

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

SS August 23, 2011

The City Council of the City of Elko, State of Nevada met for a regular meeting beginning at 4:00 p.m., Tuesday, August 23, 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
Councilman John Rice

City Staff Present: Curtis Calder, City Manager
Delmo Andreozzi, Assistant City Manager
Shanell Owen, City Clerk
Don Zumwalt, Police Chief
Mike Hecht, Acting Fire Chief/Fire Marshal
Dawn Stout, Administrative Services Director
Dennis Strickland, Public Works Director
Trent Moyers, Airport Director
James Wiley, Parks Superintendent
Antonio Mendive, Water/Sewer Superintendent
Ted Schnoor, Building Official
Jeremy Draper, Civil Engineer
Linda Buffington, Recording Secretary

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES - PUBLIC COMMENT WILL BE TAKEN PRIOR TO ANY CITY COUNCIL ACTION: FOR POSSIBLE ACTION

**July 26, 2011 Regular Council Session
August 4, 2011 Special Council Session – No quorum**

**** A motion was made by Councilman Perry, seconded by Councilman Elquist to approve the minutes of July 26, 2011 as presented.**

Motion passed unanimously.

No action was required for the Minutes of August 4, 2011.

SPECIAL PRESENTATION TO DR. WALTHER, DR. BILL WRIGHT, DR. MORIARTY, AND DR. KANDAWSVIKA, ACKNOWLEDGING THEIR PERSONAL AND PROFESSIONAL CONTRIBUTIONS TO THE CITY OF ELKO ANIMAL SHELTER AND DUMKE-WEEKS SPAY NEUTER CLINIC.

Gayla Preece-Lednisky, Animal Shelter Manager, presented plaques of appreciation.

II. APPROPRIATIONS

- B. Review, consideration, and possible approval of an increase in the amount of funds available in the force account for the Regional Road Repair Project (Idaho Street), and matters related thereto. **PUBLIC COMMENT WILL BE TAKEN PRIOR TO ANY CITY COUNCIL ACTION: FOR POSSIBLE ACTION**

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

Civil Engineer Draper informed the Council that no increase was being requested at this time.

Mr. Draper advised the contractor is now in the downtown area removing the concrete slab that was under the asphalt. During that process a couple of things were found; mainly storm drain issues. The contractor hit the storm drain a few times in areas where it is very shallow, so we have some pipe that will need to be replaced. Another issue is with the water line we were supposed to tie in at 12th Street. Our records indicated a 6" water line in Idaho Street; when the contractor excavated they found it was a 4" line. We will have to extend another two hundred feet of 8" water line and tie in at Court Street to provide new fire service and new water services to locations adjacent to 12th Street. Those change orders are pending; once approved, Staff will be able to analyze whether an increase to the force account will be requested at the next City Council Meeting.

Councilman Elquist questioned whether the cost of the water distribution improvement would come from the water fund.

Mr. Draper verified that was correct; but we still look at that as part of the whole project. Mayor Johnson called for public comment and there was none.

No action was taken.

IV. NEW BUSINESS

- A. Review consideration and possible action to consider various options relating the amount of dyed concrete at the intersection of 5th and Idaho Streets as a part of the Regional Road Repair Project, and matters related thereto. **PUBLIC COMMENT WILL BE TAKEN PRIOR TO ANY CITY COUNCIL ACTION: FOR POSSIBLE ACTION**

There have been concerns raised regarding the dyed concrete at the above referenced intersection. City Staff and Summit Engineering have provided several options for the Council to consider in an effort to address the concern.
DA

Assistant City Manager Andreozzi advised this item gives the Council an opportunity to consider the concerns raised by the public regarding the scope of dyed concrete that is in place.

For the benefit of the Council and public, Mr. Andreozzi provided an overhead photo of the area under discussion and indicated there are a number of options the Council may consider in regards to the amount of dyed concrete in this area.

Mr. Andreozzi advised Staff has gone through the bid documents; verified and reviewed a number of things. Staff can verify the contractor installed the concrete there pursuant to the plans and specifications of the project.

Mr. Andreozzi referred to another overhead photo which showed a cylinder of concrete and explained the cylinder is actually the concrete that was poured at the intersection of 5th and Idaho Street. The purpose of pouring cylinders is that after they go through a curing period they are tested for strength and a variety of other things. The photo on the left shows the cylinder on the curb return area at 5th and Railroad; the photo to the right shows the same cylinder placed on the pavers in the area and you can see the contrast there. At the intersection of 5th and Idaho Street a sealer was applied on top of the concrete which slows down the curing period. We are being told that, in time, the concrete will become the color of the cylinder. Mr. Andreozzi clarified the cylinder, by contrast, does not have any of the curing compound applied to it.

Mr. Andreozzi outlined the possible options in regard to the dyed concrete; 1) remove and replace all of it 2) remove and replace a portion of it 3) leave it as is, or, 4) the use of epoxy paint to cover up some of the concrete to reduce the overall amount of dyed concrete.

Mr. Andreozzi wanted the Council to be aware that when Staff was working with Summit, in terms of developing the scope of work, it was Staff's expectations to have the ramps similar to the ADA ramp at 5th and Railroad. Mr. Andreozzi referred to a photo of the ADA ramp at 5th and Railroad which showed the red was essentially the sloped areas of the ramp. That had subsequently been translated into the intersection at 5th and Idaho; what you see being red there is the sloped areas and being the ADA plan. Mr. Andreozzi believed the 30% design review actually had that component in there.

Councilman Perry questioned what the current plan will do to the area of 5th Street where the new light pole will be located; there are several areas still unfinished.

Mr. Andreozzi explained the unfinished areas will be paved back with gray concrete. At other intersections where we have the full extended curb returns, 6th, 8th and 11th; those will actually be landscaping areas. NDOT would not allow any landscaping in their portion of the right-of-way and the 5th and Idaho intersection.

Councilman Rice questioned if there was any data from the 30% presentation available tonight.

Civil Engineer Draper displayed various drawings from the 30% presentation.

Councilman Rice then questioned Nitin Bhakta, Summit Engineering, whether the drawings were on pdf when they did the 30% presentation.

Mr. Bhakta indicated the 30% plan sets displayed were not on pdf but they were provided to Staff. Mr. Bhakta referred to the displayed plans and advised they show the general concept of what the colored concrete would be like. The drawings were done by their landscape architect and incorporated some of the landscaping in the intersections i.e. 6th and 8th Streets.

Councilman Rice questioned if there was a drawing of 5th Street.

Mr. Bhakta advised there was not; at 30% they just did a conceptual design of one of the extended curb returns.

Lina Blohm questioned the date of the 30% design. The date was important; she has logged several meetings many of them attended to get the information they needed regarding those intersections. They wanted information as to what they could be expecting; and they didn't get it. Ms. Blohm referred to the display drawings and noted; as you see tonight 5th and Idaho is not there. Ms. Blohm stated they never saw any of the drawings displayed at any of their personal meetings with Summit, NDOT, or any official involved.

Mr. Andreozzi advised the date for the 30% City Council Meeting and Public Meeting was December 9, 2010. There was some discussion on December 10th between Staff and Summit regarding what Staff said they envisioned; an intersection similar to 5th and Railroad. Mr. Andreozzi commented when he first looked at the amount of concrete that was poured, from his perspective; it was more than he had expected.

Mr. Andreozzi stated he would have to defer to Summit to say whether or not the specifics of this were brought up during the 30% meeting. He did review the minutes of the 30% and 70% meetings and there was no mention of dyed concrete; other issues seemed to be of more concern to people at that time.

Ms. Blohm advised several of those present tonight, including Mr. Draper, met with Mr. Bhakta and others at Summit Engineering sometime during March and April. Time and again they asked for specific design for 5th and Idaho; it was never available to them.

Mayor Johnson reminded everyone the agenda item pertains to making a decision on the dyed concrete; keep it or provide a different option.

Mr. Bhakta explained the probable reason for the 5th Street intersection not being included in the 30% design level was that they were still in the design phase of that intersection. They were trying to figure out what needed to be done there and were still speaking with NDOT to determine what they wanted.

Mr. Andreozzi reiterated Staff checked to see if an error was made by contractor; it has been verified the contractor built this according to the plans and specifications. If any change is made it will be above and beyond the contract and would not be on the contractor.

Mayor Johnson called for public comment.

Ms. Blohm stated, as business owners at that intersection, they are opposed to the red concrete. The reason being on several premises; 1) they have been intimately involved, from their perspective, as much as possible with the process; they attended several City Council Meetings, visited personally with Summit Engineering and City Staff and felt they did everything possible so there wouldn't be a surprise. Somehow it was lost in the process that the stakeholders were not invited to the table for that specific intersection. Maybe there were other elements along the entire project where they were, or had more opportunity. Ms. Blohm did not see where the stakeholders on the four corners had the opportunity to; 1) discuss the amount of red concrete 2) the color of the concrete and 3) to verify what we had heard City Staff refer to as the "vision"; which was our Elko Vision Master Plan Update version.

Ms. Blohm advised she contacted their liaison, Donald Buaku of CRSA; she specifically scanned and emailed photos of the red concrete sidewalks to show him. Ms. Blohm noted copies of his response had been placed on the dais for the Council but she would read a portion of his response.

Based on the conversation with City, CRSA's response concerning the newly poured red colored concrete sidewalks on Idaho and Fifth is as follows;

- 1) CRSA's scope of work for the RDA did not include the Idaho Street rehabilitation project and the project was underway before the RDA Vision Plan was finalized and adopted.*
- 2) CRSA's watercolor renderings in the RDA document cannot be referenced to as final determinants for the color of concrete poured on the sidewalk. The renderings were meant to convey concepts and influence the final design process of the parking corridor. CRSA is specific about paving materials on page 75, suggesting material and not color. Earth tones are suggested on page 85 for buildings.*

Ms. Blohm acknowledged the response included some disclaimers but she believed item #2 was very important. There were members who were looking at the design concept and not from a design professional standpoint. Ms. Blohm believed there was not enough design attention given to these particular intersections and the amount of red concrete.

Ms. Blohm stated they, as business owners at that intersection, are in favor of getting rid of all the red concrete.

John Carpenter questioned if red concrete was going to be used all the way down Idaho Street.

Mayor Johnson advised the design plan shows there will be additional red concrete at other intersections.

Mr. Carpenter then questioned the cost of dyed concrete versus gray.

Mr. Carpenter noted comments had been made that NDOT would not allow landscaping. It was his understanding this was state highway from Mountain City, down 5th Street where it turns and on out to Lamoille. Did the state put any money into the design and/or construction or are the taxpayers of Elko liable for the whole thing?

Mr. Draper advised there is an additional cost of \$2.00 per square foot for dyed concrete. If we decided not to color the remaining ramps we will not see that entire \$2.00 come back to us because they have already purchased all the color for the remainder of the concrete and there are possible restocking fees.

In response to Mr. Carpenter's question regarding the state Mr. Draper advised the state did not participate in any of this design work; City funds paid for this work. At the intersection of 5th and Idaho Street the state owns the asphalt and the City owns the sidewalks. Mr. Draper clarified the issue further; on 5th Street the state actually owns both sidewalks but on Idaho Street the City owns the sidewalks.

Mr. Carpenter questioned if the City owned the sidewalks all the way to Mountain City Highway.

Mr. Andreozzi advised the City owns the sidewalk on both sides of Idaho Street, in the NDOT right-of-way, from 5th Street west towards 3rd Street. NDOT has full responsibility of the right-of-way ownership on 5th Street, south of Idaho Street.

Mr. Carpenter then stated his belief the red concrete on the south side of the 5th Street and Idaho intersection should have been the state's responsibility. Mr. Carpenter further clarified the area he was referring to; right where the old tank was located the City had to pay extra to have removed.

Mr. Draper advised the old tank was in City right-of-way; it was located on the Idaho Street, east of 5th Street.

Mr. Carpenter requested further clarification on where exactly the tank was located.

Mr. Draper advised it was by Jim Winer's property (Algerio) on Idaho Street going east towards 12th Street.

Mr. Carpenter questioned whether the state should have participated in the construction along the Lamoille Highway.

Mr. Draper verified that was correct; if this was a state project. But, since this was a City project, the design plans were given to the state for review and for approval at that intersection because

they own the asphalt and we had to meet turning radius for trucks. Since the City requested that work to be done the City had to pay for that.

Mr. Carpenter questioned whether the state had been asked to share.

Mayor Johnson requested Mr. Carpenter hold questions on that matter until a later agenda item.

John Ellison advised he spoke with the engineer today who indicated there was going to be some maintenance work in the area by the motel and possibly by Jim Winer's property also. Mr. Ellison believed if that is the case, the Council might want to take that into consideration when they make their decision on the color of the concrete.

Mr. Bhakta acknowledged Summit is aware of the fact there is some maintenance that will need done. Mr. Bhakta then identified the concerns at the Algerio Building and Esquire Inn.

Councilman Perry questioned Mr. Bhakta if something was done in regards to the colored concrete, to remove, epoxy coat or change certain sections of it; how much time do we have? Assuming all the intersections shown are yet to be done.

Mr. Bhakta advised the intersections from 6th Street to 12th Street remain to be poured; Staff has asked the contractor to hold off until this council meeting. As far as the timeline; the contractor is going to be in this area paving starting the second week of September; with completion of that paving estimated at a week to eight days. At such time, the only thing the contractor will be working on is raising the utilities and taking care of some incidental work. Mr. Bhakta estimated the contractor would here for another month to month and a half; which is still within the time limit allocated to them.

Councilman Perry questioned with respect to a design guideline on this intersection, as far as decisions for the concrete etc.; what kind of time do we have to make a decision before we would start impacting scheduling?

Mr. Bhakta stated the need for a decision is immediate. They need to pour that colored concrete tomorrow. We are holding up the concrete crew as it is; if this issue hadn't come up they would likely have been finished pouring at least four or five intersections by now.

Councilman Conner agreed there is too much red at 5th Street. He did believe dyed concrete, in smaller amounts and uniform on all four corners; would add character to the downtown. If the current color lightened up comparable to what is on 5th and Railroad it would look nice. But, it would have been nice if we could have gone with brick pavers everywhere. Councilman Conner expressed strong support of what business owners in the area wanted; we need to respect their choice.

Councilman Conner commented when you look downtown, dyed concrete adds character to the street scape; we just have too much of it.

Mr. Bhakta addressed the comment on uniformity. At the 5th Street intersection one of the challenges we have is the fact that the right-of-way for the City of Elko is pretty much right up against the front face of these buildings and a lot of the buildings protrude out into that corner.

Mayor Johnson advised that was not a color issue and did not pertain to this agenda item.

Councilman Conner noted the dyed concrete goes a foot into the entranceway at the Blohm Building instead of stopping at the wall.

Mr. Bhakta again advised there is product available to cover that type of concern and make it look the natural gray.

Councilman Conner question whether it would last.

Mr. Bhakta verified it would and advised some patch work was done near a local business and it has lasted four years with minimal maintenance; it is a pretty durable product.

Councilman Perry commented he reviewed the recently approved downtown redevelopment plan looking for the design guideline; it is not there and that is unfortunate. Councilman Perry indicated he would like to hear from members of the RDAAC what they see as a remedy to this; what is their recommendation.

Councilman Perry remembered the previous argument over the concrete when we said we weren't going to stamp and the decision was made to go with the dyed concrete; now here we are again. Do we make a decision tonight to do something and then again nobody likes it? We have to fit this in the context of the budget for this project. As far as time; Mr. Bhakta says we don't have any; the other corners are ready to pour. Likely with 5th Street we do have some time because there are a few options if we have to take it out and change it or coat it with epoxy.

Councilman Perry asked a member of the RDAAC what their recommended solution was.

Dwayne Jones, Chairman RDAAC, advised the design is not in the RDA and believed members of the DBA property owners were trying to be involved in this design concept and what was happening; especially at 5th & Idaho Street. That was their focus; to find out what this very key intersection in our central business core was going to look like. They never were invited in. Everyone assumed the pavers were going to go back in even though the plans, which they never saw, said the pavers would be pulled out and disposed of and red concrete would be used in place of those. Mr. Jones advised this does not fit what they envisioned for the downtown. Accent like on Railroad Street and Idaho is fine. This plan was just approved about two months ago so they are trying to catch up on what the design concepts are.

Councilman Perry requested verification Mr. Jones was saying what is in place by the Western Folklife Center is an acceptable design.

Gwen Uhlig believed that is what many of them probably thought was going to happen. They are completely dumbfounded by how the extensive red concrete happened; especially when they

asked repeatedly to be involved in the process. They were told the reason it happened was because it was in the RDA plan; yet for months on end they were told there was no way they could implement RDA design elements into the regional road repair.

Ms. Uhlig was aware some would disagree with her but she believed at this point; the epoxy fix is going to be the most sensible time sensitive way to correct it.

Councilman Elquist acknowledged these are tough decisions but that is what the Council is there for. He met with the DBA and businesses up and down Idaho Street and listened to the grievances of the project. There is a lot of emotion tied up in this.

Councilman Elquist noted even CRSA acknowledges they do advocate for use of either brick pavers or other earth tones. We did have a meeting and talked about the pros and cons of pavers versus gray concrete, versus dyed concrete, versus dyed and stamped concrete. There was a lot of discussion on that and we went back and forth quite a bit. Councilman Elquist remembered leaning towards going back in with gray concrete; get this project done and we can work on the esthetics of it with later budgets. After all the discussion, we collectively as a Council, decided to go back with the earth tone; try to match it to the pavers and let's not do the stamping.

Councilman Elquist stated it was clear to him those corners were intended to be full of dyed concrete and we reviewed that; it is pretty easy to extrapolate that over to 5th and Idaho. It is change and it is human nature to resist change; and some of that is going on.

Councilman Elquist described himself as a budget hawk and then advised he was not a fan of epoxy but; we can always spend the money on epoxy down the road.

Councilman Elquist indicated he would like to see this area completed, as planned, with the accents. We've relied on professionals, we've had design reviews; it has been a collective process. He understood the grievances and that the DBA felt they hadn't been involved enough; but he was trying to look forward and did not want to take the concrete out or put an epoxy over it. If we are spending the money let's give it a chance to cure and see if the earth tone develops. Councilman Elquist commented that, believe it or not, there have been people that like it.

Councilman Rice indicated he was leaning in that direction also. For him there is a lot going on in that area; it is not symmetrical as the drawings show. He was in favor of seeing it completed and going back later. He was concerned and wanted to be cautious; we don't want to do something because we'll own it for thirty years; our tendency is that if something has been done incorrectly it stays that way. Councilman Rice believed there was an opportunity in seeing the project completed and then going back; either with epoxy or by using more of those colors to create some symmetry at that particular intersection.

Ms. Blohm understood, as a business owner, the importance of a time line. Ms. Blohm questioned if there was a way the red dye can be mixed to become terra cotta; at this point? Their objection is that it is so red; it is not terra cotta or earth tone by any stretch of the imagination. There is no symmetry at this intersection and now it is just a horrible eye sore.

Ms. Blohm asked the Council to give everyone involved time to regroup; it has already been brought out tonight there are maintenance issues that will need to be torn out and corrected. Give us some time to work more on 5th and Idaho; move forward on the other intersections and see if you can't mix that red with brown to achieve terra cotta color they would all be happy with.

Tom Gallagher, Summit Engineering, believed because of the striking color of the red, everything they have been saying over the past week or so has, somewhat, fallen on deaf ears. The manufacturer labels this color as terra cotta and that is the color it is intended to be when it is fully cured.

Mr. Gallagher stated this isn't a design issue; this is exactly what was in the plans. This is the color they showed in the plans and that is what the concrete company calls the stain that goes into the concrete.

Mr. Gallagher agreed with statements by Councilmen Elquist and Rice; we should go ahead and complete the project. If we have to come back and dye some part of this area gray to make it esthetically pleasing to everyone in the future; after you've given the concrete a chance to cure; is one thing. But to spend money to make something look a little bit different he didn't see that as being an option. Mr. Gallagher believed the companies that make the color probably know better than we do standing here looking at a photograph; what color that is going to turn out to be.

Mr. Gallagher advised other concerns brought up are Punch List items and you are going to see them up and down Idaho Street. The contractor is responsible for fixing all of those or any others that come up before final acceptance is issued.

Councilman Perry referred to a photo which showed the design in front of the Western Folklife Center and stated it was his belief everyone considers that the acceptable design; as to where red concrete would go. It made sense to Councilman Perry that is the way it should look in the other areas; not as much red concrete, but the one block of it where the yellow ADA bumps go. Councilman Perry then referred to a photo of the 5th Street and Idaho Street intersection and indicated that would mean there would be one section of red where the yellow is and the remaining would be epoxy coated gray.

Councilman Rice questioned the time frame for the concrete to be completely cured.

Mr. Bhakta was unable to provide that answer and advised he would need to contact the manufacturer. The area at 5th and Railroad has been curing or at least fading for several years; it was placed in 2007.

**** A motion was made by Councilman Perry, seconded by Mayor Johnson, that the red concrete surrounded by the gray concrete at the Western Folklife Center would be the design standard for the rest of Idaho Street; the red concrete where the yellow ADA ramp is and that the concrete on the area that is red that doesn't adhere to that standard be covered with a gray epoxy.**

Mr. Bhakta advised what is being proposed will not work with other intersection extended curb returns i.e. 6th and 8th because of the way they are designed. You will end up with a ramp with a yellow truncated dome; with approximately fifteen square feet of color.

**Motion failed 2-3.
Councilman Conner opposed.
Councilman Elquist opposed.
Councilman Rice opposed.**

**** A motion was made by Councilman Elquist, seconded by Councilman Rice to proceed as the current design documents show.**

No vote was taken on this motion.

Councilman Rice stated that he wanted to add that in discussions up to this point we have talked about going back and taking a look at 5th and Idaho to figure out ways to create the symmetry it now lacks; and that we will return to this issue at some point to create a solution for 5th and Idaho.

Councilman Elquist was unsure that was relevant to the current project; we always have that option.

Mayor Johnson clarified it was just further discussion; that we come back to 5th and Idaho after the project is done and decide from there.

Councilman Elquist agreed; we can always improve but we should see this project through.

Mr. Andreozzi wanted everyone to understand that the ADA ramp isn't alike on every corner; there will be variations in symmetry from location to location.

Councilman Perry questioned if all four corners would be red.

Mr. Andreozzi verified the four corners would be red but not every corner in the project is going to look the same because of changes in elevation, grade, shape, etc. The bid documents specify the ADA ramp will be red.

Councilman Elquist believed this was advertised and we got what was advertised; we need to move in that direction. Are you now telling him the corners aren't going to look like what was advertised?

Mr. Andreozzi requested an overhead photo to show an example of what he was referring to.

Mr. Bhakta directed the Council's attention to photos of 6th and 7th Street to clarify not every intersection is an extended curb return; in some places the corners are not symmetrical. There are areas that have traditional ramps that will look like what is at 5th and Railroad but at other areas it will not be the traditional because of building corners, the ADA grades etc.

Councilman Elquist believed the corners should be squared up.

Mr. Bhakta advised they can't be.

Councilman Rice pointed out the intersections shown on the overhead are diagonally symmetrical; but it is not uniform.

It was Councilman Elquist's opinion the corners should be more uniform.

Councilman Elquist wanted the design consultant to comment on the last overhead; explain what the plan is and clarify the layout of planters etc. and the concrete color.

Mr. Bhakta indicated the island is gray and everything shaded in the dark hatch is planned to be colored.

Councilman Elquist advised he did not see the gray areas.

Mr. Bhakta explained he was seeing the extended curb returns; there was no gray because the ADA access comes through a different area that leaves more room to maneuver. At 7th, 9th 10th and 12th Streets we don't have extended curb returns so there isn't much room behind the curb and gutter so you don't have as much colored concrete in those areas.

Mr. Bhakta referred to the 12th Street intersection; it has a bit of symmetry but again with light poles, curbs, boxes etc. you are not going to get something that is going to look 100% even on all four intersections.

Councilman Elquist questioned if he should amend the motion to have Staff work with the color and the concept and create as much symmetry as possible. Does that make sense and is it enough direction?

Mayor Johnson commented the down side is there could be potential change order requests from the contractor because he is set to pour.

Councilman Elquist noted we have a force account and \$2.00 per square foot is a sliver of a penny compared to the overall budget.

Mr. Draper responded to Councilman Elquist's comment about the symmetry at 7th Street; Staff has already looked at that and has made that comment to Summit Engineering. The contractor is taking it under advisement; they do have that intersection formed up a lot more symmetrical than what the drawings show. Mr. Draper indicated he has pictures of the area if the Council wanted to see them.

Councilman Perry commented we have one intersection with the red concrete and we have a lot more to do. Granted the red concrete is going to fade but it still doesn't look well with the surrounding buildings and we have had a lot of discussion over that. His biggest concern was moving forward and making them all red. It is hard to visualize these things when looking at a

plan view; as to what it is going to look like next to a building and that is one of the biggest issues.

Councilman Perry believed the safe bet was gray concrete with some red at the ADA ramp; that seems to be something people can visualize. We have it at the Western Folklife Center already and it is acceptable to the area businesses.

Mayor Johnson advised the motion is fairly general and an amendment could be added. To stay with plan or do we want to add an amendment that says to qualify the reduction of red concrete at those intersections?

Councilman Perry suggested amending it to say “intersection by intersection”; make a determination based on the layout of the red and gray concrete and the building next to it.

Mayor Johnson believed epoxy color was going to be the solution. The project is too far along. Before this meeting we wanted to give direction to the contractor but felt we couldn't. This is our best opportunity; if we don't do it tonight they probably won't make it in the future.

Councilman Elquist indicated he was going to stand by his motion; to complete as designed and allow Staff to create the concept and symmetry we show in the renderings.

Mayor Johnson advised that was different than the main motion.

Councilman Elquist advised he was allowing some flexibility to enhance the corners with more color; he is leaving it at the Staff and consultant level.

Mayor Johnson questioned if that motion will allow the contractor to move ahead.

Mr. Draper believed as long as we proceed, per plan, the contractor will move forward. If we do have flexibility to add symmetry to the corners like we have started at 7th Street we can get that information out to Q & D's foreman tonight so he is aware. If there is any additional cost associated with that we will leave it up to the contractor to tell us.

Mr. Draper indicated it was his understanding the direction is to; either add or to remove some red concrete to provide symmetry.

Councilman Elquist advised it is to proceed as planned; Staff and the consultant already have some flexibility.

Mayor Johnson called for a vote on the main motion; to proceed per design, but to give the flexibility to Staff and the consultant to add or subtract red concrete to increase the symmetrical effect within the intersection.

Jacques Errecart noted the agenda item is about color and now there is discussion of design changes; which is outside of the agenda item.

Councilman Elquist agreed and believed Council was safe to take no action; by default it goes back to the project as it has been going under the judgment of our design professionals and City Staff.

Mayor Johnson agreed Mr. Errecart had a valid point. If we are outside of the agenda item, which there could be a strong argument we are, then no action can be taken for the rest of the project and the project moves on.

No action was taken on this item.

V. PETITIONS, APPEALS AND COMMUNICATIONS

- C. Review and acceptance of a petition submitted by the Downtown Business Association regarding the Regional Road Repair Project (Idaho Street), specifically requesting business access signs, pedestrian pathways, open access for businesses, and a community communication liaison, and matters related thereto. **PUBLIC COMMENT WILL BE TAKEN PRIOR TO ANY CITY COUNCIL ACTION: FOR POSSIBLE ACTION**

A copy of the petition has been included in the agenda packet for review. CC

Mayor Johnson informed the Council a memo was received from the DBA president stating she would like to qualify this petition is really more from Idaho Street businesses than the DBA.

Civil Engineer Draper provided an update on communications with the project;

- Q&D has been providing daily emails to the Chamber of Commerce, DBA and other businesses along Idaho Street in an attempt to keep them up to date. City Staff has provided most of those emails to Council Liaisons; Mr. Johnson and Mr. Perry
- Q&D has a representative that has been visiting businesses directly affected by that days construction activity and reporting any concerns back to the City and Summit
- Summit has been visiting businesses along Idaho Street to address any concerns and as a follow up to Q&D's communications
- Each day Q&D provides the City with a list of businesses they speak with on a daily basis
- Q&D was asked to look into hiring a PR person for the remainder of the project and provide the City with that cost, they were unable to locate one and they have decided to have one of their secretaries visit the affected businesses each day at no additional cost to the City
- Summit has been visiting different civic organizations throughout the project
- City Staff has been meeting with media weekly and also provided information on the City website

Mayor Johnson called for public comment.

Gwen Uhlig indicated the petition was signed by seventy-five businesses; twenty of those were members of the DBA. Ms. Uhlig expressed their appreciation for the efforts Q&D, Summit and the City have made in the last week to accommodate their requests. They also wanted to thank the community for making an extra effort to support their businesses.

Ms. Uhlig outlined the specific items the Idaho Street businesses would like to request during the remainder of the project;

- 1) Professional & visible “Business Access” signs
- 2) Pedestrian pathways where sidewalks are closed and signs to indicate where to walk
- 3) At least one open access point for all businesses at all times
- 4) A Community Communication Liaison. Once a week emails are not enough

Ms. Uhlig explained each request and first directed the Council’s attention to the overhead photo which showed business access signs used during a construction project in Salt Lake City. Ms. Uhlig noted the signs were visible from a vehicle, showed where the entryway was to a business and that the business was open; key issues. Currently that is a big complaint with the local businesses; because there are no cars parked in front of their business and with the area under construction; people assume the business isn’t open which escalates the problem of no business. Another concern is a well-marked pedestrian pathway; especially for the businesses that rely on foot traffic. There are issues with communication about time lines i.e. water turn offs. If a business receives the shutoff notice on Friday and they have appointments etc. set up for Monday; that is difficult for them to deal with. Perhaps the businesses could be given a tentative schedule that is a week or two out; they can relay that information to their customers.

Ms. Uhlig had further comments regarding the project which she now read to the Council.

After several conversations with Councilmen and City Staff she has begun to realize that you may think their (the businesses) primary area of frustration is the lack of empathy for their situation as businesses. While she is sure many would have appreciated empathy during the multitude of phone calls made to City Staff over the past few months regarding the road repair project she wanted everyone to understand their frustration involves a much bigger issue than just asking for sympathy. This regional road repair project exemplifies the systemic misunderstanding of what a healthy partnership, between the business community and the city government, looks like. It is hard for her to understand why this happens when a significant portion of the City’s budget comes from sales tax, business taxes and fees collected from the small businesses of Elko. There has to be a partnership here. It seems to her that a certain amount of consideration would be given to the businesses that collect and pay these taxes during such a large construction project. To her, their frustration revolves around a basic understanding of local economics and accounting. She has heard a talking point from a few stating that maybe this situation was a result of too many right-brained people as opposed to left-brained staff members but in her experience economists and accountants are really right-brained people so she didn’t agree with that argument. A month ago before the situation came to a head, when individual business owners were making daily phone calls to City Staff and their concerns were not being taken seriously it was communicated to them they needed

to learn to take their lumps and that they were a miniscule group of people. With this type of climate it was easy for her to understand why it took them (the businesses) speaking out about the importance of prioritizing business impact. The small businesses in this community help provide basic services and quality of life in our area. She recognizes that dealing with small businesses is not as glamorous as dealing with international, multi-billion dollar mining and mining service companies but she would like to argue that creating a sincere partnership with our area small businesses is just as important. Please don't misunderstand; the mining community is tremendously important to all of our small businesses and we sincerely all that the industry has done for our community. She is simply pointing out that there is a missing element when it comes to the City partnering with a small business community and looking towards our future through healthy economic development. During the past few years she has continually heard political rhetoric about how small business are the backbone of our nation's economy; but more recently she has begun to hear stories that resonant more; it is very difficult to find politicians and government officials who put their time and their money where their mouth is. If this lack of concern for small businesses in Elko continues there is no hope for our community to be prepared for the time when gold prices decline or when gold is no longer the fuel for our local economy. A healthy, small business environment needs to be established will before the mining industry prepares to leave; if we hope to be a thriving community in the post-gold mining future. In order for this to happen we need to have a healthy partnership with the City of Elko and she would like to strongly advocate for Staff's decisions to become more proactive and less reactionary. We have reached a point of no return in terms of going back to a sleepy rural ranching town. We have to aggressively find new industry to fill the void in preparation for the eventual mining industry decline and current businesses have to be confident that their investments will continue to pay dividends. If the business community and the City of Elko have a healthy partnership this creates a positive climate to start very small businesses that require less capital and less time to start. But, a large accumulation of small businesses will help to contribute to the City budget in addition to providing more business services for our community.

Mayor Johnson requested clarification on how the Council could address this issue.

City Manager Calder advised the Council can accept the petition and direct Staff to continue working on the four items requested on the cover sheet of the petition.

**** A motion was made by Councilman Conner, seconded by Councilman Perry to accept the petition and direct Staff to continue working with the contractor, engineer and businesses specifically on the four items listed on the petition; 1) Professional & visible "Business Access" signs 2) Pedestrian pathways where sidewalks are closed and signs to indicate where to walk 3) At least one open access point for all businesses at all times 4) A Community Communication Liaison, continue improving communication and working with the small businesses.**

Motion passed unanimously.

Before a vote was taken, Councilman Elquist advised he wanted further discussion on the issue. By accepting this petition, we are accepting that seventy-five businesses along that project haven't been satisfied with the level of service to them.

Councilman Elquist noted that Summit Engineering was present tonight and then stated; when we direct Staff he wanted to make sure that it was clear, to the consultant and the contractor; that the expectation on the outset of this project was for a high level of service.

Councilman Elquist indicated he pulled some of the interview questions when the project was awarded and one of the questions was; "What are your initial thoughts regarding providing access to business and private property owners that will be affected during the construction and, how will you address it?" Out of the top five finalists Summit ranked second in answering that question. Summit ranked number one on the question of; "For a project of this magnitude what will you do to ensure adequate personal availability for the duration of the project?"

Councilman Elquist advised he brought that up because he wanted to make clear that it is not City Staff's job; we expected this and we paid for this. He does not want Staff and Council to fill in for what is Summit's job. There is some work to do if seventy-five people signed this petition and; the project still has some time to go. Councilman Elquist appreciated all the effort from Summit, it has been great, but he wanted them to own that aspect of the job. This is an aspect of the job that we expect to have a very high level of service.

Tom Gallagher, Summit Engineering, acknowledged there were a few businesses, for a certain period of time, which did not have access. That was not by design. That was directed; to have access to all the businesses, at all times. His concern is they only started hearing all the complaints two or three weeks ago. Mr. Gallagher stated anyone can call him or any of his staff if they have a complaint about what is being done. Staff will be responsive.

Mr. Gallagher advised they are trying to plan as much of this into the project as they can. A lot of the issues they find or happen i.e. oil tanks or water lines are not by design and he wanted everyone to understand that. At any point in time any member of his staff is non-responsive to the public he wants to be contacted personally.

Lina Blohm commented she just heard the Council pledge to enhance the partnership between the City of Elko, the City Council and the businesses. Referring back to the motion related to 5th and Idaho Street, Ms. Blohm indicated experience over the years has shown that to say "we will address that later"; doesn't happen. Ms. Blohm requested the issue of addressing 5th & Idaho Street and the possibility of an epoxy to cover the red, with the exception of the immediate ADA ramp, becomes a Council Agenda item in the very near future for further discussion.

III. UNFINISHED BUSINESS

- A. Review and consideration of issues of concern related to the Regional Road Repair Project, not otherwise listed on the agenda, and matters related thereto. **PUBLIC COMMENT WILL BE TAKEN PRIOR TO ANY CITY COUNCIL ACTION: FOR POSSIBLE ACTION**

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

Civil Engineer Draper advised he would provide a project update and some other issues that have been discussed over the past few weeks.

- Project is still on schedule
- Paving scheduled for mid-September
- Over next two weeks Q&D will continue closing blocks of Idaho Street in order to remove the asphalt and concrete
- Utility work should be completed by end of next week (water lines)
 - One storm drain line needs to be installed by the Sinclair Station
- Should start seeing sub-grade preparation from 14th to Manzanita in next few weeks
 - Will be cement treating the base in preparation for paving, with that no traffic will be allowed to travel on the base for 2 days after it is treated. Business access will be maintained at all times with minor interruptions
- Concrete work will continue this week and be completed next week
- Once paving is complete will meet with Summit to create punch list for entire project; as per contract

Mr. Draper advised in discussions over the past week Q&D offered to perform some of this work during the night. City Staff and Mr. Bhakta went to many of the hotels to discuss that option with them; it was a resounding no. The issue was also discussed at a Staff level along with Mr. Calder, Mr. Andreozzi; it was decided to continue with the original hours of daytime work for the remainder of the project.

Mr. Draper addressed the issue of pedestrian access. That has greatly been enhanced over the last week; cones with caution tape have been put up to delineate the pedestrian walk area around the areas where the concrete has been removed.

John Carpenter informed the Council of what he believed to be a safety hazard adjacent to the Winer Building and presented photos of the area. When the small curb along the sidewalk that leads to the handicap ramp is covered with snow people will not know where the curb and walkway are. People could walk right into the curb causing them to trip and possibly injure themselves. Mr. Carpenter believed if this curb design was going to be used at handicap ramps a railing needs to be incorporated into the design to keep pedestrians safe.

Mr. Carpenter commented the photos also showed that the newly poured concrete is cracking which was another concern.

Mr. Carpenter also wanted Staff to review the documentation related to when the City took over Idaho Street; who owns what. If part of that street belongs to the State then they should have cooperated in the expense at the intersection of 5th and Idaho Street.

Nitin Bhakta with Summit Engineering explained how the corner area next to the Winer Building would be widened. Mr. Bhakta advised once the project is complete they will do a walk through and create a punch list. The list will be presented to the contractor and Summit will make sure the contractor fixes everything per the plans and specifications.

Mr. Bhakta advised with the construction of this project the curb had to be poured monolithically with the flat portion of the ramp otherwise you end up with a cold joint at the bottom edge of the concrete which can allow water to get down into that joint and cause more heaving or a potential cause for heaving during freeze/thaw cycles. With this design, if the island was not constructed and the area was left as a flat spot that would create more of a problem; from a drainage standpoint. Any water flowing around the return to the drain inlet in the corner is going to be allowed to encroach into the return even more and create more of an issue with freezing and slipping. Mr. Bhakta indicated the curbs are designed to guide people into the ADA ramps. If we got rid of the gray concrete and sloped it down; the slope would be out of compliance with the ADA. All slopes leading into the ADA ramps are 8% or less, the landings were designed at 1.5% grade.

In response to the suggestion of a railing Mr. Bhakta advised there is criteria outlined in the ADA guidelines. The rise between the bottom of a ramp to the top of curb has to be more than six inches; it has to be a lot higher for that compliance to kick in to say we needed to add a railing.

Councilman Elquist questioned whether a railing, rocks or artistic element can be added to make the area more pronounced.

Mr. Bhakta was not supportive of using rocks; that just creates a hazard with cars. The City could look at adding something later on.

John Ellison, business owner and state assemblyman, advised he had received calls from several of the downtown businesses impacted by the project; not only businesses at 5th Street but further down Idaho Street also. Mr. Ellison was glad the City was finally addressing the various issues.

Mr. Ellison believed traffic was the busiest at the intersection of 5th and Idaho Street and that area needs to be repaired. Another concern was just down the street in front of the motel; he noticed someone washing their vehicle and the water was backing up. Mr. Ellison questioned whether the punch list included cleaning out the storm drains before the project is completed.

Mr. Bhakta advised the City provides a maintenance program to clean out the storm drains. During the construction process they have asked the contractor to practice best management practices on the DI's; which means they have to put filter fabric over them and straw waddles around them to keep the sediment from getting in to the river basin. Right now the DI's won't capture the water as readily as they would if that fabric and straw were removed. When the project is complete all that will go away and the catch basins will function at their full capacity.

Ted Blohm informed the Council when it storms the water on 5th Street almost pours into their building. Mr. Blohm requested the City run a test by opening a fire hydrant to mimic a rainstorm

on the west side of 5th Street. He believed the handicap area was going to funnel the water up into his business.

Mayor Johnson reviewed the concerns and requests.

- 1) Whether or not the state highway would participate in some of the costs for the intersection of 5th & Idaho Street.
- 2) Request to do flow of water at the west or south corner of 5th & Idaho.
- 3) Review, look and see cleaning of storm drain, which could be a general City maintenance issue; or maybe the contractor has caused an issue.
- 4) Request by Mr. Carpenter concerning whether or not a rail could be put up.
- 5) Will allow Summit Engineering to take some of the other comments and present, to the City, options because it is a very complicated design to meet all the parameters.

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.

Jacque Errecart commented if changes are going to be proposed to the intersection at 5th and Idaho Street this might be a good time to practice actually putting it out in front of a group of interested people, like those of them interested in redevelopment, for review at an early enough time that they can have some meaningful input i.e. railing, any changes to the configuration etc. Mr. Errecart indicated they would like to see that at an early schematic stage rather than when it is ready to be poured.

There was no further public comment.

- ### **B. Review, consideration, and possible action to approve Resolution No. 35-11, a resolution of the Elko City Council adopting a change in zoning district boundaries from PUD (Planned Unit Development) to R (Single Family and Multiple Family Residential), involving approximately 35.01 acres of property located generally 1,732 feet southeast of the corner of S.R. 227 (Lamoille Highway) and Powder House Road, filed and processed as Rezone No. 8-11 by Elko Mountain Village, LLC, and matters related thereto. PUBLIC COMMENT WILL BE TAKEN PRIOR TO ANY CITY COUNCIL ACTION: FOR POSSIBLE ACTION**

The Planning Commission considered this subject zone change request at their regular meeting of August 2, 2011, and took action to forward a recommendation of approval to City Council. SW

Assistant City Manager informed the Council the property was zoned R3 in 2006 and later rezoned to PUD in 2008.

Mr. Andreozzi reminded everyone a PUD application that came before the City Council was denied on July 26, 2011. At that time the applicant had a co-application for a rezone just in case that PUD was adopted. As indicated, this has been reviewed by the Planning Commission and City Staff recommends approval.

Mayor Johnson called for public comment and there was none.

**** A motion was made by Councilman Elquist, seconded by Councilman Conner to approve Resolution No. 35-11, a resolution of the Elko City Council adopting a change in zoning district boundaries from PUD (Planned Unit Development) to R (Single Family and Multiple Family Residential), involving approximately 35.01 acres of property located generally 1,732 feet southeast of the corner of S.R. 227 (Lamoille Highway) and Powder House Road, filed and processed as Rezone No. 8-11 by Elko Mountain Village, LLC.**

Motion passed unanimously.

- C. Review, consideration, and possible action to conditionally approve Preliminary Plat No. 5-11, filed by Elko Mountain Village, LLC, for the development of a subdivision entitled Elko Mountain Village Multi-family Subdivision involving the proposed division of approximately 35.01 acres of property into 81 lots for multiple family residential development, located generally 1,732 feet southeast of the corner of S.R. 227 (Lamoille Highway) and Powder House Road, and matters related thereto. **PUBLIC COMMENT WILL BE TAKEN PRIOR TO ANY CITY COUNCIL ACTION: FOR POSSIBLE ACTION**

The Planning Commission considered the subject Preliminary Plat at their meeting of August 2, 2011, and took action to forward a recommendation of conditional approval to City Council. DA

Assistant City Manager Andreozzi advised Staff recommends conditional approval.

Aaron Robertson wanted to discuss the residential and make mention of things that aren't on consideration for tonight's meeting to bring everything into context; because they are bordered on two sides by their planned commercial as well.

Mayor Johnson questioned if there was anything Mr. Robertson would like the Council to consider to change of what the Planning Commission already approved.

Mr. Robertson advised there was not. Going forward there are some things they will come back to negotiate as they try to go through final and Council needs to be aware of them.

Mayor Johnson advised we need to be cautious of what we can decided on; based on the agenda item.

Mr. Robertson understood that but advised he wanted to make sure the Council liked what is being considered and understands how it fits.

Mayor Johnson advised the Council can only discuss what is on the agenda.

Mr. Robertson indicated there are going to be some considerations and problems when they get to the traffic as they try and deal with the traffic flows, not necessarily generated by the residential, but also from the commercial. The plat designates a sixty foot right-of-way. Because of the traffic demand on the commercial side they need to have a seventy foot road down lower. It can go on the west side or the east side; the east side road is currently designed at sixty feet. If approved tonight it forces the seventy foot road to the west side of the commercial; which is what they want. There has been discussion with City Staff whether they want it there or not. The developer prefers the west side because it keeps the traffic off the residential street.

Mr. Robertson advised if the matter comes up when they are trying to plan the commercial they wanted the City to be aware that is an issue and they wanted to address it up front. That by approving this plat they are pushing that road to the west side.

Councilman Elquist questioned where the traffic will go.

Mr. Robertson referred to a drawing to identify the traffic flow.

Mr. Robertson stated he wanted to bring this to the Council's attention because what is decided tonight defines some decisions for them later. City Staff hasn't given a recommendation one way or the other; they are just stating they need a seventy foot road; put it where you want. The traffic study shows the same; you need three lanes to serve the commercial. The developer likes the three lanes down to the west and likes the two lanes next to the residential to minimize that traffic they are pushing onto that residential road.

Mr. Robertson believed they were accommodating the bulk of the traffic when it is needed, where it is needed and easing their development. The want to develop the residential first so that would lower their development costs because they are only doing a two-lane road.

Councilman Perry noted this is the preliminary plat approved by the Planning Commission It was his understanding that what is in it is what Mr. Robertson is saying he wants but all that would have been discussed and resolved at the Planning Commission.

Mr. Robertson advised the traffic issues weren't flushed out at the time of the Planning Commission Meeting. They had not completed the traffic study because it wasn't required at that stage. It has been completed and now they are aware a three lane road is required.

Councilman Perry questioned whether the traffic study was a condition in either the rezone or this preliminary plat.

Mr. Robertson advised it was not conditioned in the preliminary plat. For a preliminary review it is conditioned as a final review.

Councilman Perry requested verification for a final review the traffic study can be brought in.

Mr. Robertson verified that was correct. But they don't want to have major changes in their design on the final review that affects the plat being approved tonight. If we are aware of the issue tonight and approve it, then they are comfortable finalizing the design with that redesign later on because someone decides they want to move that three lane road to the other side. We now know the three lane road is required and are making sure the City is aware of that; making a decision tonight forces the road to the west side of the commercial.

Councilman Perry questioned if it could be changed in the final plat.

Mr. Robertson indicated it could but it will force a change in the design and on the plat which would then have to go through iteration.

Councilman Elquist believed Mr. Robertson was talking about a hypothetical commercial project that needs to stand on its own; right? It may or may not develop.

Mr. Robertson verified that was correct. It may not develop for another ten years; but the issue will come up.

Councilman Elquist agreed it will come up but at that point it will be up to the developer to meet the requirements of that development. As long as you meet the requirements of this one; that is all we can act on.

Assistant City Manager Androozzi advised the roadway widths are driven based on the classification of the road. If there is a specific roadway classification it is driven by the surrounding land use. In this instance you have Planned Unit Commercial; you aren't going to have a residential road serving that type of development.

To further clarify the issue Mr. Androozzi referred to the Staff reports on roadways, item #7 which says "Elko Mountain Way is to be developed to a collector standard within a 70 foot right-of-way if commercial access is proposed. If commercial access is not proposed, the roadway may be developed to a residential collector standard within a 60 foot right-of-way."

Mr. Robertson indicated he is asking for clarification because the plan they have submitted currently and what has been reviewed by Staff is 60 foot. Development Manager Wilkinson has said that is fine and our traffic study is consistent with it, as long as we are installing that three lane collector down below. The width variance that is off in there they want to define; based on this plat. There are setbacks and other things they have to be sensitive to with buildings etc. based on the plat that was reviewed by the Planning Commission; all that is conforming as long as we have a 60 foot road. If it is a 70 foot road they can conform to that but will need to adjust some boundaries and road widths etc. different than what has currently been presented. City Staff has given them that option but he is trying to get it defined and approved; based on the 60 foot road; with the understanding they will have to provide a collector down below.

Mayor Johnson called for further public comment and there was none.

**** A motion was made by Councilman Perry, seconded by Councilman Elquist to conditionally approve Preliminary Plat No. 5-11 with the conditions noted by the Planning Commission.**

Motion passed unanimously.

V. PETITIONS, APPEALS AND COMMUNICATIONS

- A. Consideration of a request from the Parks and Recreation Department and the Elko Adult Softball Leagues to organize and host a charity softball tournament, with all proceeds benefitting the Estrada Family, including the donation of team sponsor fees, and matters related thereto. **PUBLIC COMMENT WILL BE TAKEN PRIOR TO ANY CITY COUNCIL ACTION: FOR POSSIBLE ACTION**

This tournament will be supported by volunteers and donated products. The Elko Men's league will donate their team sponsor fees at \$200.00 per team (which would otherwise be paid to the City of Elko). The Elko Women's League will provide assistance with umpire duty, scorekeeping, and concession sales. The City of Elko Parks and Recreation Department will provide volunteer supervision and coordination and field maintenance during the tournament. JW

Parks Superintendent Wiley advised the intended dates for the tournament are September 30th and October 1st which allows time to advertise and create some interest.

Councilman Elquist commented his first thought was "precedent" and then questioned if the City is prepared to donate sponsor fees for any tournament that is a fund raiser.

Recreation Services Manager Leyva advised this is a tournament they are planning as a fund raiser; it is not a tournament they normally have. They are asking the Council's permission to hold the tournament in order to donate the money to the Estrada Family.

Ms. Leyva stated this family has been involved in both boys and girls Little League; they have donated many hours of their own time to the City of Elko and all our programs.

With this type of thing Councilman Elquist wanted Staff to outline the conditions that we are willing to do this with. Spell out that this family has been involved in this league for years and based on that; is the reason we are doing this fund raiser. It sets a precedent. If every tournament decides to do a fund raiser does that mean we are going to waive fees for anybody or any fundraiser?

Ms. Leyva advised they are not asking to have fees waived; this isn't fees the Recreation Department would normally bring in because it isn't a tournament they would normally have. They are asking to use a City facility.

Councilman Elquist advised he likes the family and knows they have been involved with the league and done a lot. He would be more comfortable basing it on that because we are waiving the park fee. He isn't being insensitive he just wants to condition it right.

Councilman Rice agreed and was unsure what the Council's role is. Is the City conducting the fund raiser?

Ms. Leyva advised she was, as the Recreation Department. If the Council isn't comfortable with her doing that then she will let the Men's and Women's League, who have offered, to help do this; all on volunteer and donations; there will be no cost to the City. They would be using City facilities and is why they are before the Council tonight asking for that permission.

City Manager Calder indicated one of the big differences with this request versus prior requests is the park fee structure established by the City Council does not include these team sponsor fees. The team sponsor fees are not set by resolution.

Councilman Elquist commented there have been a lot of good people that have donated a lot to the community and we still hold our line on fees.

Ms. Leyva again explained this is not a tournament that is scheduled every year where the revenue comes back to the City. This is a special tournament for fund raising purposes only. They are just asking for donation of the fields.

Mr. Wiley advised as a parks and recreation department they typically would not plan a charity tournament. In the past when the league was managing it themselves; they would have done this on their own. Three years ago the recreation department teamed up with the Adult Softball League to help them further their cause and improve it; that is where we are at right now. The only way City Staff would be involved would be on a volunteer basis.

Councilman Perry requested verification there was nothing conflicting in the current schedule.

Mr. Wiley advised there was not. The proposed dates work well in the region because there are other softball games going on the previous weekend and following weekend.

**** A motion was made by Councilman Perry, seconded by Councilman Conner to allow the Elko Adult Softball Leagues to organize and host a charity softball tournament, with all proceeds benefitting the Estrada Family, including the donation of team sponsor fees and to provide volunteer supervision, coordination and field maintenance during the event on September 31st and October 1st, 2011.**

**Motion passed 3 to 2.
Mayor Johnson opposed.
Councilman Elquist opposed.**

After the motion and before a vote was taken Mayor Johnson questioned if Councilman Perry was qualifying whether or not that the parks and recreation department would do that as a voluntary basis off the City time; or was he allocating City funds.

Councilman Perry advised it was his understanding it was all voluntary.

Mr. Wiley verified that was correct.

Mayor Johnson then questioned if he came to the recreation department and said he wanted to hold a tournament at the end of September; he would be paying \$200.00 team fees.

Ms. Leyva verified that was correct; if he wanted to participate in that tournament.

Mayor Johnson questioned if the general public came and asked to hold a tournament they would be required to pay the \$200.00 team fee. That has been the policy correct.

Ms. Leyva verified that was correct.

Mayor Johnson called for a vote.

After the vote was taken Councilman Elquist advised he voted against because he wanted conditions for this type of situation. But, he was happy to see that it passed.

Mayor Johnson stated it is a beautiful project. He could have a hundred arguments of great programs in Elko. Elko is getting bigger and getting more requests all the time; it was his belief the City needs to stay within the policies that are set.

Mayor Johnson recessed the meeting at 6:46 p.m.

Mayor Johnson called the meeting back to order at 7:05 p.m.

I. PERSONNEL

- A. Review and possible approval of an Agreement between the City of Elko and the International Union of Operating Engineers, Local 3, July 1, 2011 – June 30, 2012, and matters related thereto. **PUBLIC COMMENT WILL BE TAKEN PRIOR TO ANY CITY COUNCIL ACTION: FOR POSSIBLE ACTION**

The City of Elko has concluded negotiations for FY 2011/2012. A copy of the proposed collective bargaining agreement has been included in the agenda packet for review. CC

City Manager Calder advised he placed a two-sheet item on the desk entitled “Collective Bargaining Agreement Summary” and behind that is a Collective Bargaining Agreement Fiscal Impact Disclosure as required by NRS.

Mr. Calder advised he would briefly review the changes to the contract and then there can be discussion on the impact. Mr. Calder indicated there were not many changes to this Collective Bargaining Agreement.

- Article 3 includes some new language in a non-discrimination clause which was added to protect gender identity or expression which is pursuant to Assembly Bill 211 and goes into effect October 1, 2011.
- Article 10, the compensation article, provides for a 1.6% COLA effective July 1, 2011. It also provides for a 1.125% reduction in pay effective July 24, 2011; which is pursuant to NRS 286 421.3 which states that the PERS increase share is to be shared equally between the employer and the employee. That leaves a net increase of .475% for the year which goes into effect July 24, 2011, obviously retroactive.

Mr. Calder wanted the Council to note that the July CPI Western Index is 3.5%. You can see our employees worked with us and made some agreements that make the numbers work for the City.

- A big concession is in Article 10 under compensation where the Union has agreed to eliminate longevity pay for all employees hired after July 1, 2011.

Mr. Calder noted this is the second contract where we have gotten the elimination of longevity pay; last year the Police Contract eliminated longevity pay.

- Article 20, the Health and Welfare Employee Assistance Program, which outlines the health insurance portion of the agreement. The waiting period language was increased from thirty to ninety days. Then we reference eligibility requirements set forth in the Public Employees Benefits Program which we currently participate in. It also deleted the old insurance committee language and replaced with new provisions.
- Article 32 is the duration of the agreement; which is a one-year collective bargaining agreement. Staff hopes in the future we can extend these agreements beyond one year because it is very time intensive to negotiate these contracts; especially all three at the same time.
- As previously discussed, included in this contract is a Health Insurance Payment MOU which is designed to help subsidize the fairly large increases in premium and reduction in benefits that were enacted through PEBS this year. The agreement calls for a \$500.00 payment at the execution of the contract and a second \$500.00 payment to be made during January of 2012. That payment can be in cash or it can be through their health savings account which would provide some tax benefit.
- Deleted and removed memorandum #2 which was our old self-funded health insurance plan information.

Mr. Calder noted the negotiated contract was a successor to a five-year agreement; there have been a lot of changes to the contract over that five-year period.

Mr. Calder continued and advised the second page is the Fiscal Impact Disclosure.

- Direct cost in wages with the 1.6% COLA is \$43,559.00
- Benefits is \$10,487.00

- The insurance MOU is \$50,000.00
- For a net increase of \$104,046.00
- Indirect costs, additional savings area anticipated through the elimination of longevity pay for employees hired after July 1, 2011. Albeit those are long term changes and you won't see those changes for about eight years.

City Manager Calder advised he recommended approval of the agreement. If approved, the agreement will be ready for signatures tomorrow; once signed by Council it will be forwarded to the Union for their signatures.

Mayor Johnson called for public comment and there was none.

Councilman Elquist expressed appreciation to Staff for all the time and work that goes into these.

**** A motion was made by Councilman Elquist, seconded by Councilman Rice to approve an Agreement between the City of Elko and the International Union of Operating Engineers, Local 3, July 1, 2011 – June 30, 2012.**

Motion passed unanimously.

II. APPROPRIATIONS

- C. Review, consideration, and possible issuance of Final Acceptance for the College Parkway Waterline Extension project, and matters related thereto. **PUBLIC COMMENT WILL BE TAKEN PRIOR TO ANY CITY COUNCIL ACTION: FOR POSSIBLE ACTION**

This project was constructed in 2010; however, Staff could not issue a final acceptance for the project until the road was slurry sealed. This work has recently been completed and Staff is recommending final acceptance for the project. There was one change order for the project totaling \$10,295.76 AM

Water/Sewer Superintendent Mendive advised the slurry seal project turned out well and addressed the concerns of Staff. At this time Staff is recommending approval.

**** A motion was made by Councilman Rice, seconded by Councilman Elquist to approve of Final Acceptance for the College Parkway Waterline Extension project.**

Motion passed unanimously.

- D. Review, consideration, and possible approval to award a bid for a 1-Ton Dump Truck with snow plow for the City Cemetery, and matters related thereto. **PUBLIC COMMENT WILL BE TAKEN PRIOR TO ANY CITY COUNCIL ACTION: FOR POSSIBLE ACTION**

Bids were opened on Friday August 19, 2011. Staff will have a recommendation at the meeting. JW

Parks Superintendent Wiley advised three bids were received; Carson Dodge Chrysler Jeep, Ford Country and Gallagher Ford. Lowest responsive bidder was Gallagher Ford with a base bid of \$34,769.25 and, Option #1 V-Plow in the amount of \$5,784.00 for a total bid of \$40,553.25.

Mr. Wiley advised \$48, 000.00 was budgeted for this vehicle. There are a couple of minor items Staff would like to add on that are not included in the base bid; 1) backup alarm and 2) flashing safety light

**** A motion was made by Councilman Elquist, seconded by Councilman Rice to award a bid for a 1-Ton Dump Truck with V-Plow option for the City Cemetery to Gallagher Ford in the amount of \$40,553.25.**

Motion passed unanimously.

After the motion and before a vote was taken Mayor Johnson called for public comment and there was none.

IV. NEW BUSINESS

- B. Review, consideration, and possible action to initiate an ordinance that requires the use of Legal Interpreters for all non-English speaking prostitutes when applying for work permits, attending medical visits, and conducting business at the Elko Police Department, and matters related thereto. **PUBLIC COMMENT WILL BE TAKEN PRIOR TO ANY CITY COUNCIL ACTION: FOR POSSIBLE ACTION**

Over a year ago, a prostitute attended an Elko City Council meeting to appeal the denial of her work permit by the police chief. The prostitute spoke no English and the two brothel managers spoke on her behalf. The two managers had a stake in her permit being allowed, and spoke in favor of granting the appeal. Since the woman was unable to speak on her own behalf, it was a concern to Councilman Rice that she may not have been fully aware of what she was agreeing to.

Brothels are a privileged business in Elko. It is the responsibility of the Council to oversee their operations. Legal Interpreters would help to provide assurance to the Council, medical professionals, the Police Department and the community that all of those who choose to work in Nevada's legal brothel industry are fully aware of their responsibilities and their rights.

Legal Interpreters are court certified language interpreters with knowledge of law and judicial procedure, high proficiency and fluency in both native and non-native language, and a strong understanding of the culture of both languages. Legal Interpreters would speak on behalf of non-English speaking prostitutes at the time of their application for work permits, and at the time of each of their weekly medical visits, and at their visits to the Elko Police Department for their weekly "check-ins." It is not a requirement that Legal Interpreters be physically present at

these events. It is acceptable practice for Legal Interpreters to perform their service telephonically.

If the City Council chooses to initiate an ordinance, Staff will need direction with regard to the cost(s) associated with Legal Interpreter services. If the cost is to be paid for by the brothels, a Business Impact Statement will most likely be required.
CC

Police Chief Zumwalt advised he recently received a letter from a company called CTS Language Link. When he spoke with the company he learned they are a member of the State of Nevada Purchasing System. Based on that, we wouldn't necessarily have to go out to bid for this type of service. Further discussions with a member of their staff pertained to the matter of legal versus certified versus qualified. Legal interpretation and legal translation is very expensive and there is also a difference between interpretation and translation. Because legal interpretation is very expensive some of the language we may have to discuss is; certified versus qualified. This company is from the state of Washington and they informed him the states of Oregon and California have a lot of hoops to jump through for interpreters to be certified in their states. Many qualified interpreters don't go through the certification process because it is time consuming, very difficult and very expensive.

CTS Language Link informed him their company offers good quality, professional interpreters. Chief Zumwalt learned there is also a difference between translating and interpreting; for our purposes he believed we needed an interpreter. This is something that can be done telephonically; the department would need some equipment installed for that purpose. The cost provided by CTS Language Link was \$0.82 per minute.

Chief Zumwalt informed the Council we have somewhere between six and a dozen non-English speaking prostitutes working in the community but we typically only deal with one or two at time in our office. We would need the use of an interpreter for the application process and because they are required to get a medical checkup once a week; we would likely need some interpretation at that medical facility to make sure that part is done correctly. Chief Zumwalt noted another occurrence where the use of an interpreter might be beneficial would be if the license was denied and there was an appeal.

Councilman Rice advised he was very uncomfortable and concerned during the appeal last year from a prostitute; not only did she not speak English; she didn't speak at all during that process. He believed it was the responsibility of the Council to oversee this privileged business, that brings no fiscal benefit to the City that he is aware of; to know the people involved in it can through a qualified interpreter; speak for themselves. There are number of places where we have gaps in what we know about people who are working in the brothel industry. We need to be assured they understand what they are getting in to, what their responsibilities are and most importantly, what their rights are.

Councilman Rice commented \$0.82 per minute is not a lot of money but it would not be his intention the City of Elko pay that cost. It was his opinion that expense would be on the brothels.

It is a privileged business, we don't see a return, and we certainly shouldn't be spending any money to get this assurance.

Councilman Rice stated his belief there were bigger issues with the brothels than just this.

Chief Zumwalt advised we need to be very careful with the people who own the brothel license.

Councilman Rice indicated his point is; we could be better assured. With an ordinance like this we can be assured that the people involved in this business understand their responsibilities and we are also assured that they understand their rights.

Chief Zumwalt advised since this matter first came up he has spent months researching and making inquiries; this is the only information he has received to date. It seems straight-forward; they are a member of Nevada State Purchasing, they don't require a contract, you are only billed if you use the service. There is obviously more work to do if the Council were to choose something like this.

Councilman Elquist requested verification before any license of this type is approved the Police Chief has to be satisfied. If the license is denied they have to appeal to the Council and then the Council has to decide.

Chief Zumwalt verified that was correct.

Councilman Elquist believed this could be handled with a guideline or a simple statement and was unsure it needed to be an ordinance. We can say you will have to provide a city approved translator to answer all of our questions; if they don't meet that then it is denied. If they start answering questions with something you can't understand; how can you approve it?

Chief Zumwalt was supportive of something simple; but currently they rely on the interpreters that come in with the applicant.

Councilman Elquist advised that is why it would have to be a city approved translator.

Councilman Elquist then questioned bar cards; is there ever a situation where we use translators?

Chief Zumwalt advised, to his knowledge, there has never been a non-English speaking bartender apply for a bar card.

Chief Zumwalt advised with this particular service, and it is the only one he has heard from, 24 hours a day, 7 days a week, 365 days a year it is available to us with a phone call. When he started thinking about this particular idea he realized we could go beyond the Asian speaking prostitutes that we need to communicate with; the door is open to having interpretation for other issues.

Councilman Rice questioned whether there was a difference between a work card for a bartender and a work card for a prostitute.

Chief Zumwalt indicated there was not. The application is very similar.

Councilman Perry questioned the process for a prostitute license; do you know who actually fills the application out?

Chief Zumwalt clarified the applicant is supposed to complete the application in the front office and the applicant has to sign it. Whenever the applicant is writing their manager is interpreting; because they probably can't read it either. Following that there is a small background check.

Councilman Perry requested verification the department could do a background check, approve the application and never actually talk to the applicant.

Chief Zumwalt verified that was correct.

Noting the Council's concern Chief Zumwalt advised the agenda item related to the possibility of an ordinance. If the Council wishes there is a lot Staff can do to change the application process; with or without an ordinance. If we want to do more like Councilman Rice has discussed about the communication issue Staff can take steps and bring forth some recommendations for the Council's consideration.

Councilman Perry indicated he was beginning to understand Councilman Rice's concern. You could have a person that doesn't speak English, doesn't really know what is going on, who could be potentially smuggled into the country against their will, working here; and we give them a license.

Councilman Perry believed we may have some legal liability if we are giving them a license.

Councilman Elquist believed there is enough discretion now for the Chief to deny the application potentially; without a face to face interview

Councilman Rice believed it is the Council's responsibility. He has great faith in the chief but it is a bigger issue than that; it is not just something that we change an application process. We are a town with brothels. We live in a time when human trafficking is a huge problem. We don't know, absolutely, that we are not licensing people who may be victims.

Councilman Rice believed this isn't a moral issue; it is a human right's issue. It is a very big issue and one that warrants more attention than tweaking an application process.

City Manager Calder advised if action is taken to pursue an ordinance we first need to do a Business Impact Statement; you cannot adopt an ordinance until that has been completed. Staff will try to calculate what the costs of this are because if we pass these costs on to the brothels there will be an additional fee that will have to be put in place. We need to determine how many people per year, how many times we have contact with them; to come up with a rough figure that can then be blended into our fee system; then we would send out the Business Impact Statement.

Councilman Conner agreed with Councilman Rice; we definitely need to know who it is we are licensing and what they are talking about. He absolutely believed the City of Elko should not foot bill; it should be totally paid for by the applicant or the brothel owner; it is not something the citizens of Elko should be paying for.

Councilman Elquist questioned if the City was on safe discriminatory grounds.

City Manager Calder believed it would be fine as long as we say “for all non-English speaking people” and don’t specify any specific ethnicity or protected class. Of course Staff would have the City Attorney review all of that.

Chief Zumwalt commented we could say “we require interpretation for all non-English speaking people for all of our work permits”; not just brothels. The door is open for us to change how we do business. We have to choose the language very carefully to not discriminate against a certain class, but make it fair for all; the work application process can do just that.

Councilman Elquist agreed and wanted Staff to think about that; as we move forward we are going to have fees for legal and the business impact statement. It would seem that if we put in the application that for any non-English speaking applicant you will be required to provide a City approved translator and have them available to you through this process. You have to provide it, you have to pay the fee, it is part of the application; before we are going to approve you. If it goes on to the City Council or any appeals; the same will have to happen at the City Council level.

Councilman Elquist stated he doesn’t minimize the human rights issue by saying that. Ultimately, Councilman Rice is correct, we are approving these people and if we aren’t comfortable with that process what is the easiest way to be comfortable with it.

Councilman Elquist advised if Councilman Rice wanted the ‘teeth’ of an ordinance he would support it.

Councilman Rice advised he has spoken with the chief and also with other law enforcement at the state, county and federal level and they are interested in some ‘teeth’. Councilman Rice believed it was worth looking at an ordinance because it can also give us some direction in making a tighter application if we just want to go that direction.

**** A motion was made by Councilman Rice directing Staff to initiate the work and research to draft an ordinance that requires the use of qualified interpreters for all non-English speaking applicants seeking work permits in the City of Elko.**

Following the motion Councilman Perry questioned if Councilman Rice wanted to add that “it would be at their cost and not the City’s cost”?

**** Councilman Rice amended the motion to include; the cost of that service would not be borne by the City; but by either the brothels or the contractors. Councilman Perry seconded the motion.**

Mayor Johnson questioned if this was across the board; any and all work permits.

Councilman Rice indicated that seemed to be the advice.

City Manager Calder believed the frequency of a bar card having this issue would be very remote; most likely it would apply to prostitution work permits. City Manager Calder believed it would be safe to say all work permits; if there is the occasional one out of every thousand bar cards that comes in; we will have a system set up so we can deal with it.

City Manager Calder commented; ultimately the industry we are looking at, at least from the business impact statement process; would be the brothels.

City Manager Calder then questioned Chief Zumwalt if there were other work permits besides this and bar cards.

Chief Zumwalt advised the next agenda item regards a liquor license for a Hispanic bar but typically most of this would be affected by the brothel industry.

City Manager Calder recommended retracting the verbiage of “all work permits”; from the viewpoint of the business impact statement process. We will need to send those out to all of the affected businesses and if we include bars that is going to increase quite a bit of the analysis.

Councilman Rice advised he would re-state his motion.

**** Direct Staff to initiate, research and drafting of an ordinance that requires the use of qualified interpreters for all non-English speaking prostitutes when applying for work permits, attending medical visits, conducting business at the Elko Police Department and for any other City business. The cost of which will not be borne by the taxpayers of the City of Elko. Councilman Perry seconded the motion.**

Motion passed unanimously.

Before a vote was taken, Mayor Johnson indicated after speaking with Chief Zumwalt about this he believed there could be some answers that come from this policy change. Instead of Staff drafting an ordinance and working on that process could we give them the latitude to review the policies that we have in place and see if that is a solution to this issue. Or, are we solely confident enough in the information we have to have Staff start drafting the ordinance?

Councilman Rice stated he was confident; the ordinance would require review of any policies we have in place already.

Councilman Perry suggested as part of the reviewing; it would be wise to look at what other municipalities who are licensing prostitutes and brothels are doing. It would give us some guidelines on how to draft an ordinance.

Mayor Johnson advised the motion is specific enough that Staff is moving forward to start drafting an ordinance.

Councilman Elquist believed policies and processes can be improved to handle this; without an ordinance. The idea of an ordinance bothers him.

Mayor Johnson was unsure an ordinance was the solution that would even solve problem. He would like to know more of whether or not the City of Elko should increase the requirements to fill out the application. There are other entities i.e. FBI or Customs that could be a resource to answer this question. Mayor Johnson was unsure that having an interpreter, especially if the individual has been coached, would solve the problem. If you have an individual that has made it to Elko without escaping or whatever to get away from forces; why wouldn't we think this individual could be coached so well to come from wherever they come from, to Elko, to fool an interpreter?

Mayor Johnson questioned if there was a simpler solution for the City of Elko.

Councilman Elquist commented we better answer this right.

Mayor Johnson questioned what are you going to do if you don't answer it? Is there an FBI side of things that could be a better solution?

Councilman Rice acknowledged and understood Mayor Johnson's comments and indicated this is a step in that direction. The way to solve that problem would be to shut down the brothels.

Councilman Rice advised ultimately, to help solve the problem; the application process would include some line of questions to help us assure that everyone is here of their own will.

Mayor Johnson questioned the process to be able to work in this country; Elko, NV is not responsible for how someone gets through the U.S. border. There has to be some resource there we can rely on that says; does this individual have the correct papers, where did they get them and what is that process that says we have some quality assurance that says we have citizens here under their own free will.

Councilman Rice commented there is a long history of indentured servants, people have been figuring out how to do that for a long time. He isn't saying the problem is that big, he is just saying if there is a remote possibility that problem exists we need to put ourselves in position; we are the last line.

Mayor Johnson stated he wouldn't argue to say it is not a legitimate question. He just didn't know if directing Staff to draft an ordinance was the solution. He isn't arguing that it isn't a situation that should be reviewed by Council and the police to be sure that we have a quality assurance of the individuals that are there. He has stated before that when these people come and want to do business here we really should have a standard close to what the State Gaming Commission has.

Chief Zumwalt advised he could do further research on some of the questions and concerns brought up tonight and bring back a report on a future agenda.

Councilman Elquist wanted the issue addressed in the most effective and efficient way possible.

City Manager Calder advised based on the motion he will be working with the City Attorney's Office; telling them what our intent is and giving them the parameters of what we are looking for. He does need them to come up with something that will stand legal scrutiny as a first draft so we can bring it back to the City Council for review. If that meets with Council's approval the next step would be the Business Impact Statement process which would attach that proposed ordinance to it. Those would be sent to the brothels for comment; we would go through the advertising process and everything else we have to go through when we raise a fee. The brothels would comment back to the City Council before any adoption of an ordinance.

Councilman Elquist questioned whether a Business Impact Statement would be necessary if the police chief, legal counsel and Staff looked at the application process and legal counsel advises you have plenty of 'teeth' and you can require it in the application process.

City Manager Calder verified it would because you would be changing the rule. No matter what happens, if it is an ordinance or a procedure change within the police department; if it is going to have an impact on business you have to go through the process.

Councilman Elquist then referred back to the cost; it is a small enough number; why not just cover it and call it part of the application? Part of the job is to scrutinize who comes to your door and you don't charge extra if someone who speaks Spanish comes and asks about developing a parcel. We have a fee for it and if it is small numbers can we do it without increasing the fee; would that make sense?

City Manager Calder advised you could if the numbers were small enough but he suspects when Staff does the analysis the numbers are going to be fairly significant. Unless the police department and the general fund are willing to absorb that cost; we have to go through the process.

Mayor Johnson called for public comment and there was none.

- C. Mayoral appointment of a City Council member to the Elko County Debt Commission and matters related thereto. **NO ACTION BY THE COUNCIL REQUIRED**

Mayor Johnson appointed Councilman Elquist to the Elko County Debt Commission.

V. PETITIONS, APPEALS AND COMMUNICATIONS

- A. Ratification of the Chief of Police issuing a 30-day temporary liquor license and issue a regular packaged liquor license to Jose A. Villegas, dba Azteca Market located at 248 River Street, Elko, NV 89801, and matters related thereto. **PUBLIC COMMENT WILL BE TAKEN PRIOR TO ANY CITY COUNCIL ACTION: FOR POSSIBLE ACTION**

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

Mayor Johnson called for public comment and there was none.

**** A motion was made by Councilman Rice, seconded by Councilman Elquist to ratify the Chief of Police issuing a 30-day temporary liquor license and approve issuing a regular packaged liquor license to Jose A. Villegas, dba Azteca Market located at 248 River Street, Elko, NV 89801.**

Motion passed unanimously.

II. APPROPRIATIONS

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

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

Motion passed unanimously.

VII. REPORTS

A. City Manager

1. Nevada League of Cities - October 5th – 7th
2. Governor Sandoval will be in Elko next week to meet community leaders

B. Airport Director

1. Annual 139 FAA Inspection begins Wednesday

C. Police Chief

1. Staff update:
 - a. One employee out for 3 weeks with family illness
 - b. One out with broken foot
 - c. Down total of 7 people

D. City Clerk

1. Retake City Council photos 9-13-2011

E. Civil Engineer

1. Moren Way Project update
 - a. Paved by end of week
2. Idaho Street update
 - a. Engineer spoke at Lion's Club
 - b. Q & D has completed 3.5 miles of the original 4.75 miles to be reconstructed
 - c. Appreciate all public comment received. It does bring up issues Staff may not be aware of. And, gives time to evaluate and correct them

F. Administrative Services Director

1. Additional budget transfers; See Exhibit "A"

ADJOURNMENT

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

Mayor Chris J. Johnson

Shanell Owen, City Clerk