



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

PUBLIC MEETING NOTICE

The Elko City Council will meet in regular session on Tuesday, January 25, 2022
at 4:00., P.D.T. utilizing **GoToMeeting.com**

Please join my meeting from your computer, tablet or smartphone.

[GoToMeeting.com](https://global.gotomeeting.com/join/986357853)

<https://global.gotomeeting.com/join/986357853>

You can also dial in using your phone [+1 \(872\) 240-3212](tel:+18722403212) Access Code: **986-357-853**

Attached with this notice is the agenda for said meeting of the Elko City Council. In accordance with NRS 241.020, the public notice and agenda were posted on the City of Elko Website at <http://www.elkocity.com>, the State of Nevada's Public Notice Website at <https://notice.nv.gov>, and in the following locations:

ELKO CITY HALL

1751 College Avenue, Elko, NV 89801

Date/time Posted: 4:00 PM. Tuesday, January 25, 2022.

Posted by: Kim Wilkinson Administrative Assistant

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

Dated this 20 day of January, 2022.

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 City of Elko, City Manager's Office, 1751 College Avenue, Elko, Nevada, 89801, or By Calling (775) 777-7110

Curtis Calder, City Manager
Elko, Nevada

City of Elko
Regular Meeting
City Council Meeting
25 Tuesday January 2022 - 4:00 PM
Elko City Hall Chambers

I. 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.

II. ROLL CALL

III. PLEDGE OF ALLEGIANCE

IV. 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**

V. APPROVAL OF MINUTES

V.A. Approval of Minutes for January 11, 2022 Regular Session

VI. PRESENTATION

VI.A. Reading of a proclamation by the Mayor in recognition of the week of January 23 - 29, 2022 as School Choice Week, in Elko, Nevada and matters related thereto. **INFORMATION ONLY- NON ACTION ITEM**

VI.B. Badge Pinning Ceremony for the City of Elko Fire Department Fire Chief Jack S. Snyder III

VI.C. Presentation of 2008 Pierce 95' Mid mount Aerial Ladder Truck, and matters related thereto. **INFORMATION ONLY- NON ACTION ITEM**

VII. APPROPRIATION

VII.A. Review and possible approval of Warrants, and matters related thereto. **FOR POSSIBLE ACTION**

VII.B. Review and possible approval of Utility Refunds, and matters related thereto. **FOR POSSIBLE ACTION**

VII.C. Review and possible ratification of General Hand-Cut Checks, and matters related thereto. **FOR POSSIBLE ACTION**

VII.D. Review, consideration, and possible approval to authorize Staff to solicit bids for the Spruce Road Reconstruction Project, and matters related thereto. **FOR POSSIBLE ACTION**

This item has been approved and budgeted for in the 2021/22 Fiscal Year Budget, Capital Construction Fund

VII.E. Review, consideration, and possible action to award a bid for the City of Elko the Sewer Slip Line Project 2021, and matters related thereto. **FOR POSSIBLE ACTION**

Council directed Staff to solicit bids for the Sewer Slip Line Project 2021 on October 12, 2021. Bids were received on January 17, 2022 and opened at 3:00 pm. Instiufom Tech. was the low bid in the amount of \$233,295.00. However, there was a minor technical error in the bid alternate for \$1000. The bid amount was written as \$61,555.00 and it should have been \$62,550.00 to match the total bid cost that totaled \$233,295.00. There was an additional minor technical error as the bidder did not write the total cost out in words for each individual bid item. They did write out the total cost for the base bid and bid alternates in word form as instructed.

VII.F. Consideration and possible authorization of Amendment No. Six (6) to Contract Dated February 26, 2019 Between Jviation, Inc. and the City of Elko, Nevada and matters related thereto. **FOR POSSIBLE ACTION**

This item is to amend the current contract between the City of Elko and Jviation, Inc. Contract amendment #6 will cover fees associated with a geotechnical study for Airport Improvement Project # 58 Reconstruct Air Carrier Terminal Apron Phase I, Design. on October 26, 2021 staff was authorized to apply for FAA AIP Grant #58. The award of the grant is pending for Fiscal Year 2022. This expense is reimbursable once the grant is awarded.

VIII. UNFINISHED BUSINESS

VIII.A. Review, consideration, and possible action on Curb, Gutter, and Sidewalk Waiver No. 2-21, filed by Karen Hernandez, requesting the City of Elko waive the requirement for curb, gutter, and sidewalk along the Carlin Court frontage adjacent to 698 S. 5th Street, and matters related thereto. **FOR POSSIBLE ACTION**

Per Elko City Code Section 8-21-3, public improvements are required on lots or parcels upon change of use. The applicant has purchased the property after being vacant for more than 12 months, eliminating any legal non-conforming status and creating a change of use. This change to

the property has triggered the requirement to construct sidewalk along both frontages of the property. The applicant is requesting that the requirements be waived only on the Carlin Court frontage. Staff has reviewed the waiver request and recommends denial of the waiver for curb, gutter, and sidewalk as outlined in the attached memo. MR

VIII.B. Review, consideration, and possible approval of a Transportation Services Agreement between SkyWest Airlines, Inc. and the City of Elko, and matters related thereto. **FOR POSSIBLE ACTION**

This action item was tabled at the January 11, 2022 Council meeting. At the December 14, 2021 meeting, the City Council approved a consulting agreement between the City of Elko and Airplanners, LLC, for the purpose of providing air service management and development tasks on behalf of the City. As a result, the proposed Transportation Services Agreement is actively being negotiated and will be presented to the City Council upon its availability. CC

IX. NEW BUSINESS

IX.A. Review and possible approval for disbursing American Rescue Plan Act (ARPA) funds to local tourism organizations based on the Department of the Treasury lost revenue calculation and City Code Recreation Fund Transient Lodging distribution formula. **FOR POSSIBLE ACTION**

The American Rescue Plan Act of 2021 (ARPA) was established to help states and localities address the economic and health consequences of the COVID-19 public health emergency and its economic impacts through four categories. One of the four categories states “For the provision of government services to the extent of the reduction in revenue due to the COVID-19 public health emergency relative to revenues collected in the most recent full fiscal year prior to the emergency.” Staff used the United States Department of Treasury lost revenue calculation to determine the lost revenue specifically attributable to the transient lodging tax revenue for the 12 months ending December 31, 2020. Based on this calculation staff determined the lost revenue impact on the local tourism organizations that receive transient tax from the Recreation Fund per the City Code formula. The following is a list of calculated ARPA lost revenue amounts staff recommends distributing to the following organizations:

Elko Convention and Visitor’s Authority (ECVA) \$ 195,527.98
ECVA – Advertising \$ 144,073.25
ECVA – Facility \$ 164,655.14
Elko County Recreation Board \$ 51,454.73
Western Folklife Center \$ 20,581.89
Elko County Fair Board \$ 41,163.79
Total \$ 617,456.79

IX.B. Review, consideration, and possible approval of Revocable Permit No. 6-21, filed by Maverick Elko LLC, to occupy a portion of Idaho Street Right-of-Way to accommodate existing lighting, landscaping, a freestanding sign, and a backflow prevention device located generally west of the intersection of E. Jennings Way and Idaho Street, and matters related thereto. **FOR POSSIBLE ACTION**

The applicant has recently applied for a building permit for a backflow prevention device to be located within the small existing landscape island within the Idaho Street right-of-way. The existing landscaping, sign, and lighting do not have a revocable license agreement to occupy Idaho Street right-of-way. With approval of the revocable permit, it brings the property into conformance.

X. RESOLUTION AND ORDINANCE

X.A. Review, discussion, and possible adoption of Resolution No. 03-22, a resolution approving procedures for the review and granting of revocable licenses to occupy City of Elko Street Rights-of-Way, and matters related thereto. **FOR POSSIBLE ACTION**

The State of Nevada has changed the requirements for businesses in relation to water and sewer since the adoption of Resolution 37-98 resulting in the need for additional infrastructure for businesses which at times can only be located within the Right-of-Way. With the previously approved resolution, administrative approval didn't include infrastructure such as backflow prevention devices or grease interceptors.

XI. REPORTS

XI.A. Mayor and City Council

XI.B. City Manager

XI.C. Assistant City Manager

XI.D. Utilities Director

XI.E. Public Works

XI.F. Airport Manager

XI.G. City Attorney

XI.H. Fire Chief

XI.I. Police Chief

XI.J. City Clerk

XI.K. City Planner

XI.L. Development Manager

XI.M. Financial Services Director

XI.N. Parks and Recreation Director

XI.O. Civil Engineer

XI.P. Building Official

XII. 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

**Elko City Council
Agenda Action Sheet**

1. Title: Approval of Minutes for January 11, 2022 Regular Session
2. Meeting Date: 1/25/2022 4:00 PM - Regular Meeting
3. Agenda Category:
4. Time Required:
5. Background Information:
6. Budget Information:

Appropriation Required:
Budget amount available:
Fund name:
7. Business Impact Statement: *(If Business Impact Statement is required, please attach)*
8. Supplemental Agenda Information:
9. Recommended Motion:
10. Prepared By:
11. Committee/Other Agency Review:
12. Council Action:
13. Council Agenda Distribution: *(Please list the name, email address, fax number or mailing address for anyone needing to receive a copy of this agenda)*

Name	Email Address	Fax Number	Mailing Address
<#DistributionName>	<#DistributionEmail>	<#DistributionFax>	<#DistributionMailing>

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

SS January 11, 2022

The City Council of the City of Elko, State of Nevada met for a regular meeting beginning at 4:00 PM, Tuesday, January 11, 2022. The meeting was held in the council chambers, 1751 College Ave., Elko and via GoTo Meeting.

This meeting was called to order by Mayor Reece Keener. The public can participate in person, by phone, tablet, laptop, or computer by registering with the GoTo Meeting link provided in the agenda. Questions can be sent to cityclerk@elkocitynv.gov.

I. **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.

II **ROLL CALL**

Present:

Reece Keener, Mayor
Mandy Simons, Councilwoman
Chip Stone, Councilman
Clair Morris, Councilman
Giovanni Puccinelli, Councilman

City Staff Present:

Diann Byington, Recording Secretary
Jan Baum, Financial Services Director
Curtis Calder, City Manager
Jeff Ford, Building Official
Jim Foster, Airport Manager
Cathy Laughlin, City Planner
Candi Quilici, Accounting Manager
Michele Rambo, Development Manager
DJ Smith, Computer Information Systems Coordinator
Jack Snyder, Fire Chief
Dave Stanton, City Attorney
Dennis Strickland, Public Works Director
Bob Thibault, Civil Engineer
Ty Trouten, Police Chief
Scott Wilkinson, Assistant City Manager
Kelly Wooldridge, City Clerk
James Wiley, Parks and Recreation Director
Dale Johnson, Utilities Director

III. PLEDGE OF ALLEGIANCE

IV. 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**

Lee Hoffman, 1805 Barrington Ave., read a statement (Exhibit "A").

Mayor Keener thanked the Streets Department for working overtime over the holiday season battling the snow fall. They did a terrific job on the Priority 1 roads. It is difficult to keep up with things when there are so many miles to cover.

VI. PRESENTATION

VI.A. Reading of a proclamation by the Mayor declaring the month of January 2022 as "National Radon Action Month, and matters related thereto. **INFORMATION ONLY - NON ACTION ITEM**

Mayor Keener read the proclamation.

V. APPROVAL OF MINUTES

V.A. Approval of Minutes: December 14, 2021 REGULAR MEETING

Councilwoman Simons abstained because she left the meeting early.

The minutes were approved by general consent.

VII. CONSENT AGENDA

VII.A. Review, consideration, and possible approval of a List of Appraisers, recommended by the City Manager, for the purpose of conducting appraisals during the 2022 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 submit a List of Appraisers qualified to conduct business in the City of Elko to the City Council on or about January 1st 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

VII.B. Review, consideration, and possible approval for the Elko Police Department to accept an \$81,000.00 grant from the Justice Assistance Grant (JAG) program to assist with costs

associated with digital forensics equipment, and matters related thereto. **FOR POSSIBLE ACTION**

VII.C. Review, consideration, and possible approval for the Elko Police Department to accept a \$27,000.00 grant from the Justice Assistance Grant (JAG) program to assist with costs associated with the operation of the Elko Combined Narcotics Unit, and matters related thereto. **FOR POSSIBLE ACTION**

VII.D. Review, consideration, and possible approval of the Motorola Solutions, Inc. Equipment Lease-Purchase Agreement #25207, and matters related thereto. **FOR POSSIBLE ACTION**

On November 23, 2021, the City Council approved the Financing Proposal and Shared Agency Agreement from Motorola Solutions, Inc. for Flex Records Management Software for the Elko Police Department, in the amount of \$258,915.76. Approval of the enclosed Agreement #25207 and subsequent City of Elko Resolution No. 02-22 finalizes the transaction. CC

**** A motion was made by Council Member Simons, seconded by Council Member Stone to approve the consent agenda.**

The motion passed unanimously. (5-0)

VIII. PERSONNEL

VIII.A. Election of Mayor Pro Tempore, and matters related thereto. **FOR POSSIBLE ACTION**

Mayor Keener asked if Councilwoman Simons was interested in continuing with being the Mayor Pro Tempore.

Councilwoman Simons answered she was happy to do it.

**** A motion was made by Council Member Stone, seconded by Council Member Puccinelli to have Councilwoman Simons continue to be Mayor Pro Tempore.**

The motion passed unanimously. (5-0)

VIII.B. Mayoral designation of City Council members to specific “Liaison” positions within the City of Elko, and matters related thereto. **NON ACTION BY COUNCIL REQUIRED**

1. Police Department Liaison
2. Public Works 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. Redevelopment Advisory Council (Board Member)
11. Stormwater Advisory Board
12. ECVA (Board Member)
13. NNRDA (Board Member)
14. Elko County Commission Liaison
15. Elko County Water Planning Commission Liaison
16. Elko County Fair Board Liaison
17. Elko County Regional Transportation Commission (Board Member)
18. Elko County Debt Management Commission (Board Member)
19. Elko County Recreation Board (Board Member)
20. Arts and Culture Advisory Board
21. Other Departments Not Listed

Mayor Keener said he polled the board members and everyone was satisfied with what was there. He made a couple of changes. He assigned himself as the IT liaison. He received an email from Mayor Johnson who suggested a liaison to the Ruby View Golf Course. He wondered who would be interested in the position.

Councilmembers Morris and Puccinelli were willing to take the role.

Mayor Keener gave the assignment to Councilman Morris in first position and put Councilman Puccinelli as second.

Mayor Keener stated the worksheet had everyone being assigned to the Elko County Recreation Board. In the past, there had only been four assigned.

Councilwoman Simons volunteered to step down from that board.

IX. APPROPRIATION

IX.A. Review and possible approval of Warrants, and matters related thereto. **FOR POSSIBLE ACTION**

**** A motion was made by Council Member Morris, seconded by Council Member Puccinelli to approve the regular warrants, in the amount of \$526,000.95.**

The motion passed unanimously. (5-0)

IX.B. Review and possible approval of Utility Refunds, and matters related thereto. **FOR POSSIBLE ACTION**

**** A motion was made by Council Member Morris, seconded by Council Member Puccinelli to approve the utility refunds, in the amount of \$258.51.**

The motion passed unanimously. (5-0)

IX.C. Review and possible ratification of General Hand-Cut Checks, and matters related thereto. **FOR POSSIBLE ACTION**

**** A motion was made by Council Member Morris, seconded by Council Member Puccinelli to approve the general hand-cut checks, in the amount of \$598,182.28.**

The motion passed unanimously. (5-0)

IX.D. Review and possible approval of Print 'N Copy Warrants, and matters related thereto. **FOR POSSIBLE ACTION**

**** A motion was made by Council Member Morris, seconded by Council Member Simons to approve the Print 'N Copy warrants, in the amount of \$59.01.**

The motion passed. (4-0 Mayor Keener abstained.)

IX.E. Review, consideration, and possible action to award a bid for the City of Elko WRF Digester Improvements and Boiler Upgrade Project, and matters related thereto. **FOR POSSIBLE ACTION**

Council directed Staff to solicit bids for the WRF Digester Improvements and Boiler Upgrade Project on September 14, 2021. Bids were received on December 28^h and opened at 3:00 pm. S & S Mechanical was the lowest bid in the amount of \$646,000.00. There was a minor technical error in the bid item No.7 Unit Price written as \$9500.00. The unit price should have been \$19,000.00 to match the total cost written as \$19,000.00. This minor technical error did not change the total bid amount as it was written correctly. A Bid Tally Sheet has been provided. DJ

Dale Johnson, Utilities Director, explained the minor technical error. Legal weighed in on this and may have some comments. The project engineer was also present.

Dave Stanton said the Council does have the authority to waive minor technical error in bids. If Council is included to waive it, the motion should have some findings as part of it.

Mayor Keener asked about energy efficiency.

Mr. Johnson answered it is an energy efficient boiler. They will be removing two boilers and putting in one. The boiler will run off natural gas and/or digester gas.

Mayor Keener called for public comments without a response.

**** A motion was made by Council Member Simons, seconded by Council Member Stone to waive the minor technical error on item #7 for S & S Mechanical, noting it was a minor technical error that did not change to the total bid amount and did not give them a competitive edge.**

The motion passed unanimously. (5-0)

**** A motion was made by Council Member Simons, seconded by Council Member Stone to award the bid for the WRF Digester Improvements and Boiler Upgrade Project, in the amount of \$646,000 to S & S Mechanical.**

The motion passed unanimously. (5-0)

X. SUBDIVISION

X.A. Review, consideration, and possible action to conditionally approve Parcel Map No. 2-21, filed by Lynn and Penny Forsberg, for the proposed division of approximately 0.988 acres of property into 2 lots for residential development within the R (Single-Family and Multiple-Family Residential) Zoning District, and matters related thereto. **FOR POSSIBLE ACTION**

The subject property is located on the south side of Fairway Drive between Hannah Drive and Keppler Drive (APN 001-553-009). The Parcel Map includes a Modification of Standards for the width of Parcel 2, requiring City Council approval. The Planning Commission considered this item on January 4, 2022, and took action to forward a recommendation to conditionally approve Parcel Map 2-21. MR

Michele Rambo, Development Manager, explained the request. This lot was designated as a park when it was annexed into the City. We need to do a Master Plan amendment for this. They also need a modification of standards for lot #2. Staff felt the modification of standards was warranted due to the topography of the site. The parcel map complies with all other requirements. She recommended conditional approval.

**** A motion was made by Council Member Stone, seconded by Council Member Morris to conditionally approve Parcel Map No. 2-21, subject to the findings and conditions as recommended by the Planning Commission, with a modification of standards for parcel 2 to allow for a shorter than required lot width due to topography.**

The motion passed unanimously. (5-0)

XI. NEW BUSINESS

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

City Council accepted a Letter of Resignation at their November 23, 2021. Staff conducted the standard recruitment process and has received one (1) letter of interest to serve on the Planning Commission, copy of which is included in the packet.

Cathy Laughlin, City Planner, said the one letter of interest was included in the packet. She recommended approval.

Garrett Kamps, Elko, said he was excited to be on the Planning Commission.

Mayor Keener said it is easier for the board when there is only one applicant.

**** A motion was made by Council Member Stone, seconded by Council Member Puccinelli to appoint Garrett Kamps to fill the vacancy on the Elko Planning Commission with a term expiring on July 2024.**

The motion passed unanimously. (5-0)

XI.B. Review, consideration, and possible action to accept the 2022 Planning Commission Work Program, and matters related thereto. **FOR POSSIBLE ACTION**

The Planning Commission considered a draft 2022 Work Program at their meeting January 4, 2022. They took action to approve the Work Program and forward it to Council for acceptance. CL

Ms. Laughlin explained a copy of the Planning Commission 2022 Work Program was included in the packet. The Planning Commission recommended approval.

Mayor Keener noted the sign ordinance has been on there for a number of years. Has there been any progress on it?

Ms. Laughlin answered they received a scholarship grant to attend a sign ordinance school back in 2020 but it was canceled. It was also canceled in 2021. She hoped to be able to attend in 2022. She has reached out to an attorney that specializes in sign code and he will be helping in reviewing and changing the code.

Mayor Keener asked if this will include any code enforcement.

Ms. Laughlin answered no but she does work closely with the Code Enforcement Officer on other issues.

Councilman Stone asked about Master Plan revisions.

Ms. Laughlin answered the NRS allows cities to modify their Master Plans four times a year. We usually do one to two amendments a year.

**** A motion was made by Council Member Morris, seconded by Council Member Simons to accept the 2022 Planning Commission Work Program.**

The motion passed unanimously. (5-0)

XI.C. Review, consideration, and possible action to approve the Arts and Culture Board fundraising for the 2026 Sestercentennial Art Project utilizing the Flag Foundation and/or the Elko Art Foundation as fiscal agents, and matters related thereto. **FOR POSSIBLE ACTION**

The Arts and Culture Advisory Board would like to begin fundraising for the 2026 Sestercentennial Project. The project will be located near the existing flag on city owned property. SAW

Scott Wilkinson, Assistant City Manager, introduced Ms. Wines to present the project.

Catherine Wines, Arts and Culture Advisory Board, said the ACAB have done 3 projects commemorating times in our history; the World Trade Center memorial, the sagebrush and the boot project. She showed a picture of the project they are proposing (Exhibit "B"). They are proposing big metal letters similar to the Hollywood sign, but steel placed on a framework behind it. We are thinking of making the letters 26 feet tall since it will be 2026. She will donate her time for the project and hoped she could get other professionals to donate their time too. She asked for permission to move forward, to work with the Flag Foundation and raise some money for the project.

Jon Warrenbrock said the top of the flag is 5,280 feet, one-mile-high, by design.

Councilman Stone asked if this will face the highway or the City.

Ms. Wines answered the City. They will be in touch with NDOT to make sure there are no issues with the project. It will be big. It may be our Mt. Rushmore.

Jon Warrenbrock said the City pays for the power up there. LED lighting would be the most efficient form of lighting. There will be some additional costs to the City for this.

Councilman Stone asked what color it would be.

Ms. Wines answered she is looking at colors and hasn't decided yet. It will need to be highly visible. This is a concept right now.

Mayor Keener called for public comment without a response.

**** A motion was made by Council Member Stone, seconded by Council Member Morris to approve the Arts and Culture Advisory Board fundraising for the 2026 Sestercentennial Art Project utilizing the Flag Foundation and/or the Elko Art Foundation as fiscal agents.**

The motion passed unanimously. (5-0)

XI.D. Review, consideration, and possible approval to request appraisal proposals from the the three appraisers presented by Union Pacific Railroad, and matters related thereto. **FOR POSSIBLE ACTION**

An appraiser is to be jointly selected by the City of Elko and Union Pacific Railroad pursuant to the Appraisal Agreement dated November 1, 2021. Union Pacific has provided a list of their approved appraisers, which are all included on the City of Elko's Appraiser List. SAW

Scott Wilkinson, Assistant City Manager, asked UPRR if they had a preference for an appraiser. They sent us the three appraisers to choose from. If this is approved by City Council, we would reach out to all three and ask for proposals from all three. We believe three months would be adequate to get the work done. We will get the proposals back and look at that and verify with UP which one they believe would be adequate, Council would approve that, and then we move forward with the appraisal.

**** A motion was made by Council Member Simons, seconded by Council Member Puccinelli to approve the three appraisers presented by Union Pacific Railroad.**

The motion passed unanimously. (5-0)

XI.E. Review, consideration, and possible approval of a Reimbursement Agreement for Preliminary Engineering Services with the Union Pacific Railroad Company, for design of a pedestrian crossing along Hot Springs Road at the existing railroad tracks, and matters related thereto. **FOR POSSIBLE ACTION**

The City Engineering Department has been tasked with designing a pedestrian crossing across the railroad tracks at Hot Springs Road. The Union Pacific Railroad Company requires that all new construction be coordinated through their engineering consultant, per this reimbursement agreement. The estimated cost for this preliminary engineering design assistance is \$25,000. BT

Bob Thibault, Civil Engineer, said he did the design for the crossing but it is UPRR practice to include a designer that is more versed in these crossings. This will include travel for the consultants and meetings, reviews and revisions.

Mayor Keener asked what the driver was on this and he was told the UPRR has been on us to get it done for some time. With the humanitarian camp on Hot Springs Road, it has become more of a front burner issue. Also the new shop building that was just completed on STP road.

Curtis Calder, City Manager, said it is driven by the increase in pedestrian traffic there.

**** A motion was made by Council Member Morris, seconded by Council Member Simons to approve the Reimbursement Agreement for Preliminary Engineering Services with the Union Pacific Railroad Company.**

The motion passed unanimously. (5-0)

XI.F. Review, consideration, and possible approval of the Second Amendment to Agreement to Install Improvements and Provide Maintenance Guaranty with Copper Trails, LLC for Phase 2, Unit 1 of the Copper Trails Subdivision, and matters related thereto. **FOR POSSIBLE ACTION**

As required by Elko City Code 3-3-21, the City and Copper Trails, LLC entered into an agreement to install improvements for Phase 2, Unit 1 of the Copper Trails Subdivision on July 23, 2019. Section 1F of the Performance Agreement allows for a 12-month extension upon approval of the City Council. A six-month extension by means of a first amendment to the agreement was granted by the City at their July 13th meeting. The agreement, as amended, is now set to expire on January 23, 2022. Copper Trails, LLC has determined that they will not be able to complete the subdivision improvements before this expiration date and has requested another six-month extension, which would require a second amendment to the agreement.

Section 1F of the Performance Agreement outlines the requirements for the City Council to approve an extension. These include: 1) the developer has satisfactorily performed its duties under the agreement to date, 2) the developer has diligently and in good faith attempted to complete the work but has been unable to do so due to events beyond the developer's control, and 3) the Maintenance Guarantee has been provided to the City. MR

Michele Rambo, Development Manager, explained the original performance agreement was set to expire last July. He requested a 12-month extension and was given a 6-month extension.

Luke Fitzgerald, 2446 Crestview Drive, said they are done with the project other than some punchlist items. They have been diligently working to get things done. There have been a number of items that have happened out of his control over the last 2 years. He needs the 6-month extension because the punch list items cannot be completed until winter is over.

Councilman Puccinelli said he understands what is going on with materials because he is seeing it personally. He would rather see him finish this than have our guys go and do it.

Mayor Keener said he had no issue with continuing this for another 6 months.

Mr. Fitzgerald said he will be in front of Council for another project because a subcontractor could not finish his project. The last two years have been challenging. He never thought he would be here for the first extension and now for another one. Things happen and now its winter. He would love to say 6 months would be enough time but he can't guarantee that. He would love to meet with staff to find a way to make these agreements more developer friendly because he would hate to see projects and developers be shut down.

Mayor Keener thought that a working session would be good. A lot of this code is driven by state regulations but we do have flexibility on some items. He suggested a workshop.

Scott Wilkinson, Assistant City Manager, said the real issue is the expiration of the approvals in the NRS for the map approvals. You can get your map approved, but if you don't get your improvements completed in a timely manner, those approvals expire per the NRS.

Dennis Strickland, Public Works Director, said no one wants to see a construction project in the neighborhood for 5 years. The longer the project drags on the lower the integrity of the infrastructure.

Mr. Fitzgerald said as far as the integrity, the testing he is required to do is unbelievable. He understands the holdup for other developers but when that is not the case then why is it considered? He wasn't feeling like Council was trying to stop his progress but there are issues. Once winter hits, you are shut down.

**** A motion was made by Council Member Stone, seconded by Council Member Puccinelli to grant a 6-month extension from January 23rd, 2022, to Copper Trails LLC Subdivisions and approve the Second Amendment to the Performance Agreement included in the packet.**

The motion passed unanimously. (5-0)

XI.G. Review, consideration, and possible approval of a Transportation Services Agreement between SkyWest Airlines, Inc. and the City of Elko, and matters related thereto. **FOR POSSIBLE ACTION**

At the December 14, 2021 meeting, the City Council approved a consulting agreement between the City of Elko and Airplanners, LLC, for the purpose of providing air service management and development tasks on behalf of the City. As a result, the proposed Transportation Services Agreement is actively being negotiated and will be presented to the City Council upon its availability. CC

Curtis Calder, City Manager, requested the item be tabled.

**** A motion was made by Council Member Simons, seconded by Council Member Stone to table.**

The motion passed unanimously. (5-0)

XII. RESOLUTIONS AND ORDINANCES

XII.A. Review, consideration, and possible approval of Resolution No. 01-22, a Resolution and Order providing for the Elko City General Election to be held November 8, 2022, and matters related thereto. **FOR POSSIBLE ACTION**

The Elko City Council will have one (1) Mayor position and two (2) City Councilmember positions available for the election to be held November 8, 2022. The City Election shall be governed by and conducted in accordance with the Elko City Charter, Title 1 Chapter 5 of the Elko City Code, and all applicable laws of Nevada. Candidates for office may declare their candidacy at the Elko City Clerk's office March 7 – March 18, 2022. KW

Kelly Wooldridge, City Clerk, explained this starts off our election season. We will have 2 Councilmember positions and the Mayor position that will be on the ballot.

**** A motion was made by Council Member Simons, seconded by Council Member Morris to approve Resolution No. 1-22, providing for the Elko City General Election on November 8, 2022.**

The motion passed unanimously. (5-0)

XII.B. Review, consideration, and possible approval of Resolution No. 02-22, a Resolution determining the need exists to acquire the Motorola Solutions Flex Records Management Software for the Elko Police Department, and matters related thereto. **FOR POSSIBLE ACTION**

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

Curtis Calder, City Manager, explained this item is tied to the item in the consent agenda. One requirement in the agreement is to have the City Council approve a resolution.

**** A motion was made by Council Member Stone, seconded by Council Member Simons to approve Resolution No. 02-22.**

The motion passed unanimously. (5-0)

XIII. PETITIONS, APPEALS, AND COMMUNICATIONS

XIII.A. Review, consideration, and possible action on Curb, Gutter, and Sidewalk Waiver No. 2-21, filed by Karen Hernandez, requesting the City of Elko waive the requirement for curb, gutter, and sidewalk along the Carlin Court frontage adjacent to 698 S. 5th Street, and matters related thereto. **FOR POSSIBLE ACTION**

Per Elko City Code Section 8-21-3, public improvements are required on lots or parcels upon change of use. The applicant has purchased the property after being vacant for more than 12 months, eliminating any legal non-conforming status and creating a change of use. This change to the property has triggered the requirement to construct sidewalk along both frontages of the property. The applicant is requesting that the requirements be waived only on the Carlin Court frontage. Staff has reviewed the waiver request and recommends denial of the waiver for curb, gutter, and sidewalk as outlined in the attached memo. MR

Michele Rambo, Development Manager, said the applicant was unable to make it tonight and they requested the item be moved to the next meeting.

**** A motion was made by Council Member Simons, seconded by Council Member Stone to table.**

The motion passed unanimously. (5-0)

XIV. PUBLIC HEARING

XIV.A. Second reading, public hearing, and possible adoption of Ordinance No. 866, an ordinance adopting a change in zoning district boundaries from R to C – General Commercial for a portion of APN 001-560-003 and processed as Rezone 1-21, and matters related thereto.
FOR POSSIBLE ACTION

The Planning Commission held a public hearing on December 6, 2021, and took action to forward a recommendation to Council to adopt an ordinance, which approves the zoning district boundary amendment. City Council held the first reading of Ordinance No. 866 on December 14, 2021, and set the matter for second reading and public hearing. CL

Cathy Laughlin, City Planner, explained we changed our code to make modifications to zone amendments. This is the first one that we have gone through the entire new process of it being an ordinance. This is the second reading of Ordinance No. 866. This is for the McDonald's on Idaho Street. Their intent is to tear down the existing McDonald's and build a new one. The property is currently dual zoning. With the adoption of this ordinance, it will all be commercial.

Mayor Keener called for public comments without a response.

**** A motion was made by Council Member Stone, seconded by Council Member Puccinelli to conduct Second Reading, Public Hearing and adopt Ordinance No. 866.**

The motion passed unanimously. (5-0)

XIV.B. Second reading, public hearing, and possible adoption of Ordinance No. 867, an ordinance adopting a change in zoning district boundaries from GI to C – General Commercial for APN 001-335-001 and processed as Rezone 2-21, and matters related thereto, **FOR POSSIBLE ACTION**

The Planning Commission held a public hearing on December 6, 2021, and took action to forward a recommendation to Council to adopt an ordinance, which approves the zoning district boundary amendment. City Council held the first reading of Ordinance No. 867 on December 14, 2021, and set the matter for second reading and public hearing. CL

Ms. Laughlin explained this rezone is for the property on the corner of 2nd and Silver Street, formerly known as the Ruby Mountain Chiropractic office. This zone change will go from General Industrial to General Commercial. It will bring it into conformance with the Master Plan. She recommended approval.

Mayor Keener called for public comments without a response.

**** A motion was made by Council Member Morris, seconded by Council Member Simons to conduct the Second Reading, Public Hearing and adopt Ordinance No. 867.**

The motion passed unanimously. (5-0)

XV. REPORTS

XV.A. Mayor and City Council

Mayor Keener thanked Kelly Wooldridge for the reminder on the Financial Disclosures. Those are due on January 15, 2022. He reminded everyone that City Offices will be closed on Monday in observance of Martin Luther King Jr. Day.

Councilman Stone stated he has put a lot of thought and consideration as to running for office. He will be running and hoped to continue for another 4 years.

Mayor Keener said he was happy to hear that and hoped to keep the board in-tact.

Councilman Puccinelli said he hadn't thought much about it because he knew he was going to run for office.

XV.B. City Manager

Curtis Calder gave an update on the Animal Shelter. They do a lot of good work at the Shelter. They finished their statistics for 2021. They had a total intake of 1,369 animals but ten years ago that number was 3,000. That is a 54% reduction. That reduction directly relates to the Spay/Neuter Clinic that we established. Betty White passed away recently and there is a Betty White challenge circulating throughout social media to donate \$5 to an animal shelter of your choice in her name. The Animal Shelter and LASSO are accepting donations all of the time. We received more Cowboy Poetry posters that we are selling for LASSO. We actively work with animal rescue groups and a large number of animals get relocated out of our community. We should be pretty proud of the the numbers at the Shelter and all they do. It has taken 10 years to get here.

XV.C. Assistant City Manager

Scott Wilkinson said we have had one hotel sign the MOU regarding room rentals during cold weather emergencies. We have declared an emergency twice. They made 2 rooms available. The only issue was a key deposit.

Mayor Keener asked about the VA cemetery.

Mr. Wilkinson answered Cathy Laughlin has been in contact with them but there have been no recent communications with them moving that project forward.

XV.D. Utilities Director

Dale Johnson reported Mr. Shumway at Double Dice got in touch with him to let him know the parts are ordered and delivered. He plans to start construction in the next week or so. On December 23rd, we had another sewer back up at Kimberly Barris' home, 3505 Forest Court. In July 2020, we paid a claim to them for about \$12,500 for another backup. The guys handled this one better than they did the last one. The cause of this one was grease and wipes. Insurance has denied the claim and we should expect to have them come to council for payment.

Mayor Keener asked if they are the lowest property in that area.

Mr. Johnson answered they are kind of at the bottom of the line the way the line Tee's off. The hospital second source design should be complete around April and then ready to go to bid. They have signed agreements for the Errecart Water Line and Mass Grading and the Elko Mountain Water Tank and Booster Station. We should have another PSA signed by the end of the week for Cattle Drive.

XV.E. Public Works

Dennis Strickland reported the guys worked their butts off for an 8 to 9-day period. Kelly Wooldrodge was able to get the Snow Removal policy up on the website and hopefully everyone is familiar with it now. When we get storm after storm like that, we work on the main roads and then start over on the main roads. We do not want to lose those main roads. He thought the guys did a good job.

XV.F. Airport Manager

Mayor Keener asked if we ended up having 9 flights scrubbed.

Jim Foster answered we had 57 scheduled flights and 51 that were actually there. Many of the issues were due to weather.

Mayor Keener asked about the restaurant.

Mr. Foster answered they are doing well. He spoke with them this morning and he was told he would be pleased with their progress. They will be receiving the first financial report from them soon. It will be a good judge to where they are at. They are on Facebook but it is a very simple page.

XV.G. City Attorney

Dave Stanton said he has been on the board of directors for CADV for many years. There have been some changes over the last few months to include replacing the executive director. He wanted to recognize Jason Pepper, who is also on the board, with how he has taken his own time to take care of some things that were needed until they found a new executive director. He is passionate about his community and the people he serves. He also gave a shout out to the leadership of the Police Department and Chief Trouten because without his leadership, support and direction, that may not have happened. The organization continues to function and they look forward to a much more stable year.

XV.H. Fire Chief

Chief Snyder said the new ladder truck arrived right before Christmas. They hope to have it in service in February. They are working on getting information out to the public via social media about space heaters and other fire safety issues.

XV.I. Police Chief

Chief Trouten thanked Dave Stanton for his kind words and said Jason Pepper is finishing up the last grant for CADV. They learned of a program yesterday that they have to submit a letter of intent by the end of the week. Its for a grant for three years without a match that will provide tablets, training, connectivity and through the tablets, mental health resources via telehealth. It is a much needed project. There is hope that the State will step in when the grant expires. If not, perhaps they will just discontinue the program.

XV.J. City Clerk

Kelly Wooldridge reminded Council about their financial disclosures. Diann Byington will be sending out instructions on how to load Agenda To Go to their iPads.

XV.K. City Planner

No report.

XV.L. Development Manager

Michele Rambo went over the Code Enforcement Report. They received 19 complaints between September and December. For the whole year they have received 105 complaints. They currently have 33 active cases, 16 being monitored and 56 that have been closed.

XV.M. Financial Services Director

Jan Baum reported the final rule for ARPA came on Thursday morning January 6. They have been busy reading that rule. They received 18 applications for a little over \$8.1 million and they have been reviewing them. One application was withdrawn. Our first reporting will be due April 30th. The final rule, as well as the overview of the final rule, are both available on the website under the ARPA tab.

XV.N. Parks and Recreation Director

James Wiley reported at the snobowl, they were able to open with the tow rope only. The wind blew and we have some bare spots now. The crew is trying to spread out the snow so they can open up the lift. The pool will be closed down tomorrow until next Tuesday because they will be replacing the bathroom stall walls.

XV.O. Civil Engineer

No report.

XV.P. Building Official

Mayor Keener asked there was a bunch of permit returns to Beck Construction in the warrants. What was that about?

Jeff Ford said he wasn't sure but he thinks they are scaling back.

Mayor Keener said Tuesday is his turn to do the radio show but he would not be available. He asked if someone would do it for him.

Councilman Puccinelli was asked to do it since he has not done it yet.

Councilwoman Simons said she would do it with him if he wanted.

XVI. 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

There were no public comments.

There being no further business, Mayor Reece Keener adjourned the meeting.

Mayor Reece Keener

Kelly Wooldridge, City Clerk

**Elko City Council
Agenda Action Sheet**

1. Title: Reading of a proclamation by the Mayor in recognition of the week of January 23 - 29, 2022 as School Choice Week, in Elko, Nevada, and matters related thereto.

INFORMATION ONLY – NON ACTION ITEM

2. Meeting Date: 1/25/2022 4:00 PM - Regular Meeting
3. Agenda Category: Presentation
4. Time Required: 5 Minutes
5. Background Information:
6. Budget Information:

Appropriation Required: N/A
Budget amount available: N/A
Fund name: N/A

7. Business Impact Statement: Not Required *(If Business Impact Statement is required, please attach)*
8. Supplemental Agenda Information:
9. Recommended Motion: No Action Required - Information Only
10. Prepared By: Curtis Calder, City Manager
11. Committee/Other Agency Review:
12. Council Action:
13. Council Agenda Distribution: *(Please list the name, email address, fax number or mailing address for anyone needing to receive a copy of this agenda)*

Name	Email Address	Fax Number	Mailing Address
<#DistributionName>	<#DistributionEmail>	<#DistributionFax>	<#DistributionMailing>

**Elko City Council
Agenda Action Sheet**

1. Title: **Badge Pinning Ceremony for the City of Elko Fire Department Fire Chief Jack S. Snyder III, and matters related thereto. INFORMATION ONLY – NON ACTION ITEM**
2. Meeting Date: **January 25, 2022**
3. Agenda Category: **PRESENTATION**
4. Time Required: **10 Minutes**
5. Background Information:
6. Budget Information:

Appropriation Required: **\$0**
Budget amount available: **\$0**
Fund name: **N/A**
7. Business Impact Statement: **Not Required**
8. Supplemental Agenda Information: **N/A**
9. Recommended Motion: **Information only – No Action Item**
10. Prepared By: **Jack Snyder Fire Chief**
11. Committee/Other Agency Review: **N/A**
12. Council Action:
13. Agenda Distribution:

**Elko City Council
Agenda Action Sheet**

1. Title: **Presentation of the City of Elko Fire Departments 2008 Pierce 95' Mid mount Aerial Ladder Truck, and matters related thereto. INFORMATION ONLY – NON ACTION ITEM**
2. Meeting Date: **January 25, 2022**
3. Agenda Category: **PRESENTATION**
4. Time Required: **10 Minutes**
5. Background Information: **None**
6. Budget Information:

Appropriation Required: **\$0**
Budget amount available: **\$0**
Fund name: **N/A**
7. Business Impact Statement: **Not Required**
8. Supplemental Agenda Information: **N/A**
9. Recommended Motion: **Information Only – Non Action Item**
10. Prepared By: **Jack Snyder, Fire Chief**
11. Committee/Other Agency Review: **N/A**
12. Council Action:
13. Agenda Distribution:

**Elko City Council
Agenda Action Sheet**

1. Title: Review and possible approval of Warrants, and matters related thereto. FOR POSSIBLE ACTION
2. Meeting Date: 1/25/2022 4:00 PM - Regular Meeting
3. Agenda Category: Appropriation
4. Time Required: 5 Minutes
5. Background Information: None
6. Budget Information:

Appropriation Required:
Budget amount available:
Fund name:
7. Business Impact Statement: Not Required *(If Business Impact Statement is required, please attach)*
8. Supplemental Agenda Information:
9. Recommended Motion: Pleasure of the Council
10. Prepared By: Curtis Calder, City Manager
11. Committee/Other Agency Review:
12. Council Action:
13. Council Agenda Distribution: *(Please list the name, email address, fax number or mailing address for anyone needing to receive a copy of this agenda)*

Name	Email Address	Fax Number	Mailing Address
<#DistributionName>	<#DistributionEmail>	<#DistributionFax>	<#DistributionMailing>

**Elko City Council
Agenda Action Sheet**

1. Title: Review and possible approval of Utility Refunds, and matters related thereto.

2. Meeting Date: 1/25/2022 4:00 PM - Regular Meeting

3. Agenda Category: Appropriation

4. Time Required: 5 Minutes

5. Background Information: None

6. Budget Information:

Appropriation Required:

Budget amount available:

Fund name:

7. Business Impact Statement: Not Required *(If Business Impact Statement is required, please attach)*

8. Supplemental Agenda Information:

9. Recommended Motion: Pleasure of the Council

10. Prepared By: Curtis Calder, City Manager

11. Committee/Other Agency Review:

12. Council Action:

13. Council Agenda Distribution: *(Please list the name, email address, fax number or mailing address for anyone needing to receive a copy of this agenda)*

Name	Email Address	Fax Number	Mailing Address
<#DistributionName>	<#DistributionEmail>	<#DistributionFax>	<#DistributionMailing>

**Elko City Council
Agenda Action Sheet**

1. Title: Review and possible ratification of General Hand-Cut Checks, and matters related thereto. FOR POSSIBLE ACTION

2. Meeting Date: 1/25/2022 4:00 PM - Regular Meeting

3. Agenda Category: Appropriation

4. Time Required: 5 Minutes

5. Background Information:

6. Budget Information:

Appropriation Required:
Budget amount available:
Fund name:

7. Business Impact Statement: Not Required *(If Business Impact Statement is required, please attach)*

8. Supplemental Agenda Information:

9. Recommended Motion: Pleasure of the Council

10. Prepared By: Curtis Calder, City Manager

11. Committee/Other Agency Review:

12. Council Action:

13. Council Agenda Distribution: *(Please list the name, email address, fax number or mailing address for anyone needing to receive a copy of this agenda)*

Name	Email Address	Fax Number	Mailing Address
<#DistributionName>	<#DistributionEmail>	<#DistributionFax>	<#DistributionMailing>

**Elko City Council
Agenda Action Sheet**

1. **Title: Review, consideration, and possible approval to authorize Staff to solicit bids for the Spruce Road Reconstruction Project, and matters related thereto. FOR POSSIBLE ACTION**
2. Meeting Date: **January 25, 2022**
3. Agenda Category: **APPROPRIATION**
4. Time Required: **5 Minutes**
5. Background Information: **This item has been approved and budgeted for in the 2021/22 Fiscal Year Budget, Capital Construction Fund. DS**
6. Budget Information:
 Appropriation Required: **\$1,600,000.00 (approximately)**
 Budget amount available: **\$2,100,000.00**
 Fund name: **Capital Construction**
7. Business Impact Statement: **Not Required**
8. Supplemental Agenda Information:
9. Recommended Motion: **Authorize Staff to solicit bids for the Spruce Road Reconstruction Project.**
10. Prepared by: **Dennis Strickland, Public Works Director**
11. Committee/Other Agency Review:
12. Council Action:
13. Agenda Distribution: **Aaron Martinez**
 aaron@amengineering.pro

**Elko City Council
Agenda Action Sheet**

1. Title: **Review, consideration, and possible action to award a bid for the City of Elko the Sewer Slip Line Project 2021, and matters related thereto. FOR POSSIBLE ACTION**
2. Meeting Date: **January 25, 2022**
3. Agenda Category: **APPROPRIATION**
4. Time Required: **3 Minutes**
5. Background Information: **Council directed Staff to solicit bids for the Sewer Slip Line Project 2021 on October 12, 2021. Bids were received on January 17, 2022 and opened at 3:00 pm. Instiuforn Tech. was the low bid in the amount of \$233,295.00. However, there was a minor technical error in the bid alternate for \$1000. The bid amount was written as \$61,555.00 and it should have been \$62,550.00 to match the total bid cost that totaled \$233,295.00. There was an additional minor technical error as the bidder did not write the total cost out in words for each individual bid item. They did write out the total cost for the base bid and bid alternates in word form as instructed. DJ**
6. Budget Information:

Appropriation Required: **\$233,295.00**
Budget amount available: **\$300,000.00**
Fund name: **Sewer**
7. Business Impact Statement: **Not Required**
8. Supplemental Agenda Information: **Bid Tally Sheet**
9. Recommended Motion: **Move to award a bid for the Sewer Slip Line Project 2021, in the amount of \$233,295.00 to Insituform Tech. with findings of the minor technical errors.**
10. Prepared by: **Dale Johnson, Utilities Director**
11. Committee/Other Agency Review:
12. Council Action:
13. Council Agenda Distribution:

CITY OF ELKO BID TABULATION

PROJECT NAME: 2021-2022 Sewer Slip Line Project

DATE: 1/7/2022 @ 3:00 PM

				Name Address City State Phone No.		Name Address City State Phone No.	
				Insituform Tech. 10070 E. San Salvador Scottsdale, AZ 85258 480-938-7145		Sancon Technologies 5841 Engineer Drive Huntington Beach CA 92649 714-891-2323	
No.	Bid Item Description	Quantity	Unit	Unit Price	Total Amount	Unit Price	Total Amount
1	Mobilization and Demobilization @ _____ Per Lump Sum.	1	1	\$23,500.00	\$23,500.00	\$19,000.00	\$19,000.00
2	Preclean & TV 8-inch sewer main @ _____ Per Lineal Foot	3805	L.F.	\$6.50	\$24,732.50	\$6.00	\$22,830.00
3	Furnish and install 8-inch sewer main @ _____ Per Lineal Foot	3805	L.F.	\$30.50	\$116,052.50	\$28.50	\$108,442.50
4	Internally re-install sewer laterals as specified @ _____ Ea.	68	E.A.	\$95.00	\$6,460.00	\$50.00	\$3,400.00
TOTAL				<u>\$170,745.00</u>		<u>\$153,672.50</u>	
No.	Added Alternates	Quantity	Unit	Unit Price	Total Amount	Unit Price	Total Amount
1	Preclean & TV 8-inch sewer main @	2180	L.F.	\$6.00	\$13,080.00	\$8.75	\$19,075.00
2	Furnish and install 8-inch sewer main @	2180	L.F.	\$21.00	\$45,780.00	\$32.00	\$69,760.00
3	Internally re-install sewer laterals as specified @	41	EA	\$90.00	\$3,690.00	\$100.00	\$4,100.00
TOTAL				<u>\$62,550.00</u>		<u>\$92,935.00</u>	
GRAND TOTAL (Base bid and Alternates)				<u>\$233,295.00</u>		<u>\$246,607.50</u>	
				Complete Bid. However, the bidder did not write out word amounts on each individual bid item on the bid form. The numeral total on Bid Alternates was written as \$61,550.00 it should have been written as \$62,550.00. Both total amounts for the Adivative Alterantes and Base Bid were written out in words. (both written errors maybe considered as a minor technical error per legal counsel)		Complete Bid. However, the Bidder did not include a copy of their State of Nevada Contractors License. (maybe considered as a minor technical error, as other documentation can verify eleigibility with NV State Contractors Board)	

Insituform Bid Form / Errors

accordance with the "Standard Specifications and Details for Public Works Construction", 2016 Revised Edition, and amendments (Orange Book) as adopted by the City of Elko, Nevada.

Item No. & Work Description	Quantity	Unit	Unit Price	Bid Amount
1. Mobilize/Demobilize @	1	1 S	23,500	23,500.00

**Elko City Council
Agenda Action Sheet**

1. Title: **Consideration and possible authorization of Amendment No. Six (6) to Contract Dated February 26, 2019 Between Jviation, INC and The City of Elko, Nevada and matters related thereto. FOR POSSIBLE ACTION**
2. Meeting Date: **January 25, 2022**
3. Agenda Category: **APPROPRIATION**
4. Time Required: **5 Minutes**
5. Background Information: **This item is to amend the current contract between The City of Elko and Jviation, Inc. Jviation contract amendment #6 will cover fees associated with a geotechnical study for Airport Improvement project AIP 58 Reconstruct Air Carrier Terminal Apron Phase I, Design. On October 26, 2021 Staff was authorized to apply for FAA AIP Grant #58. The award of the grant is pending for Fiscal Year 2022. This expense is reimbursable once the grant is awarded. JF**
6. Budget Impact Statement:
 Appropriation Required: **\$56,123.75**
 Budget amount available:
 Fund name: **Airport Enterprise**
7. Business Impact Statement: **Not Required**
8. Supplemental Agenda Information:
9. Recommended Motion: **Move to accept Amendment Number Six (6) to the contract between Jviation Inc. and The City of Elko, Nevada.**
10. Prepared by: **Jim Foster, Airport Manager**
11. Committee/Other Agency Review: **N/A**
12. Council Action:
13. Council Agenda Distribution: **Kirk Nielsen**
 Kirk.nielsen@woolpert.com

AMENDMENT NO. SIX (6) TO CONTRACT
DATED FEBRUARY 26, 2019
BETWEEN
JVIATION, A WOOLPERT COMPANY
AND
THE CITY OF ELKO, NEVADA

The Sponsor and the Engineer agree to amend their contract for improvements to the Elko Regional Airport, Elko, Nevada to include fees for engineering services. The improvement Item No. 11 is included in the Scope of Work of the original contract. The item covered by this amendment is described as follows:

- Reconstruct Commercial Apron (Ph1-D)

The Sponsor agrees to pay the Engineer for the services listed under Section 2 of the original contract in the following manner, and within the time constraints outlined in the AIP development schedule.

PART B - SPECIAL SERVICES

The maximum estimated SPECIAL SERVICES engineering is as follows:

GEOTECHNICAL INVESTIGATIONS (FOR DESIGN)

Geotechnical Investigations Lump sum of \$56,123.75

TOTAL SPECIAL SERVICES..... \$56,123.75

Method of payment shall be as follows:

The Sponsor agrees to make monthly payments based upon the work performed by the Engineer, up to 90 percent of the total contract. The final 10 percent of the fee shall be due and payable when the project final documents have been completed and have been submitted to the Sponsor.

The FAA's federal action is limited to airport layout plan (ALP) approval of only those portions of projects that meet the criteria established in 49 U.S.C. §47107(a)(16)(B), commonly referred to as Section 163(d) of the FAA Reauthorization Act of 2018. If it is determined that the FAA does not have authority over a portion of the project and associated work completed ahead of the determination is no longer FAA eligible, the Sponsor will remain responsible for this portion of the work.

All other terms and conditions of the original contract shall remain in effect.

IN WITNESS WHEREOF, the parties hereto have affixed their signatures this _____ day of _____ 2022.

SPONSOR:
THE CITY OF ELKO, NEVADA

ATTEST:

By: _____

Name: _____

Title: _____

ENGINEER:
Jvation, A Woolpert Company

By: _____


Name: _____ Kirk Nielsen, PE

Title: _____ Office Manager

December 9, 2021

NewFields Proposal No. 21PE.077.REV1

Jviation Inc.
35 South 400 West
Suite 200
St. George, Utah
84770

Attention: Dane C. Hurst, P.E.
Project Engineer

RE: REVISED Proposal for Geotechnical Engineering Services
Elko Municipal Airport Apron Rehabilitation

Dear Diane:

Pursuant to our recent conversations NewFields is pleased to present Jviation Inc. (Jviation) with this REVISED proposal to perform Geotechnical Engineering Services for the Elko Municipal Airport Apron Rehabilitation, Project, located in Elko, Nevada. This REVISED proposal reflects changes in project schedule and budget due to a greater understanding by NewFields and the geotechnical drillers of the project requirements and constraints. Our personnel have a long history of performing civil, geotechnical and construction quality control/quality assurance services at the Elko Municipal Airport and we are very familiar with the regional soils and concrete paving materials.

The proposed scope of work and deliverables are summarized in the following sections. The estimated costs for these services are presented in the attached tables.

1. SCOPE OF WORK

The scope of work generally includes performing a geotechnical investigation for the proposed rehabilitation/reconstruction of the apron at the Elko Municipal Airport. This work scope considers that the overall project includes a geotechnical investigation in accordance with FAA Advisory Circular 150/5320-6e and actual pavement design will be completed by Jviation. Our proposed scope of work comprises of 2 work tasks.



1.1. TASK 1 – Field and Laboratory Investigation

This task includes a geotechnical field investigation and associated laboratory testing. We understand that the current site consists of 15 inches of concrete overlying 6 inches of econcrete (lean concrete mixture) placed over native soils.

NewFields will perform a field investigation to characterize the engineering properties of the subsurface soils at the site. The geotechnical investigation consists of advancing fifteen (15) test borings to depths of 10 feet below the existing concrete pavement. Borings will be advanced with a truck-mounted drill rig equipped with concrete coring and hollow stem auger drilling capabilities. Borings will be advanced at select locations as agreed upon with NewFields and Jviation. Concrete coring and photos of each core will be performed at each borehole location.

The purpose of these borings is to identify the geomechanical properties of the native soils. Within in each borehole, standard penetration tests (SPT) will be continuously performed to 10 feet depth. The SPTs will be driven by a 140-pound automatic-trip hammer falling a minimum distance of 30 inches driving the samplers up to 18 inches, as per ASTM D1586. A 1.38 inch inside diameter (ID) standard split spoon sampler will be used to collect representative samples of the subsurface soils; select samples will also be collected from the auger flights. All boreholes will be backfilled in compliance with NAC 534.4371 abandonment procedures and the pavement patched with non-shrink grout.

During the advancement of each boring, a NewFields field engineer will describe the lithologies encountered from the surface to the total depth in addition to documenting SPT values and any other characteristics of the materials encountered or site conditions worthy of note. Samples obtained from the site investigation will be categorized and identified for subsequent laboratory tests. A robust laboratory investigation is proposed and discussed to aid in the development of engineering parameters necessary for pavement design (by Jviation).

Materials encountered in each boring will be logged by a NewFields geotechnical engineer and select samples of these materials will be taken to our AASHTO accredited laboratory in Elko, Nevada. Select samples will be shipped to Sunland Analytical in Sacramento, CA, for chemical compatibility tests to identify the potential to deteriorate concrete elements. Laboratory testing to be performed will include the following:

- In-situ Density and Moisture (ASTM D 2166)
- Grain Size Analysis (ASTM C136)
- Atterberg Limits (ASTM D4318)



- Hydrometer Testing (ASTM D7928)
- Laboratory Compaction by Modified Effort Method (ASTM D1557)
- CBR, California Bearing Ratio (ASTM D1883)
- One-Dimensional Swell and Collapse Test (ASTM D4546)
- Chemical Compatibility and Concrete Corrosion Testing (AASHTO T288-T291)

1.2. TASK 2 – Geotechnical Analysis and Recommendations.

Data from the pavement field investigation and laboratory tests will be used to develop pavement and geotechnical recommendations for the project site. Subgrade recommendations will include assessment of subsurface conditions, identification of areas of concern that warrant further consideration (if applicable) and general construction recommendations in regards to subgrade preparation, earthworks, and control of water.

The results of the field investigations and analyses of the laboratory data will be included in a final composite project report incorporating all tasks completed. Within the report, NewFields will describe the objectives of the effort and the various tasks completed and will present the resultant data in text, figures, and tables with supporting data included in Appendices to the report.

2. DELIVERABLES

Deliverables will include a final geotechnical report summarizing findings and recommendations, along with a Field Exploration Plan, Borehole Logs, and Laboratory Test Results. A draft version of the deliverable will be issued in digital format for review; following receipt of comments, a final version will also be provided in digital and hard copy format. The final report will be stamped by a Professional Engineer registered in the State of Nevada.

3. ASSUMPTIONS

- NewFields will subcontract a concrete a drilling contractor, equipment and operator for the coring and drilling activities. All drill sites are accessible with a track mounted drill rig and 4x4 support truck. We anticipate that this work will require 4 working days. NewFields will coordinate field efforts with the Elko Airport to minimize fieldwork and aircraft conflicts.
- All boreholes in will be backfilled per Nevada regulatory requirements. Boreholes will be patched with non-shrink grout for the full depth of concrete.
- A total of 15 boreholes performed to depths of 10 feet, will be required.



- Upon completion of each borehole the concrete will be immediately patched; no open boreholes will be allowed.
- Utility locate services will be handled by Jviation and the Elko Airport.
- Survey of borehole locations by others, or by NewFields using handheld GPS; and
- Laboratory testing will be performed as shown in **Table 1.1.1**;

4. COST ESTIMATE

Charges for the project will be made based on our 2021 standard Unit Rates. The total estimated maximum cost for the above services is presented on the attached summary **Table 1.0**. Task-specific costs are presented on attached **Tables 1.1** and **1.2**. Laboratory Costs for all tasks are presented on attached **Table 1.1.1**. Drilling costs are included the costs presented in **Table 1.1** and a quote from the driller is provided with the cost tables. These costs are based upon the recommended sampling and testing frequency provided in FAA Advisory Circular 150/5320-6e. It is NewFields opinion, based upon our historical working knowledge of the Elko Airport, that the subsurface investigation (drilling and sampling frequency) and associated laboratory testing scope could be reduced, resulting in significant overall cost savings to this investigation program.

If scope changes are required, additional cost will be subject to approval and accrued at the unit rates included in our proposal. Should the field activities require additional time than estimated, NewFields will prepare a change notice describing the cause and anticipated effect (cost and schedule).

Should the field activities require less time than estimated NewFields will only invoice for the time spent. Additional work not included in the above scope can be performed at the rates provided in the attached tables. No additional work will be completed without prior consent from Jviation.

5. SCHEDULE

The schedule for the field and laboratory testing programs is dependent on the notice to proceed from Jviation. Current driller availability is approximately 5 to 7 weeks after providing notice to proceed. A single composite report comprised of all tasks performed will be issued approximately 4 weeks after the completion of the Field Exploration programs. We estimate the anticipated schedule for NewFields activities to be as follows:

- Task 1 – Field Exploration – 4 working days.
- Task 1 – Laboratory Testing – 21 working days. Preliminary laboratory data will be available sooner.
- Task 2 – Engineering Report – 2 weeks.



6. CLOSURE

We appreciate your consideration of our firm for the engineering services required for this project. Should you have any questions concerning this proposal, we would appreciate the opportunity to discuss them with you. If you have questions regarding this proposal, please contact this office at your earliest convenience at (775) 738-3399.

NewFields Mining Design & Technical Services

Kerry A. Magner, Ph.D., P.E.
Senior Geotechnical Engineer III

Kevin Lutes, P.E.
Principal, Partner

KM/KL

Addressee: (via e-mail)
Attachments: Cost Tables

Table 1.0 REVISED
Elko Airport Apron Reconstruction
Geotechnical Engineering Services
Cost Estimate Summary

LABOR COSTS			
STAFF CATEGORY	TASK 1	TASK 2	TOTAL
Principal/Scientist I	\$ -	\$ 880.00	\$ 880.00
Senior Project Manager II, Associate	\$ -	\$ -	\$ -
Project Manager I, Sr. Remote Sensing GIS Analyst	\$ -	\$ -	\$ -
Sr. Engineer/Scientist IV	\$ -	\$ -	\$ -
Sr. Engineer/Scientist III	\$ 1,140.00	\$ 6,840.00	\$ 7,980.00
Sr. Engineer/Scientist II	\$ -	\$ -	\$ -
Sr. Engineer/Scientist I	\$ -	\$ -	\$ -
Project Engineer/Scientist III	\$ -	\$ -	\$ -
Project Engineer/Scientist II	\$ -	\$ -	\$ -
Project Engineer/Scientist I	\$ -	\$ -	\$ -
Staff Engineer/Scientist II	\$ -	\$ -	\$ -
Staff Engineer/Scientist	\$ 822.00	\$ -	\$ 822.00
Engineer/Scientist	\$ -	\$ -	\$ -
Field/Lab Manager/CAD Manager/Special Inspector	\$ 1,080.00	\$ -	\$ 1,080.00
Senior Technician III	\$ 5,520.00	\$ -	\$ 5,520.00
Senior Technician II	\$ -	\$ -	\$ -
Senior Technician I	\$ -	\$ -	\$ -
Technician III	\$ -	\$ -	\$ -
Technician II	\$ -	\$ -	\$ -
Technician I	\$ -	\$ -	\$ -
Office Manager	\$ 180.00	\$ -	\$ 180.00
Administrator	\$ -	\$ -	\$ -
Labor Subtotal	\$ 8,742.00	\$ 7,720.00	\$ 16,462.00
REIMBURSABLE COSTS			
EXPENSE CATEGORY	TASK 1	TASK 2	TOTAL
Airfares	\$ -	\$ -	\$ -
Lodging	\$ -	\$ -	\$ -
Meals/Perdiem	\$ -	\$ -	\$ -
Vehicle Costs ^{1,2}	\$ 340.00	\$ -	\$ 340.00
Labor Based ODC ³	\$ 735.00	\$ 420.00	\$ 1,155.00
Laboratory costs	\$ 9,050.00	\$ -	\$ 9,050.00
Drilling Contractor ⁴	\$ 28,916.75	\$ -	\$ 28,916.75
Outside Contractor ⁴	\$ -	\$ -	\$ -
Miscellaneous	\$ 200.00	\$ -	\$ 200.00
Expense Subtotal	\$ 39,241.75	\$ 420.00	\$ 39,661.75
Task Total	\$ 47,983.75	\$ 8,140.00	\$ 56,123.75

1. Daily vehicle charge for short term projects (<30 days) will be applicable to vehicles furnished on-site over 4 hours per day. The rate is also good for one-way travel distance of 50 miles. A lower monthly rate can be provided for longer duration projects (>30 days).
2. IRS mileage rate will be charged in addition to daily rate for one-way travel distance in excess of 50 miles.
3. Other Direct Costs (ODC's) include postage, express mail, printing, plotting, computer and software use, telephone use and general office supplies.
4. Outside services include equipment, personnel, and services that support NewFields project work. The Cost + 15% mark-up is to cover liability assumed by NewFields. If this liability can be minimized, the mark-up can be lower.

Table 1.1 REVISED
Elko Airport Apron Reconstruction
Geotechnical Engineering Services
Task 1 - Field Exploration and Laboratory Investigation

LABOR COSTS				
STAFF CATEGORY	HOURS	Unit	Rate	Total
Principal/Scientist I	-	HR	\$220.00	-
Senior Project Manager II, Associate	-	HR	\$215.00	-
Project Manager I, Sr. Remote Sensing GIS Analyst	-	HR	\$210.00	-
Sr. Engineer/Scientist IV	-	HR	\$195.00	-
Sr. Engineer/Scientist III	6	HR	\$190.00	\$ 1,140.00
Sr. Engineer/Scientist II	-	HR	\$185.00	-
Sr. Engineer/Scientist I	-	HR	\$175.00	-
Project Engineer/Scientist III	-	HR	\$165.00	-
Project Engineer/Scientist II	-	HR	\$157.00	-
Project Engineer/Scientist I	-	HR	\$150.00	-
Staff Engineer/Scientist II	-	HR	\$145.00	-
Staff Engineer/Scientist	6	HR	\$137.00	\$ 822.00
Engineer/Scientist	-	HR	\$125.00	-
Field/Lab Manager/Special Inspector	8	HR	\$135.00	\$ 1,080.00
Senior Technician III	48	HR	\$115.00	\$ 5,520.00
Senior Technician II	-	HR	\$110.00	-
Senior Technician I	-	HR	\$100.00	-
Technician III	-	HR	\$90.00	-
Technician II	-	HR	\$85.00	-
Technician I	-	HR	\$75.00	-
Office Manager	2	HR	\$90.00	\$ 180.00
Administrator	-	HR	\$75.00	-
Labor Subtotal	70			\$8,742.00
REIMBURSABLE COSTS				
EXPENSE CATEGORY	QUANTITY	UNIT	RATE	TOTAL
Airfares	-	EST	\$600.00	-
Lodging	-	MAN-DAY	\$100.00	-
Meals/Perdiem	-	MAN-DAY	\$35.00	-
Vehicle Costs ^{1,2}	4	MAN-DAY	\$85.00	\$ 340.00
Labor Based ODC ³	70	HR	\$10.50	\$ 735.00
Laboratory costs	1	EST	\$9,050.00	\$ 9,050.00
Drilling Contractor ⁴	1	EST	\$25,145.00	\$ 28,916.75
Outside Contractor ⁴	-	EST	\$0.00	-
Miscellaneous (Shipping)	1	EST	\$200.00	\$ 200.00
Expense Subtotal				\$39,241.75
Task Total				\$47,983.75
1. Daily vehicle charge for short term projects (<30 days) will be applicable to vehicles furnished on-site over 4 hours per day. The rate is also good for one-way travel distance of 50 miles. A lower monthly rate can be provided for longer duration projects (>30 days). 2. IRS mileage rate will be charged in addition to daily rate for one-way travel distance in excess of 50 miles. 3. Other Direct Costs (ODC's) include postage, express mail, printing, plotting, computer and software use, telephone use and general office supplies. 4. Outside services include equipment, personnel, and services that support NewFields project work. The Cost + 15% mark-up is to cover liability assumed by NewFields. If this liability can be minimized, the mark-up can be lower.				

Table 1.1 REVISED
Elko Airport Apron Reconstruction
Geotechnical Engineering Services
Task 2 - Geotechnical Analysis and Reporting

LABOR COSTS				
STAFF CATEGORY	HOURS	Unit	Rate	Total
Principal/Scientist I	4	HR	\$220.00	\$ 880.00
Senior Project Manager II, Associate	-	HR	\$215.00	-
Project Manager I, Sr. Remote Sensing GIS Analyst	-	HR	\$210.00	-
Sr. Engineer/Scientist IV	-	HR	\$195.00	-
Sr. Engineer/Scientist III	36	HR	\$190.00	\$ 6,840.00
Sr. Engineer/Scientist II	-	HR	\$185.00	-
Sr. Engineer/Scientist I	-	HR	\$175.00	-
Project Engineer/Scientist III	-	HR	\$165.00	-
Project Engineer/Scientist II	-	HR	\$157.00	-
Project Engineer/Scientist I	-	HR	\$150.00	-
Staff Engineer/Scientist II	-	HR	\$147.00	-
Staff Engineer/Scientist	-	HR	\$137.00	-
Engineer/Scientist	-	HR	\$125.00	-
Field/Lab Manager/CAD Manager/Special Inspector	-	HR	\$135.00	-
Senior Technician III	-	HR	\$115.00	-
Senior Technician II	-	HR	\$110.00	-
Senior Technician I	-	HR	\$100.00	-
Technician III	-	HR	\$90.00	-
Technician II	-	HR	\$85.00	-
Technician I	-	HR	\$75.00	-
Office Manager	-	HR	\$90.00	-
Administrator	-	HR	\$75.00	-
Labor Subtotal	40			\$7,720.00
REIMBURSABLE COSTS				
EXPENSE CATEGORY	QUANTITY	UNIT	RATE	TOTAL
Airfares	-	EST	\$600.00	-
Lodging	-	MAN-DAY	\$100.00	-
Meals/Perdiem	-	MAN-DAY	\$35.00	-
Vehicle Costs ^{1,2}	-	MAN-DAY	\$135.00	-
Labor Based ODC ³	40	HR	\$10.50	\$ 420.00
Laboratory costs	-	EST	\$0.00	-
Outside Contractor ⁴	-	EST	\$0.00	-
Outside Contractor ⁴	-	EST	\$1.00	-
Miscellaneous	-	EST	\$0.00	-
Expense Subtotal				\$420.00
Task Total				\$8,140.00
1. Daily vehicle charge for short term projects (<30 days) will be applicable to vehicles furnished on-site over 4 hours per day. The rate is also good for one-way travel distance of 50 miles. A lower monthly rate can be provided for longer duration projects (>30 days). 2. IRS mileage rate will be charged in addition to daily rate for one-way travel distance in excess of 50 miles. 3. Other Direct Costs (ODC's) include postage, express mail, printing, plotting, computer and software use, telephone use and general office supplies. 4. Outside services include equipment, personnel, and services that support NewFields project work. The Cost + 15% mark-up is to cover liability assumed by NewFields. If this liability can be minimized, the mark-up can be lower.				

TABLE 1.1.1 REVISED
Elko Airport Apron Reconstruction
Geotechnical Engineering Services
Laboratory Testing

Test Description	QUANTITY	Rate	Total
Grain Size Analysis (ASTM D422)	10	\$100.00	\$1,000.00
Atterberg Limits (ASTM D4318)	10	\$100.00	\$1,000.00
Natural Density with Moisture Content (D2937)	5	\$100.00	\$500.00
Moisture Content (ASTM D2216)	5	\$25.00	\$125.00
Hydrometer Testing (ASTM D422)	10	\$150.00	\$1,500.00
Moisture Content-Density Relationship (ASTIM D1557)	5	\$185.00	\$925.00
Swell/Collapse Potential (ASTM D4546)	2	\$500.00	\$1,000.00
California Bearing Ratio Testing (ASTM D1883) 3-point Method	5	\$400.00	\$2,000.00
Chemical Compatibility Suite (AASHTO T288-T291)	5	\$200.00	\$1,000.00
Laboratory Testing Total			\$9,050.00

HAZ-TECH DRILLING, INC.
1798 E. PLAZA LOOP
NAMPA, ID., 83687
PH: (208) 461-7277 OR 800-359-1502
FAX: (208) 461-5211

PROPOSAL

TO: NEWFIELDS
ATTN: KERRY MAGNER

DATE : 12/7/2021

PROJECT: ELKO AIRPORT
PO# ELKO, NV.

TERMS : **NET 30 DAYS**

DESCRIPTION	UNITS EST	UNIT PRICE	AMOUNT EST
*****	*****	*****	*****
MOB & DEMOB, TRUCK MOUNT	1.00	\$2,750.00	\$2,750.00
DRILLING & RELATED ACTIVITIES, PER DAY	4.00	\$3,000.00	\$12,000.00
CONCRETE CORING SUPPLIES	1.00	\$6,000.00	\$6,000.00
PER DIEM, PER DAY	4.50	\$300.00	\$1,350.00
SUPPORT EQUIPMENT, PER DAY	4.00	\$150.00	\$600.00
RAPID SET CONCRETE, PER BAG	45.00	\$45.00	\$2,025.00
BENTONITE CHIPS, PER BAG (IF NEEDED)	15.00	\$8.00	\$120.00
WATER PURCHASE	1.00	\$300.00	\$300.00

	TOTAL AMOUNT EST:		\$25,145.00

15 AUGER BORINGS TO 10'

SCOTT CORN

**Elko City Council
Agenda Action Sheet**

1. Title: **Review, consideration, and possible action on Curb, Gutter, and Sidewalk Waiver No. 2-21, filed by Karen Hernandez, requesting the City of Elko waive the requirement for curb, gutter, and sidewalk along the Carlin Court frontage adjacent to 698 S. 5th Street, and matters related thereto. FOR POSSIBLE ACTION**
2. Meeting Date: **January 25, 2022**
3. Agenda Category: **UNFINISHED BUSINESS**
4. Time Required: **15 Minutes**
5. Background Information: **Per Elko City Code Section 8-21-3, public improvements are required on lots or parcels upon change of use. The applicant has purchased the property after being vacant for more than 12 months, eliminating any legal non-conforming status and creating a change of use. This change to the property has triggered the requirement to construct sidewalk along both frontages of the property. The applicant is requesting that the requirements be waived only on the Carlin Court frontage. Staff has reviewed the waiver request and recommends denial of the waiver for curb, gutter, and sidewalk as outlined in the attached memo. MR**
6. Budget Information:
 Appropriation Required: **N/A**
 Budget amount available: **N/A**
 Fund name: **N/A**
7. Business Impact Statement: **Not Required**
8. Supplemental Agenda Information: **Memo to City Council, Application, Site Plan**
9. Recommended Motion: **Deny Curb, Gutter, and Sidewalk Waiver No. 2-21 for the waiver of curb, gutter, and sidewalk along the Carlin Court frontage adjacent to 698 S. 5th Street.**
10. Prepared by: **Michele Rambo, AICP, Development Manager**
11. Committee/Other Agency Review: **Planning Department, Engineering Department, Public Works Department**
12. Council Action:
13. Agenda Distribution: **Karen Hernandez**
 1730 Celtic Way
 Elko, NV 89801
Carter Engineering, LLC
 Attn: Lana Carter
 P.O. Box 794
 Elko, NV 89803
 lanalcarter@LIVE.COM

**Elko City Council
Agenda Action Sheet**

1. Title: **Review, consideration, and possible action on Curb, Gutter, and Sidewalk Waiver No. 2-21, filed by Karen Hernandez, requesting the City of Elko waive the requirement for curb, gutter, and sidewalk along the Carlin Court frontage adjacent to 698 S. 5th Street, and matters related thereto. FOR POSSIBLE ACTION**
2. Meeting Date: **January 25, 2022**
3. Agenda Category: **PETITION**
4. Time Required: **15 Minutes**
5. Background Information: **Per Elko City Code Section 8-21-3, public improvements are required on lots or parcels upon change of use. The applicant has purchased the property after being vacant for more than 12 months, eliminating any legal non-conforming status and creating a change of use. This change to the property has triggered the requirement to construct sidewalk along both frontages of the property. The applicant is requesting that the requirements be waived only on the Carlin Court frontage. Staff has reviewed the waiver request and recommends denial of the waiver for curb, gutter, and sidewalk as outlined in the attached memo. MR**
6. Budget Information:
 Appropriation Required: **N/A**
 Budget amount available: **N/A**
 Fund name: **N/A**
7. Business Impact Statement: **Not Required**
8. Supplemental Agenda Information: **Memo to City Council, Application, Site Plan**
9. Recommended Motion: **Deny Curb, Gutter, and Sidewalk Waiver No. 2-21 for the waiver of curb, gutter, and sidewalk along the Carlin Court frontage adjacent to 698 S. 5th Street.**
10. Prepared By: **Michele Rambo, AICP, Development Manager**
11. Committee/Other Agency Review: **Planning Department, Engineering Department, Public Works Department**
12. Council Action:
13. Agenda Distribution: **Karen Hernandez
1730 Celtic Way
Elko, NV 89801**

Agenda Item

Carter Engineering, LLC
Attn: Lana Carter
P.O. Box 794
Elko, NV 89803
lanalcarter@LIVE.COM



City of Elko Development Department
1751 College Avenue
Elko, NV 89801
(775) 777-7210
FAX (775) 777-7219

Memorandum

To: City Council
From: Michele Rambo, AICP – Development Manager
RE: Curb, Gutter, and Sidewalk Waiver 2-21
Date: January 25, 2022

RECOMMENDATION: *DENIAL*

Per City of Elko Code 8-21-3 (Sidewalk, Curb, and Gutter Construction), waivers are granted when “it is impractical to install curb, gutter, and sidewalk because of circumstances beyond the reasonable control of the applicant property owner”. When considering what is outside of the control of an applicant or property owner, Staff is looking for issues such as whether an existing building on-site is in the way, if the installation would create a significant conflict with other development regulations, or if the sidewalk constitutes a safety concern due to some unique circumstance. In general, Staff considers pedestrian safety an overriding concern that is not to be waived lightly.

Existing Conditions

The property in question consists of two street frontages (S. 5th Street and Carlin Court). South 5th Street has existing curb and gutter, but no sidewalk. Carlin Court has no curb, gutter, or sidewalk. The waiver request is for improvements only along the Carlin Court frontage of the property.

The lot itself consists of a shop building. The property has been vacant for more than 12 months and has lost its legal non-conforming status.

The property recently sold and the new owner would like to open an auto repair business in this location. City Code Section 8-21-3(A) requires that curb, gutter, and sidewalk be installed “...upon developed lots or parcels of land involving a change in building occupancy and use of land...or upon a lot or parcel of land when a change of use results in a measurable increase in pedestrian or vehicular traffic...”, as is the case here. Due to the loss of the previous legal non-conforming status, any use of this parcel and/or building is considered a change in use and requires that the property be brought up to current code prior to occupancy. In addition, the anticipated auto repair business will increase the number of vehicles on this portion of Carlin Court, which in turn impacts pedestrian safety at this intersection.



Exhibit A – Existing S. 5th Street Frontage



Exhibit B – Existing Carlin Court Frontage

Discussion

The property owner had a local engineer examine if and how curb, gutter, and sidewalk could be placed along the Carlin Court frontage. The engineer determined it was possible to construct all improvements with the addition of a retaining wall. In fact, the application for the requested waiver says “it is possible to install sidewalk, curb and gutter”. The engineer’s plan for these improvements is shown below in Exhibit C and is provided in the Council packet.

The simple fact that an engineer has been able to design the required street improvements takes away any impracticality required in the City of Elko Code for the approval of a waiver. As seen in the plan below, there is no physical obstacle to these improvements.

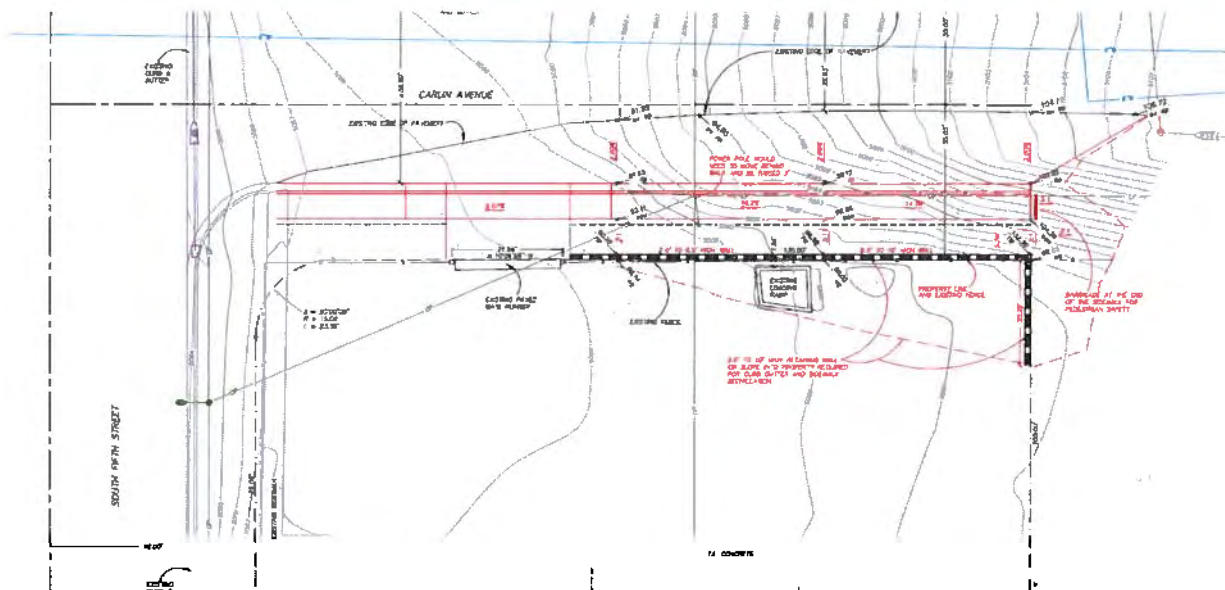


Exhibit C – Project Engineer's Plan for Sidewalk Construction

As shown below, there are several examples throughout the City of Elko where street improvements have been constructed in association with a retaining wall. Three recent projects in particular have very similar circumstances as Carlin Court. The southeast corner of W. Cedar Street and D Street was recently improved as part of the development of the office building located on-site. As shown in Exhibit D, a retaining wall was built along the property line to accommodate the street as it goes up the hill. Exhibit E also shows recent improvements at the southeast corner of Juniper Street and 6th Street. This is also an example of a sidewalk/retaining wall combination on a street with a significant slope. It is also important to note that the slope of Juniper Street at this location is approximately 17 percent, while the slope of Carlin Court is 16 percent. Finally, Exhibit F shows a newly constructed sidewalk with retaining wall on a sloped portion of Jennings Way south of Sagecrest Drive.

These are just a few of the places within the City of Elko where the slope of a street has made it necessary for a retaining wall to be built in conjunction with curb, gutter, and sidewalk. The need for retaining walls does not make the installation of street improvements impractical.



Exhibit D – Sidewalk with Retaining Wall (W Cedar/D St.)



Exhibit E – Sidewalk with Retaining Wall (Juniper/6th St.)



Exhibit F – Sidewalk with Retaining Wall (Jennings Way South of Sagecrest Dr.)

There are several common arguments that Staff hears regarding these public improvement waivers. The first is that the property “has been that way forever”. The vast majority of parcels without curb, gutter, or sidewalk are going to fit into this category. If the City of Elko starts waiving street improvements for this reason, a precedent is set which then has to be considered for all other waiver requests going forward. Since the majority of parcels where waivers would be requested “have been that way forever”, the City runs the risk of backing itself into a corner where every waiver request will have to be granted.

Another common argument is that the adjoining parcels do not have curb, gutter, sidewalk and it is not fair for the City of Elko to require a single property owner to construct them. There are situations where this argument could be relevant. An example might be where a property is located several miles from the nearest sidewalk and has frontage located within the County or NDOT jurisdiction (where the likelihood of sidewalk being constructed for connectivity is low). However, the majority of properties within the City of Elko are within a reasonable distance from other existing sidewalks.

This neighborhood consists of a large amount of children walking to Southside Elementary School. Currently, the ones walking down Carlin Court are forced to walk in the travel lanes, which significantly increases the chances for accidents resulting in serious injury or death. The US Department of Transportation (<https://highways.dot.gov/public-roads/marchapril-2012/proven-countermeasures-pedestrian-safety>) has found that “roadways without sidewalks are more than twice as likely to have pedestrian crashes as locations with sidewalks...” Therefore, the addition of sidewalk along Carlin Court will greatly benefit a child’s ability to safely walk to school. In fact, as shown in Exhibit F above, the City

of Elko recently built a stretch of sidewalk along a parcel located in Elko County for the sole purpose of creating connectivity for students to safely walk to Adobe Middle School.

In cases such as the one being considered here, the construction of curb, gutter, and sidewalk are needed to connect pieces of a larger picture. These pieces benefit the City of Elko by providing critical drainage and pedestrian pathways that will eventually connect together as a whole. When adjoining parcels are redeveloped or undergo a change of use, they will also be required to construct their share of street improvements.

Another thing to consider with a curb, gutter, and sidewalk waiver is that the City of Elko will eventually have to pay for the waived street improvements. As roads within the City of Elko get older, reconstruction of the road is inevitable. When this occurs, curb, gutter, and sidewalk will be included in the design for any parcel that does not already have these items. By granting waivers, the City of Elko is effectively agreeing to take on the future cost of installing these improvements.

Take for example the property shown in Exhibit F located on Jennings Way where the City of Elko incurred cost for installation of curb, gutter, and sidewalk adjacent to a County property to facilitate a pedestrian route adjacent to a city street. The property to the north (at the corner of Jennings Way and Sagecrest Drive) submitted a request to waive their sidewalk requirement when the house was built. This request was denied by the City Council and the property owner installed the needed sidewalk. When it came time to provide the needed connectivity for pedestrian movement to Adobe Middle School, the City of Elko only had to pay for the improvements along the one parcel located in the County. If the City Council had granted the waiver for the property to the north, the City of Elko would have had to pay that much more for the connectivity.

Conclusion:

A hardship is not just an ordinary inconvenience or difficulty. Instead, the property owner must be able to show that there is an inability to make reasonable use of the land for a reason unique to that particular property. Based on the information provided (including an engineered plan showing how improvements could be installed) the property owner in this instance has not been able to show a unique feature of the property that would prohibit curb, gutter, and sidewalk.

As mentioned at the beginning, City of Elko Code 8-21-3 (Sidewalk, Curb, and Gutter Construction), waivers are granted when "it is impractical to install curb, gutter, and sidewalk because of circumstances beyond the reasonable control of the applicant property owner". At this time, City Staff cannot find any justification for the waiver that is beyond the property owner's control. Therefore, the Development Department, Planning Department, Engineering Department, and Public Works Department are recommending denial of the proposed waiver.



CITY OF ELKO PLANNING DEPARTMENT

1751 College Avenue * Elko * Nevada * 89801

(775) 777-7160 * (775) 777-7219 fax

APPLICATION TO WAIVE CURB, GUTTER AND SIDEWALK INSTALLATION

APPLICANT(s):	Karen Hernandez		
MAILING ADDRESS:	1730 Celtic Way, Elko Nevada 89801		
PHONE NO. (Home)		(Business)	775-934-9444
NAME OF PROPERTY OWNER (If different):	Luis C. & Karen A. Hernandez <i>(Property owner consent in writing must be provided.)</i>		
MAILING ADDRESS:	1730 Celtic Way, Elko Nevada 89801		
ADDRESS AND LOCATION OF PROPERTY INVOLVED (Attach if necessary):			
698 S 5th Street, Elko Nevada 89801			
ASSESSOR PARCEL NO(S):	001-462-004		

FILING REQUIREMENTS:

Complete Application Form: In order to begin processing the application, an application form must be complete and signed. *Complete* applications are due at least two weeks before any City Council meeting.

Fee: A \$250.00 non-refundable filing fee.

Plot Plan: A plot plan provided by a properly licensed surveyor depicting the existing condition drawn to scale showing property lines, existing and proposed buildings, building setbacks, distances between buildings, parking and loading areas, driveways and other pertinent information.

Note: One .pdf (email is okay) of the entire application must be submitted, as well as one set of legible, reproducible plans 8 ½" x 11" in size.

Other Information: The applicant is encouraged to submit other information and documentation to support the request.

RECEIVED

DEC 07 2021

1. APPLICANT requests a waiver of the requirement to install curb, gutter and sidewalk as described below:

8-21-3: C. 1. Shall be based on evidence that it is impractical to install curb, gutter and sidewalk because of circumstances beyond the reasonable control of the applicant property owner.
--

2. Identify any special circumstances, features or conditions applying to the property or the surrounding area which warrant or justify the waiver (evidence that it is technically impractical to install curb, gutter and sidewalk because of circumstances beyond the reasonable control of the applicant):

While it is possible to install sidewalk, curb and gutter is it impractical to install this along Carlin Court due to the existing grading in the right of way. The installation of the curb, gutter and sidewalk would required a 2' to 10' high retaining wall or the construction of a slope encroachment of 20' into the property.
--

3. Indicate how the granting of the waiver will not result in prejudice to other properties in the vicinity nor be detrimental to the public health, safety, and general welfare.

The adjacent properties on Carlin Court do not have these improvements and it is unlikely that these will be installed because of the existing topography. If installed the sidewalk have to be barricaded at the end for safety because the existing topography does not allow for a safe transition to existing grade.
--

This area intentionally left blank,

By My Signature below:

- ☒ I consent to having the City of Elko Staff enter on my property only for the sole purpose of inspection said property as part of this application process.
- ☐ I object to having the City of Elko Staff enter onto my property as a part of their review of this application. (Your objection will not affect the recommendation made by the staff or the final determination made by the City Planning Commission or the City Council.)
- ☒ I acknowledge that submission of this application does not imply approval of this request by the City Planning Department or the City Council, nor does it in and of itself guarantee issuance of any other required permits and/or licenses.
- ☒ I acknowledge that this application may be tabled until a later meeting if either I or my designated representative or agent is not present at the meeting for which this application is scheduled.
- ☒ I have carefully read and completed all questions contained within this application to the best of my ability.

Applicant / Agent

Karen Hernandez

(Please print or type)

Mailing Address

1730 Celtic Way

Street Address or P.O. Box

Elko, Nevada 89801

City, State, Zip Code

Phone Number:

775-934-9444

Email address:

colimacolima77@gmail.com

SIGNATURE:



OFFICE USE ONLY

File No.: 2-21 Date Filed: 12/3/21 Fee Paid: \$ 250 CL# 1894



Looking up Carlin Court from 5th Street



Looking down Carlin Court to 5th Street

RECEIVED

DEC 07 2021

**Elko City Council
Agenda Action Sheet**

1. Title: Review, consideration, and possible approval of a Transportation Services Agreement between SkyWest Airlines, Inc. and the City of Elko, and matters related thereto.
FOR POSSIBLE ACTION
2. Meeting Date: 1/25/2022 4:00 PM - Regular Meeting
3. Agenda Category: Unfinished Business
4. Time Required: 10 Minutes
5. Background Information: This action item was tabled at the January 11, 2022 Council meeting. At the December 14, 2021 meeting, the City Council approved a consulting agreement between the City of Elko and Airplanners, LLC, for the purpose of providing air service management and development tasks on behalf of the City. As a result, the proposed Transportation Services Agreement is actively being negotiated and will be presented to the City Council upon its availability. CC
6. Budget Information:

Appropriation Required: N/A
Budget amount available: N/A
Fund name: N/A
7. Business Impact Statement: Not Required (*If Business Impact Statement is required, please attach*)
8. Supplemental Agenda Information:
9. Recommended Motion: Pleasure of the Council
10. Prepared By: Curtis Calder, City Manager
11. Committee/Other Agency Review:
12. Council Action:
13. Council Agenda Distribution: (*Please list the name, email address, fax number or mailing address for anyone needing to receive a copy of this agenda*)

Name	Email Address	Fax Number	Mailing Address
<#DistributionName>	<#DistributionEmail>	<#DistributionFax>	<#DistributionMailing>

Agenda Item

**Elko City Council
Agenda Action Sheet**

1. Title: **Review and possible approval for disbursing American Rescue Plan Act (ARPA) funds to local tourism organizations based on the Department of the Treasury lost revenue calculation and City Code Recreation Fund Transient Lodging distribution formula, and matters related thereto. FOR POSSIBLE ACTION**
2. Meeting Date: **January 25, 2022**
3. Agenda Category: **NEW BUSINESS**
4. Time Required: **15 Minutes**
5. Background Information: **The American Rescue Plan Act of 2021 (ARPA) was established to help states and localities address the economic and health consequences of the COVID-19 public health emergency and its economic impacts through four categories. One of the four categories states “For the provision of government services to the extent of the reduction in revenue due to the COVID-19 public health emergency relative to revenues collected in the most recent full fiscal year prior to the emergency.” Staff used the United States Department of Treasury lost revenue calculation to determine the lost revenue specifically attributable to the transient lodging tax revenue for the 12 months ending December 31, 2020. Based on this calculation staff determined the lost revenue impact on the local tourism organizations that receive transient tax from the Recreation Fund per the City Code formula. The following is a list of calculated ARPA lost revenue amounts Staff recommends distributing to the following organizations:**

Elko Convention and Visitor’s Authority (ECVA)	\$ 195,527.98
ECVA – Advertising	\$ 144,073.25
ECVA – Facility	\$ 164,655.14
Elko County Recreation Board	\$ 51,454.73
Western Folklife Center	\$ 20,581.89
Elko County Fair Board	<u>\$ 41,163.79</u>
Total	<u>\$ 617,456.79</u>

6. Budget Impact Statement:

Appropriation Required: **\$ 617,456.79**
Budget amount available: **\$ 617,456.79**
Fund name: **General Fund**
7. Business Impact Statement: **Not Required**
8. Supplemental Agenda Information: **The \$13,738,432.68 in ARPA Funds received by the City of Elko from the State of Nevada in July, 2021 were deposited into the**

Agenda Item

General Fund. This distribution, if approved, will be distributed from the General Fund directly to the beneficiary organizations.

9. Recommended Motion: **Approve disbursing \$617,456.79 in American Rescue Plan Act (ARPA) funds to local tourism organizations as outlined by staff based on the Department of the Treasury lost revenue calculation and City Code Recreation Fund Transient Lodging distribution formula.**
10. Prepared by: **Jan Baum, Financial Services Director**
11. Committee/Other Agency Review:
12. Council Action:
13. Council Agenda Distribution:

**Elko City Council
Agenda Action Sheet**

1. Title: Review, consideration, and possible approval of Revocable Permit No. 6-21, filed by Maverick Elko, LLC, to occupy a portion of Idaho Street Right-of-Way to accommodate existing lighting, landscaping, a freestanding sign, and a backflow prevention device located generally west of the intersection of E. Jennings Way and Idaho Street, and matters related thereto. FOR POSSIBLE ACTION
2. Meeting Date: 1/25/2022 4:00 PM - Regular Meeting
3. Agenda Category: New Business
4. Time Required:
5. Background Information: The applicant has recently applied for a building permit for a backflow prevention device to be located within the small existing landscape island within the Idaho Street Right-of-Way. The existing landscaping, sign, and lighting do not have a revocable license agreement to occupy Idaho Street Right-of-Way. With approval of the revocable permit, it brings the property into conformance. CL
6. Budget Information:

Appropriation Required:
Budget amount available:
Fund name:
7. Business Impact Statement: *(If Business Impact Statement is required, please attach)*
8. Supplemental Agenda Information: Application, License Agreement and Exhibits
9. Recommended Motion: Approve Revocable Permit No. 6-21 subject to the execution of a Standard License Agreement between the applicant and the City of Elko
10. Prepared By: Cathy Laughlin, City Planner
11. Committee/Other Agency Review:
12. Council Action:
13. Council Agenda Distribution: *(Please list the name, email address, fax number or mailing address for anyone needing to receive a copy of this agenda)*

Name	Email Address	Fax Number	Mailing Address
------	---------------	------------	-----------------

Agenda Item

<#DistributionName>	<#DistributionEmail>	<#DistributionFax>	<#DistributionMailing>
---------------------	----------------------	--------------------	------------------------

REVOCABLE LICENSE AGREEMENT FOR OCCUPANCY OF RIGHT-OF-WAY

THIS REVOCABLE LICENSE AGREEMENT FOR OCCUPANCY OF RIGHT-OF-WAY (hereinafter the “License Agreement”) is made this ____ day of _____, 2022 (hereinafter the “Effective Date”), by and between the **CITY OF ELKO**, a municipal corporation and political subdivision of the State of Nevada, hereinafter called the “**City of Elko**,” and **MAVERICK ELKO LLC**, a Nevada limited-liability company, hereinafter called the “**Licensee**.”

RECITALS

- A. **Licensee** owns property located generally at 2175 Idaho Street, Elko, Nevada; and
- B. **Licensee** desires to place and/or maintain lighting, landscaping, a freestanding sign and a backflow prevention device in approximately 7,279 sq. ft. of the Idaho Street right-of-way, located generally on the west side of the intersection of E. Jennings Way and Idaho Street, more particularly described in the legal description attached hereto as Exhibit A, hereinafter called the “Right-of-Way;” and,
- C. **Licensee** seeks from the **City of Elko** a revocable license to use portions of the Right-of-Way for lighting, landscaping, a freestanding sign and backflow device as shown on the site plan attached hereto as Exhibit B.

NOW, THEREFORE, in consideration of the rights and obligations contained herein, it is agreed as follows:

The **City of Elko** shall, subject to the terms and conditions contained herein, permit **Licensee** to use the Right-of-Way for the purposes set forth in this License Agreement.

The parties hereto further covenant and agree as follows:

1. **TERM**: The term of this License Agreement shall be ten (10) years, commencing on the Effective Date, which shall be the date of execution by the **City of Elko**. Notwithstanding the foregoing, the **City of Elko** may revoke this License Agreement for any reason permitted hereunder prior to the expiration of the term or any extension thereof.

In the event of the termination of the license granted hereunder by the expiration of the term or an extension thereof, or upon notice for any other reason permitted hereunder, **Licensee** shall promptly, peaceably and quietly leave, surrender and yield to the **City of Elko** the Right-of-Way in good order, condition and repair.

2. **WAIVER:** Waiver by the **City of Elko** of any breach of any term, covenant or condition herein contained shall not be deemed to be a waiver of such term, condition or covenant or any subsequent breach of the same, or any other term, condition or covenant herein contained.

3. **NOTICE:** Any and all notices or demands by or from the **City of Elko** to **Licensee**, or from the **Licensee** to the **City of Elko** shall be in writing. They shall be served either personally or by certified mail, return receipt requested. If served by certified mail, return receipt requested, the service shall be conclusively deemed made forty-eight (48) hours after the deposit thereof in the United States mail, postage prepaid, addressed to the party to whom such notice or demand is to be given and the issuance of a receipt thereof. Any notice or demand to the **City of Elko** may be given to the City of Elko at 1751 College Avenue, Elko, Nevada 89801, or at such other place or places as shall be designated by the **City of Elko** from time to time. Any notice or demand to **Licensee** shall be given to: Maverick Elko, LLC., 2926 Montessouri Street, Las Vegas, Nevada 89117.

4. **IMPROVEMENTS, REPAIRS, MAINTENANCE AND USE OF THE PROPERTY:**

(a) **Licensee** shall have the license to enter upon and occupy the Right-of-Way to develop and install lighting, landscaping, a freestanding sign and a backflow prevention device at its own expense, according to the approved site plan attached hereto as Exhibit B, ***provided***, **Licensee** must receive the prior consent of the **City of Elko** before entering upon the Right-of-Way and must thereafter act in accordance with its directions.

(b) **Licensee** shall be responsible for maintaining the lighting, landscaping, sign, backflow prevention device and related improvements in a clean, operable, and orderly manner, and in good condition and repair, at all times.

(c) **Licensee** shall secure any permits required in connection with the activities authorized hereunder and shall comply with all applicable federal, state and local laws, ordinances, resolutions or regulations.

(d) The failure of the **Licensee** to comply with any directions given by the **City of Elko** in relation to the use or occupancy of the Right-of-Way, or the failure of the **Licensee** to comply with all federal, state and local laws, ordinances, resolutions or regulations which apply to the Right-of-Way, or the **Licensee's** failure to comply with this License Agreement, shall be grounds for termination of this Licensee Agreement by the **City of Elko**. Any improvements which have been installed by the **Licensee** in the Right-of-Way shall be promptly removed by **Licensee**, at its own expense and in a workmanlike manner, upon request by the **City of Elko** following revocation or termination hereof.

5. **RIGHT OF ENTRY:** The **City of Elko** specifically reserves the right of entry upon the Right-of-Way by any authorized officer, engineer, employee, agent or contractor of the **City of Elko** at any time and for any and all purposes.

6. **INDEMNIFICATION:** Notwithstanding any other provision contained herein, **Licensee** hereby agrees to hold harmless, indemnify and defend the **City of Elko**, including, without limitation, the **City of Elko's** agents, employees and contractors, against any and all claims, demands, actions, suits, liability, cost and expense, including defense expenses, (to include, without limitation, suits for damages and injuries to persons or property) arising out of **Licensee's** acts or omissions in connection with the activities contemplated by this License Agreement.

7. **TERMINATION:** The **City of Elko** reserves the right to terminate the license hereby given at any time upon reasonable notice, which shall not be required to exceed thirty (30) days.

8. **GENERAL COVENANTS:**

(a) This License Agreement shall constitute the entire contract between the parties hereto concerning the subject matter hereof.

(b) All covenants and agreements herein contained shall extend to and be obligatory upon the heirs, executors, administrators, and assigns, as the case may be, of the

respective parties, ***provided***, under no circumstances shall **Licensee** assign its rights or obligations hereunder without the prior written consent of the **City of Elko**.

(c) As used herein, the terms the **City of Elko** and **Licensee** shall include the plural as well as the singular, and the feminine as well as the masculine and the neuter.

(d) The provisions of this license may only be altered, changed or amended by mutual written consent of the parties hereto, in accordance with the provisions and procedures herein contained.

(e) Any claim made by **Licensee** arising out of any act or omission by any officer, agent or employee of the **City of Elko** in the execution or performance of this License Agreement will be made against **City of Elko** and not against the officer, agent or employee.

(f) **Licensee** shall require each contractor or subcontractor retained to perform work in the Right-of-Way to agree in its individual contract with **Licensee** not to make any claim against the **City of Elko**, its agents or employees by reason of that contract.

(g) Nothing in this License Agreement shall be construed to give any person, other than the **City of Elko** and **Licensee**, any legal or equitable right, remedy or claim under this Agreement, but it shall be held to be for the sole and exclusive benefit of City and Consultant.

(h) This License Agreement shall be governed by the laws of the State of Nevada and jurisdiction and venue for any legal action shall be the Fourth Judicial District Court in and for Elko County, Nevada.

(i) In the event of any litigation between the parties hereto arising out of this License Agreement, or if one party seeks to judicially enforce the terms of this License Agreement, the prevailing party shall be entitled to an award of all reasonable fees and costs, including, but not limited to, reasonable attorney's fees.

(j) **Licensee** may not assign any of its rights or obligations under this License Agreement.

(k) This License Agreement shall be binding not only upon the parties hereto but also upon their respective heirs, personal representatives, assigns (subject to the limitation on assignment) and other successors in interest.

(l) In the event that any date specified in this License Agreements falls on a Saturday, Sunday or a public holiday, such date shall be deemed to be the succeeding day on which the public agencies and major banks are open for business.

(m) Time is of the essence.

IN WITNESS WHEREOF, the parties hereto have executed this license the day and year first above written.

MAVERICK ELKO LLC:

CITY OF ELKO:

By: _____

By: _____
REECE KEENER, Mayor

Title: _____

ATTEST:

KELLY WOOLDRIDGE, City Clerk

EXHIBIT A
AREA FOR REVOCABLE PERMIT TO OCCUPY IDAHO STREET RIGHT OF WAY
FOR MAVERICK ELKO, LLC

January 7, 2022

A Parcel of land located in Section 11, Township 34 North, Range 55 East, M.D.B. & M., City of Elko, Nevada, adjacent to Parcel 1 as shown on the Record of Survey, Boundary Line Adjustment for Elko R.L. Casino, Inc. and Elko TMG, Inc., on file in the Office of the Elko County Recorder, Elko, Nevada, as File No. 453606, more particularly described as follows:

Beginning at the most Southerly Corner of said Parcel 1, being Corner No. 1, the true point of beginning;

Thence N 31° 26' 07" E, 200.00 feet along the Southeasterly Line of said Parcel 1, to Corner No. 2, a point being the most Easterly Corner of said Parcel 1;

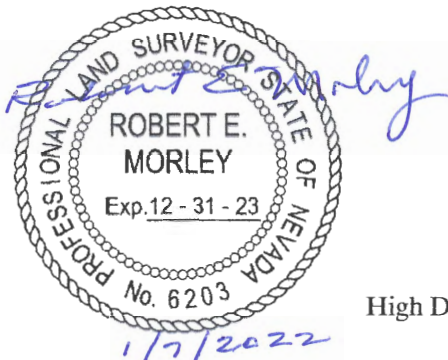
Thence S 42° 58' 39" E, 37.78 feet to Corner No. 3;

Thence S 31° 26' 07" W, 200.00 feet to Corner No. 4;

Thence N 42° 58' 39" W, 37.78 feet to Corner No. 1, the point of beginning, containing 7,279 square feet, more or less.

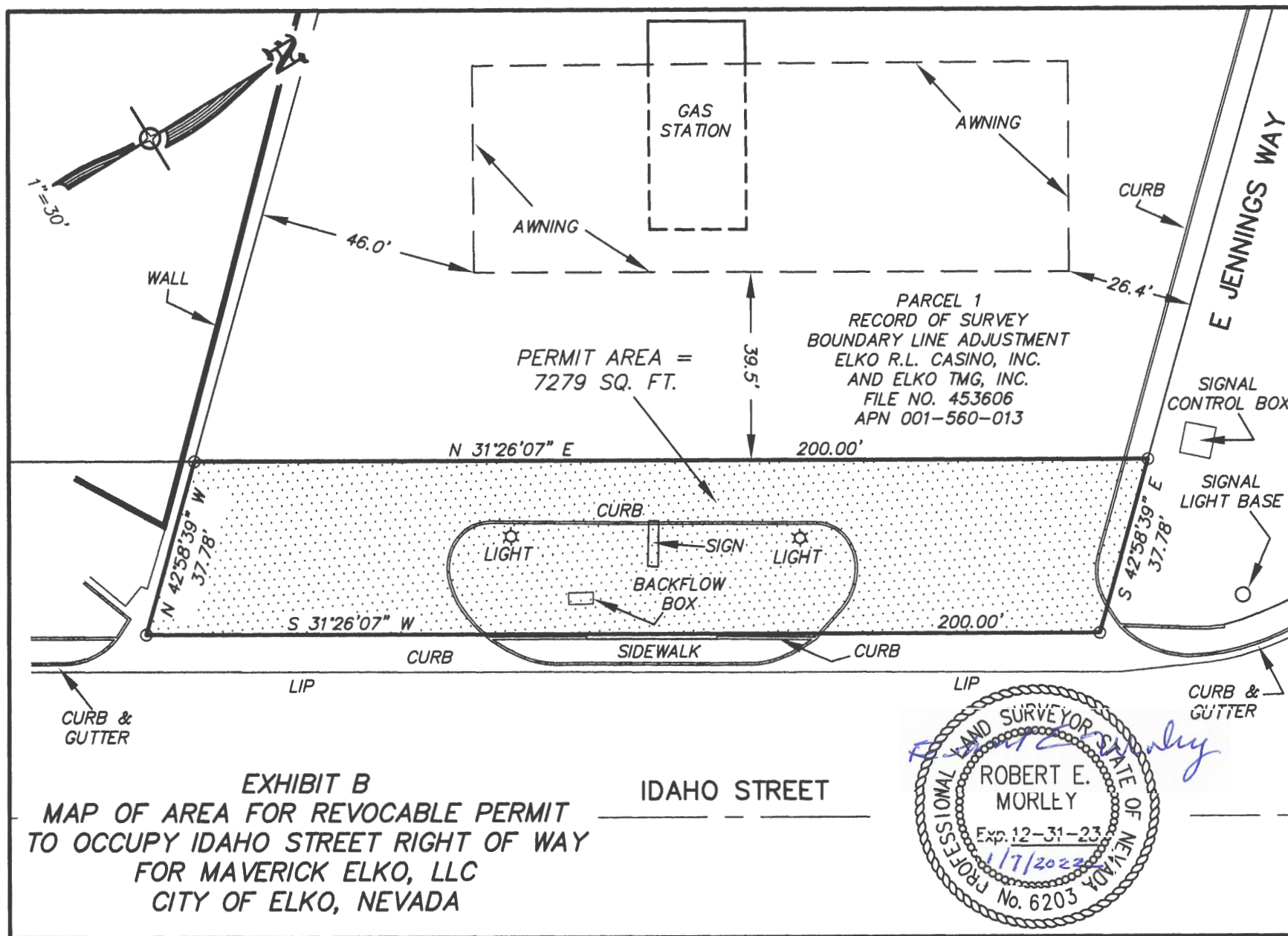
The basis of bearing for the above described parcel is the Record of Survey showing a Boundary Line Adjustment for Elko R.L. Casino, Inc. and Elko TMG, Inc., on file in the office of the Elko County Recorder, Elko, Nevada, as File No. 453606.

Reference is hereby made to Exhibit B, Map of Area for Revocable Permit to Occupy Idaho Street Right of Way for Maverick Elko, LLC, City of Elko, Nevada, attached hereto and made a part hereof.



Prepared by Robert E. Morley, PLS
640 Idaho Street

High Desert Engineering, LLC
Elko, NV 89801





CITY OF ELKO PLANNING DEPARTMENT

1751 College Avenue * Elko * Nevada * 89801 *

(775) 777-7160 * (775) 777-7219 fax

APPLICATION FOR REVOCABLE PERMIT TO OCCUPY IDAHO STREET RIGHT-OF-WAY AS PER CITY OF ELKO RESOLUTION 37-98

APPLICANT(s): Justin Beltram on Behalf of Maverick Elko, LLC

MAILING ADDRESS: 2926 Montessori St. Las Vegas, NV 89117

PHONE NO (Home): 702-429-3585

(Business)

NAME OF PROPERTY OWNER (If different): Maverick Elko, LLC

(Property owner's consent in writing must be provided.)

MAILING ADDRESS: 2065 Idaho Street, Elko, NV 89801

LEGAL DESCRIPTION AND LOCATION OF PROPERTY INVOLVED (Attach if necessary):

ASSESSOR'S PARCEL NO.: 001-560-013

Address: 2175 Idaho Street

APPLICANT'S REPRESENTATIVE: Alan Scott

FILING REQUIREMENTS:

Complete Application Form: In order to begin processing the application, an application form must be complete and signed.

Fee: A \$200.00 non-refundable filing fee

Legal Description: A metes and bounds legal description provided by a properly licensed surveyor of the boundary of the area to be used by the applicant must be provided.

Plot Plan: A plot plan provided by a properly licensed design professional drawn to scale showing the proposed boundary lines, proposed structures, signs, landscaping, etc.

Note: One .pdf of the entire application must be submitted as well as one set of legible, plans.

Other Information: The applicant is encouraged to submit other information and documentation to support the request.

Describe the proposed use of the property:	Backflow Preventer, Lighting, Signage, and landscaping that is currently located in the right-of-way.

(Dimensions) 200.00 feet X 47.76 feet (Attach Plot Plan)

(Use additional pages if necessary to address the question)

This area intentionally left blank,

THE APPLICANT HEREBY AGREES TO COMPLY WITH THE FOLLOWING:

1. That if this permit is granted, the applicant agrees that the property involved shall be subject to any utility easements affecting said area, including all existing utility mains, pipelines, laterals, sewer lines, water lines, gas lines, telephone lines, cables, television cables, electrical lines and wires, gas wires, drains and other pipes, wires and cables, and lines now located on, over, under or within said property area, strip or any portion thereof.
2. That if this permit is granted, the applicant hereby agrees that their use of said area shall be only for landscaping, driveways, fences, carports, signs, and any other such similar uses involving non-permanent structures.
3. That the applicant understands and agrees that said permit, if granted, is revocable by the City of Elko, should the City of Elko determine said right-of-way is needed for public use. Revocation of the permit to occupy the right-of-way shall be 30 days from the date of certified mailing to the permit holder, notifying permittee of the City's intent to revoke.
4. That the applicant hereby agrees that the removal and/or relocation of the permittee's improvements, desired to be retained and salvaged by the permittee, shall be the responsibility of the permittee and at the permittee's expense. Any improvements remaining after the 30 day notification period shall be removed by the City of Elko to accomplish the City's plan for public use of said area.
5. That the applicant further agrees to comply with all applicable codes and ordinances pertaining to the applicant's use of said right-of-way.

Applicant / Agent

Alan Scott

(Please print or type)

Mailing Address

2065 Idaho St.

Street Address or P.O. Box

ELKO, NV. 89801

City, State, Zip Code

Phone Number:

775-401-4348

Email address:

alan.scott@maverickgaming.com

SIGNATURE:

Alan Scott

FOR OFFICE USE ONLY

File No.: _____ Date Filed: _____ Fee Paid: _____

Cathy Laughlin

From: Justin Beltram <jb@maverickgaming.com>
Sent: Thursday, January 6, 2022 10:31 AM
To: Cathy Laughlin
Cc: Alan Scott; Steve Sirianni
Subject: Maverick Representative
Attachments: image001.png; image008.jpg; image009.jpg; image010.jpg

Hi Cathy,

Please note that Alan Scott is our company representative for Maverick Casino Hotel in Elko for all engineering projects. Please let me know if you require any additional information.

Regards,
Justin



Justin Beltram

COO

JB@Maverickgaming.com



**Elko City Council
Agenda Action Sheet**

1. Title: **Review, discussion, and possible adoption of Resolution No. 03-22, a resolution approving procedures for the review and granting of revocable licenses to occupy City of Elko Street Rights-of-Way, and matters related thereto. FOR POSSIBLE ACTION**
2. Meeting Date: **January 25, 2022**
3. Agenda Category: **RESOLUTION**
4. Time Required: **5 Minutes**
5. Background Information: **The State of Nevada has changed the requirements for businesses in relation to water and sewer since the adoption of Resolution No. 37-98 resulting in the need for additional infrastructure for businesses which at times can only be located within the Right-of-Way. With the previously approved resolution, administrative approval didn't include infrastructure such as backflow prevention devices or grease interceptors. CL**
6. Budget Information:
 Appropriation Required: **N/A**
 Budget amount available: **N/A**
 Fund name: **N/A**
7. Business Impact Statement: **Not Required**
8. Supplemental Agenda Information: **Resolution No. 03-22**
9. Recommended Motion: **Adopt Resolution No. 03-22**
10. Prepared by: **Cathy Laughlin, City Planner**
11. Committee/Other Agency Review:
12. Council Action:
13. Council Agenda Distribution:

**CITY OF ELKO
RESOLUTION NO. 03-22**

**A RESOLUTION ESTABLISHING PROCEDURES FOR THE REVIEW AND
GRANTING OF REVOCABLE LICENSES TO OCCUPY CITY OF ELKO STREET
RIGHTS-OF-WAY**

Upon introduction and motion by Council Member _____ and seconded by Council Member _____ the following Resolution was passed and adopted by no less than a majority vote of the Elko City Council:

WHEREAS, the City Council examined existing review procedures for revocable licenses (previously referred to as “revocable permits”) and specifications as previously approved under Resolution 37-98; and

WHEREAS; the State of Nevada has changed the requirements for businesses in relation to water and sewer since the adoption of Resolution 37-98 resulting in the need for additional infrastructure for businesses which at times can only be located within the right-of-way;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE ELKO CITY COUNCIL THAT the following procedures for the review and granting of revocable licenses to occupy City of Elko Street rights-of-way are hereby adopted:

1. Revocable licenses to occupy City of Elko rights-of-way shall be reviewed and considered for approval by the City Council without review by the Planning Commission unless the revocable license request directly affects or is in conflict with the Elko City Zoning Ordinance.
2. Revocable licenses to occupy Idaho Street right-of-way between VFW Drive on the west and 30th Street on the east may be reviewed and considered for approval administratively by City Staff subject to the following:
 - a. The following improvements within City of Elko rights-of-way associated with the abutting business or commercial activity shall require a revocable license: backflow prevention devices, grease interceptors, directional or advertising signs, landscaping and irrigation systems, displays for automotive or similar sales, off street parking (provided the parking is surplus and above and beyond that required by the City Code), lighting, and other infrastructure as required by the abutting business or commercial activity.
 - b. Any structures, displays or parking occupying the right-of-way shall be set back a minimum of sixteen (16) feet from the improved roadway section (back of existing or future sidewalk) to ensure adequate sight distance and

visibility for entering and exiting vehicles.

- c. Any administrative decision pertaining to a revocable license may be appealed to the City Council.

3. All revocable licenses shall be subject to and may not be utilized until execution of a standard license agreement between the applicant and the City of Elko.

IT IS FURTHER RESOLVED that this Resolution shall be effective and shall be in force immediately upon adoption, and that upon adoption of this Resolution by the City Council it shall be signed by the Mayor and attested to by the City Clerk.

PASSED AND ADOPTED this ____ day of _____, 2022.

CITY OF ELKO

By: _____
REECE KEENER, MAYOR

ATTEST:

KELLY WOOLDRIDGE, CITY CLERK

VOTE:

AYES:

NAYS:

ABSENT:

ABSTAIN: