



CITY OF ELKO  
 CITY MANAGER  
 1751 COLLEGE AVENUE  
 ELKO, NEVADA 89801  
 (775) 777-7110/FAX (775) 777-7119

The Elko City Council will meet in regular session on Tuesday, February 12, 2019

Elko City Hall, 1751 College Avenue, Elko, NV 89801, at 4:00 P.M., P.S.T.

Attached with this notice is the agenda for said meeting of the Council.

In accordance with NRS 241.020, the public notice and agenda was posted on the City of Elko

Website, <http://www.elkocity.com>, the State of Nevada's Public Notice Website,

<https://notice.nv.gov> in the following locations:

**ELKO CITY HALL**  
 1751 College Avenue, Elko, NV 89801  
 Date/Time Posted: February 7, 2019 at 8:30 a.m.

**ELKO COUNTY COURTHOUSE**  
 571 Idaho Street, Elko, NV 89801  
 Date/Time Posted: February 7, 2019 at 8:40 a.m.

**ELKO POLICE DEPARTMENT**  
 1448 Silver, Elko NV 89801  
 Date/Time Posted: February 7, 2019 at 8:50 a.m.

**ELKO COUNTY LIBRARY**  
 720 Court Street, Elko, NV 89801  
 Date/Time Posted: February 7, 2019 at 9:00 a.m.

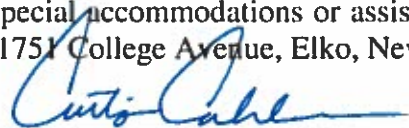
Posted by: <u>Kim Wilkinson</u>	<u>Administrative Assistant</u>	
Name	Title	Signature

The public may contact Kim Wilkinson by phone at (775)777-7110 or email at [kwilkinson@elkocitynv.gov](mailto:kwilkinson@elkocitynv.gov) to request supporting material for the meeting described herein. The agenda and supporting material is available at Elko City Hall, 1751 College Avenue, Elko, NV or on the City website at <http://www.elkocity.com>

Dated this 7<sup>th</sup> day of February, 2019

**NOTICE TO PERSONS WITH DISABILITIES**

Members of the public who are disabled and require special accommodations or assistance at the meeting are requested to notify the Elko City Council, 1751 College Avenue, Elko, Nevada 89801, or by calling (775) 777-7110.

  
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 Curtis Calder, City Manager

**CITY OF ELKO**  
**CITY COUNCIL AGENDA**  
**REGULAR MEETING**  
**4:00 P.M., P.S.T., TUESDAY, FEBRUARY 12, 2019**  
**ELKO CITY HALL, 1751 COLLEGE AVENUE, ELKO, NEVADA**

**CALL TO ORDER**

The Agenda for this meeting of the City of Elko City Council has been properly posted for this date and time in accordance with NRS requirements.

**ROLL CALL**

**PLEDGE OF ALLEGIANCE**

**COMMENTS BY THE GENERAL PUBLIC**

Pursuant to N.R.S. 241, this time is devoted to comments by the public, if any, and discussion of those comments. No action may be taken upon a matter raised under this item on the agenda until the matter itself has been specifically included on a successive agenda and identified as an item for possible action. **ACTION WILL NOT BE TAKEN**

**APPROVAL OF MINUTES:**            January 22, 2019            **Regular Session**

**I.        PRESENTATIONS**

- A.        Reading of a proclamation recognizing the month of February as “Beef Month,” and matters related thereto. **INFORMATION ONLY – NON ACTION ITEM**
  
- B.        Presentation of the “National Radon Action Month Proclamation” to Nadia Noel, Radon Education Coordinator, University of Nevada Cooperative Extension, and matters related thereto. **INFORMATION ONLY – NON ACTION ITEM**

**II.       CONSENT AGENDA**

- A.        Review and possible designation of an independent auditor to prepare the annual audit for the City of Elko for Fiscal Year ending June 30, 2019, pursuant to NRS 354.624, and matters related thereto. **FOR POSSIBLE ACTION**

Each year the City is required to designate an independent auditor prior to March 31 of the year in which the audit is to be conducted. The City put out Requests for Proposals for auditing services for a period of five years on March 2016, and awarded the RFP to HintonBurdick, PLLC. JJ

- B.        Review, consideration, and possible adoption of current FEMA’s Schedule of Equipment Rates for City of Elko equipment charge outs, and matters related thereto. **FOR POSSIBLE ACTION**

The City of Elko has not updated its equipment rate schedule since June of 2005. In order to facilitate charge outs for reimbursement for equipment utilized by the City of Elko in the event of an incident of accident requiring our assistance the City needs rate schedules to charge for the equipment used in the incident. FEMA has a very extensive equipment rate schedule which they update periodically. DS

- C. Review, consideration, and possible adoption of the updated City of Elko Storm Water Advisory Committee (SWAC) Bylaws, and matters related thereto. **FOR POSSIBLE ACTION**

The Committee felt there were a couple of items that needed to be modified. See the copy of the SWAC Bylaws showing the tracked changes. DS

- D. Review, consideration, and possible acceptance of a Deed of Dedication (requested by the City) from the Elko County School District to the City of Elko for a permanent non-exclusive Right of Way, and matters related thereto. **FOR POSSIBLE ACTION**

The purpose of this right of way is to allow the City a location to run a future water line connecting North 5<sup>th</sup> Street to BLM property where this water line would continue on to a future tank site. RL

- E. Review, consideration, and possible approval of a list of appraisers recommended by the City Manager for purposes of conducting appraisals during the 2019 calendar year, and matters related thereto. **FOR POSSIBLE ACTION**

Elko City Code Section 8-1-1 requires the City Manager or designee to compile and to submit a list of appraisers qualified to conduct business in the City of Elko to the City Council on or about January 1<sup>st</sup> of each year. The Planning Department has developed a list of qualified appraisers interested in conducting business with the City of Elko and the City Manager has approved the list. CL

### III. PERSONNEL

- A. Mayoral designation of City Council members to specific “Liaison” positions within the City of Elko, and matters related thereto. **NO ACTION BY THE COUNCIL REQUIRED**

Designation of a Council member to the Arts and Culture Advisory Board. CC

### IV. APPROPRIATIONS

- A. Review and possible approval of Warrants, and matters related thereto. **FOR POSSIBLE ACTION**
- B. Review and possible approval of Print ‘N Copy Warrants, and matters related thereto. **FOR POSSIBLE ACTION**

- C. Review, consideration, and possible direction to Staff to solicit bids for the East Secondary Clarifier Rehabilitation Project-2019, and matters related thereto. **FOR POSSIBLE ACTION**

This is a maintenance project budgeted for in the current year budget. The work consists of sandblasting and repainting all metal surfaces above and below the waterline of the clarifier with 3 or 4 coats of paint, respectively. Additionally, any damaged components noticed will be repaired during this time while the clarifier is drained of water. RL

- D. Review, consideration, and possible action to retain the law firm of Taggart and Taggart, Ltd. to represent the City of Elko in pending litigation brought by the Pershing County Water Conservation District against the Nevada Division of Water Resources, and matters related thereto. **FOR POSSIBLE ACTION**

On August 12, 2015, Pershing County Water Conservation District (PCWCD), which is principally composed of agricultural interests owning water rights in the Lovelock area, filed a petition in the 11<sup>th</sup> Judicial District Court (Pershing County) asking the court to require the State Engineer to make a number of decisions potentially having significant adverse impacts on water rights throughout the Humboldt River Basin.

If the court grants the relief requested by PCWCD, curtailment of ground water pumping could be required in the Elko Segment of the Humboldt River Basin. This and other matters before the court could significantly hamper the City's ability to utilize its water rights, with consequential impacts on growth and economic development.

Both Newmont and Barrick have filed motions to intervene.

Staff believes that the City of Elko is an interested and affected party in this matter and has an interest in the outcome of the PCWCD litigation in Pershing County. By intervening in the litigation, the City of Elko would have the opportunity to protect its water rights through the legal process.

The law firm of Taggart and Taggart, Ltd. specializes in water rights litigation and is currently representing at least one other party seeking to intervene in the lawsuit. The law firm has indicated that it could also represent the City without a conflict of interest. There would be an economic benefit to using the same law firm to represent one or more similarly-situated parties in the litigation. RL

- E. Review, consideration, and possible approval of a Professional Services Agreement (PSA) with Lumos and Associates for design of the Exit 298 Lift Station and Sewer Force Main project, and matters related thereto. **FOR POSSIBLE ACTION**

At the January 8, 2018 City Council meeting, Council directed Staff to negotiate a professional services agreement with Lumos and Associates and bring that agreement back to City Council for final approval. RL

- F. Review, consideration, and possible issuance of final acceptance for the WRF Emergency Diesel Generator Construction Project, and matters related thereto. **FOR POSSIBLE ACTION**

The project is complete. There were two change orders for the project totaling \$30,800.00. Change order #1 was for providing and installing 600 linear feet of 250 MCM copper wire in the amount of \$6600.00. Change order #2 was for enlarging the concrete pad. This cost was \$24,200.00 and Smith Power Products paid for the costs associated with this change order. RL

- G. Review and possible selection of an engineering firm to provide services at the Elko Regional Airport, and matters related thereto. **FOR POSSIBLE ACTION**

The current Professional Service Agreement for engineering services at the airport expired January 14, 2019.

The airport for the next five-year (5) period as required under FAA Advisory Circular 150/5100-14 series. The Airport selection committee held interviews on January 29, 2019 and interviewed two (2) engineering firms: Armstrong Consultants, Inc., and JVIation Engineering. The selection committee recommends that the Council select JVIation Engineering for the next five (5) year engineering service contract. Upon selection, Staff will negotiate a Professional Services Agreement with the successful firm. This new agreement will be brought back to Council for review and approval. JF

## V. SUBDIVISIONS

- A. Review, consideration, and possible action to conditionally approve Final Plat No. 12-18, filed by DDS Properties LLC., for the development of a subdivision entitled Humboldt Hills involving the proposed division of approximately 9.443 acres of property into 26 lots for residential development within the R1 (Single Family Residential) Zoning District, and matters related thereto. **FOR POSSIBLE ACTION**

Subject property is located east of Jennings Way approximately 120' north of Cortney Drive (APN 001-01H-001). Preliminary Plat was recommended to Council to conditionally approve by Planning Commission July 9, 2018 and conditionally approved by City Council July 24, 2018. The Planning Commission considered this item on November 6, 2018 and took action to forward a recommendation to City Council to conditionally approve Final Plat 12-18. CL

## VI. UNFINISHED BUSINESS

- A. Review, consideration, and possible action to conditionally approve Final Plat No. 11-18, filed by Parrado Partners LP., for the development of a subdivision entitled Great Basin Estates, Phase 3 involving the proposed division of approximately 9.650 acres of property into 38 lots for residential development within the R (Single

Family and Multiple Family Residential) Zoning District, and matters related thereto. **FOR POSSIBLE ACTION**

Subject property is located generally northeast of Flagstone Drive between Opal Drive and Clarkson Drive (APN 001-633-030). Preliminary Plat was recommended to Council to conditionally approve by Planning Commission May 3, 2016 and conditionally approved by Council May 24, 2016. The Planning Commission considered this item on September 6, 2018, and took action to forward a recommendation to Council to conditionally approve Final Plat 11-18. CL

- B. Title: Review, consideration, and possible issuance of a permanent Certificate of Occupancy for the property located at 537 South 5<sup>th</sup> Street, owned by Mr. John Dagley, and matters related thereto. **FOR POSSIBLE ACTION**

The City issued a Temporary Certificate of Occupancy dated October 7, 1993 for a structure located at 537 South 5<sup>th</sup> Street. The Temporary Certificate of Occupancy was issued for a period of 180 days and cited three conditions to be satisfied before a final inspection could be completed. The first condition required completion of the final grade which based on the City approved grading plan. The grading plan showed drainage away from the structure to the South Fifth Street right-of-way. That condition has not been addressed. The City Council considered the request for a permanent Certificate of Occupancy on October 11, 2016 and directed staff to seek solutions for the drainage issues associated with 537 S. 5<sup>th</sup> Street and hopefully engage neighbors in the area and be able to come up with a solution that can be presented to the board. The Building Official and the Assistant City Manager inspected the site with Mr. Dagley on June 12, 2018. Based on the information presented by Mr. Dagley and the site inspection, no apparent solutions were identified. Mr. Dagley met with the Assistant City Manager on February 4, 2019 and provided his files for review. The Assistant City Manager identified a potential solution which requires drainage into the sanitary sewer. The Assistant City Manager discussed the possibility with the Utilities Director and determined the potential solution could be presented to Mr. Dagley. The Assistant City Manager met with Mr. Dagley on February 5, 2019, discussed the potential solution, and informed Mr. Dagley that he would need to engage the appropriate design professional to fully evaluate and design the drainage solution. SW

## VII. NEW BUSINESS

- A. Review, consideration, and possible approval of an Agreement to Install Improvements and Performance/Maintenance Guarantees for subdivision improvements associated with the Humboldt Hills subdivision, and matters related thereto. **FOR POSSIBLE ACTION**

Elko City Code 3-3-21 requires the subdivider to have executed and filed an agreement between the subdivider and the City for the required subdivision improvements, included stipulations on the timeframe for when those improvements are to be completed, and to post a performance guarantee in accordance with Elko City Code 3-3-22. The Planning Commission recommended

as one of the conditions for approval of the final plat, that the agreement shall be approved by the City Council.

The Planning Commission also recommended that the Developer shall enter into the agreement within 30 days of the City Council's approval of the final plat. SAW

- B. Review, consideration, and possible action to accept the 2018 Annual Report of Planning Commission Activities, and matters related thereto. **FOR POSSIBLE ACTION**

Pursuant to City Code Section 3-4-23, the Planning Commission is required to prepare and present an Annual Report of its activities to Council. On February 5, 2019, the Planning Commission took action to approve the 2018 Annual Report of Planning Commission Activities, and forward it to the Council. CL

- C. Review, consideration, and possible approval of an Agreement to Install Improvements and Performance/Maintenance Guarantees for subdivision improvements associated with the Great Basin Estates Phase 3 subdivision, and matters related thereto. **FOR POSSIBLE ACTION**

Elko City Code 3-3-21 requires the subdivider to have executed and filed an agreement between the subdivider and the City for the required subdivision improvements, included stipulations on the timeframe for when those improvements are to be completed, and to post a performance guarantee in accordance with Elko City Code 3-3-22. The Planning Commission recommended as one of the conditions for approval of the final plat, that the agreement shall be approved by the City Council.

The Planning Commission also recommended that the Developer shall enter into the agreement within 30 days of the City Council's approval of the final plat. CL

- D. Review, consideration, and possible action to fill a vacancy on the Elko City Planning Commission, and matters related thereto. **FOR POSSIBLE ACTION**

On January 8, 2019, Council accepted a letter of resignation from Planning Commission member David Freistroffer. Staff conducted the standard recruitment process and has received 2 letters of interest to serve on the Planning Commission, copies of which are included in the Council packet. The new member will be appointed to fill the remainder of the four-year term, which will expire at the end of July 2021. CL

- E. Review, consideration, and possible adoption of the updated City of Elko Americans with Disabilities Act (ADA) Transition Plan, and matters related thereto. **FOR POSSIBLE ACTION**

The City of Elko's current plan, dated April, 1993, was extremely outdated and needed to be updated. The Nevada Department of Transportation's ADA

Coordinator reached out to the City inquiring about the City's transition plan and offered guidance from NDOT in an effort to update our plan. DS

- F. Review, consideration, and approval of the 2019 City of Elko Land Inventory update, and matters related thereto. **FOR POSSIBLE ACTION**

City of Elko Land Inventory spreadsheet is to be updated when necessary. Planning Commission reviewed the modifications at their February 5, 2019 meeting and recommended to City Council to approve the updated land inventory. CL

- G. Review, consideration, and possible approval of authorization for Staff to initiate the acquisition of .841 acres of real property from Barry W. and Lynn M. Lipparelli Trust for the amount of \$38,500, the appraised value of the property stated in the appraisal of Jason Buckholz of CRBE Inc., for the creation of the Cattle Drive and Tamarak Road Rights-of-Way, and matters related thereto. **FOR POSSIBLE ACTION**

City Staff supports the acquisition of a portion of APN 006-09B-087 and 006-09B-088 for the creation of the Cattle Drive and Tamarak Road Rights-of-Way. SAW

- H. Review, consideration, and possible approval of a Hangar (E-3) Lease Agreement with James D. Boyer, and matters related thereto. **FOR POSSIBLE ACTION**

James D. Boyer assumed a Lease Assumption of Hangar E-3 from Ed and Sharon Netherton on November 1, 2015. The Lease Assumption expired February 28, 2018 and a new Lease Agreement needs to be completed with Mr. Boyer. Additionally, airport ground leases of less than one-half an acre are no longer subject to appraisal/auction process for cities whose population is less than 25,000 (NRS 496.80) JF

### **VIII. PETITIONS, APPEALS, AND COMMUNICATIONS**

- A. Review, consideration, and possible action to approve Curb, Gutter, and Sidewalk Waiver No. 1-19, filed by Medallus Urgent Care, which waives the requirement for curb and gutter on the north side of Lamoille Highway abutting APN 001-750-016, and matters related thereto. **FOR POSSIBLE ACTION**

Per Elko City Code Section 2-13-3, public improvements are required on developed lots or parcels of land involve a change in building occupancy and use of land. The applicant has recently leased the property which was vacant for more than 12 months and lost all legal non-conforming status. NDOT has reviewed the need for curb and gutter at this location and has determined that it is not needed to control drainage in this area. Staff recommends approval of the waiver for curb and gutter with sidewalk still being required. CL

- B. Review, consideration, and possible approval of a variance, related to the expansion of an existing facility located at 1225 Water Street, from Section 3-8-6 of the Elko



City Code which stipulates a lowest floor elevation requirement of two feet above the base flood elevation, and matters related thereto. **FOR POSSIBLE ACTION**

The property owner is proposing an expansion of the existing facility located at 1225 Water Street. The owner's engineer has filed a variance request allowing for a lower floor elevation of 1.85 feet above base flood elevation for both the existing structure and the expansion area. The variance request of 0.15 less than the required two feet above base flood elevation stipulated in the code. The basis for the request is to match the existing floor elevation which was approved for construction under different guidelines in effect at the time of development. Additionally, City Code is more restrictive than the FEMA requirement of one foot over base flood elevation. SAW

- C. Review, consideration, and possible action concerning a Letter of Protest by current property owners concerning the fence height related to the development of the storage facility located at the intersection of 12<sup>th</sup> Street and Opal Drive, and matters related thereto. **FOR POSSIBLE ACTION**

The City received a letter of protest on January 22, 2019. The letter of protest is dated January 18, 2019 and relates to the height of the screen wall constructed on the abutting commercial development, which is a storage unit facility. The reason for the complaint is that the constructed screen wall blocks the complainants' views and thus affects their home values.

Conditional Use Permit 3-17 for the development was approved by the Planning Commission on July 18, 2017. Condition 10 of the approval required construction of the screen wall as shown on the plans. The plans show a screen wall with a minimum height of eight feet, six inches and a maximum height of nine feet, six-and one-half inches. The plans identified a solid concrete masonry unit (CMU) wall with a natural concrete finish. The developer has installed a solid precast wall approximately eight feet in height on the 12<sup>th</sup> Street and Opal Drive frontages.

Pursuant to City Code Section 3-2-18(E), the Planning Commission makes the final determination on conditional use permits, subject to the right of appeal as set forth in Section 3-2-25. However, in this case, there was no appeal of the conditional use permit and the time limit of ten (10) calendar days after the decision for filing an appeal with the City Clerk, required by Section 3-2-25(A) of the City Code, has expired. SAW

## **IX. 5:30 P.M. PUBLIC HEARINGS**

- A. Review, consideration, and possible action to adopt Resolution No. 1-19, a resolution and order vacating 5' of the existing 10' public utility and drainage easement along the southwesterly lot line of parcel referred to as APN 001-61J-028, filed and processed as Vacation No. 4-18 filed by Koinonia Construction, and matters related thereto. **FOR POSSIBLE ACTION**

Council accepted a petition for the subject vacation at its regular meeting of December 18, 2018, and directed Staff to continue with the vacation process by referring the matter to the Planning Commission. The Planning Commission considered the vacation at its special meeting January 3, 2019, and took action to forward a recommendation to Council to adopt a resolution, which conditionally approves Vacation No. 4-18 with findings in support of its recommendation. CL

- B. Review and consideration of submitted data and/or arguments and determination as to whether the proposed **ORDINANCE NO. 835: AN ORDINANCE AMENDING TITLE 8, CHAPTER 2, OF THE ELKO CITY CODE ENTITLED “CONDITIONS OF UTILITY OCCUPANCY OF PUBLIC ROADS AND CITY STREET CUTS AND REPAIRS” BY ADDING SMART DIG REQUIREMENTS, AND MATTERS RELATED THERETO** will impose a direct and significant burden upon a business or directly restrict the formation, operation, or expansion of a business, and matters related thereto. **FOR POSSIBLE ACTION**

Pursuant to NRS 237.080 the City of Elko notified owners and officers of businesses which may be affected by the ordinance. Staff has prepared a Business Impact Statement for Ordinance No. 835.

On August 28, 2018, Council approved initiation of Ordinance No. 835, and directed Staff to prepare a business impact statement. Pursuant to NRS 237.090, a Business Impact Statement has been prepared and must be considered by the City Council prior to the public hearing, and adoption of the ordinance. KW

## X. REPORTS


- A. Mayor and City Council
- B. City Manager - **Legislative Report**
- C. Assistant City Manager - **403 Pine Street**
- D. Utilities Director
- E. Public Works
- F. Airport Manager - **Airport Operations, Part 139 Inspection**
- G. City Attorney
- H. Fire Chief
- I. Police Chief
- J. City Clerk
- K. City Planner
- L. Development Manager
- M. Administrative Services Director
- N. Parks and Recreation Director – **Report Swimming Pool Repair**
- O. Civil Engineer - **Sports Complex**
- P. Building Official

## COMMENTS BY THE GENERAL PUBLIC

Pursuant to N.R.S. 241, this time is devoted to comments by the public, if any, and discussion of those comments. No action may be taken upon a matter raised under this item on the agenda until the matter itself has been specifically included on a successive agenda and identified as an item for possible action. **ACTION WILL NOT BE TAKEN**

**NOTE:** The Mayor, Mayor Pro Tempore, or other Presiding Officer of the City Council reserves the right to change the order of the agenda, and if the agenda has not been completed, to recess the meeting and continue on another specified date and time. Additionally, the City Council reserves the right to combine two or more agenda items, and/or remove an item from the agenda, or delay discussion relating to an item on the agenda at any time.

## ADJOURNMENT

Respectfully Submitted,  
  
Curtis Calder  
City Manager