

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

SS January 5, 2011

The City Council of the City of Elko, State of Nevada met for a special meeting beginning at 4:00 p.m., Wednesday, January 5, 2011.

This meeting was called to order by Mayor Pro Tempore Chris Johnson.

Council Present: Councilman Jim Conner
Councilman John Rice

Mayor Absent: Michael J. Franzoia

Council Absent: Councilman Jay Elquist

City Staff Present: Curtis Calder, City Manager
Delmo Andreozzi, Assistant City Manager
Shanell Owen, City Clerk
Alan Kightlinger, Fire Chief
Mike Hecht, Deputy Chief/Fire Marshal
Josh Carson, Deputy Fire Marshal
Will Lehmann, Police Captain
Ted Schnoor, Building Official
Tony Ferguson, Sr. Engineering Technician
Christine Kuhlman, Technical Assistant
Linda Buffington, Recording Secretary

PLEDGE OF ALLEGIANCE

Mayor Pro Tempore Johnson explained where the Council was at this point in time with the proposed ordinances. The items have been discussed numerous times in a workshop format; tonight is First Reading. Following tonight's discussion, Council can make recommendations and move the items forward to Second Reading and possible adoption.

Mayor Pro Tempore Johnson indicated he had concerns with certain areas but wanted to hear what those attending tonight's meeting had to say first.

Councilman Rice and Councilman Conner also wanted to hear from the public before making any decision.

Councilman Conner advised his main concern was that he didn't want to approve anything that would greatly increase the cost, or hamper building construction.

Mayor Pro Tempore Johnson opened the meeting for public comment and informed those present that concerns with any item on the agenda could be discussed at this time.

Contractors Ron Moon, Moon Construction, Dusty Shipp, Breamar Construction and Catalina Laughlin, Laughlin Construction addressed the Council to express their opposition to the residential sprinkler code. They indicated the requirement for residential sprinklers will increase building costs that will be passed on to the homeowner. Homeowners have expressed their concern with the cosmetics of a sprinkler system in every room and the possibility of it going off prematurely and damaging the home; there could be a flood issue which may cause more problems than it would ever help.

The comment was made by Ms. Laughlin that currently plan review with the fire department takes months; the requirement for residential sprinklers will add even more time.

John Carpenter strongly opposed sprinklers in residential structures. Mr. Carpenter believed the City needs to make it easier and less expensive to build here; the permit requirements are becoming too regulated and may deter people from building or moving here.

Contractors, architects and design professionals also expressed concern with the permitting process and requirements. It was the general opinion these items would increase their time and costs.

Tom Ballew believed City Staff should be able to obtain a cost analysis of what these increased regulations will be.

Catherine Wines questioned if the 2009 codes are adopted will it be in conjunction with Elko County.

Building Official Schnoor advised the county has no interest to move forward from the 2003 code.

Architect, Catherine Wines, questioned if there is something in 2009 code that is better or more appropriate than the 2003 code.

Mr. Schnoor advised the 2009 code addresses the newer products; they are also in conjunction with most of the design professionals and what they are designing to. Some areas are more restrictive due to life safety issues but there are also some areas that have become a lot less restrictive in regards to that. The main issue is plans coming into the Building Department address the 2006 codes; the plans have to be sent back with instructions to re-design to the 2003 code as that is what we have adopted.

Councilman Rice requested clarification that if someone designed to the 2006 they have to re-design to old standard.

Mr. Schnoor verified that was correct; we haven't adopted the 2006/2009 codes; Staff cannot enforce a code that we haven't adopted.

Fire Chief Kightlinger stated the fire department has not and does not support the residential sprinkler portion of the residential code.

Mr. Shipp questioned if there had been other concerns discussed besides sprinklers.

Mayor Pro Tempore Johnson commented there was nothing too specific; as a plumbing contractor he has concerns with the permit requirements. He spoke with Mr. Schnoor today about ladder access to building in the plumbing and mechanical code; that will be looked into further.

Mayor Pro Tempore Johnson advised the Council wants to hear more from professionals in the field about their concerns or areas of the code that could cause a problem. We are in an information gathering process right now; Council will use the information to make their final decision.

Mike Sheppard, Michael Clay Corporation, noted the structural nuances that change from code to code are occasionally of some concern. If the city is going to adopt new codes he prefers they move to the 2009 codes rather than the 2006. Mr. Sheppard indicated he would like to see city and county move forward together.

John Ellison questioned if the green codes have been addressed? There are some heavy enforcements being done around the state that are stopping construction.

Mr. Schnoor advised Staff is looking at the 2009 International Energy Conservation Code.

John Carpenter commented if something comes along that is better than how it has been done why not give the building official permission to okay new ideas; that makes more sense than making a “wholesale” change.

Mayor Pro Tempore asked for input from the Council Members.

Councilman Conner stated he wanted to hear more from the public; what their issues or concerns are with the codes. We don't want to make things cost more but we need to protect the citizens also.

Councilman Rice suggested removing the section related to residential sprinklers; staff can review it further. Councilman Rice also indicated he would like to hear more comments whether adopting the 2009 codes would be a benefit and show a cost benefit as well.

Councilman Rice acknowledged Mr. Carpenter's statement on allowing some flexibility but was unsure something could be written that was not arbitrary.

Mayor Pro Tempore Johnson and Councilman Conner expressed support of removing the section related to residential sprinklers.

Ms. Laughlin noted the cost of the code books is another concern; they cost hundreds of dollars. We are relying on Mr. Schnoor to advise of us the difference between the 2006 and the 2009

codes. Ms. Laughlin believed contractors and designers are not concerned with the small things i.e. handrails on staircases; it is the things that are costing a huge percentage of your job cost, increasing in cost i.e. fire sprinklers.

Mr. Schnoor referred to the overhead presentation to show the requirement for residential fire sprinklers could instantly and easily be removed from the ordinance; if the Council so chose.

Councilman Rice questioned if this satisfied the public's concerns as well as the fire department; as shown now shown by Mr. Schnoor can this item move forward to Second Reading.

There was no comment back from the public.

Mayor Pro Tempore Johnson advised it appeared the Council could possibly start voting on the various items; can we discuss each item and determine whether to move it on to Second Reading.

City Manager Calder advised each item has to go to Second Reading as well as the one ordinance that ties everything together; Staff would like to keep them together on the same track.

Mayor Pro Tempore Johnson questioned whether the Council should consider a motion identifying i.e. "send Ordinance # 724, the residential ordinance, with the change re: sprinklers; with stipulations" to Second Reading. Or do we need to go back and address each item for Second Reading.

City Manager Calder advised you need to specify what you are excluding or exempting.

Mayor Pro Tempore Johnson acknowledged that fact. There are some options; do we want to send all of them to Second Reading or can we move a few with stipulations so we get this simplified; is that an option.

City Manager Calder recommended sending them all to Second Reading; there is a time limit.

Mayor Pro Tempore Johnson referred to the Building Regulations Administrative Code; that is where some of the permit requirements come from.

Building Official Schnoor advised it is the rules for the Building Code; this particular section is new. Because of the way the ICC Codes are written, the front of each code book has its own administrative or regulations. Rather than having different regulations, which may conflict one another, Staff took everything and created our own administrative code; taking all of the items from those chapters and combining them into one so there is no redundancy.

Mr. Schnoor noted the amendments have been on the City's website for six weeks and questioned whether anyone had a chance to go through them. Mr. Schnoor received no acknowledgment or verification back from the Council or the public.

Mr. Schnoor quickly reviewed areas of the code for clarification and also provided a list of items exempt from permitting. Mr. Schnoor noted currently there are forty-two exemptions for permits; the 2009 codes give us forty-nine.

Mayor Pro Tempore Johnson questioned if Council members were ready to move forward to Second Reading.

Councilman Rice verified he was.

Councilman Conner supported discussing each item.

I. UNFINISHED BUSINESS

- A. First Reading of Ordinance No. 722, an Ordinance adding Title 2, Chapter 1 of the Elko City Code entitled “Building Regulations Administrative Code of the City of Elko,” as the source of regulating all building construction work within the City of Elko, and matters related thereto. **ACTION ITEM**

Mayor Pro Tempore called for public comment on this item.

John Carpenter believed something in the code says if there was a conflict in the code the most restrictive is the one you have to follow. If so, there should be some type of criteria; who is to say that the most restrictive is the best?

Mr. Schnoor advised that statement has been in the code since as early as 1971. It is there because of the extensive nature of the codes. The intent is to make sure you are using the safest method of construction directed by code. A local jurisdiction can make the determination the code is not restrictive enough in a certain area and can adopt something more restrictive; that would be the one that is enforced.

John Carpenter believed if the city was going to do this right they needed to coordinate with the surrounding entities.

Councilman Rice reminded everyone the county has indicated they were not interested in moving forward from the 2003 codes.

Fire Chief Kightlinger advised in Elko County, including within the City of Elko, with a lot of the projects, all design professionals, engineers and contractors are often subject to complete review by the Nevada State Fire Marshall’s Office. They are using the fully adopted 2006 codes; within eighteen months they will be holding hearings on adopting the 2011 codes. Right now they are designing to two different codes; 2003 in the City and in Elko County, 2006 for the State Fire Marshall’s Office; the number of projects that have dual review is massive.

Mr. Kightlinger advised a representative of the State Fire Marshall’s Office was present tonight, Chad Hastings.

Mr. Hastings, Assistant State Fire Marshall, verified they currently are on the 2006 codes; and administratively working to move to the 2009 codes. The majority of the state indicated they did not want to go to the 2009 codes so they stayed with the 2006 code at that time. Discussion has been held on going to the 2012 codes “as a state” which would level the playing ground. It is a problem having everyone on separate codes; the State Fire Marshall’s Office is trying to bring everyone up “as a state” to the 2012; mainly to make it easier for the contractors’. The local jurisdictions can amend the 2012 as they seem fit.

John Carpenter was unsure how the governor’s executive order would impact that. Mr. Carpenter also believed the codes were a way for local entities to raise money.

Councilman Rice advised he was not advocating sending these to Second Reading but tonight we have a lot of people here with good input. The upcoming legislative session is going to be changing a lot of things across the state.

Mr. Schnoor noted he came before the Council months back asking if there was any interest to move forward with the 2009 codes; Council indicated they did. Over time Staff has worked on the amendments and done a lot of research on the codes; Staff is here tonight to determine if the Council wants to adopt them. Yes the state can come together and adopt one code but whether that would happen or not, we don’t know. There are jurisdictions on the 2006 code right now and they are only three or four years behind the curve; we are on the 2003 which puts us six to seven years behind. Mr. Schnoor stated the 2009 code is a well written document; as all the codes are.

John Carpenter suggested waiting until after the legislature meets.

John Ellison questioned whether Mr. Schnoor had even seen the 2012 code.

Mr. Schnoor advised committees are meeting on it currently; you won’t see that in publication until the latter part of next year.

John Ellison commented the state is already looking at something that no one has seen. You don’t even know what is in there that we could comment on; it could be devastating.

Michael Clay didn’t believe the State Legislature is going to mandate what building code is used by the various cities and counties the state. Whether the City of Elko stays with 2003 or adopts 2009; the actions of the state are not going to change that. Mr. Clay remembered when things were simpler; now with all the nuances it is a challenge no matter what jurisdiction you are in. His life as a contractor will not be radically changed if you maintain 2003, adopt 2006 or adopt 2009. Mr. Clay again spoke in support of adopting 2009 rather than 2006. He didn’t believe anyone will be harmed or damaged; the concern is anything that is really going to compromise things for people, not be implemented i.e. residential fire sprinklers.

Mayor Pro Tempore Johnson stated with only three councilmen present at tonight’s meeting for the items to move to Second Reading the vote must be unanimous. He personally doesn’t like some things in the first ordinance under the building regulations for permit requirements; he is willing to move it along to Second Reading. Mayor Pro Tempore Johnson stated he did wish the

city and Elko County could move forward together on this issue but didn't think that was going to happen.

City Manager Calder recommended any substantial changes be done at this time; rather than at Second Reading. Mr. Calder advised keeping all the items together as they move through the process.

John Carpenter opposed moving to Second Reading; there are too many concerns that haven't been addressed.

Councilman Rice acknowledged Mr. Carpenter's statement but supported moving to second reading. Concerns with the residential fire sprinkler systems has been addressed administratively at tonight's First Reading and reviewed by everyone concerned.

Mayor Pro Tempore Johnson also acknowledged Mr. Carpenter expressed some valid points and there is a concern. Will only three members present tonight the vote must be unanimous; how does the Council wish to proceed?

Councilman Rice again stated his support of moving the items to Second Reading.

After having the entire process clarified by City Manager Calder, Mayor Pro Tempore Johnson stated he does have concerns with some items and disliked giving up a vote just to move forward.

Councilman Rice questioned whether the items could be addressed at the next Council Meeting on Tuesday night; there can be further discussion. Right now he is ready to move the items to Second Reading; with the amendment related to residential fire sprinklers.

Councilman Conner stated he was not ready to vote to move forward at this time; he would like to hear comments from Mayor Franzoia and Councilman Elquist.

**** A Motion was made by Councilman Conner, seconded by Councilman Rice to table all items on the agenda.**

Motion passed unanimously.

B. First Reading of Ordinance No. 723, an Ordinance adding Title 2, Chapter 2 of the Elko City Code entitled "International Building Code of the City of Elko," and making provisions for adopting the 2009 International Building Code with Appendices C, E, F, G, H, I and J as the source of regulating all commercial building construction work within the City of Elko, and matters related thereto. **ACTION ITEM**

**** A Motion was made by Councilman Conner, seconded by Councilman Rice to table all items on the agenda.**

Motion passed unanimously.

- C. First Reading of Ordinance No. 724, an Ordinance adding Title 2, Chapter 3 of the Elko City Code entitled “International Residential Code of the City of Elko,” and making provisions for adopting the 2009 International Residential Code with the exception of Chapters 11-42 but with Appendices H and K as the source of regulating all residential construction work within the City of Elko, and matters related thereto. **ACTION ITEM**

**** A Motion was made by Councilman Conner, seconded by Councilman Rice to table all items on the agenda.**

Motion passed unanimously.

- D. First Reading of Ordinance No. 725, an Ordinance adding Title 2, Chapter 4 of the Elko City Code entitled “Uniform Mechanical Code of the City of Elko,” and making provisions for adopting the 2009 Uniform Mechanical Code, with Appendices A, B, C and D as the source of regulating all mechanical construction work within the City of Elko, and matters related thereto. **ACTION ITEM**

**** A Motion was made by Councilman Conner, seconded by Councilman Rice to table all items on the agenda.**

Motion passed unanimously.

- E. First Reading of Ordinance No. 726, an Ordinance adding Title 2, Chapter 5 of the Elko City Code entitled “Uniform Plumbing Code of the City of Elko,” and making provisions for adopting the 2009 Uniform Plumbing Code, with Appendices A, B, D, E, I and L as the source of regulating all plumbing construction work within the City of Elko, and matters related thereto. **ACTION ITEM**

**** A Motion was made by Councilman Conner, seconded by Councilman Rice to table all items on the agenda.**

Motion passed unanimously.

- F. First Reading of Ordinance No. 727, an Ordinance adding Title 2, Chapter 6 of the Elko City Code entitled, “Electrical Code of the City of Elko,” and making provisions for adopting the 2008 National Electrical Code as the source of regulating all electrical construction work within the City of Elko, and matters related thereto. **ACTION ITEM**

**** A Motion was made by Councilman Conner, seconded by Councilman Rice to table all items on the agenda.**

Motion passed unanimously.

- G. First Reading of Ordinance No. 728, an Ordinance adding Title 2, Chapter 7 of the Elko City Code entitled “International Energy Conservation Code of the City of Elko,” and making provisions or adopting the 2009 International Energy Conservation Code as the source of regulating all building energy conservation within the City of Elko, and matters related thereto. **ACTION ITEM**

**** A Motion was made by Councilman Conner, seconded by Councilman Rice to table all items on the agenda.**

Motion passed unanimously.

H. First Reading of Ordinance No. 721, an Ordinance repealing Title 2, Chapters 1,2,3,5,6,7,9,10,11,12, of the Elko City Code entitled “Plumbing Code,” “Electrical Code,” “Reserved,” “Reserved,” “Residential Building Codes and Permits,” “Abatement of Dangerous Buildings,” “Administrative Code,” “Mechanical Code,” “Commercial Building Codes and Permits,” and “Energy Conservation Code,” respectively, and an ordinance re-numbering Title 2, Chapters 4, 8 and 13 of the Elko City Code entitled “Sidewalks, Curbs, Gutters,” “Street Numbering of Buildings,” and “Swimming Pool and Spa Code,” respectively, and matters related thereto.
ACTION ITEM

**** A Motion was made by Councilman Conner, seconded by Councilman Rice to table all items on the agenda.**

Motion passed unanimously.

II. 6:00 P.M. PUBLIC HEARINGS

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

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

There was no public comment at this time.

III. REPORTS

- A. City Manager
 - 1. City Manager Evaluation January 25th
- B. Fire Chief
 - 1. Verification City Council can amend code

ADJOURNMENT

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

Mayor Pro Tempore Chris Johnson

Shanell Owen, City Clerk