

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

SS May 10, 2011

The City Council of the City of Elko, State of Nevada met for a regular meeting beginning at 4:00 p.m., Tuesday, May 10, 2011.

This meeting was called to order by Mayor Michael J. Franzoia.

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

Mayor Present: Michael J. Franzoia

Council Present: Councilman Jay Elquist
Councilman Chris Johnson
Councilman Jim Conner
Councilman John Rice

City Staff Present: Curtis Calder, City Manager
Delmo Andreozzi, Assistant City Manager
Shanell Owen, City Clerk
Don Zumwalt, Police Chief
Alan Kightlinger, Fire Chief
Dawn Stout, Administrative Services Director
Ryan Limberg, Utilities Director
Mike Hecht, Deputy Chief/Fire Marshal
Joshua Carson, Deputy Fire Marshal
Dennis Strickland, Public Works Director
Eric Howes, Parks and Recreation Director
Rick Hofheins, Airport Security Manager/Assistant Airport Director
Scott Wilkinson, Development Manager
Rich Genseal, Police Lieutenant
Ted Schnoor, Building Official
Jeremy Draper, Civil Engineer
Ed Wynes, City Planner
Linda Buffington, Recording Secretary

PLEDGE OF ALLEGIANCE

I. PRESENTATIONS

- A. Elko County Commissioner Glen Guttry – County update. **NON-ACTION ITEM – INFORMATION ONLY**

- B. Special recognition of the contributions by Staff and Crews for their participation in the “Take Pride in Your Community Event.” **NON-ACTION ITEM –INFORMATION ONLY**

Mayor Franzoia and Public Works Director Strickland presented Certificates of Appreciation to the NYTC crew and staff and thanked them for their assistance with the “Take Pride In Elko” event.

II. APPROPRIATIONS

- B. Consideration and possible authorization for Staff to solicit bids (AIP 40) for the movement area Pavement Maintenance Project, and matters related thereto. **ACTION ITEM**

On February 22, 2011, Council authorized Staff to apply for an FAA Grant for a pavement maintenance project. Staff is now seeking authorization to solicit bids. The project will include over 21,000 linear feet of crack sealing, application of 61,000 gallons of fog sealant, and 300,000 square feet of pavement markings. The engineer’s estimated probable cost is \$610,000. The FAA will fund the grant “based on bids”. The FAA will fund 95% of this project and a local match of 5% is required. TM

Airport Security Manager/Assistant Airport Director Hofheins advised this project will impact all pavement at the airport with the exception of the runways. The plan is to crack seal and follow up with the application of a fog sealant afterwards (foil coating without aggregate); it is expected to increase the life of the pavement five to seven years. This will include the reapplication of all the pavement markings at the airport.

**** A motion was made by Councilman Elquist, seconded by Councilman Rice authorizing Staff to solicit bids (AIP 40) for the movement area Pavement Maintenance Project.**

Motion passed unanimously.

- C. Discussion and possible authorization for Staff to solicit bids for the cleaning of the Primary Digester and Decant Basins Maintenance Project, and matters related thereto. **ACTION ITEM**

Cleaning and inspecting of the Primary Digester and the Decant Basins is required as part of our maintenance program. This maintenance project is budgeted in the FY 2011/2012 Budget. FPS

Utilities Director Limberg advised Staff would like to get the work done this summer. In order to do so we need to solicit bids now. The bids would be brought back for Council approval in June for consideration of award.

**** A motion was made by Councilman Johnson, seconded by Councilman Rice authorizing Staff to solicit bids for the cleaning of the Primary Digester and Decant Basins Maintenance Project.**

Motion passed unanimously.

- D. Discussion and possible authorization for Staff to solicit bids for East Secondary Clarifier Rehabilitation Project, and matters related thereto. **ACTION ITEM**

Painting will be required on all exposed metal surfaces above and below the water line to protect the existing metal from corrosion attack. This maintenance project is budgeted in the FY 2011/2012 Budget. FPS

**** A motion was made by Councilman Rice, seconded by Councilman Elquist authorizing Staff to solicit bids for East Secondary Clarifier Rehabilitation Project.**

Motion passed unanimously.

III. UNFINISHED BUSINESS

- A. Review, discussion, and possible adoption of the 2011 Street Inventory list, and the 2011 Street Construction Projects priority list, and matters related thereto. **ACTION ITEM**

City Staff conducted a Street Inventory in April. The purpose of this Annual Survey is to evaluate current road conditions, and to recommend a list of maintenance projects for the upcoming construction season. Please find enclosed for your review, in the supplemental agenda information, Staff's 2011 Street Inventory, and recommendations for the 2011 Street Priority List. DS

Public Works Director Strickland gave an overhead presentation; see Exhibit 'A'.

Mr. Strickland indicated our ratings and conditions stayed similar this year. We got off to a rocky start with the weather but the overall assessment was similar to last year. The one thing we will see different this year is we did pull out the Idaho Street Project. At the time we removed the Idaho Street scope of work from the ratings we were not confident with what would take place with 12th Street so that is still shown in this presentation for this year. That work will take place this year so will change the charts and graphs for next year.

Mr. Strickland noted under construct, reconstruct and surface reconstruction Staff does strive to adhere to ADA upgrades when they do those types of projects. Milling and resurfacing projects may also require the need for ADA improvements; at least the returns at each intersection.

Mr. Strickland advised one addition this year is micro pave; that is something we are going to institute into our arsenal this year. The state has used it for several years as have a number of other municipalities and entities; budget constraints have not afforded us that opportunity. Staff would like to propose using it this construction season; funding will be tight this year but we have some good numbers back. We will use this repair strategy in the corridor as micro pave is a

bit more durable for what we are trying to do with the monies Council allocated for the downtown corridor. Staff believes that is the best, cheap fix, we can use to cover it up and try to get a few more years out of it. Mr. Strickland advised the cost of micro seal is approximately \$0.26 per square foot and slurry seal is \$0.12 per square foot; but we will see a much bigger benefit out of the micro pave.

Continuing with the presentation Mr. Strickland advised in preparing the presentation Staff rates everything and bring only the number one severity of all the treatments.

Mayor Franzoia questioned how far back the data went.

Mr. Strickland advised close to ten years.

Following the presentation of the 2011 Construction Season Project List Mr. Strickland advised Staff was seeking Council's thoughts on how they would like to see them prioritized.

Councilman Rice questioned the budget; how much will we have.

Mr. Strickland estimated \$80,000.00 for hot mix.

Councilman Johnson questioned whether the list was prioritized.

Mr. Strickland advised it was not but, everything listed is a priority one.

Councilman Johnson believed a traffic count may be the driver.

Mr. Strickland advised if it the Council would like; Staff can pull traffic count and prioritize based on that data.

Councilman Johnson believed it would be one factor; it may not be a limiting factor. But, it is a high factor that should be part of the mix; there may be others.

Councilman Rice agreed and commented there are also drainage problems. It is not just the surface but what is happening on the edges of the streets as well and what kind of problems those can cause.

Mr. Strickland indicated with the streets listed they are all going to be fairly even with respect to that; drainage is not a big player on any of these. We aren't in a big rush with this; Staff can work to gather the data requested and bring it back before Council in a couple of weeks.

Councilman Elquist saw it as similar to a risk assessment. Consider the condition and use and whatever one scores the highest; as far as worst condition, would be a higher number and higher use; force rank them that way.

Mr. Strickland advised Staff could do that.

Councilman Elquist believed we are just barely scratching the surface of what needs to be done. If Staff is out doing traffic counts he would like to see a bigger list and create a nice capital project plan for these streets and see how much money we can allocate and how far it is going to take us. Councilman Elquist questioned if labor cost was included in the list.

Mr. Strickland advised it was just the asphalt costs; labor for paver and crew is estimated at \$5,000 per day.

Mr. Strickland advised over the past few years he has presented a prioritized list. Now our funding is so limited and there is the concern of what we will have next year. We have a lot of areas that need work but these are the areas we get the most phone calls on. Other things of that nature have played into how we got here today.

**** A motion was made by Councilman Johnson, seconded by Councilman Rice to adopt the 2011 Street Inventory list, and direct Staff to qualify the surface reconstruct priority list with a traffic count.**

Motion passed unanimously.

IV. NEW BUSINESS

- A. Consideration and possible approval to waive Landing Fees for aircraft participating in Sky Fair 2011, and matters related thereto. **ACTION ITEM**

At the Airport Advisory Board Meeting on Friday, April 29, 2011, the Board requested Staff seek consent from the City Council to waive Landing Fees for aircraft that participate in Sky Fair 2011. Per the FBO Agreement, El Aero collects landing fees, of which 40% is remitted to the City. Landing fees as set by Resolution 20-07 range from \$25 to \$200. Sky Fair will be the weekend of September 10, 2011. TM

Airport Security Manager/Assistant Airport Director Hofheins advised Staff will not know the numbers until closer to the event. If the heaviest aircraft attend the cost is estimated at \$200.00.

Mayor Franzoia questioned whether El Aero will also waive their fees.

Mr. Hofheins believed they were.

Mayor Franzoia commented if the Council approved the request it would be conditioned upon El Aero also waiving their fees because it is their contract.

Councilman Rice commented the City is subsidizing this; are there any benefits back to the City?

Mr. Hofheins verified there was.

Mayor Franzoia stated if you don't hold the event; people don't come; and it is a good way to get people out there to look at the facility which is good public relations for the City.

**** A motion was made by Councilman Conner, seconded by Councilman Rice to approve waiving Landing Fees for aircraft participating in Sky Fair 2011; contingent upon El Aero doing the same.**

Motion passed unanimously.

V. PETITIONS, APPEALS AND COMMUNICATIONS

- A. Review, consideration, and possible action to reconsider the contract between the City of Elko and the Boys and Girls Club of Elko, outlining the terms and conditions of the proposed conveyance of City-owned property for the purposes of constructing a Boys and Girls Club facility, and matters related thereto.

ACTION ITEM

A letter from Mr. Royal E. Orser has been included in the agenda packet for review. CC

Mayor Franzoia called for public comment.

Mr. Orser came forward to express opposition to club location and referred to the letter he submitted with his concerns; see Exhibit 'B'. Mr. Orser advised he also provided a list of neighboring residents and their indication of whether they had been contacted regarding the Boys & Girls Club site location; see Exhibit 'C'.

Gary Morfin, Elko Boys & Girls Club, advised he personally visited with people in the neighborhood as a courtesy; it didn't have to be done at this point in time. The questions everyone in the neighborhood did have related to; traffic, dances, hours and operation of the Boys & Girls Club. They all said they had no issue with the Boys & Girls Club being there, because it could be worse, i.e. the large tent belonging to NDOT, a business that is open 24/7 or a storage unit that has constant traffic or even the shelter. The list presented by Mr. Orser doesn't say they don't support the club; just that they weren't contacted.

Mr. Morfin commented a sign was put up on the site and the Boys & Girls Club also put an ad on the front page of the Elko Daily Free Press. With the schools, Skate Park and ball fields, museum, City Park next to, or in close proximity to this site, makes it a dream come true for those kids. The community has supported this tremendously by giving \$2.1 million towards the building of the club; we hope that we can continue our focus towards being partners with the City with this piece of property and letting the Boys & Girls Club purchase it for the future of our kids.

Judy Hyer questioned the Council on the new Master Plan; part of that plan is for the new recreation center and a portion of that building is allocated for the Boys & Girls Club; so why are they not looking at going into the recreation center?

Mayor Franzoia advised the Master Plan not been adopted and no there are no funds for the recreation center; that probably won't happen for at least ten years.

Ms. Hyer indicated she would like the Boys & Girls Board to look at purchasing the police department building for their club; the money used to purchase that could go toward building a new police department; another option would be to look at the National Guard Armory.

Mayor Franzoia advised the City does not have the resources to build a new police station; we have a plan and the estimated cost is \$4.5 million project; the proceeds from the old police station wouldn't be sufficient. As far as the armory, until we know what the state is going to do we don't know what is going to happen; if they do give up the armory we aren't sure how the property gets transferred back; it is also a very small piece of land.

Jill Chapman, Board President, Boys & Girls Club, advised their team has been working diligently for the past year to find a perfect location; they believe they have found it. They have and will continue to work with the City Staff and the citizens of Elko to make sure we make this dream of a Boy & Girls Club become a reality and be in the right place. They plan to work with the citizens and the concerns that they have when we get into the planning stage of the project; work on traffic controls etc. Ms. Chapman expressed the hope the City doesn't stop this project; with the conveyance of the land their fund raising has increased substantially, based on have an actual location.

Mr. Orser agreed there could be worse things there, but there could be one better thing there, and that was the way it was originally planned; a parking lot. There should be no more activity on Country Club Drive.

Mr. Orser then read into the record additional comments *"I would like to thank you for the opportunity to voice my concerns about the conveyance of City property to the Boys and Girls Club of Elko for the purpose of constructing a clubhouse and; as their literature states; a teen center. My name is Royal Orser, I reside at.... (You know all that). I spent thirty-one and a half years at the Elko County School District, my wife spent twenty-nine years teaching French, Spanish and English in the Elko County School District. We spent our entire careers supporting the youth of this community and continue to do so through donations to school organizations. Therefore; let no one construe our opposition to the construction of this clubhouse on that site or the construction of a clubhouse in general. We are opposed to that site in question because of the increased traffic and noise from activities that will take place in late afternoon and evening, dances, etc. all year long. We support the Boys & Girls Club concept and will support it in the future in any way we can; but not at that site. We moved to this neighborhood before the Red Lion, before there was a McDonald's, before there was a junior high and before there was a Flagview and before there was a convention center, before there was a softball complex on Country Club Drive. As a result, many of us in the neighborhood have seen a dramatic increase in traffic, noise and litter. Cars are sometimes parked on both sides of Country Club Drive from one end to the other; especially during the events of Cowboy Poetry, the Mine Expo, Little League, Pop Warner Football, softball complex games etc. Flagview Staff alone now parks ten or twelve of their cars on Country Club Drive right across from this site; that is why I think it could be a good parking lot for extended convention center activities and Flagview Staff. The vast majority of the traffic on Country Club Drive, I'm just guessing here 95%, without a traffic study this is just conjecture, of the traffic that uses Country Club Drive, either accesses Country*

Club Drive or exits Country Club Drive through out neighborhood down View Drive, to Golf Drive, to Boyd, to Idaho Street.

We just do not need anymore traffic, we have a lady that lives next door; one of the few with four little children; we are all old _____ in that neighborhood; pretty much. I talked to her the other day, she doesn't front on View Drive, just the side of her house so I didn't poll her; but we were talking and I asked her if she was contacted; she said no. I said, well how do you feel, and she said "I don't want anymore traffic".

Mr. Orser could not understand how Mr. Morfin had missed speaking with so many in the neighborhood.

Mr. Orser stated it was his belief the suggested location was not safe for the Boys & Girls Club children. Traveling down Country Club Drive in front of Flagview at 3:30 in the afternoon you can hardly get through the area; now you are going to put another facility there; put people into that facility at the same time Flagview is leaving. The area cannot take anymore traffic; you have got to do some studies; that is a busy street.

Mr. Orser advised, when the decision was about to be made someone had to question the impact it would have on his neighborhood. If they did, they would have included the fact that this would not be a good decision; Country Club Drive and View Drive, have become an alternative route to east Elko and to McDonald's to avoid Idaho Street; that traffic includes all the high school students at noon. Mr. Orser stated he was unaware of any in-depth traffic studies that had been done prior to approving that clubhouse site.

Mr. Orser continued and noted in his letter of May 4th he requested a review and reconsideration of the conveyance; his wife and he now request the Council reverse its decision about the conveyance. They do not know the legal implications of such a request but if this project continues from here, at that site, and a variance is not needed, they will have no other opportunity to fight this battle. Mr. Orser advised he and his wife understand the seriousness of this request; with all its political implications; the Boys & Girls Club is extremely popular, they wish they weren't in this position; but things are what they are. They are asking the Boys & Girls Club to return to the drawing board to find a new site that meets their needs and does negatively affect the peace and quiet of any neighborhood. Study this more thoroughly; finding a site would not in any way negatively affect your fund raising program. All through this process they never thought this site seriously could be considered. They always thought it was going to be a parking lot and they believe that use makes far more sense than the plan proposed.

Mr. Orser acknowledged no one had any legal obligation to notify or even poll the neighborhood; morally yes maybe, courtesy yes; but that didn't happen. He thought someone would ask what they felt before a vote was taken and were shocked when they found out that was not the case and the decision was made. When the sign went up; it was reality therapy; they missed the boat and took way too much for granted. In a county of 17,000 square miles, why this building needs to be less than 300' from his neighborhood, already overburdened with heavy traffic, is impossible for him to understand.

Mr. Orser thanked everyone for their time and patience and expressed appreciation for the efforts of the Boys & Girls Club Board in trying to make this club a reality. He asked that both entities give this item more consideration and truly understand his position. Mr. Orser viewed one of the Council's major tasks when managing growth and development in this city to be the protection of existing neighborhoods; in this case that is still possible.

Mr. Orser stated he and his wife are ready to help in any way they can.

Mike Kraus questioned whether Country Club Drive can become a cul-de-sac.

Mayor Franzoia advised it could not; it would create an issue for fire safety and goes against City Code.

Mr. Kraus then questioned rerouting traffic.

Mayor Franzoia advised as the project moves forward Staff can help with the selection of drop-off points to encourage how the buses leave etc. There are many things about this project that haven't been finalized yet; it has to go through the entire process. At this point it is a proposal and conceptual; until it moves further along and there is more detail.

Mr. Vargas, Boys & Girls Club, thanked the Council and the Community for all their concern for the children.

Mr. Orser referred to the comment that this is only conceptual; if it goes past this point it is in concrete.

Mayor Franzoia noted based on the Council's action it already is somewhat in concrete. Mayor Franzoia referred to prior discussions with Mr. Orser and the comment the area wasn't safe for children; the park system during ball season isn't safe for the children. No matter what we do in the community we always have a conflict between the youth activities and the community.

Mayor Franzoia advised when the Council first looked at this; the concept of using this as an ideal location is the proximity of the park system that is under utilized twelve months out of the year and mostly utilized in the summertime. Nobody is going to come in and duplicate facilities; who will build a facility and provide a ball field for it, a basketball court, etc.? Nobody could afford it and there is an expectation of government to be efficient; there is an expectation of donors in the community working with responsible government to look at existing facilities and utilize those to the maximum to make those expenditures worthwhile. Duplication because you can, isn't there any more.

Mayor Franzoia stated there are a lot of pros and there are always negatives; where else are they going to go? Anything that comes into the community now; nobody wants it in their backyard.

Mayor Franzoia explained to Mr. Orser that the City is not required to notify everybody. Once the property is zoned or other things occur there is a notification that goes out to everybody. Having a land sale by the City or other things, all advertisement is done accordingly when

needed. Every action by the Council is published at various public offices, on the City website and through the newspaper and radio; there are numerous ways to find out what is happening.

Mayor Franzoia advised this is the first time the Council has ever been asked to consider a reconsideration. The process for how that would work is; there would have to be a motion by the Council to have this matter revisited on another agenda item and it would take a majority vote. If the item came back before the Council consideration could be given to the details of the contract and possibly have the City put more restrictions in the contract in lieu of it being put forth in the development side of the equation.

Assistant City Manager Andreozzi clarified if the property were conveyed and the Boys & Girls Club submitted a building application for a permit it still has to go through the appropriate zoning code. It is currently zoned PQP, if it was determined it is a permitted use within that zoning it would still need to go through a Conditional Use Permit. That would require another hearing; with Conditional Use Permits there is another opportunity there to put in appropriate conditions to mitigate whatever issues that make come up in terms of traffic and other concerns; those could be made part of the conditional use.

Councilman Rice indicated the process is only beginning. The matter tonight is whether or not the Council wishes to reconsider; we aren't making judgment on the project. Councilman Rice believed he was given all the information he needed to make a decision the first time and he stands behind his original decision. As we go forward and as other decisions need to be made we will be hearing from the Planning Commission and the community as well. Councilman Rice stated he did not see a reason for reconsideration.

Mr. Orser noted there had been comments such as "not in my backyard, not in your backyard" and that's right; nobody wants it. Mr. Orser stated over the years there have been other issues i.e. horses on the streets and the mess they leave behind. Another was the Red Lion curb cut; they were going to route all their traffic and staff right through this neighborhood; McClaskey was gentleman enough to pull that from the agenda; it went through the Planning Commission but didn't go any further. Mr. Orser stated he wished someone would pull this project so he didn't have to go through this.

Mr. Orser continued and noted there had been discussion on the park and all the amenities that will be accessible to them; you put them as far away from those as you could get by putting them up in this area. Mr. Orser stated there are many locations in the park area.

Mayor Franzoia advised those areas had been considered.

Mr. Orser suggested maybe they could look again.

Councilman Rice advised the Council has looked at this from every angle. The Boys & Girls Club have done their due diligence; they did a comprehensive survey of the entire community; there has been a lot of consideration given on this issue.

Mr. Orser understood what Councilman Rice was saying, but stated the City made a bad decision.

Councilman Conner questioned if dances were held at the clubhouse, how late they would run.

Mr. Vargas advised dances end by 10:00 p.m.; they are by invitation only and highly controlled.

Councilman Elquist commented he did not agree with polling the location. With out question it isn't ideal for the streets in that area; but other streets i.e. Mittry with houses along the front that handle a lot of traffic. Councilman Elquist believed another way to look at this issue is; everything you listed that cause the traffic impacts are also nice amenities to have that are near by; the con of course is the traffic. If you weigh the two; this is a nice location next to the school to attract kids. It has a lot of pros and it has some cons just like any location in this community would. When the parks were suggested, the newspaper was full of editorials saying don't use up our parks. There probably isn't a location that we wouldn't have people in the room protesting.

Councilman Elquist believed this location makes sense. He encouraged and reinforced what Mr. Andreozzi had said earlier; we still have a conditional use permit process to go through. During that process we can mitigate impacts such as off-road parking and require enough parking spaces that there is no on-street parking; at least by code. He would also encourage, if the clubhouse gets built here, that maybe there are some programs in place to help with the neighborhood cleanup and trying to be good neighbors.

Councilman Elquist commented he doesn't expect everyone to be happy and he apologizes for that; the town is going to grow and develop and there are growing pains along with it; we have to make the best of it.

Councilman Elquist stated this location seems reasonable and he still supports it.

Mayor Franzoia again informed the public; if the Council makes a motion it has to pass by a majority. It would then come back at another meeting with more details and different options. Mayor Franzoia clarified there are three choices before the Council at this time; 1) to approve 2) not to approve or 3) take no action.

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

- B. Review, consideration, and possible approval for the Recreation Department to conduct a 24 hour softball tournament on June 25th and 26th and allow overnight camping in the area around the Leonard Herrera Softball complex for the duration of the tournament, and matters related thereto. **ACTION ITEM**

Title 8-11-3 prohibits overnight camping in city parks without the approval of the Elko City Council. Staff is requesting Council authorization of a temporary waiver of this requirement to allow for this tournament. EH

Parks and Recreation Director Howes advised the tournaments we have been hosting over the past few years are getting too large to conduct on a Friday night, Saturday and Sunday, and to

end at an appropriate time on Sunday so the teams coming in from out of town can make it home at a reasonable hour on the final evening. Last year we had twenty-seven teams; five were from out of the area. It is becoming nearly impossible, with the two fields we are limited to, to be able to run the tournament in a weekend. Staff looked at what Winnemucca is doing with their forty-four hour tournament; they start Friday night around 6:00 p.m., they play through the night and all day Saturday and then have the final game on Sunday. Mr. Howes advised Staff would like to follow that model. We won't encourage camping at the park but a team may play at nine-o'clock and not play again until four in the morning.

Mayor Franzoia questioned why the other fields weren't being used.

Mr. Howes advised none of the other fields, currently, are configured for adult softball; Newton Field and Southside are both too small.

Mayor Franzoia then questioned where everyone would park.

Mr. Howes indicated it would be the same as any other tournament; at the complex.

Mayor Franzoia commented if you allow overnight camping then you have the vehicles that aren't self-contained; where are you going to put them?

Mr. Howes advised there are two football fields and two baseball fields.

Mayor Franzoia requested clarification if they were self-contained or tents.

Mr. Howes again advised Staff is not going to encourage camping. What they have seen in the past with tournaments that are held during the daytime is some of the locals bring in a trailer and park it in the parking lot; they stay there during the daytime and go home at night. Mr. Howes advised Staff is doing this in anticipation of the potential for that to happen.

Mayor Franzoia questioned if Staff was intending to use the football fields for them to park on?

Mr. Howes indicated not to park on; just for anyone that wanted to pitch a tent or even on Kump Field where they are in close proximity to the playing fields. Because we generally only have two games going on at one time; there is not a lot of parking needs, aside from the existing parking there above the A field or the complex.

Mayor Franzoia questioned who was going to control parking when the self-contained vehicles come in to make sure you have adequate and sufficient parking.

Mr. Howes noted Staff would have to plan that and would have to be the one to enforce that. Currently there is no plan for that; Staff wants to make sure they have authorization to do that before spending time to make plans.

Mayor Franzoia questioned if the reason for the request was because of the twenty-four hour schedule and they are coming back and forth.

Mr. Howes acknowledged that was correct; Staff does not anticipate any of the locals camping but we may have teams from out of the area that would like to just stay right there.

Councilman Elquist Jay suggested designating a few areas for camp trailers; limit it but offer it.

Mr. Howes indicated typically during the daytime games the RV's use the ring-road along the outfield.

Mayor Franzoia stated the caveat is they are all self-contained and don't tap into the power supply; if they find a source, they will tap into it.

Mr. Howes advised power is not accessible in very many places along there; but Staff is aware it can happen.

Mayor Franzoia questioned if there were any negatives on this; what about the local RV Parks, we don't want to inconvenience them.

Mr. Howes acknowledged Mayor Franzoia's comment but was unable to answer that. Mr. Howes advised Staff is making this request because it is a common thing with the larger overnight tournaments. If the Council wishes to not support that as an option, Staff will manipulate the tournament accordingly.

Mayor Franzoia believed Staff could try and see now it works. You may need to limit the number of spaces available; first come, first serve. Mayor Franzoia was also concerned over the fact small children would be in the traffic area.

Mayor Franzoia questioned how the matter was dealt with during the Fourth of July; locals bring campers in, have a picnic in the park and spend the night. There is no problem with that but they are all self-contained units.

Mr. Howes advised that is a violation of City Code; we just don't have the means to enforce it.

Mayor Franzoia acknowledged we don't have an enforcement officer; and really they don't abuse it.

Mr. Howes commented it is very common during the Fourth of July.

Mayor Franzoia believed it was a great thing; they are sitting there enjoying themselves and not driving. They don't impact the system because they are self-contained and it's nice they use the park all day. Mayor Franzoia indicated he could support something like that. You may need to set some limitations on the size and type of vehicles; you may not have adequate space for them as well as the spectators and then again you have the children. But, it is a good thing for the community.

Councilman Johnson saw this as a twenty-four hour event and some of the teams are going to be traveling from out of town. They are going to travel here in RV's and you are going to have a

multiple of RV's around the field and games will go on all night. This is not the first time Elko has had twenty-four hour softball game; but it has been awhile.

Councilman Johnson's question was; if you are having the event and they are participating, what code says they can't pull into the area with an RV as part of the event. Since this is a twenty-four hour event he didn't see the need for camping; they are just there to participate. Councilman Johnson did not see any way for the City to distinguish, with a twenty-four hour event, of who is doing what.

Mayor Franzoia agreed.

Mr. Howes indicated it is very common with the daytime tournaments; they park there and kids are sleeping in the RV.

Mayor Franzoia questioned what Staff would do about the PA system at night.

Mr. Howes advised it currently doesn't work so it won't be an issue. In addition, during the games we re not staffed sufficiently to announce the games in addition to running the scoreboard and making sure everything is coordinated properly; this year that is not going to be an issue. Down the road for long-term plans that is something Staff wants to develop so our tournaments become more professional and more inviting to more teams; but no matter what we do we are still limited to those two fields. Our growth is somewhat capped; without doing a twenty-four hour tournament we essentially, are going to have to start turning the other teams away.

Mayor Franzoia noted there were two points on this item; a twenty-four hour softball tournament and the other is over-night camping in the area. Mayor Franzoia believed there was a lot of latitude, as Councilman Johnson commented, regarding the camping.

**** A motion was made by Councilman Elquist, seconded by Councilman Rice to approve for the Recreation Department to conduct a 24 hour softball tournament on June 25th and 26th at Leonard Herrera Softball Complex.**

Motion passed unanimously.

- C. Review, consideration, and possible action to accept a petition for annexation of property to the City, filed by KLO Global, LLC, processed as Annexation No. 1-11, including approximately 0.7699 acres of property to include a portion of the Mountain City Highway right-of-way located generally south of Mountain City Highway, approximately 118' east of Sundance Drive, and matters related thereto.

ACTION ITEM

The applicants found that the previous owner has swapped property with NDOT after the property was annexed into the city, and this small sliver is not in the city.
EW

City Planner Wynes advised there was an error; the swap was with Elko County and not NDOT.

**** A motion was made by Councilman Conner, seconded by Councilman Rice to accept a petition for annexation of property to the City, filed by KLO Global, LLC, processed as Annexation No. 1-11, including approximately 0.7699 acres of property to include a portion of the Mountain City Highway right-of-way located generally south of Mountain City Highway, approximately 118' east of Sundance Drive.**

Motion passed unanimously.

II. APPROPRIATIONS

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

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

Motion passed unanimously.

VII. REPORTS

- A. Mayor and City Council
 - 1. Councilman Rice – Cinco de Mayo Parade
- B. City Manager
 - 1. Election Bill update
 - a. Still in Assembly, hasn't moved or died
 - b. Competing election bill that is now in Senate
 - i. Has been revised. If it passes it will do the same as our bill.
 - c. Hoping for work session
- C. Assistant City Manager
 - 1. Take Pride in Your Community
 - a. Highlights and 7 year history; see Exhibit 'D'
- D. City Clerk
 - 1. Voter Registration underway
 - a. 7:00 p.m. – 9:00 p.m. Friday
 - b. 8:00 a.m. – 5:00 p.m. & 7:00 p.m. – 9:00 p.m. Saturday
 - c. 8:00 a.m. – 5:00 p.m. & 7:00 p.m. – 9:00 p.m. Monday & Tuesday
 - 2. Early Voting Begins May 21st at Convention Center
 - a. 10:00 a.m. – 2:00 p.m.
 - 3. Sample Ballots mailed out end of this or first of next week
- E. City Planner
 - 1. Master Plan Considered for adoption on May 24th
- F. Civil Engineer
 - 1. Construction Season update
 - a. Idaho St. began on Monday with 12th Street; concrete demo
 - 2. June 6th asphalt will come up
 - 3. New signal pole at 5th and Silver; week of May 23rd

4. New cabinets and traffic signals at Mtn. City Hwy & Idaho Street and Lamoille and 12th Street
 5. Family Resource Center update
 - a. Still closed
 - b. Insurance inspector last week
- G. Parks and Recreation Director
1. Take Pride in Your Community & Arbor Day update
 - a. Peace Park planting of 250 shrubs, trees and grasses at entrance area
 - b. Cemetery road – Eagle Troop planted 7 trees for Arbor Day
 - c. Southside Park – EALI installed shrub beds around signs, painted bleachers, planted trees
 - d. Johnny Appleseed Park – Rotary installed tables

5:55 p.m. Mayor Franzoia called for a brief recess.

6:05 p.m. Mayor called the meeting back to order.

VI. 6:00 P.M. PUBLIC HEARINGS

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

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

There was no public comment.

- B. Second reading, public hearing and possible adoption of Ordinance No. 733, an Ordinance amending Title 6, Chapter 1, Sections 1, 3, 5, 6 and 10 of the Elko City Code entitled, “International Fire Code of the City of Elko,” “Definitions,” “Fire Lanes on Private Property”, “Appeals” AND “Tank Storage and Bulk Storage Compliance” respectively, and matters related thereto. **ACTION ITEM**

In keeping with the adoption of the 2009 International Building Code, the Fire Department is requesting approval to adopt the 2009 International Fire Code. The Fire Department recommends amending several sections of the IFC-2009 to better fit the environment in Elko, Nevada, and the amendments are redlined accordingly. The Building Code and Fire Code work together, and the Fire Department’s primary role is to inherit the building for the life of the building after the Building Department issues the initial or follow up certificate of occupancies. Residential enforcement is only under certain limited conditions and/or invitation. JC

There was no public comment on this item.

**** A motion was made by Councilman Elquist, seconded by Councilman Rice to adopt Ordinance No. 733, an Ordinance amending Title 6, Chapter 1, Sections 1, 3, 5, 6 and 10 of the Elko City Code entitled, “International Fire Code of the City of Elko,” “Definitions,” “Fire Lanes on Private Property”, “Appeals” AND “Tank Storage and Bulk Storage Compliance” respectively.**

Motion passed unanimously.

- C. Second reading, public hearing and possible adoption Ordinance No. 734, an Ordinance amending Title 6, Chapter 5, of the Elko City Code entitled, “Fire Department Service Fees”, and matters related thereto. **ACTION ITEM**

In keeping with the adoption of the 2009 International Building Code, the Fire Department is requesting approval to adopt the 2009 International Fire Code. The Fire Department recommends amending several sections of the IFC-2009 to better fit the environment in Elko, Nevada, and the amendments are redlined accordingly. The Building Code and Fire Code work together, and the Fire Department’s primary role is to inherit the building for the life of the building after the Building Department issues the initial or follow up certificate of occupancies. Residential enforcement is only under certain limited conditions and/or invitation. JC

There was no public comment on this item.

**** A motion was made by Councilman Elquist, seconded by Councilman Rice to adopt Ordinance No. 734, an Ordinance amending Title 6, Chapter 5, of the Elko City Code entitled, “Fire Department Service Fees”.**

Motion passed unanimously.

- D. Review and possible adoption of Resolution No. 15-11, a Resolution of the Elko City Council adopting the 2009 International Fire Codes and adopting amendments pursuant to Elko City Code Section 6-1-1, and matters related thereto. **ACTION ITEM**

Resolution No. 15-11 is associated with Ordinance #733 and Ordinance #734. JC

There was no public comment on this item.

Deputy Fire Marshal Carson referred to Section 507 and requested the Council to change the language to list the current version of NFPA 24 instead of the 2002.

**** A motion was made by Councilman Rice, seconded by Councilman Conner to adopt Resolution No. 15-11, a Resolution of the Elko City Council adopting the 2009 International Fire Codes and adopting amendments pursuant to Elko City Code Section 6-1-1; to include the correction of the error in section 507 as advised by the Deputy Fire Marshal.**

Motion passed unanimously.

- E. Second reading, public hearing and possible adoption of Ordinance No. 735, an Ordinance adding Section 9 to Chapter 16 of Title 8 of the Elko City Code entitled “Special Events Curfew”, which amends the present laws of the City to provide that a curfew of 10:00 p.m. shall apply to juveniles regarding events on City property wherein alcohol is sold to the public, to juveniles within the event venue or within a specified distance thereof, except for events in City parks, and providing further matters appropriately related thereto. **ACTION ITEM**

Gil Hernandez addressed the Council and noted on the web page the ordinance says 18 and under and tonight’s item sites a curfew time of 10:00 p.m. Mr. Hernandez advised his concern was the wording of “within a specified distance”; what is a specified distance.

Mayor Franzoia advised this did not impact the event Mr. Hernandez was associated with at the fairgrounds.

Assistant City Manager Andreozzi clarified as proposed the ordinance does say on City property.

Mayor Franzoia noted the fairgrounds are leased property and if that were the case it would be applicable to all the private leases we have on City property.

Mr. Andreozzi advised, in speaking with the City Attorney’s Office, if you want to exempt that, we should probably amend the ordinance to say “except for leased property”.

Mayor Franzoia advised it is related to a special event.

Mr. Andreozzi clarified any special event that is on City property and there is distribution of alcohol to the public and they have vendors and/or street closure; would trip the special event.

Mayor Franzoia questioned whether the Basque Festival is a special event.

Staff verified it is.

Mayor Franzoia noted for the Basque Festival most attendees are with their parents. The 10:00 p.m. curfew affects the larger events i.e. Silver State Stampede, the fair and the Motorcycle Jamboree.

Mayor Franzoia believed the parameter was within three hundred feet of the area. It is consistent with the existing curfew law; we made adjustments for the special events; specifically adult activities.

Diane Elmore identified errors on the agenda item for Staff’s attention.

Councilman Rice noted the ordinance itself was correct.

Police Chief Zumwalt advised the ordinance was drafted to make events safer.

Councilman Conner again expressed the concern we are taking people's ability, specifically families, to attend an event when they are not causing any trouble.

Chief Zumwalt advised Staff will use discretion; we are just trying to keep problem children out of further trouble. The intent is to keep children safe and our events safer so we can keep having them.

**** A motion was made by Councilman Rice, seconded by Councilman Johnson to adopt Ordinance No. 735, an Ordinance adding Section 9 to Chapter 16 of Title 8 of the Elko City Code entitled "Special Events Curfew", which amends the present laws of the City to provide that a curfew of 10:00 p.m. shall apply to juveniles regarding events on City property wherein alcohol is sold to the public, to juveniles within the event venue or within a specified distance thereof, except for events in City parks, and providing further matters appropriately related thereto.**

Motion passed unanimously.

ADJOURNMENT

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

Mayor Michael J. Franzoia

Shanell Owen, City Clerk