



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, February 23, 2021 at 4:00 P.M.–7:00 P.M., P.S.T. at the Elko Conference Center, Ruby Mountain Room # 3, and by utilizing [GoToMeeting.com](https://global.gotomeeting.com)

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

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<https://global.gotomeeting.com/join/639700477>

ELKO CITY HALL

1751 College Avenue, Elko, NV 89801

Date/Time Posted: 8:30 a.m. P.S.T., Thursday, February 18, 2021

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

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>

The public can view or participate in the virtual meeting on a computer, laptop, tablet or smart phone at: <https://global.gotomeeting.com/join/639700477> You can also dial in using your phone at +1 (872) 240-3311 the Access Code for this meeting is 639-700-477 Public Comment and questions can be received by calling (775) 777-0590 or by emailing: cityclerk@elkocitynv.gov

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Dated this 18th day of February, 2021

NOTICE TO PERSONS WITH DISABILITIES

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

Curtis Calder
Curtis Calder, City Manager
Elko, Nevada

CITY OF ELKO
CITY COUNCIL AGENDA
REGULAR MEETING
4:00 P.M., P.S.T.
TUESDAY, FEBRUARY 23, 2021
ELKO CONFERENCE CENTER
RUBY MOUNTAIN ROOM, # 3
<https://global.gotomeeting.com/join/639700477>

CALL TO ORDER

The Agenda for this meeting of the City of Elko City Council has been posted for this date and time in accordance with State of Nevada Emergency Directive 006. The public can view or participate in the virtual meeting on a computer, laptop, tablet or smart phone by registering at the link above.

ROLL CALL

PLEDGE OF ALLEGIANCE

COMMENTS BY THE GENERAL PUBLIC

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

APPROVAL OF MINUTES: February 11, 2021 Special Session

I. PRESENTATIONS

- A. Presentation of an appreciation plaque to Jana B. DeLong, Assistant Pool Manager/ Head Lifeguard, for her 24 + years of service, and matters related thereto. **NON ACTION ITEM – INFORMATION ONLY**
- B. Presentation of an appreciation plaque to Timothy G. Higgins, WRF Technician I, for his 13 + years of service, and matters related thereto. **NON ACTION ITEM – INFORMATION ONLY**

II. APPROPRIATIONS

- A. Review and possible approval of Warrants, and matters related thereto. **FOR POSSIBLE ACTION**
- B. Review and possible ratification of General Hand-Cut Checks, and matters related thereto. **FOR POSSIBLE ACTION**

- C. Review, consideration and possible award of a contract for the 5th Street Park Parking Lot, and matters related thereto. **FOR POSSIBLE ACTION**

Bids were received until 3:00 p.m. on February 12, 2021. This item has been approved and budgeted for Construction in the current Fiscal Year Budget, Recreation Fund. The low bidder was Acha Construction. There was a mathematical error in bid item #4. As clearly stated in the bid documents, Instructions to Bidders, item number 25, the error has been corrected in favor of the unit price. The corrected amount of the bid is \$273,451.40. JW

- D. Review, consideration, and possible award of a contract for the Repairs and Recoating of the Ruby Vista Water Storage Tank No. 2 Project-2020, and matters related thereto. **FOR POSSIBLE ACTION**

Bids were received until 2:00 p.m. on February 16, 2021. This project was approved and budgeted in the current fiscal year. The lowest responsible bidder was Farr West Construction DBA Resource Development Company. A total of four bids were received, three on time and one was late. The late bid was rejected and not opened. Two bids were thrown out, one for incomplete paperwork and the other was for mathematical errors between written words and numerical values which constituted in inconsistent unit pricing. DJ

- E. Review, consideration, and possible approval for the Fire Department to apply for the Staffing for Fire and Emergency Response (SAFER) grant through the Federal Emergency Management Agency to hire 6 firefighters for 36 months, and matters related thereto. **FOR POSSIBLE ACTION**

The Fire Department would like to apply for the 2021 FEMA SAFER Grant. The application would apply for a 6 new firefighter positions. The grant is used to provide funding to fire departments to assist in increasing the number of firefighters to help communities meet industry minimum standards (NFPA 1710) and attain 24 hour staffing to provide adequate fire protection from fire and fire related hazards and to fulfill traditional missions of fire departments. Total amount of the grant would be approximately \$4 million dollars with no match by the City. MG

- F. Review, consideration, and possible ratification of the Coronavirus Response and Relief Supplemental Appropriations Act (CRRSA) Grant Application, and matters related thereto. **FOR POSSIBLE ACTION**

The Secretary of Transportation on February 12, 2021, announced that the Elko Regional Airport is eligible for funds under the Coronavirus Response and Relief Supplemental Appropriations Act (Public Law 116-260) (CRRSA). These funds will assist airport sponsors to address the COVID-19 public health emergency. The FAA will distribute these grants under the new Airport Coronavirus Response Grant Program (ACRGP). Providing funding for costs related to operations, personnel, cleaning, sanitization, janitorial services, combating the spread of pathogens at the airport, and debt service payments. While this funding is similar

to the CARES funding, it is more limited in scope. Any airport development must be directly related to combating the spread of pathogens at the airport. JF

III. NEW BUSINESS

- A. Review, consideration, and possible approval of a third amendment to Revocable Permit No. 3-17, filed by WANRack, LLC to occupy a portion of the City of Elko Right-of-Way, to accommodate installation of a new Fiber Optic Wide Area Network between school facilities, and matters related thereto. **FOR POSSIBLE ACTION**

Council reviewed the application for a revocable permit at their September 26, 2017 meeting and approved to enter into a license agreement with Wanrack. A first amendment to the license agreement was approved by Council on November 28, 2017 and a second amendment was approved by Council on May 8, 2018. Wanrack has changed the Scope of Work to include an additional route and therefore requiring a third amendment with new exhibits. CL

- B. Review, consideration, and possible approval of revisions to the 2021 Ruby View Golf Course Rate Structure, and matters related thereto. **FOR POSSIBLE ACTION**

On January 26, 2021, the Elko City Council approved a Golf Management Agreement between the City of Elko and TDS at Ruby View, LLC d.b.a. Duncan Golf Management. TDS at Ruby View, LLC has proposed five (5) revisions to the existing rate structure to encourage play during the 2021 Golf Season:

- 1) Offer a \$5.00 discount on Greens Fees for Duncan Golf Pass Holders from other Nevada Golf Courses.
- 2) Offer a \$5.00 discount on Greens Fees for the guests of Ruby View Golf Course Pass Holders.
- 3) Include Friday as part of Ruby View Golf Course's "Weekend Rate."
- 4) Add a \$5.00 surcharge per participant for Tournament Play, which will offset the cost of tournament coordination and provide each participant with a water bottle and bucket of range balls.
- 5) Remove the "Conversion from 9 to 18 hole" option.

Normally, revisions and/or adjustments to the rates and/or rate structure would be reviewed by the Ruby View Golf Course Financial Advisory Committee. However, the City of Elko has deferred all Advisory Board meetings due to COVID-19 restrictions. CC

IV. RESOLUTIONS AND ORDINANCES

- A. Review, consideration, and possible approval of Resolution No. 10-21, a resolution authorizing augmentation of the 2020/2021 Fiscal Year Budget of the Capital Equipment Reserve Fund, increasing appropriations to 1,888,086 to account for

\$61,426 in unanticipated revenues, pursuant to NRS 354.598005, and matters related thereto. **FOR POSSIBLE ACTION**

The Capital Equipment Reserve Fund had increased revenues transferred from the General Fund in the amount of \$61,426. These funds will be used to purchase Agenda Management Software not included in the 2020/2021 Capital Equipment Reserve Fund budget. JB

- B. Review, consideration, and possible approval of Resolution No. 11-21, a resolution authorizing augmentation of the 2020/2021 Fiscal Year Budget of the General Fund, increasing appropriations to \$26,671,651 to account for \$1,462,605 in unanticipated revenues, pursuant to NRS 354.598005, and matters related thereto. **FOR POSSIBLE ACTION**

The General Fund had increased revenues due to the receipt of COVID Relief Funds. When the 2020/2021 budget was prepared the City of Elko did not anticipate the receipt of, or related spend associated with the COVID Relief Funds. JB

- C. Review, consideration, and possible approval of Resolution No. 12-21, a resolution authorizing augmentation of the 2020/2021 Fiscal Year Budget of the Sewer, Water, Landfill, Airport and Golf Fund, and matters related. **FOR POSSIBLE ACTION**

The portion of the COVID Relief Funds associated with the Enterprise Fund (Sewer, Water, Landfill, Airport and Golf Funds) need to be transferred from the General Fund. The list of transfers made from the General Fund to the respective Enterprise Funds is attached. JB

V. PETITIONS, APPEALS, AND COMMUNICATIONS

- A. Ratification of the Police Chief issuing a 60-day Temporary Retail Liquor License and issue a Regular Retail Liquor License, to Samuel Horvitz, DBA Silver Dollar, located at 400 Commercial Street, Elko, NV 89801, and matters related thereto. **FOR POSSIBLE ACTION**

VI. 5:30 P.M. PUBLIC HEARINGS

- A. Review, consideration, and possible action to adopt Resolution No. 09-21, a resolution of the Elko City Council, adopting a change in zoning district boundaries from R (Single Family and Multiple Family Residential) and R1 (Single Family Residential) to R (Single Family and Multiple Family Residential) Zoning District, approximately 26.607 acres of property, filed by Jordanelle Third Mortgage, LLC, and processed as Rezone No. 6-20, and matters related thereto. **FOR POSSIBLE ACTION**

The Planning Commission considered the Subject Zone Change Request on February 2, 2021, and took action to forward a recommendation to City Council to adopt a resolution, which approves Rezone No. 6-20. CL

- B. Review, consideration, and possible action to conditionally approve Tentative Map No. 12-20, filed by Jordanelle Third Mortgage, LLC, for the development of a subdivision entitled Zephyr Heights, involving the proposed division of approximately 25.109 acres of property into 70 lots for residential development within the R (Single-Family and Multiple-Family Residential) Zoning District, and matters related thereto. This item must be heard after the associated Resolution No. 09-21 also on tonight's agenda, and matters related thereto. **FOR POSSIBLE ACTION**

The subject property is located on the east side of East Jennings Way generally north of the intersection with Puccinelli Parkway (APN 001-562-010). The Planning Commission considered this item on February 2, 2021, and took action to forward a recommendation to conditionally approve Tentative Map 12-20. MR

- C. Review, consideration of bids and public auction for the lease of approximately 1.13 acres of City-owned property, located on the Elko Regional Airport, identified as Lease Area N1, pursuant to NRS 268.062, and matters related thereto. **FOR POSSIBLE ACTION**

Council adopted Resolution No. 1-21 at its meeting on January 26, 2021, finding that it is in the best interest of the City to lease the property and setting forth the conditions of public auction for City owned property identified as Lease Area N1. Council previously accepted the annual market rent value of the property of \$13,379 in accordance with the appraisal of Jason Buckholz of CRBE, Inc., Appraiser. JF

VII. REPORTS

- A. Mayor and City Council
- B. City Manager
- C. Assistant City Manager
- D. Utilities Director
- E. Public Works
- F. Airport Manager
- G. City Attorney
- H. Fire Chief
- I. Police Chief
- J. City Clerk
- K. City Planner
- L. Development Manager
- M. Financial Services Director
- N. Parks and Recreation Director
- O. Civil Engineer
- P. Building Official

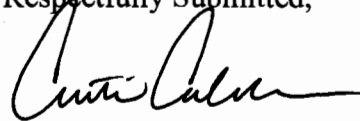
COMMENTS BY THE GENERAL PUBLIC

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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,

A handwritten signature in black ink, appearing to read "Curtis Calder", written over a horizontal line.

Curtis Calder
City Manager

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

SS February 11, 2021

The City Council of the City of Elko, State of Nevada met for a special meeting beginning at 4:00 p.m., Thursday, February 11, 2021. Due to the restrictions found in the State of Nevada Emergency Directive 006, the meeting was held in the Ruby Room of the Elko Convention and Visitors Authority, 700 Moren Way, Elko and via GoTo Meeting.

This meeting was called to order by Mayor Reece Keener. He stated the agenda for this meeting has been posted for this date and time in accordance with State of Nevada Emergency Directive 006. 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.

CALL TO ORDER

ROLL CALL

Mayor Present: Reece Keener

Council Present: Councilman Chip Stone
 Councilman Bill Hance *arrived at 4:11 pm*
 Councilman Clair Morris

Council Absent: Councilwoman Simons

City Staff Present: Curtis Calder, City Manager
 Scott Wilkinson, Assistant City Manager
 Kelly Wooldridge, City Clerk
 Candi Quilici, Accounting Manager
 Jan Baum, Financial Services Director
 Dennis Strickland, Public Works Director
 Dale Johnson, Utilities Director
 Cathy Laughlin, City Planner
 Jim Foster, Airport Manager
 Matt Griego, Fire Chief
 Jack Snyder, Deputy Fire Chief
 Ty Trouten, Police Chief
 DJ Smith, Systems Administrator
 Michele Rambo, Development Manager
 James Wiley, Parks and Recreation Director
 Bob Thibault, Civil Engineer
 Diann Byington, Recording Secretary

PLEDGE OF ALLEGIANCE

COMMENTS BY THE GENERAL PUBLIC

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Will Moschetti, 312 Oak, said he has gotten several phone calls regarding the Duncan Golf Management Agreement and the City being in the bar business. He wondered who was going to have the liquor license. The City or Duncan Golf?

Mayor Keener said that subject has been vetted and researched and the legality of it has been confirmed.

Curtis Calder, City Manager, explained the City Attorney and the Duncan Golf attorney has done some research on the issue. Under the arrangement that we have, it is legal the way the contract was written. The liquor license is under Duncan Golf Management.

Mr. Moschetti didn't think that was right and everyone that has called him agrees with him.

APPROVAL OF MINUTES: January 26, 2021 Regular Session

The minutes were approved by general consent.

I. PRESENTATIONS

- A. Reading of a proclamation by the Mayor in recognition of the month of February as Elko County CattleWomen "Beef Month", and matters related thereto.
INFORMATION ONLY – NO ACTION WILL BE TAKEN

Mayor Keener read the proclamation and presented a copy of it to the Elko County Cattlewomen's Association.

Charly Seal, Elko County Cattlewomen's Association, presented the Mayor with a Tri-Tip roast.

- B. Presentation of a Certificate of Appreciation for Andrew Storla, Water/Sewer Operator III, in recognition of his military service with the 100th Quartermaster Water Purification & Distribution Company, Nevada Army National Guard, and matters related thereto. **INFORMATION ONLY – NO ACTION WILL BE TAKEN**

Mayor Keener introduced Andrew Storla and invited him up to speak.

Andrew Storla spoke about his recent deployment.

Mayor Keener read the Certificate of Appreciation and presented it to Mr. Storla.

C. Northeastern Nevada Regional Hospital (NNRH) Update by CEO Steve Simpson, and matters related thereto. **INFORMATION ONLY – NO ACTION WILL BE TAKEN**

Steve Simpson, NNRH, gave an update on the hospital as it relates to COVID. This last quarter has been a challenge but they seem to be coming out of the struggle. He is proud of the staff and how they took care of patients in their time of need. The COVID positivity rate in the County is right around 11%. Initially, our goal was to be around 4% but we were upwards to 40% at the peak. We are celebrating the 11% right now. Currently in the hospital, they have 4 COVID positive patients and that is easily manageable. If the patients need a higher level of care we are able to send them to other facilities. As of last Wednesday, they changed their visitor policy to allow for one visitor. Having someone there promotes healing and helps the staff. At the hospital, they have distributed 3,605 vaccines. Of those 2,973 have been first doses and 632 have been second doses. We have 890 scheduled over the next two weeks to come through the hospital. Countywide, 5,886 total vaccines; 5,015 first doses and 851 second doses. He also gave Council an update on their physician recruitment. They are bringing more medical professionals to Elko. We are a safe place and no one should put off getting medical treatment if they need it.

Mayor Keener asked if it was more difficult to recruit during the pandemic or has it opened up some opportunities that might not have existed previously.

Mr. Simpson answered it has been a bit of both. We have been fortunate to be successful in bringing in new providers. He was nervous in 2020 that they would not be able to recruit during the pandemic but they have been successful.

Councilman Stone asked if they were able to get the PPE necessary and what is needed?

Mr. Simpson answered yes. That was a dynamic for visitation because we didn't have PPE to give to the visitors. Most people have their own PPE they are bringing in. They are able to get supply and PPE is no longer an issue.

Mayor Keener asked about wasted vaccine.

Mr. Simpson answered he did not know about much waste at the hospital. Getting our vaccine allotment has been a challenge but we have been figuring it out.

II. CONSENT AGENDA

- A. Review, consideration, and possible approval for the Elko Police Department to accept a \$1,000.00 donation from Home Depot, and matters related thereto. **FOR POSSIBLE ACTION**

**** A motion was made by Councilman Stone, seconded by Councilman Morris, to approve the consent agenda.**

The motion passed unanimously. (4-0)

III. PERSONNEL

A. Employee Introductions:

- 1.) Trey Bauders, Patrol Officer, Police Department

Present and introduced.

IV. APPROPRIATIONS

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

**** A motion was made by Councilman Stone, seconded by Councilman Morris, to approve the general warrants in the amount of \$347,353.05.**

The motion passed unanimously. (40-0)

B. Review and possible approval of Print n' Copy Warrants, and matters related thereto. **FOR POSSIBLE ACTION**

**** A motion was made by Councilman Stone, seconded by Councilman Morris, to approve the Print 'N Copy warrants in the amount of \$57.66.**

The motion passed. (3-0 Mayor Keener abstained.)

C. Review and possible approval of Ruby Mountain Lock & Safe Warrants, and matters related thereto. **FOR POSSIBLE ACTION**

**** A motion was made by Councilman Stone, seconded by Councilman Morris, to approve the Ruby Mountain Lock & Safe warrants in the amount of \$15.00.**

The motion passed. (3-0 Councilman Hance abstained.)

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

**** A motion was made by Councilman Stone, seconded by Councilman Hance, to approve the General Hand-Cut Checks in the amount of \$138,331.81.**

The motion passed unanimously. (4-0)

E. Review, consideration, and possible approval for the Fire Department to apply for the 2021 FEMA Assistance to Firefighters Grant, and matters related thereto. **FOR POSSIBLE ACTION**

The City of Elko Fire Department would like to apply for the 2021 FEMA Assistance to Firefighters Grant. This grant would be used to purchase mobile

radios and mobile repeaters. Total amount of the grant would be approximately \$45,505.00 with a 10% match. JS

Jack Snyder, Deputy Fire Chief, explained the grant. This will replace old repeaters and will enhance their communications no matter where they respond to. We are looking at three to go on the command vehicles and one on Engine 1.

**** A motion was made by Councilman Stone, seconded by Councilman Hance, to recommend approval for the Fire Department to apply for the 2021 FEMA Assistance to Firefighters Grant in the amount of \$45,505.**

Motion passed unanimously. (4-0)

V. NEW BUSINESS

- B. Review, consideration, and possible approval of an agreement with the Butch Smales Family Revocable Living Trust to mutually rescind the sale of APN 001-013-018, located generally east of Sewell Drive, south of Walnut Street and north of West Sage Street, and matters related thereto. **FOR POSSIBLE ACTION**

On August 25, 2020, City Council held a public auction for the sale of approximately 3,073 square feet of City owned property. During the title process, it was determined that approximately 430 square feet of APN 001-013-018 is not owned by the City of Elko. The City now seeks to enter into an agreement with Butch Smales Family Revocable Living Trust to rescind the transaction. CL

Cathy Laughlin, City Planner, explained they discovered there was approximately 430 sq. ft. that was still owned by Meyer Construction Company. The rest of the parcel was dedicated to the City of Elko. This small triangle was left off. We spent months trying to find an heir to the construction company but that didn't work. They talked to the Smales and they are willing to rescind the sale of the entire parcel as it was sold to them in auction.

Mayor Keener asked if the remnant piece had an APN number.

Ms. Laughlin answered it was all included in our parcel according to the Assessor. Now she was sure the Assessor will correct their mapping. We will turn around and sell that. The triangle that is owned by Meyer Construction Company (that has been out of business for 30 years) will be in a tax lien sale.

**** A motion was made by Councilman Hance, seconded by Councilman Morris, to approve an agreement with the Butch Smales Family Revocable Living Trust to mutually rescind the sale of APN 001-013-018 and authorize the Mayor to sign the agreement on behalf of the City.**

The motion passed unanimously. (4-0)

- A. Review, consideration, and possible authorization for Staff to obtain a new appraisal for APN 001-013-018, located generally east of Sewell Drive, south of Walnut Street and north of West Sage Street, consisting of a 2,643 square foot parcel, and to thereafter commence the process of advertising the property for sale

pursuant to NRS 268.059 and 268.062, and matters related thereto. **FOR POSSIBLE ACTION**

On August 25, 2020, City Council held a public auction for the sale of approximately 3,073 square feet of City owned property known as APN 001-013-018. The Butch Smales Family Revocable Living Trust was the successful bidder. During the title investigation process, it was determined that approximately 430 square feet of APN 001-013-018 is not owned by the City of Elko. The City is currently working with the Butch Smales Family Revocable Living Trust on an agreement for the rescission of the previous transaction. The City then intends to sell the remainder of the parcel owned by the City in the manner authorized under Nevada law. CL

Ms. Laughlin said the new appraisal cost will be on the City of Elko since it was our error selling the property when we didn't have clear title to it. We will send it out to appraisers for a fee and we will pick an appraisal from there. She will then bring it back to Council to accept the fair market value based on the appraisal. Smales paid for the first appraisal because they were the successful bidder the first time. If someone other than the Smales is the successful bidder in the second auction, the appraisal cost will be reimbursed to the Smales. The City will still pay the cost of the second appraisal.

**** A motion was made by Councilman Hance seconded by Councilman Stone, that upon execution of an agreement with the Butch Smales Family Revocable Living Trust rescinding the previous transaction, to direct staff to obtain a new appraisal for APN 001-013-018, consisting of a 2,643 sq. ft. parcel and thereafter, commence the process of advertising the sale of the remainder of the parcel owned by the City pursuant to NRS 268.059 and 268.062.**

The motion passed unanimously. (4-0)

- C. Review, consideration, and possible action to accept the 2020 Annual Report of Planning Commission Activities, and matters related thereto. **FOR POSSIBLE ACTION**

Pursuant to City Code Section 3-4-23, the Planning Commission is required to prepare and present an Annual Report of its activities to Council. On February 2, 2021, the Planning Commission took action to approve the 2020 Annual Report of Planning Commission Activities and forward it to the Council. CL

Ms. Laughlin explained the 2020 Annual Report (included in the packet). The numbers are down due to COVID and the pandemic. The office was closed to the public. There was a significant reduction in applications. She went over the other projects the Planning Commission is working on.

**** A motion was made by Councilman Stone, seconded by Councilman Morris, to accept the 2020 Annual Report of the Planning Commission activities.**

The motion passed unanimously. (4-0)

VI. RESOLUTIONS AND ORDINANCES

- A. Review, consideration, and possible adoption of Resolution No. 07-21, a resolution of the City Council approving the lease of real property less than 25,000 square feet, and matters related thereto. **FOR POSSIBLE ACTION**

Plaza Forty, LLC previously held a Lease Agreement to use City of Elko property located at Well Site #12, adjacent to 1900 Idaho Street, for parking. The agreement expired November 12, 2018, but Plaza Forty, LLC has continued paying the monthly lease. Plaza Forty, LLC desires to continue utilizing the City property for parking. NRS 268.064 provides that the governing body may lease the property without an appraisal or public offering if the property is less than 25,000 square feet and a Resolution has been adopted finding that the proposed lease is in the best interest of the City. Resolution No. 07-21 begins the process for the continued lease. MR

Michele Rambo, Development Manager, explained where the property is located. They are using this lease space for additional parking. This resolution is the first step in a multiple step process. The next process will be a public hearing notice.

**** A motion was made by Councilman Hance, seconded by Councilman Morris, to adopt Resolution No. 07-21.**

The motion passed unanimously. (4-0)

- B. Review, consideration, and possible approval of Resolution No. 08-21, a resolution authorizing the expenditure of funds by the Redevelopment Agency from its Special Revenue Fund in the amount of \$675,000, for the work proposed for the 4th, 5th, and 6th Street Block Ends Project, and matters related thereto. **FOR POSSIBLE ACTION**

RDA approved the Block Ends Project as Project 3 of Phase 1 at their February 14, 2017 meeting. As per the Redevelopment Plan, Council must give consent on the expenditures. CL

Cathy Laughlin, City Planner, explained the NRS allows the agency to make decisions regarding spending money but they don't allow them to write the check.

**** A motion was made by Councilman Stone, seconded by Councilman Morris, to approve Resolution No. 08-21.**

The motion passed unanimously. (4-0)

VII. PETITIONS, APPEALS, AND COMMUNICATIONS

- A. Review, consideration, and possible approval of issuing a revised Retail Liquor License to Gold Bar / Sartini Gaming, LLC, modifying the current Retail Liquor License to remove Sean Higgins and add Phyllis Gilland and Stephen Arcana, and matters related thereto. **FOR POSSIBLE ACTION**

Chief Trouten explained this was the removal of one person off the license and add two others. They have passed the background. He recommended approval.

**** A motion was made by Councilman Hance, seconded by Councilman Stone, to approve the issuance of a revised Retail Liquor License to Gold Bar/Sartini Gaming, LLC, modifying the current Retail Liquor License to remove Sean Higgins and add Phyllis Gilland and Stephan Arcana**

The motion passed unanimously. (4-0)

- B. Discussion of the rules on placement of sheds within the City of Elko, the Variance process, and the associated Variance fees, and matters related thereto. **FOR POSSIBLE ACTION**

The property owners of 2034 Eagle Ridge Loop built a shed in the exterior side yard of their lot without permits and after being informed that a shed would not be allowed in that location. City Code Section 3-2-5(B)(6) requires that accessory structures comply with the same setbacks as the primary structure and Section 2-1-4(G)(1)(a)(1)(A) requires a building permit for accessory structures of any size within residential areas. The Development Manager, acting as the City's Code Enforcement Officer, sent out two violation letters to the property owners. This discussion was requested by the property owners as a result of those letters. MR

Mayor Keener said we received a note from the petitioner wishing to table this item.

Michele Rambo, Development Manager, said we received a request to table this item and staff is looking into City Code to address the issue. Cathy Laughlin and she are looking at requirements from other cities.

**** A motion was made by Councilman Stone, seconded by Councilman Morris, to table this item.**

The motion passed unanimously. (4-0)

VIII. REPORTS

- A. Mayor and City Council

Mayor Keener traveled out to Carlin to attend the ribbon cutting of the Battle Born Nevada Youth Challenge Academy. He thanked DJ Smith for taking the time to set up for the meeting.

- B. City Manager

Curtis Calder reported the bill draft presented at the last meeting was accepted. The number is BDR928 and is sponsored by Assemblyman Ellison. Our budget process is underway. We will start having budget presentations in March. The Governor was giving an update on COVID and there will be some changes coming. We will go through the directive and post some of the information tomorrow afternoon.

- C. Assistant City Manager
D. Utilities Director

- E. Public Works
- F. Airport Manager

Mayor Keener asked Jim Foster if the loads have stabilized and if we are seeing any growth.

Jim Foster answered we dropped in January to about 800. Usually in January we do see a drop. We don't have February numbers yet.

- G. City Attorney
- H. Fire Chief
- I. Police Chief
- J. City Clerk

Kelly Wooldridge reported the new document management software is up and running. Agenda management is on computers but we are just playing around with it until we get more formal training. She hopes we start using it March.

- K. City Planner

Mayor Keener said he heard a bid came in today and there was some issue with the bid.

Cathy Laughlin answered it was the Block Ends project that opened yesterday. There were 6 bids submitted. Five were over budget. One was within budget but deemed unresponsive as it was missing the boycott Israel form. This item will be on the agenda for the RDA's February 23rd meeting.

- L. Development Manager
- M. Financial Services Director

Mayor Keener noted we do our budgets conservatively but a local car dealer made comment of some shipping shortages that are COVID related that could possibly impact our consolidated sales tax. Also with real estate, there is no inventory out there and their sales may slow down.

- N. Parks and Recreation Director

James Wiley stated this year we have had a lack of snow. The lift has been down and they sent off a component of the lift to Detroit, Michigan to get repaired. If there was a year to have something go down, it was this year with the lack of snow. Sports Leagues are submitting COVID Mitigation Plans to the State. We are well on the way with Little League Baseball and soccer and it looks like will have sports this spring. We are planning some smaller events and hope to get them approved. The pool is moving into being able to offer some more services and classes. He hopes to open up more recreation opportunities in the future.

Mayor Keener asked if Duncan Golf Management has the keys to the golf course yet.

Mr. Wiley answered yes. They have been out there and conducted several interviews. IT has been up there assisting with some IT needs. There should be no problems being ready March 1st.

- O. Civil Engineer
- P. Building Official

Jeff Ford reported he has been asked what is going on at the old Floyd's. The new medical facility has started back up with a new plan and tomorrow will be their first inspection. There was an article in the paper a few weeks back about it.

Mayor Keener said they purchased the real estate and that went through at the end of 2020.

Councilman Stone said the LDS Church is looking for large projects to help the community. They want to dive in and help. He offered to get him the contact information.

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: Review, consideration and possible award of a contract for the 5th Street Park Parking Lot, and matters related thereto. FOR POSSIBLE ACTION**
2. **Meeting Date: February 23, 2021**
3. **Agenda Category: APPROPRIATION**
4. **Time Required: 5 Minutes**
5. **Background Information: Bids were received until 3:00 p.m. on February 12, 2021. This item has been approved and budgeted for Construction in the current Fiscal Year Budget, Recreation Fund. The low bidder was Acha Construction. There was a mathematical error in bid item #4. As clearly stated in the bid documents, Instructions to Bidders, item number 25, the error has been corrected in favor of the unit price. The corrected amount of the bid is \$273,451.40. JW**
6. **Budget Information:**

Appropriation Required: \$273,451.40
Budget amount available: \$300,000.00
Fund name: Recreation Fund
7. **Business Impact Statement: Not Required**
8. **Supplemental Agenda Information: Bid Tabulation**
9. **Recommended Motion: Award the contract for the 5th Street Park Parking Lot to Acha Construction in the amount of \$273,451.40, waiving the minor technical defect that is a mathematical error in bid item number four.**
10. **Prepared by: James Wiley, Parks and Recreation Director**
11. **Committee/Other Agency Review:**
12. **Council Action:**
13. **Agenda Distribution: None**

CITY OF ELKO
BID TABULATION
PROJECT NAME: 5th Street Park - Parking Lot
DATE: Bid Opening on 2/12/21 @ 3:00 PM

<div> <div>Name</div> <div>Acha Construction</div> <div>Address</div> <div>321 VFW Dr.</div> <div>City State</div> <div>Elko, NV</div> <div>Phone No.</div> <div>775-388-4222</div> </div>							<div> <div>Name</div> <div>Element Construction</div> <div>Address</div> <div>197 Elko Summit Dr.</div> <div>City State</div> <div>Elko, NV</div> <div>Phone No.</div> <div>775-777-4526</div> </div>		<div> <div>Name</div> <div>Granite Construction</div> <div>Address</div> <div>905 Railroad St. #202</div> <div>City State</div> <div>Elko, NV</div> <div>Phone No.</div> <div>775-842-3306</div> </div>		<div> <div>Name</div> <div>Great Basin Engineering Contractors</div> <div>Address</div> <div>PO Box 396</div> <div>City State</div> <div>Elko, NV</div> <div>Phone No.</div> <div>775-340-8365</div> </div>		<div> <div>Name</div> <div>Ruby Dome, Inc.</div> <div>Address</div> <div>6525 Idaho St.</div> <div>City State</div> <div>Elko, NV</div> <div>Phone No.</div> <div>775-738-2154</div> </div>		<div> <div>Name</div> <div>MKD</div> <div>Address</div> <div>20 Stokes Dr.</div> <div>City State</div> <div>Mound House, NV 89704</div> <div>Phone No.</div> <div>775-848-1888</div> </div>	
No.	Bid Item Description	Quantity	Unit	Unit Price	Total Amount	Bid Amount As Submitted	Unit Price	Total Amount	Unit Price	Total Amount	Unit Price	Total Amount	Unit Price	Total Amount	Unit Price	Total Amount
1	Mobilization and demobilization @ per lump sum.	1	LS	\$ 10,617.00	\$10,617.00	\$ 10,617.00	\$22,100.00	\$22,100.00	\$32,472.00	\$32,472.00	\$ 4,970.63	\$4,970.63	\$ 17,332.59	\$17,332.59	\$ 36,326.00	\$36,326.00
2	Rough Grading cut & fill @ per Cubic Yard.	660	CY	\$ 49.50	\$32,670.00	\$ 32,670.00	\$24.03	\$15,859.80	\$55.00	\$36,300.00	\$ 45.64	\$30,122.40	\$ 83.71	\$55,248.60	\$ 40.00	\$26,400.00
3	Remove & dispose of Chain Link Fence @ per Lin. Ft.	25	LF	\$ 4.00	\$100.00	\$ 100.00	\$67.92	\$2,198.00	\$15.00	\$375.00	\$ 44.21	\$1,105.25	\$ 25.80	\$645.00	\$ 6.00	\$150.00
4	Construct 6" thick Aggregate Base section for paved area @ per Cubic Yard	478	CY	\$ 16.30	\$7,791.40	\$ 14,340.00	\$66.03	\$31,562.34	\$70.00	\$33,460.00	\$ 81.25	\$38,837.50	\$ 122.97	\$58,779.66	\$ 100.00	\$47,800.00
5	Construct 3" thick PG 64-22 asphalt pavement @ per Sq. Yard	2,969	SY	\$ 36.00	\$103,284.00	\$ 103,284.00	\$28.19	\$80,877.11	\$27.00	\$77,463.00	\$ 28.67	\$82,254.23	\$ 25.71	\$73,761.99	\$ 27.00	\$77,463.00
6	Construct Type 1 Curb & Gutter with Aggregate Base, per City Detail R-2.1 @ per Lineal Foot.	149	LF	\$ 56.00	\$8,442.00	\$ 8,442.00	\$64.40	\$9,595.60	\$90.00	\$13,410.00	\$ 63.35	\$9,439.15	\$ 55.16	\$8,218.84	\$ 80.00	\$11,920.00
7	Construct Barrier Curb with Aggregate Base, per City Detail R-2.2 @ per Lineal Ft.	597	LF	\$ 46.00	\$27,462.00	\$ 27,462.00	\$38.37	\$22,906.89	\$82.00	\$37,014.00	\$ 52.88	\$31,569.36	\$ 42.70	\$25,491.90	\$ 40.00	\$23,880.00
8	Construct 5' wide Sidewalk with Aggregate Base, per City Detail R-3.1 @ per Sq. Ft.	1220	SF	\$ 9.85	\$11,773.00	\$ 11,773.00	\$15.67	\$19,117.40	\$10.00	\$12,200.00	\$ 16.30	\$19,886.00	\$ 20.29	\$24,753.80	\$ 25.00	\$30,500.00
9	Construct 4" wide, white parking lot striping per plans @ per Lump Sum.	1	LS	\$ 2,722.00	\$2,722.00	\$ 2,722.00	\$8,285.00	\$8,285.00	\$2,250.00	\$2,250.00	\$ 2,472.29	\$2,472.29	\$ 2,605.56	\$2,605.56	\$ 2,500.00	\$2,500.00
10	Construct Signs and Striping for ADA parking stall and access aisles per plans, per City details T-2.1 and T-2.2 @ per Lump Sum.	1	LS	\$ 2,997.00	\$2,997.00	\$ 2,997.00	\$2,700.00	\$2,700.00	\$2,700.00	\$2,700.00	\$ 2,966.74	\$2,966.74	\$ 3,126.68	\$3,126.68	\$ 3,000.00	\$3,000.00
11	Construct LED Parking Lot Lighting per Electrical Plans, with wire, wiring devices, conduit, pull boxes, pole bases, and other necessary items @ per Ea.	4	EA	\$ 7,548.75	\$30,195.00	\$ 30,195.00	\$5,837.25	\$23,349.00	\$0,000.00	\$36,000.00	\$ 10,422.14	\$41,688.56	\$ 7,820.03	\$31,280.12	\$ 15,000.00	\$60,000.00
12	Install irrigation system per plans @ per Lump Sum.	1	LS	\$ 4,100.00	\$4,100.00	\$ 4,100.00	\$18,535.00	\$18,535.00	\$12,500.00	\$12,500.00	\$ 13,734.92	\$13,734.92	\$ 14,475.36	\$14,475.36	\$ 15,000.00	\$15,000.00
13	Install 2" to 4" diameter rock mulch, 4" deep @ per Sq. Yard	852	SY	\$ 25.00	\$21,300.00	\$ 21,300.00	\$16.83	\$14,339.16	\$17.00	\$14,484.00	\$ 34.96	\$29,785.92	\$ 19.49	\$16,605.48	\$ 20.00	\$17,040.00
14	Install sod @ per Sq. Ft.	9,798	SF	\$ 1.00	\$9,798.00	\$ 9,798.00	\$1.53	\$14,990.94	\$1.50	\$14,697.00	\$ 1.79	\$17,538.42	\$ 1.77	\$17,342.46	\$ 1.00	\$9,798.00
	Total				\$273,451.40	\$ 280,000.00		\$286,416.24		\$325,325.00		\$326,371.37		\$349,668.04		\$361,777.00
<div> <div>COMPLETE BID - Except for the Mathematical Error on item # 4</div> <div>\$ 16.30 per Sq. Yd = \$ 7,791.40</div> </div>							<div> <div>Missing Exhibit 7 - Fringe Benefit Plan Form</div> </div>		<div> <div>COMPLETE BID</div> </div>		<div> <div>COMPLETE BID</div> </div>		<div> <div>COMPLETE BID</div> </div>		<div> <div>COMPLETE BID</div> </div>	
1st Bid							2nd Bid		3rd Bid		4th Bid		5th Bid		6th Bid	

**Elko City Council
Agenda Action Sheet**

1. Title: **Review, consideration, and possible award of a contract for the Repairs and Recoating of the Ruby Vista Water Storage Tank No. 2 Project-2020, and matters related thereto. FOR POSSIBLE ACTION**
2. Meeting Date: **February 23, 2021**
3. Agenda Category: **APPROPRIATION**
4. Time Required: **5 Minutes**
5. **Background Information: Bids were received until 2:00 p.m. on February 16, 2021. This project was approved and budgeted in the current fiscal year. The lowest responsible bidder was Farr West Construction DBA Resource Development Company. A total of four bids were received, three on time and one was late. The late bid was rejected and not opened. Two bids were thrown out, one for incomplete paperwork and the other was for mathematical errors between written words and numerical values which constituted in inconsistent unit pricing. DJ**
6. Budget Information:

Appropriation Required: \$534,515.00
Budget amount available: \$562,000.00
Fund name: Water
7. Business Impact Statement: **Not Required**
8. Supplemental Agenda Information: **Bid Tabulation**
9. Recommended Motion: **Pleasure of the Council**
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: RUBY VISTA WATER TANK NO. 2
DATE: BID OPENING FEBRUARY 2/16/2021**

						Name: PPS			Name: Golden West Painting			Name: Farr West Const. Dev.		
						Address: 406 E. Pioneer St.			Address: 1230 W. 200 S.			Address: 1050 Linda Way		
						City State: Phoenix, AZ 85041-6574			City State: Salt Lake City, UT 84104			City State: Sparks, NV 89431		
						Phone No.: 480-669-0284			Phone No.: 801-269-0736			Phone No.: 775-842-9174		
No.	Bid Item Description	Quantity	Unit	Unit Price	Total Amount				Unit Price	Total Amount		Unit Price	Total Amount	
1	Mobilization and Demobilization Labor, Equipment, and Materials to and from the Ruby Vista Water Tank Site @: _____ Per Lump Sum.	1	L.S.	\$ 25,000.00	\$25,000.00				\$ 38,104.00	\$38,104.00		\$ 14,500.00	\$14,500.00	
2	The Contractor shall Clean all water tank interior surfaces using high pressure water jetting equipment, or similar methods, to remove all dirt and debris from inside the water tank @: _____ Per Lump Sum.	1	L.S.	\$ 9,000.00	\$9,000.00				\$ 2,800.00	\$2,800.00		\$ 3,000.00	\$3,000.00	
3	Provide and Complete Water Tank Surface Preparation of all Water Tank Steel Interior Surfaces of the Ruby Vista Tank No.2 in accordance with work specifications @: _____ Per Sq. Ft. of Surface Area.	32,000	S.F.	\$ 6.25	\$200,000.00	written as \$6.05 on the bid tab, Math indicates total should be \$6.25 per Sq. Ft.			\$ 3.05	\$97,600.00		\$ 7.62	\$243,840.00	
4	Provide and Complete "Vacuum Testing" of the tank floor including all existing welded joints in the 1/4 inch thick steel floor plate of the tank @: _____ Per Lump Sum.	1	L.S.	\$ 18,000.00	\$18,000.00				\$ 16,104.07	\$16,104.07		\$ 5,700.00	\$5,700.00	
5	Remove and replace existing Damaged and Corroded Steel Floor Plate and Welds that fail the Vacuum Box Test. Lap weld new 1/4-inch steel plates in place @: _____ Per Square Ft.	900	S.F.	\$ 219.00	\$216.00	Unit Price was not listed as .24 cents per Sq.Ft			\$ 110.00	\$99,000.00		\$ 16.00	\$14,400.00	
6	Provide and Complete the Surface Preparation for the Ruby Vista Tank No.2 Exterior Steel Surfaces including the tank Shell, Roof, Ladder, Manways, and Access Hatches before Over coating, in accordance with specification Section 09950 @: _____ Per Sq. Ft.	17,500	S.F.	\$ 0.43	\$7,525.00				\$ 0.37	\$6,475.00	\$6,480.00	\$ 1.55	\$27,125.00	
7	Coat all Steele Water Tank Interior Surfaces in Accordance with Section 09950-Interior Coating System for Water Storage Tanks @: _____ Per Sq. Ft.	32,000	S.F.	\$ 2.84	\$90,880.00				\$ 4.96	\$158,720.00	\$156,900.00	\$ 2.62	\$83,840.00	
8	Coat all Steele Water Tank Exterior Surfaces in Accordance with Section 09960- Exterior Coating System for Water Storage Tanks, Subsection 2.02, B. Exterior Overcoat System, @: _____ Per Sq. Ft.	17,500	S.F.	\$ 1.40	\$24,500.00				\$ 1.79	\$31,325.00	\$31,348.00	\$ 2.68	\$46,900.00	
9	Remove the existing Ruby Vista Water Storage Tank No.2 Interior Cathodic Protection Anodes and Insulated Conductors (Wires) and install New Anodes; Impressed Current Wiring; and Tank Interior Cathodic Protection System (Horizontal System) utilizing the Existing Rectifier Unit @: _____ Per Lump Sum.	1	L.S.	\$ 24,200.00	\$24,200.00				\$ 8,030.00	\$8,030.00		\$ 20,762.00	\$20,762.00	
10	Provide Third Party Coating Inspection Firm (NACE Level III) to uniformly test the New Coating Dry Film Thickness (DFT) as specified in the Project Technical Specifications @: _____ Per Lump Sum.	1	L.S.	\$ 7,750.00	\$7,750.00				\$ 5,500.00	\$5,500.00	\$5,500.00	\$ 5,000.00	\$5,000.00	
11	The Contractor shall contain and collect all existing spent coating material and abrasives from the interior and exterior surfaces of the water storage tanks. The contractor shall analyze the spent coating materials using EPA Method 1311 -(TCLP) for arsenic, barium, chromium, lead, mercury, selenium, and silver to determine the waste classification (RCRA) of the materials, as specified in Section 01010 Summary of Work @: _____ Per Lump Sum.	1	L.S.	\$ 2,500.00	\$2,500.00				\$ 1,000.00	\$1,000.00	\$1,000.00	\$ 7,300.00	\$7,300.00	
12	The Contractor shall provide the materials, labor, and equipment to properly transport and dispose of the old paint material removed from the water storage tank surfaces, as specified @: _____ Per Lump Sum.	1	L.S.	\$ 16,000.00	\$16,000.00				\$ 1,000.00	\$1,000.00		\$ 1,400.00	\$1,400.00	
13	Provide and Install a "Flexible Lifeline Fall Arrest Tie-Off Anchor System" (Phone No. 800-353-9425) and Securely Connect the System to the Center Tank Vent Flange @: _____ Per Lump Sum	1	L.S.	\$ 4,500.00	\$4,500.00				\$ 2,000.00	\$2,000.00		\$ 35,448.00	\$35,448.00	
14	Construct Steel Safety Rail Assembly at the top of the Water Tank Exterior Ladder in accordance with Standard ANSI/AWWA D109-11 and OSHA Standards (Extend Handrail to a Minimum of 6-feet each side of the Exterior Ladder Handrails) @: _____ Per Lump Sum Amount	1	L.S.	\$ 5,000.00	\$5,000.00				\$ 9,000.00	\$9,000.00		\$ 9,900.00	\$9,900.00	
15	Project Cleanup - Provide all Materials, Labor and Equipment required to clean up the Jobsite after completion of the work - see summary of work 01010-4 @: _____ Per Lump Sum.	1	L.S.	\$ 5,000.00	\$5,000.00				\$ 1,500.00	\$1,500.00		\$ 15,400.00	\$15,400.00	
Per Lump Sum Amount					\$440,071.00					\$478,159.97			\$534,615.00	

Mathematical Error on Item No.3 and No. 5

Did not list the unit price on Item No.5 as .24 cents per Sq. Ft. This item was intended to be \$216.00 per sq. ft. If \$216 per Sq. Ft. the price would be \$194,400.00 not \$216.00 this error alone on this item would cause this bid total to be \$634,255.00

Errors in numerical written words throught the entire bid.

1st

Minor Mathematical Errors on Item 6,7,& 8

No Experience or Qualifications included, Prime Contractor was not listed on the 1% List. No copy of Nevada State License included in bid

2nd

COMPLETE BID

3rd

**Elko City Council
Agenda Action Sheet**

1. Title: **Review, consideration, and possible approval for the Fire Department to apply for the Staffing for Fire and Emergency Response (SAFER) grant through the Federal Emergency Management Agency to hire 6 firefighters for 36 months, and matters related thereto. FOR POSSIBLE ACTION**
2. Meeting Date: **February 23, 2021**
3. Agenda Category: **APPROPRIATION**
4. Time Required: **5 Minutes**
5. Background Information: **The Fire Department would like to apply for the 2021 FEMA SAFER Grant. The application would apply for a 6 new firefighter positions. The grant is used to provide funding to fire departments to assist in increasing the number of firefighters to help communities meet industry minimum standards (NFPA 1710) and attain 24 hour staffing to provide adequate fire protection from fire and fire related hazards and to fulfill traditional missions of fire departments. Total amount of the grant would be approximately \$4 million dollars with no match by the City. MG**
6. Budget Information:
 Appropriation Required: **\$4 million**
 Budget amount available: **N/A**
 Fund name: **General Fund**
7. Business Impact Statement: **Not Required**
8. Supplemental Agenda Information: **N/A**
9. Recommended Motion: **Recommend approval for the Fire Department to apply for the FEMA SAFER grant for approximately \$ 4 million dollars through the Federal Emergency Management Agency.**
10. Prepared by: **Matthew Griego, Fire Chief**
11. Committee/Other Agency Review: **N/A**
12. Council Action:
13. Agenda Distribution:

**Elko City Council
Agenda Action Sheet**

1. Title: **Review, consideration, and possible ratification of the Coronavirus Response and Relief Supplemental Appropriations Act (CRRSA) Grant Application, and matters related thereto. FOR POSSIBLE ACTION**
2. Meeting Date: **February 23, 2021**
3. Agenda Category: **APPROPRIATION**
4. Time Required: **5 Minutes**
5. Background Information: **The Secretary of Transportation on February 12, 2021, announced that the Elko Regional Airport is eligible for funds under the Coronavirus Response and Relief Supplemental Appropriations Act (Public Law 116-260) (CRRSA). These funds will assist airport sponsors to address the COVID-19 public health emergency. The FAA will distribute these grants under the new Airport Coronavirus Response Grant Program (ACRGP). Providing funding for costs related to operations, personnel, cleaning, sanitization, janitorial services, combating the spread of pathogens at the airport, and debt service payments. While this funding is similar to the CARES funding, it is more limited in scope. Any airport development must be directly related to combating the spread of pathogens at the airport. JF**
6. Budget Impact Statement:

Appropriation Required: \$ 1,006,787.00
Budget amount available: N/A
Fund name: Airport Enterprise
7. Business Impact Statement: **Not Required**
8. Supplemental Agenda Information: **Application for Federal Assistance SF-424 CRRSA**
9. Recommended Motion: **Move to approve the ratification of FAA CRRSA Grant Application**
10. Prepared by: **Jim Foster, Airport Manager**
11. Committee/Other Agency Review:
12. Council Action:
13. Council Agenda Distribution:

Application for Federal Assistance SF-424	
*1. Type of Submission: <input type="checkbox"/> Preapplication <input checked="" type="checkbox"/> Application <input type="checkbox"/> Changed/Corrected Application	
*2. Type of Application * If Revision, select appropriate letter(s): <input checked="" type="checkbox"/> New <input type="checkbox"/> Continuation *Other (Specify) _____ <input type="checkbox"/> Revision	
*3. Date Received: NA	4. Applicant Identifier: EKO (Elko Regional) Elko, NV
*5b. Federal Entity Identifier: 32-0005	*5b. Federal Award Identifier:
State Use Only:	
6. Date Received by State:	7. State Application Identifier:
8. APPLICANT INFORMATION:	
*a. Legal Name: City of Elko	
*b. Employer/Taxpayer Identification Number (EIN/TIN): 88-6000190	*c. Organizational DUNS: 08-183-3311
d. Address:	
*Street 1: <u>975 Terminal Way</u>	
Street 2: _____	
*City: <u>ELKO</u>	
County/Parish: _____	
*State: <u>NV</u>	
Province: _____	
*Country: <u>USA: United States</u>	
*Zip / Postal Code <u>89801</u>	
e. Organizational Unit:	
Department Name:	Division Name:
f. Name and contact information of person to be contacted on matters involving this application:	
Prefix: _____	*First Name: <u>Jim</u>
Middle Name: _____	
*Last Name: <u>Foster</u>	
Suffix: _____	
Title: <u>Airport Manager</u>	
Organizational Affiliation:	
*Telephone Number: 775-934-2092 Fax Number:	
*Email: <u>jfoster@elkocitynv.gov</u>	

Application for Federal Assistance SF-424

***9. Type of Applicant 1: Select Applicant Type:**

X. Airport Sponsor

Type of Applicant 2: Select Applicant Type:

Type of Applicant 3: Select Applicant Type:

*Other (Specify)

***10. Name of Federal Agency:**

Federal Aviation Administration

11. Catalog of Federal Domestic Assistance Number:

20.106

CFDA Title:

Airport Improvement Program

***12. Funding Opportunity Number:**

NA

*Title:

NA

13. Competition Identification Number:

NA

Title:

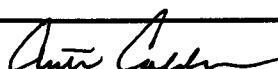
NA

14. Areas Affected by Project (Cities, Counties, States, etc.):

***15. Descriptive Title of Applicant's Project:**

\$1,006,787 for costs related to operations, personnel, cleaning, sanitization, janitorial services, combating the spread of pathogens at the airport, and debt service payments.

Attach supporting documents as specified in agency instructions.

Application for Federal Assistance SF-424	
16. Congressional Districts Of:	
*a. Applicant: 2	*b. Program/Project: 2
Attach an additional list of Program/Project Congressional Districts if needed.	
17. Proposed Project:	
*a. Start Date: NA	*b. End Date: NA
18. Estimated Funding (\$):	
*a. Federal	\$1,006,787.
*b. Applicant	\$0
*c. State	\$0
*d. Local	\$0
*e. Other	\$0
*f. Program Income	\$0
*g. TOTAL	\$1,006,787.
*19. Is Application Subject to Review By State Under Executive Order 12372 Process?	
<input type="checkbox"/> a. This application was made available to the State under the Executive Order 12372 Process for review on ____.	
<input type="checkbox"/> b. Program is subject to E.O. 12372 but has not been selected by the State for review.	
<input checked="" type="checkbox"/> c. Program is not covered by E. O. 12372	
*20. Is the Applicant Delinquent On Any Federal Debt? (If "Yes", provide explanation in attachment.)	
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If "Yes", provide explanation and attach _____	
21. *By signing this application, I certify (1) to the statements contained in the list of certifications** and (2) that the statements herein are true, complete and accurate to the best of my knowledge. I also provide the required assurances** and agree to comply with any resulting terms if I accept an award. I am aware that any false, fictitious, or fraudulent statements or claims may subject me to criminal, civil, or administrative penalties. (U. S. Code, Title 218, Section 1001)	
<input checked="" type="checkbox"/> ** I AGREE	
** The list of certifications and assurances, or an internet site where you may obtain this list, is contained in the announcement or agency specific instructions.	
Authorized Representative:	
Prefix: _____	*First Name: <u>Curtis</u>
Middle Name: _____	
*Last Name: <u>Calder</u>	
Suffix: _____	
*Title: Elko City Manager	
*Telephone Number: 775-777-7111	Fax Number: _____
* Email: ccalder@elkocitynv.gov	
*Signature of Authorized Representative: 	*Date Signed: <u>2/17/2021</u>

**Elko City Council
Agenda Action Sheet**

1. Title: **Review, consideration, and possible approval of a third amendment to Revocable Permit No. 3-17, filed by WANRack, LLC to occupy a portion of the City of Elko Right-of-Way, to accommodate installation of a new Fiber Optic Wide Area Network between school facilities, and matters related thereto. FOR POSSIBLE ACTION**
2. Meeting Date: **February 23, 2021**
3. Agenda Category: **NEW BUSINESS**
4. Time Required: **10 Minutes**
5. Background Information: **Council reviewed the application for a revocable permit at their September 26, 2017 meeting and approved to enter into a license agreement with Wanrack. A first amendment to the license agreement was approved by Council on November 28, 2017 and a second amendment was approved by Council on May 8, 2018. Wanrack has changed the Scope of Work to include an additional route and therefore requiring a third amendment with new exhibits. 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: **License Agreement Amendment**
9. Recommended Motion: **Approve Third Amendment to the License Agreement for Revocable Permit No. 3-17**
10. Prepared by: **Cathy Laughlin, City Planner**
11. Committee/Other Agency Review:
12. Council Action:
13. Council Agenda Distribution: **WANRack
15700 College Blvd., Suite 200
Lenexa, KS 66219**

THIRD AMENDMENT TO REVOCABLE LICENSE AGREEMENT
FOR OCCUPANCY OF RIGHT-OF-WAY
(FIBER OPTIC NETWORK)

THIS THIRD AMENDMENT TO REVOCABLE LICENSE AGREEMENT FOR OCCUPANCY OF RIGHT-OF-WAY (FIBER OPTIC NETWORK) (hereinafter the "Third Amendment") is made this ____ day of _____, 2021 (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 WANRACK LLC, a Kansas limited liability corporation, hereinafter called the "**Licensee**."

R E C I T A L S

A. On October 4, 2017, the **City of Elko** and **Licensee** entered into a Revocable License Agreement for Occupancy of Right-of-Way (Fiber Optic Network) (hereinafter the "License Agreement");

B. The License Agreement allows **Licensee** to occupy certain **City of Elko**-owned property for the purpose of installing, operating and maintaining a fiber optic network;

C. On the 28th of November 2017, the License Agreement was amended by the "First Amendment to Revocable License Agreement for Occupancy of Right-of-Way (Fiber Optic Network)" (hereinafter the "First Amendment") to increase the linear feet of the fiber optic network installed underground and decrease the linear feet above ground, as shown in **Exhibit A** and **Exhibit B** thereto;

D. On the 9th of May 2018, the License Agreement was amended by the "Second Amendment to Revocable License Agreement for Occupancy of Right-of-Way (Fiber Optic Network)" (hereinafter the "Second Amendment") to increase the linear feet of the fiber optic network with the addition of two new routes, as shown in **Exhibit A** and **Exhibit B** thereto;

E. After effective date of the Second Amendment, **Licensee** informed the **City of Elko** that the total length of the fiber optic network would be more than what was indicated in the License Agreement, as amended, with the addition of one new route; and

F. The Parties have agreed to amend the License Agreement, as amended by the First and Second Amendments, to increase the length of the fiber optic network.

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

1. The first recital of the License Agreement is hereby deleted in its entirety and replaced with the following recital:

A. **Licensee** desires to install, operate and maintain private fiber optic wide

area network 26,774.70 feet in length (21,130.69 feet underground and 5,644.01 feet above ground) within certain public easements and rights-of-way located within the Elko City limits for the purposing of enhancing communication between facilities owned and/or operated by the Elko County School District (hereinafter the "Network");

2. **Exhibit E** and **Exhibit F** attached to this Third Amendment are hereby added and appended to the License Agreement, as amended, and shall be in addition to **Exhibit A** and **Exhibit B** attached to the First Amendment and **Exhibit C** and **Exhibit D** attached to the Second Amendment.

3. Except as modified by this Third Amendment, the License Agreement, First Amendment and Second Amendment shall remain in full force and effect, and the License Agreement, First Amendment and Second Amendment, as modified by this Third Amendment, are hereby ratified and confirmed by the Parties. In the event of a conflict between the terms of this Third Amendment and the terms of the License Agreement and/or the First and/or Second Amendments, the terms of this Third Amendment shall control. Defined terms used in this Third Amendment which are not defined herein shall have the meanings set forth in the License Agreement or the First or Second Amendment, as appropriate. This instrument may be executed in counterparts, each of which shall be deemed to be an original, but all of which shall constitute one and the same instrument.

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

WANRACK, LLC:

CITY OF ELKO:

By: _____

By: _____
REECE KEENER, Mayor

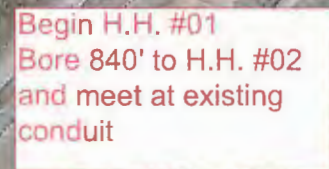
Title: _____

ATTEST:

KELLY WOOLDRIDGE, City Clerk

Exhibit E

Sheet 1 of 1 Elko West extension



- Project Name: Elko Extnesion
Engineered by: M&H Consulting / DH
Date: 02/02/2020
Drafted By: M&H Consulting / DH
Revised Date: 02/12/2020
Scale: NTS Sheet: 13x19

This drawing has been issued to the owner for their exclusive use, and only represents the state of the project as of the last revision. No other uses or reproductions have been authorized by the listed owner.



Exhibit F

Legal Description

Route A (Elko City):

A legal description for the location of underground communications network operated by WANrack Private Fiber Networks within easements and rights-of-ways described herein:

Commencing at the East side of Section 9 in Township 34 North, Range 55 East, Mount Diablo Meridian, at H.H. #01; Thence South $90^{\circ}0'$ a distance of 80.00; Thence Southwest $135^{\circ}0'$ for a distance of 760.00 feet, shown on Sheet 1 of 1 of Exhibit C.

Description prepared by

Dayne Higginbotham, GISP

M&H Cosultants

**Elko City Council
Agenda Action Sheet**

1. Title: **Review, consideration, and possible approval of revisions to the 2021 Ruby View Golf Course Rate Structure, and matters related thereto. FOR POSSIBLE ACTION**
2. Meeting Date: **February 23, 2021**
3. Agenda Category: **NEW BUSINESS**
4. Time Required: **10 Minutes**
5. Background Information: **On January 26, 2021, the Elko City Council approved a Golf Management Agreement between the City of Elko and TDS at Ruby View, LLC d.b.a. Duncan Golf Management. TDS at Ruby View, LLC has proposed five (5) revisions to the existing rate structure to encourage play during the 2021 Golf Season:**
 - 1) **Offer a \$5.00 discount on Greens Fees for Duncan Golf Pass Holders from other Nevada Golf Courses.**
 - 2) **Offer a \$5.00 discount on Greens Fees for the guests of Ruby View Golf Course Pass Holders.**
 - 3) **Include Friday as part of Ruby View Golf Course's "Weekend Rate."**
 - 4) **Add a \$5.00 surcharge per participant for Tournament Play, which will offset the cost of tournament coordination and provide each participant with a water bottle and bucket of range balls.**
 - 5) **Remove the "Conversion from 9 to 18 hole" option.**

Normally, revisions and/or adjustments to the rates and/or rate structure would be reviewed by the Ruby View Golf Course Financial Advisory Committee. However, the City of Elko has deferred all Advisory Board meetings due to COVID-19 restrictions. CC
6. Budget Information:

Appropriation Required:
Budget amount available:
Fund name:
7. Business Impact Statement: **Required**
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: **Golf Financial Advisory Committee**

**Elko City Council
Agenda Action Sheet**

1. Title: **Review, consideration, and possible approval of Resolution No. 10-21, a resolution authorizing augmentation of the 2020/2021 Fiscal Year Budget of the Capital Equipment Reserve Fund, increasing appropriations to 1,888,086 to account for \$61,426 in unanticipated revenues, pursuant to NRS 354.598005, and matters related thereto. FOR POSSIBLE ACTION**
2. Meeting Date: **February 23, 2021**
3. Agenda Category: **RESOLUTION**
4. Time Required: **5 Minutes**
5. Background Information: **The Capital Equipment Reserve Fund had increased revenues transferred from the General Fund in the amount of \$61,426. These funds will be used to purchase Agenda Management Software not included in the 2020/2021 Capital Equipment Reserve Fund budget. JB**
6. Budget Information:
 Appropriation Required: **\$61,426.00**
 Budget amount available: **\$61,426.00**
 Fund name: **Capital Equipment Replacement Fund**
7. Business Impact Statement: **Not Required**
8. Supplemental Agenda Information: **Resolution No. 10-21**
9. Recommended Motion: **Approve Resolution No. 10-21 augmenting the Capital Equipment Replacement Fund in the amount of \$61,426 pursuant to NRS 354.598005.**
10. Prepared by: **Jan Baum, Financial Services Director**
11. Committee/Other Agency Review:
12. Council Action: **At the pleasure of the Council**
13. Agenda Distribution:

Upon introduction and motion by Councilmember _____ and seconded by Council Member _____ the following Resolution and Order was passed and adopted:

RESOLUTION 10-21

RESOLUTION TO AUGMENT THE 2020-2021 BUDGET OF City of Elko

WHEREAS, total resources of the Capital Equipment Reserve Fund , City of Elko were budgeted to be \$1,826,660 on July 1, 2020; and

WHERE AS, the total available resources are now determined to be \$ 1,888,086.

WHEREAS, said additional unanticipated resources are as follows:

<u>CARES Act Funding transferred to Capital</u>	
<u>Equipment Fund from General Fund</u>	\$ <u>61,426</u>
_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____
Total	\$ <u>61,426</u>

WHEREAS, there is a need to apply these excess proceeds in the Capital Equipment Reserve Fund.

Now, therefore, it is hereby RESOLVED, that City of Elko shall augment its 2020-2021 budget by appropriating \$61,426 for use in the Capital Equipment Reserve Fund thereby increasing its appropriations from \$1,826,660 to \$1,888,086 A detailed schedule is attached to this Resolution and by reference is made a part thereof.

IT IS FURTHER RESOLVED, that the Elko City Clerk shall forward the necessary documents to the Department of Taxation, State of Nevada.

PASSED, ADOPTED, AND APPROVED the 23rd of the February, 2021.

Votes:

AYES:

NAYS:

ABSENT:

ABSTAIN:

By: _____
REECE KEENER, MAYOR

ATTEST: _____
Kelly Wooldridge, City Clerk

**Elko City Council
Agenda Action Sheet**

1. Title: **Review, consideration, and possible approval of Resolution No. 11-21, a resolution authorizing augmentation of the 2020/2021 Fiscal Year Budget of the General Fund, increasing appropriations to \$26,671,651 to account for \$1,462,605 in unanticipated revenues, pursuant to NRS 354.598005, and matters related thereto. FOR POSSIBLE ACTION**
2. Meeting Date: **February 23, 2020**
3. Agenda Category: **RESOLUTION**
4. Time Required: **5 Minutes**
5. Background Information: **The General Fund had increased revenues due to the receipt of Covid Relief Funds. When the 2020/2021 budget was prepared the City of Elko did not anticipate the receipt of, or related spend associated with the COVID Relief Funds. JB**
6. Budget Information:
 Appropriation Required: **\$1,462,605.00**
 Budget amount available: **\$1,462,605.00**
 Fund name: **General Fund**
7. Business Impact Statement: **Not Required**
8. Supplemental Agenda Information: **Resolution No. 11-21**
9. Recommended Motion: **Approve Resolution No. 11-21 augmenting the General Fund in the amount of \$1,462,605 pursuant to NRS 354.598005.**
10. Prepared By: **Jan Baum, Financial Services Director**
11. Committee/Other Agency Review:
12. Council Action: **At the pleasure of the Council**
13. Agenda Distribution:

Upon introduction and motion by Councilmember _____ and seconded by Council Member _____ the following Resolution and Order was passed and adopted:

RESOLUTION 11-21RESOLUTION TO AUGMENT THE 2020-2021 BUDGET OF _____ **City of Elko**

WHEREAS, total resources of the General Fund, City of Elko were budgeted to be \$25,209,044 on July 1, 2020; and

WHERE AS, the total available resources are now determined to be \$ 26,671,651

WHEREAS, said additional unanticipated resources are as follows:

CARES Act Funding	\$ 1,462,605
	\$
	\$
	\$
	\$
Total	\$ 1,462,605

WHEREAS, there is a need to apply these excess proceeds in the General Fund .

Now, therefore, it is hereby RESOLVED, that City of Elko shall augment its 2020-2021 budget by appropriating \$1,462,605 for use in the General Fund thereby increasing its appropriations from \$25,209,044 to \$26,671,651. A detailed schedule is attached to this Resolution and by reference is made a part thereof.

IT IS FURTHER RESOLVED, that the Elko City Clerk shall forward the necessary documents to the Department of Taxation, State of Nevada.

PASSED, ADOPTED, AND APPROVED the 23rd of the February, 2021.

Votes:

Ayes:

Nays:

Absent:

Abstain:

**Elko City Council
Agenda Action Sheet**

1. Title: **Review, consideration, and possible approval of Resolution No. 12-21, a resolution authorizing augmentation of the 2020/2021 Fiscal Year Budget of the Sewer, Water, Landfill, Airport and Golf Fund, and matters related. FOR POSSIBLE ACTION**
2. Meeting Date: **February 23, 2021**
3. Agenda Category: **RESOLUTION**
4. Time Required: **5 Minutes**
5. Background Information: **The portion of the Covid Relief Funds associated with the Enterprise Fund (Sewer, Water, Landfill, Airport and Golf Funds) need to be transferred from the General Fund. The list of transfers made from the General Fund to the respective Enterprise Funds is attached. JB**
6. Budget Information - **Attached**
7. Business Impact Statement: **Not Required**
8. Supplemental Agenda Information: **Resolution No. 12-21**
9. Recommended Motion: **Approve Resolution No. 12-21 augmenting the Sewer, Water, Landfill, Airport and Golf Enterprise Funds for the amounts in the attached spreadsheet pursuant to NRS 354.598005.**
10. Prepared by: **Jan Baum, Financial Services Director**
11. Committee/Other Agency Review:
12. Council Action: **At the pleasure of the Council**
13. Agenda Distribution:

Resolution No. 12-21

Resolution authorizing augmentation of the 2020/2021 Fiscal Year Budget of the Sewer, Water, Landfill, Airport and Golf Fund

Upon introduction and motion by Councilmember _____ and seconded by Council Member _____ the following Resolution and Order was passed and adopted:

RESOLUTION 12-21

RESOLUTION TO AUGMENT THE 2020-2021 BUDGET OF City of Elko

WHEREAS, a portion of the Covid Relief Funds received in the City of Elko General Fund were reimbursements for Enterprise Funds Covid related expenditures and need to be transferred to the respective Enterprise Fund. The following amounts are being transferred from the General Fund to the following Enterprise Funds:

Water Fund	transfer from General Fund	\$ 24,154.33
Sewer Fund	transfer from General Fund	\$ 47,899.50
Landfill Fund	transfer from General Fund	\$ 2,211.04
Airport Fund	transfer from General Fund	\$ 15,509.34
Golf Fund	transfer from General Fund	\$ 406.40

Now, therefore, it is hereby RESOLVED, that City of Elko shall augment its 2020-2021 budget by appropriating the following:

Water Fund	increasing the appropriations by	\$ 24,154.33
Sewer Fund	increasing the appropriations by	\$ 47,899.50
Landfill Fund	increasing the appropriations by	\$ 2,211.04
Airport Fund	increasing the appropriations by	\$ 15,509.34
Golf Fund	increasing the appropriations by	\$ 406.40

A detailed schedule is attached to this Resolution and by reference is made a part thereof.

IT IS FURTHER RESOLVED, that the Elko City Clerk shall forward the necessary documents to the Department of Taxation, State of Nevada.

PASSED, ADOPTED, AND APPROVED the 23rd of the February, 2021.

Votes:

AYES:

NAYS:

ABSENT:

ABSTAIN:

By: _____
REECE KEENER, MAYOR

ATTEST: _____
Kelly Wooldridge, City Clerk

City of Elko
FY 2020/2021 Budget Transfers

Account Number	Description	Debit	Credit
Water Fund:			
501-00-00.391-01	Transfers in from General Fund		24,154.33
501-70-30-410-10	Salaries/Wages Full Time Salaries	24,154.33	
Sewer Fund:			
502-00-00.391-01	Transfers in from General Fund		47,899.50
502-71-41.434-15	Technical Lab Services	21,900.00	
502-71-30.610-11	General Supplies Personal Protection Equipment	3,642.21	
502-71-30-410-10	Salaries/Wages Full Time Salaries	22,357.29	
Landfill Fund:			
503-00-00.391-01	Transfers in from General Fund		2,211.04
503-72-30-410-10	Salaries/Wages Full Time Salaries	2,211.04	
Airport Fund:			
504-00-00.391-01	Transfers in from General Fund		15,509.34
504-34-30-410-10	Salaries/Wages Full Time Salaries	15,509.34	
Golf Fund:			
505-00-00.391-01	Transfers in from General Fund		406.40
505-52-30-410-10	Salaries/Wages Full Time Salaries	406.40	

	1	2	3
EXPENDITURES BY FUNCTION AND ACTIVITY	2021 FINAL Budget	Augmentation	2021 Augmented Budget
GENERAL GOVERNMENT			
<u>Administration</u>			
Salaries / Wages	351,492		351,492
Employee Benefits	205,298		205,298
Services / Supplies	196,553	43,204	239,757
Capital Outlay	-		-
Total Administration	753,344	43,204	796,548
<u>Clerk</u>			
Salaries / Wages	156,860		156,860
Employee Benefits	81,545		81,545
Services / Supplies	44,370		44,370
Capital Outlay	-		-
Total Clerk	282,775	-	282,775
<u>Personnel</u>			
Salaries / Wages	77,846		77,846
Employee Benefits	30,945		30,945
Services / Supplies	61,592		61,592
Capital Outlay	-		-
Total Personnel	170,384	-	170,384
<u>Information Systems</u>			
Salaries / Wages	160,127		160,127
Employee Benefits	78,825		78,825
Services / Supplies	192,108	55,000	247,108
Capital Outlay	-		-
Total Information Systems	431,060	55,000	486,060
<u>Finance</u>			
Salaries / Wages	126,245		126,245
Employee Benefits	71,443		71,443
Services / Supplies	38,126		38,126
Capital Outlay	-		-
Total Finance	235,814	-	235,814
<u>Planning / Zoning</u>			
Salaries / Wages	144,895		144,895
Employee Benefits	76,056		76,056
Services / Supplies	46,650		46,650
Capital Outlay	-		-
Total Planning / Zoning	267,601	-	267,601
<u>Central Services</u>			
Salaries / Wages	-		-
Employee Benefits	378,000		378,000
Services / Supplies	158,893		158,893
Total Central Services	536,893	-	536,893
<u>Economic Development</u>			
Services / Supplies	31,800		31,800
Capital Outlay	-		-
Total Economic Development	31,800	-	31,800
Total Salaries / Wages	1,017,465	-	1,017,465
Total Employee Benefits	922,113	-	922,113
Total Services / Supplies	770,092	98,204	868,296
Total Capital Outlay	-	-	-
TOTAL GENERAL GOVERNMENT	2,709,670	98,204	2,807,874

Budget Augmentation

Budget Augmentation

	1	2	3
EXPENDITURES BY FUNCTION AND ACTIVITY	2021 FINAL Budget	Augmentation	2021 Augmented Budget
PUBLIC WORKS			
<u>Public Works</u>			
Salaries / Wages	748,388		748,388
Employee Benefits	400,245		400,245
Services / Supplies	1,318,200		1,318,200
Capital Outlay	-		-
Total Public Works	2,466,833	-	2,466,833
<u>Fleet Maintenance</u>			
Salaries / Wages	309,753		309,753
Employee Benefits	173,099		173,099
Services / Supplies	64,350		64,350
Capital Outlay	-		-
Total Fleet Maintenance	547,203	-	547,203
<u>Engineering</u>			
Salaries / Wages	96,021		96,021
Employee Benefits	48,606		48,606
Services / Supplies	75,924		75,924
Capital Outlay	-		-
Total Engineering	220,551	-	220,551
<u>Building Inspection</u>			
Salaries / Wages	320,830		320,830
Employee Benefits	175,599		175,599
Services / Supplies	92,441		92,441
Capital Outlay	-		-
Total Building Inspection	588,870	-	588,870
<u>Facilities Maintenance</u>			
Salaries / Wages	210,758		210,758
Employee Benefits	123,247		123,247
Services / Supplies	369,000		369,000
Capital Outlay	-		-
Total Facilities Maintenance	703,005	-	703,005
<u>Community Development</u>			
Salaries / Wages	122,598		122,598
Employee Benefits	53,204		53,204
Services / Supplies	114,250		114,250
Capital Outlay	-		-
Total Community Development	290,053	-	290,053
Total Salaries / Wages	1,808,349	-	1,808,349
Total Employee Benefits	974,001	-	974,001
Total Services / Supplies	2,034,165	-	2,034,165
Total Capital Outlay	-	-	-
TOTAL PUBLIC WORKS	4,816,515	-	4,816,515

[illegible]

Budget Augmentation

[illegible]

		1	2	3
EXPENDITURES BY FUNCTION AND ACTIVITY		2021 FINAL Budget	Augmentation	2021 Augmented Budget
Page	Function Summary			
14	General Government	2,709,670	98,204	2,807,874
15	Judicial	416,500	-	416,500
16	Public Safety	12,030,995	1,155,110	13,186,105
17	Public Works	4,816,515	-	4,816,515
	Sanitation	-	-	-
18	Health	800,294	-	800,294
19	Culture / Recreation	1,311,962	-	1,311,962
20	Community Support	91,011	57,685	148,696
		-	-	-
Total Expenditures - All Functions		22,176,947	1,311,000	23,487,947
OTHER USES:				
	Contingency	332,654		332,654
	Not to exceed 3% of total expenditures)			
Page	Operating Transfers Out:			
23	Transfers Out Recreation Fund	-		-
27	Transfer Out Capital Construction Fund	-		-
29	Transfers Out Revenue Stabilization Fund	-		-
31	Transfers Out Facility Fund	360,454		360,454
37	Transfers Out Capital Equipment Fund	360,454	61,426	421,880
52	Transfer Out Health Insurance Fund	-		-
	Transfer Out Water Fund	-	24,154	24,154
	Transfer Out Sewer Fund	-	47,900	47,900
	Transfer Out Landfill	-	2,211	2,211
54	Transfers Out Airport Fund	50,000	15,509	65,509
56	Transfer Out Golf Course Enterprise Fund	-	406	406
Total Operating Transfers Out		770,908	151,607	922,515
TOTAL EXPENDITURES AND OTHER USES:		23,280,509	1,462,606	24,743,115
ENDING FUND BALANCE:				
	Reserved			
	Unreserved	1,928,535		1,928,535
Total Ending Fund Balance		1,928,535	-	1,928,535
TOTAL GENERAL FUND COMMITMENTS / FUND BALANCE		25,209,044	1,462,606	26,671,651

City of Elko
(Local Government)
Schedule B - General Fund
Revised Expenditure Schedule

	1	2	3
EXPENDITURES BY FUNCTION AND ACTIVITY	2021 FINAL Budget	Augmentation	2021 Augmented Budget
GENERAL GOVERNMENT			
<u>Administration</u>			
Salaries / Wages	351,492		351,492
Employee Benefits	205,298		205,298
Services / Supplies	196,553	43,204	239,757
Capital Outlay	-		-
Total Administration	753,344	43,204	796,548
<u>Clerk</u>			
Salaries / Wages	156,860		156,860
Employee Benefits	81,545		81,545
Services / Supplies	44,370		44,370
Capital Outlay	-		-
Total Clerk	282,775	-	282,775
<u>Personnel</u>			
Salaries / Wages	77,846		77,846
Employee Benefits	30,945		30,945
Services / Supplies	61,592		61,592
Capital Outlay	-		-
Total Personnel	170,384	-	170,384
<u>Information Systems</u>			
Salaries / Wages	160,127		160,127
Employee Benefits	78,825		78,825
Services / Supplies	192,108	55,000	247,108
Capital Outlay	-		-
Total Information Systems	431,060	55,000	486,060
<u>Finance</u>			
Salaries / Wages	126,245		126,245
Employee Benefits	71,443		71,443
Services / Supplies	38,126		38,126
Capital Outlay	-		-
Total Finance	235,814	-	235,814
<u>Planning / Zoning</u>			
Salaries / Wages	144,895		144,895
Employee Benefits	76,056		76,056
Services / Supplies	46,650		46,650
Capital Outlay	-		-
Total Planning / Zoning	267,601	-	267,601
<u>Central Services</u>			
Salaries / Wages	-		-
Employee Benefits	378,000		378,000
Services / Supplies	158,893		158,893
Total Central Services	536,893	-	536,893
<u>Economic Development</u>			
Services / Supplies	31,800		31,800
Capital Outlay	-		-
Total Economic Development	31,800	-	31,800
Total Salaries / Wages	1,017,465	-	1,017,465
Total Employee Benefits	922,113	-	922,113
Total Services / Supplies	770,092	98,204	868,296
Total Capital Outlay	-	-	-
TOTAL GENERAL GOVERNMENT	2,709,670	98,204	2,807,874

[illegible]

Budget Augmentation

	1	2	3
EXPENDITURES BY FUNCTION AND ACTIVITY	2021 FINAL Budget	Augmentation	2021 Augmented Budget
PUBLIC WORKS			
<u>Public Works</u>			
Salaries / Wages	748,388		748,388
Employee Benefits	400,245		400,245
Services / Supplies	1,318,200		1,318,200
Capital Outlay	-		-
Total Public Works	2,466,833	-	2,466,833
<u>Fleet Maintenance</u>			
Salaries / Wages	309,753		309,753
Employee Benefits	173,099		173,099
Services / Supplies	64,350		64,350
Capital Outlay	-		-
Total Fleet Maintenance	547,203	-	547,203
<u>Engineering</u>			
Salaries / Wages	96,021		96,021
Employee Benefits	48,606		48,606
Services / Supplies	75,924		75,924
Capital Outlay	-		-
Total Engineering	220,551	-	220,551
<u>Building Inspection</u>			
Salaries / Wages	320,830		320,830
Employee Benefits	175,599		175,599
Services / Supplies	92,441		92,441
Capital Outlay	-		-
Total Building Inspection	588,870	-	588,870
<u>Facilities Maintenance</u>			
Salaries / Wages	210,758		210,758
Employee Benefits	123,247		123,247
Services / Supplies	369,000		369,000
Capital Outlay	-		-
Total Facilities Maintenance	703,005	-	703,005
<u>Community Development</u>			
Salaries / Wages	122,598		122,598
Employee Benefits	53,204		53,204
Services / Supplies	114,250		114,250
Capital Outlay	-		-
Total Community Development	290,053	-	290,053
Total Salaries / Wages	1,808,349	-	1,808,349
Total Employee Benefits	974,001	-	974,001
Total Services / Supplies	2,034,165	-	2,034,165
Total Capital Outlay	-	-	-
TOTAL PUBLIC WORKS	4,816,515	-	4,816,515

Budget Augmentation

Budget Augmentation

		1	2	3
EXPENDITURES BY FUNCTION AND ACTIVITY		2021 FINAL Budget	Augmentation	2021 Augmented Budget
Page	Function Summary			
14	General Government	2,709,670	98,204	2,807,874
15	Judicial	416,500	-	416,500
16	Public Safety	12,030,995	1,155,110	13,186,105
17	Public Works	4,816,515	-	4,816,515
	Sanitation	-	-	-
18	Health	800,294	-	800,294
19	Culture / Recreation	1,311,962	-	1,311,962
20	Community Support	91,011	57,685	148,696
		-		-
Total Expenditures - All Functions		22,176,947	1,311,000	23,487,947
OTHER USES:				
	Contingency	332,654		332,654
	Not to exceed 3% of total expenditures)			
Page	Operating Transfers Out:			
23	Transfers Out Recreation Fund	-	-	-
27	Transfer Out Capital Construction Fund	-	-	-
29	Transfers Out Revenue Stabilization Fund	-	-	-
31	Transfers Out Facility Fund	360,454		360,454
37	Transfers Out Capital Equipment Fund	360,454	61,426	421,880
52	Transfer Out Health Insurance Fund	-		-
	Transfer Out Water Fund	-	24,154	24,154
	Transfer Out Sewer Fund	-	47,900	47,900
	Transfer Out Landfill	-	2,211	2,211
54	Transfers Out Airport Fund	50,000	15,509	65,509
56	Transfer Out Golf Course Enterprise Fund	-	406	406
Total Operating Transfers Out		770,908	151,607	922,515
TOTAL EXPENDITURES AND OTHER USES:		23,280,509	1,462,606	24,743,115
ENDING FUND BALANCE:				
	Reserved			
	Unreserved	1,928,535		1,928,535
Total Ending Fund Balance		1,928,535	-	1,928,535
TOTAL GENERAL FUND COMMITMENTS / FUND BALANCE		25,209,044	1,462,606	26,671,651

City of Elko
(Local Government)
Schedule B - General Fund
Revised Expenditure Schedule

	(1)	(2)	(3)
REVENUES	2021 FINAL APPROVED	Augmentation	2021 Augmented Budget
TAXES:			
Ad Valorem	476,280		476,280
INTERGOVERNMENTAL REVENUE:			
Consolidated Tax Revenue	365,680		365,680
Grant Revenue	-	-	-
Total Intergovernmental Revenue	365,680	-	365,680
MISCELLANEOUS REVENUE:			
Interest Income	5,000		5,000
Private Donations	-		-
Other Miscellaneous	15,000		15,000
Total Miscellaneous Revenue	20,000	-	20,000
TOTAL REVENUE - ALL SOURCES	861,960	-	861,960
OTHER FINANCING SOURCES:			
Lease Financing	-	-	-
Lease Financing - Police	200,163		200,163
Lease Financing - Building	15,957		15,957
Operating Transfers In:			
General Fund	360,454	61,426	421,880
Water Fund	-	-	-
Sale of Fixed Assets	-	-	-
TOTAL OTHER FINANCING SOURCES	576,575	61,426	638,001
BEGINNING FUND BALANCE:			
Beginning Fund Balance Reserved			
Beginning Fund Balance Unreserved	388,126		388,126
TOTAL BEGINNING FUND BALANCE	388,126	-	388,126
TOTAL AVAILABLE RESOURCES	1,826,660	61,426	1,888,086
EXPENDITURES			
Information Systems - S & S	18,000		18,000
Police - Services & Supplies	-	-	-
Lease Payments - Police	59,623		59,623
Lease Payments - Building	4,179		4,179
Total Services & Supplies	81,802	-	81,802
Capital Outlay			
Administration	-	-	-
Information Systems	83,500		83,500
City Clerk	30,520	61,426	91,946
Police	387,163		387,163
Fire	232,765		232,765
Public Works	24,000		24,000
Building Inspection	15,957		15,957
Fleet Maintenance	-		-
Engineering	-		-
Animal Shelter	-		-
Parks/Recreation Facilities	130,200		130,200
Facilities	57,000		57,000
Total Capital Outlay	961,105	61,426	1,022,531
TOTAL EXPENDITURES	1,042,907	61,426	1,104,333
OTHER FINANCING USES:			
<u>Transfers Out</u>			
Transfers Out	-	-	-
Total Other Financing Uses	-	-	-
ENDING FUND BALANCE:			
Ending Fund Balance Reserved			
Ending Fund Balance Unreserved	783,753		783,753
Total Ending Fund Balance	783,753	-	783,753
TOTAL FUND COMMITMENTS AND FUND BALANCE	1,826,660	61,426	1,888,086

**Elko City Council
Agenda Action Sheet**

1. Title: **Ratification of the Police Chief issuing a 60-day Temporary Retail Liquor License and issue a Regular Retail Liquor License, to Samuel Horvitz, DBA Silver Dollar, located at 400 Commercial Street, Elko, NV 89801, and matters related thereto. FOR POSSIBLE ACTION**
2. Meeting Date: **February 23, 2021**
3. Agenda Category: **PETITION**
4. Time Required: **5 Minutes**
5. Background Information: **N/A**
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: **N/A**
9. Recommended Motion: **Ratification of the Police Chief issuing a 60-day Temporary Retail Liquor License and issue a Regular Retail Liquor License, to Samuel Horvitz, DBA Silver Dollar, located at 400 Commercial Street, Elko, NV 89801.**
10. Prepared By: **Ty Trouten, Elko Police Chief**
11. Committee/Other Agency Review:
12. Council Action:
13. Council Agenda Distribution: **Samuel Horvitz
604 Castle Rock
Elko, NV 89801**

**Elko City Council
Agenda Action Sheet**

1. Title: **Review, consideration, and possible action to adopt Resolution No. 09-21, a resolution of the Elko City Council, adopting a change in zoning district boundaries from R (Single Family and Multiple Family Residential) and R1 (Single Family Residential) to R (Single Family and Multiple Family Residential) Zoning District, approximately 26.607 acres of property, filed by Jordanelle Third Mortgage, LLC, and processed as Rezone No. 6-20, and matters related thereto. FOR POSSIBLE ACTION**
2. Meeting Date: **February 23, 2021**
3. Agenda Category: **PUBLIC HEARING**
4. Time Required: **10 Minutes**
5. Background Information: **The Planning Commission considered the Subject Zone Change Request on February 2, 2021, and took action to forward a recommendation to City Council to adopt a resolution, which approves Rezone No. 6-20. 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, P.C. action report, Staff Report and related correspondence**
9. Recommended Motion: **Adopt Resolution No. 09-21**
10. Prepared By: **Cathy Laughlin, City Planner**
11. Committee/Other Agency Review: **Planning Commission, Legal Counsel**
12. Council Action:
13. Agenda Distribution: **Jordanelle Third Mortgage, LLC**

Attn: Scott MacRitchie
312 Four Mile Trail
Elko, NV 89801

High Desert Engineering
Attn: Tom Ballew
640 Idaho Street
Elko, NV 89801

Upon introduction and motion by Councilman _____ and seconded by Councilman _____ the following Resolution and Order was passed and adopted:

**CITY OF ELKO
RESOLUTION NO. 09-21**

**A RESOLUTION OF THE ELKO CITY COUNCIL
ADOPTING A CHANGE IN ZONING DISTRICT BOUNDARIES**

WHEREAS, the Elko City Council has conducted a public hearing in accordance with Nevada Revised Statutes, Section 278.260 and the Elko City Code, Section 3-2-21(C), and

WHEREAS, the Elko City Council has received and reviewed the application submitted by Jordanelle Third Mortgage, LLC (petitioner), together with any public input, supporting data and evidence, and the previous action taken by the Planning Commission pertaining to Rezone Application No. 6-20.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE ELKO CITY COUNCIL that Rezone Application No. 6-20, involving a change in zoning from R (Single Family and Multiple Family Residential) and R1 (Single Family Residential) to R (Single Family and Multiple Family Residential) Zoning District involving approximately 26.607 acres of property located generally on the east side of E Jennings Way generally north of the intersection with Khoury Lane, more particularly described in Exhibit A and shown on the map at Exhibit B attached hereto is hereby adopted.

IT IS FURTHER RESOLVED AND ORDERED that this Resolution shall now be signed and recorded.

PASSED AND ADOPTED this ___ day of _____, 2021.

CITY OF ELKO

By: _____
REECE KEENER, MAYOR

ATTEST:

KELLY C. WOOLDRIDGE, CITY CLERK

VOTE:

AYES:

NAYS:

ABSENT:

ABSTAIN:

EXHIBIT "A"

Zephyr Heights Zoning Change

January 11, 2021

A parcel of land located in Section 2, Township 34 North, Range 55 East, M.D.B. & M., City of Elko, Nevada, being all of Adjusted Parcel 2 and a portion of East Jennings Way as shown on the Boundary Line Adjustment Record of Survey for The Pointe at Ruby View, LLC, filed in the office of the Elko County Recorder, Elko, Nevada, at file number 775216; more particularly described as follows:

Beginning at the center 1/4 Corner of said Section 2 as shown on said Boundary Line Adjustment Record of Survey, being Corner No. 1, the True Point of Beginning;

thence South 42° 32' 56" West, along the easterly boundary of said Adjusted Parcel 2, a distance of 206.48 feet to Corner No. 2;

thence from a tangent bearing South 35° 47' 03" East, on a curve to the right with a radius of 380.00 feet, through a central angle of 89° 45' 52", along the easterly boundary of said Adjusted Parcel 2, an arc length of 595.34 feet to Corner No. 3;

thence South 54° 37' 53" East, along the easterly boundary of said Adjusted Parcel 2, a distance 430.47 feet to Corner No. 4;

thence South 45° 30' 35" West, along the southeasterly boundary of said Adjusted Parcel 2, a distance of 1214.15 feet to Corner No. 5, a point on the easterly right-of-way of said East Jennings Way;

thence North 80° 11' 41" West, a distance of 40.00 feet to Corner No. 6, a point on the centerline of said East Jennings Way;

thence from a tangent bearing North 09° 48' 19" East, on a curve to the left with a radius of 820.00 feet, through a central angle of 15° 03' 52", along the centerline of said East Jennings Way, an arc length of 215.60 feet to Corner No. 7;

thence North 05° 15' 33" West, along the centerline of said East Jennings Way a distance of 1071.21 feet to Corner No. 8;

thence from a tangent bearing North 05° 15' 33" West, on a curve to the left with a radius of 510.00 feet, through a central angle of 36° 43' 28", along the centerline of said East Jennings Way, an arc length of 326.89 feet to Corner No. 9;

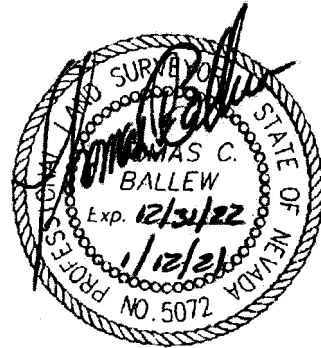
Exhibit "A"
Zephyr Heights Zoning Change

thence North 48°00'59" East, a distance of 40.00 feet to Corner No. 10, a point on the westerly boundary of said Adjusted Parcel 2;

thence North 37° 05' 43' East, along the northwesterly boundary of said Adjusted Parcel 2, a distance of 223.41 feet to Corner No. 11, a point on the northerly boundary of said Adjusted Parcel 2;

thence South 89° 35' 18" East, along the northerly boundary of said Adjusted Parcel 2, a distance of 832.90 feet to Corner No. 1, the point of beginning, containing 26.607 acres, more or less.

Reference is hereby made to Exhibit "B", Zephyr Heights Subdivision Zoning Change in Section 2, T.34 N., R.55 E., M.D.B.& M., attached hereto and made a part hereof.



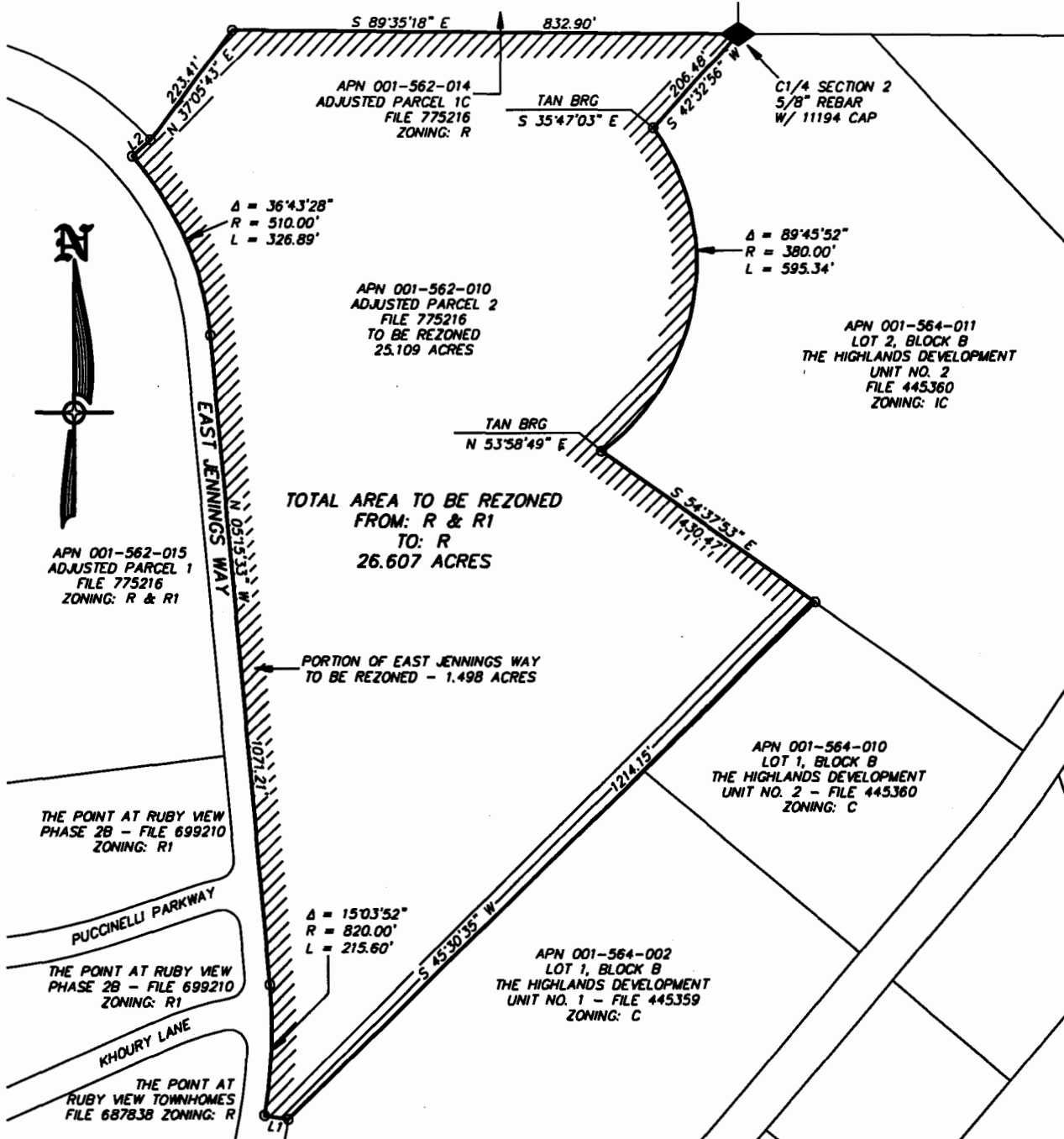
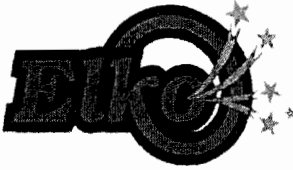


EXHIBIT "B"

ZEPHYR HEIGHTS SUBDIVISION ZONING CHANGE

IN

SECTION 2, T.34 N., R.55 E., M.D.B. & M.



CITY OF ELKO

Planning Department

Website: www.elkocity.com
Email: planning@elkocitynv.gov

1751 College Avenue • Elko, Nevada 89801 • (775) 777-7160 • Fax (775) 777-7219

CITY OF ELKO PLANNING COMMISSION ACTION REPORT Regular Meeting of February 2, 2021

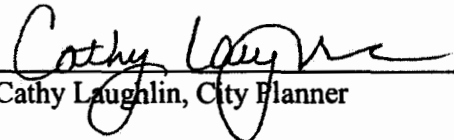
WHEREAS, the following item was reviewed and considered by the Elko City Planning Commission on February 2, 2021 under Public Hearing format in accordance with notification requirements contained in N.R.S. 278.260 and Elko City Code Section 3-2-21:

Rezone No. 6-20, filed by Jordanelle Third Mortgage, LLC, for a change in zoning from R (Single Family and Multiple Family Residential) and R1 (Single Family Residential) to R (Single Family and Multiple Family Residential) Zoning District, approximately 26.607 acres of property, to allow for residential development, and matters related thereto.

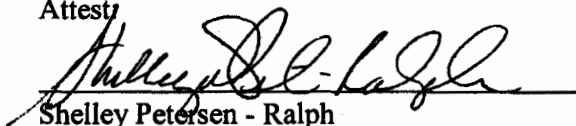
Subject property is located on the east side of E Jennings Way generally north of the intersection with Khoury Lane. (APN 001-562-010). The parcel currently has two zone districts.

NOW THEREFORE, upon review and consideration of the application, supporting data, public input and testimony, the Planning Commission forwarded a recommendation to City Council to adopt a resolution which approves Rezone No. 6-20.

The Planning Commission's findings to support its recommendation are the proposed zone district is in conformance with the Land Use Component of the Master Plan. The proposed zone district is compatible with the Transportation Component of the Master Plan and is consistent with the future transportation infrastructure. The proposed zone district and resultant land use is in conformance with City Wellhead Protection Plan. The proposed zone district is in conformance with Elko City Code Section 3-2-4(B). The proposed zone district is in conformance with Elko City Code Section 3-2-5. The application is in conformance with Elko City Code 3-2-21. The proposed zone district is not located in a designated Special Flood Hazard Area (SFHA). Development under the proposed zone district will not adversely impact natural systems, or public/federal lands such as waterways, wetlands, drainages, floodplains, etc., or pose a danger to human health and safety.


Cathy Laughlin, City Planner

Attest:


Shelley Petersen - Ralph

CC: Kelly Wooldridge, City Clerk
Michele Rambo, Development Manager (email)



City of Elko
1751 College Avenue
Elko, NV 89801
(775) 777-7160
FAX (775) 777-7119

CITY OF ELKO STAFF REPORT

MEMO DATE:	January 12, 2021
PLANNING COMMISSION DATE:	February 2, 2021
APPLICATION NUMBER:	REZONE 6-20
APPLICANT:	Jordanelle Third Mortgage, LLC.
PROJECT DESCRIPTION:	

A rezone from (R1) Single Family Residential and (R) Single Family and Multiple Family Residential to (R) Single Family and Multiple Family Residential



STAFF RECOMMENDATION:

RECOMMEND APPROVAL subject to findings of fact, and conditions as stated in this report.

PROJECT INFORMATION

PARCEL NUMBER: 001-562-010

PARCEL SIZE: 25.109 acres

EXISTING ZONING: R1 Single Family Residential and R Single Family and Multiple Family Residential

MASTER PLAN DESIGNATION: (RES- HD) Residential High Density and (RES- MD) Residential Medium Density

EXISTING LAND USE: Undeveloped

NEIGHBORHOOD CHARACTERISTICS:

- The property is surrounded by:
 - North: Residential / Undeveloped
 - West: Residential / Partially developed
 - South: Commercial / Developed
 - East: Industrial Commercial / Developed

PROPERTY CHARACTERISTICS:

- The area is currently undeveloped.
- The area has moderate sloping.
- The area is accessed from East Jennings Way

MASTER PLAN AND CITY CODE SECTIONS:

Applicable Master Plans and City Code Sections are:

- City of Elko Master Plan – Land Use Component
- City of Elko Master Plan – Transportation Component
- City of Wellhead Protection Plan
- City of Elko Zoning – Section 3-2-4 Establishment of Zoning Districts
- City of Elko Zoning – Section 3-2-5 Residential Zoning Districts
- City of Elko Zoning – Section 3-2-21 Amendments
- City of Elko Zoning – Section 3-8 Flood Plain Management

BACKGROUND:

1. The parcel is identified as APN 001-562-010.
2. The applicant is the property owner. They purchased the property on October 19, 2020.
3. The property is east of East Jennings Way extended north of Puccinelli Parkway.
4. The area of the parcel is approximately 25.109 acres.
5. The applicant has applied for a Tentative Map (TM 12-20) for Zephyr Heights Subdivision which is proposing 70 single family residential lots.

MASTER PLAN:

Land use:

1. Master Plan Land Use is shown as High Density Residential and Medium Density Residential.
2. R- Single Family and Multiple Family Residential zoning district is listed as a corresponding zoning district for Residential Medium Density and Residential High Density.
3. Objective 1: Promote a diverse mix of housing options to meet the needs of a variety of lifestyles, incomes, and age groups.
4. Objective 8: Encourage new development that does not negatively impact County-wide natural systems, or public/federal lands such as waterways, wetlands, drainages, floodplains etc., or pose a danger to human health and safety.

The proposed zone district is in conformance with the Land Use Component of the Master Plan.

Transportation:

1. The area will be accessed from East Jennings Way.
2. East Jennings Way is classified in the Transportation Component as a minor arterial with classification as a major arterial once the roadway is connected between west and east.
3. The extension of East Jennings Way as well as pedestrian access will be required as part of the subdivision development.

The proposed zone district is compatible with the Transportation Component of the Master Plan and will be consistent with the future transportation infrastructure.

ELKO WELLHEAD PROTECTION PLAN:

1. The property sits inside the 20 year capture zone for the City of Elko wells.

The proposed zone district and proposed use for the property is in conformance with wellhead protection plan.

SECTION 3-2-4 Establishment of Zoning Districts:

1. No building, structure or land shall hereafter be used or occupied and no building or structure or part thereof shall hereafter be erected, constructed, moved, or structurally altered, unless in conformity with all regulations specified in this subsection for the district in which it is located.
2. No building or other structure shall hereafter be erected or altered:
 - a. To exceed the heights required by the current City Airport Master Plan;
 - b. To accommodate or house a greater number of families than as permitted in this chapter;
 - c. To occupy a greater percentage of lot area; or
 - d. To have narrower or smaller rear yards, front yards, side yards or other open spaces, than required in this title; or in any other manner contrary to the provisions of this chapter.
3. No part of a required yard, or other open space, or off street parking or loading space,

provided in connection with any building or use, shall be included as part of a yard, open space, or off street parking or loading space similarly required for any other building.

4. No yard or lot existing on the effective date hereof shall be reduced in dimension or area below the minimum requirements set forth in this title. The property meets the area requirements for the proposed zone district.

The proposed zone district is in conformance with Elko City Code Section 3-2-4(B).

SECTION 3-2-5(E) R- Single Family and Multiple Family Residential District:

1. As the property develops, it will be required to be in conformance with all aspects of Elko City Code 3-2-5(E)

SECTION 3-2-21:

The application is in conformance with Elko City Code 3-2-21 with the filing of this application.

SECTION 3-8:

The proposed zone district is not located in a designated Special Flood Hazard Area (SFHA).

FINDINGS:

1. The proposed zone district is in conformance with the Land Use Component of the Master Plan.
2. The proposed zone district is compatible with the Transportation Component of the Master Plan and is consistent with the future transportation infrastructure.
3. The proposed zone district and resultant land use is in conformance with City Wellhead Protection Plan.
4. The proposed zone district is in conformance with Elko City Code Section 3-2-4(B).
5. The proposed zone district is in conformance with Elko City Code Section 3-2-5.
6. The application is in conformance with Elko City Code 3-2-21.
7. The proposed zone district is not located in a designated Special Flood Hazard Area (SFHA).
8. Development under the proposed zone district will not adversely impact natural systems, or public/federal lands such as waterways, wetlands, drainages, floodplains etc., or pose a danger to human health and safety.

STAFF RECOMMENDATION:

Staff recommends this item be APPROVED

Rezone 6-20 + Tentative Map 12-20 - Zephyr Heights - CC

YPNO	assess_nam	address1	address2	mcity	mzip
001568022	ALLEN ALICE A	2442 KHOURY LN		ELKO, NV	89801-4970
001566052	BLACH PATRICK J TR	131 W MAIN ST		ELKO, NV	89801-3690
001564010	CRMTN, LLC	PO BOX 3005		COLUMBUS, IN	47202-3000
001562019	DAGHER BASSAM T & WISSAM T	253 HICKORY HOLLOW AVE		LAS VEGAS, NV	89123-1180
001568026	DARLING REBECCA	2452 KHOURY LN		ELKO, NV	89801-4970
001566050	FISTROVIC BRANKO & TATIANA	PO BOX 1288		ELKO, NV	89803
001568019	HUNDLEY DANIEL C & TETIANA	2432 KHOURY LN		ELKO, NV	89801-4970
001568030	JOHNSTONE PETER G	2436 KHOURY LN		ELKO, NV	89801-4970
001568016	KRENZER CHARLOTTE	2426 KHOURY LN		ELKO, NV	89801-4970
001566053	LINDSTROM KAYLA LAUREN & QUINN DONN		2456 PUCCINELLI PKWY	ELKO, NV	89801
001568027	LINDSTROM QUINN D	2448 KHOURY LN		ELKO, NV	89801-
001568028	LOCUSON MATTHEW CHARLES	2444 KHOURY LN		ELKO, NV	89801-4970
001566049	MARIN SYLVIA M & XAVIER T	2457 PUCCINELLI PKWY		ELKO, NV	89801-5030
001568017	OLSEN JAMES C		2428 KHOURY LANE	ELKO, NV	89801-
001568021	PFARR JERRY	2438 KHOURY LN		ELKO, NV	89801-4970
001562015	POINTE AT RUBY VIEW LLC, THE	700 IDAHO ST		ELKO, NV	89801-
001564002	RUBY VISTA APARTMENTS LLC	5560 LONGLEY LN STE 200		RENO, NV	89511-1820
001566051	SANDOVAL ADRIAN & PATRICIA	PO BOX 1305		ELKO, NV	89803-1300
001568029	SIVIA JOHN M & ERIN E	2605 WILLOUGHBY AVE		LAS VEGAS, NV	89101-2320
001566048	SMITH NEIL DANIEL	2453 PUCCINELLI PKWY		ELKO, NV	89801-5030
001564011	SOUTHWEST GAS CORPORATION	5241 SPRING MOUNTAIN RD		LAS VEGAS, NV	89150-0000
001568023	STEWART DAVID	PERCY ANITA J	2446 KHOURY LN	ELKO, NV	89801-4970
001562014	THE POINTE AT RUBY VIEW LLC	700 IDAHO ST		ELKO, NV	89801-3820
001562009	THE POINTE AT RUBY VIEW LLC	700 IDAHO ST		ELKO, NV	89801-3820
001568018	TUSCANY INVESTORS LC	16940 E TORREY PINES CR		DRAPER, UT	84020-
001568025	TUSCANY INVESTORS LC	16940 E TORREY PINES CR		DRAPER, UT	84020-
001568020	TUSCANY INVESTORS LC	16940 E TORREY PINES CR		DRAPER, UT	84020-
001568031	TUSCANY POINTE AT RUBY VIEW HOMEOWNERS' ASSOCIATION		1910 IDAHO ST STE 102-511	ELKO, NV	89801-
001562002	USA	C/O BLM-SUPPORT SERVICES AP	3900 E IDAHO ST	ELKO, NV	89801-4690
001568024	WARD PAUL		2450 KHOURY LANE	ELKO, NV	89801-

26

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Elko City Council will conduct a series of public hearings on Tuesday, January 26, 2021 beginning at 5:30 P.M. P.S.T. at Elko Conference Center, 724 Moren Way, Elko, Nevada, or at such other place as the City Council shall hold its regular meeting, and that the public is invited to provide input and testimony on these matters under consideration in person, by writing, or by representative or via Gotomeeting.com.

The public can view or participate in the virtual meeting on a computer, laptop, tablet or smart phone at: <https://global.gotomeeting.com/join/639700477>. You can also dial in using your phone at +1 (872) 240-3311. The Access Code for this meeting is 639-700-477.

Members of the public that do not wish to use GoToMeeting may call in at (775)777-0590. Comments can also be emailed to cityclerk@elkocitynv.gov

The specific items to be considered under public hearing format are:

- Rezone No. 6-20, having a hearing as Resolution 09-21, filed by Jordanelle Third Mortgage, LLC, for a change in zoning from R (Single-Family and Multiple-Family Residential) and R1 (Single Family Residential) to R (Single-Family and Multiple-Family Residential) Zoning District, approximately 26.607 acres of property, specifically APN 001-562-010, located generally on the east side of E. Jennings Way, across from Khoury Lane and Puccinelli Parkway, more particularly described as:

A parcel of land located in Section 2, Township 34 North, Range 55 East, M.D.B. & M., City of Elko, Nevada, being all of Adjusted Parcel 2 and a portion of East Jennings Way as shown on the Boundary Line Adjustment Record of Survey for The Pointe at Ruby View, LLC, filed in the office of the Elko County Recorder, Elko, Nevada, at file number 775216; more particularly described as follows:

Beginning at the center $\frac{1}{4}$ Corner of said Section 2 as shown on said Boundary Line Adjustment Record of Survey, being Corner No. 1, the True Point of Beginning;

Thence South $42^{\circ} 32' 56''$ West, along the easterly boundary of said Adjusted Parcel 2, a distance of 206.48 feet to Corner No. 2;

Thence from a tangent bearing South $35^{\circ} 47' 03''$ East, on a curve to the right with a radius of 380.00 feet, through a central angle of $89^{\circ} 45' 52''$, along the easterly boundary of said Adjusted Parcel 2, an arc length of 595.34 feet to Corner No. 3;

Thence South $54^{\circ} 37' 53''$ East, along the easterly boundary of said Adjusted Parcel 2, a distance of 430.47 feet to Corner No. 4;

Thence South $45^{\circ} 30' 35''$ West, along the southeasterly boundary of said Adjusted Parcel 2, a distance of 1214.15 feet to Corner No. 5, a point on the easterly right-of-way of said East Jennings Way;

Thence North $80^{\circ} 11' 41''$ West, a distance of 40.00 feet to Corner No. 6, a point on the centerline of said East Jennings Way;

Thence from a tangent bearing North 09° 48' 19" East, on a curve to the left with a radius of 820.00 feet, through a central angle of 15° 03' 52", along the centerline of said East Jennings Way, an arc length of 215.60 feet to Corner No. 7;

Thence North 05° 15' 33" West, along the centerline of said East Jennings Way a distance of 1071.21 feet to Corner No. 8;

Thence from a tangent bearing North 05° 15' 33" West, on a curve to the left with a radius of 510.00 feet, through a central angle of 36° 43' 28", along the centerline of said East Jennings Way, an arc length of 326.89 feet to Corner No. 9;

Thence North 48° 00' 59" East, a distance of 40.00 feet to Corner No. 10, a point on the westerly boundary of said Adjusted Parcel 2;

Thence North 37° 05' 43" East, along the northwesterly boundary of said Adjusted Parcel 2, a distance of 223.41 feet to Corner No. 11, a point on the northerly boundary of said Adjusted Parcel 2;

Thence South 89° 35' 18" East, along the northerly boundary of said Adjusted Parcel 2, a distance of 832.90 feet to Corner No. 1, the point of beginning, containing 26.607 acres, more or less.

Reference is hereby made to Exhibit "B", Zephyr Heights Subdivision Zoning Change in Section 2, T.34 N., R.55 E., M.D.B.&M., attached hereto and made a part hereof.

The intent of the zone change is to allow for the development of a subdivision.

- Tentative Map No. 12-20, filed by Jordanelle Third Mortgage, LLC, for the development of a subdivision entitled Zephyr Heights, involving the proposed division of approximately 25.109 acres of property into 70 lots for residential development within the R (Single-Family and Multiple-Family Residential) Zoning District, and matters related thereto. The subject property is located on the east side of E. Jennings Way generally north of the intersection with Puccinelli Parkway. (APN 001-562-010)

Additional information concerning this item may be obtained by contacting the Elko City Planning Department at (775) 777-7160.

ELKO CITY COUNCIL

KeZone 6-20 + Tentative Map 12-20 - Zephyr Heights Subd. - 4C

YPNO	assess_nam	address1	address2	mcity	mzip
001568022	ALLEN ALICE A	2442 KHOURY LN		ELKO, NV	89801-4970
001566052	BLACH PATRICK J TR	131 W MAIN ST		ELKO, NV	89801-3690
001566050	CHAMBERLAIN DONALD CRAIG	2461 PUCCINELLI PKWY		ELKO, NV	89801-5030
001564010	CRMTN, LLC	PO BOX 3005		COLUMBUS, IN	47202-3000
001562019	DAGHER BASSAM T & WISSAM T	253 HICKORY HOLLOW AVE		LAS VEGAS, NV	89123-1180
001568026	DARLING REBECCA	2452 KHOURY LN		ELKO, NV	89801-4970
001568023	DEWHIRST SCOTT D & TERESA M	PO BOX 728		OVERGAARD, AZ	85933
001568019	HUNDLEY DANIEL C & TETIANA	2432 KHOURY LN		ELKO, NV	89801-4970
001568030	JOHNSTONE PETER G	2436 KHOURY LN		ELKO, NV	89801-4970
001568016	KRENZER CHARLOTTE	2426 KHOURY LN		ELKO, NV	89801-4970
001568027	LINDSTROM QUINN D	2448 KHOURY LN		ELKO, NV	89801-
001566053	LINDSTROM QUINN DON & KAYLA LAUREN		2456 PUCCINELLI PKWY	ELKO, NV	89801
001568028	LOCUSON MATTHEW CHARLES	2444 KHOURY LN		ELKO, NV	89801-4970
001566049	MARIN SYLVIA M & XAVIER T	2457 PUCCINELLI PKWY		ELKO, NV	89801-5030
001568017	OLSEN JAMES C		2428 KHOURY LANE	ELKO, NV	89801-
001568021	PFARR JERRY	2438 KHOURY LN		ELKO, NV	89801-4970
001562015	POINTE AT RUBY VIEW LLC, THE	700 IDAHO ST		ELKO, NV	89801-
001564002	RUBY VISTA APARTMENTS LLC	5560 LONGLEY LN STE 200		RENO, NV	89511-1820
001566051	SANDOVAL ADRIAN & PATRICIA	PO BOX 1305		ELKO, NV	89803-1300
001568029	SIVIA JOHN M & ERIN E	2605 WILLOUGHBY AVE		LAS VEGAS, NV	89101-2320
001566048	SMITH NEIL DANIEL	2453 PUCCINELLI PKWY		ELKO, NV	89801-5030
001564011	SOUTHWEST GAS CORPORATION	5241 SPRING MOUNTAIN RD		LAS VEGAS, NV	89150-0000
001562014	THE POINTE AT RUBY VIEW LLC	700 IDAHO ST	} 1pc.	ELKO, NV	89801-3820
001562009	THE POINTE AT RUBY VIEW LLC	700 IDAHO ST		ELKO, NV	89801-3820
001568018	TUSCANY INVESTORS LC	16940 E TORREY PINES CR	} 1pc	DRAPER, UT	84020-
001568025	TUSCANY INVESTORS LC	16940 E TORREY PINES CR		DRAPER, UT	84020-
001568020	TUSCANY INVESTORS LC	16940 E TORREY PINES CR		DRAPER, UT	84020-
	TUSCANY POINTE AT RUBY VIEW				
001568031	HOMEOWNERS' ASSOCIATION		1910 IDAHO ST STE 102-511	ELKO, NV	89801-
001562002	USA	C/O BLM-SUPPORT SERVICES AP	3900 E IDAHO ST	ELKO, NV	89801-4690
001568024	WARD PAUL		2450 KHOURY LANE	ELKO, NV	89801-

26

Postmarked 1/22/21

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Elko City Planning Commission will conduct a public hearing on Tuesday, February 2, 2021 beginning at 5:30 P.M. P.D.S.T. utilizing GoToMeeting.com, and that the public is invited to provide input and testimony on these matters under consideration via the virtual meeting at: <https://global.gotomeeting.com/join/865213653>.

The public can view or participate in the virtual meeting on a computer, laptop, tablet or smart phone at <https://global.gotomeeting.com/join/865213653>. You can also dial in using your phone. **+1 (872) 240-3212** Access Code: **865-213-653**. Members of the public that do not wish to use GoToMeeting may call in at (775)777-0590. Comments can also be emailed to cityclerk@elkocitynv.gov.

The specific items to be considered under public hearing format are:

- Rezone No. 6-20, filed by Jordanelle Third Mortgage, LLC, for a change in zoning from R (Single-Family and Multiple-Family Residential) and R1 (Single Family Residential) to R (Single-Family and Multiple-Family Residential) Zoning District, approximately 26.607 acres of property, specifically APN 001-562-010, located generally on the east side of E. Jennings Way, across from Khoury Lane and Puccinelli Parkway, more particularly described as:

A parcel of land located in Section 2, Township 34 North, Range 55 East, M.D.B. & M., City of Elko, Nevada, being all of Adjusted Parcel 2 and a portion of East Jennings Way as shown on the Boundary Line Adjustment Record of Survey for The Pointe at Ruby View, LLC, filed in the office of the Elko County Recorder, Elko, Nevada, at file number 775216; more particularly described as follows:

Beginning at the center $\frac{1}{4}$ Corner of said Section 2 as shown on said Boundary Line Adjustment Record of Survey, being Corner No. 1, the True Point of Beginning;

Thence South $42^{\circ} 32' 56''$ West, along the easterly boundary of said Adjusted Parcel 2, a distance of 206.48 feet to Corner No. 2;

Thence from a tangent bearing South $35^{\circ} 47' 03''$ East, on a curve to the right with a radius of 380.00 feet, through a central angle of $89^{\circ} 45' 52''$, along the easterly boundary of said Adjusted Parcel 2, an arc length of 595.34 feet to Corner No. 3;

Thence South $54^{\circ} 37' 53''$ East, along the easterly boundary of said Adjusted Parcel 2, a distance of 430.47 feet to Corner No. 4;

Thence South $45^{\circ} 30' 35''$ West, along the southeasterly boundary of said Adjusted Parcel 2, a distance of 1214.15 feet to Corner No. 5, a point on the easterly right-of-way of said East Jennings Way;

Thence North $80^{\circ} 11' 41''$ West, a distance of 40.00 feet to Corner No. 6, a point on the centerline of said East Jennings Way;

Thence from a tangent bearing North $09^{\circ} 48' 19''$ East, on a curve to the left with a radius of 820.00 feet, through a central angle of $15^{\circ} 03' 52''$, along the centerline of said East Jennings Way, an arc length of 215.60 feet to Corner No. 7;

Thence North 05° 15' 33" West, along the centerline of said East Jennings Way a distance of 1071.21 feet to Corner No. 8;

Thence from a tangent bearing North 05° 15' 33" West, on a curve to the left with a radius of 510.00 feet, through a central angle of 36° 43' 28", along the centerline of said East Jennings Way, an arc length of 326.89 feet to Corner No. 9;

Thence North 48° 00' 59" East, a distance of 40.00 feet to Corner No. 10, a point on the westerly boundary of said Adjusted Parcel 2;

Thence North 37° 05' 43" East, along the northwesterly boundary of said Adjusted Parcel 2, a distance of 223.41 feet to Corner No. 11, a point on the northerly boundary of said Adjusted Parcel 2;

Thence South 89° 35' 18" East, along the northerly boundary of said Adjusted Parcel 2, a distance of 832.90 feet to Corner No. 1, the point of beginning, containing 26.607 acres, more or less.

Reference is hereby made to Exhibit "B", Zephyr Heights Subdivision Zoning Change in Section 2, T.34 N., R.55 E., M.D.B.&M., attached hereto and made a part hereof.

The intent of the zone change is to allow for the development of a subdivision.

- Tentative Map No. 12-20, filed by Jordanelle Third Mortgage, LLC, for the development of a subdivision entitled Zephyr Heights, involving the proposed division of approximately 25.109 acres of property into 70 lots for residential development within the R (Single-Family and Multiple-Family Residential) Zoning District, and matters related thereto. The subject property is located on the east side of E. Jennings Way generally north of the intersection with Puccinelli Parkway. (APN 001-562-010).

Additional information concerning this item may be obtained by contacting the Elko City Planning Department at (775) 777-7160.

ELKO CITY PLANNING COMMISSION



CITY OF ELKO PLANNING DEPARTMENT

1751 College Avenue * Elko * Nevada * 89801

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

APPLICATION FOR ZONE CHANGE

APPLICANT(s): Jordanelle Third Mortgage, LLC
MAILING ADDRESS: 312 Four Mile Trail, Elko, NV 89801
PHONE NO (Home) _____ (Business) (775) 340-6005
NAME OF PROPERTY OWNER (If different): Jordanelle Third Mortgage, LLC
(Property owner's consent in writing must be provided.)
MAILING ADDRESS: 312 Four Mile Trail, Elko, NV 89801
LEGAL DESCRIPTION AND LOCATION OF PROPERTY INVOLVED (Attach if necessary):
ASSESSOR'S PARCEL NO.: 001-562-010
Address Not addressed
Lot(s), Block(s), & Subdivision _____
Or Parcel(s) & File No. Adjusted Parcel 2, File 775216

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 21 days prior to the next scheduled meeting of the Elko City Planning Commission (meetings are the 1st Tuesday of every month).

Fee: A \$500.00 non-refundable filing fee.

Area Map: A map of the area proposed for this zone change must be provided.

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 must be provided.

Legal Description: A complete legal description of the boundary of the proposed zone change must be provided as well as a map depicting the area to be changed stating the wording: area to be changed from "x" to "x"; (LI to R, for example).

Note: One .pdf of the entire application must be submitted as well as one set of legible, reproducible plans 8 ½" x 11" in size. If the applicant feels the Commission needs to see 24" x 36" plans, 10 sets of pre-folded plans must be submitted.

Other Information: The applicant is encouraged to submit other information and documentation to support this Rezone Application.

RECEIVED

1. Identify the existing zoning classification of the property: R: Single-Family and Multiple-Family residential and R1: Single Family Residential

2. Identify the zoning Classification being proposed/requested: R: Single-Family and Multiple-Family Residential

3. Explain in detail the type and nature of the use anticipated on the property: _____

The property will be developed into single family residential lots.

4. Explain how the proposed zoning classification relates with other zoning classifications in the area: _____

The property is bordered on the north and on the west by residential zoning; on the east by industrial-commercial zoning; and on the south by commercial zoning.

The property is currently zoned for residential development.

5. Identify any unique physical features or characteristics associated with the property: _____

The property is currently undeveloped and of varied terrain.

(Use additional pages if necessary to address questions 3 through 5)

By My Signature below:

☒ I consent to having the City of Elko Staff enter on my property for the sole purpose of inspection of 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, the City Planning Commission and 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:

Jordanelle Third Mortgage, LLC
Scott MacRitchie, Managing Director
(Please print or type)

Mailing Address:

312 Four Mile Trail
Street Address or P.O. Box

Elko, NV 89801
City, State, Zip Code

Phone Number: (775) 340-6005

Email address: scott@macritchie.com

SIGNATURE:



FOR OFFICE USE ONLY

File No.: 6-20 Date Filed: 12/22/20 Fee Paid: \$500 CK # 116150

Thomas C Ballew

From: scott <scott@macritchie.com>
Sent: Tuesday, December 22, 2020 3:23 PM
To: Tom Ballew
Subject: Zephyr

RECEIVED

DEC 22 2020

I authorize Tom Ballew to sign on my behalf the tentative application to the city of Elko for Zephyr Heights

Scott MacRitchie



Virus-free. www.avg.com

Thomas C. Ballew, P.E., P.L.S.
Robert E. Morley, P.L.S.
Duane V. Merrill, P.L.S.



November 23, 2020

*Consulting Civil Engineering
Land Surveying
Water Rights*

RECEIVED

DEC 22 2020

Cathy Laughlin, City Planner
City of Elko
1751 College Avenue
Elko, NV 89801

Re: Zephyr Heights Subdivision
Rezone Application

Dear Cathy,

Enclosed please find the following items regarding the above referenced project:

- Application for Zone Change.
- Area Map
- Legal Description
- Check in the amount of \$ 500.00 for the application review fee.

Pdf copies of the documents listed above will be transmitted to you.

Please feel free to contact me if you have any questions regarding this matter.

Sincerely,
HIGH DESERT Engineering, LLC

Thomas C. Ballew, P.E., P.L.S.

enclosures

cc Scott MacRitchie – Jordanelle Third Mortgage, LLC

**Elko City Council
Agenda Action Sheet**

1. Title: **Review, consideration, and possible action to conditionally approve Tentative Map No. 12-20, filed by Jordanelle Third Mortgage, LLC, for the development of a subdivision entitled Zephyr Heights, involving the proposed division of approximately 25.109 acres of property into 70 lots for residential development within the R (Single-Family and Multiple-Family Residential) Zoning District, and matters related thereto. This item must be heard after the associated Resolution No. 09-21 also on tonight's agenda, and matters related thereto. FOR POSSIBLE ACTION**
2. Meeting Date: **February 23, 2021**
3. Agenda Category: **PUBLIC HEARING**
4. Time Required: **15 Minutes**
5. Background Information: **The subject property is located on the east side of East Jennings Way generally north of the intersection with Puccinelli Parkway (APN 001-562-010). The Planning Commission considered this item on February 2, 2021, and took action to forward a recommendation to conditionally approve Tentative Map 12-20. 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: **Maps, P.C. Action Report, Staff Reports, and related correspondence.**
9. Recommended Motion: **Conditionally approve Tentative Map No. 12-20 for the Zephyr Heights subdivision, subject to the findings and conditions as recommended by the Planning Commission with a modification of standards to Lots 47 and 48 to allow for shorter-than-required lot widths and a modification of standards allowing for double frontage lots along East Jennings Way. The City Council determines that the property can be divided based on the findings required in Section 3-3-5(E)(2) of the Municipal Code.**
10. Prepared By: **Michele Rambo, AICP, Development Manager**
11. Committee/Other Agency Review: **Planning Commission**
12. Council Action:
13. Agenda Distribution: **Jordanelle Third Mortgage, LLC
Attn: Scott MacRitchie
312 Four Mile Trail
Elko, NV 89801

High Desert Engineering
Attn: Tom Ballew
640 Idaho Street
Elko, NV 89801**



CITY OF ELKO

Planning Department

Website: www.elkocity.com
Email: planning@elkocitynv.gov

1751 College Avenue • Elko, Nevada 89801 • (775) 777-7160 • Fax (775) 777-7219

CITY OF ELKO PLANNING COMMISSION ACTION REPORT Regular Meeting of February 2, 2021

WHEREAS, the following item was reviewed and considered by the Elko City Planning Commission on February 2, 2021 per City Code Section 3-3-5(D)4.:

Tentative Map 12-20, filed by Jordanelle Third Mortgage, LLC for the development of a subdivision entitled Zephyr Heights involving the proposed division of approximately 25.109 acres of property into 70 lots for residential development within the R (Multiple-Family and Single-Family Residential) Zoning District, and matters related thereto.

Subject property is located on the east side of E Jennings Way generally north of the intersection with Puccinelli Parkway. (APN 001-562-010)

WHEREAS, the Planning Commission, upon review and consideration of the application, supporting data, public input and testimony, forward a recommendation to City Council to conditionally approve Tentative Map No. 12-20 subject to the conditions found in the City of Elko Staff Report dated January 19, 2021, listed as follows:

Development Department:

1. The associated Rezone 06-20 must be approved and in effect prior to submittal of the Final Map.
2. The subdivider is to comply with all provisions of the NAC and NRS pertaining to the proposed subdivision.
3. Tentative Map approval constitutes authorization for the subdivider to proceed with preparation of the Final Map and associated construction plans.
4. The Tentative Map must be approved by the Nevada Department of Environmental Protection prior to submitting for Final Map approval by the City of Elko.
5. Construction plans must be approved by the Nevada Department of Environmental Protection prior to issuance of a grading permit.
6. Tentative Map approval does not constitute authorization to proceed with site improvements.
7. The applicant must submit an application for Final Map within a period of four (4) years in accordance with NRS.360(1)(a). Approval of the Tentative Map will automatically lapse at that time.
8. A soils report is required with Final Map submittal.

9. A hydrology report is required with Final Map submittal.
10. Final Map construction plans are to comply with Chapter 3-3 of City code.
11. The subdivision design and construction shall comply with Title 9, Chapter 8 of City code.
12. The Utility Department will issue an Intent to Serve letter upon approval of the Tentative Map by the City Council.
13. A modification from standards be approved by City Council for Lot 47 and 48 to allow for shorter-than-required front lots widths.
14. A note shall be added to the Final Map stating that no lots are allowed to face onto, or have direct access to, E Jennings Way.
15. Any slopes greater than 3:1 within the City right-of-way shall be rip-rapped.

Engineering Department:

16. Select a new name for Paradise Way. There is already a Paradise Drive in Elko. Reusing names can create confusion.
17. Please choose a new name for Virginia Lane. There is already a Virginia Way in Elko.
18. Label the Centerline Curve at the northeasterly bend in Tahoe Rd.
19. Provide bearings along lot lines of Lots: 11-37 and 62-70.
20. Label the curve on Lot 1.
21. Add a note "No Lots will be allowed direct access to East Jennings Way."
22. At the north end of East Jennings Way, extend all utilities a minimum of 10' beyond the end of the asphalt.
23. On the west side of Jennings, across from Tahoe Rd, relocate the storm drain lateral so that it does not line up with the future ADA ramp, and a catch basin can be placed on that lateral when the other half of the road is built.
24. Relocate the mail box on Lot 17, to be closer to the street light, and away from the middle of the lot.
25. Along Incline Avenue, revise the grading along the side lot lines so the crest of the slope is at the lot line, to prevent cross lot drainage.
26. On the grading plan, label all slopes as 2:1 or 3:1, etc.

27. As part of the final design, all slopes steeper than 3:1 will require stabilization in accordance with our Best Management Practices Handbook, to include velocity dissipation devices, and stabilization practices designed to be used on steep grades.

Public Works Department:

28. All public improvements to be installed at time of development per Elko city code. See memo from Community Development. If any landscaping is proposed in the ROW, it shall be maintained by the developer.

Fire Department:

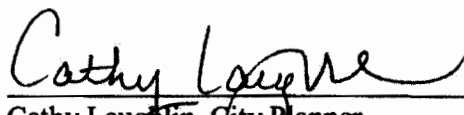
29. The temporary cul-de-sac turnaround at the end of E Jennings Way will need to be a minimum of 96' in diameter. The notes section on sheet 2 complies, however map measurements do not.

The Planning Commission's findings to support its recommendation are the proposed subdivision and development is in conformance with both the Land Use and Transportation Components of the Master Plan as previously discussed in this report. The proposed subdivision and development does not conflict with the Airport Master Plan; the City of Elko Development Feasibility, Land Use, Water Infrastructure, Sanitary Sewer Infrastructure, Transportation Infrastructure, and Annexation Potential Report – November 2012; the Wellhead Protection Program; or applicable sections of the Elko City Code. The proposed subdivision complies with Section 3-3-5(E)(2)(a)-(k) as discussed in this report and as required by Section 278.349(3) of the Nevada Revised Statutes. The proposed subdivision complies with all other relevant sections of City Code with the exception of:

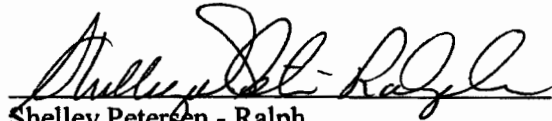
- a. Lots 47 and 48 are located on the outside curve of 90 degree turns and have short front lot widths. A modification of standards is required to make these lots conform. Planning Commission finding that it was in the best design possible considering the lot layout and street design.
- b. Lots 1 and Lots 48 to 61 are designed with double-frontage on East Jennings Way, currently designated as a Minor Arterial street. The subdivision has been designed so that all lots will front onto interior residential streets, not allowing access to East Jennings Way. Based on the shape and topography of the site, this design promotes the highest and best use of the property. A modification of standards is required to allow these double-frontage lots.

Street names approved by Planning Commission with Paradise Way to be replaced with Mesquite Way and Virginia Lane to be replaced with Orovada Lane.

The property is not located within the Redevelopment Area. Therefore, there is no conflict with the Redevelopment Plan.


Cathy Laughlin, City Planner

Attest:



Shelley Petersen - Ralph

CC: Applicant
Kelly Wooldridge, City Clerk
Michele Rambo, Development Manager (email)



City of Elko
1751 College Avenue
Elko, NV 89801
(775) 777-7160
FAX (775) 777-7119

CITY OF ELKO STAFF REPORT

REPORT DATE:	January 19, 2021
CITY COUNCIL DATE:	February 23, 2021
AGENDA ITEM NUMBER:	
APPLICATION NUMBER:	Tentative Map 12-20
APPLICANT:	Jordanelle Third Mortgage, LLC
PROJECT DESCRIPTION:	Zephyr Heights

A Tentative Map for the division of approximately 25.109 acres into 70 lots for residential development within an R (Single Family and Multiple Family Residential) zoning district.



STAFF RECOMMENDATION:

RECOMMEND CONDITIONAL APPROVAL, subject to findings of fact and conditions as stated in this report.

PROJECT INFORMATION

PARCEL NUMBER: 001-562-010

PARCEL SIZE: 25.109 Acres

EXISTING ZONING: (R) Single-Family and Multiple-Family Residential
(R1) Single-Family Residential

MASTER PLAN DESIGNATION: (RES-MD) Residential Medium Density
(RES-HD) Residential High Density

EXISTING LAND USE: Vacant

NEIGHBORHOOD CHARACTERISTICS:

The property is surrounded by:

- North: Single-Family Residential (R1) / Vacant
- South: General Commercial (C) / Partially Developed
- East: Industrial Commercial (IC) / Developed
- West: Single-Family Residential (R1) / Partially Developed
Single-Family and Multiple-Family Residential (R) / Partially Developed

PROPERTY CHARACTERISTICS:

- The property is an undeveloped residential parcel.
- The site abuts vacant residential land to the north and west, developed residential land to the southwest, apartments and other partially developed commercial land to the south, and developed industrial commercial property to the east.
- The parcel has many slopes, but generally drains to the south. The slopes have been incorporated into the tentative map design where possible, but a large amount of grading will be required and several large manufactured slopes will be created.
- The property will be accessed by two roads off of E Jennings Way.

APPLICABLE MASTER PLAN AND CITY CODE SECTIONS:

- City of Elko Master Plan – Land Use Component
- City of Elko Master Plan – Transportation Component
- City of Elko Development Feasibility, Land Use, Water Infrastructure, Sanitary Sewer Infrastructure, Transportation Infrastructure, and Annexation Potential Report – November 2012
- City of Elko Redevelopment Plan
- City of Elko Wellhead Protection Plan
- City of Elko Zoning – Section 3-2-3 General Provisions
- City of Elko Zoning – Section 3-2-4 Establishment of Zoning Districts
- City of Elko Zoning – Section 3-2-5(E) Single-Family and Multiple-Family Residential District

- City of Elko Zoning – Section 3-2-5(G) Residential Zoning Districts Area, Setback, and Height
- City of Elko Zoning – Section 3-2-17 Traffic, Access, Parking and Loading Regulations
- City of Elko Zoning – Chapter 3 Subdivisions
- City of Elko Zoning – Section 3-8 Flood Plain Management
- City of Elko Public Ways and Property – Title 9, Chapter 8 Post Construction Runoff Control and Water Quality Management

BACKGROUND:

1. The property owner and applicant is Jordanelle Mortgage, LLC.
2. The subdivision is located on APN 001-562-010.
3. The property is undeveloped.
4. The proposed subdivision consists of 70 residential lots.
5. The total subdivided area is approximately 25.109 acres.
6. The proposed density is 2.79 units per acre.
7. The subdivision is broken into 4 phases.
8. A total of 4.356 acres are dedicated roadways offered as part of the project.
9. The property is located on the east side of E Jennings Way generally north of the intersection with Puccinelli Parkway.
10. A Stage 1 meeting for the proposed subdivision was held on August 17, 2020.

MASTER PLAN

Land Use:

1. The land use for the parcel is shown as Residential Medium Density on the northwest portion of the parcel and Residential High Density on the southeast portion of the parcel. The proposed density for the subdivision is 2.79 units per acre, which fits the medium density category and is, therefore, in conformance.
2. Upon completion of a proposed rezone of the site, the zoning for the parcel will be Single-Family and Multiple-Family Residential (R), which is a corresponding zoning for both the medium density and high density Master Plan categories.
3. The listed Goal of the Land Use Component states: "Promote orderly, sustainable growth and efficient land use to improve quality of life and ensure new development meets the needs of all residents and visitors."
4. Objective 1 under the Land Use component of the Master Plan states: "Promote a diverse mix of housing options to meet the needs of a variety of lifestyles, incomes, and age groups."
 - a. Best Practice 1.1 – The proposed subdivision meets several of the methods described to achieve a diverse mix of housing types in the community.
 - b. Best Practice 1.3 – The location of the proposed subdivision appears to support the City striving for a blended community by providing a mix of housing types in the neighborhood and is supported by existing infrastructure.
5. Objective 8 of the Land Use component of the Master Plan states: "Ensure that new development does not negatively impact County-wide natural systems or public/federal lands such as waterways, wetlands, drainages, floodplains, etc. or pose a danger to human health and safety." Staff believes there will be no negative impacts to natural systems and no issue with regard to human health and safety.

The proposed subdivision and development is in conformance with the Land Use component of the Master Plan.

Transportation:

1. The project will be accessed from E Jennings Way.
2. E Jennings Way is classified as a Minor Arterial street until such time as the two ends of Jennings Way connect. Once this happens, the classification moves to a Major Arterial.
3. The interior circulation of the project will be provided by four new roads to be dedicated to the City of Elko.
4. The Master Plan requires Major Arterial streets to have 100 feet of right-of-way. However, the current design of Jennings Way only includes 80 feet of right-of-way, as required for a Minor Arterial. A Minor Arterial street includes one travel lane in each direction and a center turn lane. A Major Arterial street includes two travel lanes in each direction and a center turn lane. City staff has determined that the additional lanes required for a Major Arterial can be accommodated within the 80-foot right-of-way with some minor alterations to lane design. Staff is currently working on a Master Plan Amendment which would provide separate design criteria for Jennings Way so the transition from Minor Arterial to Major Arterial can be accomplished when the time comes.
5. E Jennings Way has 80 feet of right-of-way. No further dedications are required.
6. Upon full buildout, the proposed subdivision is expected to generate approximately 666 additional Average Daily Trips based on 9.52 trips/single-family unit (ITE Trip Generation, 10th Edition). This is below the threshold for a traffic study established in the Master Plan. However, as future subdivisions are developed in this area, the City may want to consider undertaking a traffic analysis to determine impacts of future residential growth and plan for mitigating these impacts in advance.

The proposed subdivision and development is in conformance with the Transportation component of the Master Plan.

ELKO AIRPORT MASTER PLAN:

The proposed subdivision and development does not conflict with the Airport Master Plan.

CITY OF ELKO DEVELOPMENT FEASIBILITY, LAND USE, WATER INFRASTRUCTURE, SANITARY SEWER INFRASTRUCTURE, TRANSPORTATION INFRASTRUCTURE, AND ANNEXATION POTENTIAL REPORT – NOVEMBER 2012:

The proposed subdivision does not conflict with the City of Elko Development Feasibility, Land Use, Water Infrastructure, Sanitary Sewer Infrastructure, Transportation Infrastructure, and Annexation Potential Report – November 2012.

ELKO REDEVELOPMENT PLAN:

The property is not located within the Redevelopment Area.

ELKO WELLHEAD PROTECTION PLAN:

The property is located within the 20-year capture zone for multiple City of Elko wells. Development of the site is required to be connected to a programmed sewer system and all street drainage will be directed to a storm sewer system.

SECTION 3-3-5 TENTATIVE MAP STAGE (STAGE II):

- A. Zoning Amendments – A Rezone has been submitted to change the northern section of the property from R1 (Single-Family Residential) to R (Single-Family and Multiple-Family Residential) and create one zoning district for the entire site. A condition of approval has been added below requiring that this Rezone be approved and in place before the Final Map is submitted for review.
- B. Water/Sewer/Storm Drain – A water and sewer design report was submitted by the project engineer calculating the water and sewer demand for the proposed subdivision. The table below shows the average demand vs. existing capacity.

	Estimated Demand	Existing Capacity
Water	35 gpm	3,081 gpm
Sewer	17,500 gpd	4.5 million gpd

- C. Application Submittal Requirements – The Tentative Map submittal is complete.
- D. Departmental Review – The Tentative Map was distributed according to this section of code and was reviewed by the required departments. Any comments and/or conditions of approval have been incorporated into this report.

Tentative Map Approval 3-3-5(E)(2)(a)-(k) – Requires the following findings:

- a. Environmental and health laws and regulations concerning water and air pollution, the disposal of solid waste, facilities to supply water, community or public sewage disposal, and, where applicable, individual systems for sewage disposal.
- The proposed subdivision will be connected to the city's water supply system, programmed sewer system, and is required to be in compliance with all applicable federal, state, and local requirements.
 - Based on the estimated demand for sewer shown in Section B (above), the City has adequate capacity to serve the proposed subdivision.
- b. The availability of water which meets applicable health standards and is sufficient in quantity for the reasonably foreseeable needs of the subdivision.
- Based on the estimated demand for water shown in Section B (above), the City has adequate capacity to serve the proposed subdivision.
 - The City of Elko Engineering Department is required to model the anticipated water consumption of the subdivision. The City of Elko Utility Department will be required to submit a "Tentative Will-Serve Letter" to the State of Nevada. The water modeling requires an update to reflect the increased number of lots. Current City-wide annual water usage is approximately 50% of the total allocated water rights.
 - City of Elko currently has excess pumping capacity of 3,081 gallons per minute. Sufficient infrastructure and pumping capacity exists to provide the required water volume to serve the proposed subdivision and development.
 - The Developer will extend properly sized infrastructure as required for development of the property.

- The proposed subdivision and development will not create an unreasonable burden on the existing water supply.
- c. The availability and accessibility of utilities.
- Utilities are available in the immediate area and can be extended for the proposed development.
- d. The availability and accessibility of public services such as schools, police protection, transportation, recreation, and parks.
- Schools, fire and police, and recreational services are available throughout the community.
- e. Conformity with the zoning ordinance and the City's Master Plan, except that if any existing zoning ordinance is inconsistent with the City's Master Plan, the zoning ordinance takes precedence.
- The land use for the parcel is shown as Residential Medium Density on the northwest portion of the parcel and Residential High Density on the southeast portion of the parcel.
 - Upon completion of a proposed rezone of the site, the zoning for the parcel will be Single-Family and Multiple-Family Residential (R), which is a corresponding zoning for both the medium density and high density Master Plan categories. A condition of approval has been added below requiring Rezone 6-20 be approved and in place prior to the applicant submitting the Final Map to the City.
 - Residential Medium Density is intended for residential development at a density between four and eight units per acre, while Residential High Density would allow densities more than eight units per acre. The proposed density for the subdivision is 3.37 units per acre, which fits the medium density category and is, therefore, in conformance with both designations.
 - The proposed subdivision is otherwise in conformance with the City's Master Plan as well as the Zoning Ordinance.
- f. General conformity with the City's Master Plan of streets and highways.
- The proposed subdivision is in conformance with the Transportation Component of the Master Plan.
- g. The effect of the proposed subdivision on existing public streets and the need for new streets or highways to serve the subdivision.
- The proposed subdivision and development will add approximately 666 Average Daily Trips to E Jennings Way. Based on the threshold of 1,000 ADT referenced in the Master Plan, a traffic study is not required with this subdivision.
 - The proposed subdivision and development will not cause unreasonable traffic congestion or unsafe conditions with respect to existing or proposed streets.
- h. Physical characteristics of the land, such as floodplain, slope, and soil.
- The proposed subdivision and subsequent development of the property is expected to reduce the potential for erosion in the immediate area. Development of the property will not cause unreasonable soil erosion.

- A hydrology report is required with the Final Map and Construction Plan submittal.
 - The proposed subdivision and development is not expected to result in unreasonable erosion or reduction in the water holding capacity of the land thereby creating a dangerous or unhealthy condition.
 - The proposed grading of the site creates some significant slopes around the property boundaries, and to a smaller extent, between some of the lots themselves. A condition of approval has been added below requiring any slopes of 3:1 or more be stabilized in accordance with the City's BMP manual.
- i. The recommendations and comments and those entities and persons reviewing the Tentative Map pursuant to this Chapter and NRS 278.330 to 278.3485, inclusive.
- Any comments received from other entities and persons reviewing the Tentative Map have been incorporated either as revisions to the Map or as conditions of approval.
- j. The availability and accessibility of fire protection, including, but not limited to, the availability and accessibility of water and services for the prevention and containment of fires, including fires in wild lands.
- Fire protection services are available throughout the community.
 - A sufficient amount of water exists in this area for use in fire containment.
 - The City of Elko Fire Department has reviewed the application materials for compliance with all fire code requirements.
- k. The submission by the subdivider of an affidavit stating that the subdivider will make provision for payment of the tax imposed by Chapter 375 of NRS and for compliance with the disclosure and recording requirements of Subsection 5 of NRS 598.0923, if applicable, by the subdivider or any successor in interest.
- The subdivider/developer is required to comply with all applicable sections of Chapters 375 and 598 of the NRS.

There are no obvious considerations or concerns which indicate the proposed subdivision would not be in conformance with all applicable provisions.

SECTION 3-3-6 CONTENT AND FORMAT OF TENTATIVE MAP SUBMITTAL:

- A. Form and Scale – The Tentative Map conforms to the required size and form specifications.
- B. Identification Data
1. The subdivision name, location, and section/township/range, with bearing to a section corner or quarter-section corner, is shown.
 2. The name, address, email, and telephone number of the subdivider is shown.
 3. The engineer's name, address, and telephone number are shown.
 4. The scale is shown on all sheets.
 5. The north arrow is shown on all sheets.
 6. The date of initial preparation and dates of any subsequent revisions are shown.
 7. A location map is provided.

8. A legal description is provided.
- C. Physical Conditions
1. The existing topography of the site is shown.
 2. Existing drainage conditions are shown on the Tentative Map.
 3. There are no Special Flood Hazards within the proposed subdivision.
 4. All roadways, easements, and corporate limits are shown within and adjacent to the subdivision.
 5. Dimensions of all subdivision boundaries are shown on the Tentative Map.
 6. Gross and net acreage of the subdivision is shown.
- D. Recorded Map Information:
1. Any previously recorded maps for adjacent properties are labeled on the Tentative Map.
- E. Existing Zoning:
1. The zoning is shown for the subject property. Zoning classifications for adjacent properties are also shown on the Tentative Map.
- F. Proposed Improvements and Other Features Data:
1. The proposed interior street layout is shown. All of the streets are named and proposed for dedication. The grades of the proposed streets are shown on the grading plan. The continuation of E Jennings Way along the project frontage is shown on the map.
 2. The lot layout with consecutively numbered lots is shown. The area and dimensions for each lot are shown, as well as the total number of lots.
 3. Typical easements will be required along all lot lines.
 4. Street dedications are proposed for the four new streets.
 5. Single-family residential units are allowed in the Single-Family and Multiple-Family Residential zoning.
- G. Proposed Deed Restrictions:
1. No proposed CC&R's for the subdivision have been submitted.
- H. Preliminary Grading Plan:
1. A grading plan has been provided. The cut and fill amounts are shown.
- I. NPDES Permit Compliance:
1. The subdivider will be required to comply with the City of Elko's storm water regulations.
- J. Proposed Utility Methods and Requirements:
1. The proposed sewage disposal infrastructure connecting to the City's infrastructure is shown on the utility plan.
 2. The proposed water supply infrastructure connecting to the City's infrastructure is shown on the utility plan.
 3. The Tentative Map shows storm water infrastructure. A hydrology report will be required with the Final Map and Construction Plan submittal.
 4. Utilities in addition to City utilities must be provided with construction plans required for Final Map submittal.
 5. The City will not require a traffic impact study for the proposed subdivision.

SECTION 3-3-9 GENERAL REQUIREMENTS FOR SUBDIVISION DESIGN:

- A. Conformance with Master Plan: The proposed subdivision is in conformance with the Master Plan objectives for density and applicable zoning as discussed in detail above.
- B. Public Facility Sites: No public facility sites are proposed for dedication.
- C. Land Suitability: The area proposed for subdivision is suitable for the proposed development based on the findings in this report.

The proposed subdivision is in conformance with Section 3-3-9 of City code.

SECTION 3-3-10 STREET LOCATION AND ARRANGEMENT:

- A. Conformance with Plan: The proposed subdivision utilizes the extension of E Jennings Way for access.
- B. Layout: Street continuation through the proposed subdivision is not required.
- C. Extensions: The extension of E Jennings Way is required as part of the proposed subdivision.
- D. Arrangement of Residential Streets: The arrangement of streets within the subdivision prevents outside traffic from utilizing the neighborhood for cut-through traffic.
- E. Protection of Residential Properties: Lots 1 and Lots 48 to 61 include frontage on E Jennings Way, currently designated as a Minor Arterial street. The subdivision has been designed so that all lots will front onto interior streets running through the site, which promotes the highest and best use of the property. A note is included on the map, and a condition of approval has been added, prohibiting lots to face on or have direct access to E Jennings Way.
- F. Parallel Streets: Consideration of street location is not required.
- G. Topography: The proposed streets have been designated to address the topography of the area.
- H. Alleys: No alleys are proposed.
- I. Half-Streets: Other than the extension of E Jennings Way, there are no half-streets proposed. The other half of E Jennings Way will be completed when development occurs on the other side of the street.
- J. Dead-End Streets: There are no dead-end streets proposed. The streets are designed to allow for appropriate turning movements for traffic, as well as fire trucks.
- K. Intersection Design: The proposed intersections with E Jennings Way are code compliant.

The proposed subdivision is in conformance with Section 3-3-10 of City code.

SECTION 3-3-11 STREET DESIGN:

- A. Required Right-of-Way Widths: E Jennings Way currently consists of the required 80 feet of right-of-way. All proposed streets are shown with the required 50 feet of right-of-way.
- B. Street Grades: The proposed street grades are code compliant.
- C. Vertical Curves: Any vertical curves are code compliant.
- D. Horizontal Alignment: The horizontal alignment of the streets and intersections are code compliant.

The proposed subdivision is in conformance with Section 3-3-11 of City code.

SECTION 3-3-12 BLOCK DESIGN:

- A. Maximum Length of Blocks: The block design does not exceed the maximum length of a block and maximizes block length.
- B. Sidewalks or Pedestrian ways: The proposed sidewalks are code compliant. No other pedestrian ways are proposed.

The proposed subdivision is in conformance with Section 3-3-12 of City code.

SECTION 3-3-13 LOT PLANNING:

- A. Lot Width, Depth, and Area: The lots are in conformance with the specifications stipulated for the zoning in Elko City Code 3-2-5 with the exception of Lots 47 and 48. These lots are located on the outside curve of 90 degree turns and have short front lot widths. A modification of standards is required to make these lots conform.
- B. Building Setback: The proposed subdivision, when developed, can meet setback requirements as stipulated in Elko City Code 3-2-5(G).
- C. Side Lot Lines: The side lot lines are generally at right angles to the proposed streets.
- D. Accessibility: The development abuts a public street. All residents will have access to E Jennings Way.
- E. Prohibitions: No lots shall have direct access to E Jennings Way. All access is to be through the two proposed intersections on E Jennings Way.

The proposed subdivision is in conformance with Section 3-3-13 of City code with the needed modification of standards.

SECTION 3-3-14 EASEMENT PLANNING:

- A. Utility Easements: The applicant is proposing the typical utility and drainage easements along property lines on individual parcels. Overhead utilities are not allowed within the subdivision.
- B. Underground Utilities: Overhead utilities are not allowed within the subdivision. The utility companies, at their discretion, may request a wider easement where needed.
- C. Lots Facing Curvilinear Streets: Overhead utilities are not allowed within the subdivision.
- D. Public Drainage Easement: The applicant is proposing the typical utility and drainage easements along property lines on individual parcels.
- E. Easement Land Not Considered and Considered in Minimum Lot Area Calculation: All calculations appear to be correct.
- F. Lots Backing Onto Arterial Streets: Lot 1 and Lots 48-61 back have frontage along E Jennings Way, currently a Minor Arterial street. A condition of approval found below requires that all lots face the interior streets and no access be allowed from these lots onto E Jennings Way.
- G. Water and Sewer Lines: The utilities are shown in the existing exterior streets, within proposed side or rear easements, and in the proposed interior streets. Sanitary sewer will tie into the existing city infrastructure near the southwest corner of the property.

The proposed subdivision is in conformance with Section 3-3-14 of City code.

SECTION 3-3-15 STREET NAMING:

The subdivider has proposed four new street names (Incline Avenue, Tahoe Road, Virginia Lane, and Paradise Way). However, two of these (Virginia Lane and Paradise Way) have been deemed too similar to other existing street names, and will need to be given new names on the Final Map.

The proposed subdivision is in conformance with Section 3-3-15 of City code.

SECTIONS 3-3-16 STREET LIGHT DESIGN STANDARDS:

Conformance is required with the submittal of construction plans.

SECTION 3-3-17 through 3-3-22 (inclusive):

All referenced sections are applicable to Final Map submission, approval, and construction plans.

SECTION 3-3-23 PARK LAND DEDICATIONS:

There is no offer of dedication for park lands.

SECTION 3-2-3 GENERAL PROVISIONS:

Section 3-2-3(C)(1) of City code specifies use restrictions. The following use restrictions shall apply:

Principal Uses: Only those uses and groups of uses specifically designated as “principal uses permitted” in zoning district regulations shall be permitted as principal uses; all other uses shall be prohibited as principal uses.

Accessory Uses: Uses normally accessory and incidental to permitted principal or conditional uses may be permitted as hereinafter specified.

Other uses may apply under certain conditions with application to the City.

Section 3-2-3(D) states that: “No land may be used or structure erected where the land is held by the planning commission to be unsuitable for such use or structure by reason of flooding, concentrated runoff, inadequate drainage, adverse soil or rock formation, extreme topography, low bearing strength, erosion susceptibility, or any other features likely to be harmful to the health, safety, and general welfare of the community. The planning commission, in applying the provisions of this section, shall state in writing the particular facts upon which its conclusions are based. The applicant shall have the right to present evidence contesting such determination to the city council if he or she so desires, whereupon the city council may affirm, modify, or withdraw the determination of unsuitability.”

The proposed subdivision and development is in conformance with Section 3-2-3 of City code.

SECTION 3-2-4 ESTABLISHMENT OF ZONING DISTRICTS:

1. Section 3-2-4(B) Required Conformity to District Regulations: The regulations set forth in this chapter for each zoning district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, except as provided in this subsection.
2. Section 3-2-4(B)(4) stipulates that no yard or lot existing on the effective date hereof shall be reduced in dimension or area below the minimum requirements set forth in this title.

The proposed subdivision is in conformance with Section 3-2-4 of City code.

SECTION 3-2-5(E) R SINGLE-FAMILY AND MULTIPLE-FAMILY RESIDENTIAL DISTRICT:

Section 3-2-5(E)(2) Principal Uses Permitted:

1. Adult care facility which serves ten (10) or fewer.
2. Electric power substations, sewer lift stations, and water pump stations wherein service to district residents requires location within the district.
3. Multiple-family residential units, including a duplex, triplex, or a fourplex located on a single lot or parcel, provided area and setback requirements are met.
4. One single-family dwelling of a permanent character in a permanent location with each dwelling unit on its own parcel of land and provided all area and setback requirements are met.
5. Publicly owned and operated parks and recreation areas and centers.
6. Residential facility for groups of ten (10) or fewer.

The proposed subdivision and development is in conformance with Section 3-2-5(E). Conformance with Section 3-2-5(E) is required as the subdivision develops.

SECTION 3-2-5(G) RESIDENTIAL ZONING DISTRICTS AREA, SETBACKS, AND HEIGHT:

1. Lot areas are shown.
2. Lot dimensions are shown. The lots are in conformance with the specifications stipulated for the zoning in Elko City Code 3-2-5 with the exception of Lots 47 and 48. These lots are located on the outside curve of 90 degree turns and have short front lot widths. A modification of standards is required to make these lots conform.

The proposed subdivision and development is in conformance with Section 3-2-5(G) of City code with the required modification of standards.

SECTION 3-2-17 TRAFFIC, ACCESS, PARKING, AND LOADING:

1. E Jennings Way is currently classified as a Minor Arterial street. The interior circulation of the project will be provided by four new roads to be dedicated to the City of Elko.

2. The proposed lots are large enough to develop the required off-street parking. Each unit will include a two-car garage within the individual lots.

The proposed subdivision and development is in conformance with Section 3-2-17 of City code. Conformance with Section 3-2-17 is required as the subdivision develops.

SECTION 3-8 FLOOD PLAIN MANAGEMENT:

The proposed subdivision and development is not located in a designated special flood hazard area and is in conformance with Section 3-8 of City Code.

TITLE 9, CHAPTER 8 POST CONSTRUCTION RUNOFF CONTROL AND WATER QUALITY MANAGEMENT:

Final design of the subdivision is required to conform to the requirements of this title. The Tentative Map storm drain infrastructure is shown through the area.

OTHER:

The following permits will be required for the project:

1. State storm water general permit: Required submittals to the City of Elko are a plan view showing the storm water controls, a copy of the Storm Water Pollution Prevention Plan (SWPPP) and a copy of the certified confirmation letter from the Nevada Department of Environmental Protection.
2. A Surface Area Disturbance (SAD) is required if the disturbed area is equal to or greater than five (5) acres. A copy of the SAD permit is required to be submitted to the City of Elko.
3. A street cut permit from the City of Elko.
4. A grading permit from the City of Elko (required for any ground work, including clearing and grubbing).
5. All other applicable permits and fees required by the City of Elko.
6. The City of Elko also requires submittal of the plans to the individual utility companies before permits will be issued for the project.

FINDINGS

1. The proposed subdivision and development is in conformance with both the Land Use and Transportation components of the Master Plan as previously discussed in this report.
2. The proposed subdivision and development does not conflict with the Airport Master Plan; the City of Elko Development Feasibility, Land Use, Water Infrastructure, Sanitary Sewer Infrastructure, Transportation Infrastructure, and Annexation Potential Report – November 2012; the Wellhead Protection Program; or applicable sections of the Elko City Code.

3. The proposed subdivision complies with Section 3-3-5(E)(2)(a)-(k) as discussed in this report and as required by Section 278.349(3) of the Nevada Revised Statutes.
4. The proposed subdivision complies with all other relevant sections of City Code with the exception of:
 - a. Lots 47 and 48 are located on the outside curve of 90 degree turns and have short front lot widths. A modification of standards is required to make these lots conform.
 - b. Lots 1 and Lots 48 to 61 are designed with double-frontage on East Jennings Way, currently designated as a Minor Arterial street. The subdivision has been designed so that all lots will front onto interior residential streets, not allowing access to East Jennings Way. Based on the shape and topography of the site, this design promotes the highest and best use of the property. A modification of standards is required to allow these double-frontage lots.
5. The property is not located within the Redevelopment Area. Therefore, there is no conflict with the Redevelopment Plan.

STAFF RECOMMENDATION:

Staff recommends this item be **conditionally approved** with the following conditions:

Development Department:

1. The associated Rezone 06-20 must be approved and in effect prior to submittal of the Final Map.
2. The subdivider is to comply with all provisions of the NAC and NRS pertaining to the proposed subdivision.
3. Tentative Map approval constitutes authorization for the subdivider to proceed with preparation of the Final Map and associated construction plans.
4. The Tentative Map must be approved by the Nevada Department of Environmental Protection prior to submitting for Final Map approval by the City of Elko.
5. Construction plans must be approved by the Nevada Department of Environmental Protection prior to issuance of a grading permit.
6. Tentative Map approval does not constitute authorization to proceed with site improvements.
7. The applicant must submit an application for Final Map within a period of four (4) years in accordance with NRS.360(1)(a). Approval of the Tentative Map will automatically lapse at that time.
8. A soils report is required with Final Map submittal.

9. A hydrology report is required with Final Map submittal.
10. Final Map construction plans are to comply with Chapter 3-3 of City code.
11. The subdivision design and construction shall comply with Title 9, Chapter 8 of City code.
12. The Utility Department will issue an Intent to Serve letter upon approval of the Tentative Map by the City Council.
13. A modification from standards from 3-3-13(A) be approved by City Council for Lot 47 and 48 to allow for shorter-than-required front lots widths.
14. A modification from standards from 3-3-10(E) be approved by City Council to allow double frontage lots along East Jennings Way.
15. As discussed under Section 3-3-10(E) above, a note shall be added to the Tentative Map stating that Lot 1 and Lots 48-61 shall not have direct access to East Jennings Way.
16. Any slopes greater than 3:1 within the City right-of-way shall be rip-rapped.

Engineering Department:

17. Select a new name for Paradise Way. There is already a Paradise Drive in Elko. Reusing names can create confusion. This revision shall be added to the Tentative Map prior to City Council consideration.
18. Please choose a new name for Virginia Lane. There is already a Virginia Way in Elko. This revision shall be added to the Tentative Map prior to City Council consideration.
19. Label the Centerline Curve at the northeasterly bend in Tahoe Rd.
20. Provide bearings along lot lines of Lots: 11-37 and 62-70.
21. Label the curve on Lot 1.
22. Add a note "No Lots will be allowed direct access to East Jennings Way."
23. At the north end of East Jennings Way, extend all utilities a minimum of 10' beyond the end of the asphalt.
24. On the west side of Jennings, across from Tahoe Rd, relocate the storm drain lateral so that it does not line up with the future ADA ramp, and a catch basin can be placed on that lateral when the other half of the road is built.
25. Relocate the mail box on Lot 17, to be closer to the street light, and away from the middle of the lot.
26. Along Incline Avenue, revise the grading along the side lot lines so the crest of the slope is at the lot line, to prevent cross lot drainage.

27. On the grading plan, label all slopes as 2:1 or 3:1, etc.
28. As part of the final design, all slopes steeper than 3:1 will require stabilization in accordance with our Best Management Practices Handbook, to include velocity dissipation devices, and stabilization practices designed to be used on steep grades.

Public Works Department:

29. All public improvements to be installed at time of development per Elko city code. See memo from Community Development. If any landscaping is proposed in the ROW, it shall be maintained by the developer.

Fire Department:

30. The temporary cul-de-sac turnaround at the end of E Jennings Way will need to be a minimum of 96' in diameter. The notes section on sheet 2 complies, however map measurements do not.

Rezone 6-20 + Tentative Map 12-20 - Zephyr Heights - CC

YPNO	assess_nam	address1	address2	mcity	mzip
001568022	ALLEN ALICE A	2442 KHOURY LN		ELKO, NV	89801-4970
001566052	BLACH PATRICK J TR	131 W MAIN ST		ELKO, NV	89801-3690
001564010	CRMTN, LLC	PO BOX 3005		COLUMBUS, IN	47202-3000
001562019	DAGHER BASSAM T & WISSAM T	253 HICKORY HOLLOW AVE		LAS VEGAS, NV	89123-1180
001568026	DARLING REBECCA	2452 KHOURY LN		ELKO, NV	89801-4970
001566050	FISTROVIC BRANKO & TATIANA	PO BOX 1288		ELKO, NV	89803
001568019	HUNDLEY DANIEL C & TETIANA	2432 KHOURY LN		ELKO, NV	89801-4970
001568030	JOHNSTONE PETER G	2436 KHOURY LN		ELKO, NV	89801-4970
001568016	KRENZER CHARLOTTE	2426 KHOURY LN		ELKO, NV	89801-4970
001566053	LINDSTROM KAYLA LAUREN & QUINN DONN		2456 PUCCINELLI PKWY	ELKO, NV	89801
001568027	LINDSTROM QUINN D	2448 KHOURY LN		ELKO, NV	89801-
001568028	LOCUSON MATTHEW CHARLES	2444 KHOURY LN		ELKO, NV	89801-4970
001566049	MARIN SYLVIA M & XAVIER T	2457 PUCCINELLI PKWY		ELKO, NV	89801-5030
001568017	OLSEN JAMES C		2428 KHOURY LANE	ELKO, NV	89801-
001568021	PFARR JERRY	2438 KHOURY LN		ELKO, NV	89801-4970
001562015	POINTE AT RUBY VIEW LLC, THE	700 IDAHO ST		ELKO, NV	89801-
001564002	RUBY VISTA APARTMENTS LLC	5560 LONGLEY LN STE 200		RENO, NV	89511-1820
001566051	SANDOVAL ADRIAN & PATRICIA	PO BOX 1305		ELKO, NV	89803-1300
001568029	SIVIA JOHN M & ERIN E	2605 WILLOUGHBY AVE		LAS VEGAS, NV	89101-2320
001566048	SMITH NEIL DANIEL	2453 PUCCINELLI PKWY		ELKO, NV	89801-5030
001564011	SOUTHWEST GAS CORPORATION	5241 SPRING MOUNTAIN RD		LAS VEGAS, NV	89150-0000
001568023	STEWART DAVID	PERCY ANITA J	2446 KHOURY LN	ELKO, NV	89801-4970
001562014	THE POINTE AT RUBY VIEW LLC	700 IDAHO ST		ELKO, NV	89801-3820
001562009	THE POINTE AT RUBY VIEW LLC	700 IDAHO ST		ELKO, NV	89801-3820
001568018	TUSCANY INVESTORS LC	16940 E TORREY PINES CR		DRAPER, UT	84020-
001568025	TUSCANY INVESTORS LC	16940 E TORREY PINES CR		DRAPER, UT	84020-
001568020	TUSCANY INVESTORS LC	16940 E TORREY PINES CR		DRAPER, UT	84020-
001568031	TUSCANY POINTE AT RUBY VIEW HOMEOWNERS' ASSOCIATION		1910 IDAHO ST STE 102-511	ELKO, NV	89801-
001562002	USA	C/O BLM-SUPPORT SERVICES AP	3900 E IDAHO ST	ELKO, NV	89801-4690
001568024	WARD PAUL		2450 KHOURY LANE	ELKO, NV	89801-

26

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Elko City Council will conduct a series of public hearings on Tuesday, January 26, 2021 beginning at 5:30 P.M. P.S.T. at Elko Conference Center, 724 Moren Way, Elko, Nevada, or at such other place as the City Council shall hold its regular meeting, and that the public is invited to provide input and testimony on these matters under consideration in person, by writing, or by representative or via Gotomeeting.com.

The public can view or participate in the virtual meeting on a computer, laptop, tablet or smart phone at: <https://global.gotomeeting.com/join/639700477>. You can also dial in using your phone at **+1 (872) 240-3311**. The **Access Code** for this meeting is **639-700-477**.

Members of the public that do not wish to use GoToMeeting may call in at **(775)777-0590**. Comments can also be emailed to cityclerk@elkocitynv.gov

The specific items to be considered under public hearing format are:

- Rezone No. 6-20, having a hearing as Resolution 09-21, filed by Jordanelle Third Mortgage, LLC, for a change in zoning from R (Single-Family and Multiple-Family Residential) and R1 (Single Family Residential) to R (Single-Family and Multiple-Family Residential) Zoning District, approximately 26.607 acres of property, specifically APN 001-562-010, located generally on the east side of E. Jennings Way, across from Khoury Lane and Puccinelli Parkway, more particularly described as:

A parcel of land located in Section 2, Township 34 North, Range 55 East, M.D.B. & M., City of Elko, Nevada, being all of Adjusted Parcel 2 and a portion of East Jennings Way as shown on the Boundary Line Adjustment Record of Survey for The Pointe at Ruby View, LLC, filed in the office of the Elko County Recorder, Elko, Nevada, at file number 775216; more particularly described as follows:

Beginning at the center $\frac{1}{4}$ Corner of said Section 2 as shown on said Boundary Line Adjustment Record of Survey, being Corner No. 1, the True Point of Beginning;

Thence South $42^{\circ} 32' 56''$ West, along the easterly boundary of said Adjusted Parcel 2, a distance of 206.48 feet to Corner No. 2;

Thence from a tangent bearing South $35^{\circ} 47' 03''$ East, on a curve to the right with a radius of 380.00 feet, through a central angle of $89^{\circ} 45' 52''$, along the easterly boundary of said Adjusted Parcel 2, an arc length of 595.34 feet to Corner No. 3;

Thence South $54^{\circ} 37' 53''$ East, along the easterly boundary of said Adjusted Parcel 2, a distance of 430.47 feet to Corner No. 4;

Thence South $45^{\circ} 30' 35''$ West, along the southeasterly boundary of said Adjusted Parcel 2, a distance of 1214.15 feet to Corner No. 5, a point on the easterly right-of-way of said East Jennings Way;

Thence North $80^{\circ} 11' 41''$ West, a distance of 40.00 feet to Corner No. 6, a point on the centerline of said East Jennings Way;

Thence from a tangent bearing North 09° 48' 19" East, on a curve to the left with a radius of 820.00 feet, through a central angle of 15° 03' 52", along the centerline of said East Jennings Way, an arc length of 215.60 feet to Corner No. 7;

Thence North 05° 15' 33" West, along the centerline of said East Jennings Way a distance of 1071.21 feet to Corner No. 8;

Thence from a tangent bearing North 05° 15' 33" West, on a curve to the left with a radius of 510.00 feet, through a central angle of 36° 43' 28", along the centerline of said East Jennings Way, an arc length of 326.89 feet to Corner No. 9;

Thence North 48° 00' 59" East, a distance of 40.00 feet to Corner No. 10, a point on the westerly boundary of said Adjusted Parcel 2;

Thence North 37° 05' 43" East, along the northwesterly boundary of said Adjusted Parcel 2, a distance of 223.41 feet to Corner No. 11, a point on the northerly boundary of said Adjusted Parcel 2;

Thence South 89° 35' 18" East, along the northerly boundary of said Adjusted Parcel 2, a distance of 832.90 feet to Corner No. 1, the point of beginning, containing 26.607 acres, more or less.

Reference is hereby made to Exhibit "B", Zephyr Heights Subdivision Zoning Change in Section 2, T.34 N., R.55 E., M.D.B.&M., attached hereto and made a part hereof.

The intent of the zone change is to allow for the development of a subdivision.

- Tentative Map No. 12-20, filed by Jordanelle Third Mortgage, LLC, for the development of a subdivision entitled Zephyr Heights, involving the proposed division of approximately 25.109 acres of property into 70 lots for residential development within the R (Single-Family and Multiple-Family Residential) Zoning District, and matters related thereto. The subject property is located on the east side of E. Jennings Way generally north of the intersection with Puccinelli Parkway. (APN 001-562-010)

Additional information concerning this item may be obtained by contacting the Elko City Planning Department at (775) 777-7160.

ELKO CITY COUNCIL

Rezone 6-20 + Tentative Map 12-20 - Zephyr Heights Subd. - PC

YPNO	assess_nam	address1	address2	mcity	mzip
001568022	ALLEN ALICE A	2442 KHOURY LN		ELKO, NV	89801-4970
001566052	BLACH PATRICK J TR	131 W MAIN ST		ELKO, NV	89801-3690
001566050	CHAMBERLAIN DONALD CRAIG	2461 PUCCINELLI PKWY		ELKO, NV	89801-5030
001564010	CRMTN, LLC	PO BOX 3005		COLUMBUS, IN	47202-3000
001562019	DAGHER BASSAM T & WISSAM T	253 HICKORY HOLLOW AVE		LAS VEGAS, NV	89123-1180
001568026	DARLING REBECCA	2452 KHOURY LN		ELKO, NV	89801-4970
001568023	DEWHIRST SCOTT D & TERESA M	PO BOX 728		OVERGAARD, AZ	85933
001568019	HUNDLEY DANIEL C & TETIANA	2432 KHOURY LN		ELKO, NV	89801-4970
001568030	JOHNSTONE PETER G	2436 KHOURY LN		ELKO, NV	89801-4970
001568016	KRENZER CHARLOTTE	2426 KHOURY LN		ELKO, NV	89801-4970
001568027	LINDSTROM QUINN D	2448 KHOURY LN		ELKO, NV	89801-
001566053	LINDSTROM QUINN DON & KAYLA LAUREN		2456 PUCCINELLI PKWY	ELKO, NV	89801
001568028	LOCUSON MATTHEW CHARLES	2444 KHOURY LN		ELKO, NV	89801-4970
001566049	MARIN SYLVIA M & XAVIER T	2457 PUCCINELLI PKWY		ELKO, NV	89801-5030
001568017	OLSEN JAMES C		2428 KHOURY LANE	ELKO, NV	89801-
001568021	PFARR JERRY	2438 KHOURY LN		ELKO, NV	89801-4970
001562015	POINTE AT RUBY VIEW LLC, THE	700 IDAHO ST		ELKO, NV	89801-
001564002	RUBY VISTA APARTMENTS LLC	5560 LONGLEY LN STE 200		RENO, NV	89511-1820
001566051	SANDOVAL ADRIAN & PATRICIA	PO BOX 1305		ELKO, NV	89803-1300
001568029	SIVIA JOHN M & ERIN E	2605 WILLOUGHBY AVE		LAS VEGAS, NV	89101-2320
001566048	SMITH NEIL DANIEL	2453 PUCCINELLI PKWY		ELKO, NV	89801-5030
001564011	SOUTHWEST GAS CORPORATION	5241 SPRING MOUNTAIN RD		LAS VEGAS, NV	89150-0000
001562014	THE POINTE AT RUBY VIEW LLC	700 IDAHO ST		ELKO, NV	89801-3820
001562009	THE POINTE AT RUBY VIEW LLC	700 IDAHO ST		ELKO, NV	89801-3820
001568018	TUSCANY INVESTORS LC	16940 E TORREY PINES CR		DRAPER, UT	84020-
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001568020	TUSCANY INVESTORS LC	16940 E TORREY PINES CR		DRAPER, UT	84020-
	TUSCANY POINTE AT RUBY VIEW				
001568031	HOMEOWNERS' ASSOCIATION		1910 IDAHO ST STE 102-511	ELKO, NV	89801-
001562002	USA	C/O BLM-SUPPORT SERVICES AP	3900 E IDAHO ST	ELKO, NV	89801-4690
001568024	WARD PAUL		2450 KHOURY LANE	ELKO, NV	89801-

26

Postmarked 1/22/21

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Elko City Planning Commission will conduct a public hearing on Tuesday, February 2, 2021 beginning at 5:30 P.M. P.D.S.T. utilizing GoToMeeting.com, and that the public is invited to provide input and testimony on these matters under consideration via the virtual meeting at: <https://global.gotomeeting.com/join/865213653>.

The public can view or participate in the virtual meeting on a computer, laptop, tablet or smart phone at <https://global.gotomeeting.com/join/865213653>. You can also dial in using your phone. **+1 (872) 240-3212** Access Code: **865-213-653**. Members of the public that do not wish to use GoToMeeting may call in at (775)777-0590. Comments can also be emailed to cityclerk@elkocitynv.gov.

The specific items to be considered under public hearing format are:

- Rezone No. 6-20, filed by Jordanelle Third Mortgage, LLC, for a change in zoning from R (Single-Family and Multiple-Family Residential) and R1 (Single Family Residential) to R (Single-Family and Multiple-Family Residential) Zoning District, approximately 26.607 acres of property, specifically APN 001-562-010, located generally on the east side of E. Jennings Way, across from Khoury Lane and Puccinelli Parkway, more particularly described as:

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Thence from a tangent bearing North $09^{\circ} 48' 19''$ East, on a curve to the left with a radius of 820.00 feet, through a central angle of $15^{\circ} 03' 52''$, along the centerline of said East Jennings Way, an arc length of 215.60 feet to Corner No. 7;

Thence North 05° 15' 33" West, along the centerline of said East Jennings Way a distance of 1071.21 feet to Corner No. 8;

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The intent of the zone change is to allow for the development of a subdivision.

- Tentative Map No. 12-20, filed by Jordanelle Third Mortgage, LLC, for the development of a subdivision entitled Zephyr Heights, involving the proposed division of approximately 25.109 acres of property into 70 lots for residential development within the R (Single-Family and Multiple-Family Residential) Zoning District, and matters related thereto. The subject property is located on the east side of E. Jennings Way generally north of the intersection with Puccinelli Parkway. (APN 001-562-010).

Additional information concerning this item may be obtained by contacting the Elko City Planning Department at (775) 777-7160.

ELKO CITY PLANNING COMMISSION



CITY OF ELKO

Planning Department

Website: www.elkocitynv.gov
Email: planning@elkocitynv.gov

1751 College Avenue • Elko, Nevada 89801 • (775) 777-7160 • Fax (775) 777-7219

January 12, 2021

Southwest Gas Corporation
Engineering Department
PO Box 1190
Carson City, NV 89702
nndengineering@swgas.com

SUBJECT: Tentative Map No. 12-20/Zephyr Heights Subdivision

To Whom It May Concern:

Enclosed for your review and information is a copy of the submitted tentative map for the proposed Zephyr Heights subdivision, which is tentatively scheduled for consideration by the Elko City Planning Commission at their February 2, 2021 meeting.

Please submit written comments to the Elko City Planning Department. If we do not receive written comments prior to the scheduled meeting, we will assume you have no concerns regarding this application.

Thank you for your attention to this matter.

Sincerely,

Shelby Archuleta
Planning Technician

Enclosures

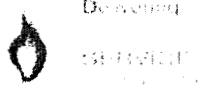
Shelby Archuleta

From: Amanda Marcucci <Amanda.Marcucci@swgas.com>
Sent: Monday, January 18, 2021 6:39 AM
To: Shelby Archuleta
Subject: RE: EXTERNAL: Subdivision Notification

Hi Shelby,

Southwest Gas does not have any objections to Tentative Map 12-20.

Amanda



Amanda Marcucci, PE | Supervisor/Engineering

PO Box 1190 | 24A-580 | Carson City, NV 89702-1190
direct 775.887.2871 | mobile 775.430.0723 | fax 775.882.6072
amanda.marcucci@swgas.com | www.swgas.com

From: Shelby Archuleta <sarchuleta@elkocitynv.gov>
Sent: Monday, January 11, 2021 10:06 AM
To: NNDEngineering <nndengineering@swgas.com>
Subject: EXTERNAL: Subdivision Notification

[WARNING] This message originated outside of Southwest Gas. DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Good Morning,
Please see attached letter and plans regarding Zephyr Heights Subdivision.
Let me know if you have any questions.

Thank you!

Shelby Archuleta
Planning Technician
City of Elko
Planning Department
M (775) 777-7160
FA (775) 777-7219



CITY OF ELKO

Planning Department

Website: www.elkocitynv.gov
Email: planning@elkocitynv.gov

1751 College Avenue · Elko, Nevada 89801 · (775) 777-7160 · Fax (775) 777-7219

January 12, 2021

Zito Media

Mr. Dustin Hurd

VIA Email: dustin.hurd@zitomedia.com

SUBJECT: Tentative Map No. 12-20/Zephyr Heights Subdivision

Dear Mr. Hurd:

Enclosed for your review and information is a copy of the submitted tentative map for the proposed Zephyr Heights subdivision, which is tentatively scheduled for consideration by the Elko City Planning Commission at their February 2, 2021 meeting.

Please submit written comments to the Elko City Planning Department. If we do not receive written comments prior to the scheduled meeting, we will assume you have no concerns regarding this application.

Thank you for your attention to this matter.

Sincerely,

Shelby Archuleta
Planning Technician

Enclosures



CITY OF ELKO

Planning Department

Website: www.elkocitynv.gov
Email: planning@elkocitynv.gov

1751 College Avenue • Elko, Nevada 89801 • (775) 777-7160 • Fax (775) 777-7219

January 12, 2021

NV Energy
Attn: Katherine Perkins
6100 Neil Road
Reno, NV 89511

SUBJECT: Tentative Map No. 12-20/Zephyr Heights Subdivision

Dear Ms. Perkins:

Enclosed for your review and information is a copy of the submitted tentative map for the proposed Zephyr Heights subdivision, which is tentatively scheduled for consideration by the Elko City Planning Commission at their February 2, 2021 meeting.

Please submit written comments to the Elko City Planning Department. If we do not receive written comments prior to the scheduled meeting, we will assume you have no concerns regarding this application.

Thank you for your attention to this matter.

Sincerely,

Shelby Archuleta
Planning Technician

Enclosures



CITY OF ELKO

Planning Department

Website: www.elkocitynv.gov
Email: planning@elkocitynv.gov

1751 College Avenue • Elko, Nevada 89801 • (775) 777-7160 • Fax (775) 777-7219

January 12, 2021

Frontier Communications
John Poole
1520 Church Street
Gardnerville, NV 89410

SUBJECT: Tentative Map No. 12-20/Zephyr Heights Subdivision

Dear Mr. Poole:

Enclosed for your review and information is a copy of the submitted tentative map for the proposed Zephyr Heights subdivision, which is tentatively scheduled for consideration by the Elko City Planning Commission at their February 2, 2021 meeting.

Please submit written comments to the Elko City Planning Department. If we do not receive written comments prior to the scheduled meeting, we will assume you have no concerns regarding this application.

Thank you for your attention to this matter.

Sincerely,

Shelby Archuleta
Planning Technician

Enclosures



CITY OF ELKO

Planning Department

Website: www.elkocitynv.gov
Email: planning@elkocitynv.gov

1751 College Avenue • Elko, Nevada 89801 • (775) 777-7160 • Fax (775) 777-7219

January 12, 2021

Elko County School District
Ms. Michele Robinson
PO Box 1012
Elko, NV 89803

SUBJECT: Tentative Map No. 12-20/Zephyr Heights Subdivision

Dear Ms. Robinson:

Enclosed for your review and information is a copy of the submitted tentative map for the proposed Zephyr Heights subdivision, which is tentatively scheduled for consideration by the Elko City Planning Commission at their February 2, 2021 meeting.

Please submit written comments to the Elko City Planning Department. If we do not receive written comments prior to the scheduled meeting, we will assume you have no concerns regarding this application.

Thank you for your attention to this matter.

Sincerely,

Shelby Archuleta
Planning Technician

Enclosures



City of Elko – Development Department
1755 College Avenue
Elko, NV 89801
Telephone: 775.777.7210
Facsimile: 775.777.7219

January 11, 2021

High Desert Engineering, LLC
Attn: Tom Ballew
640 Idaho Street
Elko, NV 89801

Re: Zephyr Heights Tentative Map – Complete Submittal

Dear Mr. Ballew:

The City of Elko has reviewed your Tentative Map application materials for Zephyr Heights (submitted January 4, 2021) and has found them to be complete. We will now begin processing your application by transmitting the materials to other City departments for their review. You may receive further comments or corrections as these reviews progress. Barring any complications, this Tentative Map will be scheduled for Planning Commission on February 2, 2021 and City Council on February 23, 2021.

I will keep you updated on the status of your application, but please feel free to contact me at (775) 777-7217 if you have any questions.

Sincerely,

Michele Rambo, AICP
Development Manager
mrambo@elkocitynv.gov

CC: Jordanelle Third Mortgage
Attn: Scott MacRitchie
312 Four Mile Trail
Elko, NV 89801

City of Elko – File



City of Elko – Development Department
1755 College Avenue
Elko, NV 89801
Telephone: 775.777.7210
Facsimile: 775.777.7219

December 29, 2020

High Desert Engineering, LLC
Attn: Tom Ballew
640 Idaho Street
Elko, NV 89801

Re: Zephyr Heights Tentative Map – Incomplete Submittal

Dear Mr. Ballew:

The City of Elko has reviewed your Tentative Map application materials for Zephyr Heights (submitted December 22, 2020) and has found them to be incomplete. Please address the following issues:

1. The subdivision name in the Title Block is different than what is shown in the Subdivision Information section.
2. Lots 17 and 28 are an irregular shape. Please demonstrate how a typical house would fit on these lots. (Checklist Item #4 under Proposed Conditions Data).
3. If a Homeowner's Association is proposed for this subdivision, a draft copy of CC&Rs is required to be submitted (Section 3-3-6 (G)). Additional time may be granted at the discretion of the Development Manager, but must be submitted prior to being placed on a Planning Commission agenda.

Please address these items and resubmit to continue the review process. Please include in your resubmittal a new PDF copy of the revised Tentative Map. As outlined in Section 3-3-5(C)(4), these revisions must be received within 90-days of the original filing date (December 22, 2020), or the submittal will automatically expire.

Please contact me at (775) 777-7217 if you have any questions.

Sincerely,

Michele Rambo, AICP
Development Manager
mrambo@elkocitynv.gov

CC: Jordanelle Third Mortgage, LLC
Attn: Scott MacRitchie
312 Four Mile Trail
Elko, NV 89801

City of Elko – File

Thomas C. Ballew, P.E., P.L.S.
Robert E. Morley, P.L.S.
Duane V. Merrill, P.L.S.



December 9, 2020

Consulting Civil Engineering
Land Surveying
Water Rights

RECEIVED

DEC 22 2020

Cathy Laughlin, City Planner
City of Elko
1751 College Avenue
Elko, NV 89801

Re: Zephyr Heights Subdivision
Tentative Map Application

Dear Cathy,

Enclosed please find the following items regarding the above referenced project:

- Application for Tentative Map Approval.
- Three (3) copies of the proposed Tentative Map, consisting of 4 sheets each.
- One (1) copy of the Subdivision Design Report.
- One (1) copy of the Subdivision Drainage Calculations.
- One (1) copy of the Subdivision Lot Calculations.
- Check in the amount of \$ 2,500.00 (\$750.00 plus \$25 per lot for 70 lots) for the application review fee.

Pdf copies of the documents listed above will be transmitted to you.

Please feel free to contact me if you have any questions regarding this matter.

Sincerely,
HIGH DESERT Engineering, LLC

Thomas C. Ballew, P.E., P.L.S.

enclosures

cc Scott MacRitchie – Jordanelle Third Mortgage, LLC



CITY OF ELKO PLANNING DEPARTMENT

1751 College Avenue * Elko * Nevada * 89801

(775) 777-7160 * (775) 777-7119 fax

APPLICATION FOR TENTATIVE MAP (STAGE II) APPROVAL

****PRIOR TO SUBMITTING THIS APPLICATION, PRE-APPLICATION (STAGE I) MUST BE COMPLETE****

APPLICANT(s): Jordanelle Third Mortgage, LLC
MAILING ADDRESS: 312 Four Mile Trail, Elko, NV 89801
PHONE NO (Home): _____ (Business) (775) 340-6005
EMAIL: scott@macritchie.com
NAME OF PROPERTY OWNER (If different): same
(Property owner consent in writing must be provided)
MAILING ADDRESS: same
LEGAL DESCRIPTION AND LOCATION OF PROPERTY INVOLVED (Attach if necessary):
ASSESSOR'S PARCEL NO.: 001-562-010
Address Not addressed
Lot(s), Block(s), & Subdivision _____
Or Parcel(s) & File No. Adjusted Parcel 2, File 775216
APPLICANT'S REPRESENTATIVE: High Desert Engineering, LLC
MAILING ADDRESS: 640 Idaho Street, Elko, NV 89801
PHONE NO: (775) 738-4053

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 42 days (6 weeks) prior to the next scheduled meeting of the Elko City Planning Commission (meetings are the 1st Tuesday of every month), and must include the following:

1. One .pdf of the entire application, and three (3) 24" x 36" copies of the tentative map, grading plan, and utility plan folded to a size not to exceed 9"x12" provided by a properly licensed surveyor or civil engineer, and any required supporting data, prepared in accordance with Section 3-3-5 9C) and 3-3-6 of the Elko City Code (see attached checklist).
2. A Development Master Plan when, in the opinion of the Planning Commission, the proposed subdivision possesses certain characteristics, such as size, impact on neighborhoods, density, topography, utilities, and/or existing and potential land uses, that necessitate the preparation of a Development Master Plan.
3. Application/fees for State of Nevada review. (See Page 5)

Fee: \$750.00 + \$25.00 per lot including remainder parcels; non-refundable.

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

RECEIVED

DEC 2 2 2020

PROJECT DESCRIPTION OR PURPOSE:

Development of 70 single family residential lots along East Jennings Way in Elko, Nevada.

Subdivision to be phased as dictated by marketing conditions.

(Use additional pages if necessary)

Preliminary Plat Checklist 3-3-6

Date	Name
Identification Data	
	Subdivision Name
	Location and Section, Township and Range
	Reference to a Section Corner or Quarter-Section Corner
	Name, address and phone number of subdivider
	Name, address and phone number of engineer/surveyor
	Scale, North Point and Date of Preparation
	Dates of Revisions
	Location maps
	Legal description of boundaries
Existing Conditions Data	
	2' contours on city coordinate system
	Location of Water Wells
	Location of Streams, private ditches, washes and other features
	Location of Designated flood zones
	The Location, widths and Names of all platted Streets, ROW
	Municipal Corporation Lines
	Name, book and page numbers of all recorded plats
	Existing Zoning Classifications
	Zoning of Adjacent Properties
	Dimensions of all tract boundaries, gross and net acreage
Proposed Conditions Data	
	Street Layout, location, widths, easements
	Traffic Impact Analysis
	Lot Layout, including dimensions of typical lots
	Corner Lot Layout
	Lot layout on Street Curves
	Each lot numbered consecutively
	Total number of lots
	Location, Width and proposed use of easements
	Location, extent and proposed use of all land to be dedicated
	Location and boundary of all proposed zoning districts
	Draft of proposed deed restrictions
	Preliminary Grading Plan
	Conceptual cut and fill
	Estimated quality of material to be graded
Proposed Utilities	
	Sewage Disposal, design for sewage disposal
	Water Supply, Evidence of adequate volume and quality
	Storm Drain, Preliminary Calculations and Layout
	Telephone, Power, Gas, Television
	Intent to Serve Letter from Utility Department

By My Signature below:

☒ I consent to having the City of Elko Staff enter on my property for the sole purpose of inspection of 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, the City Planning Commission and 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.

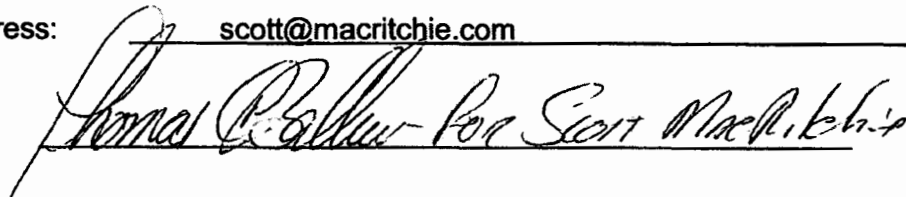
Applicant / Agent: Jordanelle Third Mortgage, LLC
Scott MacRitchie, Managing Director
(Please print or type)

Mailing Address: 312 Four Mile Trail
(Street Address or P.O. Box)
Elko, NV 89801
(City, State, Zip Code)

Phone Number: (775) 340-6005

Email address: scott@macritchie.com

SIGNATURE:



FOR OFFICE USE ONLY

File No.: 12-20 Date Filed: 12/22/20 Fee Paid: \$2,500 CX# 116151

70 lots x \$25 = \$1,750

\$1,750
+\$750
\$2,500

Thomas C Ballew

From: scott <scott@macritchie.com>
Sent: Tuesday, December 22, 2020 3:23 PM
To: Tom Ballew
Subject: Zephyr

RECEIVED

DEC 22 2020

I authorize Tom Ballew to sign on my behalf the tentative application to the city of Elko for Zephyr Heights

Scott MacRitchie



Virus-free. www.avg.com

**Elko City Council
Agenda Action Sheet**

1. Title: **Review, consideration of bids and public auction for the lease of approximately 1.13 acres of City-owned property, located on the Elko Regional Airport, identified as Lease Area N1, pursuant to NRS 268.062, and matters related thereto. FOR POSSIBLE ACTION**
2. Meeting Date: **February 23, 2020**
3. Agenda Category: **PUBLIC HEARING**
4. Time Required: **15 Minutes**
5. Background Information: **Council adopted Resolution No. 1-21 at its meeting on January 26, 2021, finding that it is in the best interest of the City to lease the property and setting forth the conditions of public auction for City owned property identified as Lease Area N1. Council previously accepted the annual market rent value of the property of \$13,379 in accordance with the appraisal of Jason Buckholz of CRBE, Inc., Appraiser. JF**
6. Budget Information:
 Appropriation Required: **NA**
 Budget amount available: **NA**
 Fund name: **NA**
7. Business Impact Statement: **Not Required**
8. Supplemental Agenda Information: **Resolution 1-21, Affidavit of Posting, Notice of Adoption and Lease Agreement**
9. Recommended Motion: **Pleasure of the Council**
10. Prepared by: **Jim Foster, Airport Manager**
11. Committee/Other Agency Review: **Legal**
12. Council Action:
13. Agenda Distribution:

CITY OF ELKO
Resolution No. 01-21

**RESOLUTION AGREEING WITH THE APPRAISER'S
MARKET RENT ESTIMATE OF THE PROPERTY, DECLARING
INTENTION TO LEASE LAND AT PUBLIC AUCTION, APPROVAL OF THE LEASE
DOCUMENT AND SETTING DATE FOR AUCTION**

WHEREAS, the City Council has determined to proceed with the process of leasing approximately 1.13 (49,069 SF) acres of City-owned land located on the Elko Regional Airport, Elko County, Nevada (hereinafter the "Property") through the public auction process, as set forth in Elko City Code Title 8, Chapter 1;

WHEREAS, the property is legally described as:

LEGAL DESCRIPTION OF LEASE AREA NI

A portion of the Elko Regional Airport parcel, located in the southwest quarter of Section 16, Township 34 North, Range 55 East, M.D.B. & M., City of Elko, Elko County, Nevada, more particularly described as follows;

Beginning at a point that bears North 34°03'50" East, a distance of 417.11 feet from the Elko Regional Airport survey control monument "Cessna";
Thence, North 45°49'00" West, a distance of 200.00 feet;
Thence, North 44°11'00" East, a distance of 245.69 feet;
Thence, South 45°37'09" East, a distance of 200.00 feet;
Thence, South 44°11'00" West, a distance of 245.00 feet, more or less, to the point of beginning.

Said Lease Area NI contains an area of ±49,069 square feet.

The basis of bearings for this description is the Nevada State Plane Coordinate System, East zone. Ground coordinates are given for the following monuments, with a grid to ground scale factor of 1.000357:

Elko Regional Airport survey control monument "Cessna"

N 2847077.14

E 599834.56

Elko Regional Airport survey control monument "Piper"

N 28469096.94

E 599075.75

With a bearing of South 24°18'17" West and distance of 1,843.60 feet from Cessna to Piper.

TOGETHER WITH all and singular the tenements, hereditaments, easements, and appurtenances thereunto belonging or in anywise appertaining, and the reversions, remainders, rents issues and profits thereof, or of any part thereof;

WHEREAS, the City has obtained one (1) appraisal of the annual market rent estimate of the property as follows:

An appraisal by CBRE, Inc. with an annual market rent estimate of \$13,739 or \$0.28 SF per year as of November 10, 2020;

WHEREAS, the City Council held a public hearing on January 26, 2021 regarding the annual market rent estimate of the property and affirmed that the annual market rent estimate established by CBRE, Inc. of \$13,739 is the fair market value of the annual rental for the property;

WHEREAS, the City cannot lease the property for less than the market rent estimate as determined by an appraiser;

WHEREAS, the minimum amount of the annual rental for the property must be \$13,739.00, payable in in monthly installments as they become due or otherwise as provided in the lease.

NOW, THEREFORE, upon motion duly made by Councilman -- and seconded by Councilwoman --,

IT IS RESOLVED AND ORDERED THAT:

1. It is in the best interest of the City that the City-owned real property consisting of a 1.13 (49,069 SF) acres parcel of City owned land located on the Elko Regional Airport, Elko County, Nevada and more particularly described above, shall be offered for lease at a public auction during the regularly held City Council Meeting on the February 23, 2021 at 5:30 o'clock p.m. at the Elko Convention Center, 700 Moren Way, Elko, Nevada, or at such other place as the City Council shall hold its regular meeting.

2. The terms and conditions of the lease, which is included in the packet presented to the City Council in support of this Resolution and which is available for review in the Office of the Elko City Clerk, shall include the following:

A. The lease term shall be twenty (20) years, subject to renewal for an additional five (5) years under the same terms and conditions;

B. The annual rental for the property shall be an amount equal to or greater than \$13,739.00, which shall be payable in equal monthly payments throughout the lease term, except for portions of months, which shall be prorated;

C. Annual increases shall be an amount equal to two percent (2%) over the

annual rental amount effective in the month preceding such anniversary date; and

D. Restricted access – Lessee shall be responsible for access to and from the property and lessor shall have no responsibility therefore.

3. In addition, within ten (10) business days of the Elko City Council's decision to award the lease, the successful bidder, upon acceptance by the City Council, shall pay the legal publication fees, the appraisal fee in the amount of TWO THOUSAND, DOLLARS (\$2,000.00), and all attorney fees for the preparation of the documents and other services related to this lease.

4. All bids must be in writing, sealed, addressed to the Elko City Council, and filed with the City Clerk at the City Office no later than 5:30 p.m. on the date of said public meeting, must comply with the terms and conditions of this Resolution, and must comply with Title 8, Chapter 1 of the Elko City Code, as amended or supplemented. Bids must propose an annual rental in the amount of \$13,739.00 or more. Bids that propose an amount other than an annual rental amount (e.g., monthly rental or total rent over the lease term) shall be rejected as nonconforming.

5. At the time and place fixed in this Resolution for the meeting of the City Council, all sealed bids which have been received will, in public session, be opened, examined and declared by the City Council. Of the bids submitted which conform to all terms and conditions specified in this Resolution and which are made by responsible bidders, the bid which is the highest annual rental amount equal to or greater than \$13,739.00 will be finally accepted, unless a higher oral bid is accepted at the public auction or the City Council rejects all bids in accordance with NRS 268.062(3)(a).

6. Before accepting any written bid, the City Council shall call for oral bids. If, upon the call for oral bidding, any responsible person offers to lease the property upon the terms and conditions specified in this Resolution, for a price exceeding by at least five percent (5%) the highest written bid, then the highest oral bid received at the public auction which is made by a responsible person shall be finally accepted.

7. The final acceptance by the City Council may be made either at the same session or at any adjourned session of the same meeting held within the twenty-one (21) days next following.

8. If the City Council does not make a final acceptance of the highest bid, the City Council may, either at the same session or at any adjourned session of the same meeting held within the twenty-one (21) days next following, if it deems the action to be for the best public interest, reject any and all bids, either written or oral, and withdraw the property from lease.

9. The City is leasing all its interest in and to the parcel of land described above subject to all terms and conditions stated herein, and subject to all conditions, exceptions and reservations of record. The City makes no guarantee of title or of the accuracy of the description of said lands.

10. Without limiting any obligation of the lessee, execution of the lease by the City is

expressly conditioned upon prior satisfaction of the following conditions of the lessee within ten (10) business days of the date of approval of the lease by the City Council: (a) execution and delivery of the approved lease containing the lessee's signature to the City, (b) performance and compliance with all the terms or conditions of the lease which are to be performed concurrently therewith, and (c) payment all costs and expenses to the City by cash or cashier's check. Failure of the lessee to satisfy any of the foregoing requirements shall result in automatic cancellation of the lease.

11. The City Council may only finally accept a bid which is made by a responsible bidder.

12. The City Council reserves the right to waive technical or minor variations, omissions or irregularities in any bid, so long as the waiver does not give the bidder a competitive advantage over other bidders.

13. **IT IS FURTHER RESOLVED THAT** upon adoption of this Resolution by the City Council and performance of and compliance with all the terms or conditions of the lease which are to be performed concurrently therewith, the draft lease now on file with the Elko City Clerk, subject to adding the name of the successful bidder and appropriate dates, and correcting any minor, nonsubstantive errors and irregularities, shall be signed by the Mayor and attested by the City Clerk and shall be in full force and effect after its adoption.

PASSES AND ADOPTED this 26th day of January 2021.

END OF RESOLUTION AND ORDER.

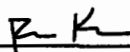
DATED this 26th Day of January 2021.

ATTEST:

CITY OF ELKO

Kelly Wooldridge
Kelly Wooldridge (Jan 29, 2021 08:35 PST)

KELLY WOOLDRIDGE, City Clerk

By: 
Reece Keener (Jan 29, 2021 08:34 PST)
REECE KEENER, Mayor

VOTE:

AYES: Mayor Reece Keener, Councilwoman Mandy Simons, Councilman Chip Stone, Councilman Bill Hance & Councilman Clair Morris

NAYES: None

ABSENT: None

ABSTAIN: None

Advertising Invoice

Elko Daily Free Press

3720 Idaho St.
Elko, NV 89801

Phone: 775-748-2738
Fax: 775-738-2155

CITY OF ELKO/LEGALS & PRINTING
1751 COLLEGE AVENUE
ELKO, NV 89801

Cust. 60000271 Phone: (775) 777-7110

INVOICE# 65047

Date: 1/5/21

Qty	Description	Unit Cost	Total
	NOTICE/LEASE AREA NI		\$137.04

Please return a copy with payment

\$137.04

To charge this amount to your credit card, please complete the following information and return to the address above: ☐ VISA ☐ Mastercard ☐ Discover ☐ American Express

Card # _____ Exp _____

Signature _____

Cust. 60000271

ELKO DAILY FREE PRESS

3720 Idaho St.

Elko, Nev. 89801

(775) 738-3118

Affidavit of Publication

I, Seana K. Chapman, Legal Clerk of the *Elko Daily Free Press*, published daily at Elko, Nevada, do solemnly swear that a copy of **NOTICE/LEASE AREA NI**, as per clipping attached, was published on **January 1, 2021**, in the regular and entire issue of the above said newspaper, with general circulation of Elko and Lander counties, and not in any supplement thereof, for **ONE (1)** week commencing with the issue dated **January 1, 2021**, and ending with the issue dated as **January 1, 2021**, with no subsequent publications being made.

NOTICE OF PUBLIC HEARINGS ELKO CITY COUNCIL

NOTICE IS HEREBY GIVEN that the Elko City Council will conduct a public hearings on Tuesday, January 12, 2020 beginning at 5:30 P.M. P.D.S.T. on Gotomeeting.com <https://global.gotomeeting.com/join/602391917> and that the public is invited to provide input and testimony on these matters under consideration in person, by writing, or by representative.

The specific item to be considered under public hearing format is:

LEGAL DESCRIPTION OF LEASE AREA NI

A portion of the Elko Regional Airport parcel, located in the southwest quarter of Section 16, Township 34 North, Range 55 East, M.D.B. & M., City of Elko, Elko County, Nevada, more particularly described as follows:

Beginning at a point that bears North 34°03'50" East, a distance of 417.11 feet from the Elko

Regional Airport survey control monument "Cesena";

Thence, North 45°04'00" West, a distance of 200.00 feet;

Thence, North 44°11'00" East, a distance of 245.69 feet;

Thence, South 45°03'09" East, a distance of 200.00 feet;

Thence, South 44°11'00" West, a distance of 245.00 feet, more or less, to the point of beginning.

Said Lease Area NI contains an area of ±49,069 square feet.

The basis of bearings for this description is the Nevada State Plane Coordinate System, East zone. Ground coordinates are given for the following monuments, with a grid to ground scale factor of 1.000357:

Elko Regional Airport survey control monument "Cesena"

N 2847077.14

E 599834.56

Elko Regional Airport survey control monument "Piper"

N 2846906.94

E 599075.75

With a bearing of South 24°18'17" West and distance of 1,843.60 feet from Cesena to Piper.

WHEREAS, the City has obtained one (1) appraisal of the annual market rent estimate of the property as follows:

An appraisal by CBRE, Inc. with an annual market rent estimate of \$13,750 or \$0.28 8F per year as of November 10, 2020;

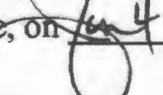
Additional information concerning these items may be obtained by contacting the Elko City Clerk at 775-777-7128.

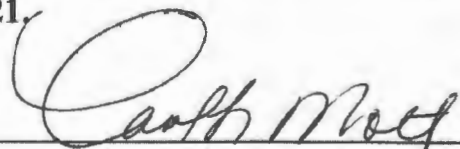
ELKO CITY COUNCIL

Dated: December 28, 2020

January 1, 2021


Seana K. Chapman

Subscribed and sworn to before me, on  2021.


Notary Public
State of Nevada
County of Elko



Advertising Invoice

Elko Daily Free Press

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Elko, NV 89801

Phone: 775-748-2738
Fax: 775-738-2155

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1751 COLLEGE AVENUE
ELKO, NV 89801

Cust. 60000271 Phone: (775) 777-7110

INVOICE# 65304

Date: 1/18/21

Qty	Description	Unit Cost	Total
	NOTICE/LEASE AREA NI		\$134.52

Please return a copy with payment

\$134.52

To charge this amount to your credit card, please complete the following information and return to the address above: ☐ VISA ☐ Mastercard ☐ Discover ☐ American Express

Card # _____ Exp _____

Signature _____

Cust. 60000271

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3720 Idaho St.

Elko, Nev. 89801

(775) 738-3118

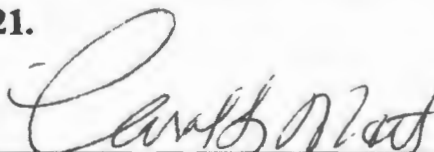
Affidavit of Publication

I, Seana K. Chapman, Legal Clerk of the *Elko Daily Free Press*, published daily at Elko, Nevada, do solemnly swear that a copy of **NOTICE/LEASE AREA NI**, as per clipping attached, was published on **January 15, 2021**, in the regular and entire issue of the above said newspaper, with general circulation of Elko and Lander counties, and not in any supplement thereof, for **ONE (1) week** commencing with the issue dated **January 15, 2021**, and ending with the issue dated as **January 15, 2021**, with no subsequent publications being made.



Seana K. Chapman

Subscribed and sworn to before me, on Jan 15, 2021.



Notary Public

State of Nevada

County of Elko



NOTICE OF PUBLIC HEARINGS ELKO CITY COUNCIL

NOTICE IS HEREBY GIVEN that the Elko City Council will conduct a public hearing on Tuesday, January 26, 2020 beginning at 5:30 P.M. P.D.S.T. on Gotomeeting.com or at the Elko Convention Center, or at such other place that Elko City Council holds a regular meeting; and that the public is invited to provide input and testimony on these matters under consideration in person, by writing, or by representative.

The specific item to be considered under public hearing format is:

LEGAL DESCRIPTION OF LEASE AREA NI

A portion of the Elko Regional Airport parcel, located in the southwest quarter of Section 1 & Township 34 North, Range 55 East, M.D.B. & M., City of Elko, Elko County, Nevada, more particularly described as follows:

Beginning at a point that bears North 34003 '50" East, a distance of 417.11 feet from the Elko

Regional Airport survey control monument "Cesena";

Thence, North 45 04'50" West, a distance of 200.00 feet;

Thence, North 440 1 1 '00" East, a distance of 245.69 feet;

Thence, South 45037 '09" East, a distance of 200.00 feet;

Thence, South 440 11 '00" West, a distance of 245.00 feet, more or less, to the point of beginning.

Said Lease Area NI contains an area of ±49,089 square feet.

The basis of bearings for this description is the Nevada State Plane Coordinate System, East zone. Ground coordinates are given for the following monuments, with a grid to ground scale factor of 1.000357:

Elko Regional Airport survey control monument "Cesena"

N 2847077.14

E 599834.56

Elko Regional Airport survey control monument "Piper"

N 28469096.94

E 599075.75

With a bearing of South 240 18 '17" West and distance of 1,843.60 feet from Cesena to Piper.

WHEREAS, the City has obtained the (1) appraisal of the annual market rent estimate of the property as follows:

An appraisal by CBRE, Inc. with an annual market rent estimate of \$13,739 or \$0.25 SF per year as of November 10, 2020;

Additional information concerning these items may be obtained by contacting the Elko City Clerk at 775-777-7128.

ELKO CITY COUNCIL
Dated: January 12, 2021

January 15, 2021

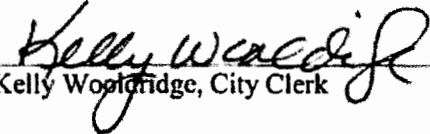
AFFIDAVIT OF POSTING

STATE OF NEVADA)
)ss:
COUNTY OF ELKO)

Kelly Wooldridge, being first duly sworn, deposes and says:

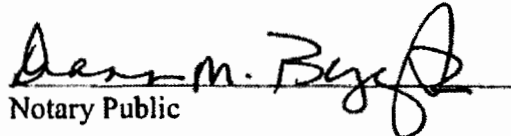
That she is and was at the time of the posting hereinafter mentioned, a citizen of the United States, over the age of majority, and the duly appointed, qualified and Acting City Clerk of the City of Elko, County of Elko, State of Nevada; that on the **27th day of January 2021**, Affiant posted at three (3) public bulletin boards in the City of Elko, a full, true and correct copy of the attached Resolution No. 01-21 entitled, **RESOLUTION AGREEING WITH THE APPRAISER'S MARKET RENT ESTIMATE OF THE PROPERTY, DECLARING INTENTION TO LEASE LAND AT PUBLIC AUCTION, APPROVAL OF THE LEASE DOCUMENT AND SETTING DATE FOR AUCTION**

DATED this 27th day of January 2021.


Kelly Wooldridge, City Clerk

SIGNED and **SWORN** to before me on this 27th day of January 2021 by **Kelly Wooldridge**, Elko City Clerk.




Notary Public

NOTICE OF ADOPTION OF CITY OF ELKO
RESOLUTION NO.01-21 AND TIME AND PLACE OF CITY COUNCIL
MEETING FOR LAND LEASE BY PUBLIC AUCTION

Notice is hereby given that the Elko City Council intends to offer a Twenty-year (renewable) lease, by a public auction in the manner provided in the Elko City Code, Title 8, Chapter 1, as amended or supplemented, at the Elko Convention Center, 700 Moren Way, or at such other place as the City Council shall hold its regular meeting, on Tuesday, February 23, 2021, at 5:30 p.m., for the property located in the City of Elko, State of Nevada, more particularly described as follows:

LEGAL DESCRIPTION OF LEASE AREA NI

A portion of the Elko Regional Airport parcel, located in the southwest quarter of Section 16, Township 34 North, Range 55 East, M.D.B. & M., City of Elko, Elko County, Nevada, more particularly described as follows;

Beginning at a point that bears North 34°03'50" East, a distance of 417.11 feet from the Elko Regional Airport survey control monument "Cessna";
Thence, North 45°49'00" West, a distance of 200.00 feet;
Thence, North 44°11'00" East, a distance of 245.69 feet;
Thence, South 45°37'09" East, a distance of 200.00 feet;
Thence, South 44°11'00" West, a distance of 245.00 feet, more or less, to the point of beginning.

Said Lease Area NI contains an area of ±49,069 square feet.

The basis of bearings for this description is the Nevada State Plane Coordinate System, East zone. Ground coordinates are given for the following monuments, with a grid to ground scale factor of 1.000357:

Elko Regional Airport survey control monument "Cessna"
N 2847077.14
E 599834.56

Elko Regional Airport survey control monument "Piper"
N 28469096.94
E 599075.75

With a bearing of South 24°18'17" West and distance of 1,843.60 feet from Cessna to Piper

**TOGETHER WITH all and singular the tenements, hereditaments,
easements, and appurtenances thereunto belonging or in anywise**

appertaining, and the reversions, remainders, rents issues and profits thereof, or of any part thereof.

The City has adopted Resolution No.01-21 declaring its intention to lease the property at Public Auction. A copy of the resolution has been posted in the following three public places in Elko County:

1. Elko City Hall
2. Elko County Court House
3. Elko Police Station

All bids must be in writing, sealed, addressed to the Elko City Council, and filed with the City Clerk at the City Office no later than 5:30 p.m. on the date of said public meeting, must comply with the terms and conditions of this Notice, and must comply with Title 8, Chapter 1 of the Elko City Code, as amended or supplemented. The City has caused a market rent estimate for the property to be determined by one (1) appraiser and has held a public hearing on the matter of the annual market rent for the real property. The appraised market rent estimate for the real property being offered, which is the minimum annual rental for the rental property, is \$13,739.00.

At the time and place fixed in the resolution for the meeting of the City Council, all sealed bids which have been received will, in public session, be opened, examined and declared by the City Council. Of the proposals submitted which conform to all terms and conditions specified in the resolution of intention to lease and which are made by responsible bidders, the bid which is the highest will be finally accepted, unless a higher oral bid is accepted or the City Council rejects all bids.

Before accepting any written bid, the City Council shall call for oral bids. If, upon the call for oral bidding, any responsible bidder offers to lease the property upon the terms and conditions specified in the resolution, for a price exceeding by at least five percent (5%) the highest written bid, then the highest oral bid received at the public auction which is made by a responsible person shall be finally accepted.

The City Council may, either at the same session or at any adjourned session of the same meeting held within the next 21 days: (1) Make a final acceptance of the highest bid; or (2) Reject any and all bids, either written or oral, and withdraw the real property from leasing if the City Council deems such action to be for the best public interest.

The successful bidder, upon acceptance by the City Council, shall pay the publication fees, the appraisal fee in the amount of TWO THOUSAND, DOLLARS (\$2,000.00), and all attorney fees incurred by the City for the preparation of the documents and other services related to this lease.

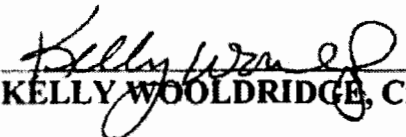
The City is leasing all its interest in and to the parcel of land described herein subject to all terms and conditions stated herein and as shown in the draft lease, available for review in the City of Elko, Clerk's Office, and subject to all conditions, exceptions and reservations of record, but the City makes no guarantee of title or of the accuracy of the description of said lands.

Without limiting any obligation of the lessee, execution of the lease by the City will be expressly conditioned upon prior satisfaction of the following conditions of the lessee within ten (10) business days of the date of acceptance of the highest bid by the City Council: (a) execution and delivery of the approved lease now available for review in the Office of the Elko City Clerk, containing the lessee's signature to the City, (b) performance and compliance with all the terms or conditions of the lease which are to be performed concurrently therewith, and (c) payment all costs and expenses to the City by cash or cashier's check. Failure of the lessee to satisfy any of the foregoing requirements will result in automatic cancellation of the lease.

The City Council may only finally accept a bid which is made by a responsible bidder.

The City Council reserves the right to waive technical or minor variations, omissions or irregularities in any bid, so long as the waiver does not give the bidder a competitive advantage over other bidders.

DATED this 27th day of January 2021.


KELLY WOOLDRIDGE, City Clerk

Publish: Elko Daily Free Press – February 5th, February 12th and February 19th, 2021

EXHIBIT A

LEGAL DESCRIPTION OF LEASE AREA N1

A portion of the Elko Regional Airport parcel, located in the southwest quarter of Section 16, Township 34 North, Range 55 East, M.D.B. & M., City of Elko, Elko County, Nevada, more particularly described as follows;

Beginning at a point that bears North 34°03'50" East, a distance of 417.11 feet from the Elko Regional Airport survey control monument "Cessna";
Thence, North 45°49'00" West, a distance of 200.00 feet;
Thence, North 44°11'00" East, a distance of 245.69 feet;
Thence, South 45°37'09" East, a distance of 200.00 feet;
Thence, South 44°11'00" West, a distance of 245.00 feet, more or less, to the point of beginning.

Said Lease Area N1 contains an area of $\pm 49,069$ square feet.

The basis of bearings for this description is the Nevada State Plane Coordinate System, East zone. Ground coordinates are given for the following monuments, with a grid to ground scale factor of 1.000357:

Elko Regional Airport survey control monument "Cessna"

N 2847077.14

E 599834.56

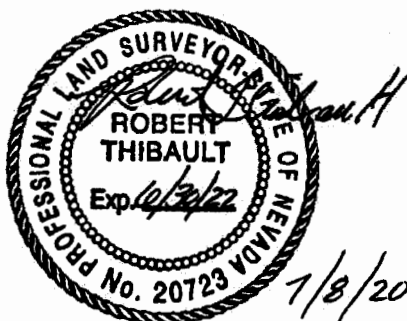
Elko Regional Airport survey control monument "Piper"

N 28469096.94

E 599075.75

With a bearing of South 24°18'17" West and distance of 1,843.60 feet from Cessna to Piper.

Description prepared by:
Robert Thibault, PE, PLS
City of Elko Civil Engineer



LEASE AGREEMENT
(Ground Lease for Commercial Aeronautical Uses)

THIS LEASE AGREEMENT is made and entered into this ____ day of _____, 202__ (the "Effective Date") by and between the CITY OF ELKO, a special charter municipal corporation and political subdivision of the State of Nevada, hereinafter referred to as "Lessor," and _____, hereinafter referred to as "Lessee."

W I T N E S S E T H :

That for and in consideration of the rents, covenants and agreements herein contained, Lessor hereby leases to Lessee, and Lessee hereby leases from Lessor, the herein-described property located on West Idaho Street in the Elko County, Nevada, upon the terms and conditions described hereinafter.

SECTION 1
PROPERTY

1.01 Description. Lessor does hereby lease to Lessee, and the Lessee does hereby lease from Lessor, that certain parcel of land situate, lying and being on a Portion of the Elko Regional Airport, City of Elko, Elko County, State of Nevada (APN 001-660-106), consisting of 1.13 acres, more or less, and which parcel (hereinafter "Leased Premises") is more particularly described on **Exhibit A** attached hereto and shown on the map as **Exhibit B**, which are made a part hereof by this reference.

SECTION 2
TERM OF LEASE

2.01 Term. This Lease Agreement shall begin _____, 202__ (which date shall be thirty (30) days after the public auction at which the Lessee was the successful bidder on this Lease) and shall continue for a period of twenty (20) years thereafter, ending at midnight on _____, 202__ (hereinafter the "Initial Term"), unless sooner terminated as in this Lease Agreement provided.

2.02 Option to Extend. At the expiration of the Initial Term, if this Lease shall then be in full force and effect and the Lessee shall have fully and timely performed all of the terms and conditions, the Lessee shall have the option to extend this Lease for five (5) additional years subject to the same terms and conditions. The option to extend must be exercised in writing by the Lessee not later than sixty (60) days prior to the expiration of the Initial Term, and if the Lessor does not receive written notice of the exercise of this option on or before such date, this option shall terminate on that date, time being of the

essence. The Initial Term and any extension thereto are collectively referred to herein as the "Term."

SECTION 3

RENT

3.01 Annual Rent. Lessee agrees to pay to Lessor as rent for the Leased Premises for the sum of **\$13,739.00 per year** (calculated on the basis \$0.28 per square foot per year).

3.02 Initial and Monthly Payment of Rent. Thirty (30) calendar days after the public auction at which the Lessee was the successful bidder on this Lease, Lessee agrees to pay to Lessor as rent for the premises an initial prorated sum of \$_____ for the corresponding fraction of the first month of the Lease and, on the first day of each month thereafter, equal payments of **\$1,144.92** per month with the final payment of the year adjusted for all amounts due as set forth in Section 3.01 thereafter, subject to annual increases as set forth in Section 3.03, below, payable on the first day of each and every month during the Term.

3.03 Annual Rent Increases. During the Term, the rental amount shall be increased annually on each anniversary of the Effective Date by two percent (2%) over the rental amount in effect in the month immediately preceding such anniversary date.

SECTION 4

LIMITATION ON OCCUPANCY OF LEASED PREMISES

4.01 Occupancy After Thirty (30) Days. Lessee shall not occupy the Leased Premises for a period of thirty (30) days after the public auction at which the Lessee was the successful bidder on this Lease..

SECTION 5

USE OF LEASED PREMISES

5.01 Uses Prohibited. It is agreed between Lessor and Lessee that the Lessee shall use the Leased Premises only for commercial aeronautical purposes (e.g., moving aircraft between hangars and available airport infrastructure, taxiways and runway) and no other use shall be made of the Leased Premises without the prior approval of the Lessor.

SECTION 6

LESSEE'S RESPONSIBILITIES

6.01 Maintenance of Leased Premises. The Lessee shall maintain the Leased Premises in accordance with the highest standards applicable to its use. The Lessee shall maintain the Leased Premises in a clean, neat and sanitary condition.

6.02 Loss/Theft/Damage. The Lessee shall be responsible for the loss or theft of and damage to all of its property on the Leased Premises. The City of Elko shall have no liability for the theft or loss of or damage to the Lessee's property, and as a material consideration for this Lease, the City of Elko, and its officers, supervisors, agents and employees are hereby released and discharged from all claims, demands and liability therefor.

6.03 Access. Lessee shall be responsible for access to and from the Leased Premises, and Lessor shall have no responsibility therefor.

SECTION 7

REMOVAL OF PROPERTY UPON TERMINATION OF LEASE

7.01 Lessee to Remove Personal Property. In the event of the termination of this Lease, Lessee shall have a reasonable time (but in any event no less than thirty (30) days) to remove from the Leased Premises all personal property owned by Lessee.

SECTION 8

INDEMNIFICATION AND HOLD HARMLESS

8.01 Indemnification of City. The Lessee does hereby covenant and agree to defend, indemnify and save harmless the City of Elko, its officers, supervisors, employees and agents from all fines, suits, claims, demands, expenses, fees, liabilities, defenses and actions of any kind and nature by reason of any and all of the Lessee's operations hereunder and any and all negligence, acts and omissions of the Lessee and its agents, employees, officers and directors and does hereby agree to assume all the risk and liability of the operation of its business hereunder.

SECTION 9

CONDUCT BY LESSEE

9.01 Compliance with Applicable Laws. Lessee shall conduct and handle the Leased Premises in a lawful and orderly manner and shall comply with all city, county, state and federal laws, rules, regulations, ordinances and codes, as well as administrative

rules and regulations governing the use of property and conduct of operations at Elko Regional Airport. A copy of the Elko Regional Airport Rules and Regulations is attached hereto as **Exhibit C**.

SECTION 10

WASTE

10.01 No Waste Permitted. Lessee will not commit or permit to be committed any waste upon the Leased Premises.

SECTION 11

DEFAULT AND TERMINATION

11.01 Termination of Lease Upon Default. In the event that the rent herein provided for, in any part or portion thereof shall be in arrears or shall be unpaid on the date when the same is provided to be paid, and for ten (10) days thereafter, it shall be and may be lawful for the City of Elko, its agents or legal representatives to go to and upon the Leased Premises, and to again repossess itself thereof, and to hold and enjoy the Leased Premises without let or hindrance by Lessee, anything herein to the contrary notwithstanding. Such repossession of the Leased Premises by the City of Elko shall constitute a termination of this Lease.

11.02 Breach. In the event of default of any of the payments herein provided for, or any breach of any one or all of the clauses, covenants and agreements contained in this Lease, City of Elko shall have the right and option of declaring all monies at once due and payable and repossess itself of the Leased Premises without suit, either at law or in equity.

SECTION 12

QUIET POSSESSION

12.01 Lessee's Right to Occupy. The Lessee, upon making the payments herein provided for and in the manner provided, and complying with each, every and all of the terms, clauses and covenants of this Lease, shall have the sole right and option of occupying the Leased Premises under the terms of this Lease during the full term herein provided, without any let or hindrance by said Lessor, except as otherwise provided herein.

SECTION 13

IMPROVEMENTS

13.01 Improvements Prohibited. Lessee shall not place any structures on or make improvements to the Leased Premises without the prior written consent of Lessor.

SECTION 14

AIRPORT MASTER PLAN

14.01 Termination of Lease. The Lessee understands that the Lessor has a master plan at the airport, that the master plan is subject to amendment, and that changes to the matters set forth in this lease may become necessary as a result. Lessee, accordingly, covenants and agrees, notwithstanding any provisions of this Lease to the contrary, that the Lessor may terminate this Lease at any time during the term of this Lease, or any renewable extension thereof, by written notice mailed or delivered to Lessee as provided in Section 18.04 hereof, and upon any such termination, the Lessee shall within thirty (30) calendar days from the date of such notice of termination, vacate the Leased Premises, surrender this Lease in the premises, and remove from the Leased Premises all of Lessee's property.

SECTION 15

ASSIGNMENT

15.01 No Assignment. This Lease shall not be assigned, nor shall any or all of the Leased Premises be relet or sublet by the Lessee without the written consent of the Lessor first had and obtained.

SECTION 16

LIENS / ENCUMBRANCES

16.01 Status of Lease. The Lessee shall not allow any encumbrances, liens or processes of law to attach against the Leased Premises, or Lessor's interest therein. Any attempted legal process levied against the Leased Premises, or Lessor's interest therein, if attempted in good faith, shall result in a complete termination of this Lease and a termination of Lessee's right in and to this Lease and the Leased Premises, subject to the right of Lessee to cause a discharge of any lien within sixty (60) days after filing or levy thereof, and in the event of such discharge, this Lease shall continue in full force and effect.

SECTION 17 **INSPECTION**

17.01 Lessor's Right to Inspect. Lessor reserves the right to enter upon the Leased Premises at any reasonable time for the purpose of making any inspection it may deem appropriate for the proper enforcement of any of the covenants or conditions of this Lease.

SECTION 18 **ADDITIONAL TERMS**

18.01 FAA Requirements. Lessee shall comply with all terms and conditions required by the FAA Safety/Compliance Inspector as set forth on **Exhibit D** attached hereto.

18.02 Abandonment. In the event the Lessee abandons the Leased Premises, the Lease shall immediately terminate without further notice and any personal property remaining on the Leased Premises shall become the property of Lessor. For purposes of this Section 18.02, "abandonment" shall occur when either Lessee notifies Lessor that it has abandoned the Leased Premises or Lessee does not use the Leased Premises for commercial aeronautical purposes for a period of ninety (90) days.

18.03 Waiver. No waiver by the Lessor or default, violation of or non-performance of any of the terms, covenants or conditions hereof to be performed, kept and observed by the Lessee shall be construed to be or act as a waiver of any subsequent default, violations or non-performance. The acceptance of rental or the performance of all or any part of this Lease Agreement by Lessor for or during any period or periods of default, violation or non-performance of any of these terms, covenants and conditions herein contained to be performed, kept and observed by Lessee, shall not be deemed a waiver of any right on the part of the Lessor to cancel this Lease Agreement for failure of Lessee to so perform, keep or observe any of the items, covenants or conditions hereof.

18.04 Notices. All notices sent to the parties under this Lease shall be addressed as follows:

CITY OF ELKO:

Elko Regional Airport Manager
City of Elko
1751 College Avenue
Elko, NV 89801

LESSEE:

18.05 Attorney Fees. In any dispute between the parties hereto resulting in legal action, the prevailing party shall be entitled to reasonable attorney fees and court costs.

18.06 Binding Effect. This Lease shall be binding upon and inure to the benefit of the Lessor, its successors and assigns, and upon the Lessee, their heirs, successors and assigns, subject to the restrictions against subletting and assignments.

18.07 Time. Time is of the essence of this Lease. In the event that any date specified in this Lease falls on 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.

18.08 Governing Law. The validity, construction and enforceability of this Lease shall be governed in all respects by the law of Nevada applicable to agreements negotiated, executed and performed in Nevada by Nevada residents, whether one or more of the parties shall now be or hereafter become a resident of another state. Any disputes arising hereunder shall be resolved in the Fourth Judicial District Court in and for the County of Elko, State of Nevada.

18.09 Captions. The captions of this Lease do not in any way limit or amplify the terms and provisions of this Lease.

18.10 Severability. Each provision of this Lease is severable from any and all other provisions of this Lease. Should any provision(s) of this Lease be for any reason unenforceable, the balance shall nonetheless be of full force and effect.

IN WITNESS WHEREOF, the parties have caused this Lease to be executed on

the day and year first above written.

LESSOR:

CITY OF ELKO

By: _____
REECE KEENER, Mayor

ATTEST:

Kelly Wooldridge, City Clerk

LESSEE:

By: _____

Its: _____

EXHIBIT A

EXHIBIT A

LEGAL DESCRIPTION OF LEASE AREA N1

A portion of the Elko Regional Airport parcel, located in the southwest quarter of Section 16, Township 34 North, Range 55 East, M.D.B. & M., City of Elko, Elko County, Nevada, more particularly described as follows;

Beginning at a point that bears North 34°03'50" East, a distance of 417.11 feet from the Elko Regional Airport survey control monument "Cessna";
Thence, North 45°49'00" West, a distance of 200.00 feet;
Thence, North 44°11'00" East, a distance of 245.69 feet;
Thence, South 45°37'09" East, a distance of 200.00 feet;
Thence, South 44°11'00" West, a distance of 245.00 feet, more or less, to the point of beginning.

Said Lease Area N1 contains an area of $\pm 49,069$ square feet.

The basis of bearings for this description is the Nevada State Plane Coordinate System, East zone. Ground coordinates are given for the following monuments, with a grid to ground scale factor of 1.000357:

Elko Regional Airport survey control monument "Cessna"

N 2847077.14

E 599834.56

Elko Regional Airport survey control monument "Piper"

N 28469096.94

E 599075.75

With a bearing of South 24°18'17" West and distance of 1,843.60 feet from Cessna to Piper.

Description prepared by:
Robert Thibault, PE, PLS
City of Elko Civil Engineer

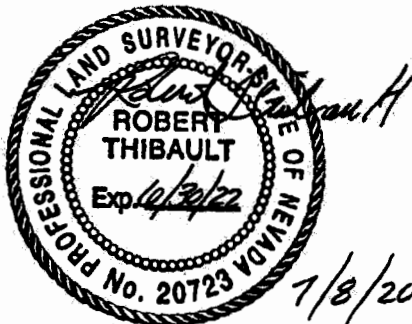
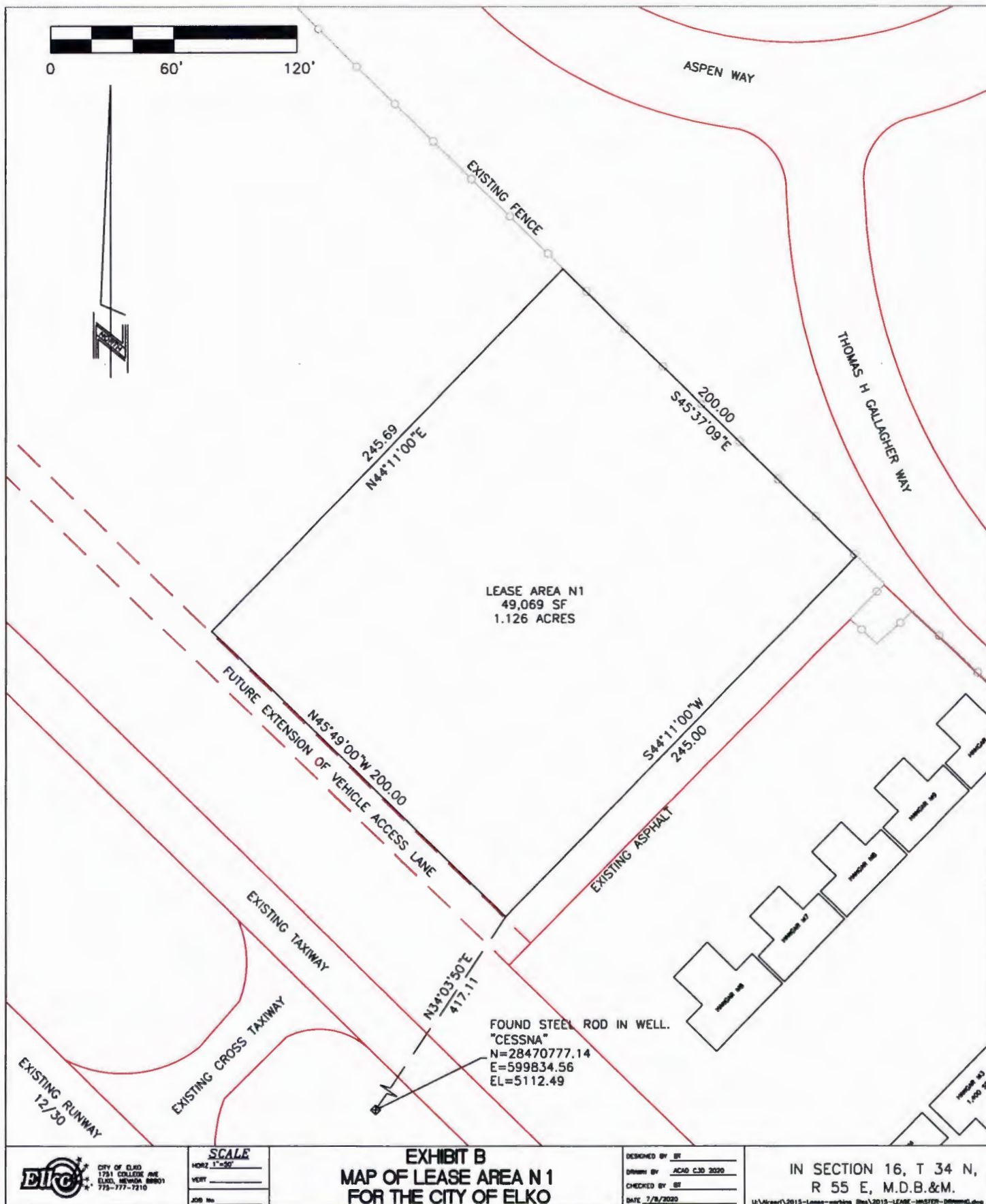


EXHIBIT B



CITY OF ELKO
1791 COLLEGE AVE
ELKO, NEVADA 89601
775-777-7210

SCALE
HORIZ 1"=50'
VERT _____
DATE _____

EXHIBIT B MAP OF LEASE AREA N1 FOR THE CITY OF ELKO

DESIGNED BY: BT
DRAWN BY: ACAD C30 2020
CHECKED BY: BT
DATE: 7/8/2020

IN SECTION 16, T 34 N,
R 55 E, M.D.B.&M.
U:\Airport\2015-Lease-working files\2015-LEASE-MASTER-DRAWING.dwg

EXHIBIT C

RULES AND REGULATIONS

CHAPTER I **GENERAL PROVISIONS**

SECTION 1. Definitions

As used in these Rules and Regulations, unless the text otherwise requires:

1. Airport means the Elko Regional Airport and all of the area, building facilities, and improvements within the exterior boundaries of such airport as it now exists or as it may hereafter be extended or enlarged.

2. Airport Director means the person hired by the City, whose job duties are outlined in Section 2.

3. Council means the Elko City Council of the City of Elko, Nevada.

4. City means the City of Elko, Elko County, Nevada.

5. F.A.A. means the Federal Aviation Administration.

6. Person means any individual, firm, partnership, corporation, company, association, joint-stock association or body politic, and includes any trustee, receiver assignee or other similar representative thereof.

7. Advisory Board means the Elko Regional Airport Advisory Board established by the Elko City Council.

SECTION 2. Airport Director

The Airport Director shall be hired by the City. He shall report to the City Manager. The Airport Director's duties include, but are not limited to:

1. Develop and implement policies and procedures related to airport operations, safety and maintenance, drafts and revises airport policy and procedure manuals regarding emergency procedures, minimum safety standards and operating procedures in accordance with FAA operation rules.

2. Coordinates the development and negotiation of airport leases, contracts and agreements, including those with private companies, commercial air carriers and government agencies for the rental of airport facilities including hangars, building space, airport service and concessions.

3. Initiates the FAA grant priorities and monitors the major construction resulting from those grant projects. Plans, organizes, coordinates, supervises and evaluates programs, plans, services, staffing, equipment and infrastructure of the airport, including airport development and improvement projects.

4. Supervises and monitors use of the airport facilities by tenants, concessionaires and patrons, including ground operations, passenger and baggage screening, emergency operations, maintenance and related activities. Supervises grounds and facilities maintenance, coordination of improvements or changes to facilities or equipment. Inspects airport grounds, facilities and equipment, and notes maintenance needs, safety hazards and other problems, initiates corrective action and follows-up as necessary.

5. Interprets flight safety and other flight and airport use regulations for the public, enforces airport regulations and assures compliance with a variety of local, State, and Federal laws and regulations related to airport operations.

6. Assesses a variety of emergency situations requiring airport closure or altered operations, such as snow-plowing, ice removal or other extreme weather conditions, bomb threats, fire, crashes or other emergencies, coordinates fire, crash and rescue procedures.

SECTION 3. Rules and Regulations

All aeronautical activities at the airport, all operation and flying of aircraft at the airport, and all business and other activities on the airport shall be conducted in conformity with these rules and regulations, and all amendments, supplements, attachments, changes, and additions hereto which may hereafter be adopted by the City Council, and further in conformity with all pertinent rules, regulations, orders and rulings of the F.A.A., which are made a part of these rules by this reference. Provided, however, that nothing herein contained shall affect or impair any existing agreement. In the event of any conflict between these rules and regulations and any law, rule, regulation or order of the F.A.A. or other governmental agency exercising the same or similar jurisdiction, the latter shall prevail.

SECTION 4. Special Events

Special events, such as air shows, air races, fly-ins, sky diving and all events requiring the general use of the airport, other than normal or routine airport traffic, shall be held only upon the prior approval of the Airport Director, and on such dates, in such areas and upon such terms and conditions as shall be specified by the Airport Director.

SECTION 5. Public Use

The airport shall be open for public use at all hours of the day, subject to regulation or restriction due to conditions of the landing area, the presentation of special events and like causes, as may be determined by the Airport Director and revocation of the right to use for violation of these rules and regulations as herein provided.

SECTION 6. Common Use Area

All runways for landing and take-off, all, all runway markers, guidance, signal, and beacon light used to guide operating aircraft, and wind information, for signaling, for radio-direction finding, or for any other structure, equipment or mechanism having a similar purpose for guiding or controlling flight in the air or landing and take-off of aircraft, and together with such aprons, ramps, turn-offs, taxiways, tie down areas and other areas of the airport as the airport director shall specify or designate as common use areas available for use, in common, by all persons flying or operating aircraft on the airport and shall be kept clear and available for aircraft traffic. No person or entity shall use any common use area for the parking or storing of inoperative aircraft, the repair, servicing, or fueling of aircraft or for any other purpose other than the flying and operation of aircraft without the prior consent and authorization of the Airport Director. Common use areas shall be subject to change by the Airport Director.

SECTION 7. Vehicular Traffic

The traffic laws of the City shall apply to the streets, roads, and parking areas on the airport, unless restricted by the Airport Director. Vehicular access to aircraft in the General Aviation area is permitted for the purpose of loading and unloading only. Except for firefighting equipment, ambulances, emergency vehicles, and aircraft maintenance vehicles, no person shall take or drive any vehicle on the airport, other than on established streets, roads and automobile parking facilities, unless permission has been first obtained from the Airport Director.

SECTION 8. Advertising

No signs or other advertising shall be placed on constructed upon the airport without the prior approval of the Airport Director. Any building, structure or improvement must also

obtain prior approval of the Airport Director. **SECTION 9. Acceptance of Rules By Use**

The use of the airport or any of its facilities in any manner shall constitute an assumption by the user of these rules and regulations and shall create an obligation on the part of the user to abide by and obey these rules and regulations.

SECTION 10. Operators to Keep Rules Available

All persons licensed to do business on or conduct operations of any kind on the airport shall keep a current copy of these rules and regulations in its office or place of business and make it available to all persons.

CHAPTER II
AIRPORT OPERATIONS AND AIRPORT TRAFFIC

SECTION 1. General

1. Every person operating an aircraft shall comply with and operate such aircraft in conformity with these Rules and Regulations, and all pertinent rules, regulations, or orders of the FAA.

2. The taxing, traffic, and landing rules will be managed by the Elko Regional Airport Control Tower, if operating.

3. In the event any aircraft is wrecked or damaged to the extent that it cannot be moved under its own power, the Airport Director shall be immediately notified by the pilot. Subject to governmental investigations and inspection of the wreckage, the owner or pilot of the wrecked or damaged aircraft, must obtain the necessary permission for the removal of the aircraft and shall promptly remove such aircraft and debris from all landing areas, taxiways, ramps, tie-downs areas, and all other traffic areas. The owner or pilot must place or store the aircraft in an area designated by the Airport Director. In the event the owner of the aircraft fails for any reason to comply with this regulation, the Airport Director may cause the removal and storage, or disposal of such wrecked or damaged aircraft at the expense of the aircraft owner.

SECTION 2. Ground Rules

1. No person shall park, store, tie-down, or leave any aircraft on any area of the airport other than that designated by the Airport Director, or his duly authorized agent.

2. No aircraft shall be parked or stored at the Elko Regional Airport unless it is properly tied down and secured in place. It shall be the sole responsibility of the aircraft owner or pilot to tie down or secure said aircraft at all times required by these rules and regulations or as requested by the Airport Director. Owners of all aircraft shall be held solely responsible for any damage or loss resulting from the failure of such owner or pilot of such aircraft to comply with this rule.

3. No person shall take or use any aircraft anchoring or tie-down facilities when said facilities are already in use by another person.

4. All repairs to aircraft or engines shall be made in the spaces or areas designated for this purpose by the Airport Director and not on any part of the landing area, taxiways, ramps, fueling, or service areas of a fixed base operator, unless mutually agreed upon by the fixed base operator and the Airport Director. Prior approval for minor repairs to aircraft located on parking areas may be obtained from the Airport Director.

5. No aircraft engine shall be started on an aircraft unless a competent operator is in control of the aircraft and the parking brakes have been set or the wheels have been set with blocks that are equipped with ropes or other suitable means for removing said blocks.

6. No aircraft engine shall be started, run, or run-up, unless the aircraft is in such a position that the propeller or jet blast clears all hangars, shops, or other buildings, persons, other aircraft, vehicles, and the flight and taxi path of other aircraft.

SECTION 3. Fire Regulations

1. No aircraft shall be fueled or drained while the engine is running, or while in a hangar or other enclosed area. Fueling shall be done in such a manner and with such equipment that adequate connections for bonding for static electricity shall be continuously maintained during fueling operations.

2. All persons using, in any way, the airport area or the facilities of the airport shall exercise the utmost care to guard against fire and injury to persons or property.

3. No person shall smoke or ignite any matches, flares, lighters, or other objects of which produce an open flame anywhere within a hangar, shop, building or flammable structure in which any aircraft is or may be stored, or in which any gas, oil or flammable substance is stored or within 50 feet of any aircraft or any fueling facilities.

CHAPTER III

AIRPORT OPERATORS, LEASES, AND CONCESSIONS

SECTION 1. Business Activities.

Subject to applicable orders, certificates or permits of the Federal Aviation Administration, or its successors, no person shall use the airport, or any portion thereof, or any of its improvements or facilities for revenue producing commercial, business, or aeronautical activities, who has not first complied with these rules and regulations and obtained the consent and all appropriate permits and licenses for such activities from the City Council and entered into such written leases and other agreements prescribed by the City Council, or agreed upon by the City Council and such person or business entity.

SECTION 2. Application.

Applications for leases of ground on the airport, or for permission to carry on any commercial, business or aeronautical activity on the airport, with the necessary permits and licenses, shall be made to the Airport Director. This includes, but is not limited to Request for Proposals. The Airport Director shall present the application to the City Council by at least its next regular meeting. The City Council may, if it deems it advisable, have a public hearing upon the application. The applicant shall submit all information and material necessary, or requested by the RFP or the City Council, to establish to the satisfaction of the City Council that the applicant can qualify and will comply with these rules and regulations. The application shall be signed and submitted by every party owning an interest in the business, those who will be managing the business, every partner of a partnership, and each Director, and officer of a corporation.

SECTION 3. Action on Application.

The City Council may deny any application if, in its opinion, it finds any one or more of the following:

1. The applicant, for any reason, does not meet the qualifications, standards and requirements established by these rules and regulations; or
2. The applicants proposed operations or construction will create a safety hazard on the airport; or
3. The granting of the application will require the City to spend City funds, or to supply labor or materials in connection with the proposed operations to an extent which or at a time the City Council is unwilling to enter into such arrangement; or the operation will result in a financial loss to the City: or

4. There is no appropriate, adequate or available space or building on the airport to accommodate the entire activity of the applicant at the time of the application; or

5. The proposed operation or airport development or construction does not comply with the master plan of the airport; or

6. The development or use of the area requested by the applicant will result in depriving existing fixed base operators of portions of the area in which they are operating; or will result in a congestion of aircraft or buildings; or will result in unduly interfering with the operations of any present fixed base operator on the airport through problems in connection with aircraft traffic or service, or preventing free access to the fixed base operators area: or

7 Any part applying or interested in the business has supplied the City Council with any false information or has misrepresented any material fact in his application or in supporting documents; or has failed to make full disclosure on his application; or in supporting documents; or

8. Any party applying, or interested in the business has a record of violating these rules and regulations, or the rules and regulations of any other airport, or the Federal Aviation Regulations, or any other rules and regulations applicable to the Elko Regional Airport.

9. Any part applying, or interested in the business has defaulted in the performance of any lease or other agreement with the City of Elko, or

10. Any party applying, or interested in the business has a credit report which contain derogatory information and does not appear to be a person of satisfactory business responsibility and reputation; or

11. The applicant does not appear to have, or have access to the finances necessary to conduct the proposed operation for a minimum of six months; or

12. Any party applying, or interested in the business has been convicted of any crime or violation of any City ordinance of such a nature that it indicates to the City Council that the applicant would not be a desirable operator on the Elko Regional Airport;

13. The protection of the health, welfare, or safety of the inhabitants of the City of Elko requires such denial.

14. Nothing contained herein shall be construed to prohibit the City Council from granting or denying, for any reason it deems sufficient, an application to do business on the airport for the purpose of selling, furnishing or establishing non-aviation products and supplies or any service or business of a non-aeronautical nature, or the application by a person for an area on the airport for the personal non-profit use of such person.

SECTION 4. Supporting Documents

If requested by the City Council, the applicant shall submit the supporting documents itemized in an Appendix (if applicable) to the City Council, together with such other documents and information as may be requested by the City Council.

SECTION 5. Airport License and Leases Non-Transferable

No right, privilege, permit or license to do business on the Elko Regional Airport, or any lease of any area of the airport shall be assigned, sold, or otherwise transferred or conveyed in whole or part without the prior express consent of the City Council.

SECTION 6. Tie-down Rates

Daily and Monthly tie down rates shall be administered by the Airport Director.

SECTION 7. Refuse

No person shall throw, dump, or deposit any waste, refuse or garbage on the Elko Regional Airport. All waste, refuse, or garbage shall be placed and kept in closed garbage cans or containers and all operating areas shall be kept in a safe, neat, clean, and orderly manner at all times, and in such a manner as to minimize any hazards.

SECTION 8. Approval of Construction

No buildings, structures, tie-downs, ramps, paving, taxi areas, or any other improvement or addition on the airport shall be placed or constructed on the airport or altered or removed without the prior approval of the City Council *and/or Airport Director*. In the event of any construction, the City Council may, in its discretion, require the appropriate bond to guarantee the completion of the construction in accordance with City Council approval.

SECTION 9. Operation Area.

No person authorized to operate on or conduct business activities on the airport shall

conduct any of its business or activities on any area except those specified by the City Council, or the Airport Director, and the leased areas.

SECTION 10. Fixed Base Operator

No person shall use the Elko Regional Airport as a fixed base operator until such person has applied for and received from the City Council a fixed base operator's license and has met the qualifications, standards and requirements of these rules and regulations. These standards, requirements, rules and regulations pertaining to FBOs, and a list of the services of a fixed base operator is contained in the Elko Regional Airport's Minimum Standard Requirements for Airport Aeronautical Services.

SECTION 11. Waiver of Chapter III

The City Council may in its discretion, waive all or any of Chapter III, or the requirements listed in the Appendix (if applicable), for the benefit of any Government or Government Agency or Department or person performing non-profit public services to the aircraft industry, or performing air search and rescue operations, or performing fire prevention or firefighting operations.

SECTION 12. Business Name

No person shall conduct business operations on the airport under a business name the same as or deceptively similar to the business name of any other fixed base operator.

SECTION 13. Damage Repair by The City

Nothing contained in these rules and regulations shall be construed as requiring the City to maintain, repair, restore or replace any structure, improvement or facility which is substantially damaged or destroyed due an act of God or other condition or circumstance beyond the control of the City.

CHAPTER IV PENALTIES

SECTION 1. General

In addition to any penalties otherwise provided by City Ordinance, law, the F.A.A., or other governmental agency, any person violating or failing or refusing to comply with these rules and regulations or those issued by the Airport Director may be promptly removed or ejected from the airport by or under the authority of the Airport Director. Upon the order of the

City Council or Airport Director, such person may be deprived of further use of the airport and its facilities pending appeal or presentation of the matter to the City Council.

SECTION 2. Appeals

Such matters shall be presented to the City Council as expeditiously as practicable. By request of the City Council, the accused violator will be asked to show cause for reinstatement of airport use.

SECTION 3. Enforcement

In addition to any civil or criminal penalties, upon order of the City Council, such person may be deprived of further use of the airport and its facilities for such time as may be deemed necessary and appropriate by the City Council to insure the safeguarding of the airport, its operations, the public use thereof and the City's interest therein.

CHAPTER V

GOVERNMENT AGREEMENTS

SECTION 1. War or National Emergency

During time of war or national emergency the City shall have the right to lease the airport, or the landing areas, or any part thereof to the United States Government for military use, and any license or authority granted under these rules and any lease and agreement executed pursuant hereto shall be subject to such government lease and the provision of the government lease.

EXHIBIT D

Additional Terms Required
by FAA Safety/Compliance Inspector

1. The Lessee, for itself, its successors in interest and assigns, as a part of the consideration hereof, does hereby covenant and agree as a covenant running with the land that in the event facilities are constructed, maintained, or otherwise operated on the said property described in the attached Lease for a purpose for which a DOT program or activity is extended or for another purpose involving the provision of similar services or benefits, the Lessee shall maintain and operate such facilities and services in compliance with all other requirements imposed pursuant to Title 49, Code of Federal Regulations, DOT, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-Assisted Programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended.

2. The Lessee, for itself, its successors in interest and assigns, as a part of the consideration hereof, does hereby covenant and agree as a covenant running with the land that: (1) no person on the grounds of race, color, or national origin shall be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over, or under such land and the furnishing of services thereon, no person on the grounds of race, color, or national origin shall be excluded from participation in, denied the benefits of, or otherwise be subject to discrimination, (3) that the Lessee shall use the premises in compliance with all other requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-Assisted Programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended.

3. That in the event of breach of any of the above nondiscrimination covenants, Lessor shall have the right to terminate the Lease and to reenter and repossess said land and the facilities thereon and hold the same as if said Lease had never been made or issued. This provision does not become effective until the procedures of 49 CFR Part 21 are followed and completed including expiration of appeal rights.

4. Lessee shall furnish its accommodations and/or services on a fair, equal and no unjustly discriminatory basis to all users thereof and it shall charge fair, reasonable and not unjustly discriminatory prices for each unit or service; PROVIDED, THAT the Lessee may be allowed to make reasonable and nondiscriminatory discounts, rebates or other similar type of price reductions to volume purchasers.

5. Non-compliance with Provision 4 above shall constitute a material breach thereof and in the event of such non-compliance the Lessor shall have the right to terminate this Lease and the estate hereby created without liability therefor or at the election of the Lessor or the United States. Either or both said governments shall have the right to judicially enforce such provisions.

6. Lessee agrees that it shall insert the above five provisions in any Lease agreement, contract, etc. by which said Lessee grants a right or privilege to any person, firm or corporation to render accommodations and/or services to the public on the premises herein leased.

7. The Lessee assures that it will undertake an affirmative action program as required by 14 CFR Part 152, Subpart E, to insure that no person shall on the grounds of race, creed, color, national origin, or sex be excluded from participating in any employment activities covered in 14 CFR Part 152, Subpart E. The Lessee assures that no person shall be excluded on these grounds from participating in or receiving the services or benefits of any program or activity covered by this Subpart. The Lessee assures that it will require that its covered sub organizations provide assurances to the Lessee that they similarly will undertake affirmative action programs and that they will require assurances from their sub organizations, as required by 14 CFR 152, Subpart E, to the same effort.

8. The Lessor reserves the right to further develop or improve the landing area of the Elko Regional Airport as it sees fit, regardless of the desires or view of the Lessee, and without interference or hindrance.

9. The Lessor reserves the right, but shall not be obligated to the Lessee, to maintain and keep in repair the landing area of the Elko Regional Airport and all publicly-owned facilities of the Elko Regional Airport, together with the right to direct and control all activities of the Lessee in this regard.

10. This Lease shall be subordinate to the provisions and requirements of any existing or future agreement between the Lessor and the United States, relative to the development, operation or maintenance of the Elko Regional Airport.

11. There is hereby reserved to the Lessor, its successors and assigns, for the use and benefit of the public, a right of flight for the passage of aircraft in the airspace above the surface of the premises herein leased. This public right of flight shall include the right to cause in said airspace any noise inherent in the operation of any aircraft used for navigation or flight through the said airspace or landing at, taking off from or operation on the Elko Regional Airport.

12. Lessee agrees to comply with the notification and review requirements covered in Part 77 of the Federal Aviation Regulations in the event future construction of a building is planned for the Leased Premises, or in the event of any planned modification or alteration of any present or future building or structure situated on the Leased Premises.

13. The Lessee, by accepting this Lease, expressly agrees for itself, its successors and assigns that it will not erect nor permit the erection of any structure or object, nor permit the growth of any tree on the land leased hereunder above the mean sea level elevation of 5,075 feet. In the event the aforesaid covenants are breached, the Lessor reserves the right to enter upon the land leased hereunder and to remove the offending structure or object and cut the offending tree, all of which shall be at the expense of the Lessee.

14. The Lessee, by accepting this Lease, agrees for itself, its successors and assigns that it will not make use of the Leased Premises in any manner which might interfere with the landing and taking off of aircraft from, or otherwise constitute a hazard. In the event the aforesaid covenant is breached, the Lessor reserves the right to enter upon the premises hereby leased and cause the abatement of such interference at the expense of the Lessee.

15. It is understood and agreed that nothing herein contained shall be construed to grant or authorize the granting of an exclusive right within the meaning of Section 308a of the Federal Aviation Act of 1958 (49 U.S.C. 1349a).

16. This Lease and all provisions hereof shall be subject to whatever right the United States Government now has or in the future may have or acquire, affecting the control, operation, regulation and taking over of or the exclusive or non-exclusive use of the Elko Regional Airport by the United States during the time of war or national emergency.