

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

SS September 8, 2009

The City Council of the City of Elko, State of Nevada met for a regular meeting beginning at 4:00 p.m., Tuesday, September 8, 2009.

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

ROLL CALL

Mayor Present: Michael J. Franzoia

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

City Staff Present: Delmo Andreozzi, Assistant City Manager
Shanell Owen, City Clerk
Alan Kightlinger, Fire Chief
Don Zumwalt, Police Chief
Dawn Stout, Administrative Services Director
Trent Moyers, Airport Director
Eric Howes, Parks & Recreation Director
Dennis Strickland, Public Works Director
Fritz Sawyer, WRF Superintendent
Scott Wilkinson, Development Manager
Jessica Johnson, Human Resources Manager
Ed Wynes, City Planner
Jeremy Draper, Civil Engineer
Lorraine Martinez, Accounting Supervisor
Linda Buffington, Recording Secretary

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES August 25, 2009

**** A motion was made by Councilman Conner, seconded by Councilman Elquist to approve the minutes of August 25, 2009 as submitted.**

Motion passed unanimously.

I. APPROPRIATIONS

- B. Review, consideration, and possible final acceptance of the WRF East Primary Clarifier Rehabilitation Project, and matters related thereto. **ACTION ITEM**

This project was awarded on June 23, 2009 to Rema Tip Top in the amount of \$33,073.60. There were no change orders for this project. Staff is pleased with their work. Staff is now asking for final acceptance of the project. FPS

Mayor Franzoia questioned how often this was performed on the clarifiers.

WRF Superintendent Sawyer advised the four clarifiers are rotated on a yearly basis; each one under goes this process every four years.

**** A motion was made by Councilman Elquist, seconded by Councilman Johnson to approve final acceptance of the WRF East Primary Clarifier Rehabilitation Project.**

Motion passed unanimously.

- C. Review, consideration, and possible final acceptance of the College Parkway Capital Construction Project, and matters related thereto. **ACTION ITEM**

This contract was awarded to Canyon Construction Company on July 14, 2009, in the amount of \$86,789.07. Canyon Construction Company has successfully completed the project in the amount of \$83,771.05. DS

Public Works Director Strickland indicated due to quantities we didn't need to remove, there was a savings on this project. Standard retention will be held for thirty days.

**** A motion was made by Councilman Rice, seconded by Councilman Johnson to approve final acceptance of the College Parkway Capital Construction Project.**

Motion passed unanimously.

II. UNFINISHED BUSINESS

- A. Review, consideration, and possible approval of a request from Walter Winchell, Elko County Fair Board Chairman, for reimbursement for all, or a portion of, the expenses related to replacing approximately 360 feet of reuse pipeline, located within the Fairgrounds, and matters related thereto. **ACTION ITEM**

This item was discussed at the July 28, 2009 Council meeting. Staff was directed to provide an invoice and a copy of the fair board meeting minutes authorizing this work. CC

WRF Superintendent Sawyer noted the agenda packet included copies of the bids received by the fair board to replace the pipeline as well as the lease agreement.

Walter Winchell, Chairman, Elko County Fair Board, was present to explain the repairs and to answer questions.

Mayor Franzoia advised the lease agreement shows, technically, those repairs would be the responsibility of the fair board; but if the economics are off because of gaming being down it is

affecting them as well. Mayor Franzoia believed the fair board did the right thing in replacing the entire line rather than piece-mealing it.

Mr. Sawyer advised this was the second repair by the fair board.

Mayor Franzoia questioned if the request was for all or part of the total cost.

Mr. Winchell indicated they were requesting all of it.

Councilman Conner expressed support of the request.

Mayor Franzoia questioned whether the fair board used any of the room tax monies allocated to them for this type of work.

Mr. Winchell advised they use it more for capital.

Mayor Franzoia questioned whether a new line to avoid future breaks would be more of a capital expense than a repair/maintenance cost.

Administrative Services Director Stout advised with the cost of \$13,000 it would likely be a capital expenditure. Based on the fact it was a total replacement Ms. Stout believed it would be a capital improvement.

Ms. Stout questioned where the Council envisioned this money coming from if they agree to pay for this improvement.

Mayor Franzoia commented the city has helped somewhat when things have struggled i.e. Snobowl and those that do have certain amount of government support such as the fair; based on unexpected things happening. Repair/maintenance is one thing but this is a capital expense; we have allocated funds through room taxes for specific use at the fairgrounds for capital improvements to assure everything remained in good condition. There is a fine line between do we add in to this even though the agreement says otherwise, yet we've allocated money to help them with room taxes we are in-defacto helping them out in an in-direct way. If the resources have subsided over the last couple years that it makes it more difficult for them to meet their obligations the question posed to the council is do they want to participate 100%, a partial participation or no participation?

Councilman Elquist questioned the financial condition of the fair board; is there a hardship or is it a principal?

Mr. Winchell stated the fair board was nearly broke as of July 1st. They did receive more funding through the county which got them through the fair.

Councilman Rice expressed support of partial funding; one-third would be reasonable with the other third being requested from the county and a third from the fair board.

Ms. Stout advised as far as the city funding all or part of this project the Recreation Fund has no available resources. As previously noted, room taxes are down 7% and Staff budgeted tightly

based on that projection. This project is an effluent line; it helps us get rid of some of the effluent and also helps the fair grounds out rather than paying for potable water. Ms. Stout suggested if the council chooses to go that direction, paying for it out of the Sewer Fund.

Mayor Franzoia believed the Sewer Fund was logical; it is reuse water and cheaper for us to get rid of it that way rather than build more storage ponds.

Councilman Conner noted the fairgrounds use of the water is a benefit to the city.

Mr. Sawyer advised the fairgrounds uses a small amount of reuse water; approximately 50,000 to 70,000 gallons daily.

Mayor Franzoia questioned if the sewer fund could absorb this cost as an option for the council to consider.

Mr. Sawyer stated the budget can stand some charges; however there is some work that needs to be addressed. If the council approves the suggestion by Councilman Rice that would leave sufficient funds to address other concerns.

Councilman Elquist questioned whether the fair board had separate accounts for operating and capital.

Mr. Winchell advised they make requests to the county for operating and improvement payments.

Mayor Franzoia clarified room tax monies allocated by the city are specific to improvements. Mayor Franzoia was not aware of how the county allocates funds and what it is specific for.

Councilman Elquist questioned if the fair was successful enough to cover this cost; what gets deferred if they do cover this.

Mr. Winchell advised they would not know the financials of the fair for at least thirty days.

Councilman Elquist believed in keeping the lines clean between entities; the city has its core responsibilities and that is what we need to focus on. Councilman Elquist indicated he was agreeable to the one-third share cost but it was a slippery slope. We are doing this more than is comfortable; we should be focused on what we do, do it right and responsibly and free up the tax dollars so people can go to the fair, and it can be self-sufficient

Mayor Franzoia indicated the council could wait thirty days to determine revenue from the fair.

**** A motion was made by Councilman Conner, seconded by Councilman Rice to approve a request from Walter Winchell, Elko County Fair Board Chairman, to reimburse for one-third of the expenses related to replacing approximately 360 feet of reuse pipeline.**

**** Councilman Conner amended the motion to include the monies are to come from the Sewer Fund, Councilman Rice's second stood.**

Motion passed unanimously.

III. NEW BUSINESS

- A. Review and approval of pending Special Events, and other matters related thereto.
ACTION ITEM

This item has been added to the agenda in order to consider any application for Special Events received by the Clerks Office. Staff will report on any application on file. SO

Lori Lynch, DBA member advised the DBA is requesting a road closure for the final Wine Walk on Saturday, September 12th. The request is being made for public safety due to the popularity of the event. They have requested 5th Street be closed from Idaho Street to Railroad Street and Idaho Street from 4th Street to 5th Street. The intersection at 5th and Idaho will remain open, the light will continue to work other than the left turns going west and the right turn coming up 5th Street. Ms. Lynch indicated nearly every business on the block between 4th and 5th Street, on Idaho Street, is a participant in the Wine Walk. The DBA submitted a traffic plan to NDOT which was approved. Due to the fact no city streets were affected by this closure the matter never came before the council.

Ms. Lynch indicated they are before the council tonight as it recently came to their attention the alleyway off 5th Street, between 4th and 6th Street is being closed therefore city property is being affected. DBA members were also notified when you hold a special event on city property glass containers become an issue. Ms. Lynch advised they have ordered plastic glasses for the event and there will be no glass as a factor for the Wine Walk.

Assistant City Manager Andreozzi indicated the alley would not be used for the venue; the alley would be closed to through traffic to make sure vehicles are not entering the closed area. There is an application before the council; it is complete with the appropriate signatures and the traffic control plan is included. Mr. Andreozzi stated the signature on the application indicates there is an acknowledgement by the applicant they understand all the code provisions; including glass containers. Mr. Andreozzi noted concerns had been expressed by another party and they may want to address the council.

Mr. Andreozzi advised the form shows this is for one particular wine walk; the council has given Staff administrative authority; once you approve this, it could be approved administratively in the future and not come back before the council.

Ms. Lynch commented NDOT asked that we try it for this time and see how it works. The wine walk for Elko Un-Corked may go back to the original closure, which is the same as the Snow Flake Festival and closes all of 5th and Idaho Street from 4th to 6th Street.

Randy Hesterlee, NDOT, stated closing the alleys is a priority; they want to affirmatively deny vehicle traffic through the area. The intersection of 5th and Idaho going north will still be functional; however they will not be able to go down NDOT's portion of Idaho Street or the first block of 5th Street. NDOT believes this plan will work and allow traffic to move better through downtown, in that portion, and they wanted to minimize the impact to the drivers. Mr. Hesterlee believed for the next event they would have some adjustments. Mr. Hesterlee advised NDOT

staff will be present at the upcoming event to evaluate how things worked out. Mr. Hesterlee stated the traffic control plan was not fully approved yet; there are some needed corrections.

Mayor Franzoia questioned how they would deal with the vehicles that were parked in the area before the barricades go up.

Mr. Hesterlee indicated they would need to block off the parking prior to closure; any additional vehicles would have to be dealt with on a case-by-case basis as they are removed.

Ms. Lynch advised similar to how they coordinate the Snow Flake Festival they will advertise through the week the days and time the streets will be closed. The morning of the event they will contact the business' along that route and ask them to please make their customers aware of the closure.

Assistant City Manager Andreozzi stated the City of Elko is responsible for, and has the right-of-way ownership of the sidewalks on Idaho Street only; from 3rd to 5th Street. Should the council authorize this event certain things need to happen; we need to coordinate with the Facility Department to make adjustments to the signal prior to and immediately after the event to properly configure the signal light. Mr. Andreozzi advised contact by affected businesses has not been completed with this application and is a normal requirement.

Mayor Franzoia believed that was more of an awareness factor and had no impact on whether the permit was approved.

Ken Wellington, owner of Two Old Crowes, addressed the council with his concerns; 1) the amount of traffic being funneled to one lane on north bound 5th Street, diverting it onto west bound Railroad Street where the event participants are crossing. Perhaps the closure should be moved back to Silver Street. 2) This is a rush-through application and as an affected business he has not been given any support material i.e. maps. He was told by members of the DBA they were not closing the streets on September 12th but would not provide a written statement when asked. 3) The public has had no chance to comment on the issue; on previous special events in the downtown area the council has required signoffs from affected businesses.

Mayor Franzoia advised the affected businesses are those in front of the road closure and are the ones contacted.

Mr. Wellington believed the businesses on Railroad Street would be affected by the additional traffic. Mr. Wellington indicated other concerns had been addressed; towing, emergency services and cleanup.

Mayor Franzoia informed Mr. Wellington the road closure was state related, therefore anything related to cleanup etc. was under a different requirement. The city is only responsible for the alleyway.

Mr. Wellington advised he was aware of that; he was present to express his concerns that the state will not address. This is now a Special Event; he is asking for accountability to staff and the council because they represent the citizens.

Mayor Franzoia advised the city is accommodating NDOT's request to close the alleys to protect pedestrian traffic.

Mr. Wellington indicated his understanding; this is a gray area and why he was asking the council to create a policy that staff has input when something like this comes up so all the issues can be addressed.

Mayor Franzoia advised that is the purpose for the agenda item as it is structured.

Assistant City Manager Andreozzi advised the Special Events Permit has requirements for sanitation.

Ms. Lynch advised Elko Sanitation has provided disposal containers in the past when necessary. Ms. Lynch also advised the DBA spent considerable monies to put garbage cans on the street corners; if the city wants additional containers arrangements will be made.

Ms. Lynch acknowledged the city's portion of this permit did go through quickly; up to last week they were not aware they needed to obtain a permit; this morning the alleyway issue came to their attention.

Lina Blohm, downtown business owner stated "what a great problem to have"; this is the biggest boost we have had for the downtown, ever. Ms. Blohm applauded the DBA for all their hard work; this is a popular event and we can only hope it continues to grow and become more of a problem.

Councilman Elquist agreed this is a nice problem to have; it is a growing event just like the Motorcycle Jamboree. Let's keep correcting the problems as we go; make it better and stronger.

**** A motion was made by Councilman Rice, seconded by Councilman Johnson to approve the application submitted by the DBA for the Wine Walk on September 12, 2009 from 4:00 p.m. to 7:00 p.m. which includes the closure of the alley on 5th between 4th and 6th Street.**

Motion passed unanimously.

IV. RESOLUTIONS AND ORDINANCES

- A. Review, consideration, and possible approval Resolution #21-09, donating a John Deere lawn tractor/mower to the Elko County Fair Board, and matters related thereto. **ACTION ITEM**

On August 25, 2009 the Elko City Council reviewed and considered this request. Per NRS 268.028 the City Council must approve the donation by Resolution after the review and consideration. SO

**** A motion was made by Councilman Conner, seconded by Councilman Rice to approve Resolution #21-09, donating a John Deere lawn tractor/mower to the Elko County Fair Board.**

Motion passed unanimously.

V. PETITIONS, APPEALS, AND COMMUNICATIONS

- A. Review, consideration, and possible action regarding a request by the Elko Gold Baseball team to paint house numbers on curb faces within the City of Elko as a fundraiser, and matters related thereto. **ACTION ITEM**

The City of Elko has received a written request to paint house numbers on curb faces as a fund raiser for a local youth traveling baseball team. Curb faces are in the public Right-of-Way and are considered public property. Therefore, such a request requires permission from the Council. Should Council consider authorizing this request, Staff would recommend that Council consider using the adopt-a-street format as a condition of approval. DA

Mayor Franzoia requested clarification on how the adopt-a-street format would fit something like this.

Assistant City Manager Andreozzi indicated the staff would like to limit this type of work to low volume, local streets; Staff would loan safety vests and road signs similar to adopt-a-street. Staff has developed a safety sheet that outlines the dos and don'ts that could easily be adapted to this type of situation. We would request to see what materials are going to be used, how they are going to go about it and what they have planned for cleanup.

Cathy Laughlin advised the group has been doing several fund raisers for new uniforms and traveling expenses; most recently cleaning the parking lots for Barrick and Newmont. Ms. Laughlin stated the belief it was important the group earn their donations and not just ask for handouts.

Mayor Franzoia expressed support of the request; it is great initiative.

Assistant City Manager Andreozzi advised Staff would provide something for the group to present as they go door-to-door to take away any doubts or fear from the public.

Ms. Laughlin commented it is already mid-September and the weather is unknown; would the council allow them to complete what they can this fall and continue in the spring.

Mayor Franzoia believed the council could consider granting it for the current fiscal year; it would end June 30th.

Councilman Elquist encouraged Staff to find a safe methodology that does not require road signs.

Assistant City Manager Andreozzi advised Staff would work on that issue.

**** A motion was made by Councilman Conner, seconded by Councilman Elquist authorizing the Elko Gold Baseball team to paint house numbers on curb faces within the City of Elko as a fundraiser subject to the following conditions; location of the curb face painting shall be limited to low volume, local streets and are reviewed and approved by Staff, work with Staff to borrow safety vests and road work signs, and work with Staff to**

develop a safety meeting to conduct with participants prior to the project commencement, provide insurance certificate for coverage, provide materials list and application process for Staff to review; the approved time period for this project will be for the current fiscal year ending on June 30, 2010.

Motion passed unanimously.

- B. Review, consideration, and possible action regarding a request by the SnoBowl Committee for the donation of surplus fencing material, and matters related thereto. **ACTION ITEM**

The Elko SnoBowl Committee has requested that Council consider a request for donation of surplus fencing material that the airport has recovered from various fencing projects over the years. The surplus material does not meet current FAA / DHS fencing standards and can not be used in future security fencing projects. The amount to be donated is a mixture of several feet of 6-8 feet tall chain link, poles, cross bars, and associated hardware. TM

Mayor Franzoia questioned the quantity of fencing and was there any use for it elsewhere within the city.

Airport Director Moyers indicated there was a lot; there is no other use for it at the airport because the standards have changed; it is being stockpiled. Mr. Moyers noted some of the fencing is being used for the police department's ammo depot at the airport.

Mayor Franzoia questioned if it could be used by the parks department i.e. ball fields.

Parks and Recreation Director Howes advised most of their fencing is four feet or ten feet high.

Mr. Moyers stated the fencing in questions was six to eight feet.

Mayor Franzoia believed the fencing would work well for the Sno Bowl.

Mr. Moyers advised if this is approved by council Staff will bring it back as a resolution at the next meeting.

**** A motion was made by Councilman Elquist, seconded by Councilman Rice authorizing staff to bring back a resolution donating the surplus fencing materials to the Sno Bowl.**

Motion passed unanimously.

- C. Review, consideration, and possible action regarding a request to adjust Ms. Patricia Nelson's metered sewer bill, including direction to Staff regarding Ms. Nelson's request to revise City Code and Policy with regard to metered sewer billing, and matters related thereto. **ACTION ITEM**

A letter from Ms. Patricia Nelson has been included in the agenda packet for review. CC

Administrative Services Director Stout indicated for the month in question there was 169,000 gallons of water used; the sewer portion of that bill was approximately \$400, the water portion was about \$200; Ms. Nelson indicated she had new turf installed. In speaking with Mr. Howes it seemed an excessive amount of water to be putting on a new lawn. Ms. Stout advised nothing in city code allows for a waiver of the sewer portion.

Mayor Franzoia commented it make be excessive but because it is metered that is the choice.

Ms. Stout advised if council directed Staff to look at that it would require going through the business impact statement process because we would be changing the rate.

Mayor Franzoia stated it needed to be fixed and did not believe that was the intent; we know the majority of water use in the summer is for irrigation. Mayor Franzoia acknowledged this request had merit but we need a formula before we consider any other requests for reductions.

Ms. Stout advised based on conversations over the years with Ferron Konakis Staff arrived at the formula for metered billing which is; 47% of your consumption is internal, 53% is external; it didn't take into consideration those individuals putting in new sod and possibly watering excessively to get the new sod to take. On the average, one the lawn is established, that average over the year should be very similar to a flat rate individual.

Mayor Franzoia requested verification Staff estimated the external water use, during the summer, at 53%.

Ms. Stout advised "on the average"; when you look at the total water being pumped per year and you look at it in the middle of winter, for all users on average the reduction is 53%. That is why the sewer rate was modified for metered people down 53% and they only pay 47% of the metered rate. In this particular case it is problematic; you have people that are watering excessively outdoors for that irrigation purpose to get the lawn going. Staff has had several complaints from people putting in new lawn; although not this large of consumption in one month. Ms. Stout believed in this case the individual was watering based on what Kimberly Nursery advised; but there is personal responsibility in watching and making sure it is actually doing some good for the lawn and not running off into the street.

Councilman Elquist commented the water portion of the bill should take care of that if they choose to over-water. Councilman Elquist also believed there was a problem with this; we are just trying to recover a proportionate rate and set up the rates to do that as best we can. The flat rates have their flaws and metered is an opportunity to come as close as you can; it is an interesting dilemma because clearly you get a break through the winter and it equalizes in the summer; that is the philosophy. Councilman Elquist believed there should be something in the code that addresses new lawns; the sewer department shouldn't be collecting that much money for that; it should be balanced out.

Mayor Franzoia questioned whether Ms. Nelson was present.

Ms. Stout advised she was not.

Mayor Franzoia again stated this is an issue and we need to look at.

Ms. Stout advised, on the flat rate system, Staff knows what it takes to operate the sewer and provide for the capital improvements; so the flat rate system takes care of that. We do have several options; change the way we meter or put all residential, for sewer, on a flat rate. On the commercial side we were on a fixture unit count, we have those counts out there because they have to pay based on a fixture unit count for their connection fees; we could put everyone back to a flat rate, for sewer, based on the fixture unit count. Another option would be to look at changing how the metered portion of the sewer bill is calculated.

Mayor Franzoia questioned whether a business impact statement was required if we pursued a fixed-rate equal to the current fixed-rate on sewer.

Ms. Stout verified it would be; you are changing rates. These people are now on a metered rate; we would be changing them to a flat rate; the flat rate for sewer, between the two portions, user portion and capital improvement portion, is \$46.05 per month for the flat rate for residential.

Mayor Franzoia questioned whether all of it would be changed or just residential.

Ms. Stout advised it would be easier to take everyone back to the flat rate; the businesses have the same concern. It will also make it easier for the budgeting part of it; on the metered side it is unknown what people are going to use in the sewer fund for the water use, which helps Staff calculate the sewer portion of that.

Councilman Elquist believed it made sense.

Ms. Stout noted it puts everyone on an even playing field.

Mayor Franzoia questioned how to address the request from Ms. Nelson.

Ms. Stout stated at this time there is nothing in the ordinance that allows us to give consideration; we can come back with changes in the future but for this one we are stuck; the ordinance and resolution were in place when this bill was produced.

Councilman Elquist questioned whether consideration had ever been given for leaks etc.

Ms. Stout advised there are not that many people on meters currently and most of them are new construction. There have been a few people that have had leaks in the winter; they never came back and asked for consideration because there is no way to know what the actual usage was.

Mayor Franzoia commented the only time a metered customer typically gets relief would be if the meter was faulty.

Ms. Stout stated the ordinance addresses that issue.

Councilman Elquist questioned if Staff had discussed this with legal counsel.

Ms. Stout indicated Staff had not spoken with legal counsel; the ordinance does not give us that capability. Staff will meet with legal counsel if so directed by council.

Ms. Stout referred to the change and questioned if council wanted it done during the budgeting process or at this time.

Mayor Franzoia believed Staff needed to address the issue now; if we make changes on the rate schedule it should be available when the irrigation season starts.

**** A motion was made by Councilman Rice, seconded by Councilman Elquist to deny the request for waiver on the submitted bill from Ms. Patricia Nelson and direct Staff bring back prior to next budget process needed changes related to the sewer portion on a metered water/sewer bill for reconsideration of price structure.**

Motion passed unanimously.

- D. Review, consideration, and possible action regarding a request by Mr. Bharat Bhai Lai, El Neva Motel Partnership, for water and sewer connection fee deferrals for the proposed Candlewood Suites project, and matters related thereto.
ACTION ITEM

A letter from Mr. Bharat Bhai Lai has been included in the agenda packet for review. CC

Assistant City Manager Andreozzi advised the applicant requested this item be tabled until the next meeting due to a family emergency.

**** A motion was made by Councilman Conner, seconded by Councilman Elquist to table this item until the next meeting.**

Motion passed unanimously.

- E. Review, consideration, and possible action regarding a request by Ms. Vivian Brown concerning the appearance of Idaho Street, and matters related thereto.
ACTION ITEM

A letter from Ms. Vivian Brown has been included in the agenda packet for review. CC

Ms. Brown came forward to state her concerns over the appearance of Idaho Street. Ms. Brown advised she is aware portions of Idaho Street belong to NDOT and therefore are not the city's responsibility. Ms. Brown asked what the city can do to have it consistently beautiful throughout; the downtown businesses are doing a tremendous job.

Mayor Franzoia advised the city has proposes developing plans and trying to obtain grants after those plans are developed to take the southern part of Idaho Street across from the park and install curb, gutter and sidewalk. Within the next six months there will be workshops related to looking at repaving all of Idaho Street from 5th Street down to the city limits; possibly all the sidewalks where currently there are none if we don't receive grants to supplement that prior to that point.

Ms. Brown believed it would really enhance Elko.

Ms. Brown continued and stated her belief the city could utilize prison labor to clean up areas of the city.

Mayor Franzoia questioned if the city utilized that source.

Assistant City Manager Andreozzi advised juvenile detention crews are available to the city but NYTC is not available. On occasion we do use trustees from the Elko County Jail; their main focus is to clean the police station. We can use the county trustees but we have to have someone there providing security and escort to them; that is a limitation to us.

Ms. Brown questioned if they could be used on a regular basis; set something up so you could depend on that labor and not have to use park and recreation staff.

Mr. Andreozzi advised we can only use them when they are available.

Chief Zumwalt indicated of the estimated hundred or so currently incarcerated in the county jail there is only about a dozen classified as trustees; people that can work outside of the jail facility. It would be difficult to set up a schedule; they don't have a set number of trustees on any given day and we still have to have someone pick them up, supervise them and take them back etc. Is it something we could do, possibly; is it something we do currently, no; the number of trustworthy people is so inconsistent.

Mayor Franzoia informed Ms. Brown that there is the adopt-a-street program that helps greatly.

Councilman Rice thanked Ms. Brown for her concerns and comments. Councilman Rice referred to Take Pride in Elko Day; perhaps we need to focus on Idaho Street in the future.

Councilman Elquist questioned whether there were any requirements for businesses to do landscaping and upkeep; it may be something to consider if we want to move to the next level of a nice looking town.

Assistant City Manager Andreozzi indicated there have been numerous discussions, on a Staff level, regarding that. This is not a localized concern that has been raised by the public; Staff is cognizant of the issue.

Mayor Franzoia referred to lawn areas on Idaho near the park that is in the right-of-way and a business owner was not watering it; there is a risk in the right-of-way, even though it belongs to the city, if you push too far they put it back on the city.

Councilman Elquist acknowledged Mayor Franzoia's comment but we are investing a lot of money in our roads; maybe we ask our businesses to step up and contribute to the beautification and investment we are making. Councilman Elquist noted he has been approached by the public numerous times with their concerns on this issue and it wouldn't be unprecedented.

No action was taken on this item.

I. APPROPRIATIONS

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

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

Motion passed unanimously.

VII. REPORTS

- A. Mayor and City Council
 - 1. Councilman Conner thanked the recreation department for all their summer work.
- B. Assistant City Manager
 - 1. Slurry updated for warranty work
 - 2. Corridor Lighting Project update
 - 3. Special Meeting 9/10/09 for FAA grant offer consideration
- C. Airport Director
 - 1. Fencing along Mountain City Highway
 - 2. Frehner removing damaged panels
- D. Fire Chief
 - 1. Ambulance agreement update
- E. Police Chief
 - 1. Grant (3) update
- F. Administrative Services Director
 - 1. Elko County Gaming Fee Refund Report
- G. Parks and Recreation Director
 - 1. Southside Tennis Court project update
 - 2. Peace Park update

5:55 p.m. Mayor Franzoia called for a brief recess.

VI. 6:00 P.M. PUBLIC HEARINGS

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

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

There was no public comment.

- B. Second reading, public hearing and possible adoption of Ordinance No. 708, an Ordinance amending Title 5, Chapter 3, Section 1 of the Elko City Code entitled "Animals and Fowl" adding a definition of secured chicken coop and including two or less laying hens as household pets, and matters related thereto. **ACTION ITEM**

City Council conducted first reading of this Ordinance at their meeting of August 25, 2009 and directed Staff to set the matter for second reading, public hearing, and possible adoption. SO

A member of the public addressed the council to express opposition of chickens being allowed within the city. Who was going to monitor this and what is next; a cow?

City Clerk Owen advised this would be monitored by the animal control officer. Staff conducted extensive research on the pros and cons of the matter; this is a trial and if problems arise we can bring it back before the council.

**** A motion was made by Councilman Rice, seconded by Councilman Conner to adopt Ordinance No. 708, an Ordinance amending Title 5, Chapter 3, Section 1 of the Elko City Code entitled "Animals and Fowl" adding a definition of secured chicken coop and including two or less laying hens as household pets and to provide other matters appropriately related thereto.**

**Motion passed 4 to 1.
Councilman Johnson voted against.**

Following the motion and before a vote was taken Councilman Johnson stated he received a call from another citizen with the same concerns regarding chickens. Councilman Johnson believed Elko should stay away from chickens within the city limits and work at ways to raise them in a rural setting.

City Clerk Owen advised, as an option, the council could consider another second reading, do some public relations on the issue and try to get more public input. It would come back before the council at the next meeting for another second reading.

Councilman Rice believed Staff has done considerable research on this and it has been discussed numerous times. We have a record of communities throughout the State of Nevada and throughout the intermountain west who have adopted similar ordinances that allow more chickens and it has worked out fine. The opportunity this affords, especially for the young people in the community, is terrific. There is a long tradition of agriculture in rural Nevada, this in one more opportunity for the young to get involved in 4-H.

ADJOURNMENT

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

Mayor Michael J. Franzoia

Shanell Owen, City Clerk