

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

SS August 11, 2009

The City Council of the City of Elko, State of Nevada met for a regular meeting beginning at 4:00 p.m., Tuesday, August 11, 2009.

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

ROLL CALL

Mayor Present: Michael J. Franzoia

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

Council Absent: Councilman John Rice

City Staff Present: Curtis Calder, City Manager
Shanell Owen, City Clerk
Alan Kightlinger, Fire Chief
Don Zumwalt, Police Chief
Dawn Stout, Administrative Services Director
Trent Moyers, Airport Director
Ryan Limberg, Utilities Director
Eric Howes, Parks & Recreation Director
Dennis Strickland, Public Works Director
Fritz Sawyer, WRF Superintendent
Scott Wilkinson, Development Manager
Jessica Johnson, Human Resources Manager
Darren Skelton, Public Works Superintendent
Joel Vega, Fleet Maintenance Superintendent
Jared McEntire, Electrical/Facilities Supervisor
Lorraine Martinez, Accounting Supervisor
Ted Schnoor, Building Official
Ed Wynes, City Planner
Jeremy Draper, Civil Engineer
Linda Buffington, Recording Secretary

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES July 28, 2009

**** A motion was made by Councilman Johnson, seconded by Councilman Conner to approve the minutes of July 28, 2009 as submitted.**

**Motion passed 3 to 0.
Councilman Elquist abstained.**

I. PERSONNEL

- A. Review, consideration, and possible approval of the revised City of Elko Vehicle Use Policy, and matters related thereto. **ACTION ITEM**

The Chief of Police is requesting to add Police Lieutenants and K-9 units to Section 5 Authorized Vehicles. These positions are exempt from the IRS Code Regulation 1.274-5T(k)(2)(ii) and are on-call positions. JJ

Chief Zumwalt advised the Lieutenants currently take a vehicle home as their positions are on-call, twenty-four hours a day. It recently came to Staff's attention the current policy does not include Lieutenants as being allowed the use of a take-home vehicle; Staff would like the lieutenant's position added to the policy to officially allow this use.

Chief Zumwalt now addressed the canine units. Chief Zumwalt advised historically the K-9's were Labradors, family friendly and easy to transport in any type of vehicle. The current dogs are a different breed with a different temperament than the Labradors; these dogs are also a multi-purpose dog which creates numerous reasons why the K-9 units need a vehicle that will transport them from home to work and back safely. Some agencies have the canines live at the police station in kennels but that isn't something we do. Our dogs live at the home of the handler; we need to address the situation of transportation from the home to the police station. When these dogs are at home they are a family pet but when they go to work their behavior and personality changes drastically; they go to work and do what is necessary but they also take care of the officer and handler. In the early morning hours when a call comes in you load the dog into your personal vehicle for the drive in to town; the dog is ready to go to work; he is antimated and ramped up; he will literally tear up the interior of a vehicle. Chief Zumwalt noted the department has the proper cages for the K-9 units and was present to request we allow our K-9 units to drive the units home so the dog does not have to be transported back and forth. There are several reasons for this request; 1) Safety for the dogs, they are our property. The training is very expensive and on-going; we don't want anything to happen to them 2) Safety to the public. In the event of a serious traffic accident and the handler is injured; no one else would be able to approach that vehicle; the dog is going to protect the handler; it is a problem for EMS and for the public; if the dog escapes we are not only responsible for dog but also for the actions of the dog.

Chief Zumwalt continued the discussion and noted our K-9 units are on a county-wide callout system; we do a lot of work the Nevada Highway Patrol and the sheriff's office on a rotating basis. The callout could be in Spring Creek; they will call one of our units and if it is someone that lives in Spring Creek he will have to drive to town, pickup the K-9 vehicle load up and drive back to Spring Creek or wherever it may be for the callout. It makes more sense, on a callout situation, that they have a vehicle at their home ready for immediate use. There are times their residence may be closer to the callout than having to drive into town for the vehicle and back out. Chief Zumwalt stressed the biggest issue is safety; we are responsible not only for the dog but the handler as well. The industry standard is that not too many transport the police service dogs in a private vehicle. Chief Zumwalt advised we currently have two vehicles equipped for K-9 use; Staff will order the third unit and it will be paid for through the use of narcotics drug forfeiture money seized.

Mayor Franzoia questioned with the rotating shifts there was always one dog on duty.

Chief Zumwalt indicated in the patrol schedule they are trying to have one on each shift.

Councilman Elquist believed it has been the past practice for the lieutenants; this is simply a housekeeping issue to put them on the list for take-home vehicles. Councilman Elquist agreed if the handlers are taking the dogs home it was reasonable and fair they should use an appropriate vehicle. But, it may be worth adding that if in the future we decide to house the dogs at the police station then they no longer have the privilege of taking the vehicle home.

Chief Zumwalt believed that was reasonable. The idea is that transportation is the key; safety, the economics of it and callouts. If the dogs are at the police station then it would make sense the K-9 vehicles are there as well.

Councilman Johnson expressed concern the dogs are City employees and should be staying at the police station; there is exposure for the City to have the dogs out and about. Councilman Johnson indicated since the Lieutenants are on-call the vehicles should be assigned; the solution for the K-9 is to keep the dogs secured at the police station or at another location.

Chief Zumwalt advised the dog and the handler need to bond strongly. If we were properly set up at the police station with kennels that might be an option but 1) we don't have the facility and 2) in regards to the newest dog (Duchess), as a pup, she needs to be with her handler 24/7.

A member of the K-9 unit addressed the Council and stressed the importance of the bond between the dog and handler; it would be a huge mistake for the dog to not be around the handler for an extended period of time. Personally he is with his dog 365 days a year 24/7; the dog knows him as his handler. It would be a bigger risk if he were gone for a period of time to have the dog kenneled somewhere; there is a potential for the dog to bite a different handler that comes in to try and work with him or feed and clean him. If the dogs are housed at the police station it has to be run like an animal shelter where there is someone on call that is cleaning the kennels, feeding and grooming the dogs; it is a huge idea to keep the dogs at the police department.

Councilman Conner expressed support of the dog staying with the handler; they need to bond.

Chief Zumwalt introduced the department handlers and their dogs; Jared Lowry and Duchess, Mike Marshowsky with Deango and not present was Robert Kightlinger with Osco. Chief Zumwalt advised the department has one handler per dog and Staff went through a lengthy process to determine who gets which dog. Chief Zumwalt understood the idea of keeping the dogs at the station but even if the proper facilities were in place it is a better idea they go home with the handler.

Mayor Franzoia questioned what the added cost would be on the fuel.

Chief Zumwalt was unable to provide that figure but believed it would be minimal; only one officer lives in Spring Creek.

Councilman Elquist questioned if there was any other compensation for someone that keeps the dog at home; aside from the food cost.

Chief Zumwalt advised not at the present time. Compensation for the handler's off time will need to be addressed in the future.

Councilman Elquist expressed his support of additional compensation.

**** A motion was made by Councilman Elquist, seconded by Councilman Conner to approve the revised City of Elko Vehicle Use Policy as presented and to include the Police K-9 units qualify so long as they are housing the dog.**

**Motion passed 3 to 1.
Councilman Johnson voted against.**

II. APPROPRIATIONS

- B. Review, consideration, and possible approval of a contract for the Downtown Corridor Lighting Project 10th and 11th Streets, and matters related thereto. **ACTION ITEM**

Bids were opened on Tuesday, August 4, 2009. Two bids were received and both were under budget. Beco Construction bid \$129,004.00 and Quantum Electric bid \$111,543.60. Staff recommends awarding the bid to Quantum Electric. DA

**** A motion was made by Councilman Conner, seconded by Councilman Johnson to approve a contract for the Downtown Corridor Lighting Project 10th and 11th Streets to Quantum Electric in the amount of \$111,543.60.**

Motion passed unanimously.

- C. Review of the bids received and possible award of a contract to supply the City of Elko with one new 56,000 GVW cab and chassis with dump body for the Street Department, and matters related thereto. **ACTION ITEM**

The deadline for submitting bids was 3:00 p.m., local time, on Thursday, August 6, 2009. City staff shall review the bids and provide a recommendation prior to the meeting. DS

Public Works Director Strickland advised \$200,000 was budgeted for this item which would include accessorizing the truck with a plow and sander. Six competitive bids were received; Staff consulted with legal counsel to assure everything was in order. Staff recommends awarding to Tesco Williamsen, lowest responsive bidder.

Mayor Franzoia questioned the cost of the additional equipment.

Mr. Strickland estimated the plow at \$10,000 and the sander a bit less. Mr. Strickland indicated even with the additional equipment it would come in under budget and leave some money in the Capital Equipment Fund. Mr. Strickland also noted this truck came in \$13,000 under the last one purchased by the department.

**** A motion was made by Councilman Elquist, seconded by Councilman Johnson to award a contract to supply the City of Elko with one new 56,000 GVW cab and chassis**

with dump body for the Street Department to Tesco Williamsen in the amount of \$122,884. 96.

Motion passed unanimously.

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

The current Custodial Service Contract with Nevada JAM Services will expire on October 1, 2009. The Airport has been contacted by businesses interested in obtaining the custodial contract. TM

Airport Director Moyers advised this is a two-year contract and then month to month. Other vendors have expressed interest; Staff would like to advertise and get the best price possible.

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

Motion passed unanimously.

- E. Review, consideration, and possible award of the Spruce Road Improvement Project, and matters related thereto. **ACTION ITEM**

The deadline for submitting bids was 3:00 pm, local time, on Monday, August 10, 2009. Bids will be reviewed and a bid tabulation will be provided. DS

Public Works Director Strickland advised it was brought to his attention some quantities were omitted on the bid document; Staff has issued an addendum to address the missing quantities. The bid opening was originally scheduled for Monday, August 10th but has been extended to Friday, August 14th. Staff would like to table this item until the next meeting.

**** A motion was made me Councilman Conner, seconded by Councilman Elquist to table this matter.**

Motion passed unanimously.

- F. Review and possible award of bid for AIP-35 (Runway Safety Area Obstruction Removal) to CR Drake & Sons, Inc. at the Elko Regional Airport, and matters related thereto. **ACTION ITEM**

As you may recall at the meeting of July 28, 2009, Council tabled the award of this project due to discrepancies in one of the two bids received for this project. The bid submitted by Ram Enterprises, Inc. has been ruled non-responsive due to violations of NRS 338.141. An engineer from Kimley-Horn and Associates will be at the meeting to answer any questions. TM

Airport Director Moyers advised the FAA has submitted a letter stating they are in agreement with awarding the contract in the amount of \$239,845 to C. R. Drake.

Kevin Phelps representing Kimley-Horn indicated they met with Ram Enterprises, Inc. regarding their non-responsive bid; they had no issues with the determination.

Councilman Elquist questioned the amount.

Mr. Moyers advised the contract is for \$239,845.00.

**** A motion was made by Councilman Conner, seconded by Councilman Elquist to award the bid for AIP-35 (Runway Safety Area Obstruction Removal) to CR Drake & Sons, Inc. at the Elko Regional Airport in the amount of \$239,845.00.**

Motion passed unanimously.

- G. Review, consideration, and possible final acceptance of Terminal Ramp Reconstruction (Phase I) completed by Canyon Construction at the Elko Regional Airport, and matters related thereto. **ACTION ITEM**

The Terminal Ramp Reconstruction Phase I was completed on July 15, 2009. This project was funded with contingency funds from the General Fund. Final inspection was completed by Kimley-Horn and Associates on August 11, 2009. Staff is asking for final acceptance of this project. An engineer from Kimley-Horn and Associates will be present to answer any questions. TM

Airport Director Moyers advised the project is substantially complete. There were two change orders; 1) add a temporary handicap accessible ramp while the permanent ramp was being constructed which totaled \$2,654.54; 2) a deduct for a dust pallet in the amount of \$3,000 for a net change and reduction in total contract amount of \$345.46.

Mayor Franzoia requested verification from Kevin Phelps, project engineer for Kimley-Horn they were satisfied.

Mr. Phelps verified everything looked good; there is a one-year period to check for any defects and to correct them at that time.

Councilman Elquist questioned where the aggregate came from.

Mr. Phelps advised it was local; the same aggregate used previously; we used lithium in the mix design to mitigate the expansion of the aggregates due to ASR. Testing was performed and appears to be good; research was conducted with experts Kimley-Horn has on retainer and they indicated this was a good job and a good fit for using lithium.

**** A motion was made by Councilman Conner, seconded by Councilman Elquist to approve final acceptance of Terminal Ramp Reconstruction (Phase I) completed by Canyon Construction at the Elko Regional Airport.**

Motion passed unanimously.

Under further discussion Mr. Moyers advised final project cost was \$199,113.54.

III. NEW BUSINESS

- A. Review and approval of pending Special Events, and other matters related thereto. **ACTION ITEM**

This item has been added to the agenda in order to consider any application for Special Events received by the Clerks Office. Staff will report on any application on file. SO

There were no special events.

- B. Review, consideration, and possible approval of a five-year extension for the Sierra Nevada Girl Scouts lease located on City property at 561 14th Street, and matters related thereto. **ACTION ITEM**

Pursuant to the terms of the lease agreement a request has been received from the Sierra Nevada Girl Scouts to extend the lease for the facility located on 14th Street for the term of five years. SO

City Manager Calder noted this was a provision provided for in the current lease agreement.

**** A motion was made by Councilman Conner, seconded by Councilman Johnson to approve a five-year extension for the Sierra Nevada Girl Scouts lease located on City property at 561 14th Street.**

Motion passed unanimously.

- C. Review, consideration, and possible appointment to the Parks & Recreation Advisory Board, and matters related thereto. **ACTION ITEM**

There is currently one vacancy on the Parks and Recreation Advisory Board. Enclosed are letters of interest that were received in response to the advertised vacancy. SO

**** A motion was made by Mayor Franzoia, seconded by Councilman Johnson to appoint Wade Finlinson to the Parks & Recreation Advisory Board.**

Motion passed unanimously.

- D. Review, discussion, and possible appointment(s) of individuals to serve as the selection committee for purposes of selecting a qualified consultant team to provide a comprehensive update of the City of Elko Master Plan, and matters related thereto. **ACTION ITEM**

The Elko City Planning Commission has provided a recommendation to Council to consider a list of individuals to serve as the selection committee to review Statements of Qualifications and select a consultant team to update the Elko City Master Plan. EW

Mayor Franzoia questioned whether the intent was to let each board choose their own representative and how timely are those committee meetings.

City Planner Wynes verified each board would select their own representative; the RDA will meet this week and the Parks & Recreation Board meets on the 20th.

**** A motion was made by Mayor Franzoia, seconded by Councilman Elquist to appoint Councilman John Rice to serve as a member of the selection committee for purposes of selecting a qualified consultant team to provide a comprehensive update of the City of Elko Master Plan.**

Motion passed unanimously.

- E. Review, consideration, and possible approval of an Amendment to and Assumption of Airport Lease between the City of Elko and American Med Flight. The lease area involves Airport Hangar M5 at the Elko Regional Airport, and matters related thereto. **ACTION ITEM**

Airport property leased to Cal Worthington is being assumed by American Med Flight. The City of Elko Legal Counsel has reviewed and approved the Assumption. The attached Amendment to and Assumption of Airport Lease will clarify the lease and property address of the assumption. TM

Mayor Franzoia questioned if the language could be updated with an assumption; to reflect current standards.

Airport Director Moyers indicated this agreement was fairly current. American Med Flight actually purchased the hanger this lease sits on.

**** A motion was made by Councilman Conner, seconded by Councilman Johnson to approve an Amendment to and Assumption of Airport Lease between the City of Elko and American Med Flight. The lease area involves Airport Hangar M5 at the Elko Regional Airport.**

Motion passed unanimously.

- F. Authorization to solicit bids from qualified airport advertising firms interested in assuming the advertising program at the Elko Regional Airport, and matters related thereto. **ACTION ITEM**

The current Airport Advertising Concession Agreement with Interspace Advertising is due to expire on October 15, 2009. The Airport has received interest from advertising firms in obtaining the Airport Advertising Concession Agreement with the airport. TM

Airport Director Moyers advised this was a ten-year agreement with a ten-year option; Staff would like a shorter time frame going forward.

Mayor Franzoia questioned what time frame Staff would like to see.

Mr. Moyers indicated a five-year agreement with a five-year option. There has been expression of interest from other firms and Staff would like to get the best price possible; the current advertising firm has also expressed interest.

Councilman Johnson questioned how long the current firm has had the agreement.

Mr. Moyers indicated ten years; they would like to extend it for an additional ten.

Councilman Johnson questioned if it was written the City had the option not to renew the agreement.

Mr. Moyers advised it has to be mutually agreeable. At this point, knowing there are other agencies interested, it is an opportunity for the City to test the waters.

Councilman Johnson questioned if we had a mutual agreement to advertise or do they want the option.

Mr. Moyers indicated at the present time Interspace would like to extend it for an additional ten years; Staff's concern is we are not receiving as much revenue as we could.

Councilman Johnson understood Staff's concern but requested verification of what the contract says.

City Manager Calder believed the contract says in order to extend it has to be mutually agreeable by both parties; at this point we don't agree it should be extended an additional ten years. It is our position we would like to solicit bids; they may end up being the successful bidder but we can dictate the new terms of the agreement.

Mayor Franzoia questioned if there was a risk the market could be slow and possibly less than we are getting currently.

Mr. Moyers indicated that was not likely; they have been contacted by numerous agencies.

**** A motion was made by Councilman Elquist, seconded by Councilman Johnson authorizing Staff to solicit bids from qualified airport advertising firms interested in assuming the advertising program at the Elko Regional Airport.**

Motion passed unanimously.

- G. Review, consideration, and possible approval of an Interlocal Agreement for Ambulance Services between Elko County and the City of Elko, and direction to Staff to forward the document for legal review, and matters related thereto.
ACTION ITEM

Representatives from the City of Elko and Elko County have reached a tentative agreement that recognizes Elko County Ambulance as the primary ambulance provider, and further recognizes the City of Elko Fire Department as a support ambulance service operating within the City jurisdiction. Staff would like to take

this opportunity to introduce this agreement to Council for further direction regarding the development of this agreement. AK

Fire Chief Kightlinger indicated this was an opportunity for the Council to study the agreement and make comments or recommendations back to the panel. Chief Kightlinger advised at this point it has not been reviewed by either parties legal counsel. This is a draft TA (Temporary Agreement) at the level of fire chief and ambulance director; not at elected official or county/city manager level.

Mayor Franzoia, as a member of the negotiation panel, advised what is currently before the Council is simply what transpired at the meetings and not the final agreement; it will be up to the individual boards to decide if they agree with it or want to add to it.

Chief Kightlinger advised he has spoken with City Attorney Goicoechea extensively on this matter.

City Attorney Goicoechea believed if the Council agrees to many of the concepts, figures and facts in the temporary agreement there is a lot of work that needs to be done; from a legal standpoint.

Mayor Franzoia read into the record comments pertaining to the agreement from Councilman Rice; see Exhibit 'A'.

Councilman Conner provided his comments 1) 50% retention is not equitable and 2) if an ambulance is not available the other ambulance should be able to respond to save a life; fifteen minutes was too long.

Councilman Johnson stated the billing rate is too excessive; 20% would be generous and believed 10%-15% should be the target. As far as the response time; the clock starts when the 911 call comes in. It has been indicated to the county we don't want make it a race, we want to work in unison, in the event the county ambulance is not available then the City of Elko can be utilized; it is important we keep that aspect of it in the agreement. Mr. Johnson believed there was enough market there that, hopefully, the City of Elko will be able to capture a market the county couldn't capture anyway so the funds generated to the City and that the funds generated to the county won't decrease much or even at all.

Mayor Franzoia agreed the intent was for the City of Elko to complement the existing structure. The fifteen minute waiting period was also an issue during negotiations and still is.

Councilman Elquist reminded the Council that he had wanted an agreement in place before the vehicle was purchased. Mr. Elquist also expressed concern over the fifteen minute waiting period. There should be no confusion, ambiguity or race when you are going to an accident; it has to be clean. The agreement should work to accomplish that; that it gets handled at the dispatch level; whatever ambulance is available should be known before a call comes in. We need to work towards that end; make it cleaner for the crews that have to respond. We made the investment and we should offer the best service we can; it is doable.

Chief Kightlinger indicated the fire department is already on scene; either the transport or a fire truck.

Councilman Elquist stated he was talking strictly an ambulance service. There should be protocol for the fleet of ambulances and the associated personnel.

Chief Kightlinger acknowledged Councilman Elquist's concern; the issue was hotly debated during the discussions.

Councilman Elquist stated, we need to stand our ground on that issue; there shouldn't be a clock, it should just be the best service. They can rise up to a level where we never have to transport; until then we will. Councilman Elquist supported adding to the agreement that reports be provided; either monthly or quarterly on the calls; this is a new process and protocol. If it is our goal to improve the level of service it would be good to measure and get feedback on is the level of service there, how is it doing, has it gotten better, who is meeting the demands and how many times do we have to supplement them. Councilman Elquist noted occasionally we send a city employee with the county ambulance and there is no compensation; how often is that happening; let's get feedback on that as well. Councilman Elquist was opposed to agreeing to the fifteen minute waiting period but if that is the case then a report on how often that happens would also be good. Councilman Elquist expressed concern there could be a liability issue with the fifteen minute waiting period; especially if we are already on scene.

Councilman Elquist expressed appreciation the agreement is this far along; it is a lot of work and struggle but we need to keep our eye on the best level of service.

Chief Kightlinger advised the fire departments reporting system is set up to record everything mentioned once it is activated; Staff can provide the reports at any given time.

City Attorney Goicoechea requested clearer direction; the wording is ambiguous i.e. regarding the fifteen minute waiting period it says "it is estimated that no Elko County Ambulance will be manned for response within fifteen minutes of receiving the call from dispatch" it doesn't say who is doing the estimate; that has to be cleared up.

Chief Kightlinger advised the intention there was dispatch from the 911 call.

Mr. Goicoechea noted there was obvious conflict; under another section it reads "should Elko County Ambulance fail to acknowledge the request from central dispatch within the time allotted per CVAA Standard Operating Procedures". Mr. Goicoechea advised he requested clarification on what those procedures were and was informed standard procedure is three minutes. Based on that it should say is that if the county doesn't acknowledge the response within three minutes then central dispatch will initiate the City of Elko Fire Department Transport Unit. Mr. Goicoechea stated that area needs to be clarified better; if it is a procedure by another entity then it would read three minutes and now we have two paragraphs that are in conflict with each other; is it fifteen minutes or is it three minutes?

Chief Kightlinger clarified the three minutes would be to "acknowledge" the call; the fifteen minutes is to respond.

Mr. Goicoechea then questioned if they acknowledge within the three minutes shouldn't they be able to advise an ambulance is on the way or unable to respond within fifteen minutes; can't that be done within that three minutes?

Mayor Franzoia noted during the discussions it was noted they usually respond within one minute. Mayor Franzoia advised the City is the first responder on every call, they are already at the scene; they don't wait three minutes.

Mr. Goicoechea believed the fire truck would be on scene, not the transport unit.

Mayor Franzoia clarified if it was a medical call the transport unit would be; it is the most efficient thing for the City to do and we have the right equipment for the call.

Chief Kightlinger stated 86% to 88% of total runs are medical.

Mayor Franzoia continued; the city is already there; the question is who is going to transport. If the county doesn't respond within the three minutes or acknowledge the fact they cannot get a crew to respond within the fifteen minutes or they have responded within that first minutes of a call; then city crews would be told to treat the patient but also, if need be, transport to the hospital.

Councilman Elquist didn't believe the city would always be ready to roll; our ambulance could be out of service or on a training situation and we don't want to be dispatched. It seems dispatch would know what units are manned and ready to respond and they just go down the list; county first then city etc. Which ambulances are manned and ready could be known before any callout.

Chief Kightlinger advised original negotiations were based on a third-out ambulance agreement with Elko County Ambulance; give them the primary response within our city and we would be the backup. There has been no discussion or negotiations on a rotation process; if that is something the Council wishes then Staff will need direction.

Councilman Elquist stated he was not saying "rotation"; it is always the same order; the county is first and then the city. Dispatch should know what unit is available and when one rolls whoever is in charge should indicate they have another unit manned and ready or not. Councilman Elquist believed the goal of this agreement should be that everybody knows when they are toned who is going to handle the transport; they don't have to wait fifteen minutes to know that.

Mayor Franzoia agreed if the county rolls one ambulance they immediately arrange a backup crew; the risk is there for the need to potentially man the second unit. That point was not discussed during the negotiations; it is a good management tool.

Chief Kightlinger indicated that is the protocol within the fire department; it was discussed during negotiations briefly and can be brought up again.

Mr. Goicoechea stated the patient is the biggest concern; and if the situation dictates, should be transported in the ambulance that gets on scene first.

Councilman Elquist acknowledged we are a backup and you don't know which ambulance is going to be first on scene; it would be good for the patient if the crews rolling on the call know who will be doing the transport.

Chief Kightlinger advised we are trying to manage two main issues which were agreed upon ground rules when negotiations started; we will do everything possible to not have "grab and go" tendencies and we are going to do everything we can to eliminate the "human game playing". Maybe we need to take another look at some of the phrases but those two elements have to be totally out of it and it has to be 100% patient care. We are attempting to endorse and backup the financial philosophy of Elko County Ambulance Service.

Councilman Elquist stated we bought this transport unit and are increasing the level of service; if the county doesn't have a unit manned and ready to respond, we will be; that has to be the City's position.

Mayor Franzoia indicated based on everyone's comments the agreement needs more work before forwarding to legal counsel. Arrangements need to be made to sit down with Elko County to address the City's concerns and any they may have.

Council members continued discussion on their thoughts and concerns relating to the time issue, liability exposure and billing.

Mr. Goicoechea believed the agreement needs to include a statement that the primary importance of both providers is to provide the health service to the community in the best possible manner; they need to work together to do that. That is the intent of this agreement; not to get into a turf battle over money. City Attorney Goicoechea noted there were enough items of concern that should be addressed; further discussions by both entities is necessary and advised bringing back another draft in the near future.

Mayor Franzoia questioned the liability if you wait for an ambulance.

Mr. Goicoechea indicated in the first part of the agreement it should state both agencies are serving the health of the community and aide to the citizen comes first.

Mayor Franzoia believed in a life threatening circumstance first on scene would transport regardless of any agreement in place; you have to have that discretion. Someone has to make the call that you cannot wait; you have to deal with it and go. It is not right to put the liability back on staff; to have one hand tied behind their back because of a protocol related to the dollar.

Councilman Elquist stated, as in other cities, the ambulance can be behind the fire service; they know it is coming. As long as we have a system in place that says there is a responsible ambulance and they have reported their status is ready; that is responsible. If you are standing there watching the clock for ten minutes because of an agreement it is not good. Councilman Elquist questioned if the City is not the toned out manned and ready transport unit if we should even roll with our transport unit; is it better off ready to go on the next call.

Chief Kightlinger advised Staff is trying to maximize the life-span of the little fire truck with this unit. In a dynamic situation it would be a tough decision to know which unit to take and then arrive on scene without the needed supplies.

City Attorney Goicoechea again stated there are enough issues to bring back another draft.

Mayor Franzoia believed in addition to the Fire Chief, two council members should be appointed to continue negotiations at a higher level; based on the submissions of this draft and the concerns expressed tonight.

Councilman Conner was opposed to an ambulance responding without the fire department; the fire department compliments the ambulance service.

City Manager Calder noted it appears the agreement is going to take time to work out and there is the possibility it will never be approved by both entities; in the meantime we have an ambulance that will be certified, licensed and ready for use. He would like the Council to take a position, in the interim, either during the negotiation period or in the event the agreement is never finalized, what is the Council's position on the ambulance. As City Manager, he preferred if it is licensed and ready for use that we use it. If we are using it we don't need a protocol established with Elko County; we are well within our rights to provide that service. If we have an ambulance there and Elko County has not shown up with an ambulance and we are ready to transport; we should transport the patient. We won't worry about the billing with Elko County; if we choose to bill we will; we have the capability in-house.

Mayor Franzoia questioned legal counsel if the current agenda allowed that decision.

City Attorney Goicoechea recommended bringing the item back once the unit is certified.

Mayor Franzoia advised based on tonight's discussion there are two issues; 1) timeline and 2) billing; another issue was the protocol mentioned by Councilman Elquist. Mayor Franzoia supported more negotiations with Elko County.

Mayor Franzoia continued and advised Staff to bring back a request for authorization to put into service the transport unit, once certified.

City Manager Calder clarified the intent would be to not only use it but have the ability to bill for that service if we choose to do that. If we are going to use it we should be able to bill what Elko County Ambulance bills for.

Councilman Johnson noted there were two issues with the agreement but supported a motion to approve the agreement and then work on some amendments. The motion could direct Staff to move forward with negotiations with this agreement as a basis; it gives an opportunity for amendments to come into play; we don't want to kill the agreement.

City Attorney Goicoechea believed there were too many issues with the way the agreement is currently drafted and preferred it be brought back at the next meeting in a different format for approval. Mr. Goicoechea was opposed to approving it tonight and then making amendments.

Councilman Johnson disagreed with Mr. Goicoechea and supported moving forward with the agreement. There are only two issues today; the ratio of billing and the protocol in whether or not the City of Elko would have it such that the county has fifteen minutes from the time of the call, which is huge, that who is going to be the transporting agency. The motion could be stated that we get major portions of the agreement back out for discussion; we may never get the agreement perfect to send to the county but we can get those two items worked out. This is a complicated agreement, if we don't break it down, look at the issues in-between, and make decisions on key points within the agreement we will never get to the end of it.

Mayor Franzoia was supportive of Councilman Johnson's suggestion.

City Attorney Goicoechea advised review by legal counsel would be a quick turn around. He would be comfortable addressing the matter at the next meeting.

Councilman Elquist commented if there is a push to do this agreement then Mr. Goicoechea's concern with the legal issues might be in parallel with what he had with some of the protocol, indications and who is in control. It seems we went into a defensive position on this agreement; we need to move to offensive. Our position is we have made an investment to increase the level of service to the citizen's of Elko; our procedure is going to be if the county does not have a manned and ready unit, we are going to handle the transport and we are going to bill for it. We need to rework the legal issues and who is determining the level of service; we want them to roll, we want them to provide the level of service we expect, we want them to handle every call; if they can't, we will. Change the tone of this thing that we will be determining who isn't and if you can't we will.

Chief Kightlinger expressed gratitude for Councilman Elquist's statement.

A member of the fire department addressed the Council to acknowledge all the work that has gone into the agreement up to this point; Staff's concern is they just want to know who is going to transport when the call comes in.

**** A motion was made by Councilman Conner, seconded by Councilman Elquist to appoint Mayor Franzoia and Councilman Elquist along with Fire Chief Kightlinger to continue negotiations, if acceptable to the county, to further discuss the points of billing and timeline of response as well as the potential status of vehicles to central dispatch and to have legal counsel review and correct the ambiguities as well as the legal status of the terminology in the existing proposal and have it to the Council at the next meeting and to table the matter contingent upon those parameters.**

Motion passed unanimously.

After the motion and before a vote was taken Aaron Nevills with Elko County Ambulance Service stated there is no issue with the fire department; the goal of both agencies is to provide quality care and service to the community.

Matt Griego, Elko Fire Fighters Association stated racing for patients is not their intent; they work well with the Elko County Ambulance Service. This is a management problem and a turf war over money. Staff's position is that definitive care is the key. Everything Councilman Elquist suggested is doable; dispatch should be making the call.

Brian Burgess, Elko Fire Fighters Association agreed with the statements by Mr. Nevills and Mr. Griego. Mr. Burgess noted the N.A.C. dictates what constitutes an ambulance; when the County arrives with one person that does not meet N.A.C. They rely on the city to provide that second attendant; we are on scene, we do the patient packaging and patient care; put the patient into the Elko County ambulance and everything we provided for that patient the County bills for with no reimbursement back to the City. Right now what you have is a “Tom Sawyer Agreement”, they could pull all their ambulances out of Elko make the fire department run every call that is in the city but they are still making 50% on every one of those calls; that needs to be looked at.

V. 6:00 P.M. PUBLIC HEARINGS

A. Public comment period. ACTION WILL NOT BE TAKEN

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

There was no public comment at this time.

IV. RESOLUTIONS AND ORDINANCES

A. First reading of Ordinance No. 707, an Ordinance expanding the corporate boundaries of the City of Elko by annexing approximately 14.75 acres of property located generally at the southwest corner of Mountain City Highway and Sundance Drive filed by Andrew C. Knudsen and Shannon Knudsen and processed as Annexation No. 3-09 and to direct Staff to set the matter for public hearing, Second Reading and possible adoption, and matters related thereto. ACTION ITEM

The petition for annexation was accepted by the City on June 23, 2009, and referred the matter to the Planning Commission. The Planning Commission considered this item at their regular meeting of August 4, 2009, and took action to forward a recommendation of conditional approval to the City Council. EW

City Planner Wynes advised Exhibit ‘B’ has been revised based on advice by legal counsel; there may be an additional change in Section Four of the ordinance.

Mayor Franzoia questioned whether Section Four was legitimate; the conditions for development to get the annexation approved.

City Attorney Goicoechea indicated the concern was the wording and has been addressed on Exhibit ‘B’. The ordinance change indicated by Staff is minor and can be addressed when it comes back for second reading.

City Planner Wynes noted it is a simply wording change that was approved by the Planning Commission; the information has been forwarded to the applicant.

Councilman Johnson stated his opposition; the city should keep the sanitary sewer intact within the service area.

**** A motion was made by Councilman Conner, seconded by Councilman Elquist to set for Second Reading, public hearing and possible adoption Ordinance No. 707, an Ordinance expanding the corporate boundaries of the City of Elko by annexing approximately 14.75 acres of property located generally at the southwest corner of Mountain City Highway and Sundance Drive filed by Andrew C. Knudsen and Shannon Knudsen and processed as Annexation No. 3-09, with noted changes to be inserted and reviewed upon at next meeting.**

**Motion passed 3 to 1.
Councilman Johnson voted against.**

After the motion and before a vote was taken Utilities Director Limberg requested clarification on the water and sewer line extensions at this location; will that be across the full property. If not and that property is allowed to parcel then the responsible party becomes the individual parcel owner; the sewer line is extended two-hundred feet, the next parcel owner has to extend it the same distance etc. and the water line as well.

Mayor Franzoia advised that should have been clarified at the Planning Commission Meeting. The only time the lines would be extended would be when the property is being improved.

Mr. Limberg requested clarification on who is going to extend that water line; when and how.

Development Manager Wilkinson clarified as they develop the residential property they will be extending the water main along those parcels; which would be consistent with City Code. As the commercial property develops they will need to extend water mains as appropriate per code in order to serve that development. One of the conditions is that they will put in dry sewer, not only the laterals from the property but also the main, so when sewer does get extended into that area and they are within the three-hundred feet they can connect.

Mr. Limberg requested verification the water line extension would not be from one person who owns the entire parcel; it will be each owner after this subdivides into individual lots; each owner will extend it the minimum they need to get it across their frontage.

Mr. Wilkinson advised it could be done that way by code, but that is not the intent. When they create seven lots out there we will have a subdivision that we would go through. The developer has had discussion with City Staff; for all of that residential development the water line would be extended and the street etc. constructed at that time. The water main on the commercial would not be extended because it wouldn't be developed at that time.

Mr. Limberg indicated his concern is we don't extend that water line piece meal two hundred feet at a time; and the same for the sewer service. For clarification; does the Council want to allow septic tanks in that location?

Mayor Franzoia noted it was consistent with the other subdivision in that area.

Councilman Elquist indicated this was an annexation; those issues come up on the next level of development.

Mr. Wilkinson advised they usually do; included in the packet is a detailed memo on the annexation.

Mr. Limberg stated he wanted the applicant to be fully aware of what the requirements would be.

II. APPROPRIATIONS

A. Review and possible approval of Warrants. ACTION ITEM

Councilman Elquist referred back to the audit and the recommendation for two levels of approval on credit cards; should that be included in the warrants for approval or is it handled administratively?

Administrative Services Director Stout advised typically the individual makes the request and purchase; authorization and approval is through her office and the City Manager's.

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

Motion passed unanimously.

VI. REPORTS

- A. Mayor and City Council
 - 1. Councilman Conner – Appreciation to Staff for road work
 - 2. Councilman Johnson - RDA progress unsatisfactory. Can do better with all negotiations with utilization of Parliamentary Procedure
- B. City Manager – Ca. Trail Advisory Board Meeting 8/13 @ 7:30 a.m.
- C. Utilities Director – BLM excavation on Bullion Road 8/14-16/09
- D. Public Works – Street projects update
- E. Police Chief – National Night Out update & thanks to Staff
- F. Civil Engineer – Updating Professional Services Agreement
- G. Administrative Services Director – Sales Tax update – Elko Co. down 9.5%
- H. Parks and Recreation Director – Softball League update

ADJOURNMENT

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

Mayor Michael J. Franzoia

Shanell Owen, City Clerk