

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

SS September 22, 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 22, 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: Curtis Calder, City Manager  
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  
Ryan Limberg, Utilities Director  
Eric Howes, Parks & Recreation Director  
Dennis Strickland, Public Works Director  
Ted Schnoor, Building Official  
Ed Wynes, City Planner  
Lorraine Martinez, Accounting Manager  
Jeremy Draper, Civil Engineer

**PLEDGE OF ALLEGIANCE**

**APPROVAL OF MINUTES September 8, 2009**

**\*\* A motion was made by Councilman Jim Conner, seconded by Councilman Jay Elquist to approve the minutes of September 8, 2009 as submitted.**

**Motion passed unanimously.**

**READING OF A PROCLAMATION RECOGNIZING OCTOBER 4-10, 2009 AS FIRE PREVENTION WEEK.**

**READING OF A PROCLAMATION RECOGNIZING OCTOBER, 2009 AS DOMESTIC VIOLENCE AWARENESS MONTH.**

## **I. PERSONNEL**

### **A. New Employee Introduction(s):**

Ms. Chantell Wiley, Part-Time Police Records Technician

## **II. APPROPRIATIONS**

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

**\*\* A motion was made by Councilman Jay Elquist, seconded by Councilman John Rice to approve the warrants as submitted.**

**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

1. Review and possible approval of a closure of the alleyway located on 5<sup>th</sup> Street between Idaho Street and Railroad Street for the Uncorked Wine Walk sponsored by the DBA on October 9<sup>th</sup> 2009 from 3:00 p.m. to 9:00 p.m., and matters related thereto. **ACTION ITEM**

This is the same closure which was approved at the last City Council meeting for the Wine Walk in conjunction with the NDOT closures of Idaho St. from 4<sup>th</sup> to 5<sup>th</sup> Street and 5<sup>th</sup> Street from Idaho St. to Railroad Street. SO

Lori Lynch, representing the DBA, explained the request. Ms. Lynch indicated the street closure will be from 3:00 p.m. to 9:00 p.m. on Friday; all business owners in the immediate area were contacted and expressed no concerns.

Councilman Elquist requested verification there had been no changes since the last time this closure had been approved.

Ms. Lynch verified that was correct and advised NDOT had been extremely pleased with the last closure.

**\*\* A motion was made by Councilman Rice, seconded by Councilman Conner to approve closure of the alleyway located on 5<sup>th</sup> Street between Idaho Street and Railroad**

**Street for the Uncorked Wine Walk sponsored by the DBA on October 9<sup>th</sup> 2009 from 3:00 p.m. to 9:00 p.m.**

**Motion passed unanimously.**

Under further discussion Ms. Lynch advised NDOT requested that in the future all four events be included in one contract and will be presented to the Council in the same format.

\*\*\* Not on agenda

2. Walk for Cause

Ms. Lynch indicated this is a first-time request and will benefit the Susan G. Koman Foundation for breast cancer. This event includes a one-mile walk, a 5k walk/run; the one-mile walk route is from the Main City Park to 5<sup>th</sup> Street and back to the park; from there the 5k walk/run will go off onto a different course that will not involve any street closures. The event is scheduled for October 17<sup>th</sup> and will begin at 10:30; at this time staff estimates the closure at one hour but that could change depending on the number of participants.

Mayor Franzoia questioned if the intent was to close both sides of Idaho Street.

Ms. Lynch advised the application is to close everything; with the number of anticipated participants it would be safer but as we get closer to the event and determine all four lanes are not needed she can work with Chief Zumwalt.

**\*\* A motion was made by Councilman John Rice, seconded by Councilman Jim Conner to approve the request for Walk for a Cause to be held on October 17, 2009.**

**Motion passed unanimously.**

\*\*\* Not on agenda

3. Balloon Launch

Pat Tsunemori, Elko Institute for Academic Achievement requested approval to use the parking lot across the street from their facility. The request was for a semi-launch in conjunction with other elementary schools as part of the Ruby Mountain Balloon Festival. Tsunemori indicated the parking lot would need to be closed on Thursday, September 24<sup>th</sup> from 7:00 a.m. to noon.

Mayor Franzoia questioned whether it had been determined as a safe area obstruction wise.

Mr. Tsunemori verified it had been.

**\*\* A motion was made by Councilman John Rice, seconded by Councilman Jay Elquist to approve the application for "Hot Air Balloon" sponsored by the Ruby Mountain Hot Air and the Elko Institute for Academic Achievement to close a corridor parking lot between 9<sup>th</sup> and 11<sup>th</sup> Streets from 7:00 a.m. to noon on September 24, 2009.**

**Motion passed unanimously.**

- C. Consideration of a possible increase in automobile parking fees at the Elko Regional Airport, effective January 1, 2010, and matters related thereto.  
**ACTION ITEM**

Since July 1, 2006, the parking fee at Elko Regional Airport has been \$6 per day. Current economy parking rates at various commercial airports range from \$7.00 - \$10.00 per day. City Staff is proposing a \$1 increase to \$7 per day. Based upon current statistics, (from January 2009 to present) a \$1 per day increase in fees would produce an additional \$10,000 in annual operating revenue. TM

Mayor Franzoia questioned whether this had been discussed during the budget process.

Airport Director Moyers advised it had not.

City Manager Calder indicated this was a revenue matter; given the issues we face out at the airport and this being an enterprise fund we have to watch the revenues. Our expenses are fairly high due to the on-going concrete problems out there; we have additional grants coming in with match funds required. Mr. Calder advised this is another strategy to raise revenue.

Councilman Elquist questioned how many airports were surveyed.

Mr. Calder advised he checked the fees at several airports including; Salt Lake City, Reno, Boise and Las Vega.

**\*\* A motion was made by Councilman John Rice, seconded by Councilman Elquist directing Staff to draft a resolution to raise parking fees at the Elko Regional Airport, from \$6.00 to \$7.00 per day, effective January 1, 2010.**

**Motion passed unanimously.**

- D. Review and possible approval of a Lease Amendment Agreement between the City of Elko and Aspen Plaza Partners, LLC, and matters related thereto.  
**ACTION ITEM**

Aspen Plaza Partners, LLC has requested that a new Article be added to the current lease agreement entitled "Encumbrance of Leasehold Interest." A copy of the proposed amendment has been enclosed in the agenda packet for review. CC

City Attorney Goicoechea indicated that this is needed in the case the lessee looks for alternate financing.

**\*\* A motion was made by Councilman Elquist, seconded by Councilman Rice to approve a Lease Amendment Agreement between the City of Elko and Aspen Plaza Partners, LLC.**

**Motion passed unanimously.**

- E. Presentation and request by the Arts and Culture Advisory Board regarding the possible implementation of a funding mechanism for public art projects, and matters related thereto. **ACTION ITEM**

Catherine Wines, Arts and Culture Advisory Board Chairman, explained the request before the City Council. They are requesting the Council adopt a resolution/ordinance designating 1% for public art; the 1% would come from public works projects over \$100,000 and would not be funded from enterprise funds. Ms. Wines explained what public art is; i.e. the Basque mural. Currently they do not have specific projects in mind. Ms. Wines indicated they do not have a cultural master plan for Elko at this time; when that is completed it will help them to know the direction the 1% will go. Any public art project would have to be approved first by the Arts and Culture Advisory Board and then City Council before it was funded. The Arts and Culture Advisory Board believe art is a core function of the City; critical to quality of life and crucial to sustaining that quality of life. Ms. Wines commented the City of Los Angeles wanted to start a graffiti movement and a study revealed that people do not do graffiti on existing public art. Ms. Wines noted public art can be functional and everyone benefits from public art. Public support encourages private investment of which there are numerous examples here in Elko i.e. the Basque mural, murals on Stockman's etc.; let's not stagnate, let's keep it going. Cities that fund for public art include, Salt Lake City, Reno (2% program), Carson City, Las Vegas, Boulder City, Boise and Grand Junction. Ms. Wines noted cost is a huge question and is why they are requesting the Council adopt a resolution or ordinance. Based on information provided by City Staff, in the past five years there have been \$7 million in public works projects over \$100,000. 1% of that amount would have resulted in \$70,000 towards bettering our city and bettering the arts and culture environment; which benefits everybody.

Councilman Rice expressed support of the concept and felt that now is the time to do this. This would use funding sources that are already in place. Throughout the community there are people involved in arts and culture; the community already supports this type of concept. Public support and community support will also help with private investment in the future; \$70,000 can go a long way and this would provide a lot of the seed money for the important work as we go forward. Councilman Rice believed the City of Elko has for a long time indicated it's support of this type of endeavor; for the City Council to support it as well is a terrific indicator of the support for a sustainable community with a strong commitment to the quality of life.

Mayor Franzoia noted there was considerable public art within the City; whether the community was aware of it or not.

Councilman Elquist questioned if the 1% was for art; do they expect a public project to have a component of art included when it goes out to bid or were they looking for the 1% to go into an account for a future project. Councilman Elquist believed there were many ways this could work, had the Advisory Board surveyed other cities for input.

Ms. Wines responded in regards to the 1%; they have not come to a conclusion on that and it may be both; it is a good question they have not answered yet.

Councilman Rice believed the answers will be considered as the resolution is drafted. At this time they are looking for direction to go forward with some mechanism for public funding.

Councilman Elquist suggested fund raising as well.

Ms. Wines responded there are various ways of finding out how these things are funded.

Mayor Franzoia noted the Elko temperatures limit the type of public art and logical type of construction that will work for this climate.

Councilman Conner questioned if art could include decorative signage or decorative lighting?

Councilman Rice responded if decorative lighting is already included in the project then the funds would not be used for that intent. However the funds could be used for something such as lighting to augment landscaping.

Ms. Wines stated they have a good relationship with the Parks and Recreation Department and the Redevelopment Agency; they can all work together on the beautification.

City Manager Calder indicated if approved, the intention would be to create an ordinance with a public hearing. Mr. Calder noted an example of something that could fall into this would be repainting of the water tanks above the freeway which would require a new sign to replace what was covered.

Councilman Elquist believed it was best if the funds were set aside and take it be on a case-by-case basis; look for private involvements so we don't cause delays to projects. If other cities have implemented this get some examples of what has worked for them and do some benchmarking so we don't make the same mistakes.

Ms. Wines agreed the best way would probably be to put the funds in an account for public art and not have it specifically related to any public works project.

City Manager Calder advised if approved, Staff would be looking for direction to begin the draft ordinance utilizing the Advisory Board as a resource; with the Advisory Board and Staff working in conjunction. In addition, Staff would work off existing ordinances already in place. The intent all along; has been that there would be a fund-type system rather than tied to a specific project; the size of our public works projects are fairly small.

Councilman Johnson felt this was too broad at this point to make a decision. The City and Elko County should be given credit for the public art we do have and it is likely more than 1% has gone into the art. Mr. Johnson believed architecture and landscaping are art also and referred to City Hall and Ernie Hall Field as examples. Mr. Johnson was leery to blanket all projects with the 1% to go to it; there are other ways art can come into a project; they should look at the whole process.

**\*\* A motion was made by Councilman Rice, seconded by Councilman Elquist directing City Staff to work with the Arts and Culture Advisory Board to draft an ordinance for consideration by the City Council implementing 1% for art to be included in all public work projects over \$100,000 and not related to any enterprise funds.**

**Motion passed 4-1**

**Councilman Chris Johnson voted against.**

Under further discussion Councilman Elquist thanked the Advisory Board for their involvement in the process.

#### **IV. RESOLUTIONS AND ORDINANCES**

- A. Review, consideration, and possible approval of Resolution #22-09, donating excess fencing materials to the Elko Snobowl Foundation, and matters related thereto. **ACTION ITEM**

On September 8, 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 Elquist, seconded by Councilman Conner to approve Resolution #22-09, donating excess fencing materials to the Elko Snobowl Foundation.**

**Motion passed unanimously.**

- B. Review, consideration, and possible approval of Resolution No. 23-09, a resolution pertaining to the issuance of refunding bonds by the City of Elko, Nevada; authorizing the Administrative Services Director to arrange for the sale of the bonds; and matters relating thereto. **ACTION ITEM**

During the March 27, 2007 City Council meeting, Staff received authorization to proceed with the refunding of the 1999 Airport Revenue Bonds. Shortly thereafter, the bond market softened and Staff could not proceed with the refunding. Since that time, the bond market has rebounded and the market is very competitive. If adopted, this resolution starts the refunding process. DS

Administrative Services Director Stout advised Staff would like to reduce the term and keep the payment comparable to what it is currently; therefore any excess monies would continue to go to the ECVA for their facility fund and we would still, hopefully, be able to reduce the term of the loan thus saving money in the long term on the interest. Financial counsel is working up the numbers but was unable to provide them by meeting time.

Mayor Franzoia questioned the estimated cost to do this.

Ms. Stout advised approximately \$55,000 total; there is a 2% statute; depending on the type of bonds you are refunding there is a 2% limitation of the total bonds they can charge in fees. We have two type of bonds; taxable and non-taxable, and different laws apply to each. The uses have changed from when we first took the bonds out; that meaning the private versus the public use of the facilities have changed; we have to account for that in this refunding; some of the non-taxable may now become taxable.

Mayor Franzoia questioned if that was an upfront rate or is it backed in on the refunding.

Ms. Stout indicated it would be backed into the refunding. Ms. Stout noted there were typos on the resolution included in the packet and have been corrected on the final copy.

Councilman Elquist questioned whether the resolution was specific to this bond.

Ms. Stout verified it was.

City Manager Calder indicated this would lower the repayment of the bonds from 20 years to 15 years.

**\*\* A motion was made by Councilman Elquist, seconded by Councilman Rice to approve Resolution No. 23-09, a resolution pertaining to the issuance of refunding bonds by the City of Elko, Nevada; authorizing the Administrative Services Director to arrange for the sale of the bonds.**

**Motion passed unanimously.**

## **V. PETITIONS, APPEALS, AND COMMUNICATIONS**

- A. Review, consideration, and possible action regarding a request by Ms. Norma L. Viergutz, 389 Juniper Street, Elko, Nevada, for the possible reimbursement of \$53.00, as it pertains to a disputed lab charge from the Water Reclamation Facility (WRF), and matters related thereto. **ACTION ITEM**

A letter from Ms. Norma L. Viergutz has been included in the agenda packet for review. CC

Ms. Viergutz indicated she owns Jack Creek Lodge. They have the City perform their required testing; the quarterly test normally costs \$27.00. On Thursday July 2<sup>nd</sup> at approximately 1:00 they gave the water sample to the lab; when they received the bill it included an \$80.00 charge for nights and weekends. Upon contacting the City regarding the charge she was given a copy of the ordinance from 2007 that increased the rates. Ms. Viergutz stated nowhere was it posted that a Thursday afternoon would fall under the night/weekend charge and she was not informed of that when she dropped the sample off. Ms. Viergutz noted Reno charges \$12.00 for the same test the City charges \$27.00 for. She is requesting to pay the fair amount of \$27.00 and not \$53.00. Ms. Viergutz noted her recent statement now indicates you should call before bringing in a lab test; if she had known that before then she would have waited to bring their samples another day as there was sufficient time to do so.

Mayor Franzoia questioned the policy on handling water samples.

Utilities Director Limberg explained the sample is incubated for 24 hours before reading. If the sample in question was received on Thursday and held until Monday and then analyzed it would be outside the hold-time limitation. On a Thursday we typically take samples from 8:00 a.m. to 4:00 p.m., which allows Staff to read them on Friday. On this occasion Friday was a holiday for Staff which required a call out. Mr. Limberg believed when the sample came in Phil Snyder, Lab Manager mentioned to Mr. John Viergutz he was not accepting samples that day because the July

4<sup>th</sup> holiday was observed by the City on July 3<sup>rd</sup>; Mr. Viergutz was somewhat disturbed by that; Mr. Snyder suggested they phone ahead in the future but agreed to come in on the holiday to set the sample.

Ms. Viergutz advised their understanding of the conversation was Mr. Snyder said the City was off tomorrow; they did not know the sample had to sit for 24 hours. Her husband did not know they were going to be charged this amount; the gentlemen said that he would take care of it.

Mr. Limberg stated when someone brings in a sample Staff hands out instructions for them that identifies the procedures; on that form it explains the lab hours and requests that people call prior to bringing in samples. Our bills list \$80 for a separate test on weekend and after hours. Mr. Snyder feels he charged the appropriate fees per the resolution.

Mayor Franzoia felt that \$53.00 was a small issue; the Viergutz' hadn't waited until the last minute to bring the sample in.

Ms. Viergutz stated they have never received the handout when she has dropped off samples.

Mayor Franzoia indicated we should have more information posted at the lab and not verbal; it makes this type of situation more defensible.

Councilman Elquist indicated the lab is usually open at that time and this is an ongoing customer; this is a minimal amount and he is willing to approve the request.

Mr. Limberg advised Staff does a good job of posting the lab closures and displaying that on the door in advance.

**\*\* A motion was made by Councilman Conner, seconded by Councilman Elquist to adjust the bill for Jack Creek Lodge for the reimbursement of \$53.00, as it pertains to a disputed lab charge from the Water Reclamation Facility (WRF).**

**Motion passed unanimously.**

- C. Ratification of the Chief of Police issuing a 30-day temporary retail beer & wine liquor license and possible issuance of a regular retail beer & wine liquor license to Kenneth and Eva Wellington dba The Two Olde Crows located at 656 Court Street, Elko, NV 89801, and matters related thereto. **ACTION ITEM**

**\*\* A motion was made by Councilman Conner, seconded by Councilman Elquist to ratify a 30-day temporary retail beer & wine liquor license and approve issuance of a regular retail beer & wine liquor license to Kenneth and Eva Wellington dba The Two Olde Crows located at 656 Court Street, Elko, NV 89801 .**

**Motion passed unanimously.**

- D. Review, consideration, and possible action to implement a formalized review and approval process for non-City jurisdictional road closures that affect local businesses and streets, and matters related thereto. **ACTION ITEM**

A letter from Mr. and Mrs. Ken Wellington has been included in the agenda packet for review. CC

Ken Wellington commented he would like the City to amend either the Code or create a policy to implement a formalized review and approval process for non-City of Elko jurisdictional road closures for the same level of scrutiny as non-jurisdictional. Mr. Wellington had concerns with traffic control, dispatch, emergency services and businesses that may be affected that are not part of the event; the exception being construction work.

Mayor Franzoia indicated; because the city has no jurisdiction the state does not have to honor anything we set.

Mr. Wellington requested City Staff to work on something informal and ask the state to discuss any closure before granting approval. Mr. Wellington noted currently the state will ask for a recommendation from the City.

Assistant City Manager Andreozzi advised if the state needs to detour traffic off their routes onto City routes they need City approval for the traffic re-routing. The City had no jurisdiction over the most recent closure, NDOT required authorization from the City to accept detour traffic; City Staff wrote them a letter granting them the authority to detour traffic but included a list of conditions we asked them to meet.

Councilman Rice felt we have a good system in place. He feels there is a dispute with Mr. Wellington and the DBA.

Mr. Wellington acknowledged Mr. Rice's statement but indicated during the process of the previous street closure he found what he believed to be a hole in the policy; this is an attempt to address that.

Mayor Franzoia advised the City does not dictate what the state is going to do.

Mr. Wellington replied he was asking for a policy that would allow the city to have input into that; they come to the city and ask anyway so part of it is already in place.

Mayor Franzoia indicated because the state doesn't have final say it was a mute point; the state has to accept the fact that they will consider the city's position prior to any consideration of a road closure; but their jurisdiction includes Lamoille Highway and Mountain City Highway as well.

Councilman Elquist questioned when NDOT closes a road is the city notified; from a public safety standpoint.

Fire Chief Kightlinger advised if it is a state closure they receive no notification. If however it is a special event, the sponsor is required to obtain department sign off prior to receiving their event permit; in that situation we know if there will be a street closure.

Assistant City Manager Andreozzi indicated in the letter to NDOT the City asks for an approved traffic control plan that is appropriately placed, monitored and maintained, affected business owners be notified, emergency services be notified, media notification, signal modification etc.

Councilman Elquist felt that was enough, it sounds like NDOT is cognizant of our concerns. This system isn't broke; the communication is already happening.

Mr. Wellington expressed concern that NDOT could close a portion of Idaho Street and the City would have no say in the matter.

Assistant City Manager Andreozzi again advised if NDOT is going to reroute traffic onto city streets they have to have that authorization. With the formalized process we have in place there is a series of checks and balances; it is possible there are some things that could slip through the cracks. We do provide a written statement of authorization to NDOT.

Mayor Franzoia was opposed to a new ordinance or rule that applies to Idaho Street or state routes; every event that works through the channels currently in place with Staff now becomes an issue the City Council has to consider on each and every use; which creates a cumbersome process.

Lori Lynch, DBA member commented NDOT closures require signatures from the police department for road closure on a state right-of-way.

Police Chief Zumwalt commented he has signed 2 applications recently that required Idaho Street to be closed and he has serious concerns when signing them and would prefer not to. It is NDOT's decision. He considers Idaho Street his road but the decision to close it is not therefore; the department will manage the closures.

City Manager Calder commented our forms indicate that they need to be brought to the Council 30 days before the event; a lot of times we don't get all the information until the last minute.

**\*\* A motion was made by Councilman Rice, seconded by Councilman Elquist to take no action.**

**Motion passed unanimously.**

- B. Review, consideration, and possible action regarding a request by Mr. Bharat Bhai Lal, 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 Lal has been included in the agenda packet for review. CC

A representative of Mr. Bharat Bhai Lal was present to answer questions.

Mayor Franzoia supported the request; the city has the verbiage and legal documents in place to protect the citizens. Do we have an idea of what the cost will be we are deferring.

City Manager Calder advised based on the current plans; the cost is estimated at approximately \$257,000. With the request letter they asked if there was any incentive or subsidy for water/sewer connection fees; City Code and resolution addresses how motels are handled. Mr. Calder clarified the Certificate of Occupancy will not be issued until the fees are paid for and that will be spelled out in a Utility Connection Fee Deferral and Loan Agreement similar to what we have done with matters such as this in the past; the agreement will come back before the Council for approval.

Mayor Franzoia questioned if the lender was aware this was a liability.

City Manager Calder indicated Staff would advise the lender.

Councilman Johnson felt that the City should remain consistent with the requirements of the Code. It puts the City in a compromising position to grant deferrals.

Councilman Elquist was supportive of a policy to consider these types of requests; we want to be business friendly and there is no impact to water and sewer until it is occupied.

**\*\* A motion was made by Councilman Elquist, seconded by Councilman Conner to direct staff to come back with water and sewer connection fee deferral for the proposed Candlewood Suites project.**

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

## **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 were no public comments at this time.

## **V. PETITIONS, APPEALS, AND COMMUNICATIONS**

- E. Review, consideration, and possible approval of a request from Konakis Engineering, LLC, on behalf of Ormaza Construction Company, to waive the requirements listed in City Municipal Code Section 9-5-33 (A) for the extension of a sewer line across the full frontage of the developer's property. Further, Konakis Engineering, on behalf of Ormaza Construction Company, is also requesting to negotiate an oversize agreement allowing for reimbursement of not only pipe material as stated in City Municipal Code Section 9-1-35 (C), but also valves, fittings and additional installation costs as well, and matters related thereto. **ACTION ITEM**

City staff is strictly interpreting City Municipal Code Section 9-5-33 (A) regarding the sewer line extension requirements and also Section 9-1-35 (C) regarding the waterline oversize requirements. RL

Ferron Konakis, Konakis Engineering, LLC presented a summary of the costs associated with the request; see Exhibit 'A'. Mr. Konakis indicated they were requesting that valves and fittings etc. are included with the materials.

Utilities Director Limberg supported the request.

Mr. Konakis indicated they were present to get an oversize agreement approved with the pipe included and hopefully the installation also.

Councilman Elquist felt we should follow the code which covers the cost of pipe and material costs; the installation would be on the property owner.

**\*\* A motion was made by Councilman Elquist, seconded by Councilman Rice to uphold the code requirement on oversize pipe; the City will pay for the difference in oversize on the material and pipe which includes fittings, valves, tees, based on the requirement of the oversize and that the invoices be brought to the City for verification of price difference between pipe sizes.**

**Motion passed unanimously.**

Council now addressed the second request; to waive the requirements listed in City Municipal Code Section 9-5-33 (A) for the extension of a sewer line across the full frontage of the developer's property.

Mr. Konakis described the project. The sewer line along Errecart will not serve this property or the other parcel; it will actually serve City property to the south. The road will be built to the center line with forty feet of pavement; the sewer line will be on the south side of the road. They wanted to approach the City with a fair proposal which is; they will build everything on the north half of the road, put the 18" water line in and design the sewer. But after designing the sewer they believe it would be better to install it later when you knew what was going to happen with the other parcel. We aren't paving that area so would the City be willing to allow them to defer the sewer line; can we be relieved of that requirement of this project because there will be an opportunity to put it in at a later time when the other half of the road is built.

Mayor Franzoia questioned who would install it later.

Mr. Konakis indicated it could be whoever develops the south end of the project or when the next parcel develops. Ormaza will be installing the water line; when the north half of the road is built all the improvements go in; when the south half is built then the sewer line goes in; the fair trade-off is the water and the sewer.

Mayor Franzoia questioned the final road width and how much Ormaza would be putting in.

Mr. Konakis advised the road would eventually be eighty feet; Ormaza will put in forty feet including curb and gutter.

Mayor Franzoia questioned if the property on the south side was high enough to feed into the sewer line on Errecart.

Mr. Konakis verified it was for the part.

Councilman Elquist believed the goal is that developer pay for development. As this builds out will the developer pay for it or will the rate payer have to because the burden down the road gets too big for the 10" line; that needs to be answered.

Mr. Konakis stated they are building the north half of the street and extending the water; they don't need the south half of the street and the sewer; why can't the development to the south do that.

Councilman Rice did not want the rate payers to have to pay for extensions.

Mayor Franzoia commented this was a unique situation because of the topography.

Councilman Elquist was of the opinion if there was a good plan for the sewer north of Errecart that makes sense for a public improvement and serve that area and that is where all the burden is then the expense of the southern extension would be on the southern developers. We don't have all that information right now; maybe we can come back with a plan; we have to design and fill out the municipal sewer and water system responsibly.

Discussion continued on this matter as the Council considered all aspects of future development in this area.

Utilities Director Limberg noted most of the concerns didn't need to be answered at this time; the question tonight is if the applicant can avoid installing the sewer main on Errecart because it won't serve them.

**\*\* A motion was made by Councilman Elquist, seconded by Councilman Rice to waive the requirements of City Code for extension of sewer line across full frontage if the developers property; conditioned upon that they develop the sewer line through the northern side of the property to City standards so it can provide for future tie-in with development north of Errecart Boulevard, and that a utility easement will be granted along that path for future tie in.**

After the motion and before a vote was taken Councilman Johnson stated his belief the developer has found a provision not to use the sewer line on Errecart; that is the reason the City would not be able to require the extension. The motion should indicate instead of giving into a waiver there are other means for a sewer line to service that property; credit should be given that if the main doesn't benefit your property that this provision doesn't apply.

Councilman Johnson referred to the sewer main on Errecart; is there a plan to assure the pavement will not have to be torn up in the future to extend that line.

Mr. Konakis verified the sewer line can be installed outside the pavement.

**\*\* Councilman Elquist amended the motion to include we will meet the requirements of the code by relocating the development of the sewer line from the frontage to the rear of the property for future development, Councilman Rice's second stood.**

**Motion passed unanimously.**

## **II. APPROPRIATIONS**

- B.** Review, consideration, and possible acceptance of federal stimulus grant money to be used for Mobile Data Technology Software, hardware and other related equipment, and possible approval to purchase software licensing and computer hardware to provide for Mobile Data Technology, and other matters related thereto. **ACTION ITEM**

Police Chief Zumwalt indicated this was a smaller version of a larger grant the department applied for; they received \$100,000 from federal stimulus money. This money will set the infrastructure for them to develop mobile data. Approximately \$85,000 will be for the New World Software and Licensing; the remaining will be for the server. There will be other costs incurred but will come from the current operating budget.

Councilman Rice questioned with this portion would the department, in the future, be able to apply for other items that will build upon this.

Chief Zumwalt verified that was correct; if there is more grant money out there they can build on the software.

City Manager Calder indicated there is probably no guarantee of future grants. It always sounds great when you get the up-front money to create a new program but learning from the research project at the airport that was fully funded by the FAA and TSA we learned quickly that within a year or two systems started to go down and we didn't have the money to replace those systems or keep them operation; currently there is only a portion of those systems we have been able to maintain and keep up. Mr. Calder commented it would probably work well initially; there will probably be a sizeable maintenance fee on the software; the police department's budget will have to absorb those costs over time. In addition, if they go with mobile data and have to purchase laptops they will have definitive life and will have to be replaced. Mr. Calder expressed concern there was no guarantee the federal government was going to continue to fund it over time. It ends up being an operational expense in years to come.

Chief Zumwalt agreed it has to be sustained or it is not worth starting.

Councilman Rice supported this and believed it would raise the quality of service provided to the community.

Councilman Elquist questioned how complex the system was; is this something our IT can handle.

Chief Zumwalt advised Ben Mangeng, Sr. Computer Technician helped spearhead the grant.

Administrative Services Director Stout indicated she and Mr. Mangeng have had numerous discussion on the project; he is familiar with the technology it takes for this project. Initially we are only looking at five units to do a pilot program; see how it works before going to full implementation of every automobile we have out there with this technology. The largest portion of the grant will go to purchase the software; there are ongoing maintenance agreements which we have currently on our public safety modules; we will have to for those. Staff has looked at purchasing refurbished computers with a three-year guarantee for the vehicles rather than buying the Tuff Books which cost \$5,000 @; the refurbished cost approximately \$1,500 with everything needed including the software. This will allow silent dispatching and also allow the officers to request licensing information directly from the computer; they don't have to go through dispatch which will free up dispatch to handle other calls.

**\*\* A motion was made by Councilman Elquist, seconded by Councilman Rice to accept the federal stimulus grant award and direct Staff to purchase software licensing and computer hardware and other related equipment to provide for Mobile Data Technology.**

**Motion passed unanimously**

## **II. APPROPRIATIONS**

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

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

**Motion passed unanimously.**

## **VII. REPORTS**

- A. Mayor and City Council
  - 1. Councilman Rice – Citizen's compliment to Building Department
- B. Airport Director
  - 1. Sky Fair
  - 2. AIP-37 Special Meeting 9/23/09
- C. Fire Chief – Ambulance agreement update
- D. Administrative Services Director – 1994 Sewer Bond paid off
- E. Parks and Recreation Director
  - 1. Southside Park moving smoothly. Finished in October. Need good temperatures then put fence back & then wait for it to cure.
  - 2. 42,000 sq ft of sod being put down at Elko Peace park

**ADJOURNMENT**

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

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Mayor Michael J. Franzoia

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Shanell Owen, City Clerk