

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

SS September 2, 2011

The City Council of the City of Elko, State of Nevada met for a special meeting beginning at 4:00 p.m., Friday, September 2, 2011.

This meeting was called to order by Mayor Pro Tempore Jim Conner

Mayor Present: Mayor Pro Tempore Jim Conner
Mayor Absent: Chris J. Johnson
Council Present: Councilman Richard Perry
Councilman John Rice
Council Absent: Councilman Jay Elquist
City Staff Present: Curtis Calder, City Manager
Delmo Andreozzi, Assistant City Manager
Shanell Owen, City Clerk
Don Zumwalt, Police Chief
Ryan Limberg, Utilities Director
Scott Wilkinson, Development Manager
Jeremy Draper, Civil Engineer
Linda Buffington, Recording Secretary

PLEDGE OF ALLEGIANCE

I. PETITIONS, APPEALS AND COMMUNICATIONS

- A. Review, consideration, and possible action to consider various options relating to dyed concrete at the remaining Idaho Street intersections from 6th to 12th, as part of the Regional Road Repair Project, and matters related thereto. **PUBLIC COMMENT WILL BE TAKEN PRIOR TO ANY CITY COUNCIL ACTION: FOR POSSIBLE ACTION**

There have been concerns raised regarding the dyed concrete with the Idaho Street Project. City Staff is asking for Council direction in an effort to address the concern on the remaining intersections. DA

Assistant City Manager Andreozzi reviewed the issue to date. At the July 12th City Council Meeting there was much discussion on whether or not we were going to put dyed concrete in the areas where the pavers were. At that time Council directed Staff to bring back some other stamping options; which Staff subsequently did at the July 26th City Council Meeting. After intense discussion that evening the decision was made to put dyed concrete back in the area where the pavers were being removed and to salvage or use some of the pavers on the west side of the intersection of 5th Street.

Mr. Andreozzi reminded the Council the base bid included removing the pavers and to put concrete back in their place; with the additive alternate to reuse the pavers.

Mr. Andreozzi noted there was more discussion at a later date because of the area poured at 5th and Idaho Street. There was quite a bit of concern raised with that in regards to the color and the amount of dyed concrete in that area. The agenda for the August 23rd City Council Meeting included item to address 5th and Idaho Street; there was an additional agenda item to address all other items regarding the Idaho Street Project which were not specifically mentioned on the agenda.

Although Staff was advised prior to the August 23rd meeting the contractor was ready to pour concrete and a decision was needed; in fact the concrete has not been poured.

Mr. Andreozzi advised as a result of the August 23rd meeting Staff worked with the design consultant to create symmetry at the intersections and reduce the amount of dyed concrete; which they felt was within the scope of their authority. To solely eliminate the dyed concrete was not something Staff believed was within their authority.

Because the dyed concrete was not poured following the August 23rd meeting there were still many concerns from the public and calls were made over the weekend to see what we could do. Staff understood the concrete was going to be poured this past Monday; it was not. It then appeared based on information we had, the contractor would be pouring the dyed concrete later this week; to this date they still have not. Staff then requested a special meeting to get this issue before the Council as there are people in the community concerned with the color and/or scope of the amount of dyed concrete.

Mayor Pro Tempore Conner called for public comment.

Lina Blohm expressed her appreciation to the Council for holding a special meeting; it shows good intent and interest in resolving what she felt, in a spirit of cooperation, can be worked out.

Ms. Blohm displayed multiple drawings of the revised design plan for the intersections where she had emphasized the color red so it would be visually apparent to everyone. Ms. Blohm pointed out the large amount of red dyed concrete at the various intersections; with the exception of 7th and Idaho Street; which limits it to something similar to what is in place at the Western Folklife Center; and seems more palatable because the red is limited. Ms. Blohm believed if we are going to find a solution or a meeting of the minds; perhaps that could be studied further as opposed to the intersections that have such concentration of red.

Ms. Blohm went on to say she also objected to the checkerboard pattern that comes as a result of the new gray concrete, red dyed concrete and a few remaining pavers. She not only drove but also walked up and down, from 12th Street to the 5th Street intersection, and could specify where a lot of pavers have now been placed on the edge and she now

wonders what those areas are going to look like once the red dyed concrete is poured. To her it appears to be a hodge-podge of color with no forethought and design concept.

Duane Jones stated today's vote by the Council is their last hope to stop the new red/orange color concept that we are seeing in our downtown. He was confused about how we got here because we have an RDA Advisory Council that has just started working on implementation of the newly revised RDA Plan. One of the first items of implementation of that plan is discussion and decisions on design concepts for the downtown; that would include the concrete colors. Mr. Jones believed the new red/orange concrete choice circumvents the work of that committee. He found it troubling that color ideas from a third party are allowed to invade our public process and then supersede our local suggestions to the Council. Mr. Jones believed using gray concrete in the remaining curb returns leaves open options for making future decisions about accents and other colors.

Mr. Jones asked the Council to let the RDA Advisory Council do its job in a public forum and then present a consensus of design for Council approval. Mr. Jones requested the Council not allow any more colored concrete that will conflict with our future design in color choices.

Gwen Uhlig informed the Council the intent of the DBA in asking for this meeting was not to hinder the work being done. They appreciate all the work done by Mr. Draper and other City Staff in conjunction with Summit in trying to make revisions to meet somewhere in the middle. Ms. Uhlig stated that if pouring gray concrete is going to add a financial burden to the City; that is not their intent. However, if there could be gray concrete with no red concrete and with no financial burden to the City; that is an option.

Jim Winer advised an impromptu Saturday meeting was called with some downtown merchants and business owners a week ago. That meeting was attended by Councilman Rice; who gave his personal opinion. Through brainstorming, one of the things that came up was the wonderment; could the concrete just be poured gray. That led to the question of, if there is no dye in it, can the RDA and DBA go back at a future time, work with the community to come up with a palatable color concept that could then be acid dyed?

Mr. Winer indicated if the opportunity is there with no financial burden on the City to say no dye in the mix, let it go in gray and then let the organizations come in after the fact and do a colored stain with some consistent shape and size; that would be his number one choice. If the financial burden is there; then of course no one wants that.

Mr. Winer referred to a previous meeting where it was said there would be a restocking fee for the dye; why not keep it and try selling it to another organization. It was his understanding NDOT has said they would buy the dye; they have a use for it.

Mr. Winer advised his concern with the "terra cotta" color is the consistency and the shape. The original design had terra cotta from end to end with small fingers of the color coming out; similar to what you see at 5th and Idaho. The new concept presented at the recent Saturday meeting shrinks the volume of the terra cotta from the original design. He

was curious to know from original design to new design was there a reduction in color, scope of color i.e. 50%, 60%. That would be an important number to know if things are headed toward terra cotta; how much less terra cotta is there now.

Like Ms. Blohm, another concern of Mr. Winer's was the fingers of pavers that had been removed. It appears, from the designs and prior meetings, those pavers aren't going back in. Is that area going to be filled with terra cotta, which leads to that checkerboard design; as opposed to consistency?

Mr. Winer believed there might be another revision, he would like to see that and/or clarification on the current design photos displayed tonight.

Mr. Winer thanked Councilman Rice for his time at the recent meetings. He also noted Councilman Perry has put in a lot of time this week working with people; trying to move towards a resolution.

Civil Engineer Draper read a letter from a concerned citizen opposing the concrete color; see Exhibit 'A'. Mr. Draper advised he would be forwarding a copy of the letter to the Arts and Culture Advisory Board and also the RDA so they are aware this citizen wants to volunteer.

Mayor Pro Tempore Conner questioned whether the restocking fee would be the only cost increase if the decision is made to go with gray concrete.

Mr. Draper believed that would be the only fee.

Mr. Bhakta, Summit Engineering, advised with the restocking fee there might be some additional labor costs associated with Q & D to work out. While these discussions have been going on the contractor; in order to keep up with the schedule; has poured the intersection at 7th Street, one intersection at 6th Street and one at 10th Street. To go back and change that will involve time and labor for the forms to be pulled out.

Mr. Bhakta addressed various comments; the reduction in concrete from the original plans to what you see tonight offers a 30% reduction in the overall coverage of the concrete and the intersections at 6th, 8th and 11th Streets which show hatching are all landscape areas.

Assistant City Manager Andreozzi clarified two points for everyone's awareness; 1) the landscaping component was not awarded so that area wouldn't be paved back and will be preserved for a later time when the landscaping would go in and 2) he did speak with the NDOT District Engineer of District 3, Kevin Lee, and he did offer to purchase the red dye if that was a possibility. Their intent would be to use it here in Elko on the underpass slope paving.

Ms. Uhlig questioned if there was no colored concrete poured would it allow the contractor to move faster; or has all the concrete been completed?

Mr. Bhakta advised the contractor has not poured all the concrete at those intersections yet, just the ones he mentioned; one corner at 6th Street, most of 7th Street has been blocked out, they left out some areas they believed they could go back in with gray or color. Whether the concrete is gray or colored doesn't change pace; it is just a matter of pouring gray or colored concrete; it is the same pace. The only thing that would hold them up would be the availability of concrete suppliers.

Civil Engineer Draper gave an overhead presentation of the area and explained the first few slides were presented at the last City Council Meeting. They show the intersection of 5th and Idaho Street; looking at the concrete that has already been placed; and the extent of the color with that. The next slide shows the cylinder that was taken from the concrete poured at 5th and Idaho and the current contrast. The cylinder is also shown placed on top of the concrete placed at 5th and Railroad Street; showing that the terra cotta is the same color as what has already been placed in years past. A slide provided by Summit Engineering shows four cylinders. The middle cylinders have been exposed to sun for the full twenty-eight day cure time. The two outside cylinders have been in their high humidity cure room and have not been in any sunlight; you notice a difference in color. This slide really highlights the fact that we put a cure compound on the concrete. The concrete at the intersection of 5th and Idaho Street is brighter than what the concrete cylinder looks like; but it will cure out to be the same color as the cylinder as time passes and that cure wears off.

Mr. Draper continued with the presentation and showed a slide depicting the color chosen and used for the concrete. The left photo shows the color chart from Solomon Colors, the bottom right-hand chart is a photo of the bucket of dye and the top shows the dye with the lid off. Mr. Draper advised the concrete, in accordance with the manufacturer's specifications, to obtain the terra cotta color is a 4% mixture. That translates to a cup of the dye mixture to per cubic yard of concrete that is being placed.

The presentation continued with a slide of 5th and Fir Street, with the extended curb returns versus 5th and Railroad Street. Mr. Draper pointed out that color does bring more awareness to the pedestrian ramp for oncoming traffic and helps highlight the intersection.

The next slide showed the original design plan and the revised design plan following the last City Council Meeting. Staff took comments made by the public at that meeting into consideration to provide a symmetrical look for the intersections.

The following slide was of the 7th Street intersection with all of the gray poured; except for one corner. The open areas will be terra cotta. This slide also showed the original design and the revised design for a more symmetrical look. In designing that more symmetrical look the colored concrete was reduced by approximately 30%.

Mr. Draper indicated the final slide was from the newly adopted RDA Implementation Plan; talking about the central business district. One of the reasons that we did go with the colored concrete at the intersections was to start enhancing that central business district. We started with that concept five years ago with the intersection of 5th and

Railroad Street and continued two years ago with 6th and Railroad Street. Terra Cotta ADA ramps were placed at both those intersections and Staff felt it was appropriate to continue that throughout the central business district. Whenever we do any ADA ramps in that district; we would use the terra cotta color to provide continuity and uniformity.

Councilman Rice made the comment that over the past week he has had numerous conversations with people about the colored concrete. He has heard from a lot of people who like the terra cotta color; in fact more people than not. Councilman Rice acknowledged this is tough; we are all friends here in this town working together and now we are disagreeing on a color. He has respect for everyone in the room and for everything, everyone does but; he has the same respect for the other people he has been speaking with about this.

Councilman Rice advised he had been troubled about the idea that we are not following the concepts of the RDA. He believed we have been following those concepts; many things have been done on this project that are a very big part of the RDA concept i.e. bump outs on the curbs, traffic calming devices to encourage more pedestrian use in the area. We've done a lot of infrastructural upgrades that are in the RDA; without RDA funds.

Councilman Rice definitely believed we have given enough thought to this and after all the conversations he has had over the past week; he continues to be supportive of decision made at the last Council Meeting.

Councilman Perry indicated after speaking with people regarding the issue it was his opinion the main objections were; 1) the amount of color, 2) the color itself and 3) the disconnect with the RDA.

Councilman Perry believed at 5th & Idaho, which is not the agenda item, there is too much color, there needs to be symmetry and we do need to fix that once we have made a decision on the direction we go from here. We have established the color is terra cotta and the question of what it is going to look like once it has been there for some time has been answered. With regard to disconnect with the RDA Plan Councilman Perry noted the plan had been given to Summit and components of the plan were included i.e. extended curb returns, the use of colored concrete and landscaping in some of the extended curb returns.

Councilman Perry questioned if there is a change from colored to non-colored is the City going to incur a cost.

In response Mr. Bhakta referred to the 6th Street Intersection as an example and advised if we keep it the way it is there is a minimal amount that Q&D will do; as far a labor. Summit tried to keep the costs down and provide straight lines to where they can form and block areas off. If we try to get creative and create curves and arcs; that is a lot more labor intensive on the concrete crew to set up and that is when the change orders can start to add up.

Councilman Perry requested verification we are at the point where we have to pour the remaining concrete and the only options are colored or no color. There isn't anything that doesn't incur costs if we try to redesign something.

Mr. Bhakta verified that was correct. Q & D intends to have two concrete crews starting on Tuesday morning; they will finish pouring concrete by the end of the week.

Councilman Perry noted he questioned where the terra cotta color came from originally and what was the plan? That question was answered by Mr. Draper fairly well with the decision being made several years ago when it was used at the intersection of 5th and Railroad; that was the beginning and that was the envisioning of continuing that color through the downtown business district.

Councilman Perry supported moving forward with the colored concrete where it is designed or we will have lack of continuity.

Councilman Perry stated we do need to go back and fix 5th & Idaho Street because it isn't right.

Councilman Rice questioned pouring gray concrete rather than the colored concrete to replace the pavers.

Mr. Bhakta advised that would not be an increase.

Councilman Rice believed the contrast between gray concrete and the existing pavers would not be as striking and would be his recommendation.

Mr. Bhakta advised the 5th Street intersection is the only place the contractor has poured the colored concrete so we still have time to give Q & D direction on that.

To further clarify the issue regarding the RDA Mr. Andreozzi advised an RDA Plan was adopted in 2008 and we have been working on an Implementation Plan which is what we went through with CRSA; that was adopted just a couple of months ago. In the original RDA Plan you actually see a three-lane street configuration on Idaho Street; that was incorporated in this design. The city water fund spent close to \$1.0 million to beef up the water infrastructure in the downtown area to include; looping, additional service taps and fire suppression means. All those things further helping to facilitate the redevelopment.

Mayor Pro Tempore Conner called for further public comment.

Jim Winer referred to one of the displayed design plans which showed areas that had been boxed out and then questioned whether everything colored slopes downhill.

Mr. Bhakta clarified the sloped areas.

Mr. Winer questioned because one area of plane was horizontal while two others were sloping do they not have to box those out anyway, no matter what color?

Mr. Bhakta advised they do not; the can form and screed those to the desired grade they want and push it downhill.

Tom Gallagher clarified they don't care what color it is.

Mr. Gallagher commented if you looked further out you are going to wonder if a 4 x 4 foot square of red concrete there adds any kind of break up to downtown becoming solid concrete; you need to think about that. Another thing to think about is; if you do it all in gray are you going to have the control you need when someone comes in and decides to acid-dye their sidewalk pink and someone else decides to acid-dye it green.

Mr. Gallagher advised they were directed to do symmetrical layouts for the new design plan. He believed the new designs are something you will notice at an intersection; where just gray concrete with a 4 x 4 square of red will do little or nothing to break up what you are looking at.

Duane Jones wanted to make it clear this information was not shared with the RDA Advisory Council or the DBA. After multiple requests, including a visit to Summit Engineering; the plans were never available for them to view. The pouring of the red concrete at the 5th Street intersection was a total surprise. Mr. Jones stated to pretend this is part of an RDA Plan is not factual; this is something City Staff has been working on with perhaps Summit Engineering; it is nothing that has been shared with the community and it has not been a public process.

Mr. Jones stated the RDA Advisory Council would like the opportunity to affect some of these decisions about color in the downtown. Mr. Jones did not believe a couple of curb returns with a small patch of red in them should dictate this kind of treatment to the Idaho Street corridor. It takes away our opportunity, in the future, to actually do some accenting there that is not so overwhelming. Mr. Jones stated this is the wrong color and they should be given the opportunity to decide on where they are going with the RDA and what design concepts they really want to implement downtown.

Ted Blohm questioned whether, as the property owner, the Council minded if they used someone locally to put some type of texture over the concrete to take the pink out.

Mr. Draper reminded those present this is public right-of-way; the City of Elko is the property owner. We do have the advisory councils that help us make decisions on this. We've also heard from Councilman Perry that the intersection of 5th and Idaho Street should be more symmetrical and is something Staff will definitely look at.

Mr. Blohm requested verification they could not put anything over the colored concrete in front of their store.

Mayor Pro Tempore Conner verified that was correct. The City will address the concern in that area at a later time as previously stated.

Councilman Perry further clarified the agenda item relates to 6th to 12 Street. The 5th Street intersection will need to be put on a future agenda and the Council can address it at that time.

**** A motion was made by Councilman Rice, seconded by Councilman Perry directing Summit Engineering and City Staff review the symmetry of the colored concrete, which they have done, and provide symmetry to each of the four corners at the intersections from 6th to 12th Street with the colored concrete and to pour non-dyed concrete to replace the pavers where necessary along that stretch of Idaho Street.**

Motion passed unanimously.

II. PUBLIC COMMENT

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.

John Carpenter addressed the Council with various concerns including;

- 1) Why traffic is being stopped so far back from the intersections
- 2) Why the City was paying for the work done on the State roadway at the intersection of 5th and Idaho Street
- 3) Drainage
- 4) If ADA ramp design remains in place then railings need to be installed for safety

ADJOURNMENT

There being no further business, Mayor Pro Tempore Conner adjourned the meeting.

Mayor Pro Tempore Jim Conner

Shanell Owen, City Clerk