

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

SS September 27, 2011

The City Council of the City of Elko, State of Nevada met for a regular meeting beginning at 4:00 p.m., Tuesday, September 27, 2011.

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

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

Mayor Present: Chris J. Johnson

Council Present: Councilman Jim Conner  
Councilman 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  
Dawn Stout, Administrative Services Director  
Ryan Limberg, Utilities Director  
Dennis Strickland, Public Works Director  
James Wiley, Parks Superintendent  
Fritz Sawyer, WRF Superintendent  
Antonio Mendive, Water/Sewer Superintendent  
Scott Wilkinson, Development Manager  
Ted Schnoor, Building Official  
Josh Carson, Deputy Fire Marshal  
Jeremy Draper, Civil Engineer  
Linda Buffington, Recording Secretary

## **PLEDGE OF ALLEGIANCE**

## **COMMENTS BY THE GENERAL PUBLIC**

Pursuant to N.R.S. 241, this time is devoted to comments by the public, if any, and discussion of those comments. No action may be taken upon a matter raised under this item on the agenda until the matter itself has been specifically included on a successive agenda and identified as an item for possible action. **ACTION WILL NOT BE TAKEN**

There was no public comment at this time.

**APPROVAL OF MINUTES**

**September 2, 2011  
August 23, 2011**

**Special Session  
Regular Session**

**\*\* The minutes were accepted as presented.**

**READING OF A PROCLAMATION RECOGNIZING OCTOBER 9 THRU OCTOBER 15, 2011 AS FIRE PREVENTION WEEK**

**III. UNFINISHED BUSINESS**

- C. Review and possible acceptance of a legal opinion regarding the use of public funds for the maintenance and watering of a privately owned cemetery, and matters related thereto. **FOR POSSIBLE ACTION**

During the January 11, 2011 City Council meeting, the Council denied Resolution # 3-11 which would have increased the cemetery maintenance fees for the Masons and Odd Fellows Cemetery, located on privately owned property. The Council directed Staff to continue working with the Masons and Odd Fellows and look for solutions to reduce the cost of maintenance rather than increasing fees.

Due to the absence of a written agreement between the City and the Masons and/or Odd Fellows, several legal questions surfaced. Most importantly, the City needed to verify if the current practice of providing public maintenance and irrigation on privately owned property was legally permissible. Therefore, on or about May 25, 2011, a letter was written to each organization asking three questions:

1. Did either organization have a copy of any written agreement(s) between the City of Elko and/or the Masons/Odd Fellows with regard to the privately owned cemetery?
2. What are the burial policies of each organization (i.e., who qualifies to be buried in the private cemetery)?
3. Can each organization provide a list of individuals currently buried in the private cemetery who were not members of either organization at the time of burial?

As of this date, neither organization has responded to the City's letter. Therefore, City Staff requested that the City Attorney's office write a legal opinion, absent

the answers to the above referenced questions. A copy of the legal opinion and related documents has been enclosed in the agenda packet for review. CC

Mayor Johnson advised Duane Jones who had been involved in previous discussions was currently out of town. In speaking with Reed Mosley it was agreed they would both like to have Mr. Jones included in a meeting; before a public hearing.

Mayor Johnson indicated if it was the Council's desire no action could be taken on this item tonight thereby giving the involved parties a chance to meet. If the public prefers the item be addressed tonight we can move forward.

Reed Mosely advised they would like to negotiate and settle the issue. Points they have tried to make during the year seem to have fallen by the wayside. They would prefer to sit down with Mayor Johnson and a few Council members for further discussion and were agreeable to postponing the item to a later date.

**\*\* A motion was made by Councilman Conner, seconded by Councilman Rice to table this item.**

**Motion passed unanimously.**

## **I. PERSONNEL**

### **A. Employee Introductions:**

- 1) Mr. Doug Gailey - Human Resources Manager
- 2) Mr. Pat Flowers - Equipment Operator I, Public Works Department
- 3) Mr. Douglas Standley - Equipment Operator I, Public Works Department

## **II. APPROPRIATIONS**

- B. Review, consideration, and possible approval of an increase in the amount of funds available in the force account for the Regional Road Repair Project (Idaho Street), and matters related thereto. FOR POSSIBLE ACTION**

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

Civil Engineer Draper advised no increase in funds was being requested at this time.

No action was taken on this item.

- C. Review, consideration, and possible final acceptance of the Water Storage Tanks Interior and Exterior Surfaces Coating Project 2011, including the ratification of one (1) change order, and matters related thereto. **FOR POSSIBLE ACTION**

This work has been completed. There was an unforeseen change order due to interior tuberculation of the tank sidewall and also damaged sections of the tank floor that required repair. Staff is pleased with the work and is recommending final acceptance for the project. AM

Water/Sewer Superintendent Mendive was present to answer questions.

**\*\* A motion was made by Councilman Conner, seconded by Councilman Rice to approve final acceptance of the Water Storage Tanks Interior and Exterior Surfaces Coating Project 2011, including the ratification of one (1) change order.**

**Motion passed unanimously.**

- D. Review, consideration, and possible approval of a change order to the City Parks Irrigation Renovation Project, and matters related thereto. **FOR POSSIBLE ACTION**

The City Parks Irrigation Renovation Project was designed to address the irrigation problems at two parks, Johnny Appleseed Park and Southside Park. The base bid to complete the work at Johnny Appleseed has been completed and the Parks Department has \$15,000 remaining in the project budget. Staff is requesting that the remaining funds be utilized to complete as much as much work as possible at Southside Park. Green Day Landscaping has agreed to complete the work at Southside Park on a T&M basis, not to exceed \$15,000. JD

Civil Engineer Draper advised this was before the council for two reasons; 1) the original cost of the project was \$49,000 so this exceeds the 10% rule and council approval is needed 2) at Southside Park we had three alternates included in the bid; replace the valves and irrigation heads and install wire. After the work at Johnny Appleseed Park was completed the contractor approached us and said he could do this for a cheaper price that what he actually bid it for; he was willing to do it and wanted to know what could be worked out.

Mr. Draper noted in the bid the contractor estimated \$17,000 to install the wire at Southside Park. With this offer he expects to get that done and most of the valves completed at Southside Park for the \$15,000.

Mr. Draper advised Staff would like to proceed with a T & M rate at Southside Park for the remainder of the project.

**\*\* A motion was made by Mayor Johnson, seconded by Councilman Perry to approve a change order allowing Green Day Landscaping to complete work at Southside Park on a T & M basis; not to exceed \$15,000.00. Green Day to work at a labor rate as acceptable to**

**Staff and to provide to Staff each and every day a cost for that day and will not be authorized to work the next day without approval of the current days' work.**

**Motion passed unanimously.**

After the motion and before a vote was taken Mayor Johnson requested verification the city would be supplying all the material.

Mr. Draper verified that was correct. The city has already purchased all the material for Southside Park.

- E. Review, consideration, and possible approval for a "Notice of Grant Award" from the Nevada Division of Forestry (NDF) to the City of Elko Parks and Recreation Department for the amount of \$15,000, and matters related thereto. **FOR POSSIBLE ACTION**

On May 24, 2011, Council authorized Staff to apply for a grant with the Nevada Division of Forestry to complete a tree inventory for the City of Elko on park and golf course property. On September 2, 2011, we received a "Notice of Award" from the Nevada Division of Forestry for the amount of \$15,000. As the grant requires a 1:1 match, City Staff has determined that we can achieve this through Pictometry costs, staff time spent on GIS/GPS work, scheduled tree plantings for FY 2011–2012, accounting for volunteer hours accrued during planting projects, and scheduled tree pruning and preventative maintenance costs. JW

Parks Superintendent Wiley informed the council it will be very easy to meet the match on this grant because of what they allowed us to use toward that match.

Mr. Wiley advised this is a well needed project in our city. Our trees provide a very nice benefit in the community; but at the same time they are a liability. This process will allow us to better manage those risks and the health of the trees and help us prioritize where we need to put future trees to maintain our canopy.

Mr. Wiley advised the priorities on the list are the park system, golf system and cemetery system but he believed we would be able to get other city properties included in that as well.

Joe Carr, City Arborist, was present to answer questions.

Councilman Perry questioned the in-kind match; are those things we would be doing anyway?

Mr. Wiley verified that was correct. The way the grant is written is that it is not only a tree inventory but also an urban forest management and enhancement grant. That allows us to utilize all the routine work we do throughout the year to go towards the match.

Councilman Perry then questioned whether the city had an inventory of young trees we keep somewhere or do we actually buy them commercially and then plant them.

Mr. Wiley advised currently we buy commercially and plant them. There has been discussion of the possibility of having a tree farm that Staff would manage and use for enhancement projects around the city.

**\*\* A motion was made by Councilman Elquist seconded by Councilman Rice to approve a "Notice of Grant Award" from the Nevada Division of Forestry (NDF) to the City of Elko Parks and Recreation Department for the amount of \$15,000.**

**Motion passed unanimously.**

- F. Review, consideration, and possible approval to award a joinder contract to METROQUIP, Incorporated to purchase a Regenerative Air Street Sweeper, and matters related thereto. **FOR POSSIBLE ACTION**

The City of Winnemucca, Nevada recently went through the competitive bidding process to procure a new Street Sweeper and subsequently awarded a contract to METROQUIP Incorporated on September 6<sup>th</sup> 2011. METROQUIP Incorporated has agreed to offer the same unit with available options to the City of Elko, honoring the same price and terms as the City of Winnemucca contract.

This piece of equipment will be used in the Street Department for street sweeping and was budgeted in the 2011-2012 fiscal year. This unit is very similar to our current Elgin Crosswind Sweeper. Therefore, many parts and service practices would be interchangeable between the two units, which is very appealing to our Fleet Department and our Operators in the Street Department. DS

Public Works Director Strickland was present to answer questions.

**\*\* A motion was made by Councilman Rice, seconded by Councilman Conner to award a joinder contract to METROQUIP, Incorporated to purchase a Regenerative Air Street Sweeper in the amount of \$213,885.00.**

**Motion passed unanimously.**

- G. Review and authorization to solicit bids from qualified vendors to provide the custodial services at the airport terminal, and matters related thereto. **FOR POSSIBLE ACTION**

The current Custodial Service Contract with RH Services will expire on October 21, 2011. The janitorial duties described in the contract have been revised to reflect the current airport terminal usage. TM

Airport Director Moyers explained the scope of services was being reduced due to less usage at the airport; we know that SkyWest is cutting back on one flight in the immediate future. With less people coming through the terminal we don't feel the need to have it cleaned as frequently.

**\*\* A motion was made by Councilman Perry, seconded by Councilman Rice authorizing Staff to solicit bids from qualified vendors to provide the custodial services at the airport terminal.**

**Motion passed unanimously.**

- H. Review, discussion, and possible selection of a group health insurance consultant, and matters related thereto. **FOR POSSIBLE ACTION**

On August 9, 2011, the City Council authorized Staff to solicit proposals for group health insurance consulting services. The City received five (5) proposals by the September 16, 2011 deadline. A selection committee made up of one (1) City Councilman, the City Manager, and the Human Resources Manager will provide a selection recommendation at the City Council meeting. CC

City Manager Calder informed the council the selection review committee has evaluated all the proposals independently. All three individuals came up with the same number one consultant in their ranking; McMullen Insurance. The committee recommends the City Council select McMullen Insurance as our group health insurance consultant.

Mayor Johnson indicated the information was not included in the agenda packet however; it was on the website.

City Manager Calder advised due to the closing date the committee was not able to review the proposals by the time we posted the agenda. Some of the proposals are marked confidential so they were not included in the packet.

Mayor Johnson questioned the council on how they wanted to proceed due to the fact the information was not in their agenda packets.

Councilman Rice believed the council could act on it.

**\*\* A motion was made by Councilman Rice, seconded by Councilman Perry to select McMullen Insurance as the group health insurance consultant.**

**Motion passed unanimously.**

### **III. UNFINISHED BUSINESS**

- B. Review and consideration of issues of concern related to the Regional Road Repair Project, not otherwise listed on the agenda, and matters related thereto. **FOR POSSIBLE ACTION**

This item has been added to the agenda in order to consider any issues of concern related to the ongoing Regional Road Repair Project. CC

Civil Engineer Draper provided an update on the project:

- Intersection of 5<sup>th</sup> & Idaho closed this week

- Permanent patches where water/sewer lines were installed and where there was trenching for traffic signal has been completed
- Utility upgrades from 4<sup>th</sup> to 5<sup>th</sup> completed (part of Phase II Waterline)
- Par Electric installing new signal poles and putting new signal heads up and wired on
  - Waiting for all controller cabinets to arrive
    - Contractor's representative will be here to program those
- Finishing up striping
- Concrete work nearly complete
  - Intersection of 12<sup>th</sup> Street needs ADA ramps
  - 1 ramp on 13<sup>th</sup> Street needs completed
- Medians being installed in front of Sinclair Station and Remax to prevent left hand turn onto Idaho St. Also in front of McDonald's and Wendy's (they can access Boyd or Manzanita)
  - Designed to prevent left-hand turns out of those businesses
  - Creates safer access to those businesses
  - Each business was contacted during the project and informed of what we wanted to do. All agreed it was safer for the customers

To clarify any concerns regarding the median being installed Mr. Draper noted for Wendy's and McDonald's left hand turns are allowed onto Manzanita or Boyd; customers can access the businesses from the side streets. For the Sinclair Station there is another driveway further down where a left hand turn is permissible. In front of Remax there will be a left hand turn into the business; there will be no left turn coming out of the business due to the close proximity to the intersection of Idaho Street and College Avenue.

Mayor Johnson questioned whether the new left turn light would be on the new signalization of Idaho St. and 5<sup>th</sup>.

Mr. Draper verified the new signals would have the protected left hand turn and then explained how it would work;

- Green arrow means you can make the left hand turn, the oncoming traffic will be stopped
- Flashing yellow arrow means you can make the left hand turn but you do have oncoming traffic
- Solid yellow arrow means it is getting ready to turn red, prepare to stop and if you are in the intersection get out
- Solid red means stop

Councilman Perry questioned whether there was any design work and/or discussion of with the stakeholder's downtown pertaining to the colored concrete at intersection of Idaho and 5<sup>th</sup>.

Mr. Draper believed we were still in the "wait and see" process. With the traffic signals being relocated this week Staff will be able to get in there and get that completed. At that point we can come back to Council and discuss the symmetry of that intersection and address some of the concerns of the downtown businesses.

John Carpenter addressed the council with his concerns regarding the design on Idaho Street.

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

#### **IV. NEW BUSINESS**

- A. Review, consideration, and possible approval for a Performance Agreement in association with public improvements required for parcel map application 2-11, and matters related thereto. **FOR POSSIBLE ACTION**

The Planning Commission conditionally approved parcel map application 2-11 at its meeting on March 1, 2011. The City Council conditionally approved parcel map application 2-11 at its meeting on March 22, 2011. The Developer has requested a Performance Agreement to be backed by security allowing for recordation of the Parcel Map prior to completion of the public improvements. Section 3-3-60 of City code does not have a provision that addresses performance agreements under the parcel map process. SAW

Development Manager Wilkinson commented what Staff is proposing is similar to what is done for a subdivision. In addition, this has been reviewed by our legal counsel.

Mr. Wilkinson referred to an overhead to identify the area under discussion.

Mayor Johnson questioned the number of parcels.

Mr. Wilkinson advised the parcel map is four or fewer. The parcel map was originally presented to council with four parcels on it; with the idea of parceling a second time on the remainder. There were three smaller lots and a larger remainder with the idea of a parcel map at some point in the future on the remainder for some additional housing in that area.

Mayor Johnson questioned the density in comparison to the surrounding neighbors.

Mr. Wilkinson advised it would compare.

Mr. Wilkinson indicated in the packet was the proposed draft agreement and supplemental information. The draft has blank areas that will be filled in based on tonight's decision and include; 1) the fifth whereas would be referencing the meeting tonight, if it is approved, 2) we don't have a surety bond as an exhibit because if can't approve an agreement there is no sense in pulling a surety; the paperwork shows the company who provides the surety is to be named.

Councilman Perry requested verification Staff was asking for approval of the draft performance agreement.

Mr. Wilkinson clarified council would want to approve going forward with the performance agreement; rather than the draft agreement.

Mayor Johnson questioned if the motion was to direct Staff or was it to approve the agreement in the packet.

Mr. Wilkinson advised it would be for the agreement; we would need to put in this date into the fifth whereas, if approved Exhibit 'B' would be the financial security instrument and then the agreement would require the developer and the Mayor's signature.

**\*\* A motion was made by Councilman Perry, seconded by Councilman Rice to approve the performance agreement in association with public improvements required for parcel map application 2-11 with Modern Land and Development, LLC.**

**Motion passed unanimously.**

## **PETITIONS, APPEALS**

- D. Consideration of a request from the parents and students of the Elko High School Band of Indians to waive fees for building permit, plan review, and water and sewer connection fees, totaling \$9,928.00, and matters related thereto. **FOR POSSIBLE ACTION**

Bailey Homes has agreed to assist the Elko High School Band by sponsoring a home to build. Upon sale of the home, donated time, materials, and other efforts towards the construction of the home will be donated to the band. Funds generated from this fundraiser will assist the band in purchasing new uniforms, and formally organizing a booster club to support the band. A letter from Mr. Gene Ackerman on behalf of the parents and students of the Elko Band of Indians, EHS, has been included in the agenda packet for review. CC

City Manager Calder advised historically the city has never waived connection fees. If the city wants to entertain some other method of donating to this cause perhaps there is a way to do that. However the connection fees go to an enterprise fund with the city and those funds go towards future structure projects with the city water/sewer departments.

Gerald Ackerman informed the council the band represents the City of Elko all over the country and this is an opportunity for the parents to help the band look good when it goes on national television. Mr. Ackerman believed there wasn't a better set of ambassadors for the city than the Elko Band of Indians.

Mr. Ackerman stated just because you have never done something isn't a good reason not to ever do it. This is an opportunity for the city council to support the band.

Mr. Ackerman indicated for every dollar they get donated in-kind will go towards helping the band in these tight budget times.

Councilman Rice questioned what the house would sell for.

Mr. Ackerman advised it would sell for market value.

Councilman Rice then questioned the discounts.

Mr. Ackerman advised the more discounts they get; the more money goes to the band.

Mr. Ackerman understood the fees that are associated with an enterprise fund and then stated they could have come before the council and asked for \$10,000. Maybe that would be easier for the city to do; if so, they will come back next month and request a \$10,000 donation.

Mr. Ackerman was unsure this request was costing the city anything; maybe over a period of time it would; but it is a way the city can in-kind and help the band.

To further clarify Enterprise Funds City Manager Calder referred to the Golf course; when we do donations from the Golf Fund; which is an enterprise account; those monies are paid by the golf course i.e. free round of golf. Those aren't just given away but accounted for through the budget of the golf department and, they do in fact pay for those. As Mr. Ackerman referenced, he could certainly ask for \$10,000.00 because if the council ends up waiving those fees the General Fund is going to have to pay those Enterprise Funds those connection fees.

City Manager Calder advised the Enterprise Funds are revenue driven based on the rates. To do anything less would be basically putting the burden back on the existing rate payers.

Councilman Perry questioned whether there was a lot chosen for the house.

Mr. Ackerman verified there was; it is on Arroyo Seco.

Councilman Perry requested clarification Bailey Homes was going to donate the labor and materials to build this.

Greg Greenhaw advised Bailey Homes as agreed to build the house. The band is asking for help from sub-contractors and businesses that supply all the goods to the house; that they will give them to us at a discount etc. Mr. Greenhaw indicated all the electrical has been donated, installation etc. and the Bailey's have donated \$5,000.00 towards this project.

Mr. Greenhaw noted the band never receives any money except through fund-raising. The school district gives them \$3,000.00 per year to operate; which is not much. After all these years we have received approval to start a booster club and they are going to try and put together some funds to pay for uniforms, etc.; this is all part of it.

Councilman Perry questioned how much the group anticipates netting from the home.

Mr. Ackerman advised they have already ordered the uniforms and need \$30,000.00; hopefully they will get more. They would appreciate any help the city could give.

Councilman Rice acknowledged everything Mr. Ackerman had said. But this was difficult for him to approve right now because of everything we have talked about. This is an enterprise fund, it is not funded through taxpayer monies; it is funded through the users. Councilman Rice advised it would be easier for him to support a donation; as we do for various other organizations during the budget process.

Councilman Rice also wanted to see what type of response they are getting from the private sector; before coming to the Council. We have a fiscal reality right now that makes it difficult to waive a fee and really be serving the entire community well.

Councilman Perry noted the school district only gives them \$3,000.00 and they are asking the city asking for \$9,900.00; he struggles with that because those monies have to come out of somebody's pocket and they'll come out of the pocket of the taxpayers of the city because we are going to have to make that up somewhere i.e. hookup fee.

Councilman Perry commented during his short time on the council there have been multiple requests for various donations. We had a big shortfall in the city budget last year; and most employees haven't had a raise in a couple of years. If we do this for one we end up doing it for everybody.

Councilman Perry questioned if there was a mechanism to defer fees.

Utilities Director Limberg advised the fees are charged with the building permit; he would have to speak with the Building Official about that.

Mr. Limberg was unsure the fees could be used for the requested purpose; NRS states collected enterprise fund fees are not allowed to be used outside that fund. Mr. Limberg advised he would research that matter further if the council wished.

City Manager Calder informed the council the enterprise funds have never waived fees; we account for those; it is cash in, cash out. If the council was going to consider something like this it is going to come out of the General Fund.

Councilman Perry stated his question was can it be deferred until the house is built and sold.

Councilman Rice wasn't sure that would work; they are looking for discounts as much as possible to lower the cost of the house.

Councilman Conner questioned if this would qualify under the Recreation/Advertising granting we do. What a better advertisement for Elko than the Elko High School Bank of Indians?

Councilman Rice also believed there are some mechanisms out there but that isn't one; possibly the ECVA.

City Manager Calder clarified the ECVA Marketing Committee makes those decisions and do award money to various organizations; mainly for events that happen in Elko that bring people

from out of town into Elko. Mr. Calder was unsure what their criteria would be but it would certainly be worth the band looking into that.

City Manager Calder advised if the council wants to consider a donation Staff can work with our accounting department to look at the general fund and the surplus consolidated tax money that has come in; perhaps there is a way we could look at making a donation equal to what the school district makes.

John Carpenter supported taking the \$9,928.00 out of the enterprise fund. Mr. Carpenter stated it is much more worthwhile than the \$700,000.00 the city took out to fund the lawsuit on the airport.

City Manager Calder clarified no money was taken to out of the enterprise funds to fund the lawsuit at airport.

Mr. Carpenter stated he will bring data to prove his statement.

Mayor Johnson acknowledged this is a great cause but outside the City of Elko's Mission Statement.

Mr. Ackerman believed the band does nothing but help the vision statement displayed by the City of Elko.

Mr. Ackerman requested the council, whether through this mechanism or some other; do some positive direction that would help them respond to the city helping them out.

Councilman Conner requested the motion include Staff working with the accounting department to see if there is something we can do; in the way of a donation.

**\*\* A motion was made by Councilman Rice, seconded by Councilman Perry to deny a request from the parents and students of the Elko High School Band of Indians to waive fees for building permit, plan review, and water and sewer connection fees, totaling \$9,928.00 and give direction to Staff to examine other avenues for supporting the bands fundraising efforts for uniforms; up to an amount that would match what the school district provides.**

**Motion passed unanimously.**

#### **IV. NEW BUSINESS**

- B. Discussion and possible authorization to request proposals from qualified golf professionals to provide a variety of services for Ruby View Golf Course, including, but not limited to, managing the clubhouse, operating the pro shop, providing food and beverage concessions, collecting various fees on behalf of the City, regulating golf play, managing tournaments, and providing golf lessons, and matters related thereto. **FOR POSSIBLE ACTION**

The City's current Golf Professional, Mr. Richard Longhurst, is retiring effective January 1, 2012. In preparation for his retirement, City Staff is requesting authorization to request proposals from qualified golf professionals. A draft copy of the Request for Proposals will be presented to the City Council for review at the City Council meeting. CC

City Manager Calder advised the Draft is on the dais in front of council and is 95% complete. There is one section in it he would like some council guidance on; item seven the proposed compensation structure. Mr. Calder indicated as an attachment or enclosure to this request for proposal Staff would be providing a copy of the current golf pro contract for a point of reference for anybody proposing it. However, Staff would prefer that when a golf professional makes a proposal that they don't have to feel obligated to stick to that structure. It is one of doing it certainly, but in examining several golf pro contracts and various RFP's Staff realizes there are multiple ways you can structure a deal like this. Ultimately, it will be structured in the contract negotiations; between the city and the golf pro. Mr. Calder indicated the proposed compensation structure needed to be worded; we want them to propose, after examining the contract, a model that works for them as well as the city so we aren't going with the same exact structure we've been utilizing for fifteen to twenty years.

City Manager Calder believed if we give the proposed some flexibility there; it might benefit them as well as the city. We don't know that for sure; but that is where he is requesting some guidance. Before this goes out he would like Mr. Longhurst and members of the Golf Course Financial Advisory Committee to review it. Mr. Calder indicated we can move the dates; the goal is to make a selection in December.

City Manager Calder believed this was an area of the contract that should be reviewed and discussed due to the fact no one on this city council was around when this initial contract was made and he was unsure what kind of changes the council may be looking for.

Councilman Perry commented this is a major change in the leadership at the golf course. He believed there is an important business element to who we choose to bring in and manage the golf course; this is one of our enterprise funds and it is also important to tourism.

Councilman Perry noted there were two ways to go at this; 1) whatever the contract is we have with the current pro or 2) as Mr. Calder suggested to allow for those that are interested in coming up with some kind of proposal and business plan. Councilman Perry believed the second option was a good thing; we are the stewards of this asset and we need to make sure the city taxpayers are getting the maximum of what they can and we need to make sure that we are going to get the right person to manage the golf course.

Councilman Perry questioned how this would be advertised.

City Manager Calder advised this type of position is typically advertised through the PGA Western Region website; we will also advertise in the local paper.

Councilman Perry believed anyone interested in this and filling out the proposal would need to have some financial numbers from the existing operation in order to make a determination as to what kind of business plan they would propose. Is there something we would be providing so they can look at the numbers?

City Manager Calder was unsure what Mr. Longhurst would disclose as this will become a public document. In previous negotiations we asked for financial statements and Mr. Longhurst provided them; we're just not sure if they represented a complete financial picture or not. We do have some very good statistics that are generated by our accounting department; as we track seasonal use when we set our rates. We will probably include at least a three-year history of that so people can get an idea of what is the volume of play, what are busy months, when are the slower months, what are the rates, etc. all that information is going to be pertinent in addition to Mr. Longhurst's contract.

Mayor Johnson expressed support of getting the RFP out as quickly as possible. He believed the description of services to be provided was broad enough. Mayor Johnson indicated under item four "providing golf lessons and instructions" he would like to add; including a junior golf program.

Mayor Johnson referred to item seven in the contract regarding compensation; where there are question marks; could we take that out and see what they come back with. Is that an option?

City Manager Calder advised all Staff has to go on is what they have found and researched on the internet. With all of the other proposals out there it is customary for them to propose, either the entity asking says "here's how we you" and this is the structure and format of how we intend on paying you and then the numbers are negotiated on a separate contract. Or, they ask for "you need to propose what your fee structure would be" because maybe our way isn't the best way to skin the cat; it might have been the best way for Mr. Longhurst but there may be somebody that comes in that says; I am used to doing it this way and this is the way I feel comfortable doing it and I want a percentage of the gross; that is one of the methods out there rather than guarantees percentage of the gross of the whole operation.

Mayor Johnson questioned whether on item seven it could read "that the fee structure be provided by the applicant".

City Manager Calder verified it could; perhaps we say "current copy of existing contract is attached, however, those interested in making proposals should produce their preferred method of compensation; not limiting it to the structure in the contract". Something along that line that gives some flexibility for someone to do something different and possibly benefits not only the pro but benefits the city as well.

City Manager Calder noted the one thing the financial review committee talks about all the time is; how do we increase play at our golf course. By increasing play at the golf course we increase revenue; not only to the city but to the pro.

Councilman Perry commented this is a complicated one; it isn't like hiring a new employee. Obviously we want the best person but we also want the best business deal for the city; we need to think about how we are going to balance those two things.

City Manager Calder advised he would get some comment from members of the financial review committee and speak with Mr. Longhurst as well to get some perspective on this before it is finalized. Once he feels like he has a good product he would like to get it out as soon as possible and not wait until the next council meeting. However, if the council would like to see this again he can wait two weeks; there is enough time built into this to allow for that.

**\*\* A motion was made by Councilman Perry, seconded by Councilman Conner authorizing Staff to solicit RFP's from qualified golf professionals for the Ruby View Golf Course.**

**Motion passed unanimously.**

- C. Review, consideration, and possible action to lease certain City owned property to Summit Air Ambulance through a negotiated lease, and matters related thereto.  
**FOR POSSIBLE ACTION**

Summit Air Ambulance has requested to lease 18,677 square feet of airport property for the purpose of constructing an aircraft hangar and living quarters for flight crews. The proposed lease involves property located adjacent to the old terminal building. The lease will be for the standard term of 10 years with a 10-year option, and will be at the current rate of \$.28 per square foot per year, for an annual amount of approximately \$5,229. TM

Airport Director Moyers advised if approved, this is approximately ten times the amount we are receiving from Xtra Airways buildings at the airport. Currently Summit Air Ambulance is negotiating to purchase the existing building still on the property; it is contingent upon approval of this lease. If they can lease the property Summit Air Ambulance would prefer to use the existing structure for crew quarters while they are in the process of preparing to build a hangar. Mr. Moyers referred to an overhead photo and noted the property Summit Air Ambulance would be leasing is actually larger than the footprint.

Mr. Moyers believed what Summit Air Ambulance is proposing is a logical use of the property.

Councilman Rice questioned if they would move from their current location.

Mr. Moyers advised they are still leasing that and plan on continuing to do so until they can find another use for it; they may sell it. They operate their rotary wing and helicopter out of the other location. Right now they store their fixed wing in the El Aero hanger.

Mayor Johnson commented a ten-year lease was a long time; does it fit with the airport plan?

Mr. Moyers verified it does and it is Summit Air Ambulance's intent to have something constructed there within two years.

Mayor Johnson questioned why they wanted to build there. That is prime access property to the airport. Ten years is a long time to tie it up; should the city wait.

Mr. Moyers advised if you look out there the only other area that has been discussed is where American Medflight leased a 10,000 square foot parcel. But there is no access off the property right now; it would involve a lot more infrastructure. Basically it is a millings pad where the BLM parks some heavier helicopters during wildland fire season. That is the last location on this side of the airport for any type of hanger construction.

Mr. Moyers indicated the area where Summit Air Ambulance is proposing would facilitate a larger hanger and seems like a good use of the property. Mr. Moyers viewed a ten-year lease as a revenue generator and believed this would be an asset to the community.

Councilman Perry questioned what happens in ten years if the lease isn't renewed.

Mr. Moyers advised there is a clause in the lease for them to remove their improvements or the city takes ownership.

Councilman Rice questioned whether any other organizations had expressed interest in that property.

Mr. Moyers indicated El Aero had discussed wanting to build a hangar there as well to facilitate Summit Air Ambulance's plane. El Aero likes to store their aircraft in their hangar; they were looking to build another hangar to store transient aircraft and larger aircraft to free up the use of their hangar. El Aero and Summit Air Ambulance discussed the matter and mutually agreed the best idea would be for Summit to have their own hangar.

Councilman Rice questioned whether we should consider a CPI adjustment with this lease.

Mr. Moyers believed that was something worth considering and he has spoken to Administrative Services Director Stout about it. However, if we do that he will need to verify we are not violating any of the FAA regulations for non-discrimination.

**\*\* A motion was made by Councilman Rice, seconded by Councilman Conner authorizing Staff to negotiate a lease with Summit Air Ambulance for 18,677 square feet located at the Elko Regional Airport.**

**Motion passed unanimously.**

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

- A. Ratification of the Chief of Police issuing a 30-day temporary liquor license, and possible approval to issue a regular club liquor license to Kara Jimenez, dba The Knotty Salon located at 438 South 5<sup>th</sup> Street, #2, Elko, NV 89801, and matters related thereto. **FOR POSSIBLE ACTION**

Police Chief Zumwalt advised all background checks have been completed and Staff recommends approval.

**\*\* A motion was made by Councilman Conner, seconded by Councilman Perry to ratify the Chief of Police issuing a 30-day temporary liquor license, and approve the issuance of a regular club liquor license to Kara Jimenez, dba The Knotty Salon located at 438 South 5<sup>th</sup> Street, #2, Elko, NV 89801.**

**Motion passed unanimously.**

- B. Ratification of the Chief of Police issuing a 30-day temporary liquor license and possible approval to issue a regular retail liquor license to Richard Gromoll and La'prill Obrien, dba The Office located at 401 Railroad Street, Elko, NV 89801, and matters related thereto. **FOR POSSIBLE ACTION**

Police Chief Zumwalt advised all background checks have been completed and Staff recommends approval.

**\*\* A motion was made by Councilman Rice, seconded by Councilman Conner to ratify the Chief of Police issuing a 30-day temporary liquor license and approve issuance of a regular retail liquor license to Richard Gromoll and La'prill Obrien, dba The Office located at 401 Railroad Street, Elko, NV 89801.**

**Motion passed unanimously.**

- C. Review, discussion, and possible approval of a brothel license application to Raymond Russo, and matters related thereto. **FOR POSSIBLE ACTION**

Mr. Raymond Russo has applied for a brothel license in order to purchase a local brothel. The Elko Police Department has completed an investigation into the background of Mr. Russo and found him to be qualified to obtain a brothel license. DZ

Police Chief Zumwalt advised all background checks have been completed and Staff recommends approval.

**\*\* A motion was made by Councilman Perry, seconded by Councilman Conner to approve a brothel license application to Raymond Russo.**

**Motion passed unanimously.**

### **III. UNFINISHED BUSINESS**

- A. Discussion, review, and possible action to adopt a revised City of Elko Vision and/or Mission Statement(s), and matters related thereto. **FOR POSSIBLE ACTION**

Councilman Rice advised he and Councilman Perry met, as previously directed, to work on revisions to the City of Elko Vision and/or Mission Statement. During that meeting they were also in contact with City Manager Calder to discuss various matters. Based on the results of that

meeting they now submit for consideration the following mission statement only for consideration;

*“The mission of the City of Elko is to provide its citizens with a clean and safe community through a responsive, transparent and financially sound municipal government. The city will balance its resources and responsibilities to provide quality municipal services, maintain public infrastructure, enable economic development, encourage community involvement, and manage future growth.”*

Councilman Rice noted this statement is considerably shorter than the previous submitted draft but they believe it has all the components of that statement. They also believe it fits with the comments made about this being a statement that is easy for the council, staff and community to remember and refer to as we make decisions.

Mayor Johnson expressed support of what had been presented. He then informed the council that he also had written a statement;

*“The mission of the City of Elko is to convert tax and fee revenues into municipal services; fire, police, public works, water/sewer, airport, parks, land use to provide an environment for a practical city.”*

Councilman Rice and Councilman Perry believed it would be good to “float” this out into the community before we actually approve it. We need to socialize it because we have had input from council and a small portion of staff.

Councilman Perry questioned whether any other comments had been received from staff.

City Manager Calder advised no specific changes were suggested. A few of them responded to express support of the shorter version of the mission statement or were okay with the version he had presented at the last meeting. Mr. Calder indicated it was very anecdotal because it didn't represent everybody's thoughts; just those that responded.

Councilman Perry indicated he wanted public involvement in this process.

Mayor Johnson believed the statement was ready; we should vote on it and put it behind us.

**\*\* A motion was made by Councilman Conner to approve the mission statement as presented by Councilman Rice and Councilman Perry.**

Motion failed for lack of a second.

Councilman Perry strongly supported putting this out for public comment; Councilman Rice agreed.

**\*\* A motion was made by Councilman Conner, seconded by Councilman Perry directing staff to post the proposed mission statement through the use of the media to allow public comment and bring it back to the next council meeting for possible approval.**

**Motion passed unanimously.**

## **II. APPROPRIATIONS**

A. Review and possible approval of Warrants. **FOR POSSIBLE ACTION**

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

**Motion passed unanimously.**

## **VI. REPORTS**

A. Mayor and City Council

1. Mayor Johnson
  - a. Attended Tree of Life Memorial at hospital
  - b. Will spend winter on review of planning & parks
2. Councilman Conner
  - a. Nevada Day Parade will honor all First Responders in Elko County
3. Councilman Perry
  - a. Attended Grand Opening of National Drilling
  - b. Thanked Staff for walking Idaho Street and dealing with issues
4. Councilman Rice
  - a. Developers frustrated with development fees
    - i. Obtained comparison data from staff. Elko is comparable or less expensive
  - b. World Trade Center steel on display at GBC Library

B. City Manager

1. Amendments to Planning Codes
2. In process of hiring City Planner
3. NV League of Cities in Mesquite – Oct. 5-7<sup>th</sup>
  - a. Conference will be in Elko next year

C. Assistant City Manager

1. City Planner recruitment update
2. Sidewalk Café and Display Ordinance update
3. Elko Sanitation Agreement update
4. T-Squared Center – UNR
  - a. In existence over 20 years
  - b. City has been training recipient
  - c. Program NDOT funding and no longer available
5. Kent Aveson – Elko Peace Park Facilitator

- a. Nominated for Governor's Points of Light Volunteer Program
      - i. One of three finalists
- D. Human Resource Manager
  - 1. Staffing update
    - a. 16 vacant jobs
    - b. Currently working on 3
    - c. 2 new posted
    - d. Full staff estimated within one to two months
- E. Airport Director
  - 1. Airport Pavement Maintenance Project update
    - a. Started 9/27/2011
    - b. 3 weeks estimated completion
- F. Fire Chief
  - 1. Fire Prevention Picnic report
- G. Police Chief
  - 1. Translation Ordinance update
    - a. City Attorney working on it
    - b. Ready for Council in October
  - 2. Thanked new HR Manager for job postings
- H. Civil Engineer
  - 1. Presented video of protected yellow turn light
    - a. Will add link on city website to NDOT video and other info
- I. Parks and Recreation Director
  - 1. Charity Softball Tournament at Herrera Complex this weekend
  - 2. Received certificates from Elko Daily Free Press
    - a. Gold level award for Main City Park
    - b. Silver level award for Johnny Appleseed Park

**COMMENTS BY THE GENERAL PUBLIC**

Pursuant to N.R.S. 241, this time is devoted to comments by the public, if any, and discussion of those comments. No action may be taken upon a matter raised under this item on the agenda until the matter itself has been specifically included on a successive agenda and identified as an item for possible action. **ACTION WILL NOT BE TAKEN**

There was no public comment.

**ADJOURNMENT**

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

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Mayor Chris J. Johnson

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Shanell Owen, City Clerk