

CITY OF ELKO
CITY COUNCIL AGENDA
REGULAR MEETING
4:00 P.M., P.S.T., TUESDAY, JANUARY 8, 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	November 27, 2018	Regular Session
	December 11, 2018	Regular Session
	December 18, 2018	Special Session

I. PRESENTATIONS

- A. Reading of a proclamation by the Mayor declaring January 2019 as “National Radon Action Month, and matters related thereto. **INFORMATION ONLY – NON ACTION ITEM**

II. 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**

- 1. Police Department Liaison
- 2. Street Department Liaison
- 3. Waterworks and Sewer Liaison
- 4. Fire Department Liaison
- 5. Airport and Public Property Liaison
- 6. Parks/Recreation Department Liaison
- 7. Building Department Liaison
- 8. Animal Shelter Liaison
- 9. Landfill Liaison
- 10. Finance Department Liaison

11. Information Systems Department Liaison
12. Redevelopment Advisory Council (Board Member)
13. Stormwater Advisory Committee (Board Member)
14. ECVA (Board Member)
15. NNRDA (Board Member)
16. Elko County Commission Liaison
17. Elko County Water Planning Commission Liaison
18. Elko County Fair Board Liaison
19. Elko County Regional Transportation Commission (Board Member)
20. Elko County Debt Management Commission (Board Member)
21. Elko County Recreation Board (Board Member)
22. Other Departments Not Listed – KW

- B. Election of Mayor Pro Tempore, and matters related thereto. **FOR POSSIBLE ACTION**
- C. Review, consideration, and possible action to accept a letter of resignation from Mr. David Freistroffer from the Planning Commission, and to further authorize Staff to commence with the standard recruitment process to fill the vacancy on the Planning Commission, and matters related thereto. **FOR POSSIBLE ACTION**

This resignation is a result of Mr. Freistroffer's schedule conflicts with the Planning Commission meetings. CL

III. 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 authorization to solicit bids for the Elko Swimming Pool Repair Project, and matters related thereto. **FOR POSSIBLE ACTION**

The north wall of the swimming pool enclosure requires substantial repair. The City entered into a Professional Service Agreement with Lostra Engineering on December 7, 2018 to conduct structural inspections of the wall, complete a preliminary design and preliminary engineer's estimate, complete a final design and prepare bid documents as approved by the City. The Engineer has completed structural inspections of the wall, developed a preliminary design of sufficient detail to develop and provide a preliminary engineer's estimate completing phase 1 of the agreement. Prior to authorization to proceed with Phase II and Phase III of the agreement, Staff is requesting authorization to solicit bids. JW

- D. Review, consideration, and possible selection of a firm for Design Services for Exit 298 Lift Station and Sewer Main, and matters related thereto. **FOR POSSIBLE ACTION**

Six (6) Statements of Qualifications were received. Three Staff members (Ryan Limberg, Bob Thibault, and Dale Johnson) have rated these SOQ's. The rating summary sheet is attached for your review. RL

IV. 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

V. NEW BUSINESS

- A. Review, consideration, and possible acceptance of a Deed of Dedication offered by Joy Global Surface Mining Inc., for a permanent non-exclusive Right-of-Way for a public street and utilities associated with a segment of P & H Drive, and matters related thereto. **FOR POSSIBLE ACTION**

Staff has been working with property owners to vacate a portion of P & H Drive but in order to allow for a cul-de-sac turnaround at the end of the dedicated right-of-way, the owners must offer for dedication the two radius of the cul-de-sac. CL

- B. Review, consideration, and possible approval of Map of Reversion to Acreage No. 1-18, filed by Joy Global Surface Mining Inc., for the purpose of reverting to acreage parcel 1 as shown on the Parcel Map File No. 540773, parcel 5 as shown on Parcel Map File No. 536866, parcel 6 as shown on Parcel Map File No. 549501 and Parcel 2 as shown on Boundary Line Adjustment File No. 680243, identified as APN 001-679-005, 001-679-015, 001-679-016 & 001-679-014, located generally southwest of the intersection of W. Idaho Street and P & H Drive, and matters related thereto. **FOR POSSIBLE ACTION**

Staff has been working with the property owners on a variety of applications with relation to the proposed development of the Komatsu building. The combination of the parcels is required in order to permit the building. CL

- C. Review, consideration, and possible approval of a request from the Department of Veterans Affairs (VA) for the City to agree to provide water service to a parcel located in the County to be used as a National Cemetery for Veterans, and matters related thereto. **FOR POSSIBLE ACTION**

The subject parcel is located at the intersection of Cattle Drive and Western Way. The City is currently unable to serve this property as it is located at an elevation higher than that of the water tanks. Department of Veterans Affairs has requested City Council review and approval of the following terms and conditions:

1. VA to fund the design and construction of a dedicated 4" waterline (approximately 2600 lineal feet through existing Right of Way or public easements), and a booster pump station capable of pumping 200 gpm (These plans will need to be submitted to the City, and Nevada Department of Environmental Protection (NDEP) for approval or redline comments prior to construction).
2. The waterline and booster pump station will meet City approval and upon completion of construction be accepted by the City for future maintenance.
3. VA requests City waiver of any water connection fees.

The water rate at this County parcel would be 1.5x the City rate for water service, per Elko City Code section 9-1-25 (B). RL

- D. 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

- E. Review and possible approval of a Lease Agreement between the City of Elko and Elko Leasing Company, and matters related thereto. **FOR POSSIBLE ACTION**

The Old Terminal has generally remained vacant since the opening of the Commercial Air Terminal in 2001. A few organizations have utilized the facility on a month-to-month basis throughout the years. Elko Leasing Company is agreeing to enter into a lease in order to renovate the building and bring the facility up to current codes. After construction, Elko Leasing Company will sub-lease the facility to an aeronautical use tenant. The annual revenue generated from this Lease Agreement will be \$2,647. In addition, a 2% per year escalator was included in the Lease Terms. The Lease will be for a period of Ten (10) years. JF

VI. RESOLUTIONS AND ORDINANCES

- A. Review, consideration, and possible adoption of Resolution No. 27-18, a resolution of the Elko City Council amending the Brothel Licensing Fees, and matters related thereto. **FOR POSSIBLE ACTION**

Council initiated Staff to make changes to City Code Title 4, Chapter 9, "Prostitution," as well as to complete a business impact statement on October 23, 2018. On December 11, 2018 Council determined there was a direct and significant impact to businesses due to the proposed rule fee structure (pursuant to NRS 237.080). Furthermore, Council approved the business impact statement subject to the proposed fee structure being changed to \$5,000 per applicant for the application, \$6,500 for a new license, and \$6,500 for an annual renewal of the brothel license. This resolutions contains said fee structure. KW

VII. 5:30 P.M. PUBLIC HEARINGS

- A. Review, consideration, and possible action to adopt Resolution No. 33-18, a resolution and order vacating approximately 751.83 feet of the westerly portion of P & H Drive Right-of-Way, filed and processed as Vacation No. 3-18 filed by Joy Global Surface Mining Inc., and matters related thereto. **FOR POSSIBLE ACTION**

Council accepted a petition for the subject vacation at its regular meeting of November 27, 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 regular meeting December 4, 2018, and took action to forward a recommendation to Council to adopt a resolution, which conditionally approves Vacation No. 3-18 with findings in support of its recommendation. CL

- B. Review, consideration, and possible action to adopt Resolution No. 32-18, a resolution and order vacating a portion of D Street and W. Cedar Street right-of-way abutting APN 001-143-001, consisting of an area approximately 2,467.89 sq. ft., filed and processed as Vacation No. 2-18 filed by A.M. Engineering LLC., and matters related thereto. **FOR POSSIBLE ACTION**

Council accepted a petition for the subject vacation at its regular meeting of November 13, 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 regular meeting December 4, 2018, and took action to forward a recommendation to Council to adopt a resolution, which conditionally approves Vacation No. 2-18 with findings in support of its recommendation. CL

- C. Review, consideration, and possible approval of Preliminary Plat No. 13-18, filed by Koinonia Construction, for the development of a subdivision entitled Copper Trails Phase 2 involving the proposed division of approximately 19.194 acres of property into 29 lots and a remainder parcel for residential development within the R (Single Family and Multiple Family Residential) Zoning District, and matters related thereto. **FOR POSSIBLE ACTION**

The Planning Commission considered the preliminary plat on December 4, 2018, and took action to forward a recommendation to Council to conditionally approve Preliminary Plat No. 13-18. CL

- D. Review, consideration, and possible action to adopt Resolution No. 31-18, a resolution of the Elko City Council adopting a change in zoning district boundaries from R1- Single Family Residential and R3- Multi Family Residential to R-Single Family and Multiple Family Residential, approximately 19.194 acres of property located generally northwest of the intersection of Copper Street and Mittry Avenue, filed by Koinonia Construction, and processed as Rezone No. 8-18, and matters related thereto. **FOR POSSIBLE ACTION**

The Planning Commission considered the subject zone change request on December 4, 2018 and took action to forward a recommendation to City Council to adopt a resolution which approves Rezone No. 8-18. CL

- E. Second reading, public hearing and possible adoption of Ordinance No. 838, an ordinance approving an amendment to the development agreement between the City of Elko, Nevada, a municipal corporation and political subdivision of the State of Nevada (“City”), and Copper Trails LLC, a Nevada limited liability company (“Owner”), specifically to add Phase 2 of the Copper Trails subdivision and impose a bottom of finished floor elevation for all future placement of principal building sup-gradient of the Eight-Mile drainage easement of two feet higher than the back of curb elevation as measured at the front lot line adjacent to the street of record, and to direct Staff to set the matter for second reading, public hearing and possible adoption, and matters related thereto. **FOR POSSIBLE ACTION**

Pursuant to N.R.S. 278.0205 and Section 3-2-26(F) of the City Code, Council may amend or cancel binding development agreements by mutual consent of the parties to the agreement or their successors in interest if it finds that the amendment to the agreement is consistent with the Master Plan. The amendment shall be approved by adoption of an ordinance. In this instance, the owner has requested the City amend the approved development agreement and Staff is in agreement. SAW

- F. Second reading for Ordinance No. 837, an Amendment to Title 4, and Chapter 9 of the Elko City Code entitled “Prostitution” and matters related thereto”. **FOR POSSIBLE ACTION**

Council initiated Staff to make changes to City Code Title 4, Chapter 9, “Prostitution,” as well as to complete a business impact statement on October 23, 2018. On December 11, 2018, Council determined there was a direct and significant impact to businesses due to the proposed rule fee structure (pursuant to NRS 237.080). Furthermore, Council approved the business impact statement subject to the proposed fee structure being changed to \$5000 per applicant for the application, \$6500 for a new license, and \$6500 for an annual renewal of the brothel license. During the first reading of Ordinance No. 837 on December 18, 2018 the Council approved the first reading subject to a change in *section 4-9-7 C. “Report of investigation results to within 90 days the police shall report the results of the*

foregoing investigation in writing to the Board;” Today is the second reading of the ordinance with this change included. The resolution will follow. KW

VIII. REPORTS

- A. Mayor and City Council
- B. City Manager – Barrick Community Investment Agreement – Swimming Pool
- C. Assistant City Manager – FISH Warming Shelter
- D. Utilities Director
- E. Public Works
- F. Airport Manager
- 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 – SnoBowl
- O. Civil Engineer
- 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