Elquist questioned if it was worth asking.

Chief Hecht acknowledged Councilman Elquist's statements and advised the grant cycle is a 30 –cycle and opens any day; Staff needs to have the approval, write the grant and submit it within that 30 day time limit.

City Manager Calder advised typically the equipment the county has participated in purchasing is volunteer equipment versus career equipment; this would be a piece of career firefighting apparatus located at Station One and not in volunteer stations; if that makes a difference.

Councilman Elquist stated it does and doesn't. The career employees still respond as part of the inter-agency agreement; or do only the volunteers?

Chief Hecht advised it depends on the call; if they are requested they do respond.

**** A motion was made by Councilman Conner, seconded by Councilman Rice authorizing Staff to modify the Assistance to Firefighters Grant Application, specifically to request a Type-3 Wildland 4x4 Engine rather than a Tactical Water Tender; and increase the budgeted amount from \$21,000.00 to \$30,000.00.**

Motion passed unanimously.

After the motion and before a vote was taken Mayor Johnson called for further discussion and public comment.

Councilman Elquist noted the previous Fire Chief preferred the other unit; can Staff explain the benefits of it?

Chief Hecht advised the Tactical Tender could carry anywhere from 2,000 to 3,000 gallons of water, but you are limited and have a size limitation, plus one of the concerns is operators are required to have CDL and Tanker Endorsement to drive it. And, you are limited to where you can go with it; it is pretty much an on-road piece of equipment that other trucks come to.

There was no public comment on this item.

III. NEW BUSINESS

- A. Review, consideration, and possible action to oppose a future land rezone application located in Elko County and adjacent to the City Rapid Infiltration Basin area, and matters related thereto. **PUBLIC COMMENT WILL BE TAKEN PRIOR TO ANY CITY COUNCIL ACTION: FOR POSSIBLE ACTION**

Jordanelle Third Mortgage has acquired approximately 454 acres of property located adjacent to the City's Rapid Infiltration Basins. This property is currently located in the County and is zoned as open space. The owner wishes to rezone

this property to Agriculture/Residential and change the use to enable parceling of lots for single family dwellings. Staff is opposed to the future rezone of approximately 44 acres of this property due to the close proximity to the Rapid Infiltration Basins, and the potential impact of infiltrated water on nearby domestic wells in addition to operational concerns of odors or dust complaints.

Staff has discussed this concern with the managing director for Elko operations and development, Mr. Scott MacRitchie. Mr. MacRitchie is unwilling to sell the land to the City at the current open space appraised land values, but is willing to sell a much smaller parcel of land to the City at a much higher, A/R rezoned property value. RL/FP

Utilities Director Limberg advised on the dais before each Council Member was a packet provided by Mr. MacRitchie who was present representing Jordanelle Third Mortgage.

Mr. Limberg advised Staff is concerned with the long-term plan of Jordanelle; in particular the rezoning of approximately forty acres, identified as the shaded area on the overhead presentation, that lies within one-thousand feet of our existing rapid infiltration basins, also identified on the overhead.

Mr. Limberg noted the first thing he considered with this is; what are the rules. Mr. Limberg advised he referred to two documents; the first is a guidance document for the construction of the rapid infiltration basins. That document prohibits the construction of treatment works, which RIB's are, within a thousand feet of a water well. Mr. Limberg noted currently we meet or are very close to meeting this regulation; there is only one small well in the area which is identified on the overhead. That well has been used for livestock but hasn't been used for several years.

Mr. Limberg advised the other rule that regulates this type of situation is NAC 445(A).285. That code says "in locating treatment works the designer shall attempt to select a site that is not within 984 feet of an occupied dwelling or other building". Mr. Limberg again noted the City currently meets that regulation but we do have a conflict if building occurs in the future.

Mr. Limberg indicated the concern is; if development is allowed to occur we will not have the one thousand foot buffer. Staff has discussed this with NDEP; they indicated if development were to occur the City could receive complaints related to; dust, odor or even water quality. Mr. Limberg commented if the shaded area identified on the overhead is allowed to parcel into single-family dwellings that could force the City into compliance issues.

Continuing, Mr. Limberg advised in 2004 the City purchased a five hundred foot wide strip in between the RIB's and the shaded area identified on the overhead. The City purchased sixty-two acres to make up that five hundred foot width; it was purchased at the rate of \$1,000 per acre. For several years the City has been attempting to purchase an additional five hundred feet next to that; with no success.

Mr. Limberg noted the City and Jordanelle both possess assets which are of value to the other party. Until we can come to an agreement Staff is looking for Council direction to oppose the

rezone of the approximate forty acres of property in the identified area. As well as oppose any future water rights transfers; including applications to change the point of diversion or place of use for water to serve that area. Similarly, Staff is looking for Council direction to oppose the developer using City land as a right-of-way to access that property.

City Manager Calder advised no action can be taken on the water right issue; the agenda item does not address that issue.

Scott MacRitchie came forward to address the Council and identified the areas they have rezoned. Mr. MacRitchie advised they are not currently looking to rezone the area in question and are not in a rezone application process with the county for those areas.

Mr. MacRitchie indicated this issue had only recently been brought to their attention. They have met with WRF Superintendent Sawyer, Utilities Director Limberg and Development Manager Wilkinson to discuss the matter. They have read the 1993 guidelines which is the only document they received; which stated they could not put a domestic well within that area.

Mr. MacRitchie believed it is a bit premature for them to know exactly what they can and cannot do with that property; they haven't had enough time to make any decision. Approximately eighteen to twenty-two lots are affected by the impact.

Mr. Limberg advised a new scale that is more accurate reduces it down to sixteen lots.

Mr. MacRitchie commented the issue with Zone A is a floodplain that runs all the way down the center section. They are already constricted in that area to move the road any further over to the east; which is toward 'C' the Zone A floodplain; we start to lose the lots on the east side of the road as well.

Mr. MacRitchie acknowledged when they first met with Mr. Limberg they were instructed they could put parcels there but not domestic wells within the one thousand foot area of the RIB.

Mayor Johnson advised Mr. MacRitchie it would only be fair to give him as much time as Staff has had; as far as the presentation; but keep in mind the Council can only vote on what is on the agenda item. Right now it sounds as if this agenda item is ahead of things; that you are not sure you are going for a rezone. Mayor Johnson questioned if the matter should be tabled.

Mr. MacRitchie stated at some time in the future they will rezone but they haven't had enough time to figure out what the true impact is to them. And, if in fact they do go for a rezone in that area; if they can't build the road because it is single-loaded; now the cost is double for the road.

Mayor Johnson advised Mr. MacRitchie if wanted to continue on that was fine; the Councils focus will be on whether the City will send a letter in opposition, in the event the developer went to the county.

Mr. MacRitchie stated the unknown is if they give up that land and suddenly can't afford to do the road because the cost is so exorbitant; they might lose all of Sections C and D for the rules of

looping that road and not being able to do a cul-de-sac long enough to get there. Mr. MacRitchie stated they need more time in order to determine the impact; they've only had four weeks to begin thinking about that.

Mayor Johnson advised the Council doesn't necessarily have to vote; we are going to send a letter. But it sounds like maybe we can work out some details, come more of an understanding and have the answers before that. That is an option with this agenda item.

Mr. MacRitchie questioned whether the second agenda item was also under discussion.

Mayor Johnson advised it was not. The only item under discussion is whether or not the Council is going to direct Staff to draft a letter to the county planning; if and when you file for a rezone. Mr. MacRitchie indicated he would like the item tabled to allow time for further discussion with the City.

Councilman Rice commented there are other considerations we might have in responding to a zone request by the county as well; there are other impacts than just the RIB.

Development Manager Wilkinson believed it would be beneficial to the developer to understand the Council's position with regard to the buffer area. It is specific that Staff feels that just the forty acres shouldn't be rezoned within that buffer area; not the entire area there. Staff believes the developer should work around that buffer area and keep that in consideration.

Mr. Wilkinson noted in the NAC previously quoted, item two states; no site may be approved by the department without having first been approved by the local government. Based on that, another question comes up; has Elko County been involved and approved the location of the RIB's over time? They should have been aware of the buffer zones that are required etc. and taken that into consideration. With the first rezone, Staff did bring up the proximity of the property to the "proposed" and the existing treatment works. That was brought to the county's attention and they went ahead with the rezone shown on the overhead presentation. Staff's biggest concern was Phase Three encroaching into what we had defined as open-space and a buffer area in our master plan; that was all pointed out to the county.

Mr. MacRitchie requested clarification of Phase Three which Mr. Wilkinson provided.

Mr. Limberg identified the proposed extension of the buffer.

Mr. MacRitchie questioned whether it was accurate.

Mr. Limberg advised it is as accurate as it can be based on survey data; it is more accurate than data presented by the developer.

Mr. MacRitchie requested verification that until they get to the area of concern the City is only proposing to oppose the rezone of the other area.

Mr. Limberg clarified there is a small section on one of the lots where it looks like it crosses.

Mr. MacRitchie advised with that being a five-acre lot everything they have done so far has been on the front; there is no possibility they would have a residence back there. It would be easy for them to deed restrict that lot whenever it is parceled in order not to have any type of residence or well that far back. Did the Council agree with that? Mr. MacRitchie indicated they are already through the rezone on that.

Mayor Johnson questioned Mr. Limberg if that was part of tonight's discussion. Mayor Johnson made the determination it was not.

Mr. MacRitchie advised those are the type of things they want to talk about in further discussion with Staff.

Mayor Johnson noted Mr. MacRitchie is asking for more time. Another solution is that if the developer and the City can come to an agreement of what the land is worth that might solve it; correct?

Mr. MacRitchie verified that was correct.

Mr. MacRitchie identified the area they are working in and will continue to through 2011 and most of 2012. If they can resolve the issue on the one parcel corner there would be no objection for them to work their way up into the proposed cul-de-sac and adjacent lots.

Mr. MacRitchie identified land that fits in the existing rezone they have. Mr. MacRitchie stated they will make the commitment right now that until this is figured out; if they want to rezone anything else they will take a different quadrant of land and go a different direction. They don't need to go in the direction under discussion; it would buy two or three years.

Councilman Elquist agreed this is early in the process and he can understand Mr. Wilkinson's concern to give some good visibility to the developer; but it is a long way out. Councilman Elquist indicated he saw solutions i.e. rather than oppose or rezone it; just deed restrict the lots.

Mr. MacRitchie stated his belief it would be more complicated than that in Section A.

Councilman Elquist acknowledged they would have to work around the one area; but it seems doable.

Mr. MacRitchie advised without further engineering and design work, shooting of grades etc. he would be unable to determine how the road going through Section A would be able to accommodate parcels on both sides.

Councilman Elquist commented you can have parcels on both sides; you just can't drill a well.

Mr. MacRitchie disagreed; they would have to stay outside of the impact zone entirely with their lots in general; that is what City Staff is driving at. Mr. MacRitchie advised they may be able to accomplish that; they just haven't had a chance to try.

Councilman Elquist requested verification of that statement.

Mr. MacRitchie advised you can have a parcel; not a building.

Mr. Limberg clarified that is correct; you can have the parcel. The issue is the operational concerns of a parcel within a thousand feet, with a dust complaint, with an odor complaint and other similar complaints that now become a City issue to resolve.

Mr. Limberg agreed the development is far out but in his experience these unpleasant issues are smaller and easier to resolve on the front end than the back end. That is part of the reason the matter is before Council so early and the fact that Mr. MacRitchie is very interested in the right-of-way and is looking for an answer on that.

Mayor Johnson again clarified the decision on this agenda item is whether or not the City of Elko is going to send a letter to the Elko County Planning Commission. If there is a rezone, the owner of the property is asking us to not make that decision yet and take time to work it out.

Mr. MacRitchie believed with some reworking and realignment of Section A they can make it work.

Mr. Wilkinson informed the Council our communication policy with Elko County requires City Staff respond within ten days of receiving an application. Ten days may not allow sufficient time to get an issue before Council and that is why Staff brought it to Council ahead of time. There has been discussion about rezone; we don't know where that is headed. And, there is an expectation that we get a communication because of the sphere of influence and we are adjacent property owner; but if we didn't we would still have taken this to the Council for support.

Councilman Perry believed this was clear; from the City's standpoint. This is a county development; we are the neighbor and if the developer goes through with the rezone we will get noticed.

Councilman Perry noted the City built and expended a fair amount of money under NRS and the reference page to that says; *a distance of less than one thousand feet from a water supply well or a surface water*. We didn't own that thousand feet at the time, obviously some of it was private ground. But we did build this; we were first there to do it. Councilman Perry stated his belief that sets a precedent; this did go through county planning and it is incumbent upon the City to go ahead and allow for City Staff do oppose this; if it is noticed.

Councilman Perry believed this is a disclosure issue that we need to do to manage our own risk. It doesn't mean the county planning commission will listen to us; but we have legally disclosed that we have an issue that affects City taxpayers.

Mr. MacRitchie requested verification of what Mr. Wilkinson had said. Was it that the developer could turn right around tomorrow and rezone that; and the City Council wouldn't be able to address it in time?

Mr. Wilkinson advised when City Staff receives communication from the county; they have ten days to respond. Depending on the timing of that; we may not be able to get it on a City Council Agenda, we may not be able to respond to that with Council support. From Staff, they would oppose it but typically when Staff offers suggestions or considerations to the county the do whatever suits their interest first. That is why Staff brought it before Council; to try and get in front of that in case the ten-day response issue comes up.

Councilman Rice believed Council could make a motion to direct Staff to oppose any zoning ordinance; given the information we have now. That doesn't preclude the developer from continuing to work, as described, in making changes to their plan that would allow for that.

Councilman Rice continued and commented there are other considerations having to do with the impact on the City with the development out there; in terms of how it could impact roads.

**** A motion was made by Councilman Rice to oppose future land rezone application located in Elko County and adjacent to the City Rapid Infiltration Basin area.**

Councilman Perry questioned adding the forty-four acre parcel, not the entire area, just the part within the thousand feet.

Councilman Rice advised he would make that addition.

Councilman Perry seconded the motion.

Motion passed unanimously.

Before a vote was taken; Mayor Johnson called for further discussion and comments from the Council.

Councilman Rice informed Mr. MacRitchie this does not preclude him from continuing to talk to City Staff about the issue and; he may have some solutions he can bring back at another meeting as well. Given our responsibility to the citizens of Elko, we are liable, and need to cover our investment.

Mr. MacRitchie advised issue is; they can completely comply with the regulation and keep all of their domestic wells outside of the guidelines.

Councilman Rice stated if the developer can show that then it can be brought back before Council. In the meantime, we don't have that assurance.

Mr. MacRitchie stated the Council could ask for it. We are only four weeks into this and there hasn't been time for discussion.

Councilman Elquist commented at this point it is so early in the process he didn't think there was any harm. NAC discourages them within three hundred meters of an occupied dwelling or other building also. But Mr. Limberg brought up a good point; we have parcels at the landfill that

complain all the time of the debris nuisance etc. Councilman Elquist believed it was a good move to say the message is sent that we are probably going to oppose this until you come up with a solution that works.

Mr. MacRitchie wanted clarification if that is what the message said or; that the City is going to oppose any rezoning they do in that area whatsoever.

Councilman Elquist advised the City is going to oppose development in the forty acres.

Mr. MacRitchie indicated even if they can keep the wells and residence out of that zone; completely complying with all regulations the City has gone on record saying they oppose it anyway; is that correct?

Mayor Johnson questioned the Council on how they wanted to go from here; answer questions, amend the motion?

Councilman Perry advised by Council doing this as a placeholder, getting City Staff to do that; doesn't mean that may not happen there. What it means is; we put it back on the county planning commission to mitigate this protest that we have. We aren't trying to stop it; we are saying there are some things we are concerned about that have to be mitigated; because of the thousand foot requirement.

Mr. MacRitchie questioned if Council was willing to put that in the motion; if they mitigate those items the City would, potentially, not oppose it?

Councilman Perry indicated opposing it is just opposing it with the county. They are the body that has to determine that, not us. We are just your neighbors.

Mayor Johnson advised the Council it is up to them. Are we okay to vote with what is there, if you want to add more items, make it more detailed.

Mayor Johnson called for public comment and there was none.

Mayor Johnson thanked Mr. MacRitchie for his patience.

- B. Review and consideration of a request from Mr. Scott MacRitchie of Jordanelle Third Mortgage (Jordanelle) to use City property as a right of way and secondary access to property being developed by Jordanelle in the County in the Hamilton Stage Road vicinity, and matters related thereto. **PUBLIC COMMENT WILL BE TAKEN PRIOR TO ANY CITY COUNCIL ACTION: FOR POSSIBLE ACTION**

Jordanelle currently has a Right of Way (N-74438) for road purposes and a secondary access to their property as required to continue development; however, they would prefer to use City property for access at a location that was proposed by the City as an access and utility corridor for City purposes. RL/FPS

Referring to an overhead presentation; Utilities Director Limberg identified the area for discussion and briefly reviewed the request.

Mayor Johnson noted Staff is recommending approval; with the stipulation to exchange the expanded buffer; is that correct?

Mr. Limberg believed the City could not formally exchange the land because we acquired that through the RP&P process; but at least a similar amount of acreage exchange in usage; i.e. if they were allowed to use ten acres of right-of-way.

Mayor Johnson clarified the bottom line in Staff's mind is; recommending approval with some exchange to keep it fair for the City of Elko.

Mr. Limberg acknowledged Mr. MacRitchie is urgent to get an answer to the right-of-way question; Staff thought it would be appropriate to tie it with the previous issue and solve them both at one time.

Councilman Elquist questioned the location of the forty-four acres.

Mr. MacRitchie identified the property on an overhead.

Councilman Elquist questioned whether this easement would benefit that development.

Mr. MacRitchie verified it would benefit the entire project and they are required to have two forms of access to the project.

Mr. MacRitchie indicated although nothing formal; there had been discussion on giving up their current existing right-of-way with the BLM in exchange for the use of the City property.

Mr. Limberg believed the City would need more than that in exchange; he didn't see any benefit to the City in doing that swap.

Mr. MacRitchie questioned if the City was suggesting anything.

Mr. Limberg noted the original proposal stated that it was going to save the developer about \$30,000 to \$40,000 and they were willing to split that in half with the City. Again, that isn't in the City's best interest.

Mr. Limberg advised he had proposed Mr. MacRitchie provide the layout and the acreage they are going to need in right-of-way through there; Staff can compare that number to the acreage the City is desires to obtain at the RIBS and see how far apart we are.

Mr. MacRitchie questioned if that meant they would keep their existing right-of-way as well.

Mr. Limberg advised the City has no use for that right-of-way.

Mr. MacRitchie questioned if the City had any use; in any way, shape or form, for the road that is being considered. Mr. MacRitchie noted when they first discussed it the City had expressed interest; in their last discussion they changed that.

Mr. Limberg advised that road is currently defined as a proposed future utility and access route but; we don't have utilities running through there now; it is yet to be determined if the City will actually use it.

Mayor Johnson saw this as all part of the mix and was unsure there was enough information for the Council to make a decision tonight.

Mayor Johnson commented Council could consider a motion to direct Staff to continue on with how the project develops; working as two neighboring properties, what works for one and the other and come back with a recommendation. Again, he did not see enough information in front of the Council to make a decision at this time.

Councilman Rice noted the Council doesn't have any type of map; we are looking at a satellite photo.

Mr. MacRitchie stated they have given engineering maps to the City for both different road accesses on plan and profile.

Mr. MacRitchie explained a decision is critical to them because they have an agreement with the county to put the road in prior to December 31st of this year.

Councilman Rice indicated the next Council meeting is in two weeks; can the developer continue to work with City Staff to provide Council with the information needed to make this decision.

Mr. MacRitchie advised as long as he knows what that information is; sure.

Councilman Rice was unsure what Mr. MacRitchie wanted.

Mr. MacRitchie indicated they have given that information to City Staff.

Councilman Rice then questioned why the information was not in front of the Council.

Mr. Limberg apologized; it was his belief everything was included in the packet and that data was missing.

Mr. MacRitchie advised they have it available.

Councilman Elquist stated the City does not want any private development on those forty-four acres; it just doesn't make sense. We are not the authority that has the jurisdiction but he didn't believe Mr. MacRitchie was going to get the Council to agree to allow and support those forty-four acres within that sphere of one thousand feet that requires no development and no well drilling; that is not good practice.

Mr. MacRitchie stated they are not asking to do that.

Councilman Elquist acknowledged that comment. What you have is a development going within that buffer. We are going to oppose that. The City of Elko is going to say 'no' we don't want that private development next to our rapid infiltration basins; they are smelly, they pollute the ground water and it is not a good place for a neighbor; County; that is our position. The county can do what they want and the developer can fight it and make your case.

Councilman Elquist believed Staff was saying; you give us that, you keep the agriculture, or sell it to us so it doesn't come into play that it is private development; because we don't want it private. We'll cross our fingers at the county meeting that it doesn't become private; but we can secure our fate a little if we can buy it or trade it.

Councilman Elquist continued; that is what is out there in the future; two years from now. We are up against this now because the developer wants it; it helps them. There is some room to work but you probably aren't going to get everything you want because the City wants those forty-four acres to remain as they are; agriculture and undeveloped, or in our hands. That is our vision for those forty-four acres.

Mr. MacRitchie believed the vision was for that to become the City's.

Councilman Elquist verified that was correct and noted it was just like private property around the landfill we want and are in negotiations for. Councilman Elquist stated you want something from us and we want something from you; it needs to be worked out.

Mr. MacRitchie indicated that is all they asked for on the last issue; time to work out those details.

Councilman Elquist advised the Council hadn't denied them that.

Mayor Johnson questioned if there was a motion, no action or wait until the next two weeks; what did the Council want from here.

Councilman Elquist supported no action; hope for progress.

**** A motion was made by Councilman Perry, seconded by Councilman Elquist directing City Staff to continue to negotiate with Mr. MacRitchie to resolve the issue.**

Motion passed unanimously.

After the motion and before a vote was taken Mayor Johnson called for public comment; there was none.

- C. Review, consideration, and possible selection of a design option for Manzanita Lane. High Desert Engineering has been selected to provide a design for Manzanita Lane from 30th Street to 500 ft. east of Union Pacific Way. They have

provided the City of Elko with several design options for Manzanita Lane that meet the existing right-of-way limitations; and matters related thereto.
PUBLIC COMMENT WILL BE TAKEN PRIOR TO ANY CITY COUNCIL ACTION: FOR POSSIBLE

Per the City of Elko Master Plan, Manzanita Lane is classified as a collector roadway as such the development standards recommend a 70 ft. right-of-way width for all collectors. Manzanita Lane currently has a right-of-way width of 60 ft. and does not meet the recommended development standards for a collector road as set forth by the City of Elko Master Plan. High Desert Engineering has identified several options that will maximize the use of the existing right-of-way.
JD

Civil Engineer Draper informed the Council that Tom Ballew with High Desert Engineering was present to answer questions.

Mr. Draper advised the existing right-of-way for Manzanita Lane varies from 60 feet to 80 feet. High Desert Engineering has done a topo of the area from 30th Street to Union Pacific and 500 feet past there. One of the concerns they have is with the existing right-of-way width of 60 feet. Mr. Draper advised there are other constraints as well; particularly at IFA where the fence line is 5 feet below the existing roadway; we are not going to lower the road that much due to the existing utilities. Also, on the railroad side of Manzanita Lane, power poles line the street; with High Desert's layout they would be approximately 2 feet behind the curb and gutter on the south side of the road.

Mr. Draper indicated Staff is recommending Exhibit #7 included in the packet which is a 38 foot pavement section with curb and gutter on both sides and sidewalk on the business side. That does deviate from the current master plan. This is an industrial collector road; our current master plan recommends a 70 foot right-of-way for that with design recommendations.

For Council's information, Mr. Draper advised as far as development goes; we do have some deferral agreements for curb, gutter and sidewalk. We would have the businesses construct the curb, gutter and sidewalk and also 30 feet of pavement.

Mayor Johnson requested verification the agenda item is solely to select the design option.

Mr. Draper verified that was correct.

Councilman Perry questioned the driver for this right now.

Mr. Draper advised the City doesn't have any funds to actually do the development portion of it; but there is development. There is the East End Mini Storage that just completed development as part of that; they are required to do Manzanita improvements. We also have the forest service and a construction company that is looking to relocate out there. As part of that they would be doing public improvements.

Mr. Draper noted one of the reasons the City is taking on the design is that much of Manzanita is very flat; particularly from 30th Street down to the storage units; so we have drainage issues we are concerned with. In order to get a uniform design across there Staff felt it was best that the City pick up the tab for the design work. At the time of development we hand the developer the construction drawings and they construct it per those plans.

Councilman Elquist commented it seems a little narrow; on the face of it.

Mr. Draper acknowledged it does seem narrow at 38 feet; but if you look at Exhibit #7 it does give us an 8 foot parking lane, two 12 foot travel lanes and also a 6 foot bike lane. We can reconfigure that to have a 12 foot travel lane, a 14 foot turn lane and a 12 foot travel lane. With the current traffic counts on there we don't anticipate that road getting any wider or having any more of a traffic demand.

Councilman Elquist questioned if the other side developed.

Mr. Draper advised the other side is railroad property. We don't see that being developed any time in the near future and; we don't see that buffer zone between the road and the main line tracks being reduced at all.

Public Works Director Strickland noted the railroads just invested a tremendous amount of money out in that area with moving their fuel distribution center from Colorado to Nevada. It is very unlikely you are going to see development on that side of the road.

Mr. Strickland indicated Staff is very comfortable with the right-of-way Mr. Ballew is proposing for the width for that road; 46 feet is our typical asphalt paved section; in most applications that is over-kill.

Councilman Elquist commented he didn't want to see moving a fence restrict us from what we really want.

Councilman Perry advised Manzanita Lane is significant in the transportation component of the master plan in that it is the extension of Silver Street; basically the parallel to Idaho Street when the two of them connect. Manzanita Lane is going to be an important street in the future.

Mayor Johnson questioned the Council on whether there was support for design option #7; or is there another design option.

Councilman Perry indicated he would like to hear comments from Mr. Ballew as to what he believes the right option is.

Tom Ballew, High Desert Engineering, advised City staff originally requested they design Manzanita Lane with a 46 foot asphalt cross-section, due to limited right-of-way, utilities, slopes he was not able to accommodate that request.

Mr. Ballew believed Councilman Perry's question is; do you think the 38 foot is enough; he does. You don't need parking on both sides; there are bicyclists that use that road, there are pedestrians out there; we are accommodating both of those; one with a bike lane and the other with sidewalk. We are also accommodating two-way traffic and emergency parking. The 38 feet will work.

Mayor Johnson inquired if there were any more questions, motion for a design option or direction to Staff to go back and start over.

**** A motion was made by Councilman Perry, seconded by Councilman Rice to select design option #7 for future development of Manzanita Lane.**

Motion passed unanimously.

After the motion and before a vote was taken Mayor Johnson called for public comment and there was none.

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.

Dale White, representing Big W, Inc. advised he would like to discuss the upcoming agenda item regarding Metzler Road.

Mayor Johnson advised Mr. White once the Council goes into Public Hearing they stay within that time frame; the next agenda item will be the second reading of ordinances; unless Council directs him otherwise.

Mr. White advised he is present to make a request. Will there be public comment on the Metzler Road prior to anything done by the City Council?

Mayor Johnson assured Mr. White there would be public comment.

Gwen Uhlig indicated she was asked to deliver four comments.

Mayor Johnson questioned whether Ms. Uhlig wanted to read all four comments into the record.

Ms. Uhlig verified that was correct.

Ms. Uhlig first explained the reason why a number of business owners were present at tonight's meeting was because they are concerned with the progress and results of the Idaho Street Project. They certainly recognize this is a tremendous project and very important for the community; they are not opposing the project; they are just opposing the progress and how it is occurring. They

believe there could be steps taken to ease the impact that has been upon all of their businesses.

Ms. Uhlig read into the record the comments/letters from various business owners.

- A) Comments from Varmae Betancourt, owner of Taco Time in the East End Shopping Center.

Dear Mayor Johnson and Council,

I would like this letter to be read under Public Comment at today's City Council Meeting and placed into record.

As East End Mall, President, and owner of Taco Time I would like to inform you of the impact the construction has had on the east end businesses.

There are a lot of owners and managers that are concerned with the loss of business we have suffered because of the construction. Some of this is because of the entrances being blocked and little or sometimes no entrances open to access our mall. I have called several times to ask for them to be opened. Our mall manager, Karen Dahl, has also called for them to be opened.

Personally my business is down 30%. I usually have been up in sales every year since I purchased the business ten years ago. Most of the summer sales are what gets my business through the winter months. The entrance by Comforts of Home, with the traffic light, is the access that is used the most. This is closed all weekends when work isn't even being done.

We realize this is needed to be done but better planning should be taken into consideration. We would appreciate anything you can do to alleviate these problems.

Please feel free to contact me with any questions.

- B) Comments from the Rodeway Inn.

I am writing this letter today to let you know how this construction has affected my business.

I am the owner of Rodeway Inn by 7th and Idaho Street.

Ever since the construction company has put a sign by 5th, 6th, 7th, 8th and 9th Street that says "ROAD CLOSED" my business has been down significantly.

I understand that this construction must be done in the summer; during my busiest time of the year. Although it would really be helpful if they kept a lane open for the businesses on the street that are open. If that cannot be arranged, is there some kind of money that this project has to set aside for affected businesses as times are tough with the economy.

As I write this letter to you right now from my office there are currently no employees working on either sidewalk or road but they have the need to block the road. This affects the customers that cannot come rent a room at my hotel or cancel a reservation that they have made a long time ago because they call and say they can't get to the hotel.

*Thank you,
Rodeway Inn*

C) Comments from Christina Morgan, owner, Cowboy Joe's.

I am currently out of the area but feel the matter of the Idaho Street Construction Project is of great importance to both myself as a business owner and a citizen of Elko. I am disappointed in how this project has unfolded. I have supported this whole community with my business; not just the downtown and I would like to remind the City Council that we are part of a whole; not to be labeled a miniscule group of people; we are Elko.

D) Comments from Comforts of Home.

We began this project with great attitude and plenty of patience. We understand there is to be some inconvenience and that in the long run the project will be an improvement.

We also expect that the City, the construction company, the public works employees, even the Chamber of Commerce would have concerns and plans in place to protect small businesses such as ours; Comforts of Home. On the contrary, we feel that no one has made any plans whatsoever with any of the businesses in mind. Since this project began our sales have decreased a minimum of 25%. If that does not sound like a lot to you keep in mind that we cannot function for long at this rate without making some drastic changes. Also, I happen to know that we are not alone. We have talked to dozens of other local business owners; some on our end of town and others downtown and in the corridor. Every one of the businesses has felt a similar impact. When you consider this; it seems that an \$11.0 million construction project would cost you much more with at least that much loss in revenue.

Does the City Council consider our loss miniscule? If so, maybe you can waive our tax bills for these periods. Can you tell all of the civic groups, students, non-profit, more that we cannot donate to their causes; but I am sure the City will pick up the slack? If we have to lay off employees can the City make up for their lost income? Maybe you can talk to our vendors for us too and explain why we might be late paying our bills.

We have been to Salt Lake City and Sheridan Wyoming in the last month; both cities had major road construction projects to contend with and both of them were being handled in such a way that it still allowed access to local businesses with clearly marked signs showing how to get into the businesses; complete with the name of business and arrow to get in. Instead, we have no signs, no clearly marked alternate routes and no easy way for people to access the businesses. In fact, there was one day we had to close completely; the parking lot at the East End Mall was virtually empty from JC Penny to Albertson's and beyond because there were absolutely no entrances open from Idaho Street. An alternate that was not marked, but at least discovered by us that work here; Manzanita, was even being paved and not accessible. Another

option would be to do the bulk of the construction at night under lights when the traffic demand is less.

Thank you for listening to our complaints and suggestions. We would greatly appreciate any positive changes for the remainder of the construction project.

Cliff and Marcy Ezell

E) Comments from Gwen Uhlig, Owner, Cucina Fresca.

I am here because I have tremendous empathy for the businesses along Idaho Street. I feel lucky that my business has only experienced a 21% decrease in business in July; but that decrease in 21% has forced me to have my employees go home regularly and schedule less hours for my employees. I have had to ask my vendors to extend my terms to pay my July and August invoices.

After talking to multiple businesses I quickly learned that the decrease in business ranged from 20% to 80%. I have heard some are down an average of \$1,000 to upwards of \$20,000 a day. A decrease in business this degree has significant ripple effects on our entire community. I would like to remind the Council that this kind of decrease in business doesn't just affect business owners; it affects our families, our employees and their families and it affects the businesses that service these businesses.

Dina Einboden, Owner, Wild Rose Florist, stated she empathized with everyone in the room who is a business owner. A local person, who has been here her whole life, she too has a family to raise, a husband who is retired and doesn't receive Social Security because he isn't old enough. She frequents the small businesses in this town as they do hers. It is sad to see everybody in this room suffer so much. The bottom line is; everyone wants to shop Elko; they can't shop Elko because they can't get into the businesses.

Ms. Einboden indicated she would finish reading Ms. Uhlig's comments.

This project has been poorly planned and the results are showing. I wanted to make sure my impressions were founded; I have had several discussions with engineering and construction professionals who state that this project is very unorganized and dysfunctional on many different levels. I have traveled through several different cities where major construction was occurring in business areas; one of which is in Salt Lake City on North Temple. It was amazing to see the signs that indicated the businesses were open, directed vehicles into businesses and directed pedestrian traffic. These signs appear to be prepared by the construction company because their name was on every sign.

Over the past years I have read multiple articles in national publications about how the Wasatch Front is experiencing strong growth because this area truly understands what it means for the local governments to be business friendly.

This project has exemplified how our city has a lot of room for improvement with regard to being business friendly.

Following the comments Mayor Johnson expressed appreciation for bringing this information to Council's attention. As part of the public process; Council will take the letters and comments, get them to Staff level and a decision will be made on how to move forward.

Mayor Johnson noted there were twenty-two business owners present; all with the same concerns regarding the Idaho Street Project.

Mayor Johnson called for further public comment.

Jacques Errecart indicated he would like to talk about the awful specter of orange concrete. He was floored when he saw what was going on with the intersection at 5th and Idaho Street. To qualify his comments Mr. Errecart informed the Council he is a design professional and a registered architect for twenty-one years. With college and an internship he has been living and breathing design for about thirty-one years and that is where his opinion comes from.

Mr. Errecart believed the idea of doing extended curb returns at these intersections is largely for safety; to make them work you actually have to pull them out into the intersection. That puts the pedestrians, just before they cross, in a position of greater visibility for people in vehicles; against which they are at a terrible disadvantage.

Mr. Errecart stated he had nothing nice to say about the way those ramps and the circulation turned out at 5th and Idaho Street. He didn't believe he could come up with a worse solution to that if he did it on a bet; it is that bad.

Mr. Errecart referred back to his comments about pulling the curb returns out into the intersection; the place where the pedestrian actually meets the pavement. In three places out of four on Idaho Street those ramps are actually pushed back behind the building line, seriously compromising the visibility of the pedestrians. Mr. Errecart noted ramps at other intersections aren't too bad; they are very standard and not unlike you would see in just about any city. They are recognizable to most people; they would know how to use them. Mr. Errecart stated the ramps at 5th and Idaho Street are crazy; he hasn't seen design that bad in a long time.

Mr. Errecart advised he had a general question to put out there because he hasn't heard much about how it is going to be dealt with. He was at a meeting last week where there was discussion about orange concrete. There was an underlying feeling that to make this right it was probably going to have to come out. Mr. Errecart commented it is very unattractive and doesn't make any sense. As pointed out by Lina Blohm at a previous Council Meeting it looks about as patchwork as it could possibly be.

Mr. Errecart stated 5th and Idaho Street is a crossroad in our town and has been, historically, a very important place; it deserves better attention than this.

Continuing, Mr. Errecart commented when you start to pull those curb returns out into the street; that bulb on all four corners starts to get bigger. It gets big enough that you could think about putting some landscaping in there and some other public amenities; really making an important

node like that in our town something beautiful. Not only is it not beautiful at this point; it is really not very functional.

Mr. Errecart informed the Council that one of the City Staff members emphatically said his job was to build a road, and do fast and cheap. Mr. Errecart advised in construction projects you get three things to choose from; you can have things fast, cheap or good; but you only get two of them at a time. If you want something fast and cheap; you can't have it good. That is what has happened at 5th and Idaho Street. Mr. Errecart advised it all comes back to planning again; that may be in compliance with the law; he was not sure. Mr. Errecart didn't know how much time he should have to spend going out there and measuring to make sure it is in compliance; to him it doesn't look like it is entirely in compliance.

Mr. Errecart stated; functionally and aesthetically it is not appropriate for that intersection and it was his professional opinion that it needs to be excised, redesigned and rebuilt in a manner that really reflects what our vision is for downtown. That has been repeatedly and consistently ignored. Individuals have asked repeatedly to see copies of the drawings prior to construction; that didn't happen. At one point, not long before the bid award a group of four of them went and asked specifically, at the engineer's office, to see the drawings. They were not shown the drawings they needed. Mr. Errecart advised he asked a council member about this and he said go ask Jeremy; which he did. Mr. Errecart advised Jeremy Draper was incredibly accommodating; prior to leaving to go out on a project he put a set of drawings out on his desk and told me to take my time; which I did. There are one hundred forty pages in that set of drawings; he was looking for some specific things. He wanted to see how well detailed the design was for 5th and Idaho Street; it was not well detailed. It should have had a larger scale detail specifying exactly what was supposed to be going on at that intersection. The other standard ones i.e. 6th and 7th are typical and can follow a typical detail. Those typical details were referred to for 5th and Idaho Street and it doesn't look anything like that.

Mr. Errecart advised he would like to talk with some of the supervisors at the construction company and find out just how they interpreted that very small drawing that showed the configuration of those ramps. Mr. Errecart commented they constitute more of a tripping hazard than a safety enhancement. That's where the craziness comes in; it is a planning issue.

Mr. Errecart stated again, they were not allowed to look at it. He would have had some comments and input. They have repeatedly asked to have that input over the course of this project; since it was first announced. Another issue is the wider sidewalks that have been brought up; but never with what he would call a really effective response or lucid response.

Mr. Errecart advised the last thing he wanted to bring up is; that meeting they attended that took another couple hours of their time last week. It was after people really started see what that design at 5th and Idaho Street looked like. They spent a lot of time talking about brick pavers, stamped concrete, colored concrete and gray concrete and went on this long discussion about what should actually be put in there. Pavers were one of the options that were actually discussed at that meeting. When he looked at the set of drawings he discovered on sheet after sheet, in the demolition portion it said; remove and dispose of brick pavers. That was from the Blohm Building all the way down to 9th Street. There was never any intention of leaving the pavers in;

they were a design enhancement when they were put in years ago and the decision had somehow come about we didn't want to deal with those anymore and they were going to be torn out and disposed of. Mr. Errecart believed that turned the meeting into a little bit of a red herring; it was meant to appease people, not really to make any progress in doing better design work. Mr. Errecart stated again; it was there in the drawings; they were going to come out and they weren't going to go back in.

Mr. Errecart continued and noted; furthermore there were ten sheets of landscaping drawings in that set. None of them saw the light of day when it came to the construction project because it was his understanding landscaping was cut because of budget constraints. Never mind the project grew in scope after the award of the project to include 12th Street and some significant change orders as well. Anything that had to do with beautician or design and the improvement of the aesthetics of our downtown was actively ignored in the course of this project.

Mr. Errecart advised he was becoming powerfully resentful of the time spent at some of the meetings trying to assist, trying to make these design efforts come out better than they are. 5th and Idaho Street, in his professional opinion, is a complete disaster. Communication has really broken down to the point where we bring up these issues at meetings; we are given deflective answers that don't really get to the point we are trying to make or the vision we are trying to achieve.

Mr. Errecart stated; we are supposed to be working toward public/private partnerships; if impasse is the definition of a partnership then I guess we are there.

Mr. Errecart advised his last complaint will be the closing of the parking lot in front of his business and others down in the corridor also. Yes, we are getting some improvements, not his kind of improvement, but most people are going to see it as that. But, no one came by and advised any business, in his block, the parking lot was going to be closed. Signs just went up; so they didn't have any ability to plan. Mr. Errecart indicated that is where communication lies right now.

Speaking on behalf of the rest of the people here for this item; Mr. Errecart advised he is just asking for some improvement. He hopes we can work on getting some staff development in dealing with these issues early on in the process. He believed that by getting people involved who have something valid and valuable to offer; we will come out with much better projects in the end.

Mr. Errecart finished his comments by repeating his first question; what are we going to do fix that at 5th and Idaho Street; budget some money to take out those mistakes?

Mayor Johnson informed Mr. Errecart all the Council can do tonight is listen to the comments; it may come back as an agenda item.

Mr. Errecart hoped everyone would take this to heart; 5th and Idaho Street is the front line of our city and we deserve a lot better than that.

John Carpenter addressed the Council regarding the Idaho Street Project and didn't understand why some of the streets have been closed for days or weeks when they aren't doing any work there. He attended most of the meetings where there was discussion on how the project would be carried out; the engineer said access to the businesses were going to be open all the time; that has not happened. Mr. Carpenter believed the City Council needs to meet with the engineer and the contractor to see what can be done. The City Council is getting all the blame; when this many people show up with letters of complaint you know something is wrong.

Mr. Carpenter continued and noted the area in front of the law offices of Goicoechea and DiGrazia has been blocked off for three or four weeks and nothing has been done there. Mr. Carpenter advised he made a purchase at Cucina Fresca and had to walk from the Western Folklife Center; he purchased something he couldn't carry and they wanted to carry it for him. He declined because he noticed cars were crossing the cones and parking in front of the store so he did the same. Mr. Carpenter stated it wasn't easy getting to Cucina Fresca to shop; luckily he got there without being run over.

Mr. Carpenter believed it was the Council's responsibility to arrange a meeting; have some of these people there and try to get this thing ironed out. When the contractor starts paving down there it is going to be a real disaster.

Mr. Carpenter was unsure what was going to be done with the other intersections; are they all going to be red? Mr. Carpenter stated 5th and Idaho Street doesn't look very good to him. The Council really needs to look at these things.

Mr. Carpenter commented a pole was moved at 5th and Idaho Street and it is right in front of Blohm's; maybe they've mentioned it. Why was that done?

Mayor Johnson informed Mr. Carpenter that was an agenda item for tonight; there will be a chance for further discussion at that time.

Mr. Carpenter stated if the Council is going to make those major changes they need to talk to the people. Years ago a sidewalk was put in front of his place of business; the contractor came and talked to him and it was fine. It wasn't as big of a project as Idaho Street but they were there for a couple of weeks and they did it the way it should have been done. This contractor has equipment and etc. scattered from one end of town to the other. Mr. Carpenter stated again; it is the Council's responsibility.

Mayor Johnson called for further public comment.

Dawn Bradshaw, Owner, Trendsetters, commented the contractor will soon be paving the whole access in front of Plaza Forty Shopping Center. There is no other access, so how can she get in and out; how is that going to be handled?

Mayor Johnson advised Ms. Bradshaw all the Council can do tonight is take public comment and listen. The agenda item does not allow them to provide answers and he apologized for that. Ms. Bradshaw questioned how she was supposed to figure out how to stop them.

Mayor Johnson advised he will meet with the City Manager later this evening and again tomorrow with Staff; a decision will be made on what should be on City Council and can we wait until the next City Council Meeting with these items or do we need to have a special meeting. Mayor Johnson stated tomorrow he will be in front of City Manager Calder, Mr. Draper, Mr. Strickland, the project engineer and anyone else he thinks necessary to get started on the process; complaints expressed tonight will definitely be presented. The issues will be presented and at least some answers can come back of why so many cones etc.

Mayor Johnson commented some of that helps but; it is good to have the pressure from the community, to put the contractor's feet to the fire. It is always good to say; you can do better, we think you can do better, why aren't you doing better? That is what we are gathering tonight. With that information he can start a process tomorrow morning and then let the DBA know. The DBA can have a network to get information out to other businesses on the overall progress of the construction, the red concrete, the design, the landscaping, the pavers etc.

Ms. Bradshaw questioned whether the contractor could pave at night rather than during the day. School is going to start soon and you are going to have all that traffic and kids.

Mayor Johnson advised the Council could not answer a question of whether it could be that way. But, they hear what was said.

Dwayne Jones, Owner, Cedar Creek Clothing, informed the Council he just returned from market where he was buying products for summer 2012. Mr. Jones advised many of the local businesses commit their dollars a year in advance on buying products for sales. In 2010 he committed dollars for summer 2011. He was led to believe that there would be a disruption of maybe a week at 5th and Idaho Street; that somehow stretched out to ten weeks and stretches into September. Mr. Jones advised it caught him off guard. He is now trying to buy for summer 2012; knowing NDOT has a similar project planned for in front of their store next year.

Mr. Jones advised he wanted to point out the difficulty in trying to guess the effect on their businesses.

Hayley Bammesberger, Owner, Hayley's Downtown, advised her main concern is the lack of communication that has been going on. Ms. Bammesberger commented she wasn't sure how much of this was her landlord versus the City project and then sited a particular incident.

Someone came into her store on the Friday prior to the 4th of July and informed her that on Tuesday they would be starting a construction project right in front of her store; on Tuesday they would rip up the cement; Wednesday they would replace the cement and by Thursday she should have a new sidewalk and be ready for business. Ms. Bammesberger advised she closed her store; knowing there would be limited access to that area. She was getting ready to go out of town to market, came back; and three and a half weeks later still did not have a sidewalk. Ms. Bammesberger informed the Council the sidewalk was just poured last week. During that entire time there was minimal space to access her business; the rest of it was an eight foot hole with caution tape and coned off.

Ms. Bammesberger stated she lost a lot of business for three weeks; not to mention the week prior with the Motorcycle Jamboree; which is time they could stay open and fight for business but they choose to close because the streets are closed off and people are not looking for her type of store during that time. Ms. Bammesberger commented in total, her business has been closed for over four weeks. Like everyone else, she buys her inventory nine months ahead of time. Things are coming in on a daily basis and it has been very difficult.

Ms. Bammesberger referred to the water system project that is going on; which is a sore spot with her. They came in with backhoe right at the front door, dug up the old pipe and put new pipe in. They made a huge mess in the basement; completely destroyed most of her merchandise for the following year and which begins arriving in June. That merchandise was downstairs and is now covered in cement. Ms. Bammesberger indicated she contacted her landlord very upset; he came down and spent four or five hours cleaning. She spent the next day cleaning and putting everything back only to find out on Monday they put the wrong size pipe in; so they had to start the project over. She now has more damage and more problems.

Ms. Bammesberger acknowledged a lot of the water problem in the building is not the City's responsibility but it has had a huge effect on her business. She has not laid off any workers or cut hours; but it is a huge concern for her.

Ms. Bammesberger continued and noted when the streets were closed off downtown they closed off the corridor at the same time. People have to have a place to park; whether it is employees, delivery trucks or whatever. Another business owner confronted somebody about why they were closing off the corridor and the reply was it was in preparation; when they were ready they could go in and not have to worry about removing cars. A week later and they are now finally doing the work. Ms. Bammesberger indicated the corridor has been opened back up and they do appreciate that because it does give access to the businesses.

Ms. Bammesberger again stated the concern is lack of communication; they told her four days it has been three and a half to four weeks. Regarding the downtown businesses; if you read the newspaper or listen to the radio, everybody thinks that everything is great; it's not. It's not great anywhere.

Ms. Bammesberger noted there are a lot of projects going on; maybe they could concentrate on one area; finish it then move forward. Ms. Bammesberger believed the contractor should be working daylight hours; the workers show up and maybe start working around 10:00 or 11:00 a.m. They are done by 5:00 p.m. not matter what. They take an hour break every day; no matter what they are doing.

Ms. Bammesberger stated we are losing a lot of business in our town and there is a lack of communication. Hopefully, with the comments from tonight, the contractor can work more efficiently.

Trinity Steffensen, Let Them Eat Cake Bakery, advised her business was not in the downtown area with everyone else; her business is very tiny and most people don't even know who or where she is located. Her issue is that not only can she not get to where she lives because both

streets to her house are being paved but since probably the first of July there have been cones all along the street in front of her business and neighboring businesses. Not one thing was done in that area until a week and a half ago when two large holes were dug on either side of her building. She understood and was fine with the fact of whatever needs to happen but she did have some issues. Any of her customers that are able to find parking can't even get over the holes; nothing was put down to allow anyone to get by. Construction workers park their cars in front of her building all day long. By tomorrow they are going to shutoff both sides of 11th and 9th Street; even if anyone wanted to get to her business they can't even come through the alley. When she tries to speak with the workers; they completely ignore her and won't speak. Her location is very small and if they vehicles are blocking the flags etc. that she puts out customers don't know she is open. There is no need for them to block all of it; it is annoying.

Mayor Johnson advised those attending they need to watch the agenda and to call an elected official to get something on the agenda from tonight's discussion.

Councilman Elquist advised he was involved with a lot of the proposals and selection of the engineering firms; there was a lot of discussion.

Mayor Johnson cautioned that if we go down this path; we will go back and forth.

Councilman Elquist indicated he was just going to make a public comment.

Mayor Johnson reminded everyone that under Public Comment the Council cannot respond.

City Manager Calder clarified the Council cannot take action. He did believe people could respond in public comment.

Mayor Johnson questioned the other Council Members if they were okay with what Councilman Elquist wanted to do.

Council verified they were.

Councilman Elquist stated we are clearly failing the mission of meeting business needs and the communication. It is the responsibility of the engineer, the firm we selected, and the contractor to increase the level; there are a lot of hours in this job. He was aware some firms had people dedicated to meeting the public needs. He was unsure if the engineer needed to bring someone down from the Reno Office or hire a P.R. type person as part of the hours they have left in this job. Councilman Elquist was certain there was money for signs and better communication.

Councilman Elquist advised he is an engineer and he is in construction; we keep our eye on the prize. But, there is an element missing to this project and it is clear by how many people are in this room. We have street workers, engineers and construction workers; you are probably doing a great job building that road and the sidewalks etc. but he clearly remembered a lot of discussion about the community interaction. Councilman Elquist was aware there were dollars in the proposal and in the budget; we need to spend those dollars and increase the need from this point on. It needs to start tomorrow.

Mayor Johnson called for further public comment and there was none.

- B. Second reading, public hearing and possible adoption of Ordinance No. 738, an Ordinance amending Title 3, Chapter 2, Section 2 of the Elko City Code entitled, "Definitions" hereby adding a definition of full frontage and amending Title 3, Chapter 2, Section 3 of the Elko City Code entitled, "General Provisions" hereby adding provisions for full frontages and amending Title 3, Chapter 2, Section 17 of the Elko City Code entitled, "Traffic, Access, Parking and Loading Requirements" hereby reinforcing the requirement for civil improvements for full frontages, respectively; and matters related thereto. **PUBLIC COMMENT WILL BE TAKEN PRIOR TO ANY CITY COUNCIL ACTION: FOR POSSIBLE ACTION**

The first reading of Ordinance 738 was conducted on July 26, 2011.

Recently Staff has discovered that City Code does not currently have a definition for the term "Frontage". Legal counsel has advised Staff to create and include a definition of this term in City Code to avoid ambiguity. RL

Utilities Director Limberg advised included in the supporting documents were the changes to various sections of City Code; they are bold and underlined.

Mayor Johnson called for public comment and there was none.

**** A motion was made by Councilman Perry, seconded by Councilman Conner to adopt Ordinance No. 738, an Ordinance amending Title 3, Chapter 2, Section 2 of the Elko City Code entitled, "Definitions" hereby adding a definition of full frontage and amending Title 3, Chapter 2, Section 3 of the Elko City Code entitled, "General Provisions" hereby adding provisions for full frontages and amending Title 3, Chapter 2, Section 17 of the Elko City Code entitled, "Traffic, Access, Parking and Loading Requirements" hereby reinforcing the requirement for civil improvements for full frontages, respectively.**

Motion passed unanimously.

- C. Second reading, public hearing and possible adoption of Ordinance No. 739, an Ordinance amending Title 3, Chapter 3, Section 2 of the Elko City Code entitled, "Definitions" hereby adding a definition of full frontage and amending Title 3, Chapter 3, Section 43 of the Elko City Code entitled, "Required Improvements" hereby adding provisions for full frontages; and matters related thereto. **PUBLIC COMMENT WILL BE TAKEN PRIOR TO ANY CITY COUNCIL ACTION: FOR POSSIBLE ACTION**

The first reading of Ordinance 739 was conducted on July 26, 2011.

Recently Staff has discovered that City Code does not currently have a definition for the term “Frontage”. Legal counsel has advised Staff to create and include a definition of this term in City Code to avoid ambiguity. RL

**** A motion was made by Councilman Elquist, seconded by Councilman Rice to adopt Ordinance No. 739, an Ordinance amending Title 3, Chapter 3, Section 2 of the Elko City Code entitled, “Definitions” hereby adding a definition of full frontage and amending Title 3, Chapter 3, Section 43 of the Elko City Code entitled, “Required Improvements” hereby adding provisions for full frontages.**

Motion passed unanimously.

After the motion and before a vote was taken Mayor Johnson called for public comment and there was none.

- D. Second reading, public hearing and possible adoption of Ordinance No. 740, an Ordinance amending Title 9, Chapter 1, Section 3 of the Elko City Code entitled, “Definitions” hereby adding a definition of full frontage and amending Title 9, Chapter 5, Section 3 of the Elko City Code entitled, “Definitions” hereby adding a definition of full frontage; and matters related thereto. **PUBLIC COMMENT WILL BE TAKEN PRIOR TO ANY CITY COUNCIL ACTION: FOR POSSIBLE ACTION**

The first reading of Ordinance 740 was conducted on July 26, 2011.

Recently Staff has discovered that City Code does not currently have a definition for the term “Frontage”. Legal counsel has advised Staff to create and include a definition of this term in City Code to avoid ambiguity. RL

Mayor Johnson called for public comment and there was none.

**** A motion was made by Councilman Rice, seconded by Councilman Elquist to adopt Ordinance No. 740, an Ordinance amending Title 9, Chapter 1, Section 3 of the Elko City Code entitled, “Definitions” hereby adding a definition of full frontage and amending Title 9, Chapter 5, Section 3 of the Elko City Code entitled, “Definitions” hereby adding a definition of full frontage.**

Motion passed unanimously.

- E. Second reading, public hearing and possible adoption of Ordinance No. 741, an Ordinance amending Title 3, Chapter 5, Section 3 of the Elko City Code entitled, “Definitions” hereby adding a definition of full frontage, and matters related thereto. **PUBLIC COMMENT WILL BE TAKEN PRIOR TO ANY CITY COUNCIL ACTION: FOR POSSIBLE ACTION**

The first reading of Ordinance 741 was conducted on July 26, 2011.

Recently Staff has discovered that City Code does not currently have a definition for the term “Frontage.” Legal counsel has advised Staff to create and include a definition of this term in City Code to avoid ambiguity. RL

Mayor Johnson called for public comment and there was none.

**** A motion was made by Councilman Rice, seconded by Councilman Elquist to adopt Ordinance No. 741, an Ordinance amending Title 3, Chapter 5, Section 3 of the Elko City Code entitled, “Definitions” hereby adding a definition of full frontage.**

Motion passed unanimously.

NEW BUSINESS – CONTINUED

- D. Review, consideration, and possible approval for the development of Metzler Road to a rural road standard, and matters related thereto. **PUBLIC COMMENT WILL BE TAKEN PRIOR TO ANY CITY COUNCIL ACTION: FOR POSSIBLE ACTION**

The Right-of-Way width for Metzler Road beginning at Lamoille Highway past the intersection of Sunrise Drive is approximately 50 feet. The right-of-way varies in width of less than 40 feet from Sunrise Drive to a consistent 30 foot width past the paved section of roadway. Due to existing Right-of-Way and existing development, Staff is proposing a 40 foot right-of-way width for Metzler Road. The road section would consist of 3 inches of AC over 9 inches of Type 11 base. Paving width would be 30 feet providing for two 15 foot travel lanes. The practicality of installing curb, gutter and sidewalk will be evaluated as development is proposed. Drainage swales may be required adjacent to both sides of the roadway depending on the existing road elevation and adjacent developed property elevations. The minimum Right-of-Way width identified in the City’s Master Plan is 50 feet for a residential local roadway. Metzler Road is not a classified roadway in the City’s Master Plan and would be consider a residential local roadway. SAW

Development Manager Wilkinson referred to an overhead presentation to identify the area under discussion. Due to the fact someone is proposing some parceling in area the question is; what type of right-of-way width would be required with that parceling. In the previous master plan this was identified as a roadway that might intersect with Errecart; we are looking at other alternatives now; 12th Street would be preferred. With the development in this area it doesn’t make sense to try to have this as a major classified roadway. Many of the parcels are already developed; it would be difficult to go back and try to acquire additional right-of-way width for a street.

Mr. Wilkinson advised as this individual intends to do some residential parceling they would know what to show on their parcel maps; that is driver for this agenda item.

Mr. Wilkinson noted with the proposed 40 foot right-of-way width there is a large building in the area that could pose a problem; the right-of-way width of record there is only 30 feet; but over time that may be able to be addressed. As we get into detailed development there we will have to take a look at the whole roadway. Similar to what we did with Manzanita, but we should be able to do it in house. See how practical it is to even attempt to try and put curb, gutter and especially sidewalk along there; knowing a lot of these parcels are developed. If we are able to get some sections of sidewalk with new development; going back and trying to get sidewalk on parcels that are already developed the likelihood of that ever happening is zero; unless it triggers some of our code requirements.

Mayor Johnson questioned if this will be just design criteria.

Mr. Wilkinson verified that was correct but we are not able to determine whether we would actually go with sidewalk.

Mayor Johnson requested verification there won't be a tax dollar risk to develop this road; solely private dollars.

Mr. Wilkinson verified that was correct. Staff is here tonight because an individual is interested in creating four parcels for residential development; we don't know how much right-of-way to ask for with that parceling. We are trying to finalize that tonight so we can get that alignment; knowing that what is shown on the overhead is only 30 feet wide. Maybe as we move forward we could acquire some additional right-of-way. Staff believes 30 feet is a little narrow for a city street so we will attempt to do 40 feet. As the rest of Metzler develops we will try to accomplish a better street standard through those areas.

Dale White, representing Big W, Inc. believed information was needed in order to make decisions that enhance public safety. Mr. White posed a series of questions to the Council.

- 1) Was this development of Metzler Road requested by an Elko citizen?
- 2) Is it the plan of the City of Elko to "loop" traffic onto Metzler Road from any other City street in the future?
- 3) Is this improvement project located within the Metzler Wash or any specified flood plane?
- 4) If the Metzler Wash is involved, has the City Staff reviewed the latest CLOMR/LOMR report prepared by Hansen, Allen and Luce, Inc. of Salt Lake City?
- 5) Since Metzler Road enters the Lamoille Highway at a westerly angle from the north, we believe that any NDOT comments regarding this improvement project should be made available to the public. Are any engineered traffic studies of this project available?

Mr. White referred back to the CLOMR/LOMR report and advised it was something they were required to fund prior to developing their property for the car dealership. Mr. White believed the City received a copy of that report.

Mr. White was concerned over the large amount of water than comes down Metzler; how are the swales going to intercept that water. Additional traffic is another concern.

Mr. Wilkinson responded to Mr. White's comments:

- 1) Yes, the development of Metzler Road was requested by an Elko citizen. That area already has a single family home on it; he wants create three or four parcels out there for single family homes.
- 2) There is no plan to loop traffic onto Metzler Road from any other City street in the future. That was taken out of the former master plan which showed that being a loop road or connector from Lamoille Highway up to Errecart. Staff did not believe that was an appropriate location for that type of road.
- 3) The improvement is not located in a flood plain; the flood plain is actually to the west of Metzler Road. We would not to a hydrology report for three additional single family dwellings; it wouldn't be appropriate.
- 4) Staff is familiar with the CLOMR/LOMR Reports for Metzler Wash, across the highway and on through the Riverside Condominiums. Approving a right-of-way width for Metzler Road does not impact any of that.
- 5) Regarding whether or not we need drainage swales adjacent to the roadway; it is really roadway drainage it is not the Metzler Wash drainage and we aren't trying to manage that alongside those roadways.
- 6) Staff does not expect any NDOT comments; there won't be any traffic studies associated with the development of three single family dwellings.

Mr. Wilkinson commented even if the landowner comes in with a parcel in the future, sells them off and three more homes are built up there; it is just not an impact Staff is concerned with on Metzler Road. The real issue is; what width of right-of-way are we going to try to develop to so that if we do get a parcel map, from this individual or another, we know what we are trying to accomplish on Metzler Road. At this time; there are no immediate plans for development up there.

Councilman Perry questioned if the master plan had a designation for this road; or does it have it as a residential local roadway.

Mr. Wilkinson advised local residential roads were not classified in the master plan so it is not classified as a residential collector or any other type of collector or street that functions at a

higher level than that. It is unclassified in the master plan; it will function, somewhat, as a residential collector; although the density is very low out there.

Councilman Perry questioned whether the recommendation was to classify it as a rural road standard so you have a development standard in the event that people want to parcel and develop up this road.

Mr. Wilkinson advised we do not have a rural road standard. We would classify it or allow Staff to approach development on Metzler Road as a rural road rather than a complete street and there would be a 40 foot right-of-way. The minimum right-of-way widths specified in the master plan and our standard details is 50 feet for a residential road. We can't achieve that here; it doesn't make sense to ask for additional right-of-way along a portion of a road there that isn't going to facilitate a wider development through the rest of that.

Councilman Elquist questioned how Royal Crest was developed; what was that classification.

Mr. Wilkinson advised it was developed as a rural road standard under the RS district. This is an R district in here.

Councilman Elquist questioned if this would be similar to the Royal Crest development.

Mr. Wilkinson indicated Staff would like to put in some sidewalk; if it makes sense. Where this individual intends to parcel we could get some sidewalk; to get it in other locations it is going to be on the taxpayer. And, we aren't sure sidewalk even works with the drainage.

**** A motion was made by Councilman Perry, seconded by Councilman Elquist that in the future we develop Metzler Road to a rural road standard; with a 40 foot right-of-way.**

Mayor Johnson questioned whether Councilman Perry wanted to qualify it as well that the road section will be consist of 3 inches of AC over 9 inches of Type 11 base; as recommended by Staff in the motion.

**** Councilman Perry amended the motion to include: the road section will consist of 3 inches of AC over 9 inches of Type 11 base; as recommended by Staff.**

Mayor Johnson requested verification the motion Councilman Perry was making was the recommended motion on the action sheet.

Councilman Perry verified that was correct.

Mayor Johnson clarified the motion on the action sheet:

To approve development of Metzler Road to a rural road standard consisting of a 40 foot right-of-way width. The road section will be 3 inches of asphaltic concrete over 9 inches of type II base. Staff will evaluate the practicality of installing curb, gutter and sidewalk.

Motion passed unanimously.

After the motion and before a vote was taken Mayor Johnson called for public comment and there was none.

- E. Review, consideration, and possible selection of an option regarding a damaged, City-owned building located at 1401 Ruby Vista Drive, the former location of the Family Resource Center, and matters related thereto. **PUBLIC COMMENT WILL BE TAKEN PRIOR TO ANY CITY COUNCIL ACTION: FOR POSSIBLE ACTION**

On April 22, 2011 the City of Elko Facilities Department was notified by the tenants of 1401 Ruby Vista Drive that the large, wooden roof beams had split, and loud popping sounds were emanating from the roof. The Facilities Department contacted the Building and Engineering Departments about the issue. After inspecting the condition of the roof beams and consulting with Lostra Engineering, Staff red tagged the building and requested that the occupants leave the premises. Subsequently, the Nevada Public Agency Insurance Pool was contacted and a structural engineer performed an investigation of the condition of the building. Based upon the engineer's findings, the Nevada Public Agency Insurance Pool will not provide coverage for repairs. A copy of the structural engineering report has been included in the agenda packet for review.

Staff has prepared two (2) estimates: 1) the cost to make the necessary repairs to reoccupy the building; and 2) the cost to demolish and remove the building. Given the age and condition of the building, and the fact the City receives only nominal rental income, Staff recommends that the building be demolished and removed. JD

Civil Engineer Draper showed various photos of the damage and indicated Staff revisited building this morning; the popping and creaking is still going on which indicates those beams have not found their neutral point. The structural engineer advised it is due to a decrease in moisture of the wood; knowing the building is over 50 years old Staff finds that hard to believe. Typically when wood dries out, that occurs in the first few years.

Mr. Draper reviewed to the two quotes included in the agenda packet. The first quote is to repair the building and is estimated at approximately \$63,200.00. which includes:

- a. Structural repair to the beams. There is a splice joint in the middle of each of the beams; Lostra Engineers recommend a half-inch steel plate with half-inch bolts, top and bottom, 12 inches on center, 10 feet each way from that joint.
- b. Repair of the sub-roof and re-roof the building; approximately 600 square feet only.
- c. Plumbing repairs
- d. ADA upgrades
- e. Electrical upgrades
- f. Engineering to address ADA and electrical

Mr. Draper identified areas of concern; the tongue and groove ceiling shown in the photos is actually separating from the roof beams; which also causes an unsafe condition. Staff noted the men's room was covered in water from people using the women's restroom; water was coming back up into the building from that. The Facility's Department sent a camera in through the pipes. All the pipes are collapsed; including those in the women's restroom although they were still operational and not causing a blockage. For this building to be compliant our Building Official has stated it should be up to ADA compliance because it is a City owned building. Also, the electrical upgrades need to be done; the main electrical panel is not in an ideal location and does not meet code. Costs were not associated with the ADA and the electrical upgrades because we are unsure what the extent of those repairs will be; the engineering cost of \$5,000 is just for the structural design. Another recommendation in the report is to monitor the building. We are now four months into monitoring and the building is still talking to us. There would be additional costs to monitor the building before we could do anything; and who knows when that will be.

Mr. Draper noted the quote also shows the cost for a new building of similar size; approximately \$1.6 million.

Mr. Draper advised the second quote is to demolish the building at an estimated cost of \$34,572.00 and includes;

- a. Tear it down
- b. Tear out all the improvements for the parking lot

Mayor Johnson questioned whether the building had asbestos or not; does the City know?

Mr. Draper advised that was unknown. We would have to test that prior to demolition; it could increase the cost of the demolition.

City Manager Calder informed the Council the building has no coverage for what happened to it. Regardless of what option is chosen; the monies to cover it will have to come out of the general fund.

Councilman Elquist requested clarification on the insurance issue.

City Manager Calder advised the insurance pool will do what is called a coverage determination letter once they get all the information. Because of the results of that structural engineering investigation there was no clear cut determination that it was caused by i.e. a natural disaster. If it had been say; an earthquake or a wind storm it would have been covered; but a natural aging of the building, which in essence, is what the structural engineer is saying; is not covered by insurance.

City Manager Calder stated we don't want people in the building pending the decision. Staff would like to know what direction Council would like to go because once the building is demolished we can put that property in our land inventory and possibly sell the property.

Councilman Elquist questioned whether it was more valuable to sell it "as-is"; transfer the risk. Someone might want to invest; a developer could see some value in that.

City Manager Calder believed any developer would be in the same position as they City is and would want a discounted price based on the building being on it. Ultimately the property is more valuable without the building; but it is an option.

Cindi Canaday, Executive Director, Family Resource Center, didn't understand how anyone can think the building can be fixed. She worked in the building and heard the cracking; it is a scary building. Ms. Canaday stated they would never allow any public in that building; ever.

Mr. Draper noted, for the Council's awareness, you can see daylight through the back wall where the beams come through; we do have some issues there.

**** A motion was made by Councilman Conner, seconded by Councilman Perry directing Staff to demolish and remove the building from the property and add it to the land inventory.**

Motion passed unanimously.

Following the motion Mayor Johnson questioned if there was a time frame Staff would like Council to define.

City Manager Calder indicated, if possible, Staff would like to facilitate the removal before the end of construction season and before winter; just so it doesn't become an attractive nuisance. Staff has learned that if a building stays vacant too long it will become problematic in other ways.

City Manager Calder believed Staff could facilitate the removal before snowy weather. There needs to be some testing done. The engineer that did the analysis on the roof may already have that data. Staff can work with them and see if we have any obvious asbestos issues they may have already tested for. If we can get that off our plate, in advance of the demolition, then it would just be a matter of getting some quotes on what it would cost to demolish and remove it.

V. PETITIONS, APPEALS AND COMMUNICATIONS

- A. Consideration of a request from Mr. & Mrs. Ted Blohm to share in the cost associated with the relocation of the signal pole on 5th and Idaho Streets, and matters related thereto. **PUBLIC COMMENT WILL BE TAKEN PRIOR TO ANY CITY COUNCIL ACTION: FOR POSSIBLE ACTION**
The design for the Regional Road Repair Project (Idaho Street) called for the relocation of the signal pole located at the northwest corner of 5th and Idaho Streets. In order to avoid the visual impact the signal pole would have on Blohm Jewelers, the Blohm's requested that the new signal pole not be relocated from its prior location. As the request would generate a change order, the Blohm's agreed to reimburse the City of Elko \$14,000. The Blohm's are now requesting that the City of Elko share in the \$14,000 cost. CC

Mayor Johnson believed this was a good example of what he recognized as the Mayor's role and then provided a synopsis of where we are; up to this point.

When this item was presented to him by Ms. Blohm it was; “we have a pole that will affect our business”. And it was put to him and other Staff that if this pole is relocated in front of the window; which the Blohm’s use to display their merchandise it would drastically affect their business and it was their opinion that if the pole was relocated to that place in front of the window that it may even affect them enough that their business would close. Discussions were held, back and forth. Between information he was receiving from the Blohm’s, talking with Staff about what our options the question came back of; can the pole stay in the original location; because that was the request of the Blohm’s. That option was looked at and the determination was made the pole can stay in the original location but there will be some additional costs to make that happen.

To further clarify the issue Mayor Johnson explained the old signals are not center-line of traffic. The driver in this is the increased size of the pole and base to get the signal light to the center lane of traffic; the signal is further out from the pole which puts more torque on the pole. We looked at it from an issue of; can we put the new pole on the old base; we can if the old base is big enough. It turned out that the old base was not big enough. Mayor Johnson advised he and Councilman Perry met with the Blohm’s on a Saturday and in his powers as Mayor, in a Council, Manager form of government, he only has as much power as one vote of City Council. He has to be careful to be within his bounds, as Mayor, to make those decisions. What he could see happening is; here is what we have, here is the situation, here are the options and not necessarily in any order; option 1 is that we call a special council meeting to have council address the issue as it needs to be a council decision. Council is the authority in all matters dealing with the City; majority vote, City Council, that’s who makes the call. That was presented, we can go to Council as a special session because time is tough; we need to stay out ahead of the contract, we don’t want to affect where the contractor is because if we start getting in the middle of his world that could affect additional cost to the City of Elko. That was one option, can we go with that.

Mayor Johnson noted there had been other issues along Idaho Street with property owners that don’t exactly like the design; if doesn’t quite fit their property. Some examples of that were happening on the east end of driveways not being wide enough. Again, the driver and design with that was; “here is what it is, here is the minimum” but as a business owner they said hey, it is not quite fitting what we need; can we pay extra. They could pay extra to get them widened out so that was the procedure that was followed. Mayor Johnson indicated in his information gathering and his conversations with City Staff it was his opinion there were two options; 1) the property owner could pay the additional cost to have the pole stay where it is; it was doable. It was agreed at that time to keep it in place and that the Blohm’s would make that payment of \$14,000 or go to City Council. At that time the Blohm’s chose to go with the \$14,000.

Mayor Johnson indicated he was bringing this to the Council’s attention as far as; that was the best he could do, that was the decision he made and what he thought was happening at the time. He recognizes though that we are still within the public process and the Blohm’s have every right to bring it to City Council. Because, in the end, City Council, majority vote, is the authority.

Mayor Johnson stated he likes seeing this back in front of the Council because it empathizes where the horse power is, where the decision making authority is.

Lina Blohm addressed the Council and commended them for the quick response and also thanked the downtown businesses for their support. Ms. Blohm handed out photos of the area under discussion and went on to state their major main marketing venue is their show window. Ms. Blohm indicated they have had a diamond customer in weeks; that may sound irrelevant but it is important to a business that has been here for over seventy-one years.

Ms. Blohm stated we are an established in the downtown, we support the City, the community, in every way they can. We are now discussing public/private partnerships because if they pay for moving a pole; which she maintains is a mistake; there is no design authority with proper credentials who could have possible selected that site for a pole. July 5th we walked in front of our store, with no notice, to find a pole right in the middle of their show window. Ms. Blohm acknowledged they are going to participate in the process. They believe in public/private participation; but that means an equal voice, that means a discussion that means a hand in the planning. Mr. Errecart said it perfectly “that is where we are remiss here”; there has not been that association with the downtown and the merchants along Idaho Street.

Mr. Blohm read into the record a note from Jim Winer; property owner across the corner from their business.

“I would ask the Council to consider that the negative the placement of this pole would have had on this long-standing Elko downtown retail establishment. As this time, two of the four corners, at the heart of Elko, are vacant. There is more retail and office vacancy downtown now, than in the twenty-one years he has lived here. I would hope the Council would look towards sound planning and decisions that would support a growing Elko downtown economy. I would look to be more proactive in communication with property owners in the future. No one is more proactive in downtown growth and progress than Lina Blohm, and this was an issue when it arrived so suddenly without any advance communication. With better one-on-one communication in the future, perhaps solutions can be achieved prior to an issue arriving.

Thank you for your time.

Ted Blohm acknowledged they did agree to pay; but bill is \$14,711.00; they are just asking the City to share the cost. They had no notice whatsoever that they pole was going to be placed in front of their window. Mr. Blohm believed, due to the circumstances it would be fair to share the cost.

Public Works Director Strickland wanted the Council to aware the hole was not where it was designed to be. It was designed to be more on the corner, in line with the brick corner. But when we got ready to dig that hole we had additional utility conflicts in the area that required us to move it a little further around the corner in lieu of going back and placing it more in the turning radius for vehicles on that corner.

Mr. Blohm noted the hole was already dug.

Mr. Strickland explained again; where hole ended up was not where our design professional had originally anticipated it being located. We discovered additional conflicts in the area, which facilitated it being shifted around the corner. In lieu of shifting it back toward the original location; there is a hydrant exiting there, we couldn't shove it back, it would be right in the turning radius movement area .That is why is got shifted further around the corner and ended up being in front of Blohm's window.

Councilman Rice questioned if decision to move it in front of the window was arbitrary.

Mr. Strickland advised there wasn't much for options there.

Councilman Rice requested verification it was not designed that way, you ran into issue and had to move it in any event; essentially that was the convenient place to put it.

Mr. Strickland verified that was correct; until we were able to ascertain whether the old base could be facilitated to be used again or not, we had to have somewhere to place a temporary pole until the intersection could be completed.

Councilman Rice stated we are now moving it back where the designer intended it to be

Mr. Strickland advised it is going back in its original location.

Councilman Rice questioned where the designer intended it to be.

Mr. Strickland advised it would be a bit further around the corner; it wasn't going to be the other three feet over in front of their window. It was going to be more on the corner, than where it ended up needing to be placed.

Councilman Rice commented the Blohm's have been very gracious through this. We have had a lot of evidence presented already showing we have had problem with design. After hearing this, Councilman Rice stated he did not see it as the Blohm's problem, at all.

Councilman Rice requested verification the original design would not have impeded in front of Blohm's window.

Mr. Strickland stated it would have been very close; it may have partially, but it definitely wouldn't have ended up over the additional three feet that we ended up needing to move it towards the 4th Street intersection. That was not the chosen location; it ended up there due to the additional utility conflicts we had in that intersection.

Councilman Elquist believed it was reasonable; we didn't put it there because there were utility conflicts. To keep in design location would have cost additional money.

Mr. Strickland verified that was correct.

Councilman Elquist commented that maybe we saved dollars moving it to the most convenient and easy to work with location; which happened to be dead-center in their display window.

Mr. Strickland indicated it is not dead-center but it is upsetting to the Blohm's.

Councilman Elquist advised he had seen the window he believed it was reasonable to share in the costs.

Mayor Johnson questioned the total costs.

Councilman Elquist indicated \$7,000 to split the cost.

Civil Engineer Draper advised total cost, including removal of the old existing base, is \$14,761.50.

Councilman Elquist questioned if there was anything Staff could do; or was it all on the contractor.

Mr. Draper indicated it is all contractor cost.

Mayor Johnson advised part of the negotiating side of it is; the Blohm's did offer 75%. Mayor Johnson indicated with the information he had at the time it looked as though it was going to cost more than \$14,000. Now that the project is done; Staff is indicating total costs are \$14,000 and Ms. Blohm did make the offer of "how much do you think we would need to pay"; he left that up to her and she did offer 75% and that may be something else Council needs to consider in the mix now that we know the total cost.

Mr. Blohm stated he would like a fair settlement and offered to pay half the cost with the City paying the other half from the force fund.

Mayor Johnson called for public comment.

**** A motion was made by Councilman Rice, seconded by Councilman Conner to share the cost of the signal pole relocation at 5th Street 50/50 with the Blohm's. Total cost of the relocation being \$14,761.50 being split straight down the middle.**

**Motion passed 4 to 1.
Mayor Johnson was opposed.**

John Carpenter questioned if the pole was going to be moved back to the same place it was originally; why was it moved in the first place.

Councilman Perry explained the original foundation did not have enough mass to support the new pole.

Mr. Carpenter believed the base could have been made bigger and saved money for everyone.

Mayor Johnson clarified the issue for Mr. Carpenter the advised the manner has been completed.

Mayor Johnson called for brief recess at 8:05 p.m.

Mayor Johnson called the meeting back to order at 8:10 p.m.

- B. Consideration of a request from the Elko Senior Games to waive Park Reservation Fees for the Closing Ceremonies Barbeque, and matters related thereto. **PUBLIC COMMENT WILL BE TAKEN PRIOR TO ANY CITY COUNCIL ACTION: FOR POSSIBLE ACTION**

A letter from the Elko Senior Games has been included in the agenda packet for review. CC

Chuck Knight expressed strong opposition of the fees charged to non-profit organizations for the use the park. Mr. Knight stated those same non-profits donated hours to time and work to help make various City park areas better.

Mr. Knight also opposed having to use the computer system to book your park reservation.

Councilman Rice questioned the fee.

Mr. Knight advised for i.e. the Buckaroo Breakfast the Kiwanis cook each year it is approximately \$1,200.

Councilman Perry questioned if that was for four days.

Mr. Knight directed Council's attention to the park fee schedule which identifies the cost for each item; i.e. tables, trash cans etc.

Councilman Elquist requested clarification on which event Mr. Knight was discussing.

Councilman Rice clarified it was the Senior Games; Mr. Knight used the Buckaroo Breakfast as an example.

Parks Superintendent Wiley clarified for the Buckaroo Breakfast if the entire park was reserved, request tables that would include a \$500.00 deposit which would be refundable if there wasn't much damage to the park. As far as the bill for the Senior Games; they were billed \$110.00. \$30.00 was the basic reservation charge, which included pit one, with four tables. They requested eight extra tables at a cost of \$80.00. The total cost for that event was \$110.00.

Mayor Johnson requested verification that is what the Senior Games are requesting the waiver for.

Mr. Wiley verified that was correct.

Ms. Knight advised in the past they moved all the tables themselves. All the money from the Senior Games is donated. In the past there has been confusion; you show up to get everything ready and find someone in your site; they say they have it also. Ms. Knight commented this year there was group of ball players there to have a celebration and she doubt if they paid.

Mayor Johnson questioned when the policy went into place, how many Staff show up; how many people have paid. It was his understanding this started last year but if someone already had a reservation they didn't pay. Mayor Johnson acknowledged there have been a lot of non-profit events in the park and many of them have paid between the time this was implemented and now.

Mr. Wiley indicated, as far as the non-profits; he was unable to provide an exact count. Mr. Wiley advised the Basque Club paid, Art in the Park paid and Staff assumes the Morrodder's will pay. But, the non-profits that typically schedule for an event; those events have passed and they have all paid the approved fees.

Mr. Wiley advised the fee changed established with Resolution 8-10 was adopted on 4-13-2010 and did not go into effect until July 1, 2010; the new fiscal year. The reason for that being; people would make reservations well in advance; a lot of those events had already been reserved and the decision was not to charge the increase fees for those events. After July 1st, 2011 the new fee schedule had an effect on.

Mr. Wiley noted there have been requests in the past to waive these fees i.e. the Little League Breakfast; in the end that request was table and the fee was paid by a private individual. Recently there was a request from the fire department to waive fees; that was denied.

Mayor Johnson questioned when the Senior Games would take place.

Mr. Knight advised the games were held that week.

Mr. Knight stated his belief the parks are part of our City. The use of the parks should be part of the City Council's objective; to get the parks and people involved. To drive people out, because of charges, is not the way to have parks used.

To further clarify the matter for Mr. Knight, Councilman Elquist advised in April of 2010 we were going through budget session; we were reducing wages to City Staff and we charged every department to look through their budgets and find where maybe some subsidy's exist that were benefits for a small group; but taxpayer's as a whole are paying it. We are cutting wages, doing less street work and we have core responsibilities that are impacted; and we are not in a position, like we have been in the past, to subsidize. In all areas of the City we scrubbed all of our fees and tried to get them to a point where if our Staff was working for a small group of people, then we would have a fee associated with that; rather than have the general fund pay that. Councilman Elquist believed Staff did a good job. We even had fees for parades that caused a lot of discomfort at \$500.00; we lowered the fee to \$150.

Councilman Elquist advised there was a whole list of fees; this was one of them. He agreed it is small dollars either way. Mr. Knight has given the most compelling case of the unintended

consequences of this fee. Councilman Elquist believed we were in the right place to make the move to try and get our tax dollars working for our core functions and not subsidizing certain areas. Mr. Knight brings up a good point, no doubt, we have struggled with non-profit groups especially, coming in and saying “what are you doing?” It is a hard argument to make; but at the same time we have other core responsibilities and that is the balance we have to juggle.

Councilman Elquist believed, in this case, it is a new fee and there are some unintended consequences. We don’t want to disenfranchise the very volunteerism where the dollars go farther; we’ve done that in a couple cases and have tried to make it right by looking for donations. We are trying to get the private people to pay for that; go out and try to get \$110.00 donation, so the taxpayers aren’t paying it. Councilman Elquist believed that was the vision or goal; it has had some unintended consequences. We might want to revisit that; waive non-profit or raise our fees for private and have them subsidize the non-profit to keep things whole.

Councilman Elquist noted we are under decreasing budgets; Government has always been able to provide more, and for the first time in our nation’s history, we are cutting services as governments; people don’t like it. Elko is immune at some level but some of these are realities.

Mr. Knight understood budgeting. But, you don’t budget out the people that support your community. Look at the bottom line; which is more valuable to you; the total of your constituency or money. It really comes down to; where do you put your priority, at serving the people you are elected to serve or do you try to balance things?

**** A motion was made by Councilman Conner, seconded by Councilman Elquist to waive the fees for the Elko Senior Games for the closing ceremony barbecue.**

**Motion failed 1 to 4.
Councilman Conner voted aye.**

After the motion and before a vote was taken Councilman Elquist commented that when we went through the process i.e. parades these kind of arguments had been on the front end; maybe we would have made a provision for non-profit.

Councilman Elquist believed we are in a tight spot now; we haven’t been waiving these. Do we want to put this back on the agenda and reconsider this for non-profit.

Councilman Perry acknowledged Mr. Knight brought up a good point in his compelling argument but the way we have to address that would be to see if there is a way to get it on an agenda and relook at it, with respect to non-profit. Councilman Perry believed something needs to be there that when someone goes in and makes a reservation; that is the place holder for this.

Councilman Perry stated he struggled with waiving a fee for an event that has already happened. If we do it for this group there are ten groups that are going to come back and ask the same. Based on items in the past; Councilman Elquist indicated his business would donate \$110.00 to the Senior Games to cover this fee.

Mayor Johnson stated his belief the City Council does not have authority to waive anything. We take an oath to uphold the ordinances and laws of the State of Nevada. Mayor Johnson stated if we can't adhere to our own policies and ordinances then we are in trouble.

Mayor Johnson believed there was enough discussion to warrant going back and reviewing it again; possibly make changes. Mr. Knight brought up good arguments of why it should not be for a non-profit; if we can draw that line.

Mayor Johnson stated; if we are within that ordinance; we need to follow that ordinance as much as possible. In the future, the Council should consider reviewing the ordinance because it is becoming more and more of an issue. We need to listen to the citizens of the community because ultimately they are the authority over City Council; we need to follow the procedures, move forward and come up with solutions in an orderly fashion.

Mr. Knight suggested tabling any action tonight; bring in back on a future agenda.

Mayor Johnson called for a vote on the motion.

Motion failed 4 to 1.

Under further discussion, Ms. Knight informed the Council the only reason this request is retroactive is due to the fact they were unaware they had to pay a fee until the week before the games; they couldn't get on the agenda in time.

- C. Consideration of a request from the Family Resource Centers of Northeastern Nevada for financial assistance for the possible purchase of a building located at 331 Seventh Street, and matters related thereto. **PUBLIC COMMENT WILL BE TAKEN PRIOR TO ANY CITY COUNCIL ACTION: FOR POSSIBLE ACTION**

A letter from Ms. Cindi Canaday has been included in the agenda packet for review. CC

Ms. Canaday, Executive Director, Family Resource Center, indicated after listening to the discussions tonight she is aware the City does not have any money and is withdrawing the request.

Ms. Canaday thanked the City for its years of graciousness; they let them rent the building for \$1.00 per month. That is supporting your community, giving where you could have gained; it is much appreciated.

**** No Action was taken on this item.**

I. APPROPRIATIONS

AMENDED

- G. Review, consideration, and possible approval of an increase in the amount of funds available in the force account for the Regional Road Repair Project (Idaho Street), and matters related thereto. **PUBLIC COMMENT WILL BE TAKEN PRIOR TO ANY CITY COUNCIL ACTION: FOR POSSIBLE ACTION**

As part of the Idaho Street Project a force account was established allowing Staff to authorize change orders for the project up to \$150,000. This item is intended to allow Staff the opportunity to update council as to the current status of the force account and to request an increase in the funds available in the force account if warranted. JD

Mayor Johnson requested verification there were no changes to the Force Account at this time.

Civil Engineer Draper verified that was correct.

**** No action was taken on this item.**

IV. RESOLUTIONS AND ORDINANCES

- A. Review, consideration, and possible allocation of Resolution 34-11, a Resolution providing for the transfer of the City's 2011 Private Activity Bond Cap to the Nevada Rural Housing Authority; and other matters related thereto. **PUBLIC COMMENT WILL BE TAKEN PRIOR TO ANY CITY COUNCIL ACTION: FOR POSSIBLE ACTION**

The City of Elko has previously transferred its portion of the tax-exempt private activity bond cap to the Nevada Rural Housing Authority. This year the Nevada Rural Housing Authority is requesting the City's allocation of the bonds for the purpose of funding their "Home at Last" program which helps rural Nevadans purchase their first home. It provides a dollar-for-dollar federal income tax credit equal to 20% or 30% of the interest paid on a mortgage loan. DS

City Manager Calder advised this is something the City has done for the last several years.

City Manager Calder noted the agenda item is not worded correctly; it should say; review, consideration and possible approval of Resolution 34-11. If approved; please note that in the motion.

City Manager Calder explained this private activity bond cap is a tax-exempt municipal bond in which a local government can raise money for a private company; such as for low-income housing. It does not impact our bonding ability because it is not guaranteed by the City's revenue. The federal government allows these, they make certain allocations to each state of how much can be issued and the state divvies it up based on population in the various communities. Over the last several years the Nevada Rural Housing Authority has went to communities that may not be utilizing their allocation; and collecting those so they have a much larger amount to

go for a larger bond issue. Once they get the bond issue, they can assist in making low interest mortgage loans etc.

City Manager Calder continued and advised they do have a couple of programs they participate in but the one they have used here in Elko County has been basically a first time home buyers program where there is some incentives that are offered to first time home buyers; in addition to possibly lower interest rate mortgages. It has been a successful program. They have been making the rounds throughout Nevada; it was Mr. Calder's belief every community they have approached, including Elko County, has reallocated their private activity bond cap.

City Manager Calder referred to the documents included in the packet an indicated Elko is allocated for just under \$1.0 million. We have no plans for the funds and he saw no down side in approving Resolution 34-11.

Councilman Perry referred to the \$1.0 million allocated to Elko. Can that money be used in Elko County; are there any restrictions? Or is it by releasing it to them it can be used anywhere in the state.

City Manager Calder believed the intent was to utilize it in Elko County. If there are no projects here, they can use it in other communities. The intent is to keep the money local; try to get people into home here and spur economic activity within the community. Whether or not it will be in the City of Elko or Elko County is unknown; but it benefits the region.

Mayor Johnson called for public comment and there was none.

**** A motion was made by Councilman Elquist, seconded by Councilman Perry to approve Resolution 34-11.**

Motion passed unanimously.

VII. REPORTS

- A. Mayor and City Council
 - 1. Mayor Johnson
 - a. Will meet with Staff tomorrow re: Idaho Street
 - b. Working on long range issues with City Manager etc.
 - 2. Councilman Perry liaison for water/sewer, police and fire; meetings are going well.
- B. City Manager
 - 1. League of Cities Oct 5-7, 2011 in Mesquite, NV
 - a. Mayor, City Manager, Assistant City Manager, City Clerk and possibly Administrative Services Director will attend
- C. Utilities Director
 - 1. Idaho Street water issues mentioned tonight can be discussed with him at any time
- D. Public Works
 - 1. Erroneous information tonight related to Idaho Street
 - a. Council needs to take into consideration we are in August.

- b. Project started in May
 - i. Believes tonight's comments were general frustration.
 - ii. Access has never been denied anywhere
 - iii. Contractor has done this type of work numerous times
 - c. Available to sit down with the Council to discuss a more factual recount of happenings
2. Micro Surface project nearly complete

II. APPROPRIATIONS

- A. Review and possible approval of Warrants.
PUBLIC COMMENT WILL BE TAKEN PRIOR TO ANY CITY COUNCIL ACTION: FOR POSSIBLE ACTION

Mayor Johnson called for public comment and there was none.

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

Motion passed unanimously.

ADJOURNMENT

There being no further business, Mayor Chris J. Johnson adjourned the meeting.

Mayor Chris J. Johnson

Shanell Owen, City Clerk