

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

SS November 22, 2011

The City Council of the City of Elko, State of Nevada met for a regular meeting beginning at 4:00 p.m., Tuesday, November 22, 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 Jay Elquist
Councilman Richard Perry

Council Absent: Councilman John Rice

City Staff Present: Curtis Calder, City Manager
Delmo Andreozzi, Assistant City Manager
Shanell Owen, City Clerk
Don Zumwalt, Police Chief
Matt Griego, Fire Chief
Dawn Stout, Administrative Services Director
Ryan Limberg, Utilities Director
Mike Hecht, Deputy Chief/Fire Marshal
James Wiley, Parks Superintendent
Scott Wilkinson, Development Manager
Doug Gailey, Human Resources Manager
Jeremy Draper, Civil Engineer
Ted Schnoor, Building Official
Linda Buffington, Recording Secretary

PLEDGE OF ALLEGIANCE

**APPROVAL OF MINUTES October 25, 2011 Regular Session
FOR POSSIBLE ACTION**

**August 23, 2011 Special Session
FOR POSSIBLE ACTION**

**** The minutes were approved by unanimous consent.**

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.

I. PERSONNEL

A. Employee Introductions:

- 1) Trent Henseler, Parks Laborer, Parks Department
- 2) Eric Mitchell, Water/Sewer Laborer, Water/Sewer Department

II. APPROPRIATIONS

B. Review, consideration, and possible issuance of Final Acceptance for the WRF Biosolid Drying Beds Project, and matters related thereto. **FOR POSSIBLE ACTION**

This project was awarded to Mach 4 Construction at the June 14, 2011 Council meeting. The work has recently been completed and Staff is recommending final acceptance for the project. There was one change order in the amount of \$4,661.51. FPS

WRF Superintendent Sawyer explained the change order of \$4,661.51 consisted of two items; the first was a credit for green rebar, piping in the system had to be changed. The second item involved grindings; part of the project required us to supply type-two road base; the Idaho Street Project gave us some grindings Mach 4 hauled those down which resulted in a cost savings.

**** A motion was made by Councilman Elquist, seconded by Councilman Conner to approve Final Acceptance for the WRF Biosolid Drying Beds Project.**

Motion passed unanimously.

C. Review, consideration, and possible issuance of Final Acceptance for the annual scarification of the Rapid Infiltration Basins (RIBs), and matters related thereto. **FOR POSSIBLE ACTION**

This project was awarded to Great Basin Engineering at the September 13, 2011 Council meeting. The work has recently been completed and Staff is recommending final acceptance for the project. There were no change orders. FPS

WRF Superintendent Sawyer was present to answer questions.

**** A motion was made by Councilman Elquist, seconded by Councilman Perry to approve Final Acceptance for the annual scarification of the Rapid Infiltration Basins (RIBs).**

Motion passed unanimously.

- D. Review, consideration, and possible approval of a land purchase contract with Bar L Ranch, a Nevada Corporation and Sidnie Miller, and matters related thereto. **FOR POSSIBLE ACTION**

This land purchase is for .75 acres of ground in the Exit 298 area for future use as a well site if the test well proves favorable. This appropriation is included in the 2011/2012 Water Budget. AM

Water/Sewer Superintendent Mendive was present to answer questions.

Councilman Elquist questioned whether there was an existing well.

Mr. Mendive verified there was a well that services the buildings currently there but it is not big enough to qualify as a municipal well.

**** A motion was made by Councilman Conner, seconded by Councilman Elquist to approve a land purchase contract with Bar L Ranch, a Nevada Corporation and Sidnie Miller.**

Motion passed unanimously.

- E. Review, consideration, and possible direction to Staff to obtain an appraisal for approximately 25 acres of land surrounding the Lamoille Summit Water Tank, and matters related thereto. **FOR POSSIBLE ACTION**

The existing site of the Lamoille Summit Water Tank consists of 1.6 acres of ground. City Staff feels it would be prudent long term planning to purchase additional acreage surrounding this tank to enable future expansion of additional tanks, retain overflow water, create a buffer zone, and so forth. If approved, Staff will bring back the appraised value for Council to consider purchase of this land. RL

Water/Sewer Superintendent Mendive believed this purchase would benefit the city. Currently any overflow goes down the ditch and collects in a pond on private property; right before it would go over the hill to the landfill. That has caused a few problems in the past but we have been able to alleviate that for the most part with our SCADA. But, if we had to drain the tank for maintenance there would be three-million gallons of water that would have to go somewhere.

Mr. Mendive expressed concern if a private company purchases the property and decides to fill that ditch; what do we do with our water.

Councilman Perry questioned if this parcel was for sale right now.

Mr. Mendive verified that was correct.

Mayor Johnson questioned if there was sufficient ground to add another tank if necessary.

Mr. Mendive verified there was.

Councilman Elquist commented 25 acres seems like too much. Has there been any discussion with the owner.

Mr. Mendive was unsure the owner is willing to parcel the property. There are still a lot of questions that need to be answered. The most important question right now is what the cost is.

Councilman Elquist questioned whether it can it be appraised per acre?

City Manager Calder advised if we proceed with the appraisal we can instruct the appraiser to do it in that method. Typically they do a full appraisal based on the boundaries. But if we look at it in different segments, and we've done those in the past; where they can assign different values to different portions of the property in question.

Development Manager Wilkinson advised the Council to keep in mind the appraisal should take into account, as this develops within the city's boundaries; public improvements will be required along that frontage.

**** A motion was made by Councilman Elquist, seconded by Councilman Perry directing Staff to obtain an appraisal for approximately 25 acres of land surrounding the Lamoille Summit Water Tank and instruct the appraiser to appraise it on a per acre basis, if there are different values identify those values so if we choose to parcel it in the future and it is flexible the appraisal will hold.**

Motion passed unanimously.

- F. Review, consideration, and possible final acceptance of AIP 40 Movement Area Pavement Maintenance at the Elko Regional Airport, and matters related thereto.
FOR POSSIBLE ACTION

The Movement Area Pavement Maintenance project has been completed. A walk through inspection took place on October 25, 2011, and all punch list items were accepted on October 31, 2011. Staff is asking for final acceptance of this project.
TM

Airport Director Moyers advised the project came in on time and on budget; Staff recommends final acceptance.

**** A motion was made by Councilman Perry, seconded by Councilman Conner to approve Final Acceptance of AIP 40 Movement Area Pavement Maintenance at the Elko Regional Airport.**

Motion passed unanimously.

III. NEW BUSINESS

- A. Review, consideration, and possible action to select the secondary treatment process and direct Staff to move forward with engineering design of the WRF Plant Upgrade Project, and matters related thereto. **FOR POSSIBLE ACTION**

AQUA Engineering and Staff are recommending the STM-Aerotors as the preferred option for the secondary treatment upgrade project. This option has the lowest financial impact while meeting the project goals. FPS

WRF Superintendent Sawyer advised Justin Logan with Aqua Engineering was present to answer questions.

Mr. Sawyer informed the council included in the agenda packets was a technical memorandum and also a potential site layout of the Aerotors.

Mr. Sawyer advised this is more of a biological replacement of failing equipment we have at the waste water plant. Some of that equipment i.e. RBC's and Bio-Tower have been there since the 70's and 80's. Staff looked at this in the master study of 2009 to figure out what we would have to do for the plant upgrade; in terms of the biological conversion of nitrogen. At that time we selected the STM-Aerotors.

Mr. Sawyer informed the Council that Aqua Engineering was hired to look at the plant expansion and they are under currently under contract to do the engineering. The first thing will be to go back and re-evaluate what we looked at in 2009; make sure nothing has changed. We set the effluent design criteria, set some low limits on total nitrogen because we wanted to be pro-active. We wanted to look at site location; we wanted to make sure we could place the equipment with the available space we have at the plant. The final thing for consideration was to look at processes that would be friendly to operate for Elko and the Elko climate. We selected three processes; 1) Conventionally activated sludge, 2) STM-Aerotors and 3) MBR process. We then looked at capital cost and own/end cost to determine which process we thought would be the best for Elko. Based on the evaluation performed by Aqua Engineering Staff believes the STM-Aerotors, minus the Bio-Tower, which will be moth balled, is the best option.

Mr. Sawyer advised Staff would like to move forward at this time. The project will cost approximately \$6.0 million. Staff will come back to council for purchases, approval for final designs etc. and will be kept informed through the entire project. Mr. Sawyer indicated ending cash reserve is estimated at approximately \$9.0 million. Mr. Sawyer advised we have funding to do this and believed it is beneficial to proceed because we are starting to see failure of equipment that has been in service forty years.

Mr. Sawyer directed the council's attention to the site layout and advised there has been some expansion for future growth. What is there in G3 will take us to 4 mgd. We are currently at 2.2 mgd; future expansion will take us to 6 mgd.

Mayor Johnson questioned the original cost of the Bio-Tower.

Mr. Sawyer estimated \$850,000.00 by the time it was installed. The media replacement that it now needs will cost right around \$400,000.00. Staff did look at the option of leaving the Bio-Tower in the process and then take it out. If the Bio-Tower had been left in the process we would have to look then we would have had to look at a carbon source addition. Typically that is methanol and something Staff would prefer not to use due to the explosive hazard. That doesn't mean the Bio-Tower is going to remain and doesn't mean you couldn't use it for a scalping process once the flow starting hitting 5 or 6 mgd; so that will possibly still be there. Although at this Staff believes the best option is to moth ball it.

Mr. Sawyer advised this will also replace the RBC's; they have been in service a long time also.

Mayor Johnson questioned what happened to the MBR process; was it not suitable for the Elko climate.

Mr. Sawyer indicated previously Staff had looked at the MBR process, with the caveat; we could go with river discharge. A few years back we came to the council and asked for monies to look at a two-prong attack; one was a river discharge and the other was purchasing property from BLM through the RP&P process. We knew each process would take the same amount of time so we wouldn't know what the decisions were; so we had to trigger both evaluations; river discharge and the RP&P process with the BLM. SRK ran the lead on the river discharge and said it would never get permitted. Staff then proceeded with the RP&P process; we've picked up 814 acres from BLM and now have room for disposal. Mr. Sawyer advised the MBR process is also very expensive; it was estimated at \$12.0 million.

Mayor Johnson commented MBR would provide a higher quality of water.

Mr. Sawyer verified that was correct. The aerotors will take us from a Class C reuse to a Class B; which gets rid of the buffer zones at the park; for \$6.0 million. MBR would take us to a Class A and the reuse could be used just about anywhere. Staff considered what is available to water with in the city and didn't believe the additional cost was prudent.

Mayor Johnson questioned where Class A water would be used versus Class B.

Mr. Sawyer advised Class B will take us to ball fields; Class A would take us to the high school, college and possibly the Main City Park.

Councilman Perry requested Mr. Sawyer speak on the other component of this; which is the nitrates. The existing plant and its design versus what this will do; and what kind of risk that mitigates to the city.

Mr. Sawyer stated we know the biological components of the plant are failing; the plant was designed to convert ammonia to nitrate and over the past few years we have been seeing elevations in nitrate. The new plant will be designed to break down the nitrate to nitrogen gas and do away with the nitrate component that is leaving the plant and going to the parks and to the RIBS. Staff is being proactive in dealing with the nitrates; we are taking ammonia and converting it to nitrate and then converting it to nitrogen gas with the new process.

Mr. Sawyer advised in the last year there has been another change; previously our permit was to monitor ground water at the reuse site for nitrates; they've changed that to total nitrogen. By putting in this new plant, converting the nitrogen component to nitrogen gas it alleviates everything. Our target level is less than drinking water which is 10 ppm; we are targeting 8 ppm.

Councilman Elquist questioned the capacity of the existing plant.

Mr. Sawyer advised we are permitted for 4.5 mgd. We have run the plant in excess of that; in 2005 when we had the flooding conditions, but we can comfortably run the plant at 4 mgd. This upgrade will still keep us at a maximum of 4 mgd; all we are doing is replacing biological conversion equipment; we aren't increasing the capacity.

Councilman Perry questioned the current average.

Mr. Sawyer advised currently it is 2.2 mgd.

Councilman Elquist noted the plant had peaked at 4.5; will this plant be able to handle a peak? It seems like we are making a big upgrade and we aren't getting any increased capacity. Is that the case and should we be looking at some capacity gains? Is it modular and easy to add another MGD?

Mr. Logan clarified when Mr. Sawyer was talking about peak day flows that have come through the plant i.e. in a rainy season the plant won't change in that regard; hydraulically it will still be able to pass the same amount of flows etc. What he is really talking about is the biological load that comes to the plant; it will remain the same even though with this process it is a bit more robust as far as the ability to treat varying biological loads.

Mr. Logan addressed the question of modular. They have shown on the layout presented that two of these trains will be installed right now; with space for a third train to be put in at a later time that will take you to the 6mgd, biologically. At that time another clarifier would have to be added to increase hydraulic capacity as well.

Mr. Logan continued and noted the biological capacity isn't being increased right now; we are maintaining it as-is. The big improvements from the plant standpoint is; energy efficient is going to be quite a bit better, we are removing some of the pumping etc. that was associated with the Bio-Tower. It is really why that didn't work out; that along with we didn't want to lose all the carbon that helps us get the nitrogen removal and then have to add it back in with methanol or whatever.

Mr. Logan indicated everything points toward this being the most effective and efficient option.

Councilman Elquist referred to the comment on methanol; was that if you did an upgrade to the existing plant?

Mr. Logan explained the methanol was mostly a comparison with or without the Bio-Tower.

Councilman Elquist questioned the fact we are not increasing capacities. Was there an evaluation of whether to upgrade the existing plant and get by with that versus a brand new plant; or was it to replace this plant for sure? Councilman Elquist questioned if an upgrade is viable?

Mr. Logan advised they did look at upgrading the existing equipment at part of the Master Plan when they did the update in 2009. The issues there and some of the goals put forth were nitrogen removal etc. With the existing process you can't achieve that.

Councilman Elquist wanted to discuss reliability; the city isn't model one; this is proven technology.

Mr. Logan assured the council this is proven technology. They like this technology because it adds an efficiency component; from an energy standpoint.

Councilman Perry questioned the operating risks for this recommended configuration; that it will not meet the discharge criteria.

Mr. Logan advised all the options considered will meet the design criteria and provide reliable treatment.

Councilman Perry then questioned how the final effluent is modeled.

Mr. Logan advised calculations are done to size the equipment etc. In addition, there are computer models you can use but it comes down to size of basins and available biology to provide treatment.

Councilman Elquist questioned whether it plugs in with no adjustments or major modifications on either end.

Mr. Logan verified that was correct.

Councilman Perry questioned if approved; do we move into detailed engineering; what is the process.

Mr. Sawyer advised if approved tonight we will start detailed engineering; Aqua Engineering is already under contract for. The goal is to have this to NDEP in April and then we will bid the project in July. There are some long-lead items that Staff will be coming back to the council for pre-approval to purchase. The project will be budgeted in the next budget cycle beginning in July.

**** A motion was made by Councilman Perry, seconded by Councilman Elquist to select the recommended secondary treatment process and direct Staff to move forward with engineering design for the WRF Plant Upgrade Project.**

Motion passed unanimously.

- B. Review, consideration, and possible action to select Mr. Bradley John Martin's Proposal for Golf Professional Services, including authorization to negotiate a Golf Professional Agreement, and matters related thereto. **FOR POSSIBLE ACTION**

The Request for Proposal (RFP) process closed on November 4, 2011. The City of Elko received two (2) proposals, one of which was deemed non-responsive. Therefore, the selection committee recommends Mr. Bradley John Martin's Proposal for Golf Professional Services be selected, subject to further negotiations with Staff. A Golf Professional Agreement will be brought back to the City Council for final approval. CC

City Manager Calder advised the proposal was included in the packet. If approved, Staff is asking for direction to negotiate an agreement to be brought back before City Council.

Mr. Martin thanked the council for the opportunity and was excited about the next phase for the Ruby View Golf Course.

Councilman Elquist noted there were items in the proposal Mr. Martin wanted more clarification on; are there any big gaps in the agreement that could be of concern.

Mr. Martin advised there were not. For the most part; the contract with the previous golf pro is what he would be favorable to.

City Manager Calder indicated there have been discussions with Mr. Martin; there are questions that needed to be answered for him; some of which are not under the city's purview i.e. taxes; that will all be done prior to or during the contract negotiation phase. Council will see the final agreement and any agreement brought forth will be something both Staff and Mr. Martin have agreed to already. In addition, Mayor Johnson has been asked to participate in the contract negotiations.

City Manager Calder advised the goal is to have the contract back before the Council by the December 13th meeting but if not then certainly it will be completed by the first meeting in January. Mr. Longhurst's retirement date is January 1, 2012.

**** A motion was made by Councilman Perry, seconded by Councilman Conner to select Mr. Bradley John Martin's Proposal for Golf Professional Services, including authorization to negotiate a Golf Professional Agreement.**

Motion passed unanimously.

After the motion and before a vote was taken Mayor Johnson questioned whether Staff would have sufficient time to get everything together before the end of the year.

City Manager Calder believed it was possible; but if not it isn't a deal breaker.

- C. Review, discussion, and possible approval of City Council comments for submittal to the Nevada Department of Transportation (NDOT), regarding the plans for the proposed maintenance improvements on SR 225, Mountain City Highway, SR 227, Lamoille Highway, and SR 535, Idaho Street, and matters related thereto. **FOR POSSIBLE ACTION**

An informational meeting was conducted on November 9, 2011 by NDOT representatives regarding the above referenced project. Numerous public comments were made during the meeting regarding the proposed concrete medians and resulting loss of access to local businesses. A copy of the informational packet has been enclosed in the agenda packet for review. Comments regarding the project are due no later than November 28, 2011. CC

Mayor Johnson disclosed the fact he owns property on Mountain City Highway located at 2970.

City Manager Calder advised, as directed, this was placed on the agenda to allow further public comment in front of the city council so the city can consolidate that public comment and submit it to NDOT prior to the November 28th deadline.

Kevin Lee, District Engineer with NDOT, advised tonight's presentation is the most current plan and incorporates various public comment to date. Mr. Lee reminded everyone that this is not the final version and additional comments will be addressed as this goes forward.

Mr. Lee advised key points are comments on time of day of work, what they should be avoiding as far as certain weekends etc.; those are the type of things they want to get into this project for special provisions for the contractor.

Mayor Johnson commented stop lights could be part of this project.

Mr. Lee indicated if the city wanted NDOT to look at some signal work it probably wouldn't happen within the time frame here.

John Ellison, State Assemblyman, advised he has been meeting with the director as this moves forward trying to work through some of the issues. They met today and Mr. Ellison believed most of the issues had been addressed with the exception of the second access into the Raley's Shopping Center where Jack-In-The-Box will be located. After speaking with the director about that concern he said if the board looks at that and their recommendation is not to have medians in there then they will take that into strong consideration.

Mr. Ellison advised he spoke with the owner of the shopping center and there was discussion on moving that entrance to align with Argent Avenue but the terrain and financial impact make it almost impossible.

Mr. Ellison commented the biggest concern is will the city lose two businesses in that area if there aren't turns in and out.

John Carpenter wanted to assure there was access into the car wash, the fueling station and where the old forest service office was located as well as access in and out of the old airport.

Mr. Carpenter was concerned with the area at Sage Street and wanted the council to request NDOT conduct a traffic study to determine whether it warrants a traffic signal there.

Mr. Carpenter also wanted the median in front of Charles Chester Plumbing removed.

Gary Pinkston, owner of the Elko Junction Shopping Center, informed the council there is a lot of synergism going with the new businesses and they want to keep it moving forward. There is always a concern with new businesses in a community and he wants them to meet with great success.

Mr. Pinkston requested the council's support in some recommendations to NDOT; 1) have the work occurring after shopping hours i.e. 8:00 p.m. to 7:00 a.m. 2) add a four car stacking area in front at the Wal-Mart left turn area into Ross 3) any work on their side of I-80 be carried out in 2013 to allow new tenants time to get established and 4) no median in front of Raley's.

Mr. Pinkston continued and advised two additional tenants are planned for the shopping center; Jack-In-The-Box next to Arby's and a pizza operator. If the median is put in; they will lose those two tenants but they would be replaced with something along the lines of a beauty/nail salon or gift store. Mr. Pinkston commented those two tenants represent approximately \$4.5 million in sales volume and thirty employees to the area.

Mr. Pinkston advised it is Elko's shopping center and they are trying to serve the community; he would like the council to look hard at helping them.

Pam Borda, Executive Director, ECEDA, expressed the hope there will be no adverse impact to any business in the community. Ms. Borda also stated she is opposed to medians that prevent full access to businesses.

There was no further public comment at this time.

Councilman Perry requested clarification on the request for no median in front of Raley's.

Mr. Ellison noted left and right turns can be made off Argent Avenue onto Mountain City Highway but across the highway the secondary access coming out of Raley's does not allow a left hand turn. Traffic is already backing up at the signal in front of Raley's and McDonalds and a median in that area is only going to make things worse.

Councilman Elquist questioned whether there had been any consideration given to vacating that street all together and making it real estate? There would still be entries into the shopping center on either end.

Mr. Pinkston commented if there has to be a median it would be better for them to have a right in and a right out; they don't want to limit the circulation in the shopping center.

Mike Murphy Assistant Engineer, NDOT, referred to the overhead slides and advised what currently exists is "painted" medians. There are concerns due to the fact people are making illegal left turns in that area. NDOT has been aware of this problem for years; there is no easy way to fix it.

Mr. Murphy informed the council NDOT is trying to set up for the ability to make U-turns can be made on any of the signals.

Councilman Elquist acknowledged that would certainly help.

Councilman Perry requested verification Mr. Murphy was saying the highway is actually marked out now like what is being proposed. The medians would formalize what is on the ground now.

Mr. Murphy verified that was correct and stated it has been that way approximately four years.

Councilman Conner found the median area very confusing. Why couldn't there be something similar to what was installed on Idaho Street; medians for a left turn or a center turn lane.

Mr. Murphy advised they are not recommended on roads with this high of volume because you have conflicting movements.

Councilman Perry understood that if the Raley's entrance road had been at a right angle to Argent Avenue this would have been an easy design. But fundamentally, one of these roads, Argent or Raley's is going to allow a left turn; by definition the other one can't. In this case the design is for Argent Avenue because it is a higher volume road.

Mr. Murphy verified that was correct; and it is a public street versus a private access road into the shopping center.

Mr. Ellison strongly believed the signal area into the shopping center was being heavily impacted by the public in the private subdivision.

Councilman Elquist questioned whether Mr. Pinkston had run the numbers to rebuild the access in alignment with Argent Avenue. Is it economically not feasible or has it been considered?

Mr. Pinkston advised it doesn't work with existing buildings and the grades.

Councilman Perry questioned Mr. Lee on whether there was any other resolution to this issue.

Mr. Lee stated there is no "good" resolution to the issue.

Councilman Perry questioned whether adding an additional lane and going away from what is painted there now would solve the issue.

Mr. Lee acknowledged it sounds like an easy fix but then advised all the intersections and approach roads are too close together.

Mayor Johnson believed regarding the Raley's interchange consideration needs to be given that if you have an individual; with this proposed concrete median; that wants to make a left off of Raley's that they get in between the concrete median of Argent. That may be more of a concern of putting in the concrete to restrict them there versus the line. Mayor Johnson was concerned with a concrete median but believed as people recognize what NDOT is trying to do i.e. the Home Depot and McDonald's right-in's they will work around that and get to a stop light.

Mayor Johnson advised there have been numerous comments and requests on this project. The council now has to decide whether they want to make recommendations to NDOT.

City Manager Calder reviewed the requests;

- 1) Eliminate median at Raley's
- 2) Warrant study on Sage and Mountain City Highway
- 3) Request for nighttime construction
- 4) Request stacking areas; 4 vehicles minimum
- 5) 2013 versus 2012
- 6) Minimize impact to business during construction

Councilman Conner believed all the requests were reasonable.

Councilman Elquist referred to the traffic study at Sage; has that been done recently.

Mr. Lee was unsure when the last study had been done.

Mr. Carpenter questioned when the traffic study could be done.

Mr. Lee advised what is problematic with a traffic study is you typically have to put tubes in the road; at this time of year they get snowplowed up which means we have to wait and redo it.

Councilman Perry questioned once finalized; when is the project proposed to begin.

Mr. Lee advised the tentative date is early spring for advertise and bid; award sometime in summer and start work late summer into fall. The project will be phased over 2012/2013 with the majority of the work in 2013; the exact phasing is unknown at this time.

Councilman Perry questioned how realistic it was to accommodate a request for no work north of I-80 until the final year.

Mr. Lee advised there will be an area at Argent Avenue where NDOT will have to do something. There may have to be some remedial repairs which is going to impact someone in some way.

Mr. Lee addressed the request for the four-car stacking and advised that had already been done; they split the turning movements for incrementally between Argent Avenue and the access into Joann's etc.

Councilman Elquist referred to the Mayor's thoughts on Argent Avenue and Raley's; if you stick with right turn in, right turn out would it make sense to extend that past that area so people won't go through there?

Mr. Lee acknowledged there might be ways to mitigate that; you are going to have to have some type of signage so they are aware there is an island there and they don't turn left.

Mr. Murphy advised they best way to prevent that type of action when traffic comes out is to put a triangular median in the approach itself that forces them to go out the correct way.

Councilman Elquist still saw a win/win situation by moving the Raley's access to align with Argent Avenue and questioned Mr. Murphy whether NDOT would participate in developing that area all the way back to their right-of-way. Now is the time to fix this.

Mr. Murphy advised he was not allowed to commit to projects. But, if whole approach was taken out you could realign it, pick a spot in there and come back into the NDOT right-of-way to get closer. Mr. Murphy advised the have a lot of mobility as far as how they come out of their right-of-way, which direction they go. They are eligible to spend funds as long as it is in their right-of-way.

Councilman Elquist noted the NDOT right-of-way takes care of half of the area. Councilman Elquist believed strongly now is the time to address this.

Mr. Murphy acknowledged there is a large share of NDOT right-of-way there.

Councilman Elquist wanted to see everyone work hard to come up with that solution; it is the best long-term fit. It splits the difference between the two signals and gets rid of that little conflict road.

Mr. Murphy advised if Argent went to more of a standard four-way intersection you would go away from the design we have and you would end up with a standard 'S'. You would split the turn lane between Spruce and Argent and you would have better stacking on both of those left-hand turn lanes in both directions. The number of accesses would be the same into the shopping center.

Councilman Elquist noted it would require the developer to participate some also.

Assistant City Manager Andreozzi acknowledged an 'S' road in alignment with Argent, typing back into the current road could work; it does compromise some real estate. We have a similar

situation at the Wal-Mart access; it is not a direct access. It is a possibility although it does take some real estate and there will be some physical cost to do the 'S' portion of the road.

Councilman Elquist stated it would be nice to see a long-term fix.

Councilman Perry agreed with the statement by Councilman Elquist. And, because of the geometry the proposed road alignment is the only logical answer.

Mr. Pinkston supported right in, right out.

Mayor Johnson believed striping was the best solution and there wouldn't be any gain with a concrete median for that intersection. People will learn the best way to get from point 'A' to point 'B' and we will work with that.

**** A motion was made by Councilman Conner, seconded by Councilman Elquist to recommend to NDOT; eliminating the concrete medians at the Raley's entrance, conduct a warrant study on the possible traffic signal at Sage and Mountain City Highway, look at night time construction to lessen impact on local businesses, minimize the impact to businesses during construction, try and move the construction north of I-80 into 2013 construction season and look into the possible movement of entrance to align with Argent Avenue; as described in the presentation to City Council on November 22, 2011.**

Motion passed unanimously.

After the motion and before a vote was taken Councilman Elquist indicated it was his understanding NDOT would gather all the comments from everyone; take it all in and do the best they can to accommodate; but ultimately they will factor in all the comments, plus their safety considerations and expertise to come up with the final decision. Was that correct and when does that happen?

Mr. Lee verified Councilman Elquist's understanding was correct. The comment period ends November 28th, based on the number of comments received it could take another month before anything becomes final. Currently they are at the 60% and there is still a lot to be done to get to 90%; in reality there may not be a final set until after the first of the year.

Councilman Elquist indicated he was unsure he agreed with Mayor Johnson and Councilman Conner in regards to the medians; there could be some need for concrete in that area. As we approve more apartments and introduce more shopping and more traffic we probably factor in more safety. NDOT has probably factored that in already but we have to accept some responsibility as a city. If it was our street we might want some concrete there to control some of that traffic; it is loose down there. Councilman Elquist acknowledged the impact this would have on businesses; but it is not a safe area right now and we are approving a lot of growth there. Councilman Elquist stated he appreciates NDOT's position regarding the concrete.

Mayor Johnson questioned if there was a part of the motion any of the council wished to pull out and discuss further; we have that option.

Councilman Perry believed the concrete median in front of Raley's became an issue because there really was no way around it. There is a lot of traffic there and it is a safety issue. As traffic increases, particularly off Argent Avenue, there does need to be that for public safety and that is priority number one. Even the property owner just said put the concrete in.

Councilman Perry advised he can vote with the motion as it is but he believed there is a reason NDOT has the concrete median formalized at that intersection; it is a safety issue.

Councilman Elquist again stated he would like NDOT and the developer to work on finding a solution to align that access into the Raley's Shopping Center. It seems like a small investment on both ends to fix a problem for the next twenty years instead of working around it a bad situation. He wasn't sure that could happen but as a representative of the city trying to influence the parties involved from a city perspective; that is what we should represent and work towards.

VI. 6:00 P.M. PUBLIC HEARINGS

- A. Review, consideration, and possible action to approve Resolution No. 37-11, a resolution of the Elko City Council amending the Land Use component of the Elko City Master Plan to include a written designation for General Commercial under the subheading Map, add CC (Convenience Commercial) as a corresponding zoning district under the Highway Commercial designation, and change CT (Transitional Commercial) listed as a corresponding zoning district under the Neighborhood Mixed Use designation to CT (Commercial Transitional) to better reflect the current Elko City Zoning Ordinance designations, filed as Elko City Master Plan Amendment No. 2-11, and matters related thereto. **FOR POSSIBLE ACTION**

The Planning Commission approved their Resolution No. 02-11 to amend the Land Use component of the current Elko City Master Plan, and also took action to forward a recommendation of approval for the amendment to City Council at a regular meeting dated November 1, 2011. An amendment of this type requires positive action by both the Planning Commission and the City Council. If the City Council suggests any changes to the Master Plan amendment as adopted by the Planning Commission, the Master Plan must first go back to the Planning Commission for review and approval. DA

Assistant City Manager Andreozzi advised this was a housekeeping issue; it will clean up a section of the Master Plan that was overlooked.

John Carpenter was unsure what the council was discussing and questioned whether this would impact properties along Mountain City Highway.

Development Manager Wilkinson advised in the current Master Plan we have different land use designations. Along the Mountain City Highway Corridor in the previous Master Plan it used to be a General Commercial designation. With the current master plan we went to what you would consider a higher intensity use called Highway Commercial and a General Commercial; they are

not zoning districts, they are anticipated land uses for the area and a lot of it is based on existing zoning and existing land use because much of it is already developed. This resolution is not changing any zoning that currently exists along the Mountain City Highway Corridor.

Mr. Wilkinson explained further that when Staff went through the Master Plan adoption process somewhere between the last draft and final presentation this land use designation called General Commercial, was omitted from the Master Plan as it was presented to the Planning Commission and City Council. Zoning districts that would correspond with that land use designation within the City of Elko include General Commercial, Convenience Commercial, Commercial Transitional and Planned Commercial.

Mr. Carpenter advised he attended some of the Planning Commission Meetings when the Master Plan was being changed and he didn't remember this issue being discussed. Mr. Carpenter wanted to review the map and see what each area is being designated as.

Mr. Wilkinson directed Mr. Carpenter's attention to the overhead map which showed the area and the zoning designations.

Mr. Carpenter informed Mr. Wilkinson that he would like time to sit down and review everything.

Mr. Wilkinson advised the Planning Commission and City Council approved the land use map in the Master Plan; this is just a housekeeping issue. Mr. Wilkinson referred to the map and indicated the commercial areas have been expanded along the Mountain City Corridor; they are all designated Highway Commercial as shown in dark red. The orange in that area would be designated as General Commercial.

Mr. Andreozzi clarified the importance of that to Staff. Anything that is dark red has multiple types of zoning characteristics to it right now. Through the new Master Plan process we generated a new land use type which is called; Highway Commercial. In each one of these general description land uses inside of it, particularly with the Commercial Zone, you have different sub-categories. If you were going to rezone a piece of property in there you would look at how the land use designates it and then you would look at the different sub-categories in there and determine whether or not that was an appropriate sub-classification for that particular zone. In other words; could it be General Commercial. The way the language is currently and someone wanted to rezone that; we wouldn't be able to rezone it to General Commercial because it was omitted from the Master Plan, but we have General Commercial in our zoning code.

Councilman Perry believed what Mr. Andreozzi was trying to say is that the nomenclature of the land use map is not the same as the actual zoning districts in the ordinances. Staff is trying to fix that in the land use map of the Master Plan by saying; here is what we meant by Highway Commercial; we meant these specific zoning districts in the ordinance

Mr. Wilkinson clarified there are land use classifications on this map; in the land use component of the Master Plan we define those land use designations. On the map, in orange, we have a General Commercial designation; we don't have that defined in the body of the text in the land

use component; somehow that paragraph was omitted. We have all the other land uses defined and the associated zoning districts that exist today defined. But we don't have the General Commercial shown as orange on the map defined in the narrative, body of the text; and that is what this resolution will address.

Councilman Perry requested clarification Staff just wanted to add this paragraph to the land use component of the Master Plan. It isn't changing zoning anywhere and it isn't changing the map that was approved.

Mr. Wilkinson verified that was correct; this is just a housekeeping issue.

Mr. Carpenter commented the map was too confusing to immediately understand and requested this item be tabled until the next council meeting to allow him time to sit down with Staff for an explanation and review.

Councilman Elquist advised the Master Plan has already been approved and working. All we are doing is defining what we have already designated as commercial.

Mr. Wilkinson noted the previous Master Plan had all of this; actually less than shown here. Our consultants recommended with Elko being a regional hub that we take a look at more intense land use and call it Highway Commercial. With our current existing zoning districts the end result is the same. If we refine our zoning districts as we move forward it might provide that opportunity; but right now all the 'C' zoning districts apply in both those commercial land use designations.

Councilman Elquist commented it is really no different than it was. We have an opportunity to make the red a more regional zoning and probably allow more uses.

Mr. Carpenter stated it doesn't matter what the council does tonight; he just wants to sit down with staff and get an explanation.

Councilman Elquist noted the next council meeting was in three weeks; was there anything pressing that staff needed this approved before that.

Mr. Wilkinson advised it presented a problem when Staff had to refuse some applications for the Planning Commission; this issue came up. Mr. Wilkinson advised Staff would like to get his cleaned up. Mr. Carpenter can come visit with Staff, get clarification on the land use component of the Master Plan. If there are any concerns he might have he could request those issues be brought back to the Planning Commission and ultimately the City Council for consideration.

Mr. Wilkinson believed if Staff spent some time with Mr. Carpenter he would understand.

Mr. Carpenter believed four or five things were going to be changed and he didn't understand them.

Councilman Elquist stated nothing is being changed.

Mr. Wilkinson again advised no zoning districts are being changed; they are existing zoning districts in our code that support that land use.

Mr. Andreozzi noted it is similar to residential. In residential you can have single-family, R1, R2, R3, RS; it is all the various sub-classifications within that; but you can't put commercial in a residential zone. Industrial is the same, you can have general, light or an industrial transitional zone; those can only go in the land use that is designated for industrial zoning.

Mr. Carpenter stated all he wanted to do is look it over; he didn't remember all this being discussed with the Master Plan and he has never heard of them.

Mr. Andreozzi advised if the council chooses to not take action tonight it was his recommendation it be tabled until the next council meeting because of any legal posting requirements we may have as a result.

Councilman Elquist believed we left a hole in our Master Plan; if people are coming in and we are denying their application we should fill it. Then encourage Mr. Carpenter to come in and learn about it. He was confident Mr. Carpenter would see it is the same as it always has been; if he does have a problem we can fix it later. But, we need to fill the hole we left.

Mr. Carpenter stated again he wanted to look it over; he hasn't heard of all the terms and what they mean.

Mr. Wilkinson referred to the overhead screen to show the Master Plan Land Use Components and what was adopted. Further in the document it shows where we adopted all the other land use designations and mistakenly omitted this land use designation. They have associated commercial districts with them; this is no change; this is just in support of the land use map.

Mr. Carpenter questioned the date of the next council meeting.

Mr. Wilkinson advised the Planning Commission will meet on December 6th.

Mayor Johnson clarified the City Council will meet in three weeks; December 13th.

Mr. Carpenter stated he would meet with Staff before that date.

Mr. Andreozzi advised all the sub-categories being discussed do exist in our zoning ordinance today; and have for a long time.

Mr. Wilkinson advised the land use designations exist on the land use map that has been adopted.

Mr. Wilkinson referred to the overhead which showed the document where we have all the other land use designations and the associated zoning. All we want to do is add in the General Commercial land use designation into the document.

Mr. Carpenter again asked the council to defer any decision until the next meeting.

Councilman Perry requested clarification on where it will be added.

Mr. Wilkinson advised it will be inserted on page 17 under high density, between the residential high density and highway commercial land use designations.

Mr. Andreozzi advised the paragraph in this resolution is what will be inserted in that location.

Mr. Wilkinson indicated in addition to that Staff wanted to add the Commercial Convenience under the Highway Commercial Land Use Designation to include the possibility of that type of zoning districts supporting that land use.

Mayor Johnson commented the definitions are from city code.

Mr. Wilkinson clarified the districts are from city code.

Mayor Johnson clarified his statement; in order for the Master Plan to work the city code has to support it. You can't have zonings on a master plan if your code doesn't have the definition of the zoning.

Mr. Wilkinson verified that was correct.

Councilman Elquist wanted further explanation on the applicant that was turned down.

Mr. Wilkinson advised it related to the appeal the council heard earlier tonight. That area was designated as General Commercial for the land use component in the Master Plan and then had a General Commercial zone applied to it; which are consistent with what we have here. But, when Staff reviewed the application they looked at the land use map that had a General Commercial designation and no definition in the body of the text.

Mr. Wilkinson stated that is where the problem became apparent to him that we needed to address that.

Councilman Elquist stated he appreciated Mr. Carpenter's comments but was confident that he would come in and learn this is a harmless housekeeping issue that shouldn't be unkempt.

**** A motion was made by Councilman Elquist, seconded by Councilman Perry to approve Resolution No. 37-11, a resolution of the Elko City Council amending the Land Use component of the Elko City Master Plan to include a written designation for General Commercial under the subheading Map, add CC (Convenience Commercial) as a corresponding zoning district under the Highway Commercial designation, and change CT (Transitional Commercial) listed as a corresponding zoning district under the Neighborhood Mixed Use designation to CT (Commercial Transitional) to better reflect the current Elko City Zoning Ordinance designations, filed as Elko City Master Plan Amendment No. 2-11.**

**Motion passed 3 to 1.
Councilman Conner opposed.**

III. NEW BUSINESS

- D. Review, discussion, and possible approval to cancel the regularly scheduled, December 27, 2011 City Council meeting, and matters related thereto. **FOR POSSIBLE ACTION**

**** A motion was made by Councilman Elquist, seconded by Councilman Conner to cancel the regularly scheduled, December 27, 2011 City Council meeting.**

Motion passed unanimously.

IV. RESOLUTIONS AND ORDINANCES

- A. First reading of Ordinance No. 742, an ordinance amending Title 4, Chapter 5, Section 1 of the Elko City Code entitled "Definitions hereby adding definitions for brew pub and brew pub license, also amending Title 4, Chapter 5, Section 3 of the Elko City Code entitled "Classes of Licenses" hereby adding a brew pub license, and matters related thereto. **FOR POSSIBLE ACTION**

The City has received a State Brew Pub License Application from a local business owner. Currently the City Code does not allow for brew pub licenses. Ordinance No. 742 provides the information necessary in order to license a brew pub in the City of Elko. SO

City Clerk Owen advised if the ordinance is approved tonight and moves to second reading Staff will come back with a resolution to establish the fees.

**** A motion was made by Councilman Conner, seconded by Councilman Perry to set for Second Reading, Public Hearing and possible adoption Ordinance No. 742, an ordinance amending Title 4, Chapter 5, Section 1 of the Elko City Code entitled "Definitions hereby adding definitions for brew pub and brew pub license, also amending Title 4, Chapter 5, Section 3 of the Elko City Code entitled "Classes of Licenses" hereby adding a brew pub license.**

Motion passed unanimously.

V. PETITIONS, APPEALS, AND COMMUNICATIONS

- A. Review and consideration of a letter received from Mr. Bob Milligan regarding the Elko County Wind Machine Ordinance, including possible action to draft an advisory opinion addressed to the Elko County Commissioners and Elko County Planning Commission, and matters related thereto. **FOR POSSIBLE ACTION**

A copy of Mr. Milligan's letter has been enclosed in the agenda packet for review.
CC

City Manager Calder advised Elko County provided additional information that has been included in the packet. The document is entitled "Minimum Parcel Size for Wind Turbines".

City Manager Calder also advised that a representative for Elko County was present.

Bob Milligan informed the council that because of the issues he recently experienced regarding wind turbines over the past several months he believed they could have a big impact on the city and its residents. Because of that he was present asking the council for an advisory letter asking the county commissioners to make the parcel size ten acres. Currently the code allows them to be placed on a one acre parcel.

Mr. Milligan showed photos of a typical wind turbine which can range from forty to one hundred feet in height, with a twenty-three foot rotor blade and a twenty foot turbine.

Mr. Milligan advised although the plan to install a wind turbine in his neighborhood was finally pulled he saw something that could impact the city residents because there is no wind ordinance code for the city.

Mr. Milligan informed the council when the wind turbines are running the noise is very loud. The height restriction is limited to one and half times its height, to the boundary of the property.

Becky Evans informed the council she owned the parcel next to the. Milligan's and she too opposed wind turbines. Ms. Evans supported an advisory recommendation from the council to the Elko County Commissioners to change the parcel size to ten acres. Ms. Evans noted the wind turbines have proven to be inefficient and there are better alternatives.

Ms. Evans noted the Spring Creek Association limited windmill towers to whatever the height maximum is in your living area. If you live in a residential area and have a forty foot height maximum; that is what they limited these towers to.

Ms. Evans advised the Federal Department of Energy recently did a survey on this area and they found 90% of the residential area in the City of Elko and surrounding area was poor wind quality; which adds to the argument of inefficiency.

John Kingwell, Elko County Associate Planner, referred to a handout which display parcel sizes of one to two and half acres; it shows the setbacks on agriculture/residential properties for the zoning designation. They show a home of 50' by 64' located within and adjacent to the front yard setback and side yard setback. If there are no other structures at a residential and no other easements on that property and a clear line to the rear and other side yard setback you can have a total radius of 135 feet; which would work out to a total overall height of 90 feet for a wind tower.

Mr. Kingwell advised when the code was designed they looked at all different parcel sizes. The directive that came down from the Governor was to reasonably allow this; as does the NRS. The issues they deal with are the health, safety and welfare; the same as the city zoning department. The biggest concern they wanted to look at was the setbacks. The average setback in the districts,

different counties, different states and different countries is 1.1 times the overall height. They decided to allow more room and went to 1.5 times overall height. That provides more of a sound buffer even though these towers meet the sound requirements for the code.

Mr. Kingwell believed the county code is 25 to 30% more restrictive in the areas of health, safety and welfare. Having developed the code in that manner; it makes it difficult to say you can have a wind tower that will fit within the setbacks of your property; on a ten acre parcel; but not on a one acre parcel. Why would want to restrict someone on a one acre parcel from having a wind turbine when they can meet the same exact requirements.

Mr. Kingwell noted everything comes back to aesthetics, how does this look, how is it perceived? It is new thing and people don't want it in their backyard. The concerns of noise, shadow flicker and animal strikes come up; but it really isn't an issue when you consider highway traffic to animals etc.

Mr. Kingwell advised they took everything into consideration and could find no reason to restrict on smaller parcels. The code gives a 40 foot overall height for a primary structure in an agriculture/residential district; which is a two and half acre parcel. It also gives a 20 foot overall height restriction on any ancillary structures. So there are tools if anyone wants to use them; they chose not to because NRS states it needs to be reasonable.

Mr. Kingwell noted in this instance there were a number of neighbors that did not want the wind turbine in their neighborhood and entered into a lawsuit. They were successful in stopping it. The appeal process is in place and it works as it is meant to do.

Mr. Kingwell advised they have reviewed the code, looked at every issue and saw no reason to change it from the way it is. They will send a letter of recommendation on to the county commissioners.

Mr. Kingwell wanted everyone to be aware of what the issues really are. He personally has no issue with the wind turbines and has in fact seen them in larger cities such as Sparks.

Jack Larrison, Elko County Planning Commissioner, advised he assisted in putting together the code for the wind turbine.

Mr. Larrison noted NRS granted people the right to put wind power machines in. At the same instant an applicant came in to request a variance to put one in. The county did not have a code to allow that; it was Mr. Larrison's opinion if there wasn't a code to deny them; grant it. The argument for that was; we don't have any procedures. He recommended following the UBC Code and they opted against it. The applicant was put on hold until the county developed a wind code; it took nearly nine months and a lot of time and research was spent developing it.

Mayor Johnson expressed appreciation for the comments from all the parties.

Councilman Elquist questioned if someone wanted a wind turbine in the City of Elko would we need to create a code.

Development Manager Wilkinson advised we would not. There would be some building code that would apply and we have height restrictions with our Airport Master Plan that may apply; depending on location.

The council members were all in agreement that this issue would have to be addressed at some point.

Councilman Perry believed this would be a good project for the new City Planner in the near future.

Councilman Elquist expressed support of an advisory letter requesting the county have height restrictions for any wind turbines in the buffer area around the city.

Building Official Schnoor advised the ordinance as it stands right now is basically the same as what the county has; if you have a tower on your property and if it fails, it cannot impact the property adjacent to you; so depending on the size of your lot that is going to determine the height of the tower. Mr. Schnoor clarified the ordinance we have currently does not state wind turbines; it is any tower.

Mayor Johnson expressed support of a height and decibel level in addition to the parcel size.

Councilman Elquist believed the city needs to work on an ordinance.

Councilman Conner agreed.

**** A motion was made by Councilman Conner directing Staff to look at drafting an ordinance that will cover this as soon as possible.**

City Manager Calder advised the agenda item does not allow that type of action to be taken.

**** The motion died.**

Councilman Elquist stated it took the county nine months to come up with an ordinance. We've seen this in one meeting and heard two arguments; we don't have enough information to write a letter telling them how to do this. Councilman Elquist was not comfortable with writing a letter; there are too many issues we haven't discussed on our end yet.

Councilman Elquist stated he liked the direction and he liked the issue; we owe it to the residents to look into this further and determine how we want it to look in the city and then encourage the county to do that around us.

No action was taken on this item.

VII. REPORTS

A. Mayor and City Council

1. Mayor Johnson
 - a. Fire Science Academy Update
- B. Assistant City Manager
 1. Elko Sanitation Contract Update
 2. Glass Ordinance Update
- C. Police Chief
 1. Recruiting Update

II. APPROPRIATIONS

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

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

Motion passed unanimously.

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.

ADJOURNMENT

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

Mayor Chris J. Johnson

Shanell Owen, City Clerk