



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, May 11, 2021
at 4:00 P.M., P.D.T. at the Elko City Hall, 1751 College Avenue, Elko, Nevada,
and by utilizing **GoToMeeting.com**

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

GoToMeeting.com

<https://global.gotomeeting.com/join/293463909>

You can also dial in using your phone **+1 (408) 650-3123** Access Code: **293-463-909**

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

In accordance with NRS 241.020, the public notice and agenda was posted on the City of Elko
Website, **<http://www.elkocitynv.gov>** the State of Nevada's Public Notice Website,
<https://notice.nv.gov> and in the following locations:

ELKO CITY HALL

1751 College Avenue, Elko, Nevada 89801

Date & Time Posted: Thursday, May 6, 2021 at 8:30 A.M.

Posted by: Kim Wilkinson Administrative Assistant *Kim Wilkinson*

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 at Elko City Hall, 1751 College Avenue, Elko, NV or on the City website at **<http://www.elkocity.com>**

Dated the 6th day of May, 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.D.T.
TUESDAY, MAY 11, 2021
ELKO CITY HALL, CHAMBERS
1751 COLLEGE AVENUE, ELKO, NEVADA
<https://global.gotomeeting.com/join/293463909>

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: **April 27, 2021** **Regular Session**

I. PRESENTATIONS

A. Update by Jon Griggs, Chairman of the Western Folklife Center, Board of Trustees, on the National Cowboy Poetry Gathering, and matters related thereto. **INFORMATION ONLY – ACTION WILL NOT BE TAKEN**

B. Presentation of City of Elko IT Department Year in Review, and matters related thereto. **INFORMATION ONLY – ACTION WILL NOT BE TAKEN**

Oasis Online began management of the City of Elko IT Department July 1, 2020. Dan Slentz, Owner of Oasis Online is presenting a City of Elko IT Department year in review. JB/DS

C. Presentation by Duncan Golf Management regarding Ruby View Golf Course, and matters related thereto. **INFORMATION ONLY – ACTION WILL NOT BE TAKEN**

- D. Presentation by Applied Analysis entitled “Ad Valorem (Property) Tax Rate Analysis – Alternatives and Key Considerations,” and matters related thereto. **INFORMATION ONLY – ACTION WILL NOT BE TAKEN**

II. PERSONNEL

- A. Employee Introductions:
- 1.) Joshua Montoya, Firefighter, Fire Department
- B. Swearing in of the Fire Department Driver/Operator II and Fire Marshal, and matters related thereto. **FOR POSSIBLE ACTION**
- C. Review and possible approval of an adjustment to the City of Elko Management Compensation Schedule, for the positions of Police Captain and Police Lieutenant, effective July 1, 2021, and matters related thereto. **FOR POSSIBLE ACTION**

Due to ongoing salary compaction within the City of Elko Police Department, Staff is recommending that the position of Police Captain be moved from Grade 37 to Grade 39, and that the position of Police Lieutenant be moved from Grade 32 to grade 36. Although the position of Police Captain is currently vacant, there are two (2) Police Lieutenants currently employed at the Elko Police Department. The fiscal impact for the proposed adjustment is less than \$10,000 for FY 2021/2022. A copy of a memo to the Human Resources Manager has been enclosed in the agenda packet for review. CC

III. 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**

IV. SUBDIVISIONS

- A. Review, consideration, and possible acceptance of Public Improvements for the Tower Hill Phase 4 Subdivision, and matters related thereto. **FOR POSSIBLE ACTION**

The City Council approved Final Map 8-20 on November 10, 2020. A Performance and Maintenance Agreement was entered into on that same day.

The Developer has completed the public improvements in accordance with the approved plans. The City is in receipt of the required Certification of the project by the Engineer of Record. Upon acceptance of the public improvements by the

Council, the Developer is required to provide maintenance security in the amount of \$13,850.80 for a 12-month maintenance period. MR

- B. Review, consideration, and possible conditional acceptance of Public Improvements for the Tower Hill Phase 3 Subdivision, and matters related thereto. **FOR POSSIBLE ACTION**

Council approved Final Map 15-19 for Tower Hill Phase 3 on February 25, 2020. A Performance and Maintenance Agreement was entered into that same day.

The Developer has substantially completed the Public Improvements in accordance with the approved plans with the exception of a portion of the Lamoille Highway shared-use path. The developer is asking for a conditional acceptance with the understanding that the pathway will be completed prior to the City releasing the remaining portion of the Performance Bond provided to the City in January of 2021. The City is in receipt of the required Certification of the project by the Engineer of Record. Upon acceptance of the Public Improvements by the Council, the Developer is required to provide maintenance security in the amount of \$102,095.20 for a 12-month maintenance period. This bond has already been paid. MR

V. UNFINISHED BUSINESS

- A. Review, consideration, and possible action for a determination from City Council on how to control public access to the golf course ponds, and matters related thereto. **FOR POSSIBLE ACTION**

The ponds were lined in the fall of 2020 and then refilled with water. Since that time there has been two instances where animals have gone into the ponds and could not get out without assistance from the owners. Once the owners of the animals entered the ponds they were also unable to exit the pond without assistance.

City Staff has implemented further safety measures in response to these incidents.

- Added additional warning signage around the ponds.
- Raised the pond level 24" to reduce the amount of exposed liner on the banks.
- Attached safety ladders around the ponds banks and life rings at these points.

NDEP has determined it is the City's responsibility to control public access to the ponds since this is a publicly owned course. Staff is requesting determination from City Council on how they would like to control public access. DJ

VI. NEW BUSINESS

- A. Review, consideration, and possible approval of a Settlement Agreement and Release of Claims with Zach Woster, Chad Woster and Mercedes Woster based on a November 10, 2019 vehicle accident, and matters related thereto. **FOR POSSIBLE ACTION**

On November 10, 2019, Zach Woster sustained injuries when the vehicle he was driving collided with a fire truck driven by Robert Lino at the corner of Fifth and Idaho Streets. Mr. Lino, a volunteer firefighter with the City of Elko Fire Department, was responding to a call at the time of the collision. The fire truck was owned by the Nevada Division of Forestry and provided to the County and the City by means of interlocal agreements. The vehicle driven by Zach Woster was owned by his parents, Chad and Mercedes Woster. No lawsuit has been filed in relation to the collision. As a result of settlement discussions, Zach, Chad and Mercedes Woster have agreed to release their potential claims in exchange for \$150,000, to be apportioned between the City and the County. CC

- B. Review and possible award of an advertising proposal from Lamar Airport Advertising to provide for the advertising within the airport terminal, and matters related thereto. **FOR POSSIBLE ACTION**

On March 9, 2021, Council authorized Staff to solicit proposals for the Airport Advertising Concession Agreement. Proposals were opened April 23, 2021. The airport received one (1) proposal from Lamar Airport Advertising. Lamar Airport Advertising is the current concessionaire for the airport. JF

VII. RESOLUTIONS AND ORDINANCES

- A. First reading of proposed Ordinance 859 amending Sections 2-1-2 (Applicability) and 2-1-4 (Permits) of the Elko City Code relating to accessory buildings, and matters related thereto. **FOR POSSIBLE ACTION**

Several sections of both the Building Regulations and Zoning Regulations address City requirements pertaining to accessory buildings, such as sheds. Staff has determined that these City Code provisions require further clarification. The City Council initiated changes to the appropriate sections at their meeting on April 13, 2021.

The changes to the Building Regulations include the addition and/or modification of definitions pertaining to accessory buildings and clarification of what types and sizes of accessory buildings require a building permit. These amendments are being made in conjunction with proposed amendments to the Zoning Regulations, which are agendaized separately on this agenda. MR

- B. First reading of proposed Ordinance 860 amending Sections 3-2-2 (Definitions), 3-2-5 (Residential Zoning Districts), 3-2-6 (RB Residential Business District), and 3-

5-4 (Uses Permitted and Minimum Standards) of the Elko City Code relating to accessory buildings, and matters related thereto. **FOR POSSIBLE ACTION**

Several sections of both the Building Regulations and Zoning Regulations Address City requirements pertaining to accessory buildings, such as sheds. Staff has determined that these City Code provisions require further clarification. The Planning Commission initiated changes to the appropriate sections at their meeting on April 6, 2021 and recommended that the City Council approve Ordinance 860 at their meeting on May 4, 2021.

The changes to the Zoning Regulations include the addition and/or modification of definitions pertaining to accessory buildings, a reduction in required setbacks throughout all residential zoning districts, and other modifications designed to make the use and placement of sheds easier for both the City and its residents. These amendments are being made in conjunction with proposed amendments to the Building Regulations, which are agendized separately on this agenda. MR

- C. First reading of Ordinance No. 861, an amendment to the City Zoning Ordinance, specifically Section 3-2-4; Establishment of Zoning Districts, 3-2-19; Nonconforming Uses & 3-2-21; Amendments, and matters related thereto. **FOR POSSIBLE ACTION**

Planning Commission at their April 6, 2021 meeting, initiated Zoning Ordinance Amendment 1-21. Planning Commission considered this ordinance at their meeting May 4, 2021 and recommended City Council adopt Ordinance 861. CL

VIII. PETITIONS, APPEALS, AND COMMUNICATIONS

- A. Review, consideration, and possible approval of a request to reimburse brothel business license fees paid January 1, 2020 - June 30, 2020, and matters related thereto. **FOR POSSIBLE ACTION**

Kathleen and Gabriel Ornelas, owners of Desert Rose Club, LLC have requested reimbursement of \$1,625.00 out of the \$3,250.00 paid for brothel license fees from 1/1/2020 – 6/30/2020. The brothels were ordered closed due to the Governor's Directives on March 17, 2020. The City Council passed an ordinance delaying fees to one quarter of what is due 30 days after opening. The brothels have paid the following:

1/1/2020 - 6/30/2020 - \$3,250 (asking \$1,625 of this reimbursed)
7/1/2020 - 12/30/2020 - \$0 (pursuant to City Ordinance 855)
1/1/2020 - 6/30/2020 - \$1,625 (pursuant to City Ordinance 856)

- B. Review, consideration, and possible approval of a request from Elko POW/MIA Association for the closure of the round parking lot and the end parking lot in the Elko City Main Park for the Les Brown Memorial/Celebration of Life to be held on June 12, 2021, and matters related thereto. **FOR POSSIBLE ACTION**

The Elko POW/MIA Association are planning a memorial for Les Brown and would like to have it at the Main City Park. They would like to close a couple of the parking lots within the Park as they estimate at least 200 attendees. KW

- C. Review, consideration, and possible approval of a request from Elko High for a donation of \$500 to the graduation fireworks program, and matters related thereto.
FOR POSSIBLE ACTION

Elko High School would like to have a fireworks display following the graduation ceremony as a way to celebrate the ending of a difficult year for the graduating Seniors. The high school has \$2,000 for the display, a private donor has given \$500, and Principal Wickersham is request \$500 from the City. KW

IX. 5:30 P.M. PUBLIC HEARINGS

- A. Review, consideration, and possible action to rename a portion of Powder House Road to Elko Mountain Way, and matters related thereto. **FOR POSSIBLE ACTION**

Staff is working toward acquiring Rights-of-Way and easements to allow for the installation of water mains and tanks in the area of Powder House Road. The proposed alignments of streets in the future development creates an intersection where Powder House Road would make a 90° bend if both sections were to remain as Powder House Road. Changing the name of the section nearest Lamoille Highway to Elko Mountain Way allows all of the residents using a Powder House Road address to maintain that address. No existing addresses would be affected by this proposed change. BT

X. REPORTS

- A. Mayor and City Council
- B. City Manager – Nevada League of Cities Retreat – June 16-18
- 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 April 27, 2021

The City Council of the City of Elko, State of Nevada met for a regular meeting beginning at 4:00 p.m., Tuesday, April 27, 2021. Due to the restrictions found in the State of Nevada Emergency Directive 006, the meeting was held in the council chambers, 1751 College Ave., Elko and via GoTo Meeting.

This meeting was called to order by Mayor Reece Keener. 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, or calling 775-777-0590. Questions can be sent to cityclerk@elkocitynv.gov.

CALL TO ORDER

ROLL CALL

Council Present: Mayor Reece Keener
Councilwoman Simons
Councilman Chip Stone
Councilman Bill Hance
Councilman Clair Morris

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
Matt Griego, Fire Chief
Jack Snyder, Deputy Fire Chief
Ty Trouten, Police Chief
Dave Stanton, City Attorney
Michele Rambo, Development Manager
James Wiley, Parks and Recreation Director
Bob Thibault, Civil Engineer
Jeff Ford, Building Official
Paul Willis, Computer Information Systems Coordinator
Diann Byington, Recording Secretary

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**

There were no public comments.

APPROVAL OF MINUTES: April 13, 2021 Regular Session

**** A motion was made by Councilwoman Simons, seconded by Councilman Stone, to approve the April 13, 2021 minutes.**

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

Mayor Keener asked Curtis Calder to give an update regarding the reopening on May 1st. We are at the mercy of the County on that.

Curtis Calder, City Manager, said the County was required to submit a local mitigation and enforcement plan which they did a week or so ago. It seemed to be received well by the task force. The big question after that was when is the State going to approve it if they are going to approve it. We have a lot of issues just within the City with special events, softball tournaments, and things that we have to permit and we needed to know whether we are under local control after May 1st or still under State control. The latest information he had from the Elko County Manager is that the State of Nevada is not going to officially or formally approve any of the state plans but she did notify us that is to be viewed as we are under the County plan as of May 1st. That is what we are going to start abiding by as of May 1st. There is some confusion about the local plan and he would encourage everybody to take a look at it. He thought it was on the County website. It is encouraging the use of face masks to keep people safe, but it does not get rid of the face mask mandate. There is 100% occupancy, the social distancing is gone and the face mask mandate remains. It is left up to the cities in Elko County to handle the permitting and the licensing for special events just like always. The cities can be stricter if they want to be. Things could change before May 1st but that update was as of yesterday.

Mayor Keener was confident the County's plan will not be onerous and the City of Elko will abide by it. He reported there will be a community concert tonight next door at 7:00pm. This is a free concert and he felt it was important for the community to get out there and support it.

I. PRESENTATIONS

- A. Reading of a proclamation by the Mayor, commemorating the 50th Anniversary of Vitality Unlimited, and matters related thereto. **INFORMATION ONLY – NON ACTION ITEM**

Esther Quilici, CEO Vitality Unlimited, thanked Council for allowing her and the board members to be here for the proclamation. She appreciates the City recognizing the work that Vitality has done throughout the years since 1971. It was founded through a public/private partnership. Private citizens got together when the federal government put out a call for help to cities all over the United States. The City of Elko responded. Dorothy North who passed away 6 years ago, came in 1977. Again, it was a public/private partnership because she was able to get the state money to come into the City of Elko to help build the foundation for professional treatment. Even today, we exist through the public/private partnerships that we have, the alliances we have created.

Mayor Keener read the proclamation and gave a copy to Ms. Quilici.

- B. Reading of a proclamation by the Mayor, in recognition of Saturday, May 1, 2021 as Elko Youth Law Awareness Day, and matters related thereto. **INFORMATION ONLY – NON ACTION ITEM**

Mayor Keener read the proclamation.

- C. Reading of a proclamation by the Mayor, in recognition of Friday, April 30, 2021 as National Arbor Day, and matters related thereto. **INFORMATION ONLY – NON ACTION ITEM**

Mayor Keener read the proclamation.

II. PERSONNEL

- A. Employee Introductions:
 - 1.) Grant Engbretson, Head Lifeguard/Assistant Pool Manager
Present and introduced.

III. APPROPRIATIONS

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

**** A motion was made by Councilman Hance, seconded by Councilman Stone, to approve the general warrants in the amount of \$905,347.39.**

The motion passed unanimously. (5-0)

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

**** A motion was made by Councilman Hance, seconded by Councilman Stone, to approve the hand-cut checks in the amount of \$144,862.39.**

The motion passed unanimously. (5-0)

- C. Review and possible approval of a Grant, Bargain, and Sale Deed and Contract of Purchase and Sale between KJAM, LLC and the City of Elko, for real property located at 104 Twelfth Street, referred to as APN 001-374-008, for the purchase price of \$98,587.89, and matters related thereto. **FOR POSSIBLE ACTION**

A copy of the Grant, Bargain, and Sale Deed and Contract of Purchase and Sale has been included in the agenda packet for review. CC

Curtis Calder, City Manager, explained this is a property the City has had an interest in purchasing for some time. The property has been vacant for some time and the building has been removed. City staff recommended the purchase of the property.

Mayor Keener called for public comment without a response.

**** A motion was made by Councilman Stone, seconded by Councilman Morris, to approve a Grant, Bargain and Sale Deed and Contract of Purchase and Sale between KJAM, LLC and the City of Elko, for property located at 104 Twelfth Street, referred to as APN 001-374-008, for the purchase price of \$98,587.89.**

The motion passed unanimously. (5-0)

IV. NEW BUSINESS

- D. Review, discussion, and possible action to initiate an ordinance to create a "Local Hospital Licensure Fee," and matters related thereto. **FOR POSSIBLE ACTION**

The City of Elko has been approached by Northeastern Nevada Regional Hospital regarding a collaborative effort to support Medicaid patients within our community. Similar programs exist in other States and have benefitted low-income and needy patients. A copy of a letter from Steve Simpson, Chief Executive Officer of NNRH has been enclosed in the agenda packet for review. CC

Curtis Calder, City Manager, explained the item in the agenda had a letter associated with it. It was presented to the staff a couple of months ago. He has had discussions with Dave Stanton and NNRH and Lifepoint executives. He wondered if City Council would be interested in initiating an ordinance change to create this licensure fee, which our City Code doesn't currently support.

Steve Simpson, CEO NNRH, explained he had some guests with him. Jim Gjerset is an attorney out of Texas that has helped Lifepoint Health in various hospitals to gain greater access to reimbursement as it relates to Medicaid patients. As a hospital, we are open to everybody. We take care of anybody that comes through our doors. There is a certain amount of uncompensated care that we encumber on an annual basis.

Jim Gjerset, Attorney, Austin, Texas, said he works with local community hospitals and government entities. The issue in health care is the state does not have enough money to draw down enough dollars to cover the costs for the uninsured and low income population. That burden falls on the local communities because the City and the County have to pay for it and the hospital has to eat the dollars that deal with them. Insurance rates go up. We have put together a program

where local communities partner with private hospitals. If you generate what is called State and Local Revenue, it will be a tax revenue or some other vehicle, and we draw down that money and then send that up to the Federal Government, they will draw that back down through the amount of low income Medicaid population that your people provide for at the hospital. That helps limit the delta between the actual costs of care and what is paid for it. It doesn't actually cover it but it gets them closer. It is a benefit to the hospital. They have a program with the State right now that they work with the state and we take over and provide non-profit charity care services in the amount of \$20-\$30 million a year in Nevada.

Zach Fichtenbaum, Austin, Texas, said some of the services they provide are wrapped around hunger services that make sure people down on their luck will get fed and transition to employment. They will work with health and substance abuse recovery, a lot of psychiatric services. They fund mobile mammograms and things like that.

Mr. Gjerset said they work with the state on these programs. The problem is that the State is in a little bit of a crisis right now. There is not enough state revenue, even though we provide these services, we are looking at local communities to help support bringing in additional funds. They don't want it to cost the community anything. Because it will benefit the hospital and the community, we recognize that it's not really appropriate to say you guys got to put the money up. We want the city to impose a tax on the hospital fee, based on net patient revenues according to federal law. That fee will be \$4-\$5 million here. They will take that money, send it to the state, the state will send that to the Medicaid program, and that generates \$15 million in total reimbursement for low income and needy populations. That is below cost. It is not like an add-on. They are trying to mitigate the loss of dealing with these patients. It is pretty easy for the city to do this. You basically send an invoice for the tax and they send you the money. You do an intergovernmental transfer to the state and the state is limited to using it for the Medicaid program. They can only use it for poor people in the community. The state can't steal it. We need a lead dog to get this in play. We have Reno, the City of Las Vegas and some bigger players on board but it is hard to get those giant communities on board with this. They wonder if it will work and what will happen. We need someone to step up and say they will do this. The state likes the idea but he has to show them that it is legal and appropriate for them to say they will do it. He can't show them it is legal and appropriate without actually seeing how it works.

Mayor Keener stated one of his concerns was the administrative overhead associated with something like this for our City Accounting Department. What would be the extent of our administration on this?

Mr. Gjerset answered the reality is that there is almost no cost for the city. They set everything up. They will send the city the invoice and the city will send it back. If there is work, you will have to get your attorney involved, that is legally appropriate for them to reimburse the city for those costs. The trick is to make sure you really did it by documenting the costs. They are comfortable with reimbursing costs.

Jan Baum, Financial Services Director, said she doesn't know much about the program. She hasn't seen any of the details on it. She can't imagine that there will be absolutely no accounting or financial services having to be done.

Mayor Keener said it sounds like it will be a fairly large amount of money that would be moving in and out of the City accounts for this. From an accounting standpoint, how would this be recorded and would it be subject to audit?

Mr. Baum answered it would. If it is similar to a room tax, where we have to evaluate their revenue and then assess a fee, it will be subject to audit and budget.

Mr. Gjerset said the tax is based on net patient revenue from the hospital and that is based on a federally submitted cost report. That cost report comes with all kinds of penalties if you do it incorrectly. It is a line item on the cost report that we would send to whoever does the payment.

Mayor Keener wondered if legal had any questions for these representatives.

Dave Stanton, City Attorney, said he has a few things to say but he wanted others to speak before he discussed his issues. He has been in touch with Mr. Gjerset. If we do this, money will come into possession of the city. There is a state law that says the expenditure funds have to serve a substantial benefit to the residents of the city. That is a rule that overlays all of this. One of the things he was concerned about, even though he thought it was a great idea if it all works, is that there is a lot of uncertainty. The uncertainty is in several steps along the way. There is nothing to say the State of Nevada will go along with this. We collect the tax, do an intergovernmental transfer and give it to the state, there is nothing that guarantees that this money is going to be used for the program the way we want it to be used. We think so, that they are looking favorably on this sort of an arrangement, but they are sort of tentative. We talked about having some sort of an interlocal agreement with the state to deal with this. He thought the time involved in developing something like that would probably be prohibitive and take too long. They want to take a shot at it and see if the state is going to accept it. He saw that as being a bit speculative. The next step in the process is what happens if this works and is accepted as part of the upper payment limit program and the money is distributed. The money is distributed to a group of hospitals and not to just NNRH. The group of hospitals has an informal arrangement where they divide up the proceeds. It is not contractual or a binding arrangement. Some of this money is expected to go to Lifepoint and to NNRH. He thought these were informal handshake deals with no real guarantee that the money is going to come back to the city. If the City Council decides to move forward with this, he would hope that there would be a finding or maybe a set of findings that these uncertainties are acknowledged but we still believe that this program will provide a substantial benefit to the residents of the city. There has to be that finding before they could do it.

Mayor Keener asked if he discussed any costs associated with crafting the ordinance (the firm's legal fees)?

Mr. Stanton answered they didn't really. He would expect it to be a few hours at least that would be involved in crafting the ordinance.

Mayor Keener stated that Mr. Stanton doesn't work for free and he was pretty sure Mr. Gjerset didn't either.

Mr. Gjerset said Mr. Stanton's costs are perfectly legal and appropriate. They could pay for that to make sure it is covered. They would have it documented. As to the tax going to the government, it doesn't actually work that way. They would have the tax and the city would issue an invoice

based on that line item in the report. That would invoice would be due once the state said they were good to go. There are two things they can do with the money. They can either use it for the Medicaid program or they have to give it back to NNRH. They are not concerned with the state stealing the money. They would be violating federal law if they did. Regarding how it is divided up, you can't legally under federal law, redirect Medicaid payments. The reality is that the city as a governmental entity cannot say they will do this and then dictate where the money goes. We have to work together. If people want to give back the money to Elko to support them, the program would die the next day. He represents NNRH and Lifepoint. He also represents other hospitals. Those hospitals also work with them across the country. If anyone were to stiff them, then that would go across the country and cause millions of dollars of problems. Once the money gets to the hospitals they can do whatever they want with it. They all work together to say they will support each other and make sure that they are all benefitting from this program. He cannot legally bind someone to say they are going to make sure this or this happens. If that did happen, they would not do it again.

Mayor Keener asked if Mr. Stanton was comfortable with a motion for staff to move forward with creating this ordinance and meanwhile, the City Clerk, City Attorney and the Financial Services Director will do some background to find out what the impacts are on this. To find out what the best way to approach this would be.

Mr. Stanton answered a motion for staff to pursue the preparation of an ordinance and research associated issues before coming back for a first reading was appropriate. Once we get to the point of first and second reading, we will have to have that finding.

Mayor Keener called for public comment without a response.

Councilwoman Simons clarified that we send a bill, you owe us this fee and NNRH will pay us \$4-\$5 million. Then we send that to the state. Then the state gives that back to the hospital in the form of Medicaid payments?

Mr. Gjerset answered correct. The way the Medicaid program works, it is a sharing partnership. The state puts up their share. You can do this as a private hospital. It has to be through intergovernmental transfers.

Mayor Keener asked if the money gets sent back to this community.

Mr. Gjerset answered it is sent to a specific Medicaid account that is under this particular program. You send your money specifying the program it is for and they then fund that particular program with that money.

Mayor Keener asked if the city had to extend any municipal funds. We get the funding and then we pass that funding on to the state, correct?

Mr. Gjerset answered the city would never send money until they imposed the tax and received the cash.

Councilwoman Simons said they are taking hospital money to pay the hospital.

Councilman Stone noted that nothing is guaranteed that it is coming back to our hospital.

Councilwoman Simons said the money we taxed them for could then go to Lifepoint in Tennessee unless we go through and pay Medicaid, then it stays at this hospital? She didn't know why this would matter.

Mr. Gjerset said they would get triple that amount back to the hospital.

Councilwoman Simons asked if we are closing the Medicaid gap, it would seem to her that as a business model, you would have to charge people a little more knowing that some people won't pay.

Mr. Gjerset indicated that was not the case.

Councilwoman Simons asked if this would increase people's medical bills by doing this.

Mr. Gjerset answered the ordinance passed could keep them from increasing the passing tax onto consumers. They want to prove the concept of the program in order to get other bigger areas on board. There are areas with hospitals that would not benefit from this and they are not approaching them.

Mayor Keener said his biggest concern was from the accounting perspective. We will need for our financial services team to evaluate that and how it's being handled by other public entities. That will be part of our due diligence. This may be worthy of moving forward on.

Councilman Hance asked if we could do this as a city, can you also do it with the county and extend the funding even further.

Mr. Gjerset answered they could not because the city is an incorporated city and the only one with the ability to impose a hospital license fee. Because you are incorporated, the county does not have the ability to impose a licensure fee on hospitals under Nevada law.

Councilman Morris said he would like to move forward and at least get an ordinance drafted that he can look at. He is concerned that the State of Nevada is involved in this.

**** A motion was made by Councilman Stone, seconded by Councilman Morris, to directing staff to research and prepare an ordinance to create a local hospital licensure fee and present the ordinance to Council for a first reading.**

The motion passed unanimously. (5-0)

II. PERSONNEL (Cont.)

- B. Update regarding Labor Negotiations between the City of Elko and the Elko Fire Fighters Association, IAFF Local 2423, and matters related thereto.**
INFORMATION ONLY – NON ACTION ITEM

Note: This portion of the meeting may be closed pursuant to NRS 288; therefore, the Council may move to adjourn the meeting prior to consideration of this item.

Mayor Keener adjourned the meeting and Council went to a closed session.

VI. 5:30 P.M. PUBLIC HEARINGS

Mayor Keener called the meeting back to order at 5:45 p.m.

- A. Public hearing pursuant to NRS 268.059(1)(a) regarding the fair market value and possible sale at public auction of approximately 2,643 sq. ft. of City-owned property located generally northeast of the intersection of Sewell Drive and Sage Street, designated APN 001-013-018. Discussion and possible motion determining that the fair market value of the property is \$12,500 in accordance with the appraisal of Jason Buckholz of CRBE, Inc., appraiser, and possible adoption of Resolution No. 15-21, a resolution of the Elko City Council finding it is in the best interest of the City to sell APN 001-013-018 and hereby declaring its intention to sell such property at public auction pursuant to City Code Section 8-1-3 and NRS 268.062, and matters related thereto. **FOR POSSIBLE ACTION**

Two adjacent neighbors petitioned the City of Elko to sell a city owned parcel formerly known as Well 16 parcel. Council accepted the petition and authorized Staff to obtain the required appraisal and proceed with the statutory process of selling the parcel at public auction as required by NRS 268.062. The City sold the parcel at public auction and during the title process, the City determined that a portion of the sold property was not deeded to the City of Elko. It was not feasible for the City to acquire that 430 sq. ft. portion of the parcel so City Council took action at their February 11, 2021 meeting to rescind the previous sale, directed Staff to obtain a new appraisal and commence with the sale of the remainder parcel. CL

Cathy Laughlin, City Planner, explained the new appraisal came in at \$12,500 because of the size reduction of the parcel. With approval and adoption of the resolution, it clearly states the auction information.

Mayor Keener called for public comment without a response.

**** A motion was made by Councilwoman Simons, seconded by Councilman Morris, to accept the fair market value as determined at the public hearing and adopt Resolution No. 15-21.**

The motion passed unanimously. (5-0)

- B. Second reading, public hearing, and possible adoption of Ordinance No. 857, an ordinance amending Title 8, Chapter 21, Section 4 entitled "Sidewalk Maintenance, Reconstruction, and Repair", and matters related thereto. **FOR POSSIBLE ACTION**

The first reading of Ordinance No. 857 was conducted on April 13, 2021. MR

Michele Rambo, Development Manager, explained this is the second reading. There have been no changes since the first reading and she has not gotten any comments from the public.

Mayor Keener asked if there were any substantial changes that could trigger concerns from the contractors.

Ms. Rambo answered this section of code is rarely used. The contractors already have to go to ADA compliance, we just added it to the code.

Mayor Keener called for public comment without a response.

**** A motion was made by Councilman Stone, seconded by Councilman Hance, to approve second reading, public hearing and adopt Ordinance No. 857.**

The motion passed unanimously. (5-0)

IV. NEW BUSINESS (Cont.)

- B. Review, consideration, and possible approval for the Fire Department to upgrade the level of Emergency Medical Services from the Advanced Emergency Medical Technician to the Paramedic level, and matters related thereto. **FOR POSSIBLE ACTION**

The City of Elko Fire Department would like to increase the Emergency Medical Services provided to the citizens of Elko. Presently the Fire Department provides EMS service at the Advanced EMT scope and would like to provide a Paramedic level of service. This scope increases the care that is provided from the initial engine company to the transport of a patient in the department ambulance. The Paramedic level of care greatly enhances the ability of our first responders to handle all types of medicals and provide enhanced care that is needed to stabilize a patient. JS

Jack Snyder, Deputy Fire Chief, gave a presentation (included in the packet).

Erin Coleman, Firefighter, said as a department they need to provide the best service they can for the community. There are some services they cannot provide as advanced EMT. If you break your leg, we can't do a whole lot for you. Cardiac calls would be different. We would be able to give them medications. If we are the first ones on scene, we can perform CPR and shock you and maybe transport you but we cannot give medications. That time is crucial to the patient. She recommended moving the level of EMS to Paramedic.

Mayor Keener noted they cannot work at those advanced levels unless the city goes to the higher level.

Mr. Snyder said the end goal is to provide the best service to the community that they can.

Lee Cabaniss, Director Elko County Ambulance, 729 13th Street, read a letter in support of the move to paramedic service (Exhibit "A").

James Johnston, Fire Captain, spoke in favor of the paramedic program and further explained the benefits to the citizens.

Mayor Keener read a letter into the record (Exhibit "B").

Ray Mowrey, Fire Captain, said he was present to speak in support of the program. The firefighters are ready to advance to paramedic services.

Mayor Keener asked if he was speaking for himself or for the association.

Mr. Mowrey answered he was there on behalf of the association. We have 3 certified paramedics on staff right now. Next month we will have 7. Next year we will have 8. We have been working closely with Mr. Cabaniss and his group for the last 5 years. ALS is a service the taxpayers will benefit from every day. Seventy percent of our calls are EMS and a high number of those could benefit from ALS, which is the paramedic level. ALS is the national standard and most of the public expects ambulances to have paramedics but we don't have it. We are one of four career departments that are not paramedic. Everyone else is. We are lagging behind. We would be able to provide the same treatment for cardiac events as they could in the ER with those drugs. They can diagnose and start treating immediately. He gave an example of a series of medical calls that occurred in one shift where paramedic service levels were needed but the Fire Department could not give that level of service. He felt this was a service the City needs and that is what they want to give the citizens.

Dr. Amber Donelli, GBC, spoke in favor of the paramedic program.

Lee Hoffman, 1085 Barrington Ave., thought it was inopportune to consider this action while negotiating with the Firefighters' Association. He had no idea what is going on in the negotiations and how it relates to this but as a citizen of the community, it gives the appearance of giving some leverage to the union. The agenda packet says no appropriation required but common sense tells you that this will be expensive in the long run. He also assumes that this will also be worked into the firefighters' compensation. The board should ask for some sense of what this will cost before acting on this. There are other city considerations, other city staff and other city needs. We want to be prepared for every contingency but we don't want to be terrorized or traumatized by saying we don't have paramedic service level in our city ambulance. We do have it in the county ambulance. The best service available could end up bankrupting the city. He urged Council to consider this carefully, not strictly emotionally.

Curtis Calder, City Manager, said we are in collective bargaining negotiations with the firefighters. This was something that our Fire Chief, as an appointed official, chose to bring to City Council. City Council would need to make the policy decision regarding the level of service the City would provide.

Paul Ward, Executive Director for MedX AirOne, said there have been very many great arguments regarding this. He is the administrator for the team that gets the patients from the hospital to the higher level care centers. He fully supported this item.

Mr. Mowrey stated they put together a rough estimate and the funds that they are already generating with GEMT program would cover the costs 100% by their projections. Even if it didn't cover 100%, it would cover a majority of it.

Mayor Keener closed public comments. We have heard some different comments on this. He asked Mr. Calder what his recommendation was.

Mr. Calder said we do have a cooperative agreement with Elko County Ambulance that states Elko County Ambulance is the primary ambulance service in the city. In that we also agreed the county will be continuing to provide that service to the city as the primary ambulance. Elko County is at the ALS/Paramedic level of service and we are not. Regarding our transports, we have been in that business for a little over 10 years. He looked at the records for those years and Elko Fire Department averaged 3.25 transports per month with an average reimbursement of \$258 per call. If you calculate that out, the ambulance program is making us an average of \$10,000 a year. Our current minimum requirements to become a firefighter have changed over time. Now they have to be an EMT upon hire and be an Advanced EMT within one year of employment. He remembers recruiting firefighters 20+ years ago and it was a Basic EMT. Then we went to Intermediate EMT and now we are at Advanced EMT. Our service levels have increased over the years. The final step would be to get to the paramedic level. While it is true that a lot of fire departments throughout the state have advanced to paramedic level service, it hasn't been that way for that long of a time. 2016-2017 was when you saw the Reno/Sparks area fire departments get authorization from their city councils to advance to the paramedic level of service. If you are the only ambulance provider in a community, you would want to be at the paramedic level. We are not the primary ambulance service in this community. We are a backup to Elko County Ambulance. He thought the level of service that we have is the level of service that we can actually afford.

Councilwoman Simons said at this time and where the City is, she thought no action would be the best course of action.

Mayor Keener asked the other councilmembers if they wished to make a motion without a response.

NO ACTION

BREAK

- A. Review, consideration, and possible approval of the revised Title VI Compliance Policy and Plan for the City of Elko, and matters related thereto. **FOR POSSIBLE ACTION**

City Council approved the Title VI Compliance Policy and Plan on March 9, 2021. On March 31, 2021 NDOT reviewed the plan pursuant to Federal Highway Administration (FHWA) and Federal Transit Administration (FTA) regulations. NDOT found some deficiencies in the City's plan and gave the City 30 days to provide them with a plan for compliance. The revisions to the plan have been completed and reviewed by the City Attorney and are outlined in the attached power point presentation. KW

Kelly Wooldridge, City Clerk, explained the changes using a presentation.

Mayor Keener thought this is a housekeeping issue because we don't have a choice in complying.

Dave Stanton, City Attorney, said he wasn't sure if it was NDOT or a consultant, but a number of the comments were subjective. He wasn't sure if they will approve this or send it back with comments.

**** A motion was made by Councilman Hance, seconded by Councilman Morris, to approve the Elko City's Title VI Compliance Plan and Policy and allow staff to make minor and other adjustments as needed going forward.**

The motion passed unanimously. (5-0)

- C. Review and possible approval of the Health Insurance Subsidy provided to City of Elko retirees after June 30, 2021, and matters related thereto. **FOR POSSIBLE ACTION**

Staff will present Retiree Subsidy scenarios and present how the different scenarios impact Postemployment Benefits Other than Pensions (OPEB) liability. JB

Jan Baum, Financial Services Director, said this was reviewed at the last council meeting. As employees retire from the city or are vested in PERS, they can opt into the City of Elko health insurance plan after they leave the city. Currently we subsidize our employees very similar to scenario 1. If we continue with this our liability will be \$5.1 million. There are 4 scenarios.

Mayor Keener confirmed that she stated if we stay on the same track we are currently on we're looking at liability based on actuarial tables of \$5.1 million.

Ms. Baum said that is correct. That is a snapshot of what our census is as of 7/1/2020. It is a snapshot of the present value of claims and premiums for that census as of 7/1/2020. As we go into the future, next year there will be a new snapshot based on the additional people that add to the census or people who have reached retirement age and have gone off the plan. The census changes all of the time. At the last meeting she presented scenario 1, scenario 2 and scenario 4. Scenario 2 would leave what we are doing now but take away the subsidy for the dependents. Scenario 3 is similar to what Councilman Hance asked for, we would pay \$100 a month for the retiree subsidy up to the age of 65. Scenario says we will not subsidize any retiree premiums. In all of these scenarios we will grandfather the 5 participants that are on the plan right now, the way we are subsidizing them, that will continue for those or if there are more as of June 30, 2021.

Curtis Calder, City Manager, said this OPEB liability report is specific just to our health insurance plan. It does not include the folks we subsidize that are participating in PEBS, correct?

Ms. Baum answered that is totally separate. These scenarios would not affect those retirees. We pay those premiums every month.

Mr. Calder asked in affect, in scenario 3, the liability of \$3.394 million will really have a \$3.394 million plus whatever we pay out annually to PEBS.

Ms. Baum answered yes. Currently we pay approximately \$15,000 a month to PEBS.

Mayor Keener said it is an interesting conundrum. In the private sector, people typically work until 65. They don't have that lag time between retirement and Medicare.

Councilman Morris said once you turn 65 you go on Medicare and we need to do that. It doesn't make sense to do that for a lifetime.

Ms. Baum said we are asking for a policy decision because right now we don't have a policy. We are doing what we have been doing for years for the employees. The retirees get the same benefit as the employees. The liability is getting large but Council wants to stay with scenario #1 then we can do that.

Mayor Keener asked if staff had a recommendation.

Ms. Baum recommended scenario #4 because not many people are taking advantage of the plan now.

Councilwoman Simons thought her recommendation would be #3 or #4.

**** A motion was made by Councilman Hance, seconded by Councilman Morris, to approve the Scenario #3 option for the City of Elko Retiree Health Insurance Subsidy effective July 1, 2021.**

The motion passed unanimously. (5-0)

V. PETITIONS, APPEALS, AND COMMUNICATIONS

- A. Ratification of the Police Chief issuing a 35-day Temporary Retail and Caterer's Liquor License and issue a Regular Retail and Caterer's Liquor License, to Ericia Cook and Thomas Patton, DBA Cooks Steakhouse & Saloon, located at 245 3rd Street, Elko, NV 89801, and matters related thereto. **FOR POSSIBLE ACTION**

Chief Trouten explained the background is complete and there were no issues. He recommended approval

Mayor Keener called for public comment without a response.

**** A motion was made by Councilman Stone, seconded by Councilman Morris, to ratify the Police Chief issuing a 35-day temporary retail and caterer's liquor license and issue a Regular Retail and Caterer's Liquor License, to Ericia Cook and Thomas Patton, dba Cooks Steakhouse & Saloon, located at 245 3rd Street, Elko, Nevada 89801.**

The motion passed unanimously. (5-0)

- B. Review, consideration and possible action a request by Mr. Patrick Zdunich to change City Code 5-3-25 Animal Noises; Nuisances, and matters related thereto. **FOR POSSIBLE ACTION**

On April 12, 2021 Mr. Zdunich contacted the City Clerk's Office regarding the Animal Noises ordinance. Elko City Police had contact with him on this date regarding a complaint of dog barking. He would like to propose a change to the Animal Noise and Nuisances code. His email regarding the request is in the packet.
KW

Kelly Wooldridge, City Clerk, explained we don't have a time range in our ordinance when a dog can and cannot bark. He was upset because the Police were there at 10am in the morning. He was proposing that dogs should be able to bark during the day. There should be a time limit such as no dogs barking between 10:00 pm to 8:00 am. He felt most dogs will bark when their owners are away at work and the dog should be able to bark during the day. He requested to be on City Council and she sent him this agenda but he wasn't present.

Mayor Keener called for public comment.

**** A motion was made by Councilman Morris, seconded by Councilman Hance, to deny the request to change the City Ordinance 5-3-25 Animal Noises: Nuisances and matters related thereto.**

The motion passed unanimously. (5-0)

VII. REPORTS

A. Mayor and City Council

Mayor Keener thought the RDA meeting was interesting with an applicant acting belligerent. The public can be hard to work with. He was absent at the last meeting but had a chance to sign-in and watch most of the GoToMeeting. Mayor Pro Tem did a great job. He didn't know what is going on with his medical condition. He is going for a second opinion and he may need to go to emergency surgery and may not be able to attend the next Council Meeting. He and Councilman Morris will be attending a photo op in the morning with Nevada Gold Mines' \$100,000 donation to purchase a simulator for the Police Department.

B. City Manager

Curtis Calder said there will be a presentation from Duncan Golf at the next meeting. There will also be options for the pond presented. There will be a presentation by Jeremy Algero with Applied Analysis regarding the property tax issue. He sent an email out last week to hold the date of the ribbon cutting at the Sports Complex on June 24th.

Mayor Keener asked Council to reserve June 16-18 to host the Nevada League of Cities retreat.

Mr. Calder spoke about the planning that has been done for the retreat.

Mayor Keener has reached out to our legislators inviting them to the event. He thought now might be the time to reach out to NDOT about relocating their yard. NDOT has made it clear that moving their yard is not in their plans and they have an administrative building they are working on. He asked if staff has any conversations with them at all since the new engineer took over.

Scott Wilkinson answered they have had conversations with the local leadership over the years and let them know that is a project identified in our

Master Plan; to have them locate outside of the downtown area here and then out to state ground on the other side. It is always about money. Interesting enough, they continue add on and expand the use of the current area. It might be a conversation that needs to elevate up to the State Office.

Mayor Keener said he would like to know if NDOT has pulled a permit for the work. He asked Mr. Wilkinson to put in writing a reminder to NDOT that it is in our long range plan for them to exit.

B. Assistant City Manager

Scott Wilkinson said he received the 1st Quarter Report from TracB, the needle exchange program. They handed out 190 syringes and they received 322. We continue to see more syringes received than they hand out. There are three registered campers participating in the program right now.

D. Utilities Director

E. Public Works

Dennis Strickland said NDOT did pull a permit from his Department to hook into some additional natural gas that they will be using in one of the new facilities. He would love to see them move too. They are getting ready to pave Sage St. on Thursday. The Landfill did facilitate another free dump day for the spring clean-up. Mother nature wasn't kind to the customers and had super high winds. He reported on the installation of the new scales at the landfill.

Mayor Keener asked about a charge in the payables, under Fleet maintenance, I Work Systems. It looks like management software. Is that a new software they are using?

Mr. Strickland answered no. They used to share it with Fleet. The program we have been using for a number of years has been split among a couple of department. The support prices were raised so much that it was more expensive to pay the support prices than it was to go out and buy the I Works Module that is already being used in other departments.

F. Airport Manager

Jim Foster thanked Dale Johnson and the crews for helping them out with a water issue they have been working on since 4:00pm.

Mayor Keener asked if he watched a video link he forwarded to him.

Mr. Foster answered he had looked into that and did some research. It is a viable option for us but when they are talking about small airports they are talking about airports that already have 6+ commercial service providers and over 100,000 residents. According to that we would be an extremely small airport.

Mayor Keener asked about a SkyWest schedule change.

Mr. Foster said SkyWest puts their schedule out a month in advance. They don't consult with the airport when they do that. They are looking at time slots all across the country for different airports. One of the time slots is the Salt Lake City time slot. They have to make it work with all of the new construction. He hopes eventually we will see it go back to the typical 5:30-6:00 am departure. He reached out to Hillary to meet. SkyWest is available for open meetings now and we can plan a trip to go there and talk to them.

Mayor Keener asked if the new parking system is up and running.

Mr. Foster answered no. We are still working off the old system. We should be in the final stage. We have an installation scheduled for the fiber optic

cables that will run the system for us. He is working with finance to get the accounts set up.

G. City Attorney

H. Fire Chief

Chief Griego asked if the new statistics were working out and if they wanted to see something else in the report.

Mayor Keener answered he appreciates the reports. It is important for them to know what is going on if they get questioned by the public.

I. Police Chief

Chief Trouten said they were able to complete their 2020 awards. The last item was recognizing some citizens that went above and beyond to help them. He spoke about the simulator they are looking forward to getting and suggested Council come in and check it out.

J. City Clerk

Kelly Wooldridge reported her email had been hacked. If you received an email with an odd attachment from her, do not open that email. Her email is not working properly right now. The brothels have all decided to open on or around May 1st. As of tomorrow they should all be inspected and getting ready to pay their licenses. She reported on the legislature activity.

K. City Planner

Cathy Laughlin thanked Mayor Keener for his comments regarding the RDA meeting today. She strives to be professional to the public and offered to send them the email she sent to the applicant. Staff is just doing their job when they deny things. It isn't personal; they are following code.

L. Development Manager

M. Financial Services Director

Jan Baum said Dan Slentz from Oasis Online is planning on coming to the next meeting to give a report. The email scam that happened today was unique. It appears that someone sent Kelly Wooldridge an attachment that she clicked on it and they captured her email and password information.

N. Parks and Recreation Director

Mayor Keener asked about a propane charge in the payables for the golf course.

James Wiley wasn't sure what it serves so he will have to check on it. It could be for some of the out buildings.

O. Civil Engineer

P. Building Official

COMMENTS BY THE GENERAL PUBLIC

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

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: **Update by Jon Griggs, Chairman of the Western Folklife Center, Board of Trustees, on the National Cowboy Poetry Gathering, and matters related thereto. INFORMATION ONLY – NON ACTION ITEM**
2. Meeting Date: **May 11, 2021**
3. Agenda Category: **PRESENTATION**
4. Time Required: **20 Minutes**
5. Background Information:
6. Budget Information:

Appropriation Required: **N/A**
Budget amount available: **N/A**
Fund name: **N/A**
7. Business Impact Statement: **Not Required**
8. Supplemental Agenda Information:
9. Recommended Motion: **No Action – Information Only**
10. Prepared by: **Curtis Calder, City Manager**
11. Committee/Other Agency Review:
12. Council Action:
13. Council Agenda Distribution:

**Elko City Council
Agenda Action Sheet**

1. Title: **Presentation of City of Elko IT Department Year in Review, and matters related thereto. INFORMATION ONLY – NON ACTION ITEM**
2. Meeting Date: **May 11, 2021**
3. Agenda Category: **PRESENTATION**
4. Time Required: **20 Minutes**
5. Background Information: **Oasis Online began management of the City of Elko IT Department July 1, 2020. Dan Slentz, Owner of Oasis Online is presenting a City of Elko IT Department year in review. DS**
6. Budget Information:

Appropriation Required:
Budget amount available:
Fund name: **General Fund**
7. Business Impact Statement: **Not Required**
8. Supplemental Agenda Information: **City of Elko, IT Department Year in Review Presentation**
9. Recommended Motion: **N/A**
10. Prepared by: **Dan Slentz, Owner of Oasis Online. Oasis Online is contracted as the City of Elko IT Managing Firm**
11. Committee/Other Agency Review:
12. Council Action:
13. Agenda Distribution:

**Elko City Council
Agenda Action Sheet**

1. Title: **Presentation by Duncan Golf Management regarding Ruby View Golf Course, and matters related thereto. INFORMATION ONLY – ACTION WILL NOT BE TAKEN**
2. Meeting Date: **May 11, 2021**
3. Agenda Category: **PRESENTATION**
4. Time Required: **20 Minutes**
5. Background Information:
6. Budget Information:

Appropriation Required: **N/A**
Budget amount available: **N/A**
Fund name: **N/A**
7. Business Impact Statement: **Not Required**
8. Supplemental Agenda Information: **Presentation 2021 Ruby View Golf Course**
9. Recommended Motion: **INFORMATION ONLY – ACTION WILL NOT BE TAKEN**
10. Prepared by: **Curtis Calder, City Manager**
11. Committee/Other Agency Review:
12. Council Action:
13. Council Agenda Distribution:



Ruby View Golf
ELKO, NEVADA

2021 RUBY VIEW GOLF COURSE UPDATE



2021 RUBY VIEW UPDATE

THE RACE TO OPEN.....

2021 RUBYVIEW UPDATE

CLUBHOUSE TRANSITION

- There is starting with a clean slate and then there is starting with a crystal-clear clean slate!
 - No previous tournament contracts
 - No email customer data base
 - No range balls
 - No telephones
 - No flatware, glassware or silver ware.....This was a crystal; clear clean slate to start from!
 - Additional trips required by staff

2021 RUBY VIEW UPDATE

GOLF COURSE OPERATIONS TRANSITION

- City was phenomenal on getting started and collective effort getting utilities and all centralized services up to speed
 - Staffing
 - Our first goal was to hire our lead for the Golf Department and the apparent candidate was also a former employee of the club
 - Dayton Scott, Director of Golf, has been a welcomed member of the DGM team and our lead at Ruby View
 - Hourly staffing will be a continual challenge
 - EZ Point of Sale was fairly smooth with normal hiccups especially considering the accelerated timeline we were on
 - EZ Links had a 6-month lead time, due to our relationship we jumped to top of list
 - POS installed and ready to go by March 1
 - Range Balls and Merchandise were an issue but leveraged our relationships
 - Still feeling nationwide bog down of deliverable goods

2021 RUBY VIEW UPDATE

FOOD & BEVERAGE OPERATIONS TRANSITION

- We had tables and chairs but that was about it.....
 - F&B team reached out to vendors and able to stock grill with necessary FF&E within a couple weeks of start of the contract
 - Health Permitting
 - The hardest issue with transition and had very difficult time getting scheduled- thru continued persistence of DGM and City we were able to over come this hurdle and got grill opened by March 19
 - Staffing
 - This was among one of our top priorities was securing the lead Bartender- We feel like we hit the jackpot with Erika Jensen
 - With the help of John Franklin, Director of Food and Beverage with DGM, Erika has successfully hired a support staff for the front and back of the house



ACCOUNTING AND ADMINISTRATION

- Initial data transition took quite a bit of work
 - City was able to provide reporting of what pass sales, cart storage, trail fees, etc. had already been paid for before we took over management
 - All data was transferred into new POS to ensure everything matched correctly
 - Communication has been good on keeping payments made to the city for pass sales and cart storage clean
 - Have kept a clean database of new pass sales and future years should be much smoother with already having many pass holders and cart storage in the system
- Monthly financial reporting is in place and sent for February and March
 - Still working with City on a few details but communication has been good between Jan, Candi, and Evan

GOLF NOW / EZLINKS RELATIONSHIP

- Software and Hardware
 - Our relationship provides a variety of services that help us operate efficiently
 - Website development and support
 - Tee sheet and online booking through GolfNow.com and TeeOff.com
 - Season Pass Holder / Cart Storage management through EZSuite
 - Point of Sale software and support
- Premier Marketing Platform
 - Discussed in Marketing section

EZSUITE
POINT OF SALE AND TEE SHEET



2021 RUBY VIEW UPDATE

NOW WE ARE OPEN.....

2021 RUBYVIEW UPDATE

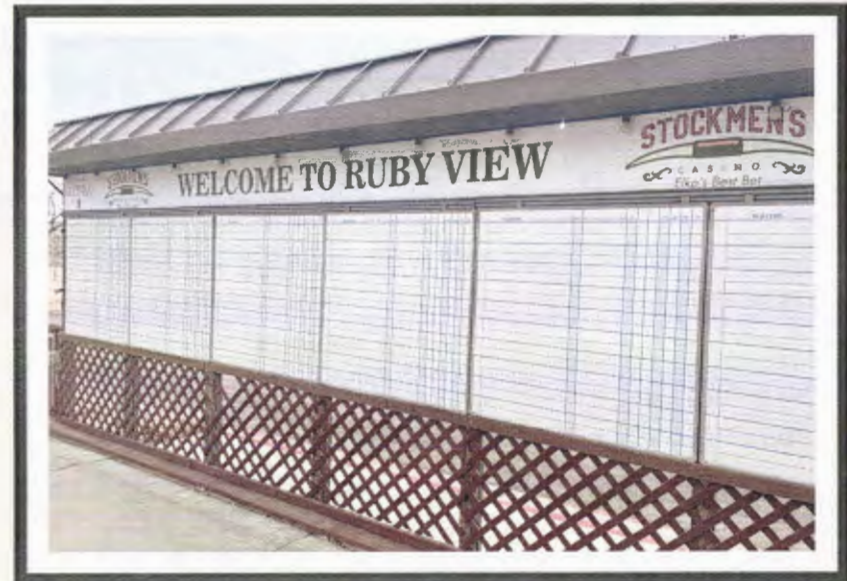
GOLF COURSE MEMBERSHIP SALES

- Overall pass sales have been positive- (2020 numbers supported by data in RFP)
 - Membership Fees in 2020 were \$199,772 and so far in 2021 we are at \$195,750 through 4/26
 - 203 Single Passes
 - 70 Senior Passes
 - 51 Junior Passes
 - 2 Active Military Passes
 - 1 Young Adult
 - Cart Shed Storage Rental in 2020 were \$35,473 and so far in 2021 we are at \$37,060

2021 RUBY VIEW UPDATE

GOLF COURSE GREEN FEES / RANGE BALL SALES

- Early season start challenging mostly due to weather
 - Opened Range 3/3
 - Opened Golf Course Saturday 3/6 with a high of 51 and windy
 - Hosted 15 golfers
 - Following weekend Saturday 3/13 with high 52 and not so windy
 - Hosted 75 golfers!!!!
 - Weather has been hit and miss with numerous days with well over 120 golfers with our high of 165 golfers on Saturday 3/18!
 - Oh and it was 66 degrees that day, indications are good for a healthy golf season!



2021 RUBY VIEW UPDATE

GOLF COURSE TOURNAMENT SCHEDULES

- There are several tournaments on the books and we will continue to mine as many as possible
 - Typical booking window is 6-12 months so we got a late start but hopeful as inquiries are starting to increase- Already big improvement from last year... Last year total tourney revenue was \$1,154.
 - As of 4/27 we have 729 tournament rounds for approximately \$70K in revenue booked for this year!
 - DGM 2 Man Invitational- Brining Reno market out to Ruby View
 - Mining Expo Golf Tournament and Welcome Reception on the Driving Range
 - Pray 4 Life Charity
 - Northern Nevada Senior 3 day event in September
 - NV State Firefighters Association



2021 RUBY VIEW UPDATE

COURSE CONDITIONS.....

2021 RUBYVIEW UPDATE

GOLF COURSE CONDITIONS

- Third dry winter in a row and all northern Nevada golf course are gonna feel it
 - Golf course is getting better every week
 - Greens are in excellent condition!
 - Tees have been seeded and will continue to improve
 - New pond construction has been seeded
 - Numerous areas of ice damage and winter desiccation in fairways that Pete is confident will come back after seeding



COVID-19 RESPONSE

INSTALLED COVID POLICY AND PROCEDURES AT RUBY VIEW

- Working with the Nevada Golf Course Owners Association we developed guidelines and procedures to implement across all DGM courses.
- This information is posted at Ruby View



Duncan Golf Management Update

Duncan Golf Management is constantly monitoring the changing developments of the Coronavirus outbreak. We are paying close attention to what the Centers for Disease Control, World Health Organization and local health administrators are relaying to the public for everyone's safety.

Our courses will be opening weather permitting, with strict guidelines provided by the Governor, and to provide a quality outdoor experience to those that are looking to play at our courses: Lakeridge, Wolf Run, Wildcreek, Toiyabe, Eagle Valley and Dayton Valley.

We have taken actions to make everyone feel safe and healthy during their time at a Duncan Golf Management property, we are creating a level of safety through each human contact point of our service.

In anticipation of upcoming visits to our DGM properties, please utilize online booking engines and phone reservations to minimize the time required in the Golf Shop.

Below are steps to increase the health, safety and smooth process for your experience:

• **During Check in at the Golf Shop** – Our goal is to make the check in process as quick as possible for everyone involved. To encourage shorter personal interaction time at the check in counter we ask that customers arriving in groups of 2 or more send one person in to pay for the group. For the safety of everyone involved we would encourage credit card transactions verse cash transactions. We'll commit to sanitize and disinfect the check in area on a regular basis throughout the day.

2021 RUBY VIEW UPDATE

REOPENING LIST OF COVID-19 OPERATING PROCEDURES

Actions Specific to Golf/Club Operations

- After each use we will clean & sanitize golf carts high touch areas (i.e. steering wheels, cup holders, seats) before going back out for use. Consider having sanitizer wipes available for golfers in the golf cars.
- All cart attendants will wear rubber gloves to attend to guests.
- Space golf cars in staging area (i.e. further apart to accommodate appropriate social distance of six feet or more). Allow one person to ride per cart if requested.
- Golf bag must always remain in the golfer's possession. After play, no staff member should handle bag. Recommend keeping in car or at home.
- Bag storage currently will not be available. We will retrieve a bag for the day, but it is the Members responsibility to take it with them after they play or practice. It will not be returned to the bag room. Also please keep the bag storage room locked so we can have the conversation with the member.
- All bathroom's door handles will be clean & sanitized each hour. Hand sanitizers

available in every bathroom.

• Walking will be encouraged.

• Restaurants (where available) should REMOVE tables to allow appropriate social distancing.

• Offer one cart per person.

• Bunker rakes and flagsticks will be removed from the golf course. We recommend automatic two putt on greens during the round.

• Every hour we will clean & sanitize of on course restroom facilities.

• Clean & sanitize the bar gun each hour.

• All entry and exit door handles will be cleaned & sanitized each hour. This will include all restroom countertops as well as faucets and restroom stall doors and handles.

• All drinks will be of the pre-packaged variety

• Member & Guests will mix their own drinks, staff will provide ice.

• All food orders will be presented in to go boxes with disposable utensils. This

includes individual packages for condiments.

General Actions to Prevent the Spread of Covid-19

• Wash your hands, wash your hands, wash your hands! Don't touch your face.

• Install hand sanitizer stations throughout the facility with member/guest activity (i.e. clubhouse, admin offices and locker rooms).

• Institute more frequent and thorough cleaning procedures for high touch areas (i.e. doorknobs, light switches, tables, chairs, etc.).

• Educate members/guests and staff as to the protocol of social distance, hand washing and other best practice recommendations put forth by the CDC.

• Encourage facility members/guests and staff to recognize proper social distance of six feet or more from others to limit physical contact such as handshakes.

• Encourage members/guests and staff members who do not feel well to stay home.

• Staff members should wash your hands and sanitize as frequently as you can

2021 RUBY VIEW UPDATE

FEBRUARY

- Operational Transition Month
- Transfer utilities
- Install POS
- Hired key positions and began hiring seasonal hourly associates
- Begin to acquire necessary FF&E (Furniture, Fixtures & Equipment) to facilitate the business



2021 RUBY VIEW UPDATE

MARCH

- Started with golf opening Saturday 3/6 and food and beverage opened Friday 3/19
- March was quite typical of our lovely Northern Nevada
 - Opened course 3/6, closed due to snow 3/11, Beautiful weekend 3/27&28 and hosted nearly 250 golfers!
 - Monday 3/29 high of 43 and windy- hosted 12 golfers.....Northern Nevada
 - All in all good things happening, merchandise starting to come in and grill fully open with encouraging business levels of what's to come



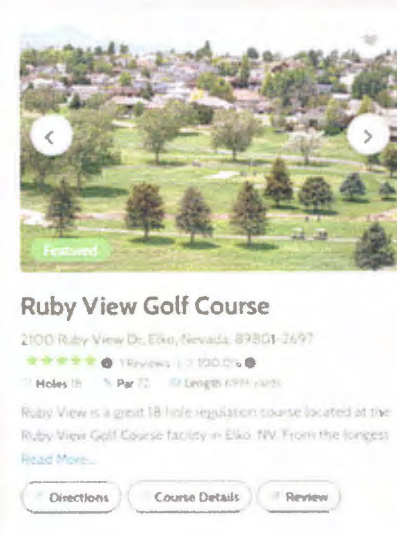
2021 RUBY VIEW UPDATE

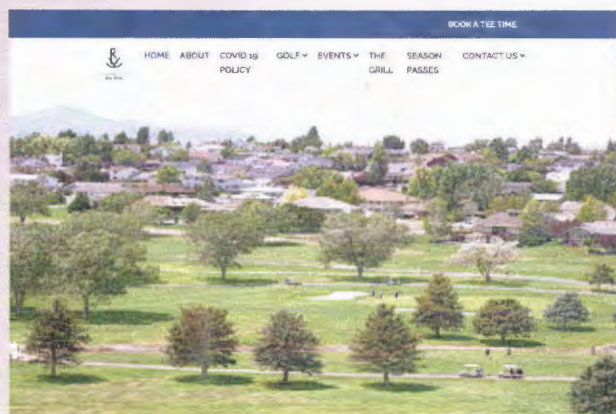
APRIL

- Masters back in April- Things are getting back to normal!!!
- Very encouraging start of the month with over 130 golfers each day for Masters weekend
- Wednesday 4/14- CLOSED FOR SNOW, nothing new and plug on
- Weekends have been busy with our highest hosted day on Saturday 3/18 with 165 golfers!
- When the weather is cooperating, we are busy!

MARKETING & GOLF PROMOTIONS REVIEW

- NEW Ruby View Website
- Facebook Page created
- Reno Aces cross promotion
- Scorpions Banner in Reno
- Koozie Promotion at all DGM properties
- Channel 4 and Fox 11 media campaign
- Continue Elko Radio ad messaging
- Established database for email marketing
- GolfingNV magazine advertising
- Cross Promotion with existing DGM Database
- GolfNow Marketing Platform
 - Email marketing to Salt Lake City / Boise market
 - Featured listing on GolfNow.com
 - Database capture of all online bookings





Month	Unique visitors	Number of visits	Pages	Hits	Bandwidth
Jan 2021	0	0	0	0	0
Feb 2021	0	0	0	0	0
Mar 2021	597	894	3,040	27,945	589.22 MB
Apr 2021	904	1,308	4,053	42,000	898.26 MB
May 2021	0	0	0	0	0

MARKETING & GOLF PROMOTIONS REVIEW

- New website launched on March 1
 - We anticipate continued growth in website visits throughout the golf season
 - This will provide a baseline for measuring interest in Ruby View year over year
 - Thursdays and Fridays are the most popular days for website visits

CONCLUSION

- We look forward to a great golf season as everything improves and we continue to learn the market and community.

**Elko City Council
Agenda Action Sheet**

1. Title: **Presentation by Applied Analysis entitled “Ad Valorem (Property) Tax Rate Analysis – Alternatives and Key Considerations,” and matters related thereto. INFORMATION ONLY – ACTION WILL NOT BE TAKEN**
2. Meeting Date: **May 11, 2021**
3. Agenda Category: **PRESENTATION**
4. Time Required: **20 Minutes**
5. Background Information:
6. Budget Information:

Appropriation Required: **N/A**
Budget amount available: **N/A**
Fund name: **N/A**
7. Business Impact Statement: **Not Required**
8. Supplemental Agenda Information: **Presentation Ad Valorem Property Tax Rate Analysis**
9. Recommended Motion: **Information only – Action will not be taken**
10. Prepared by: **Curtis Calder, City Manager**
11. Committee/Other Agency Review:
12. Council Action:
13. Council Agenda Distribution:



Ad Valorem (Property) Tax Rate Analysis

Alternatives and Key Considerations

Prepared for:

Elko County
71 Idaho Street
Elko, Nevada 89801

City of Elko
1751 College Avenue
Elko, Nevada 89801

March 5, 2021

PRELIMINARY DRAFT

**APPLIED
ANALYSIS**



March 5, 2021

Ms. Amanda Osborne, County Manager
Elko County
71 Idaho Street
Elko, Nevada 89801
and

Mr. Curtis Calder, Elko City Manager
City of Elko
1751 College Avenue
Elko, Nevada 89801

Sent via email (aosborne@elkocountynv.net and ccalder@elkocitynv.gov)

RE: Ad Valorem (Property) Tax Rate Analysis: Alternatives and Key Considerations

Dear Mr. Calder and Ms. Osborne:

In accordance with your request, Applied Analysis ("AA") is pleased to submit this report titled *Ad Valorem (Property) Tax Rate Analysis: Alternatives and Key Considerations*. AA was retained by Elko County and the City of Elko to review and analyze property tax alternatives and other factors related to the defeat of County Ballot Question No.1 of the 2020 General Election: *Elko County School District Capital Projects Tax Proposal*. This summary report outlines the salient findings and conclusions of our review and analysis as of the date of this report.

This report was designed by AA in response to your request. However, we make no representations as to the adequacy of these procedures for all your purposes. Generally speaking, our findings and estimates are as of the date of this letter and utilize the most recent data available. This report is dated as of the last day of our fieldwork. The information provided in this summary, and the conclusions reached herein, are based on the findings of our research and our knowledge of the market as of the date of this report. Our report contains real estate, tax and other predominant market data. This information was collected from our internal databases and various third parties. The data were assembled by AA. While we have no reason to doubt its accuracy, the information collected was not subjected to any auditing or review procedures by AA and; therefore, we can offer no representations or assurances as to its completeness.

This report is an executive summary. It is intended to provide an overview of the analyses conducted and a summary of our salient findings. AA will retain additional working papers relevant to this study. If you reproduce this report, it must be done so in its entirety. We welcome the opportunity to discuss this report with you at any time. Should you have any questions, please contact Jeremy Aguero or Brian Gordon at (702) 967-3333.

Sincerely,

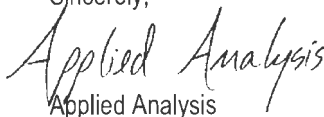

Applied Analysis



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PROJECT OVERVIEW AND BACKGROUND

Appplied Analysis ("AA") was engaged by Elko County (the "County") and the City of Elko (the "City") to prepare an ad valorem (property) tax rate analysis and discussion relating to the decision events that are presented to Elko County residents and leadership after that defeat of County Ballot Question No.1 of the 2020 General Election: *Elko County School District Capital Projects Tax Proposal*. The City and the County have requested AA's assistance in exploring and identifying alternatives and opportunities that may exist upon the expiration of the school district capital projects tax rate.

The Elko County School District (the "District") currently levies a tax rate of \$1.50 per \$100 of assessed value in support of combined school district operating and capital expenses. A levy of \$0.75 supports District operations and the remaining \$0.75 supports the District's pay-as-you-go capital projects program. The operating rate of \$0.75 is set forth in Nevada Revised Statutes and is identical to the operating rates charged in the 16 other Nevada counties. The capital projects pay-as-you-go rate ("pay-as-you-go") is in place because of voter approval and is considered by the State of Nevada's Department of Taxation as a voter-approved override to the otherwise maximum allowable combined tax rate in Elko County. The capital projects rate was initially approved in 1986 at a rate of \$0.25 and, over the years, was increased to the current level of \$0.75 per \$100 of assessed valuation. The voter authorization for this tax component is now set to expire on June 30, 2022.

ANALYSIS OF THE CURRENT SITUATION

There are several factors which must be taken into account as discussion of this issue progresses. With the pay-as-you-go tax rate expiring in 2022, there are opportunities for other entities within Elko County that overlap the District to consider increasing their respective property tax rates. Any such, consideration is bounded by the maximum allowable tax rates that an entity may levy pursuant to Nevada law and the limitations upon maximum combined tax rates, also prescribed by law. The maximum allowable combined tax rate of \$3.66 per \$100 of assessed valuation sets the upper limit on the combination of tax rates of all overlapping districts. Thus, there exists a two-pronged test with respect to other entities increasing their tax rates. The first test is whether an increase in the entity tax rate is permissible under the maximum allowable tax rate threshold. The second test is whether the increased rate, combined with other overlapping tax rates would exceed the aggregate \$3.66 per \$100 of assessed valuation limit. The following table illustrates the maximum allowable tax rates and the imposed tax rates for the County and four cities in the County - Carlin, Elko, Wells and West Wendover.

Table 1: Maximum Allowable and Imposed Tax Rates in Elko County

Tax District	Maximum Rate	Elko County (Unincorporated)	Elko (City)	Carlin	Wells	West Wendover
State of Nevada	0.1700	0.1700	0.1700	0.1700	0.1700	0.1700
Elko County School District ¹	1.5000	1.5000	1.5000	1.5000	1.5000	1.5000
Elko County	2.8641	0.8386	0.8386	0.8386	0.8386	0.8386
N.E. Elko Fire District	0.2697	0.2600	--	--	--	--
Carlin	10.7304	--	--	1.1480	--	--
Elko (City)	3.3722	--	0.9200	--	--	--
Elko Convention & Visitors Authority	--	--	0.0392	--	--	--
Elko Television District	--	--	0.0145	--	--	--
Wells	4.7335	--	--	--	0.9605	--
West Wendover	2.8129	--	--	--	--	1.1514
Total Rate Levied:		2.7686	3.4823	3.6566	3.4691	3.6600

Source: Nevada Department of Taxation, Property Tax Rates for Nevada Local Government, Fiscal Year 2020-21.

¹Elko County School District tax rate includes the voter approved \$0.75 rate for capital projects, expiring June 2022.



Currently, there are at least two entities within the County that are at (or virtually at) the combined \$3.66 tax rate cap (Carlin and West Wendover). Two additional cities, Elko and Wells, are within \$0.19 of the maximum combined rate cap. After June 30, 2022, this will change as the \$0.75 pay-as-you-go school capital levy falls away.

Entities such as the City and the County (among others) may be able to increase their individual entity rates (up to a combined \$0.75 per \$100 of assessed valuation) without increasing the overall property tax burden to the taxpayers, assuming that such rate increases meet the two-pronged test outlined above. In essence, the expiration of the District's pay-as-you-go rate creates headway for the other entities within the County to consider rate modifications. Further, there may be ways that the County, the City and other entities within the County could increase property tax revenue for public services while still effecting a property tax decrease for taxpayers (should such a reduction be considered vis a vis other currently unfunded County or municipal needs).

As noted in the *Project Overview and Background* section, the expiration of the District's pay-as-you-go rate provides a relatively rare opportunity for the other municipal entities within Elko County to consider migrating their entity ad valorem rates to higher levels. As shown in Table 1, the County and the four cities have headway to levy up to the \$0.75 increment becoming available (on a combined aggregate basis). The following table illustrates the revenue that would be generated for the County and the four cities if the individual entity levies were increased by \$0.75, \$0.25, \$0.10 or \$0.01. The various rate levies and revenue generated in each jurisdiction is provided to aid discussion. The values shown do not include the impact of the effect of Nevada's partial property tax abatements discussed later in this report. In actuality, these values would be reduced by varying degrees depending upon the partial property tax abatements relevant to the mix of parcels within each entity.

Table 2: Assessed Value and Impact of Various Levy Increments

Jurisdiction	FY20-21 Assessed Value ¹	Levy Increments			
		\$0.75	\$0.25	\$0.10	\$0.01
Elko County	\$2,307,887,553	\$17,309,157	\$5,769,719	\$2,307,888	\$230,789
Carlin	\$40,120,924	\$300,907	\$100,302	\$40,121	\$4,012
Elko (City)	\$620,013,594	\$4,650,102	\$1,550,034	\$620,014	\$62,001
Wells	\$33,116,158	\$248,371	\$82,790	\$33,116	\$3,312
West Wendover	\$147,326,026	\$1,104,945	\$368,315	\$147,326	\$14,733

¹Assessed Value from Nevada Department of Taxation, Property Tax Rates for Nevada Local Governments, Fiscal Year 2020-21.

On one end of the spectrum, Elko County could increase its ad valorem levy by the full \$0.75 per \$100 of assessed valuation. This would afford the full benefit of the revenue increase to Elko County. Alternatively, the \$0.75 rate increment could be apportioned among other entities within the County that receive ad valorem property tax revenue (within the constraints of respective maximum allowed rates). Alternative treatments and associated limitations are discussed in greater detail in the sections that follow.

The approach taken herein identifies various alternatives that the City of Elko, Elko County and other qualifying entities can consider. The intention is to describe various alternatives by which a mutually agreeable path forward as to the use of the \$0.75 increment might be achieved. The assembly of the alternatives for the County and the City to consider may assist the affected entities in optimizing the use of available ad valorem tax capacity.

Ad Valorem (Property) Tax Rate Analysis

Alternatives and Key Considerations



Key to this will be the objectives of the governing bodies – including operating and capital needs (and the way that enhanced ad valorem revenues may help them achieve their goals) and the objectives related to overall management of combined tax rates.

NOTABLE FACTORS AND CONSIDERATIONS

OVERLAPPING PROPERTY TAX CAPS

Article X, Section 2, of the State Constitution limits the total ad valorem property taxes levied by all overlapping governmental units within the boundaries of any county (i.e., the State, and any county, city, town, school district or special district) to an amount not to exceed five cents per dollar of assessed valuation (i.e., \$5 per \$100 of assessed valuation) of the property being taxed. Further, the combined overlapping tax rate is limited by statute to \$3.64 per \$100 of assessed valuation in all counties of the State with certain exceptions that (a) permit a combined overlapping tax rate of up to \$4.50 per \$100 in assessed valuation in the case of certain entities that are in financial difficulties (or require a combined overlapping tax rate of \$5.00 per \$100 of assessed valuation in certain circumstances of severe financial emergency); and (b) require that \$0.02 of the statewide property tax rate of \$0.17 per \$100 assessed valuation is not included in computing compliance with this \$3.64 cap which works to raise the cap to \$3.66 as referenced earlier. This \$0.02 levy is, however, counted against the \$5.00 limit.

RESTRICTIONS RELATING TO ESTABLISHMENT OF COMBINED TAX RATE

The State has placed restrictions on how local governments can structure tax rates and how funds received from those rates can be distributed. Most notably, State statute prohibits local governmental bodies from “coordinating” their tax rate levies to maximize revenues without breaking the \$3.66 combined rate cap, specifically involving agreements to transfer funds from a larger governmental body, such as the County, to the smaller governmental body, such as the City. The relevant statute is included below.

NRS 361.457 Establishment of combined tax rate: Prohibited agreements between local governments.

The governing bodies of the local governments within a county shall not agree upon a combined tax rate that is achieved by a larger local government agreeing to transfer money to a smaller local government whose boundaries are located within the boundaries of the larger local government to enable the smaller local government to lower its tax rate to establish a combined tax rate for the county that complies with the limitation set forth in [NRS 361.453](#).

(Added to NRS by [1999, 945](#))

LOCAL GOVERNMENT PROPERTY TAX REVENUE LIMITATION

State statutes limit the revenues local governments, other than school districts, may receive from ad valorem property taxes by adjusting maximum allowable tax rates. This rate is generally limited as follows: the assessed value of property is first differentiated between that for property existing on the assessment rolls in the prior year (old property) and new property. Second, the property tax revenue derived in the prior year is increased by no more than six percent and the tax rate to generate the increase is determined against the current assessed value of the old property. Finally, this tax rate is applied against all taxable property to produce the allowable property tax revenues. This cap operates to limit property tax revenue dependent upon changes in the value of old property and the growth and value of new property. Elko County and the four cities currently



levy a rate that is substantially less than their maximum allowed rate constraints. The reality of this situation is that it bears little relevance to the final determination of the use of the \$0.75 rate.

A local government, other than a school district, may exceed the property tax revenue limitation if the proposal is approved by its electorate at a general or special election. In addition, the executive director of the Department of Taxation will add, to the allowed revenue from ad valorem property taxes, the amount approved by the Legislature for the costs to a local government of any substantial programs or expenses required by legislative enactment. In the event sales tax estimates from the Nevada Department of Taxation exceed actual revenues available to local governments, Nevada local governments receiving such sales tax may levy a property tax to make up the revenue shortfall.

The County and cities within the County levy various tax overrides as allowed or required by State statutes.

POPULATION

The following table illustrates the population changes for fiscal years 2016-17 through 2020-21, with projections through fiscal year 2025-26.

Table 3: Historical and Projected Population

Jurisdiction	Reported ¹					Projected ²				
	FY16-17	FY17-18	FY18-19	FY19-20	FY20-21	FY21-22	FY22-23	FY23-24	FY24-25	FY25-26
Elko County	53,997	53,287	54,326	55,116	55,435	55,780	56,128	56,477	56,829	57,183
Carlin	2,727	2,684	2,617	2,613	2,663	2,674	2,706	2,739	2,773	2,806
Elko (City)	20,714	20,704	20,789	21,158	21,199	21,492	21,777	22,065	22,357	22,654
Wells	1,371	1,388	1,312	1,365	1,366	1,296	1,275	1,254	1,233	1,212
West Wendover	4,478	4,474	4,201	4,406	4,469	4,535	4,491	4,448	4,404	4,362

¹Reported data from Nevada State Demographer.

²Calculated using the average annual growth rate over the previous 10 fiscal years.

The table illustrates the demographic environment for Elko County. If population growth was aggressive, government would likely be required to make increased expenditures for infrastructure. The picture painted here does not raise any alarms as to burgeoning needs for additional major capital infrastructure. The table shows mixed growth rates for the various jurisdictions in Elko County. For the five-year period, fiscal years 2016-17 through 2020-21, Elko population grew 2.7 percent, a decrease of 0.4 percent in Carlin, 3.8 percent growth in the City of Elko, a decrease of 6.6 percent in Wells and a 1.4 percent increase in West Wendover. For the projection horizon fiscal years 2021-22 through 2025-26, Elko County is anticipated to grow 3.2 percent, with the City of Carlin growing by 6.2 percent and the City of Elko growing by 6.8 percent. The populations of Wells and West Wendover are projected to decline by eight percent and 4.8 percent, respectively. Thus, the growth is concentrated in the cities of Carlin and Elko.

GAP YEAR

In determining a path forward, readers should be mindful that this tax rate situation was essentially “handed” to the governing bodies within Elko County. This discussion arises because of the failed ballot question in the 2020 election combined with the unique mechanics of Nevada property tax law, including the partial property tax abatements and the maximum allowable rates and revenue constraining local governments in their rate making activities.

Ad Valorem (Property) Tax Rate Analysis

Alternatives and Key Considerations



Nevada's partial property tax abatements are applied on a parcel-by-parcel basis and generally work to limit the increase of a taxpayer's property tax bill to three percent for owner-occupied residential property and eight percent for all other property, with certain qualifications. When the partial abatements are applicable to any parcel in any tax year, the potential revenue -- that is the share of the revenue increase that exceeds the three percent or eight percent limit -- does not disappear entirely. Rather, these potential revenues are effectively "banked" and can be accessed to supplement property tax increases in subsequent years where the three percent or eight percent limit is not reached via the abatement formula. This can help average out property tax increases between high growth and low growth years, assuming "banked" value is generated in the high-growth years and is absorbed during low-growth years. The property tax abatement process is more fully described later in the report.

The situation presented to local governments in Elko County is that if the \$0.75 rate is allowed to fall away beginning July 1, 2022, any future increases will be bound by the limitations created by Nevada's partial property tax abatement. For example, if governing bodies that gain headroom in their entity rates because of the discontinuation of the pay-as-you-go tax rate do not increase their rates at the same time that the flexibility occurs, July 1, 2022, additional revenue that would be generated from future rate increases would be limited even though the increase is made within the authorized maximum allowed rates.

Members of governing bodies of units of local government likely can recall that property assessed valuations and tax revenues decreased substantially during the financial downturn that affected the state and national economies almost a decade ago. At that time, local governments experienced a loss in property tax revenue because of the lower assessed valuations. However, as the economy grew out of the crisis and assessed valuations also regained substantial increments of their value, the growth in assessed valuation did not translate into a similar increase in property tax revenue. The law creating Nevada's partial tax abatements (i.e., the Abatement Act of 2005) capped the tax bill increases as discussed above. Still today, property tax revenues for some local governments have yet to recover to previous levels. A "gap year" situation could result in similar losses for participating entities if it is determined to phase in the allocation of the newly available rate over time. The following table is used to demonstrate this gap year limitation to revenue growth in a situation where a rate component was allowed to fall away. The example information was created by the Clark County Treasurer's office and reflects a specific non-residential parcel located in Clark County. It was created and included here for demonstration purposes only.

Table 4: Depiction of Property Tax Implications in a Gap Year

	No Gap Year Scenario			Gap Year Scenario		
	FY20-21	FY21-22	FY22-23	FY20-21	FY21-22	FY22-23
Assessed Value	\$8,039,163	\$8,613,389	\$8,613,389	\$8,039,163	\$8,613,389	\$8,613,389
Tax Rate	\$2.9328	\$2.9328	\$2.9328	\$2.9328	\$2.1828	\$2.9328
Taxes as Assessed	\$235,773	\$252,613	\$252,613	\$235,773	\$188,013	\$252,613
Abatement	\$31,526	\$32,027	\$14,380	\$31,526	\$0	\$49,559
Tax Billed	\$204,247	\$220,586	\$238,233	\$204,247	\$188,013	\$203,054
Max Tax for Next Year	\$220,586	\$238,233	\$257,292	\$220,586	\$203,054	\$219,298

*These scenarios depict the gap year effect using data from a real non-residential property in Clark County, Nevada.

The above table depicts the potential effects of a "gap year" on property tax revenues. In the left scenario, the tax rate is held constant, leading the property to generate a total of \$663,066 in property taxes over the displayed three-year window. In the right scenario, the property tax rate is reduced by \$0.75 for fiscal 2021-22 before being raised back up \$0.75 for fiscal year 2022-23. In this scenario, \$595,314 is generated over the three-year window. Overall, this represents a loss of \$67,752 in potential revenue -- of this loss, \$32,573 is from the reduction in tax rate while \$35,179, accounting for 52.0 percent of the loss, is from the "gap year" limitation. Assuming the assessed value and property tax rate remain unchanged from fiscal year 2022-



23 onward, the effect of the "gap year" on the example property remains until fiscal year 2025-26 and results in \$84,265 of lost revenues. In the event that the property's assessed valuation increases, the effects of the "gap year" persist even further into the future.

Beyond this, however, the anticipated effect on property tax revenues may not fully materialize until some point in the future as Elko County has abatement "banked" on residential parcels, which could cause property taxes to remain elevated despite the underlying rate disappearing. Reflecting upon recent trends relating to the residential and general cap, even though residential parcels reached the abatement threshold over at least the last five years, all other properties have not reached the upper limit to the general cap, implying non-residential properties would be impacted more immediately as they have less abatement "banked." Table 5, presented below, illustrates the abatement amounts for the County and the cities of Carlin, Elko, Wells and West Wendover for fiscal year 2020-21.

Table 5: Abatement Amounts and Relative Value

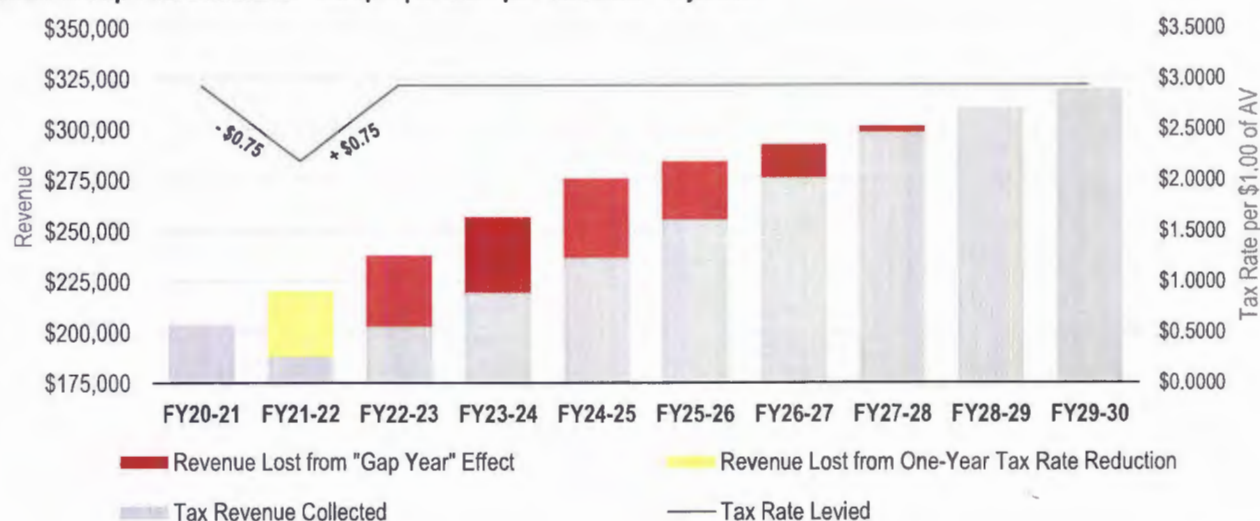
Jurisdiction	Total Pre-abatement Tax Amount	Abatement Amount	Relative Sizing (Percent)
Elko County	\$17,459,879	\$674,487	3.9%
Carlin	\$460,578	\$6,956	1.5%
Elko (City)	\$5,698,423	\$110,983	1.9%
Wells	\$318,140	\$16,810	5.3%
West Wendover	\$1,696,300	\$80,831	4.8%

Source: Nevada Department of Taxation, Local Government Finance Pro Forma Property Tax Projections, Fiscal Year 2020-21

¹Relative sizing represents the portion of the total pre-abated tax amount that is taken up by abatements.

The failure of the ballot question requires that Elko County governing bodies react to the discontinuation of the District's pay-as-you-go tax rate effective June 30, 2022, in the Fiscal Year 2022-23 budget cycle or the revenue potential of the existing rate could be diminished. For discussion purposes, the below chart illustrates the effects of the "gap year" upon the previous example property with the added assumption that the assessed value increased by three percent per year from fiscal year 2022-23 onward.

Chart 1: Gap Year Limitation Example | Effect Upon Revenue Projection





In the chart, the assumption is made that the tax rate was reduced by \$0.75 for fiscal year 2021-22 and subsequently restored for fiscal year 2022-23 onward, effectively creating a "gap year." The grey columns indicate the property tax revenues received from the example property. The yellow shading indicates revenues lost by the one-year tax rate reduction, which totaled to \$35,179. The red shading indicate the revenue lost from the impacts of the "gap year" due to property tax growth constraints instituted by the Abatement Act of 2005. In this example, where the assessed value of the non-residential property increased at a yearly rate of three percent, the "gap year" effectuated \$173,635 in lost revenue between fiscal years 2022-23 and 2027-28. Fiscal year 2028-29 was the first year in which the effect of the "gap year" had disappeared. Without the "gap year," the example property would generate \$2,922,353 in property tax revenue between fiscal years 2020-21 and 2029-30 in this example. With the "gap year," that value shrinks 7.1 percent to \$2,713,539. In the case that the assessed value increased by more than modeled average of three percent per year, the effects of the "gap year" would linger around longer. Simultaneously, if the assessed value increased at a lower rate, while not becoming negative, the recovery window and associated lost revenues would be smaller.

UNFUNDED NEEDS, CAPITAL VS. OPERATIONS

It is recognized that the discontinued rate provided funds for the District's capital needs. An argument can be framed to use the funds provided by the offsetting increase in the tax rate to address capital needs throughout the County, especially since that was an argument made for defeating the initiative. While these revenues would be collected by the County, the funds need not be used solely on the County's own projects. Rather, these funds could be made available for capital project or program support to other entities, such as municipal bodies or even the District, that rest within the County.

While NRS 361.457 places a prohibition on the transfer of funds from larger local governments to smaller governments, allocating funds toward capital project and program support is permissible as these projects can be viewed as expenditures that create direct access or benefit for County residents as a whole. A county can enter into an interlocal agreement with a qualifying entity and pay for services or a project as long as there is exchange. An exchange can be viewed as the expenditure creating access or benefit for County residents. In this particular situation, such a transaction should be scrutinized in context with the recent ballot question outcome.

A suggested starting point would be to accumulate the identified needs throughout the County and compare the needs to the funding that would be generated by continuation of the levy. To aid in this discussion a summary compilation of the five-year capital improvement plans of all relevant entities would be useful in quantifying a base of funding needs county-wide. Regarding this endeavor, considerations should be made regarding the availability of possible alternative funding options that can be allocated toward these projects as well as the actual necessity of these projects, especially within a given timeframe.

Similarly, funds generated from the available rate could be used to fund recurring expenses rather than just one-time capital projects and program support. Funds allocated toward recurring expenses have greater limitations on their use than funds put towards capital project and program support, namely that they cannot be shared with other jurisdictions. In this case, the County could choose to use the funds to hire more public safety personnel, for example, as the officers are County employees benefitting the County population as a whole, but they could not use these funds to hire more municipal police officers for a city police department, as those are another entity's employees. The intended distinction will be the authority/ability to provide benefits or access to services for residents on a county-wide basis.



NEVADA'S PARTIAL PROPERTY TAX ABATEMENT (THE ABATEMENT ACT OF 2005)

In 2005, the Legislature approved the Abatement Act, which established formulas to determine whether tax abatements are required for property owners in each year. For owner-occupied residential properties, an abatement generally is required to reduce the amount of property taxes owed to not more than three percent more than the amount levied in the immediately preceding fiscal year. That same formula applies (as a charitable exemption) to other property that qualifies as low-income rental housing. The cap is eight percent for all other property, with certain qualifications.

There is also a secondary abatement calculation that is determined pursuant to a formula, which allows property taxes to fall below the primary three-percent and eight-percent caps where the greater of: (i) the average percentage change in the assessed valuation of all taxable property in the County as provided by the Department of Taxation over a rolling 10-year period, (ii) two times the increase in the Consumer Price Index for all Urban Consumers, U.S. City Average (All Items) for the immediately preceding calendar year, or (iii) zero is less than three percent or eight percent, respectively. Simply put, the formula limits annual property tax increases to be no more than three percent for residential parcels and eight percent for non-residential properties; additionally, the rate can be lower than three percent for residential parcels and eight percent for all other parcels, given that the secondary formula allows for it. Importantly, neither the primary nor secondary abatement caps apply to newly constructed property in the year it is constructed, allowing those properties to come on to the tax roll at an unabated tax rate in the first year in which the tax would be applied and collected.

Table 6 summarizes the abatement formula calculation results for Elko County described above for the five-year horizon fiscal year 2017-18 through fiscal year 2021-22. In fiscal year 2021-22, the maximum percentage increase of tax liability for residential parcels will be three percent and 4.5 percent for all other parcels.

Table 6: Elko County Property Tax Abatement Metrics and Rates

	FY17-18	FY18-19	FY19-20	FY20-21	FY21-22
Moving Average Growth Rate	5.6%	5.7%	5.2%	3.6%	4.5%
CPI Change	2.6%	4.2%	4.8%	3.6%	2.4%
Residential Cap	3.0%	3.0%	3.0%	3.0%	3.0%
General Cap	5.6%	5.7%	5.2%	3.6%	4.5%
Residential Cap Factor	1.030	1.030	1.030	1.030	1.030
General Cap Factor	1.056	1.057	1.052	1.036	1.045

Source: Nevada Department of Taxation, Local Government Finance Pro Forma Property Tax Projections

Notably, there are at least two bills pending at the Nevada Legislature that would make changes relating to the method by which property taxes are calculated. One proposal from the Nevada Association of Counties (SB 10) proposes to establish three percent as the floor for residential properties and other properties without the previously mentioned additional limitations. The Nevada League of Cities proposal (SB 64) eliminates the secondary cap calculation (i.e., establishing fixed tax caps of three percent on all owner-occupied residential and eight percent for most other property) and also proposes to reduce the depreciation rate used for determining assessed valuation from 1.5 percent to one percent.



WILL OF THE PEOPLE

Considerations should be made regarding voter expectations and desires when making this decision. There were a multitude of reasons that could be given as to why voters chose to defeat the ballot initiative; however, the two strongest rationale given against voting for the measure are (i) the perception that those funds could be better served funding other projects and (ii) the expectation of a lower tax bill. Any decisions made concerning the levying of the newly available rate should be made in light that some voters may have been swayed by the argument that funds should be reallocated from the District's capital program, which was argued as making "nice-to-have" expenditures with the revenues, toward general County projects, which were argued as allowing for an alternative funding source for necessary projects, but others were swayed entirely by the notion of lowering their property tax bill. In the case that they expected a property tax cut, there may be an expectation that some or all of the rate should be reduced.

PROCEDURE IF GOVERNING BODIES CANNOT AGREE AS TO ALLOCATION OF INCREMENT

Finally, it is imperative that local leaders representing the County and the cities address this issue among themselves. Disagreement or failure to address this opportunity could result in the Nevada Tax Commission having to arbitrate an outcome, which would remove local control over decision making and assign it to another body. The Nevada Tax Commission only enters the picture if agreement between and among local jurisdictions within Elko County cannot come to an accord following the filing of final budgets.

DISCUSSION AND IDENTIFICATION OF OPTIONS

This analysis offers a series of scenarios that frame potential outcomes of the forthcoming discussions in Elko County. Each of the scenarios are summarized briefly below. It is noted that while this writing includes three scenarios, there were additional alternatives examined and rejected because of obvious encroachment upon or outright violation of Nevada Revised Statutes (e.g., Elko County imposing the full \$0.75 rate and apportioning out taxes collected to the various jurisdictions within the County).

In reviewing the background and data presented, it is evident that there is no obvious single path forward for Elko County. However, the next three scenarios paint an adequate depiction of some available options as well as considerations relating to them.

SCENARIO 1 | COUNTY IMPOSES 100 PERCENT OF THE AVAILABLE RATE

Assuming Elko County determines to levy the entire \$0.75 rate increment that has become available, the full value of increment on a county-wide basis is estimated to generate \$14.9 million, which is approximately 86.4 percent of the pre-abatement amount of \$17.3 million sourced to the District's fiscal year 2020-21 Budget. This levy implementation is considered a "revenue neutral" option because this same increment is currently levied by the District. This action does not result in a tax increase for Elko County residents and preserves a revenue stream that can be used to address unfunded needs, including capital and operational needs.

If the entire \$0.75 is levied, it does not change the current condition of there being virtually no headroom for voter approved ballot questions to increase rates in order to address unfunded needs that may arise in the future.



SCENARIO 2 | RATE INCREASES ARE SPLIT BETWEEN LOCAL GOVERNMENTS

In this scenario, Elko County would levy some portion of the available \$0.75 rate with each of the cities taking the remaining available rate. For example, the County could levy \$0.50 of the available \$0.75 rate. Each of the cities would individually levy a \$0.25 rate. Here, the combined rates of overlapping units would not exceed the \$3.66 cap. Each unit of government that levies an increment of the rate would have sole discretion as to the use of the funds.

Please note that the examples shown are used here for demonstration purposes only. It is not intended to imply a recommendation and should not be construed as such. In actuality, there are numerous criteria that can be employed to determine an appropriate splitting of the available rate, such as relative share of assessed value, current and/or future population sizes, current funding needs or projected future budgetary shortfalls. The following table illustrates the potential revenues that would be generated for the County and the four cities in this example scenario. The amounts shown do not reflect the impact of abatement. Please see Table 5 for approximate abatement discount factors.

Table 7: Hypothetical Impact of a Shared Rate Increase

Jurisdiction	FY20-21 Assessed Value ¹	Tax Rate Distribution (County/Municipal) ²			
		\$0.75/\$0.00	\$0.50/\$0.25	\$0.25/\$0.50	\$0.00/\$0.75
Elko County	\$2,307,887,553	\$17,309,157	\$11,539,438	\$5,769,719	\$0
Carlin	\$40,120,924	\$0	\$100,302	\$200,605	\$300,907
Elko (City)	\$620,013,594	\$0	\$1,550,034	\$3,100,068	\$4,650,102
Wells	\$33,116,158	\$0	\$82,790	\$165,581	\$248,371
West Wendover	\$147,326,026	\$0	\$368,315	\$736,630	\$1,104,945

¹Assessed Value from Nevada Department of Taxation, Property Tax Rates for Nevada Local Governments, Fiscal Year 2020-2021.

²Revenue generated does not account for abatements.

The benefit of this scenario is that there is no encroachment on the spirit of the prohibition of transfers included in NRS 361.457. Again, however, if the entire \$0.75 is levied, it does not change the current condition of there being virtually no headroom for voter approved ballot questions to increase rates in order to address unfunded needs that may arise in the future.

SCENARIO 3 | RATES ARE PARTIALLY INCREASED OR NOT AT ALL

There exists the possibility that the governing bodies choose not to levy some or all of the \$0.75 increment that will become available. Under this scenario a flexible implementation horizon is anticipated – that is, a portion of the full \$0.75 increment would be taken in the short-term with the possibility of the remainder being phased in over time or not at all. The concern with exercising this option is that the gap year circumstance discussed previously in this analysis becomes reality.

If the rate is reduced going into Fiscal Year 2022-23 (or any year after that), the provisions of the Abatement Act are triggered in the calculation of the property tax revenue yield. Once the per parcel revenue is reduced, it can only increase by the amounts determined by application of the factors identified in the Abatement Act for existing properties. For existing property, it is very difficult to regain the full revenue lost by a previous rate reduction. This is less of a concern when “banked” abatements are high relative to tax amounts. Recalling Table 5, it is important to note relative sizing between abatements and pre-abated tax amounts are between 1.5 percent and 5.3 percent, depending upon the entity in question. These low values indicate that any moderate reduction in the property tax rate would result in property tax bills reducing in the short-term, as there is little buffer from the “banked” abatement and being incredibly difficult to recover in the long-term.



Importantly, this scenario illustrates the two perspectives that can be made involving not levying the full \$0.75 property tax rate. On the one hand, it would likely grant a reduction in the property tax bill to the voters, who may have voted for that very reason. On the other hand, it would likely lead to drastic reductions in revenues if more of the available increment were taken at a later time.

SCENARIO 4 | RATES ARE INCREASED PURSUANT TO A SPECIFIC CLIENT REQUEST

Following client feedback, an additional scenario was added for consideration using specific increment allocations for the County and the cities of Elko and Wells. In this scenario – which is actually a variation of Scenarios 2 and 3, above – Elko County levies a rate of \$0.3740, the City of Elko levies a rate of \$0.1770 and the City of Wells levies a rate of \$0.1990. The following table summarizes the property tax rate and property tax revenue implications of these suggested increments. As before, please note that the calculated revenue amounts shown below do not account for the effects of abatement as those would occur on a parcel-by-parcel basis. Please see Table 5 for approximate abatement discount factors.

Table 8: Implications of Proposed Increment Allocations

Jurisdiction	Assessed Value ¹	Proposed Rate Increment			Proposed Rate Revenue ²		
		County	Municipal	Combined	County	Municipal	Combined
Elko County (Unincorporated)	\$1,467,310,851	0.3740	-	0.3740	\$5,487,743	-	\$5,487,743
Carlin	\$40,120,924	0.3740	-	0.3740	\$150,052	-	\$150,052
Elko (City)	\$620,013,594	0.3740	0.1770	0.5510	\$2,318,851	\$1,097,424	\$3,416,275
Wells	\$33,116,158	0.3740	0.1990	0.5730	\$123,854	\$65,901	\$189,756
West Wendover	\$147,326,026	0.3740	-	0.3740	\$550,999	-	\$550,999

¹Assessed Value from Nevada Department of Taxation, Property Tax Rates for Nevada Local Governments, Fiscal Year 2020-21.

²Revenue generated from Proposed Rate Increments do not account for abatements.

Observing the proposed rate increment portion of the table, it is important to note that, for these proposed increment allocations, the highest combined increment is \$0.5730 (Wells), which leaves \$0.1770 of the available \$0.75 increment unlevied. This happens because of the effects of jurisdictional boundaries on property taxation. While the sum of the proposed individual increment rates is \$0.75, these increments are not truly additive as municipal-level tax rates only apply to properties within their own jurisdiction. In regards to taxation, the only overlap that occurs is between county-level tax rates, which apply to every parcel within a county, and municipal-level tax rates, which only apply within their specific jurisdiction. Therefore, with the proposed increment allocations, taxpayers across the County would see a \$0.3760 reduction in their property tax rate, while residents of the cities of Elko and Wells would experience reductions of \$0.1990 and \$0.1770, respectively. It is also worth adding that in this approach – whether in the unincorporated county, Wells or the City of Elko – there would remain available rate levying opportunities that will go unused (as the proposed rates, individually in the case of the unincorporated county and combined in the case of either Wells or the City of Elko are less than could otherwise be levied in light of the \$0.75 headroom). Accordingly, the prior discussion regarding the creation of potential abatement-related revenue loss issues would apply.

The proposed rate revenue portion of the table illustrates the effects of the proposed increment allocations on property tax revenues. The proposed \$0.3740 increment for the County would be levied county-wide and thus would generate \$8,631,499 in property tax revenue across all jurisdictions. This value was created by summing the revenues generated by the County rate in each of the jurisdictions above. The City of Elko's rate of \$0.1770 would only apply within the City of Elko and would generate \$1,097,424 in property tax revenue. This is the value indicated for the City of Elko in the municipal column. Acting in the same manner as the City of Elko, the City of Wells would generate \$65,901 from its \$0.1990 rate.



CLOSING

The preceding presentation provides information that will aid the governing bodies in establishing their plan of action regarding the choice(s) to be made. The final choice will come from this review and discussion process. It is suggested the group consider a series of questions that should be addressed as they work through the process. As the questions are addressed, a path forward will likely become more apparent.

Points that might be considered include the following:

1. Is there a taxpayer expectation that their tax bill will go down as a result of the failure of the ballot question?
2. Should the group establish guidelines as to one-time uses of the funds or will ongoing commitments be considered/allowed? On a related note, should there be a limit on the proportion of funds committed to recurring obligations?
3. Is a primary goal in reallocating the available property tax rate to maximize revenue, or is it to identify specific funding needs between and among the County and the other local governments within the County?
4. Should this group consider a use of funds that specifically benefits the County as a whole, including the School District that will inevitably have future capital needs? Given that this would likely focus upon capital projects, what criteria should be considered?
5. Should the full \$0.75 rate be reallocated, or should some increment be left unallocated allowing for future voter overrides? This considers the notion of offering a partial reduction in rate for the benefit of the taxpayers or leaving capacity to support new ballot initiatives that may arise in the future.
6. If the tax rate were to be allocated across multiple entities, what would the appropriate criteria be for splitting the available rate? Options for doing this have been identified in the *Discussion and Identification of Options* section, above.

It is important to add that the final best course to address this opportunity may be to use combinations or variations of the scenarios identified above. Undoubtedly, there are political and other factors that may bear upon the outcome that best suits the needs of the various local governments. It is recognized that these exist, and the depth and breadth of these factors is better assessed by local decision-makers.

END OF REPORT

**Elko City Council
Agenda Action Sheet**

1. Title: **Swearing in of the Fire Department Driver/Operator II and Fire Marshal, and matters related thereto. INFORMATION ONLY – NON ACTION ITEM**
2. Meeting Date: **May 11, 2021**
3. Agenda Category: **Personnel**
4. Time Required: **10 Minutes**
5. Background Information:
6. Budget Information:

Appropriation Required: **N/A**
Budget amount available: **N/A**
Fund name: **N/A**
7. Business Impact Statement: **Not Required**
8. Supplemental Agenda Information: **N/A**
9. Recommended Motion: **No Action Will Be Taken**
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 and possible approval of an adjustment to the City of Elko Management Compensation Schedule, for the positions of Police Captain and Police Lieutenant, effective July 1, 2021, and matters related thereto. FOR POSSIBLE ACTION**
2. Meeting Date: **May 11, 2021**
3. Agenda Category: **PERSONNEL**
4. Time Required: **5 Minutes**
5. Background Information: **Review and possible approval of an adjustment to the City of Elko Management Compensation Schedule, for the positions of Police Captain and Police Lieutenant, effective July 1, 2021, and matters related thereto. FOR POSSIBLE ACTION**

Due to ongoing salary compaction within the City of Elko Police Department, Staff is recommending that the position of Police Captain be moved from Grade 37 to Grade 39, and that the position of Police Lieutenant be moved from Grade 32 to grade 36. Although the position of Police Captain is currently vacant, there are two (2) Police Lieutenants currently employed at the Elko Police Department. The fiscal impact for the proposed adjustment is less than \$10,000 for FY 2021/2022. A copy of a memo to the Human Resources Manager has been enclosed in the agenda packet for review. CC

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: **City Manager's Memo dated May 5, 2021**
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:

Interoffice Memo
City Manager's Office

To: Susie Shurtz, Human Resources Manager
From: Curtis Calder, City Manager 
Subject: Police Department Management Compaction
Date: May 5, 2021

After reviewing the Collective Bargaining Agreement between the City of Elko and EPOPA Sergeants Bargaining Unit, Exhibit A, and the current Management Compensation Schedule, I am recommending the following adjustments be made, effective July 1, 2021:

- Police Lieutenant: Move from current Grade 32 to Grade 36
- Police Captain: Move from current Grade 37 to Grade 39

With the upcoming expiration of the City Council approved "Letter of Understanding" between the City of Elko and the EPOPA Sergeants Bargaining Unit (expiring June 30, 2021), compaction between the Sergeant and Lieutenant positions is imminent. Without the recommended adjustment, the top step of the Lieutenant position is only \$1,366 per year above the top step of the Patrol Sergeant position (base rate).

Currently, Grade 32 is \$80,930.47 - \$108,842.49. Grade 36 is approximately 10% higher at \$89,332.10 - \$120,141.74. Assuming the Final Budget is approved on May 25, 2021, the Management Compensation Schedule will be adjusted by 2%, less PERS increase deductions. The adjustment to Grade 36 will provide adequate, short-term relief from the compaction between the Sergeant and Lieutenant positions. The fiscal impact for FY 2021 - 2022 is less than \$10,000 for both Lieutenant positions, including benefits.

Although the Police Captain position is vacant, it is also recommended for adjustment. Grade 39 is approximately 5% higher than Grade 37. There is no fiscal impact to this adjustment.

If you have any questions, please feel free to contact me.

Cc: Chief Ty Trouten
File

**Elko City Council
Agenda Action Sheet**

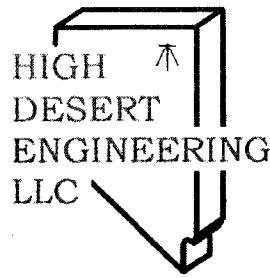
1. Title: **Review, consideration, and possible acceptance of Public Improvements for the Tower Hill Phase 4 Subdivision, and matters related thereto. FOR POSSIBLE ACTION**
2. Meeting Date: **May 11, 2021**
3. Agenda Category: **SUBDIVISION**
4. Time Required: **10 Minutes**
5. Background Information: **The City Council approved Final Map 8-20 on November 10, 2020. A Performance and Maintenance Agreement was entered into on that same day.**

The Developer has completed the public improvements in accordance with the approved plans. The City is in receipt of the required Certification of the project by the Engineer of Record. Upon acceptance of the public improvements by the Council, the Developer is required to provide maintenance security in the amount of \$13,850.80 for a 12-month maintenance period. 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: **Project Certification by Tom Ballew, P.E., – High Desert Engineering**
9. Recommended Motion: **Acceptance of Public Improvements for the Tower Hill Phase 4 Subdivision.**
10. Prepared By: **Michele Rambo, AICP, Development Manager**
11. Committee/Other Agency Review: **None**
12. Council Action:
13. Council Agenda Distribution: **BDSA, LLC
Attn: Scott MacRitchie
312 Four Mile Trail
Elko, NV 89801

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

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



Consulting Civil Engineering
Land Surveying
Water Rights

May 3, 2021

Michele Rambo, Development Coordinator
City of Elko
1751 College Avenue
Elko, NV 89801

Re: Tower Hill Subdivision - Unit 4

Dear Michele,

Pleased be advised that the remaining public improvements for Tower Hill Subdivision Unit 4, as outlined in your letter of April 13, 2021, have now been completed.

Appendix A, attached, includes the remaining testing reports for this work as follows:

Thurston Testing Laboratory: Asphalt extraction, gradation and core testing.
RH Construction Services; Plantmix density testing.

Appendix B, attached, includes the Plantmix submittal for materials provided by Q&D Construction.

Based on a review of the inspections and testing performed by High Desert Engineering, LLC, Thurston Testing Laboratory and RH Construction Services, I hereby certify that, to the best of my knowledge, the public improvements for this project have been constructed in substantial conformance with the approved project plans and specifications.

Sincerely,
High Desert Engineering, LLC

Thomas C. Ballew, PE, PLS

cc Scott MacRitchie, Jordanelle Third Mortgage
Steve Dorsa, Ruby Dome, Inc.

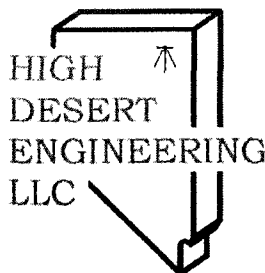
**Elko City Council
Agenda Action Sheet**

1. Title: **Review, consideration, and possible conditional acceptance of Public Improvements for the Tower Hill Phase 3 Subdivision, and matters related thereto. FOR POSSIBLE ACTION**
2. Meeting Date: **April 11, 2021**
3. Agenda Category: **SUBDIVISION**
4. Time Required: **5 Minutes**
5. Background Information: **Council approved Final Map 15-19 for Tower Hill Phase 3 on February 25, 2020. A Performance and Maintenance Agreement was entered into that same day.**

The Developer has substantially completed the Public Improvements in accordance with the approved plans with the exception of a portion of the Lamoille Highway shared-use path. The developer is asking for a conditional acceptance with the understanding that the pathway will be completed prior to the City releasing the remaining portion of the Performance Bond provided to the City in January of 2021. The City is in receipt of the required Certification of the project by the Engineer of Record. Upon acceptance of the Public Improvements by the Council, the Developer is required to provide maintenance security in the amount of \$102,095.20 for a 12-month maintenance period. This bond has already been paid. MR

6. Budget Information:
 Appropriation Required: **N/A**
 Budget amount available: **N/A**
 Fund name: **N/A**
7. Business Impact Statement: **NA**
8. Supplemental Agenda Information: **Project Certification by Thomas Ballew, P.E., High Desert Engineering**
9. Recommended Motion: **Conditional Acceptance of Public Improvements for the Tower Hill Phase 3 Subdivision with the noted exceptions.**
10. Prepared by: **Michele Rambo, AICP, Development Manager**
11. Committee/Other Agency Review: **None**
12. Council Action:
13. Agenda Distribution: **High Desert Engineering, LLC**
 Attn: Tom Ballew
 640 Idaho Street
 Elko, NV 89801

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



Consulting Civil Engineering
Land Surveying
Water Rights

May 3, 2021

Michele Rambo, Development Coordinator
City of Elko
1751 College Avenue
Elko, NV 89801

Re: Tower Hill Subdivision - Unit 3

Dear Michele,

Pleased be advised that the remaining public improvements for Tower Hill Subdivision Unit 3, as outlined in your letter of April 13, 2021, have now been completed.

Appendix A, attached, includes the remaining testing reports for this work as follows:

Thurston Testing Laboratory: Asphalt extraction, gradation and core testing.
RH Construction Services; Plantmix density testing.

Appendix B, attached, includes the Plantmix submittal for materials provided by Q&D Construction.

Based on a review of the inspections and testing performed by High Desert Engineering, LLC, Thurston Testing Laboratory and RH Construction Services, I hereby certify that, to the best of my knowledge, the public improvements for this project have been constructed in substantial conformance with the approved project plans and specifications.

Sincerely,
High Desert Engineering, LLC

A handwritten signature in black ink, appearing to read 'Thomas C. Ballew', is written over the typed name.

Thomas C. Ballew, PE, PLS

cc Scott MacRitchie, Jordanelle Third Mortgage
Steve Dorsa, Ruby Dome, Inc.

**Elko City Council
Agenda Action Sheet**

1. Title: **Review, consideration, and possible action for a determination from City Council on how to control public access to the golf course ponds, and matters related thereto. FOR POSSIBLE ACTION**
2. Meeting Date: **May 11, 2021**
3. Agenda Category: **UNFINISHED BUSINESS**
4. Time Required: **15 Minutes**
5. Background Information: **The ponds were lined in the fall of 2020 and then refilled with water. Since that time there has been two instances where animals have gone into the ponds and could not get out without assistance from the owners. Once the owners of the animals entered the ponds they were also unable to exit the pond without assistance.**

City Staff has implemented further safety measures in response to these incidents.

- **Added additional warning signage around the ponds.**
- **Raised the pond level 24" to reduce the amount of exposed liner on the banks.**
- **Attached safety ladders around the ponds banks and life rings at these points.**

NDEP has determined it is the City's responsibility to control public access to the ponds since this is a publicly owned course. Staff is requesting determination from City Council on how they would like to control public access. DJ

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: **Email from NDEP, Pond Presentation**
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:

Dale Johnson

From: Mark Kaminski <mkaminsk@ndep.nv.gov>
Sent: Monday, April 19, 2021 6:34 PM
To: e.lattin@blackdolphinsnv.com
Cc: Dale Johnson
Subject: RE: Golf Course Ponds
Attachments: PermitFinal_PermitNumNS0020014_DTS07_18_2018.pdf; FactSheetFinal_PermitNumNS0020014_DTS07_18_2018.pdf; 2020-003_Elko Ruby View Golf Course Effluent Management Plan_07202020_Final.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

The City of Elko WRF supplies Category "B" reclaimed water. The water is acceptable for landscape irrigation without a public buffer zone provided that public access to the area of use is restricted during irrigation hours; and human contact with the reclaimed water cannot reasonably be expected to occur (NAC 445A.2764). Storage ponds must be posted as per the approved Reclaimed Water Management Plan (e.g., Keep Out – Don't Contact the Water).

Given that the course is a city-managed fee site, the city can consider restricting use of the course only to patrons who pay the daily greens fee. Dogs must be kept out (i.e., not a dog park). Discuss with local animal control if the pet owners can be cited for not obeying the local leash laws and allowing their pets to enter restricted areas, including lined, storage ponds.

The course's storage ponds are not fenced, and responsibility for keeping out people and pets is the City of Elko's since it is a publicly owned course.

Regards,

Mark

Mark A. Kaminski, P.E.
Professional Engineer
Technical, Compliance & Enforcement Branch
Bureau of Water Pollution Control
Nevada Division of Environmental Protection
Department of Conservation and Natural Resources
901 S. Stewart Street, Suite 4001
Carson City, NV 89701

mkaminsk@ndep.nv.gov
(O) 775-687-9424
(M) 775-315-4201



From: e.lattin@blackdolphinsnv.com <e.lattin@blackdolphinsnv.com>
Sent: Monday, April 19, 2021 3:56 PM
To: Mark Kaminski <mkaminsk@ndep.nv.gov>
Cc: 'Dale Johnson' <djohnson@elkocitynv.gov>
Subject: Golf Course Ponds

Mark,

Hope all is well. The City of Elko is having issues with people walking on the golf course and either they or their dogs going into the ponds. Is there any restrictions as far as what the City can do to prevent this? Can they install a fence? Can they shoot on site? You understand what I mean.

Thanks.

Eric Lattin, P.E.
President

Mobile: 775-934-5114

Email: e.lattin@blackdolphinsnv.com

P.O. Box 2561, Elko, NV 89803



Golf Course Effluent Ponds

Effluent Pond #1



Effluent Pond #2



Background to Pond Lining Project

City Of Elko Well Head Protection Plan

The basic idea of wellhead protection is to reduce the risk of ground water contamination by managing potential sources of contamination. A 3,000 foot radius or a 5-year travel time capture zone for shallow, unconfined or semi-confined aquifers. NDEP required the ponds to be lined, due to the proximity of the potable water well.




Area of Leak in Pond # 1 - Gravel Base was exposed below the surface of the accumulated mud, no visible clay layer found in this area.

Visible and Intact Clay Liner
Leaking 71,428 GPD - 2976 GPM
Leaked Over 1,000,000 Gallons in 14 Days




How did we get here?

Ponds were constructed and lined according to the approved NDEP plans and specifications in fall of 2020, and initially filled with potable water from Well 20. Final Acceptance was approved at the Regular Scheduled Council Meeting November 10th 2020.



March 2021, the City was notified that there were two instances where citizens entered the ponds to retrieve their dogs. Upon entering the ponds, the dogs nor their owners could exit the ponds without further assistance.



At the regular Scheduled City Council Meeting on April 13th, staff requested that council establish a policy decision for fencing the ponds to protect the public. Council requested staff to look into alternative methods and requested further direction from NDEP. NDEP has given the City leeway to use whatever means to keep people and pets out of the ponds.

Alternative # 1- Slope Steps

Customizable for all liner systems.

Will not puncture liner system.

Multiple sets can be installed.

OSHA Approved.

Cost effective at \$1080 for each set.



Alternative # 2 – Slope Netting

Utilizes a heavier weighted net with weighted bottom.

Ground level posts with cable to secure the net.

Net would be 10' long from anchor point and placed in the water.

Entire perimeter of pond would have netting.

Pond 1 estimated cost \$81,000
Pond 2 estimated cost \$70,000



Alternative # 3 – Fence Netting

Installation height of 3', 4', or 5'.

Can be installed below rock shelf of ponds.

Will be visible outside of rock shelf.

Pond # 1 estimated at \$86,000.
Pond # 2 estimated at \$75,000.



Alternative # 4 – Fence Netting Built by Staff

Installation height of 42"

4" Wooden post on 8' centers.

1" Suspension rope with lashing cord for top and bottom rail.

42" Polyester netting
2-1/4" to 3" square mesh
3/8" diameter.

Total material cost estimated at
\$30,000 for both ponds. Staff
labor not included.



Alternative # 5 – Suspended Pond Netting

5" steel posts 5' tall.

Posts 25' on center.

Cables span pond every 25'.

Rope bound 1 3/4" mesh snapped to cable.

Netting across entire pond and all sides.

Pond 1 Est. at \$180,000
Pond 2 Est. at \$165,000



Alternative # 6 – Pet Friendly Escape Ramps

Doggydocks were built for boats, docks, and pools.

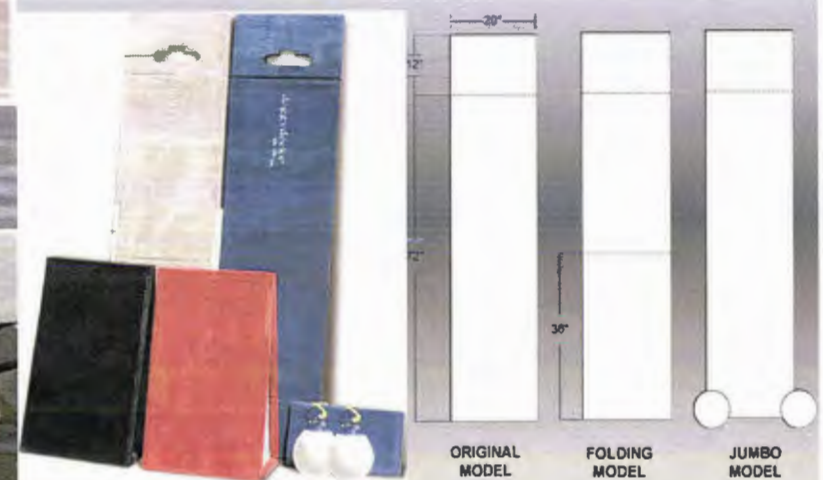
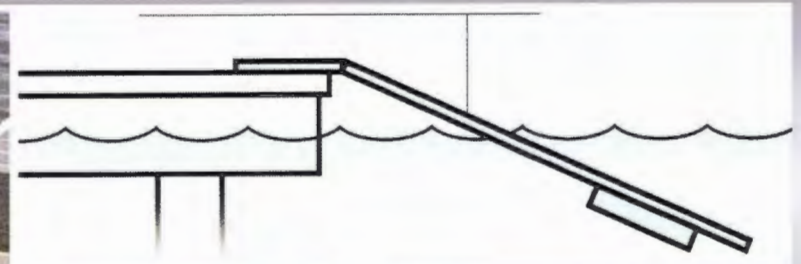
Designed for any size or breed of dog.

Doggydocks allow dogs easy access out of the water.

Doggydocks ramp dimensions:
72" x 20" Weight: 28 lbs.

Can be secured to a concrete base on the side of the pond.

Doggydocks are cost effective at \$499.00 each.



Alternative # 7 – Dog-On Water Ramp

Pet ramp designed for easy water access or egress.

Easily attaches to many types of structures.

Available April 2021.

Cost is to be determined.



Discussion



Staff recommendations.

Questions, comments, & concerns.

Policy determination & direction to staff.

**Elko City Council
Agenda Action Sheet**

1. Title: **Review, consideration, and possible approval of a Settlement Agreement and Release of Claims with Zach Woster, Chad Woster and Mercedes Woster based on a November 10, 2019 vehicle accident, and matters related thereto. FOR POSSIBLE ACTION**
2. Meeting Date: **May 11, 2021**
3. Agenda Category: **NEW BUSINESS**
4. Time Required: **10 Minutes**
5. Background Information: **On November 10, 2019, Zach Woster sustained injuries when the vehicle he was driving collided with a fire truck driven by Robert Lino at the corner of Fifth and Idaho Streets. Mr. Lino, a volunteer firefighter with the City of Elko Fire Department, was responding to a call at the time of the collision. The fire truck was owned by the Nevada Division of Forestry and provided to the County and the City by means of interlocal agreements. The vehicle driven by Zach Woster was owned by his parents, Chad and Mercedes Woster. No lawsuit has been filed in relation to the collision. As a result of settlement discussions, Zach, Chad and Mercedes Woster have agreed to release their potential claims in exchange for \$150,000, to be apportioned between the City and the County. CC**
6. Budget Information:
 Appropriation Required: **NA**
 Budget amount available: **NA**
 Fund name: **NA**
7. Business Impact Statement: **Not Required**
8. Supplemental Agenda Information: **Settlement Agreement and Release of Claims.**
9. Recommended Motion: **Approve the Settlement Agreement and Release of Claims included in the agenda packet and authorize the Mayor to execute the Agreement on behalf of the City.**
10. Prepared by: **David Stanton, City Attorney**
11. Committee/Other Agency Review: **City Manager**
12. Council Action:
13. Agenda Distribution:

**Elko City Council
Agenda Action Sheet**

1. Title: **Review and possible award of an advertising proposal from Lamar Airport Advertising to provide for the advertising within the airport terminal, and matters related thereto. FOR POSSIBLE ACTION**
2. Meeting Date: **April 11, 2021**
3. Agenda Category: **NEW BUSINESS**
4. Time Required: **5 Minutes**
5. Background Information **On March 9, 2021 Council authorized Staff to solicit proposals for the Airport Advertising Concession Agreement. Proposals were opened April 23, 2021. The airport received one (1) proposal from Lamar Airport Advertising. Lamar Airport Advertising is the current concessionaire for the airport.**
6. Budget Information:

Appropriation Required: N/A
Budget amount available: N/A
Fund name: N/A
7. Business Impact Statement: **NA**
8. Supplemental Agenda Information: **Lamar Airport Advertising Submittal**
9. Recommended Motion: **Move to accept the proposal from Lamar Airport Advertising for the Airport Advertising Concession and authorize staff to negotiate a five (5) agreement to be presented to City Council at a future date.**
10. Prepared by: **Jim Foster, Airport Manager**
11. Committee/Other Agency Review: **N/A**
12. Council Action:
13. Agenda Distribution: **Shauna Forsythe**
Director of Business Development
sforsythe@lamar.com

Ted Mann
Vice President / General Manager
Airports & Transit - West
tmann@lamar.com



AIRPORT ADVERTISING

April 23, 2021

City of Elko | Elko Regional Airport
1751 College Avenue
Elko, Nevada 89801

RE: RFQ for the Advertising Concession for the Elko Regional Airport

Dear Ms. Wooldridge and Airport Manager Foster,

Lamar Airport Advertising is pleased to submit the attached Statement of Qualifications in response to the City of Elko's Request for Qualifications.

We have been a proud advertising concessionaire for the Elko Regional Airport since 2011. We know your market, understand your goals and have delivered a first-class advertising program and over \$700,000 in commensurate revenues to date.

Additionally, the airport has benefited from the leadership of Sandy Clark, Elko's Market Manager, who has more than 20 years' experience in airport advertising sales and operations, including the last 10 with Elko Regional Airport. Our team also includes Ted Mann, our Regional Vice President for Lamar Airports, who is in place to ensure we deliver a curated, best-in-class service experience to our airport customers.

As the economy begins to emerge from the effects of the COVID-19 pandemic, we believe Lamar is in the strongest position of any airport advertising firm to drive sales back to pre-pandemic levels. Throughout the pandemic, Lamar delivered higher revenues per airport than many, and we anticipate getting back to 2019 sales levels as early as next year.

We also look forward to guiding conversations about upgrading the airport's advertising displays and enhancing the airport's digital program. We have extensive experience and successful case studies that underscore our expertise in implementing new assets and technologies to create added value and unique amenities for your passengers and visitors, as well as new revenue streams to boost your bottom line.

Every one of our airport customers is special to us, and we want to continue to bring to bear every asset of ours that will benefit Elko Regional Airport. Our strong corporate culture, personalized one-on-one approach, and core values set us apart and foster our success, which in turn becomes your success. We excel at what we do, and we operate with honesty, integrity and transparency in all aspects of our business. We place a high premium on those values and on long-term partnerships with airports like Elko. We look forward to earning your business once again and continuing our partnership in the coming years.

Sincerely,

A handwritten signature in dark ink, appearing to read "Ted Mann", with a stylized flourish at the end.

Ted Mann
Vice President, Western U.S. Territory
Lamar Airport Advertising
5321 Corporate Blvd. | Baton Rouge, LA 70808
(225) 926-1000 General | (503) 849-0703 Direct
tmann@lamar.com



STATEMENT OF QUALIFICATIONS

Experience

Financial Responsibility

Marketing Strategy

Innovation and Concepts

Management Plan

Expected Gross Sales

"A successful advertising program must reflect the spirit of our community, generate revenue and help us make each passenger's experience memorable. Lamar does it right."

*Robert Miville
Concessions Group Manager
Dallas Love Field Airport*

EXPERIENCE

Lamar Airport Advertising brings two decades of experience maximizing revenues for airport partners throughout the U.S., while delivering on a promise of exceptional quality and customer service.

Lamar Airport Advertising is a wholly owned subsidiary of Lamar Advertising Company, a multi billion-dollar media powerhouse. Lamar Advertising was founded in 1902 by Charles W. Lamar, Sr. and J.M. Coe. The company started from humble beginnings: it was originally the Pensacola Advertising Company, a small poster company responsible for promoting the Pensacola Opera House.

Today, Lamar is a publicly traded company with nearly 800 local, regional and national sales professionals who sell and manage advertising assets for airports nationwide; over 360,000 billboard displays and 3,500 digital billboards; transit stations; bus and light rail; and interstate logos across the U.S. The combined net revenue for 2019 was \$1.75 billion.

Lamar's Airport division includes managing advertising programs for airports ranging from "top 10" and medium-sized hubs and O&D airports to smaller regional airports. Pre-pandemic, over 200 million travelers annually saw Lamar's advertising and sponsorship displays, and we have generated over \$300 million in ad revenues for our airport partners during the past two decades. Growing annually in quantity of airports and ad revenue, the Airport division's 2019 gross revenue exceeded \$41 million.

We currently manage airport contracts for 24 U.S. airports, and, as such, clearly exceed the minimum requirements of the airport to deliver a first-class advertising program. See the next page for our current portfolio of airport assets, including annual passenger counts and revenues.

"Lamar has established a strong reputation for enabling airports across the country to derive maximum value from their advertising infrastructure while, at the same time, providing brands with an opportunity to reach the traveling public in creative and innovative ways."

Steve Milburn
Manager, Properties, Concessions & Business Development
San Antonio International Airport

LAMAR

Lamar Airport Advertising Portfolio

MARKET	CODE	2019 PAX	2019 REVENUE
Amarillo, TX	AMA	740K	\$126,000
Birmingham, AL	BHM	3.0M	\$436,000
Boise, ID	BOI	4.1M	\$941,000
Buffalo, NY	BUF	4.8M	\$1,141,000
Buffalo Niagara, NY	IAG	200K	
Burbank, CA	BUR	5.9M	\$1,701,000
Dallas Love, TX	DAL	16.7M	\$2,787,000
Elko, NV	EKO	36K	\$99,000
Gulfport-Biloxi, MS	GPT	675K	Awarded 4/21
Indianapolis, IN	IND	9M	Awarded 1/21
Las Vegas, NV	LAS	51.5M	\$17,260,000
Louisville, KY	SDF	4.2M	\$1,022,000
Madison, WI	MSN	1.9M	\$363,000
Mesa, AZ	AZA	1.8M	Awarded 3/20
Monterey, CA	MRY	400K	\$214,000
Myrtle Beach, SC	MYR	2.2M	\$346,000
Orange County, CA	SNA	10.6M	\$2,423,000
Palm Springs, CA	PSP	2.3M	\$953,000
Phoenix, AZ	PHX	46.3M	\$4,588,000
Portland, OR	PDX	19.9M	\$1,229,000
Punta Gorda, FL	PGD	1.6M	\$354,000
Salt Lake City, UT	SLC	26.2M	\$1,276,000
San Antonio, TX	SAT	10.3M	\$968,000
Spokane, WA	GEG	4.1M	\$807,000
Tampa, FL	TPA	22.0M	Awarded 4/20



At the local level, General Manager Sandy Clark leads the team that will continue to serve the airport. She has over 20 years' experience in airport advertising, including the last 10 managing Elko Regional Airport's concession.

Regionally, Lamar Airport Advertising maintains divisional offices in Portland, Salt Lake City, Las Vegas, Dallas and Atlanta. Division managers reside in each of these offices and travel extensively among all our airport markets.

Our corporate office in Baton Rouge, Louisiana houses hundreds of employees that support our field offices and their customers. Corporate functions include finance and accounting, investor relations, marketing, research & development, IT, legal, national sales, graphic design and large format & 3-D printing.

"They (Lamar) stay on top of not only where we are as a city and an airport, but where we're going. They've been a real partner with McCarran and our city's tourism leaders since they were awarded the contract in 1999.... They truly understand the meaning of "customer service."

Rosemary Vassiliadis
Director of Aviation
McCarran International Airport

FINANCIAL RESPONSIBILITY

Lamar Corporation is the most financially stable U.S. company in airport advertising today, and likely the most stable in the broader Out of Home advertising industry. As a \$7.5 billion enterprise business, Lamar meets the strict financial guidelines of a publicly traded company (NASDAQ: LAMR) and includes an Airport Advertising division that gross billed more than \$41 million in 2019. We have never declared bankruptcy or participated in any other legal proceedings related to our financial condition.

As such, Lamar can offer Elko Regional Airport peace of mind that we have ample resources to finance, develop and operate the advertising display concession. We also have a working line of credit with an accredited banking institution.

Our annual reports (Form 10-K), quarterly reports (Form 10-Q) and amendments to those reports dating back to 2011 can be found on our website at the following link:
<http://www.Lamar.com/About/Investors/Reports>

We prepare all financial statements in accordance with generally accepted accounting principles and operate with full transparency and accountability in our financial dealings with our airport partners, advertisers, creditors, vendors and employees.

Banking References:

Bank/Financial Institution:

JPMorgan Chase Bank
Bobby Hamilton
Executive Director, Middle Market Banking
451 Florida Street, Suite B110,
Baton Rouge, LA 70801
(225) 332-7971
bobby.hamilton@chase.com

Bank/Financial Institution:

Hancock Whitney Bank
Greg Scott
Senior Vice President
445 North Boulevard, Baton Rouge, LA 70802
(225) 381-0429
greg.scott@whitneybank.com

"As an operator, Lamar Airport Advertising constantly monitors its promotion strategies and mediums and adapts them to reflect changing trends and the evolving passenger profile at McCarran International Airport. They have steadily increased advertising revenue since they began operations here in 1999. We are extremely pleased with their performance."

Scott Kichline
Assistant Director — Aviation
Business/Commercial Development
McCarran International Airport

MARKETING STRATEGY

Lamar is singularly focused on being the best airport advertising company in the country. And we are eager to continue our partnership with Elko Regional Airport.

Lamar is proud of our 20+ years in the airport advertising industry, our 10 years with Elko Regional Airport and our proven ability to maximize sales at the local, regional and national levels.

Sales Structure: Local-Regional-National Approach

Our unique organizational structure, namely balancing a regionally based dedicated sales executive with extensive regional and national assets, has proven time and time again to be a winning formula for maximizing revenues for our airport partners. This allows us to marshal our total resources and leverage our expansive networks of advertising contacts to the airport's benefit, while never compromising on the personal touch, service and quality for which we are known.

Your dedicated Elko team strategically sells airport assets within the guidelines established by your city and airport leadership. They provide management of all marketing and sales initiatives, along with coordinating installation and maintenance. The team is entrenched and interwoven into the fabric of your communities, working directly with advertisers, overseeing operations, nimbly adjusting to changing market trends or opportunities, participating in local tourism, business and cultural councils, and being very visible – and responsive – to airport management.





Having a dedicated sales executive allows us to see opportunities in the community, such as upcoming special events, to leverage for additional media sales. We have successfully marketed to the National Cowboy Poetry Gathering, the National Basque Festival, Balloon Fest and the Elko Mining Expo in the past.

Regionally and nationally, Lamar is in a position of strength and brings that to bear in our partnerships with each airport. As one of the largest media companies in the country, Lamar has more sales opportunities with national advertisers than many of our competitors. Deep relationships have been forged for over a century and continue today with Lamar's senior-level National Sales executives – a 50-person team – calling on buyers, presenting proposals and educating them on the unique benefits of our specific airport programs. Additionally, Lamar's regional sales teams in the Western, Mountain and Midwest offices, along with our sales managers selling into Las Vegas, are well positioned to drive regional business to Elko.



"We have found Lamar to be a highly professional, innovative and reliable partner with a strong local management team. Since taking over the contract, Lamar has steadily increased advertising revenue."

Mike O'Dell
Deputy Director
Boise Airport

LAMAR

INNOVATION AND CONCEPTS

Lamar has a track record of introducing innovations at airports that drive revenues and engage passengers.

The success of an airport advertising program is directly related to the quality and type of advertising assets it offers. We work hand in-hand with our airport partners to regularly identify areas for improvement, such as upgrading displays, reducing clutter, and integrating new technology as it becomes available.

We want to make a positive and lasting impression on Eko travelers, with high-visibility advertising locations and displays that capture their attention, create an engaging customer experience and boost customer satisfaction. But we also understand the need to balance technology and upgrades with the aesthetics of the airport.

Through the past 20 years we have created and implemented more engaging passenger experiences than we can list, but we have showcased some highlights on the following pages. Please note that we have extensive experience constructing advertising displays and other physical assets that are ADA compliant.



Ontario International enjoys new digital signs in the concourses

Digital Applications & Emerging Technologies

Lamar has an entire corporate department – our Innovation Lab – that continually reviews, develops and tests emerging technologies, understanding that advertisers and brands want to both clearly deliver their message and reach consumers in trackable ROI ways. From digital displays and interactive kiosks to data capture and consumer targeting, we have the track record and team in place to maximize the customer experience and drive revenues.

A few examples: We can identify and collect phone numbers and data and market trends and monitor audiences in real-time. We are capable of enhanced digital sign content delivery. We can provide facial recognition; social media interaction; geo-fencing; and real time monitoring of audience response.

While we have all the “tools” to drive engagement throughout the traveler’s journey, we are mindful of your customers’ privacy and the data governance that airports require. In any discussion of digital applications, we will meet with you and discuss regulations your IT staff and leadership have in place, understanding that there is a balance between reaching the traveler with meaningful content and offers and collecting personal data.



Facebook surprised & delighted passengers with a short term, interactive exhibit in Phoenix.



A sponsored interactive display in Dallas Love Field brought a charging amenity to travelers while highlighting the advertiser’s products.



Lamar’s Sponsored Pet Relief room at PDX.



An interactive display showcases the client’s product and provides a work space for travelers.

Experiential Displays

Lamar has created revenue producing displays that enhance the passenger's experience across our airport portfolio, including interactive product sampling booths during key sporting events; sponsored parking promotions; product launches; and seasonal promotions with national brands.

- NFL Super Bowl
- MLS Soccer Championships
- NBA Allstar Game
- MLB Spring Training
- College Football Championship
- College Bowl Games
- College Final 4
- NASCAR
- 1,000s of Convention Displays
- Movie Releases
- Experiential Booths
- Product Launches
- Holiday Interactive Events

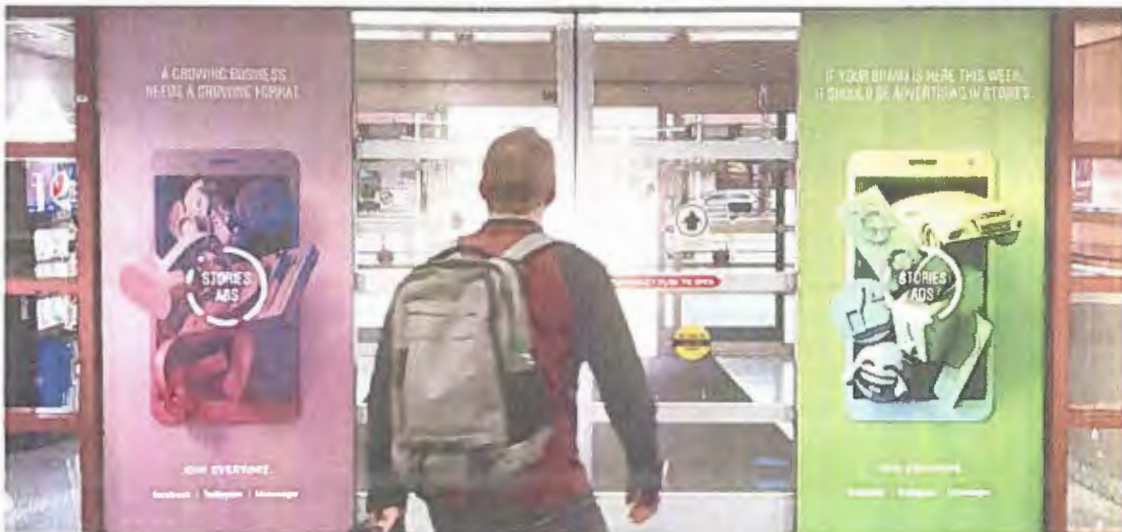


Sponsorships

Lamar also excels at creating and selling sponsorships of passenger amenities or specific dwell areas in our airports. These sponsorships bring supplemental advertising income without adding clutter:

- WiFi
- Network Broadcast
- Charging Stations
- Work Stations
- Selfie Stations
- Pet Relief Areas
- Hand Sanitizers
- Nursing Stations
- Flu Shot Clinics
- Valet Parking
- Children's Play Areas
- Common Use Boarding Pass/ Kiosks
- Movie Studio Welcome

Other unique amenity-focused sponsorships include in-gate broadcasts, measured walking trails within concourses, venue presenting sponsorships, common use boarding pass backs, dedicated digital walls and kiosks – the list is extensive and is customized to our airport partners' goals. Sponsorships are created very strategically and have featured community services or businesses and national brands.



Case Study: SNA (John Wayne Airport | Orange County, California)

John Wayne Airport needed more digital, less static, a cleaner appearance and a wayfinding solution that wouldn't impede foot traffic in an already crowded linear terminal. Lamar developed an innovative plan that met every need and provided the opportunity for revenue growth without clutter.

MUFIDS: SNA's MUFIDS included flight information and a static terminal map. Lamar redesigned the locations to include FIDS; a digital terminal map overview, two wayfinding touch-screens listing concessions/menus/terminal amenities/walking directions/airport branding and a 75" digital advertising screen. Meeting the RFP requirements for additional wayfinding throughout the terminal, Lamar added iPad touchscreen wayfinding information mounted on every FID in the concourses. The touchscreen and iPad wayfinding at John Wayne is completely ADA compliant. Without exception, every fixture or touchscreen installed by Lamar across our airports meets or exceeds ADA, fire, safety, seismic, and weight load regulations.



New digital displays in Terminal B

The aisles of the linear concourses were very crowded when gates were in use for arriving/departing flights. Lamar redesigned the gate markers (GIDS) and added digital units in both sides that simultaneously rotate synchronized advertising.

Finally, the baggage carousels had old, dusty silk plants that needed to be removed. Lamar handled the removal for SNA (alleviating the need for a bid process), replaced the surface with stainless sheets, and installed our digital advertising without the visual clutter that had existed



ADA compliant wayfinding iPads installed on every FID in the terminal



New digital gate markers (GIDS)



New digital gate markers (GIDS)



New digital displays in baggage claim.

MANAGEMENT PLAN

As noted earlier, Lamar's success in our airport markets stems largely from our dedicated local, regional and national teams and the expertise that each brings to Elko.

Brief summaries of the key individuals who will work with your Elko team are below.



**Ted Mann, Vice President,
Western U.S. Region**

- Ted has over 25 years of experience in out of home advertising sales, including digital and network sales, events and integrated sales and national sales.
- His current role includes responsibility for and oversight of airport contracts in the Western United States.
- Ted has a B.S. from the University of Oregon in Eugene, Oregon.



**Chris Trares, VP Sales,
Lamar Airports**

- Chris has 20 years of experience in media advertising sales, including the last four with Lamar Airport Advertising.
- His current role includes overseeing all training, resources and professional development of Lamar's team of airport sales representatives across the U.S., emphasizing each manager's role to professionally and passionately represent each airport within the local and regional advertising industry.
- Chris has a B.F.A. from the Southern Illinois University at Edwardsville.



**Sandy Clark,
Elko Market Manager**

- Sandy has 30 years of experience in sales and marketing, including 20 in airport advertising sales and operations.
- In her role, she oversees sales, communications, contracting, average market pricing and inventory control.
- Sandy maintains strong community involvement in tourism, economic development and aviation industry groups.



**Ryan Lewis, Director, U.S. Airport
Division Operations**

- Ryan has served as an operations manager and director for Lamar for 8 years. He has 14 years of experience prior to joining Lamar in operations and ownership of sign and graphics businesses.
- His current role includes directing all traffic and production managers, maintenance staff and vendors in the facilitation of contract fulfillment for all airport entities.
- Ryan has an associate degree in Business Management from Salt Lake Community College.



Jason Compton,
Sales & Campaign Coordinator

- Jason has served as the sales and campaign coordinator for Lamar Airports for the last two years. Prior to that, he worked as an advertising and marketing consultant and in sales.
- Jason coordinates and executes advertising campaigns for Western-based sales executives, working directly with advertisers and advertising agencies, as well as the airport contract administrators.
- Jason has a B.A. in Marketing from the University of North Dakota.



Cindy Blood, Director of Transit & Airport Business Affairs,
Eugene, OR

- Cindy has over 20 years' experience in managing business affairs for both transit and airport industries, including 15 with Lamar.
- In her current role, she supervises the team that manages billing, credit/risk management and collections for all advertising clients and vendors. She is responsible for preparing MAG and revenue-sharing reconciliation payments and interacts with all of Lamar's advertising agency partners.
- Cindy attended Lane Community College in Eugene, OR.

While the local Lamar team has the experience and authority to manage all Elko contract business, they are supported by hundreds of employees at the corporate and regional levels. These people provide support to our field offices, airport partners and advertising customers in the areas of:

- | | | |
|------------------------------------|--------------------|--------------------------|
| • Creative/Graphic Design Services | • Print Production | • Public Relations |
| • Market Research and Analytics | • 3-D Production | • Finance and Accounting |
| | • Innovation Lab | |
| | • Social Media | |



Lamar creates revenue producing areas that blend with the aesthetics of each airport, while not creating clutter or impeding foot traffic.

EXPECTED GROSS SALES

Today's aviation environment requires financial consistency and reliability like never before. It's vital that airports have well-grounded information regarding anticipated non-aeronautical income as they budget for current and future operations. Lamar Airports brings that stability to Elko Regional, having a decade of experience in your market, as well as in small to large airports nationwide for the last 20+ years. We are proud that our history shows nearly \$700,000 in total advertising revenue booked for EKO during our tenure.

Based on pre-pandemic and current revenues, and our ability to maintain the same regional sales manager who has sold your airport for ten years, we are confident in our stated projections. We believe they are reasonable, dependable and that the continued focus on Elko's key industries and special events will sustain these numbers even without significant passenger increases.

Lamar's projected annual sales revenue for EKO's new term are:

2021	\$85,000
2022	\$90,000
2023	\$95,000
2024	\$98,000
2025	\$98,500



Equipment upgrades and maintenance during the contract term.

Lamar proposes a continuation of the thirty (30%) percent revenue share be paid to Elko Regional Airport for the duration of the agreement. Following existing practices, a detailed report will be provided quarterly with payment of the airport's revenue share.

Lamar understands that the Airport owns the advertising fixtures and that there may be a need or desire to upgrade the equipment during our term. As we have done in the past, we will provide research, installation oversight, maintenance and budgeting reports for the City if requested. Financial arrangements can include pure oversight, or alternatively Lamar will fund new equipment (with pre-approval of equipment and installation costs) and either bill it back to the City or deduct the amount(s) over a set term of the quarterly revenue share payments until Lamar is reimbursed for EKO's project expenses. Our intent is to collaborate with you and provide the best mutual solution for upgrades and maintenance.

"It's all about local knowledge. No one understands the local market better than Lamar does."

John Miller,
Sr. VP of Sales & Sales Operations



The Gold Standard: Lamar Airport Advertising and the City of Elko

Lamar Airport Advertising stands at the ready to continue working hard for Elko Regional Airport in the years to come. We are proud to include EKO in our nationwide portfolio of airports, and we greatly value our partnership with your team.

We understand your goals, traditions and commitment to economic development. Throughout the past decade, we have built relationships with the city's and the region's key stakeholders, local businesses, and sponsors of the cultural and industry gatherings that are synonymous with Elko, Nevada.

Today, Lamar's goal is to continue to provide a dedicated focus for EKO for the next five to ten years. Our plan encompasses:

- Superior sales and marketing practices under the purview of our seasoned sales executive
- Presenting a strong brand and image of the region to arriving passengers, while reminding residents of the benefits of living in Elko through local and regional advertising
- Generating reliable bottom-line revenue
- Spotlighting the culture and community that make Elko one-of-a-kind
- Collaboratively working with your leadership to install and maintain the best advertising fixture solutions for the airport

Additionally, we support the use of local and small businesses, including DBEs, wherever possible. Furthermore, we are an equal opportunity employer; we do not and shall not discriminate on the basis of race, color, religion (creed), gender, gender expression, age, national origin (ancestry), disability, marital status, sexual orientation, or military status, in any of our activities or operations.

We look forward to a favorable decision and plan to build on the ten-year partnership and momentum we have successfully established with your team and the City of Elko.



**Elko City Council
Agenda Action Sheet**

1. Title: **First reading of proposed Ordinance 859 amending Sections 2-1-2 (Applicability) and 2-1-4 (Permits) of the Elko City Code relating to accessory buildings, and matters related thereto. FOR POSSIBLE ACTION**
2. Meeting Date: **May 11, 2021**
3. Agenda Category: **ORDINANCE**
4. Time Required: **10 Minutes**
5. Background Information: **Several sections of both the Building Regulations and Zoning Regulations address City requirements pertaining to accessory buildings, such as sheds. Staff has determined that these City Code provisions require further clarification. The City Council initiated changes to the appropriate sections at their meeting on April 13, 2021.**

The changes to the Building Regulations include the addition and/or modification of definitions pertaining to accessory buildings and clarification of what types and sizes of accessory buildings require a building permit. These amendments are being made in conjunction with proposed amendments to the Zoning Regulations, which are agendized separately on this agenda. 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: **Copy of Ordinance No. 859**
9. Recommended Motion: **Conduct first reading of Ordinance No. 859 and direct City Staff to set the matter for second reading, public hearing, and possible adoption.**
10. Prepared By: **Michele Rambo, AICP, Development Manager**
11. Committee/Other Agency Review: **Planning Department, Public Works Department, Engineering Department, City Attorney**
12. Council Action:
13. Agenda Distribution:

ORDINANCE 859

AN ORDINANCE AMENDING ELKO CITY CODE TITLE 3, SECTIONS 2-1-2 (APPLICABILITY) AND 2-1-4 (PERMITS) TO ADDRESS CHANGES TO THE REGULATIONS REGARDING ACCESSORY BUILDINGS IN RESIDENTIAL ZONING DISTRICTS AND OTHER MINOR CLARIFICATIONS

WHEREAS, with the City Staff has determined that revisions to the Zoning Regulations regarding accessory buildings, to include sheds, are necessary and appropriate at this time; and

WHEREAS, based on the foregoing, the City Council initiated Ordinance 859 at its meeting of April 13, 2021.

NOW THEREFORE, IT BE ORDAINED BY THE CITY COUNCIL OF THE CITY OF ELKO, NEVADA.

Section 1: Title 2, Chapter 1, Section 2 of the Elko City Code is hereby amended to read as follows:

2-1-2: APPLICABILITY:

A. General:

1. In the event of a conflict between any provision contained in a technical code, and any other provision of this Code, or State or Federal law, the other provision of this Code, or State or Federal law, shall prevail over the conflicting provision in the technical code. Where model codes adopted by reference in the technical codes conflict with this chapter, the provisions of this chapter shall control. There is a presumption that any matter regulated by this chapter is not regulated by a corresponding provision in a model code adopted by reference in this title.
2. In the event any provision of this Code is held to be illegal or void by a court of competent jurisdiction, all other provisions in this Code not thereby rendered illegal or void shall remain in full force and effect.
3. In the event different sections of this title contain conflicting requirements for the use of materials, methods of construction or other requirements, the most restrictive requirement shall control.
4. In the event of a conflict between a general requirement and a specific requirement, the specific requirement shall control.
5. The building official may consider manufacturer's instructions, specifications and recommendations in interpreting and applying the requirements of this title.
6. The context in which defined terms are used in this Code shall not affect their defined meanings, nor shall the listing of defined terms with overlapping meanings reduce the scope of or otherwise affect the defined meanings of those listed terms.

- B. Emergency Provisions: In the event of the declaration of a national, State, or local emergency by a governmental entity with such authority, the building official may waive or augment the provisions of this title during the period of emergency to the extent needed to protect public safety.

- C. Definitions: For purposes of this title, certain words, terms and phrases are defined as follows:

APPLICANT: A person who submits an application to the building official.

APPLICATION: A written request for a permit on a form approved by the City.

APPROVED INSPECTION AGENCY: A properly licensed person or business regularly engaged in conducting tests or furnishing inspection services in relation to one (1) or more aspects of work regulated by this chapter that has been approved to perform such tests or inspection services by the building official.

BUILDING: Any structure, regardless of whether it is affixed to real property that is used or intended for supporting or sheltering any human use or occupancy.

BUILDING, ACCESSORY: A detached, subordinate building on the same lot with a principal building or use, the use of which is customarily accessory and incidental to the main use of the principal building or use.

BUILDING, ACCESSORY, NON-PERMANENT: A detached building that is not attached to or set upon a permanent foundation, such as a greenhouse, garden shed, storage shed, or other building designed to store garden tools, bicycles, holiday decorations, or similar items and that is usually purchased at a retail establishment.

BUILDING, ACCESSORY, PERMANENT: A detached building attached to or set upon a permanent foundation and/or connected to utilities, such as a greenhouse, pole barn, garage, or other building designed to store household items and/or vehicles and that is usually built on-site.

BUILDING OFFICIAL: The officer or other designed authority charged with the administration and enforcement of this title, or a duly authorized representative. The term "building official" is synonymous with the terms "administrative authority", "responsible official", "Director", "chief inspector" and "authority having jurisdiction" as those terms are used in the model codes adopted by the technical codes.

BUILDING SERVICE EQUIPMENT SYSTEMS: Fuel-fired appliances and heating systems, emergency and standby power systems, electrical systems and equipment, mechanical refrigeration systems, elevators, stationary storage battery systems and commercial kitchen equipment incorporated into, connected to and/or affixed to buildings and structures.

CERTIFICATE OF COMPLETION: A document issued by the building official upon completion of any work for which a permit is required certifying that the completed work complies with the applicable provisions of this title. A Certificate of Completion does not authorize use or occupancy of a building or structure.

CERTIFICATE OF OCCUPANCY: A document issued by the building official certifying that work performed by a permittee is in compliance with this title and is in a condition suitable for the indicated use or occupancy.

CODE: The Elko City Code.

CONTRACTOR CONTACT LIST: A form provided by the building official that must be submitted with an application. The form requests the address where the work will be performed; the permit number; and the names of the design professional in responsible charge, owner/developer, architect, structural engineer, civil engineer, general contractor, electrical contractor, mechanical contractor and plumbing contractor, together with corresponding contact and licensing information.

DEFERRED SUBMITTAL: One (1) or more portions of the submittal documents that are not submitted at the time of the application, but which must be submitted to the building official between the time the permit is issued and the work described in those portions of the submittal documents commences.

DESIGN PROFESSIONAL: Unless specifically provided otherwise, a person who holds a professional license or certificate issued pursuant to chapter 623, 623A or 625 of the Nevada Revised Statutes, or a person primarily engaged in the practice of professional engineering, land surveying, architecture or landscape architecture.

DESIGN PROFESSIONAL IN RESPONSIBLE CHARGE: A person who holds a professional license or certificate issued pursuant to chapter 623, 623A or 625 of the Nevada Revised Statutes or a person primarily engaged in the practice of professional engineering, land surveying, architecture or landscape architecture who is responsible for reviewing and coordinating submittal documents prepared by others, including deferred submittal items, to ensure compatibility with the design of the building or structure and compliance with this title.

DWELLING, MULTIFAMILY: A building that contains three (3) or more dwelling units.

DWELLING, ONE-FAMILY: A building that consists solely of one (1) dwelling unit.

DWELLING, TWO-FAMILY: A building that consists solely of two (2) dwelling units.

DWELLING UNIT: A single unit providing complete and independent living facilities for one (1) or more persons, including permanent provisions for living, sleeping, cooking and sanitation.

EMERGENCY WORK: Work that must be performed immediately for the protection of the health or safety of people, or for the prevention of imminent harm to property, before a permit can reasonably be issued by the City.

FOUNDATION: A structure that supports a building or structure from underneath, typically made of stone or concrete.

GARAGE: A covered or enclosed outbuilding or part of a building designed for housing motor vehicles, boats, or trailers.

IMMINENT DANGER OR IMMINENTLY DANGEROUS: Any condition or practice within or in the vicinity of any building or structure or other real property creating a danger which could reasonably be expected to cause a health hazard, death or serious physical harm immediately or before the imminence of such danger can be eliminated through the enforcement procedures otherwise provided by this Code. The following conditions must be met before a danger becomes an imminent danger: 1) there must be a threat of death or serious physical harm, meaning that a part of the body is damaged so severely that it cannot be used or cannot be used very well; or 2) there must be a health hazard such that there is a reasonable expectation that toxic substances or other health hazards are present and exposure to them will shorten life or cause substantial reduction in physical or mental efficiency; provided, the harm caused by the health hazard does not have to happen immediately. To constitute an imminent danger, the threat must be immediate or imminent, meaning that the building official has determined that death or serious physical harm could occur within a short time, for example before City employees or other governmental officials could investigate the problem.

MANMADE EARTHEN FEATURES: Improvements to real property not constituting buildings or structures that are created through the movement, installation, removal, compaction or emplacement of soil, gravel, rock or other natural materials, to include ditches, levees, dams, impoundments, slopes, artificial rock outcrops or gravity retaining walls.

MODEL CODE: A Building Code or other code that is developed and maintained by a standards organization independent of the City pertaining to the design, construction, installation, demolition or modification of any improvement to a building, structure, building service equipment system, pool, spa, or other real property or improvement to real property.

ORDINARY REPAIRS: Repairs to buildings and structures caused by day-to-day wear and tear that are required to maintain the functionality of the building or structure. Ordinary repairs do not increase the value of capital assets, but merely preserve utility and/or value.

PERMIT: An official document or certificate issued by the City which authorizes performance of specific work.

PERMIT FEE: An amount of money charged by the City in connection with the issuance, renewal, modification or amendment of a permit, or any work performed by City personnel in connection with a permit, such as the review of submittal documents.

PERMITTEE: A person who has been issued a permit.

PHASE: A portion of the work that must be completed, inspected and approved before additional work may be performed by a permittee.

PLOT PLAN: A site plan.

PROJECT VALUE: The total cost to perform work authorized by a permit, including overhead and profit, but not to include the cost of real property, as determined by resolution of the City Council.

RESEARCH REPORTS: Documents prepared by experts, academic institutions, professional associations or others with generally- recognized credentials in the relevant field which explain or describe the requested alternative and which support the use of the alternative in lieu of the requirement contained in the Code.

SITE PLAN: An architecture, engineering, and/or landscape architecture plan drawn to scale showing the physical layout of the site, including the size and location of new construction and existing structures on the site, distances from lot lines, the established street grades, the proposed finished grades and, as applicable, flood hazard areas, floodways, design flood elevations, and any other information pertaining to the physical layout of the site required by the building official.

STOP WORK ORDER: A directive issued by the building official requiring a person or his or her contractors or agents to immediately suspend work. A stop work order may be issued to a permittee or other person performing work in violation of or without a permit.

STORAGE RACK: A structure composed of two (2) or more upright frames, beams, and connectors for supporting materials in storage.

STRUCTURAL CALCULATION: An accurate numeric determination of the amount of force that occur at specific locations of a structure, which are dependent upon the type of material, the amount of material and the number of members in a structure, and which are used, in part, to make the structure design safer and/or more efficient.

STRUCTURE: Something built or constructed that may be placed upon or affixed to real property for a purpose, such as storage or protection from the elements. The term "structure" includes, without limitation, a building, a non-permanentized mobile home or an unattached shed placed on skids.

SUBMITTAL DOCUMENTS: All documents specifically describing or pertaining to the work that must be submitted to the City pursuant to this title in order to obtain a permit, to include all documents listed on the applicable submittal requirement checklist.

SUBMITTAL REQUIREMENTS CHECKLIST: A form prepared by the City identifying documents or categories of documents that pertain to a particular type of work. Documents identified on a submittal requirement checklist may include civil, architectural, structural, electrical, plumbing and mechanical drawings; plans; specifications; maps; site drawings; construction documents, statements of special inspection and geotechnical reports relating to technical aspects of the construction, demolition or other activity that must be permitted pursuant to this title.

TECHNICAL CODES: Those City of Elko and model codes adopted in this title. Technical codes currently subject to this chapter include the City of Elko Building Code, Residential Code, Mechanical Code, Plumbing Code, Electrical Code, Energy Conservation Code, and Swimming Pool and Spa Code, together with all model codes therein adopted.

TESTS: Technical operations or procedures that determine one (1) or more characteristics of a given material, design, method of construction or of a piece of equipment according to a specified procedure that complies with industry standards.

TRUSS CALCULATION: An accurate numeric determination of the amounts of force that occur at specific locations of a truss design, which are dependent upon the type of material, the amount of material and the number of members in a truss, and which are used, in part, to make a building or structure design safer and/or more efficient.

UNSAFE CONDITION: A circumstance in which a building or structure, or any part thereof is structurally unsound, fails to provide adequate means of egress, creates a fire hazard, reduces fire resistance below that which is required by this title, causes a building service equipment system to become overloaded or exceed its rated capacity, creates a health hazard, or otherwise creates an unreasonable risk of harm to human life and safety.

WORK: The construction, erection, installation, production, activity, manufacture, labor or operation that goes into the making of any improvement to or alteration of real property, to include buildings, structures and building service equipment systems. ~~(Ord. 820, 7-11-2017)~~

Section 2: Title 2, Chapter 1, Section 4 of the Elko City Code is hereby amended to read as follows:

2-1-4: PERMITS:

A. General Permit Requirements, Emergency Work ~~A~~and Temporary Permits:

1. General Permit Requirements: Except as otherwise specifically exempted in this chapter, any person who performs work, to include any person who constructs, enlarges, alters, repairs, moves, demolishes or changes the occupancy capacity of a building or structure, or who erects, installs, enlarges, alters, repairs, removes, converts or replaces any building service equipment system, or who causes any such work to be done, shall first make application to the building official and obtain the required permit.
2. Work Performed Without Permit, Increased Fee: If work on any activity regulated by this title is commenced before the required permit has been issued and obtained, the person must immediately, upon notice by the building official, cease all work until the required permit has been issued and obtained. In the event a person commences work without the required permit and is ordered to cease work as a result, the person shall thereafter pay an amount equal to two (2) times the fee for the required permit before the permit may be issued.

B. Violations ~~O~~of Code ~~N~~ot Authorized ~~B~~y Permit; Authorities Not Waived: In no event shall the issuance of a permit constitute consent or authorization to violate any provision of this Code, nor shall the issuance of a permit constitute a waiver of any enforcement, regulatory or other authority held by a governmental entity.

C. Expiration ~~O~~of Permit; Extensions:

1. Permit Expiration: Except as otherwise specifically provided herein, every permit issued by the building official pursuant to this chapter shall automatically expire if the work authorized by the permit is not commenced within one hundred eighty (180) days from the date of issuance. The failure of a permittee to request an inspection from the date of the last inspection requested by the permittee or, if no inspection has been requested, one hundred eighty (180) days from the date the permit was issued, shall be deemed an abandonment of the work, whereupon the permit shall automatically expire.
 2. Permit Extensions: The building official may, on a case-by- case basis, grant one (1) or more extensions of time to complete the work authorized by a permit; provided, only a single extension may be granted if, after the date the permit was issued, there have been any amendments to those portions of the technical codes that are applicable to the proposed work. Each extension shall be for a period of not more than one hundred eighty (180) days. To apply for an extension, the permittee must submit a permit extension request on a form supplied by the City prior to the expiration of the permit then in effect containing an explanation of why an extension is needed, describing the diligent efforts the permittee has made to complete the work prior to the expiration of the permit and verifying that no changes have been made to the work that was approved by the permit.
- D. Suspension ~~Or~~ Revocation: The building official may suspend work through the issuance of a stop work order or may revoke a permit: 1) if the permit was issued in error on the basis of false, misleading, incorrect, inaccurate or incomplete information; 2) if the work authorized by the permit is being conducted in an unsafe manner so as to create an unreasonable risk of imminent harm to people; or 3) if the work authorized by the permit fails to comply with applicable Federal laws, State laws, to include all licensing requirements set forth in chapter 624 of the Nevada Revised Statutes, or this Code.
- E. Placement ~~Of~~ Permit: The permit or a copy of the permit shall be kept at the site of the work until completion of the work.
- F. Persons ~~To~~ Whom Permits May Be Issued, Waivers, Penalties: A permit may be issued to a contractor or homeowner performing work, provided the following corresponding criteria are satisfied:
1. Permit Issued ~~To~~ Contractor: A permit may be issued to a contractor who performs the work, provided the contractor holds an appropriate State contractor's license with the correct classification and, if applicable, sub-classification, and a City business license.
 2. Permit Issued ~~To~~ Homeowner: A permit may be issued to a homeowner for work on a single-family dwelling used exclusively by the homeowner for his or her occupancy, provided:
 - a. The homeowner has been granted an exemption to State contractor licensing requirements pursuant to Nevada Revised Statutes 624.031(4);
 - b. The homeowner is the owner of the real property on which the building or structure is to be built or improved;

- c. The homeowner applies for and obtains the required permits for the installation of any equipment affixed to the building or structure;
 - d. The homeowner signs the application and the "owner/builder" statement pursuant to Nevada Revised Statutes 278.573 acknowledging the homeowner's responsibilities as the applicant to supervise the work and to comply with all applicable laws, ordinances, building codes and zoning regulations; and
 - e. The homeowner agrees, in writing, that the residential building or structure will not be leased or sold within one (1) year after the issuance of the Certificate of Occupancy or Certificate of Completion, whichever is later.
3. Partial Work Waiver: Prior to the issuance of a permit by the building official, the City Manager may, upon submission of a request for a partial work waiver by a person proposing to perform work requiring a permit under this title, issue a partial work waiver allowing the commencement of the work. The application for partial work waiver shall describe the reason(s) why a partial work waiver is needed prior to issuance of the applicable permit, state the scope of work to be performed, state that the applicant has or will immediately apply for the permit required under this title and confirm that the applicant will, within ten (10) business days, correct any work performed under the partial work waiver that is determined by the building official to be in violation of this title or any approved plans. A partial work waiver issued under this section will specify the work that may be performed prior to the issuance of the required permit and will automatically expire within a specified number of business days from the date of issuance. If the person who is issued the partial work waiver fails to apply for a required permit or correct work as required by the building official to comply with the partial work waiver, the fee for the required permit shall automatically increase to an amount equal to two (2) times the fee for the required permit before the permit may be issued, together with any additional fees or penalties associated therewith.
4. Correction Of Non-Permitted Work: In the event any work is performed without a permit that was, at the time the work was performed, required by this title, the building official may at any time thereafter issue a notice of correction to the owner of the property describing the violation, stating any conditions that must be satisfied prior to the issuance of the required permit, listing any documents that must be submitted and stating the deadline for correction of the non-permitted work. The foregoing notice of correction shall be served on the owner of the property without regard to whether the owner actually performed the work. The requirement to correct noncompliant work shall apply to the present owner of the property upon which the work was performed without regard to whether the violation existed at the time the owner acquired the property or whether the work was performed by a contractor or other third party.
- G. Permit Exemptions: The following buildings, structures and other improvements to property are exempt from any permit requirements contained in this title:
- 1. Buildings ~~And~~ Structures: Except as otherwise provided in this subsection, no permit shall be required for the construction or installation of any of the following:

- a. A single one-story ~~detached accessory structure~~ non-permanentized accessory building used as a ~~tool or small greenhouse, garden shed, playhouse or similar use or other building designed to store garden tools, bicycles, holiday decorations, or a patio cover, carport, garage or similar-use items, provided so long as~~ the floor area does not exceed two hundred (200) square feet and ~~further provided the structure~~ building is not occupied as a dwelling unit, except as follows:

(1) Permits are required for the following:

- (A) ~~Additional detached accessory buildings or structures of any size when built in conjunction with a building or structure that is classified as a Group R, Division 3 one family or two family dwelling~~ Any building or structure not in conformance with Section G.1.a above; or
- (B) Any one-story detached accessory ~~structure~~ building located on any parcel used or zoned for any purpose other than ~~single-family~~ residential.

Notwithstanding the foregoing exceptions, all accessory ~~structures~~ buildings shall meet ~~all the minimum~~ setback requirements set forth in the City Code Title 3, Chapter 2 (General Zoning Code Ordinance).

- b. Temporary storage sheds and offices for specific construction projects, including construction trailers on active construction projects.
- c. Any Fences not over six feet six inches (6'6") in height ~~constructed of wood, vinyl or composite that are not part of a pool barrier~~.
- d. Fences not over four feet (4') in height measured from the bottom of the footing to the top of the fence constructed of block, brick, stone, rock or similar materials.
- e. Fences supported by a retaining wall (see subsection G1f of this section) when the overall height is less than six feet six inches (6'6") from the bottom of the retaining wall footing to the top of the fence.
- f. Retaining walls not over four feet (4') in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or tiered system, or impounding Class I, II or IIIA liquids.
- g. Oil derricks.
- h. Water tanks supported directly on grade if the capacity does not exceed five thousand (5,000) gallons and the ratio of height to diameter or width does not exceed two to one (2:1).
- i. Platforms, decks and similar structures not more than thirty inches (30") measured vertically to the grade below at any point within thirty six inches (36") horizontally from

any open edge and not permanently attached to any other structure. This applies only when built in conjunction with a structure that is classified as a Group R, Division 3 one-family or two-family dwelling.

- j. Walks and driveways located not more than thirty inches (30") above grade, not over any basement or story below and not part of an accessible route or means of egress.
- k. Painting, papering, tiling, carpeting, cabinets, countertops and similar finish work.
- l. Temporary structures, booths, sets, and scenery used for producing motion pictures, television shows, theater shows, stage shows and special events. These temporary uses may require permits under other codes, such as the International Fire Code or other adopted regulations or ordinances.
- m. On-ground storable pools (as defined in the Swimming Pool and Spa Code) which are accessory to a single-family dwelling and in which the pool walls are entirely above the adjacent grade. Electrical and plumbing permits are required when any pool is permanently attached to electrical or plumbing services.
- n. Portable spas that are accessory to a single-family dwelling if all heating and circulating equipment is integral to the manufactured product.
- o. Swings and other playground equipment accessory to detached one- and two-family dwellings.
- p. Window awnings in Group R-3 and U occupancies, if supported by an exterior wall that does not project more than fifty four inches (54") from the exterior wall and do not require additional support. Awnings shall meet all setback requirements stated in the Zoning Code.
- q. Non-fixed and movable fixtures, cases, racks, counters and partitions not over five feet nine inches (5'9") in height and not containing electrical branch circuits.

Notwithstanding the foregoing exemptions, permits are required for the following:

- (1) Storage racks over five feet nine inches (5'9") in height.
- (2) Storage racks over eight feet (8') in height. As a condition precedent to the issuance of a permit, structural calculations shall be provided for all such storage racks.
- (3) Storage racks over twelve feet (12') in height measured to the top of any materials placed on the storage racks. As a condition precedent to the issuance of a permit, structural calculations shall be provided and a Fire Department "high piled" permit shall be issued for the storage racks.
- (4) Storage racks over six feet (6') in height which contain high hazard commodities require a Fire Department "high piled" permit, including, but not limited to, storage

racks, storage pallet racks, movable shelf racks and stacker racks in commercial and industrial buildings.

- r. Construction directly relating to the delivery of a utility service, built by a public utility company regulated by the Public Utilities Commission of Nevada or another State agency, or operating pursuant to a franchise or other agreement with the City. This exemption applies only to buildings, structures, or building service equipment systems directly used in utility generation or distribution and installed on recorded utility easements belonging to gas, power, telephone or other utility companies. This exemption does not apply to office buildings, grading, occupied support buildings or general site development.
- s. Construction work on property owned by any governmental entity to the extent State law specifically prohibits the City from requiring a permit.
- t. Improvements, such as traffic lights, streets, curbs, gutters, sidewalks, drainage facilities and bus stops, constructed on public property or in a public easement or right-of-way.
- u. Minor repairs of interior or exterior lath or drywall, provided:
 - (1) No framing needs replacement or repair;
 - (2) The repaired area of lath or drywall does not exceed thirty (30) square feet in area; and
 - (3) The area of repair is not a fire-resistance-rated assembly comprised of more than one (1) layer of wall board on each side or any special material(s) necessary to maintain the required fire-resistance rating of the assembly (i.e., fire-stopping of penetrations).
- v. Replacement of exterior or interior doors, hinges, hardware or decorative trim, provided the following conditions are met:
 - (1) The replacement door is of the same size and type;
 - (2) The replacement door does not require any modification to existing wall framing;
 - (3) The existing door is not a component of a fire-resistive rated construction element; and
 - (4) The existing door is not a required means of egress.
- w. Replacement of exterior or interior window glazing, provided the following conditions are met:
 - (1) The replacement window glazing is of the same size, type and thickness;

- (2) The replacement glazing does not require any modification to existing wall framing or window frames;
 - (3) The existing glazing is not a component of a fire-resistive rated construction element; and
 - (4) The existing glazing is not required to be safety-glazed.
- x. Repair of less than thirty two (32) square feet of stone or brick veneer if the damage is less than six feet (6') above the adjacent grade.
 - y. Work required to render a building or structure stable following damage from fire, wind, water, vehicle impact, or other causes and to clear the site of damaged materials to allow inspection to ascertain the scope of required repairs, when authorized by the building official.
 - z. Replacement of roof covering materials and re-roofing materials, other than tile roofing, so long as no structural components are repaired and no more than sixty four (64) square feet of roof covering material is replaced.
2. Signs: No permit shall be required for any of the following work with respect to signs:
- a. One (1) painted or printed non-illuminated sign per street address, placed on the exterior wall of a structure, not projecting out more than three inches (3") and not exceeding three (3) square feet in area.
 - b. Real estate signs, provided: 1) the signs are removed within seven (7) days of the sale, rental or lease of the property upon which the signs are placed; 2) the signs do not exceed thirty two (32) square feet in area; 3) the signs are not higher than eight feet (8') above the adjacent grade; 4) the signs are not illuminated; and 5) the signs are set back at least ten feet (10') from all property lines.
 - c. Government-owned signs for traffic control, direction to public facilities, regulatory notice, warning or any other public purpose.
 - d. The changing of movable parts of a sign that is designed to be changed in that manner.
 - e. The following maintenance activities: repainting, repositioning or recovering of display matter; exact or functionally equivalent replacement of flashers, lamps, bulbs, ballasts, neon tubing, starters, neon transformers, wires or computer components; and cleaning or changing a part, so long as there is no structural change to the sign.
 - f. Construction signs having an area forty eight (48) square feet or less, or a height eight feet (8') or less above the adjacent grade, provided such signs are erected no more than sixty (60) days prior to construction, are confined to the site of construction, and are removed not more than thirty (30) days after the suspension or abandonment of work or completion of construction and prior to occupancy.

- g. Political signs; provided, nothing herein shall be interpreted as a limitation on any requirement to remove a political sign under Federal, State or local law.
- 3. Mechanical: No permit shall be required for the following mechanical work:
 - a. Portable heating appliances.
 - b. Portable ventilation appliances.
 - c. Portable cooling unit.
 - d. Portable evaporative cooler.
 - e. A closed system of steam, hot, or chilled water piping within heating or cooling equipment regulated by this Code.
 - f. Replacement of any component part or assembly of an appliance that does not alter its original approval and complies with other applicable requirements of this Code.
 - g. Refrigerating equipment that is part of the equipment for which a permit has been previously issued pursuant to this Code.
 - h. A unit refrigerating system as defined in the Mechanical Code.
 - i. Replacement of compressors of the same rating.
- 4. Plumbing: No permit shall be required for the following plumbing work:
 - a. The stopping of leaks in drains, soil pipes, waste pipes, or vent pipes.
 - b. The clearing of stoppages, including the removal and reinstallation of water closets.
 - c. The repairing of leaks in pipes, valves, or fixtures, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes, or fixtures.
 - d. Work pertaining to fuel tanks, either buried or above ground that is regulated by the Fire Code or the State of Nevada.
 - e. Work pertaining to landscape water sprinkler systems, except for the backflow prevention device at the point of connection to any potable water supply.
 - f. Installation or replacement of water softeners where pre-plumbing for the softener has already been installed.
 - g. Replacement of plumbing fixtures in the same location with a similar fixture and materials, provided no work is done other than the replacement of the fixture, the tail piece and/or the trap, and further provided the work does not penetrate the fire-resistive rated construction, including a fire-resistive rated concrete slab.

5. Electrical: No permit shall be required for the following electrical work:

- a. Minor repair work, including the replacement of lamps or the connection of approved portable motors or other portable appliances having an attachment plug end to be connected to an approved one hundred twenty (120) volt receptacle, when that cord or cable is permitted by the Electrical Code.
- b. Installation of electrical equipment used solely for radio and television transmissions, but not to include equipment and wiring for a power supply or the installation of towers and antennas.
- c. Repair or replacement of motors, transformers and controls within fixed approved appliances, provided replacements must be of the same type and rating, and in the same location.
- d. Installation and removal of temporary decorative lighting.
- e. Repair or replacement of current carrying parts of any switch, contactor or control device.
- f. Replacement of attachment plug receptacles, but not replacement of an outlet box.
- g. Repair or replacement of any overcurrent device of the required capacity in the same location.
- h. Repair or replacement of electrodes or transformers of the same size and capacity for signs or gas tube systems.
- i. Taping or wrapping of joints and splices.
- j. Removal of electrical wiring.
- k. Installation of temporary wiring for experimental purposes in laboratories.
- l. Installation of wiring for temporary theater, motion picture or television stage sets.
- m. Electrical wiring, devices, appliances, apparatus or equipment operating at less than twenty five (25) volts and not capable of supplying more than fifty (50) watts of energy.
- n. Installation of low energy power, control and signal circuits of Classes II and III (as defined in the Electrical Code) that are not part of a fire warning system, control wiring for emergency power systems, or smoke control system.
- o. Installation, alteration or repair of electrical wiring, apparatus or equipment, or the generation, transmission, distribution or metering of electrical energy or in the operation of signals or the transmission of intelligence by a public or private utility in the exercise of its function as a serving utility.

- p. Installation of wiring outside of buildings and structures by licensed cable television, telephone, or buried cable installers.
 - q. Replacement of lighting fixtures in dwelling units (to include one-family, two-family and multifamily dwellings), guest rooms and guest suites.
6. Grading Permit Exemptions: No permit shall be required for the following grading and similar work:
- a. Grading associated with agriculture within districts approved for agriculture.
 - b. Grading, excavating or filling cemetery graves.
 - c. Grading, excavating or filling refuse disposal sites controlled by other regulations.
 - d. Excavating for wells or trenches for utilities.
 - e. Mining, quarrying, excavating, processing or stockpiling rock, sand, gravel, aggregate or clay to the extent the activity is regulated by Federal, State or other local governmental entities, provided such activities do not affect the lateral support of or significantly increase stresses in soil on adjoining properties.
 - f. Performing exploratory excavations.
7. Repairs:
- a. Repairs Not Requiring Permit: No permit shall be required for the following ordinary repairs to buildings and structures:
 - (1) Replacement of lamps.
 - (2) Connection of approved portable electrical equipment to approved permanently installed receptacles.
 - b. Repairs Requiring Permit: Notwithstanding the foregoing exceptions, a permit shall be required for the following repairs:
 - (1) Addition to or removal, cutting away, rearrangement, modification or relocation of:
 - a) any wall, partition or portion thereof; b) any structural beam or load bearing support; c) any required means of egress or d) parts of a building or structure affecting egress.
 - (2) Addition to, alteration of, replacement of or relocation of any standpipe; water supply; sewer, drainage, drain leader, gas, soil, waste, vent or similar piping; or
 - (3) Addition to, alteration of, replacement of or relocation of any electric wiring, mechanical system or other work creating a risk of an unsafe condition.

8. Other Laws: No exemption from the permitting requirements of this chapter shall be construed as authorization to engage in or refrain from any activity in violation of any other provision in this Code, or any applicable Federal, State or local law or ordinance. All exemptions from the permitting requirements of this chapter shall be strictly construed.
- H. Emergency Work: Where emergency work must be performed without a permit, the permit application shall be submitted to the building official the next business day. Any emergency work performed before the permit is issued shall comply with the technical codes.
- I. Manufactured Structures: The City does not regulate the installation of manufactured houses, commercial coaches, travel trailers or recreational vehicles. Notwithstanding the foregoing, permits are required for the installation of all permanent exterior footings, foundations and elements outside the exterior perimeter of any building or structure.
- J. Application For Permit:
 1. Any person required to obtain a permit pursuant to this title shall first file an application on a form furnished by the City, together with the following documents and other information:
 - a. A description of the land on which the proposed work is to be performed, to include the street address (if any) and the assessor's parcel number.
 - b. If the building or structure is occupied by a tenant, the tenant's name and contact phone number.
 - c. The property owner's name and contact phone number.
 - d. If the work is to be performed by a contractor, the contractor's name, address, contact telephone number, fax number, email address, State contractor's license number, State contractor's license type and City business license number.
 - e. If a design professional is involved in the work, the design professional's name, address, email address, contact phone number, and fax number.
 - f. The type of permit(s) requested.
 - g. A detailed description of the work for which the permit is requested.
 - h. An estimate or calculation of the cost to perform the proposed work, including materials and labor.
 - i. A description of the planned use or occupancy of the building or structure.
 - j. The occupant load of the building or structure.
 - k. The square footage of the building or structure.

- l. A description of the type of construction that will be used to perform the work.
 - m. The signature and printed name of the applicant or the applicant's authorized agent.
 - n. A fully completed contractor contact list.
 - o. All submittal documents.
2. Applications (to include submittal documents and other required information) must be filed with the building official.
 3. If the application and submittal documents satisfy the requirements of this title, upon payment of all applicable fees, the building official shall issue the permit to the applicant.
 4. The permit, when issued, shall be for the work described in the application and no deviation shall be made from that work without the written approval of the building official, except as otherwise provided in this Code.
- K. Action **On** Application:
1. The building official will approve or reject applications submitted pursuant to this chapter within ninety (90) days. If the building official rejects an application, the building official will specify the reason(s) for the rejection.
 2. A permit issued pursuant to this chapter shall only be for the work described in the application. Except as otherwise provided and subject to any other limitations or restrictions in this chapter, no work beyond the scope of the work described in application shall be performed unless revised submittal documents are submitted to and approved by the building official.
- L. Contracting **For** Services: Nothing in this chapter shall prevent the City from contracting with third parties for plan review, engineering and other services related to reviewing and processing the application; provided, in no event shall the City delegate to a third party the authority to issue a permit or any other governmental function.
- M. Expiration **Of** Application; Extensions:
1. Application Expiration: In the event a person submits an incomplete application for any permit pursuant to this title, to include incomplete submittal documents, and thereafter fails to provide a complete application for a period of one hundred eighty (180) days after the date of filing the initial application, the application will thereupon automatically expire unless an extension has been granted in accordance with subsection M2 of this section.
 2. Application Extension: Provided there have been no amendments to those portions of the technical code that are applicable to the proposed work since the date of the initial application, the building official may, on a case-by-case basis, grant one (1) or more extensions of time to submit a complete application. Each extension shall be for a period of not more than one hundred eighty (180) days. To apply for an extension, the applicant must

submit a written statement prior to the expiration of the application then in effect containing an explanation of why an extension is needed and describing the diligent efforts the applicant has made to submit a complete application prior to its expiration. (~~Ord. 820, 7-11-2017~~)

Section 3: All ordinances or parts of ordinances in conflict herewith are hereby repealed, but only to the extent of such conflict

Section 4: If any section, paragraph, clause, or provision of this ordinance shall for any reason be held to be invalid, unenforceable, or unconstitutional by a court of competent jurisdiction, the invalidity, unenforceability or provision shall not affect any remaining provisions of this ordinance.

Section 5: Upon adoption, the City Clerk of the City of Elko is hereby directed to have this ordinance published by title only, together with the Councilmen voting for or against its passage in a newspaper of general circulation within the time established by law, for at least one publication.

Section 6: This Ordinance shall be effective upon the publication mentioned in Section 4.

PASSED AND ADOPTED this ____ day of ____, 2021 by the following vote of the Elko City Council.

AYES:

NAYS:

ABSENT:

ABSTAIN:

APPROVED this ____ day of _____ 2020.

CITY OF ELKO

BY: _____
REECE KEENER, Mayor

ATTEST:

KELLY WOOLDRIDGE, City Clerk

**Elko City Council
Agenda Action Sheet**

1. Title: **First reading of proposed Ordinance 860 amending Sections 3-2-2 (Definitions), 3-2-5 (Residential Zoning Districts), 3-2-6 (RB Residential Business District), and 3-5-4 (Uses Permitted and Minimum Standards) of the Elko City Code relating to accessory buildings, and matters related thereto. FOR POSSIBLE ACTION**
2. Meeting Date: **May 11, 2021**
3. Agenda Category: **ORDINANCE**
4. Time Required: **15 Minutes**
5. Background Information: **Several sections of both the Building Regulations and Zoning Regulations address City requirements pertaining to accessory buildings, such as sheds. Staff has determined that these City Code provisions require further clarification. The Planning Commission initiated changes to the appropriate sections at their meeting on April 6, 2021 and recommended that the City Council approve Ordinance 860 at their meeting on May 4, 2021.**

The changes to the Zoning Regulations include the addition and/or modification of definitions pertaining to accessory buildings, a reduction in required setbacks throughout all residential zoning districts, and other modifications designed to make the use and placement of sheds easier for both the City and its residents. These amendments are being made in conjunction with proposed amendments to the Building Regulations, which are agendaized separately on this agenda. 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: **Copy of Ordinance No. 860**
9. Recommended Motion: **Conduct first reading of Ordinance No. 860 and direct City Staff to set the matter for second reading, public hearing, and possible adoption.**
10. Prepared by: **Michele Rambo, AICP, Development Manager**
11. Committee/Other Agency Review: **Planning Department, Public Works Department, Engineering Department, City Attorney, Planning Commission**
12. Council Action:
13. Agenda Distribution:



CITY OF ELKO

Planning Department

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CITY OF ELKO PLANNING COMMISSION ACTION REPORT Regular Meeting of May 4, 2021

WHEREAS, the following item was reviewed and considered by the Elko City Planning Commission on May 4, 2021 under Public Hearing format, in accordance with notification requirements contained in Section 3-2-21(B)(1) of the City Code:

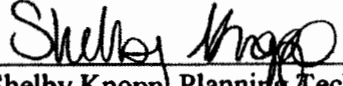
Zoning Ordinance Amendment 2-21, Ordinance No. 860, an amendment to the City Zoning Ordinance, specifically Sections 3-2-2 (Definitions), 3-2-5 (Residential Zoning Districts), 3-2-6 (RB Residential Business District), and 3-5-4 (Uses Permitted and Minimum Standards), and matters related thereto.

At the April 6, 2021 meeting, Planning Commission took action to initiate an amendment to the City Zoning Ordinance to address accessory building regulations in the sections listed above.

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 an ordinance, which approves Zoning Ordinance Amendment No. 2-21, specifically Sections 3-2-2 (Definitions), 3-2-5 (Residential Zoning Districts), 3-2-6 (RB Residential Business District), and 3-5-4 (Uses Permitted and Minimum Standards), with height limit changes to a maximum of 15 feet for non-permanent accessory buildings.


Cathy Laughlin City Planner

Attest:


Shelby Knopp Planning Technician

CC: Applicant
Kelly Wooldridge, City Clerk

ORDINANCE 860

AN ORDINANCE AMENDING ELKO CITY CODE TITLE 3, SECTIONS 3-2-2 (DEFINITIONS), 3-2-5 (RESIDENTIAL ZONING DISTRICTS), 3-2-6 (RB RESIDENTIAL BUSINESS DISTRICT), AND 3-5-4 (USES PERMITTED AND MINIMUM STANDARDS) TO ADDRESS CHANGES TO THE REGULATIONS REGARDING ACCESSORY BUILDINGS IN RESIDENTIAL ZONING DISTRICTS AND OTHER MINOR CLARIFICATIONS

WHEREAS, recent issues with accessory buildings, specifically sheds, have necessitated the review and update of the Sections mentioned above; and

WHEREAS, the Planning Commission initiated Ordinance 860 at its meeting of April 6, 2021; and

WHEREAS, the City Council, at its April 13, 2021 regular meeting, initiated the amendment of corresponding provisions in Title 2 of the Elko City Code..

NOW THEREFORE, IT BE ORDAINED BY THE CITY COUNCIL OF THE CITY OF ELKO, NEVADA.

Section 1: Title 3, Chapter 2, Section 2 of the Elko City Code is hereby amended to read as follows:

3-2-2: DEFINITIONS:

The following terms, whenever used in this chapter, shall have the meanings indicated. Words used in the present tense include the future tense; words in the singular include the plural, and vice versa. The word "shall" is always mandatory, and the word "may" is permissive. The word "persons" includes an association, firm, partnership or corporation, as well as an individual. The word "occupied" and the word "used" shall be considered as meaning the same as the words "intended", "arranged" or "designed to be used or occupied". The word "dwelling" includes the word "residence"; the word "lot" includes the words "plot" or "parcel".

ABUTTING: The condition of two (2) adjoining properties having a common property line or boundary, including cases where two (2) or more lots adjoin only at a corner or corners, but not including cases where adjoining lots are separated by a street or alley.

ADJOINING, ADJACENT: The condition of being near to or close to, but not necessarily having a common dividing line; e.g., two (2) properties which are separated only by a street or alley shall be considered as adjoining one another.

ADULT BOOKSTORE: For the purposes of this chapter, means an establishment which merchandises printed material or movies which are intended to appeal to the prurient interests of the reader.

ADULT CARE FACILITY: An establishment that furnishes food, shelter, assistance and limited supervision only during the day to unrelated person(s) with an intellectual disability or with a physical disability who is aged or infirm.

ADULT MOTION PICTURE THEATER: A motion picture theater whose program, during the time of its operation, contains one or more motion pictures which are rated "X" by the Code Rating Administration

of the Motion Picture Association of America or are not rated, and whose program is intended to appeal to the prurient interests of the viewer.

AGRICULTURE: The practice of cultivating the soil, producing crops and raising livestock.

ALLEY:

- A. A street or highway within a City block set apart for public use, vehicular traffic and local convenience;
- B. A street or highway which primarily furnishes access to the rear entrances of abutting property.

AWNING: An architectural projection that provides weather protection, identity or decoration and is partially or wholly supported by the building to which it is attached. An awning is comprised of a lightweight frame structure over which a covering is attached.

BUILDING: ~~Any structure having a roof supported by columns or walls, and used for the support, shelter or enclosure of persons, animals, personal property or chattels of any kind.~~ Any structure, regardless of whether it is affixed to real property that is used or intended for supporting or sheltering any human use or occupancy.

BUILDING, ACCESSORY: A detached subordinate building on the same lot with a principal building or use, the use of which is customarily accessory and incidental to the main use of the principal building or use. ~~When attached to the principal building, such accessory building shall be considered a part of the principal building for purposes of setback and yard regulations.~~

BUILDING, ACCESSORY, NON-PERMANENT: A detached building that is not attached to or set upon a permanent foundation, such as a greenhouse, garden shed, storage shed, or other building designed to store garden tools, bicycles, holiday decorations, or similar items and that is usually purchased at a retail establishment.

BUILDING, ACCESSORY, PERMANENT: A detached building attached to or set upon a permanent foundation and/or connected to utilities, such as a greenhouse, pole barn, garage, or other building designed to store household items and/or vehicles and that is usually built on-site.

BUILDING HEIGHT: The vertical distance measured from grade to the highest point of the building.

BUILDING INSPECTOR: Qualified employee of the City of Elko Building Department delegated to do building inspections and enforce applicable portions of this Code.

BUILDING, PRINCIPAL: A building, or where the context so indicates, a group of buildings, within which is conducted the principal use of the lot on which the building is situated.

CAMPING: The use of real property owned or occupied by another person for living accommodation purposes outside of a structure that is affixed to the ground, to include uses such as, without limitation, the following when done in connection with outdoor living: a) overnight sleeping activities or making preparations to sleep overnight outside of a motor vehicle, recreational vehicle or trailer, such as the laying down of bedding on the ground for the purpose of sleeping overnight; b) storing personal belongings outside of a structure in connection with overnight sleeping activities; c) cooking outdoors or making a fire for the purpose of cooking food outdoors as approved by the City; or d) using any tent,

shelter or other mobile structure for sleeping overnight. "Camping" does not include using a motor vehicle, recreational vehicle or trailer as long-term shelter, for living accommodation purposes or for the purpose of storage of belongings.

CARPORT: An accessory building, attached or detached, having two (2) or more open sides, used by occupants of the principal building for automobile shelter or storage.

CHILDCARE CENTER: A childcare facility providing care for more than twelve (12) children.

CHILDCARE FACILITY: An establishment operated and maintained for the purpose of furnishing care on a temporary or permanent basis during the day or overnight, to five (5) or more children under eighteen (18) years of age, if compensation is received for the care of any of those children and provided that such establishment is licensed by the State and operated in accordance with State requirements.

CHILDCARE FAMILY HOME: A childcare facility providing care for not less than five (5) children and not more than six (6) children.

CHILDCARE GROUP HOME: A childcare facility providing care for not less than seven (7) children and not more than twelve (12) children.

CLINIC: A building, or part thereof, in which ambulatory patients are provided diagnostic, therapeutic or preventative medical, surgical, dental or optical treatment by a group of doctors acting jointly, but not providing for overnight residence of patients.

COMMON OPEN SPACE: A parcel or parcels of land, or an area of water, or a combination of land and water, within the site designated for planned unit residential development which is designed and intended for the use or enjoyment of the residents of the development. Common open space may contain such complementary structures and improvements as are necessary and appropriate for the benefit and enjoyment of such residents.

CONDITIONAL USE: A use permitted in zoning district regulations subject to a finding by the Planning Commission that all special conditions and requirements imposed shall be met.

CONSTRUCTION YARD: An area on, abutting or adjacent to a major construction or demolition site used on a temporary basis for the parking and storage of equipment used in the project, and the storage and preparation of materials and other items used in the project, including construction offices and shops.

CONVALESCENT HOME: See definition of nursing or convalescent home.

DRIVE-IN ESTABLISHMENT: A business enterprise, activity or use of land consisting of sales or services rendered to patrons who normally receive the products or utilize the services while in motor vehicles upon the premises, including, but not limited to, gas service stations, drive-in restaurants, drive-in laundry and dry cleaning pick up, and drive-in bank.

DWELLING, MULTIPLE-FAMILY: A building, or portion thereof, containing two (2) or more dwelling units.

DWELLING, SINGLE-FAMILY: A building containing only one (1) dwelling unit and which is constructed under the Building Code in accordance with title 2 of this Code, and which also includes manufactured homes developed to specific standards in accordance with subsection [3-2-3Q](#) of this chapter.

DWELLING UNIT (DU): A single unit providing complete, independent living facilities for one (1) family, including permanent provisions for living, sleeping, eating, cooking and sanitation.

ERECTED: Built, constructed, altered, reconstructed or moved upon; any physical operations on a premises which are required for construction, excavation, fill, drainage and the like, shall be considered a part of erection.

ESSENTIAL SERVICE: The erection, construction, alteration or maintenance by a public utility of underground, surface or overhead gas, electrical, steam, water transmission or distribution systems, communication, supply or disposal systems, poles, wires, mains, drains, sewers, pipes, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories in connection therewith reasonably necessary for the furnishing of adequate service by such public utilities for the public health, safety or general welfare, not including buildings, electric substations and transmission towers.

EXCAVATION: Any breaking of ground, except common gardening and grounds care, and general agriculture.

FAMILY: An individual living alone; or, one (1) or more persons living together who are related by blood, marriage or other legal bond, and their dependents; or, a group of not more than five (5) unrelated persons living together as a single household in a dwelling unit. A "family" includes its domestic employees.

FULL FRONTAGE: All lot lines of any lot, parcel or tract of property adjacent to a road, street, alley or right-of-way, to include lots, parcels or tracts containing multiple borders or edges, such as corner lots.

[GARAGE: A covered or enclosed outbuilding or part of a building designed for housing motor vehicles, boats, or trailers.](#)

GAS SERVICE STATION: An establishment retailing motor fuels and lubricants directly to the public on the premises, including incidental sale of minor auto accessories and services.

GRADE: The average elevation of the finished ground surface adjacent to the exterior walls of a building or base of a structure.

HALFWAY HOUSE FOR RECOVERING ALCOHOL AND DRUG ABUSERS: A residence that provides housing and a living environment for recovering alcohol and drug abusers and is operated to facilitate their reintegration into the community, but does not provide treatment for alcohol or drug abuse. The term "halfway house for recovering alcohol and drug abusers" does not include a facility for transitional living for released offenders.

HOME OCCUPATION: A business customarily carried on in a business establishment that is permitted to be carried out in a residence as long as the use as a business is incidental to the primary residential

purpose and the residential character of the property is not changed. Every person permitted to carry on a home occupation shall obtain an annual business license.

HOSPITAL: A building, or group of buildings, in which sick or injured persons are given medical or surgical treatment, examination or care, including overnight residence, together with related facilities, e.g., laboratories, training facilities, staff residences, outpatient department and similar facilities which are an integral part of the principal use.

HOTEL, MOTEL: A building, or group of buildings, used primarily for accommodation of transient guests in rooms or suites.

HUMANITARIAN CAMPGROUND: A designated area that serves a humanitarian purpose by allowing people, with permission from the owner or occupier of the land, to engage in camping and that may or may not have toilets, showers and/or other amenities for campers to use.

HUMANITARIAN PURPOSE: A use which is not for profit and which is designed to allow people who are homeless or who cannot occupy their homes due to lack of utilities or other causes, to engage in life sustaining activities, such as eating and sleeping.

JUNKYARD: An open area where waste, used or secondhand materials are bought and sold, exchanged, stored, baled, packed, disassembled or handled, including, but not limited to, scrap iron and other metals, paper, rags, rubber tires, and bottles. A "junkyard" includes automobile wrecking yards and any area of more than one hundred twenty (120) square feet for storage, keeping or abandonment of junk, but does not include uses confined entirely within enclosed buildings.

LANDOWNER: The legal or beneficial owner or owners of all the land proposed to be included in the planned unit development. The holder of an option or contract of purchase, and lessee having a remaining term of not less than thirty (30) years, or another person having an enforceable proprietary interest in such land, is a "landowner" for the purposes of this chapter.

LICENSED HOUSE OF PROSTITUTION: A licensed commercial enterprise maintained for the convenience and resort of persons desiring lawful sexual intercourse.

LOADING SPACE: An off street space provided for the temporary parking of a vehicle while loading or unloading merchandise or materials, situated on the same lot with a building and entirely outside the right-of-way of any public street or alley.

LOT: A distinct part or parcel of land separated from other pieces or parcels by description, identified as such in a subdivision or on a record survey map, or described as such by metes and bounds, with the intention or for the purposes of sale, lease, or separate use, or for the purpose of building, including the following types of lots:

Corner Lot: A lot abutting two (2) or more intersecting streets.

Double Frontage Lot: A lot abutting two (2) parallel or approximately parallel streets.

Interior Lot: A lot having only one (1) side abutting a street.

Key Lot: An interior lot, one (1) side of which is contiguous to the rear line of a corner lot.

LOT AREA: The total area of a lot within the lot lines as measured on a horizontal plane.

LOT COVERAGE: That part or percentage of a lot occupied by principal and/or accessory buildings.

LOT DEPTH: The shortest distance, measured on a line parallel to the axis of the lot, between points on the front and rear lot lines.

LOT LINE: A line bounding a lot, including the following types of lot lines:

Front Lot Line: The lot line coinciding with the street line; or, in the case of a corner lot, the shorter of two (2) lot lines coinciding with street lines; or, in the case of a double frontage lot, both lot lines coinciding with street lines.

Rear Lot Line: The lot line opposite and farthest from the front lot line; for a pointed or irregular lot, the rear lot line shall be an imaginary line, parallel to and farthest from the front lot line, not less than ten feet (10') long and wholly within the lot.

Side Lot Line: Any lot line other than a front or rear lot line; in the case of a corner lot, the lot line abutting the side street is designated as the exterior side lot line and all other side lot lines are designated as interior side lot lines.

LOT OF RECORD: A lot which is part of a subdivision plat or other type of map used for the purpose of dividing or merging parcels of land, recorded in the Elko County Recorder's Office prior to the effective date hereof; or, a lot or parcel described by metes and bounds and having its description recorded in the Elko County Recorder's Office prior to the effective date hereof.

LOT WIDTH:

- A. In case of a rectangular lot or a lot abutting on the outside of a street curve, the distance between side lot lines measured parallel to the street or to the street chord and measured on the street chord.
- B. In the case of a lot abutting on the inside of a street curve, the distance between the side lot lines measured parallel to the street or the street chord at the rear line of the dwelling, or, where there is no dwelling, thirty feet (30') behind the minimum front setback line.

MAJOR ELECTRICAL TRANSMISSION LINE: Any electrical line carrying an electrical load of sixty six (66) kV and above.

METALLURGY: The reduction or extraction of metals from their ores by mechanical, physical or chemical methods, including their refinement and preparation for use as raw materials.

MINING: The extraction from the earth of gravel, stone, sand, and metallic or nonmetallic ore, and the crushing, washing, grading, storage and loading for transportation thereof.

MIXED USE: Combination of different uses including residential use within a shared building.

MOBILE HOME: As defined in the City of Elko mobile home ordinance [1](#).

MOBILE HOME LOT: As defined in the City of Elko mobile home ordinance [2](#).

MOBILE HOME PARK: As defined in the City of Elko mobile home ordinance [3](#).

NONCONFORMING USE: Uses existing at the time of adoption of this chapter, but not in accordance with the provisions and requirements contained herein.

NURSING OR CONVALESCENT HOME: An establishment providing bed care, or chronic or convalescent care, for one (1) or more persons, exclusive of relatives, who by reason of illness or physical infirmity are unable to properly care for themselves; excluding, however, institutions for the care of alcoholics, drug addicts, and persons with mental or communicable diseases.

OFF STREET: Land which is not within the right-of-way of any street or alley.

PARK AND RIDE FACILITIES: Parking lots which are intended to allow commuters to park their vehicles and then transfer to some form of mass transportation, such as buses, trains or carpools.

PARKING LOT: An area other than for single-family dwellings used for the off street parking of more than two (2) motor vehicles, including parking spaces, access and maneuvering aisles.

PARKING SPACE: A fully accessible space adequate for the temporary parking of permitted vehicles, situated entirely outside the right-of-way of any public street.

PARTIES IN INTEREST: A term identifying the owners of property within three hundred feet (300') of specific property.

PERSON: Except where otherwise indicated, a natural person, any form of business or social organization and any other nongovernmental legal entity including, but not limited to, a corporation, partnership, association, trust or unincorporated organization, or a government, governmental agency or political subdivision of a government.

PLANNED SHOPPING CENTER: A business development not divided by a street and characterized by an organized and concentrated grouping of retail and service outlets served by a common circulation and parking system.

PLANNED UNIT DEVELOPMENT: An area of land controlled by a landowner, which is to be developed as a single entity for a number of dwelling units, the plans for which do not correspond in lot size, bulk or type of dwelling, density, lot coverage and required open space to the regulations established in any one (1) residential district created, from time to time, under the provisions of this chapter.

PLANNING COMMISSION: The City of Elko Planning Commission.

PRIVATE GARAGES: An enclosed accessory building, attached or detached, used for storage of motor vehicles used by occupants of the principal building and providing no public shop or services in connection therewith.

PUBLIC UTILITY: Any person, firm, corporation, municipality or Municipal board duly authorized under State or Municipal regulations, to furnish to the public electricity, gas, steam, communications, water, drainage, flood control, irrigation, garbage or trash disposal, or sewage disposal.

RAILROAD USE: The occupation and use of land, buildings and structures for purposes directly connected with rail transportation of articles, goods and passengers, including such facilities as tracks, sidings, signal devices and structures, shops and yards for maintenance and storage of rail machinery, loading platforms, passenger and freight terminals, but excluding warehouses, stockyards, grain

elevators, truck freight terminals and yards, and similar facilities, which are maintained and operated by the owning railroad company or by a lessee for purposes auxiliary to rail transportation.

RECREATION AND SOCIAL CLUBS: Buildings and grounds used for and operated by membership of fraternal organizations primarily not for profit, including golf clubs, tennis clubs, riding clubs, American Legion halls, Elks Club, and similar facilities.

RECREATIONAL VEHICLE: A vehicle self-propelled or otherwise, designated to temporarily shelter person en-route on a recreational or vacation trip. "Recreational vehicle" includes truck mounted campers, and self-propelled travel vans.

RECREATIONAL VEHICLE PARK: A lot, parcel or tract of land, having as its principal use the rental of space of temporary short term, transient occupancy by two (2) or more recreational vehicles, including any accessory buildings, structures and uses customarily incidental thereto.

REPAIR GARAGE: An establishment where these services may be allowed: normal activities of a gas service station, general repair, engine rebuilding, rebuilding or reconditioning of motor vehicles; collision services such as body, frame or fender straightening and repair; general painting and undercoating of automobiles; high speed washing; auto, boat or trailer rental; and general sales of auto parts or accessories.

RESIDENTIAL ESTABLISHMENT: A halfway house for recovering alcohol and drug abusers or a residential facility for groups.

RESIDENTIAL FACILITY FOR GROUPS: An establishment that furnishes food, shelter, assistance and limited supervision to unrelated person(s) with an intellectual disability or with a physical disability who is aged or infirm. The term does not include an establishment which provides care only during the day, a natural person who provides care for no more than two (2) persons in his own home, a natural person who provides care for one (1) or more persons related to him within the third degree of consanguinity or affinity, a halfway house for recovering alcohol and drug abusers, or a facility funded by a division or program of the Nevada Department of Health and Human Services.

RETAIL USE: A commercial establishment selling goods at retail; however, a home occupation shall not be considered as a retail use.

ROADWAY CLASSIFICATION: All roadway classifications shall be determined in accordance with the Transportation Component of the City of Elko Master Plan.

ROOMING HOUSE: A building other than a hotel or motel where, for compensation and by prearrangement for definite periods of time, lodging is provided for individuals who are not members of a resident family.

SCHOOL: A public or private building, or group of buildings, used for purposes of primary or secondary education, meeting all requirements of the Compulsory Education Laws of the State of Nevada.

SCREEN WALL: A masonry wall or opaque fence so constructed as to prevent the view of enclosed activities or uses from without.

SERVANT QUARTERS: An attached or detached building, or part thereof, housing persons employed on the premises.

SERVICE CLUBS: Buildings and grounds used for and operated by nonprofit organizations whose membership is open to any resident of the community, including YMCA, YWCA, Boy Scouts, Girl Scouts, Boys Club and any similar organizations having as its primary objective the improvement of the district, neighborhood or community and its social welfare.

SETBACK: The minimum horizontal distance between a lot line and the nearest point of a building, structure or use, as the context indicates, located on a lot. "Setback" shall not include eaves of the building.

STORY: That portion of a building included between the surface of any floor and the surface of the next floor above, or if there is no floor above, the space between the topmost floor and the roof having a usable floor area at least one-half ($\frac{1}{2}$) that of the floor area of the floor immediately below. A basement shall be considered a story when fifty percent (50%) or more of its cubic content is above grade.

STREET: A dedicated public way which affords the principal means of vehicular access to abutting property.

STREET LINE: A line demarcating the limits of a street right-of-way.

STREET, PRIVATE: A nondedicated, privately owned right-of-way or limited public way that affords the principal means of emergency and limited vehicular access and connection from the public street system to properties created through the division or subdivision of land.

STREET, PUBLIC: A dedicated public right-of-way that is part of the public street system and which affords the principal means of emergency and general vehicular access to abutting property.

STRUCTURE: ~~Any constructed or erected material or combination of materials, the use of which requires location on the ground or attachment to something located on the ground and which requires a permit as defined and regulated by the Building Code, including buildings, stadiums, radio towers, sheds, storage bins, fences and signs.~~ Something built or constructed that may be placed upon or affixed to real property for a purpose, such as storage or protection from the elements. The term "structure" includes, without limitation, a building, a non-permanentized mobile home or an unattached shed placed on skids.

SWIMMING POOL: Any constructed pool, used for swimming, bathing or wading, whether above or below the ground surface and regardless of depth or water surface area.

TEMPORARY USE OR BUILDING: A use or structure permitted under the terms of this chapter to exist for a limited period of time.

TOWNHOUSE OR ROW HOUSE: A single-dwelling unit arranged side by side with other such units in a multi-family dwelling, completely independent of all other such units in the building by reason of separation therefrom by unpierced party walls.

USABLE FLOOR AREA: A term used in computing parking requirements, meaning the aggregate area of a building measured to the interior area, similarly measured, or each additional story which is connected to the first story by a fixed stairway, escalator, ramp or elevator, and the floor area of all accessory buildings, measured similarly, but excluding that part of any floor area which is occupied by heating, ventilating, or other permanently installed equipment required for operation of the building, and by unenclosed porches, light shafts, public corridors and public toilets. For uses not enclosed within a building, the area for sales, display or service shall be measured to determine equivalent usable floor area.

USE: The purpose for which land or a building is arranged, designed or intended, or for which land or a building is or may be occupied. The principal use is the main use to which the premises are devoted and the main purpose for which the premises exist. An accessory use is a use subordinate to the principal use on a lot and used for purposes clearly incidental to those of the principal use.

VARIANCE: A modification of the literal enforcement of the technical provisions and requirements of this chapter. The applicant for variance shall present adequate evidence to support the granting of a variance in accordance with section [3-2-22](#) of this chapter.

YARD: An open space located between any portion of a building and the nearest lot line, or the nearest adjacent building or group of buildings, as the context indicates, unoccupied and unobstructed from the ground upward, except as otherwise provided in this chapter.

YARD, FRONT: A yard extending across the full width of the lot and having a depth equal to the horizontal distance between the nearest point of the principal building and the front lot line, measured at right angles to the front lot line.

YARD, NONREQUIRED: Any yard with dimensions exceeding those required herein.

YARD, REAR: A yard extending across the full width of a lot and having a depth equal to the horizontal distance between the nearest point of the principal building and the rear lot line, measured at right angles to the rear lot line.

YARD, REQUIRED: A yard having the minimum dimensions required herein.

YARD, SIDE: A yard extending from the front lot line to the rear lot line between a side lot line and the principal building, and having a width equal to the horizontal distance between the nearest point of the principal building and the side lot line, measured at right angles to the side lot line. (Ord. 818, 4-25-2017)

Notes

1. See Section 3-5-3 of this title.
2. See Section 3-5-3 of this title.
3. See section 3-5-3 of this title.

Section 2: Title 3, Chapter 2, Section 5 of the Elko City Code is hereby amended to read as follows:

3-2-5: RESIDENTIAL ZONING DISTRICTS:

- A. RS Residential Suburban District:

1. Intent: The purpose of the RS zoning district is to provide and preserve low density, single-family residential living areas that are semirural or agricultural in character and transitional in relationship to more urbanized residential areas of higher density, to allow for the sheltering of large domestic or farm animals on a lot or parcel in conjunction with an established residential use and to preclude the encroachment of land use activities that may be incompatible with the character of the semirural residential environment.

2. Principal Uses Permitted:

Electrical power substations, sewer lift stations and water pumping stations wherein service to district residents requires location within the district.

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.

Publicly owned and operated parks and recreation areas and centers.

Sheltering of farm animals:

- a. The keeping of domestic horses, donkeys, llamas and alpacas under the ownership of the resident occupant of the lot or parcel shall be considered as a permitted principal use; provided, that any combination of such animals on any one lot shall be limited to one animal for the first thirty thousand (30,000) square feet of lot area. One additional large animal may be maintained for each additional twenty thousand (20,000) square feet of lot area contained in the same lot.
- b. The keeping of domestic sheep and goats under the ownership of the resident occupant of the lot or parcel shall be considered as a permitted principal use; provided, that any combination of such animals on any one lot shall be limited to one animal for the first fifteen thousand (15,000) square feet of lot area. One additional small animal may be maintained for each additional ten thousand (10,000) square feet of lot area contained in the same lot.
- c. The keeping of such farm animals shall conform to all other provisions of law governing same, and no animal, nor any pen, stable, barn or corral shall be kept or maintained within one hundred feet (100') of any principal dwelling (other than that occupied by the owner of such domestic animal), any public building, park, school, hospital, or any other public place; or within eighty feet (80') of the front property line of the lot on which the animals are maintained, or within twenty five feet (25') of the side street of a corner lot. There shall be no killing or dressing of any such animals for commercial purposes.
- d. Poultry, rabbits or domestic fowl raised for food, education, scientific or furbearing purposes; provided, not more than twelve (12) of any one or combination of such animals and fowl may be maintained on one lot.

- e. The keeping of such domestic animals or fowl shall conform to all other provisions of law governing same, and no fowl or animals, nor any pen or coop, shall be kept or maintained within fifty feet (50') of any window or door of any residence, dwelling or other building used for human habitation (other than that occupied by the owner of such domestic animals or fowl), or within sixty feet (60') of the front property line of the lot on which the animals are maintained, or within twenty five feet (25') of the side street on a corner lot.
3. Conditional Uses Permitted: Any of the following uses may be permitted as principal uses upon approval of a conditional use permit in accordance with the provisions of this chapter and those set forth in section [3-2-18](#) of this chapter regarding conditional use permits. In reviewing conditional use permit applications, the Planning Commission shall ensure that adequate light and air, ingress and egress, and compatibility with other uses in the neighborhood are maintained.

Churches, church facility complexes and places of religious worship.

Public buildings providing cultural, educational, administrative and fire and police service to residents of the district.

4. Accessory Uses Permitted: Accessory buildings, structures and uses customarily incidental to a permitted use may be permitted, except as otherwise provided in this chapter.

[Accessory buildings.](#)

Childcare family home.

~~Garden house, tool house, remade, outdoor swimming pool and similar home recreational facilities; provided that such facilities are used solely by occupants of the premises and their guest.~~

Guesthouse or servants' quarters [provided they conform to all yard requirements applicable to the principal building.](#)

Home occupations in accordance with other provisions in this chapter.

Private garage or carport.

[Ramada, outdoor swimming pool, or similar home recreational facility so long as the facility is used solely by the occupants of the premises and their guests.](#)

Storage parking for recreational vehicles owned by the occupant; provided, that it is located in a garage, carport, rear or interior side yard, is not provided water or sewer service connections, and is not used for living purposes.

Storage parking of boat, utility trailer, horse trailer and similar equipment owned by the occupant; provided, that such equipment is located in a garage, carport, rear or interior side yard.

5. Property Development Standards:

- a. Development standards shall ~~adhere to subsection G of this section~~ comply with Section 3-2-5(G).
- b. Subdivisions within the RS District which are essentially independent and self-contained and, which are characterized by lots which are no less than one-half ($\frac{1}{2}$) acre in size, may utilize rural road standards in accordance with specifications contained within section 3-3-11 of this title.

6. Property Development Standards ~~F~~for Accessory Buildings:

All accessory buildings, both permanent and non-permanent, shall comply with Section 3-2-5(H).

- ~~a. Building Height: The maximum height of an accessory building shall not exceed forty feet (40') or the current City airport master plan, whichever is more restrictive.~~
- ~~b. Building Setbacks: Any detached accessory building that is erected shall conform to front and side yard setback requirements. A minimum rear setback of ten feet (10') shall be required.~~

B. R1 Single-Family Residential District:

1. Intent: The purpose of the R1 zoning district is to provide and preserve low density residential living areas reserved predominantly for the development of single-family dwellings and to preclude the encroachment of land use activities that may be detrimental or injurious to the character or quality of the low density residential environment.

2. Principal Uses Permitted:

Electrical power substations, sewer lift stations and water pumping stations wherein service to district residents requires location within the district.

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.

Publicly owned and operated parks and recreation areas and centers.

3. Conditional Uses Permitted: Any of the following uses may be permitted as principal uses upon approval of a conditional use permit in accordance with provisions of this chapter and those set forth in section 3-2-18 of this chapter regarding conditional use permits. In reviewing conditional use permit applications, the planning commission shall ensure that adequate light and air, ingress and egress, and compatibility with other uses in the neighborhood are maintained.

Churches, church facility complexes and places of religious worship.

Public buildings providing cultural, educational, administrative and fire and police service to residents of the district.

4. Accessory Uses Permitted: Accessory buildings, structures and uses customarily incidental to a permitted use may be permitted, except as otherwise provided in this chapter.

Accessory buildings.

Childcare family home.

~~Garden house, tool house, remade, outdoor swimming pool and similar home recreational facilities; provided that such facilities are used solely by occupants of the premises and their guest.~~

Guesthouse or servants' quarters provided they conform to all yard requirements applicable to the principal building.

Home occupations in accordance with other provisions in this chapter.

Private garage or carport.

Ramada, outdoor swimming pool, or similar home recreational facility so long as the facility is used solely by the occupants of the premises and their guests.

Storage parking for recreational vehicles owned by the occupant; provided, that it is located in a garage, carport, rear or interior side yard, is not provided water or sewer service connections, and is not used for living purposes.

Storage parking of boat, utility trailer, horse trailer and similar equipment owned by the occupant; provided, that such equipment is located in a garage, carport, rear or interior side yard.

5. Property Development Standards: Development standards shall ~~adhere to subsection G of this section~~ comply with Section 3-2-5(G).
6. Property Development Standards ~~F~~For Accessory Buildings:

All accessory buildings, both permanent and non-permanent, shall comply with Section 3-2-5(H).

~~a. Building Height: The maximum building height shall not exceed twenty five feet (25'), or requirements contained within the city airport master plan, whichever is the most restrictive.~~

~~b. Building Setbacks: Any detached accessory building that is erected shall conform to front and side yard setback requirements. A minimum rear yard setback of ten feet~~

~~(10') shall be required, which may be reduced to zero feet (0') if the rear lot line abuts a public alley.~~

~~c. Building Area: A detached accessory building shall be limited to a maximum area of one thousand (1,000) square feet or ten percent (10%) of the lot area, whichever is greater, but not to exceed one thousand two hundred (1,200) square feet.~~

C. R2 Two-Family Residential District:

1. Intent: The purpose of the R2 zoning district is to provide and preserve medium density residential living areas appropriate primarily for single-family and two-family dwellings, limited multiple residential uses and neighborhood service type uses where appropriate, and to preclude uses that would detract or be detrimental to the character of the medium density residential environment.

2. Principal Uses Permitted:

Electrical power substations, sewer lift stations and water pumping stations wherein service to district residents requires location within the district.

One single-family dwelling or one two-family dwelling (duplex) 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.

Publicly owned and operated parks and recreation areas and centers.

3. Conditional Uses Permitted: Any of the following uses may be permitted as principal uses upon approval of a conditional use permit in accordance with provisions of this chapter and those set forth in section [3-2-18](#) of this chapter. In reviewing conditional use permit applications, the planning commission shall ensure that adequate light and air, ingress and egress, and compatibility with other uses in the neighborhood are maintained.

Childcare group home.

Churches, church facility complexes and places of religious worship.

One three-family dwelling (triplex) or one four-family dwelling (fourplex) of a permanent character in a permanent location with each dwelling unit on its own parcel of land and contingent upon any dwelling unit more than a two-family dwelling providing an additional two thousand two hundred (2,200) square feet of lot area per unit, and provided setback requirements are met.

Public buildings providing cultural, educational, administrative and fire and police service to residents of the district.

Recreational, social and service clubs.

4. Accessory Uses Permitted: Accessory buildings, structures and uses customarily incidental to a permitted use may be permitted, except as otherwise provided in this chapter.

Accessory buildings. Lots with single-family dwelling units may have both permanent and non-permanent accessory buildings. Lots with multiple-family dwelling units may only have permanent accessory buildings.

Childcare family home.

~~Garden house, tool house, remade; outdoor swimming pool and similar home recreational facilities; provided that such facilities are used solely by occupants of the premises and their guest.~~

Guesthouse or servants' quarters provided they conform to all yard requirements applicable to the principal building.

Home occupations in accordance with other provisions in this chapter.

Private garage or carport.

Ramada, outdoor swimming pool, or similar home recreational facility so long as the facility is used solely by the occupants of the premises and their guests.

Storage parking for recreational vehicles owned by the occupant; provided, that it is located in a garage, carport, rear or interior side yard, is not provided water or sewer service connections, and is not used for living purposes.

Storage parking of boat, utility trailer, horse trailer and similar equipment owned by the occupant; provided, that such equipment is located in a garage, carport, rear or interior side yard.

5. Property Development Standards: Development standards shall ~~adhere to subsection G of this section~~ comply with Section 3-2-5(G).

6. Property Development Standards ~~F~~for Accessory Buildings:

All accessory buildings, both permanent and non-permanent, shall comply with Section 3-2-5(H).

- a. ~~Building Height: The maximum building height shall not exceed twenty five feet (25'), or requirements contained within the city airport master plan, whichever is the most restrictive.~~
- b. ~~Building Setbacks: Any detached accessory building that is erected shall conform to front and side yard setback requirements. A minimum rear yard setback of ten feet (10') shall be required, which may be reduced to zero feet (0') if the rear lot line abuts a public alley.~~

~~c. **Building Area:** A detached accessory building shall be limited to a maximum area of one thousand (1,000) square feet or ten percent (10%) of the lot area, whichever is greater, but not to exceed one thousand two hundred (1,200) square feet.~~

D. R3 Multiple-Family Residential District:

1. Intent: The purpose of the R3 zoning district is to provide and preserve residential areas appropriate primarily for multiple-family residential uses of higher density usually along or in close proximity to arterial roadway corridors, and to preclude uses that would detract or be detrimental to the character or function of the high density residential environment.

2. Principal Uses Permitted:

Electrical power substations, sewer lift stations and water pumping stations wherein service to district residents requires location within the district.

Publicly owned and operated parks and recreation areas and centers.

3. Conditional Uses Permitted: Any of the following uses may be permitted as principal uses upon approval of a conditional use permit in accordance with provisions of this chapter and those set forth in section [3-2-18](#) of this chapter. In reviewing conditional use permit applications, the planning commission shall ensure that adequate light and air, ingress and egress, and compatibility with other uses in the neighborhood are maintained.

Childcare center.

Churches, church facility complexes and places of religious worship.

Multiple-family residential developments which contain five (5) or more units located on a single lot or parcel; townhouse or row house developments.

Public buildings providing cultural, educational, administrative, and fire and police service to residents of the district.

Recreation, social and service clubs.

4. [Accessory Uses Permitted: Accessory buildings, structures, and uses customarily incidental to a permitted use shall be permitted, except as otherwise provided in this chapter.](#)

5. ~~Property Development Standards: Development standards shall adhere to subsections E6 and G of this section~~ [comply with Sections 3-2-5 \(E\)\(6\) and 3-2-5\(G\).](#)

56. ~~Property Development Standards F~~ [For Accessory Buildings: Development standards for accessory buildings within the R3 district shall be the same standards established by the district](#) [comply with Section 3-2-5\(H\).](#)

67. General Regulations:

- a. The outdoor storage of goods or materials shall be prohibited.
- c. The minimum site area necessary to establish an R3 zoning district shall be one acre.

E. R Single-Family ~~A~~ and Multiple-Family Residential District:

- 1. Intent: The purpose of the R zoning district is to provide for a mixture and diversity of housing types for both single-family and multi-family residential development where such development is desirable, and limited institutional, office and neighborhood service type uses where appropriate, and to preclude land uses that would be detrimental to a mixed and varied residential environment.

- 2. Principal Uses Permitted:

Adult care facility which serves ten (10) or fewer.

Electric power substations, sewer lift stations, and water pump stations wherein service to district residents requires location within the district.

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.

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.

Publicly owned and operated parks and recreation areas and centers.

Residential facility for groups of ten (10) or fewer.

- 3. Conditional Uses Permitted: Any of the following uses may be permitted as principal uses upon approval of a conditional use permit in accordance with provisions of this chapter and those set forth in section [3-2-18](#) of this chapter regarding conditional use permits. In reviewing conditional use permit applications, the planning commission shall ensure that adequate light and air, ingress and egress, and compatibility with other uses in the neighborhood are maintained.

Adult care facility which serves eleven (11) or more.

Childcare center; childcare group home.

Churches, church facility complexes and places of religious worship.

Halfway house for recovering alcohol and drug abusers.

Healing arts, healthcare facilities, but not including animal hospital.

Multiple-family residential developments which contain five (5) or more units located on a single lot or parcel; townhouse or row house developments.

Public buildings providing cultural, educational, administrative, and fire and police service to residents of the district.

Recreation, social and service clubs.

Residential facility for groups of eleven (11) or more.

Teaching of creative arts.

4. Accessory Uses Permitted: Accessory buildings, structures and uses customarily incidental to a permitted use, except as otherwise provided in this chapter.

Accessory buildings. Lots with single-family dwelling units may have both permanent and non-permanent accessory buildings. Lots with multiple-family dwelling units may only have permanent accessory buildings.

Childcare family home.

~~Garden house, tool house, remade, outdoor swimming pool and similar home recreational facilities; provided that such facilities are used solely by occupants of the premises and their guest.~~

Guesthouse or servants' quarters provided they conform to all yard requirements applicable to the principal building.

Home occupations in accordance with other provisions in this chapter.

Private garage or carport.

Ramada, outdoor swimming pool, or similar home recreational facility so long as the facility is used solely by the occupants of the premises and their guests.

Rooms in the principal building for roomers, not exceeding two (2) such persons per dwelling unit; provided, that adequate additional off street parking space shall be provided.

Storage parking for recreational vehicles owned by the occupant; provided, that it is located in a garage, carport, rear or interior side yard, is not provided water or sewer service connections, and is not used for living purposes.

Storage parking of boat, utility trailer, horse trailer and similar equipment owned by the occupant; provided, that such equipment is located in a garage, carport, rear or interior side yard.

5. Property Development Standards: Development standards shall ~~adhere to subsection G of this section~~ comply with Section 3-2-5(G).

6. Additional Property Development Standards ~~F~~for Multiple- Family Residential Developments:

- a. Minimum Distance ~~B~~etween Buildings ~~On T~~he Same Lot: The minimum distance between the opposing exterior walls of detached buildings, or parts of attached or semiattached buildings, on the same lot, shall be:
- (1) If both walls are front walls, or contain main entrances or living room windows: Thirty feet (30');
 - (2) If one wall is a front wall, or contains a main entrance or living room windows, and one wall is a side or rear wall containing no doors or windows: Twenty four feet (24');
 - (3) If both walls are side or rear walls containing windows or secondary entrances: Twenty four feet (24');
 - (4) If one wall is a side or rear wall containing windows or secondary entrances and one wall contains no doors or windows: Eighteen feet (18');
 - (5) If neither wall contains windows or doors: Ten feet (10').
- b. Additional Placement Regulations For Multi-Family Dwellings: If the front of a building, or part thereof, faces on an interior side or rear lot line, the building, or that part thereof, shall be set back from such lot line not less than twenty feet (20').
- c. Separation Of Semidetached Dwellings Or Row Houses: When, for purposes of sale or separate ownership, a two-family or multi-family dwelling and the land in and upon which such dwellings are situated, is to be subdivided into separate lots having one dwelling unit per lot, such lots shall be exempt from all interior side yard requirements.

7. Property Development Standards ~~F~~for Accessory Buildings:

All accessory buildings, both permanent and non-permanent, shall comply with Section 3-2-5(H).

- a. ~~Building Height: The maximum building height shall not exceed twenty five feet (25'), or requirements contained within the city airport master plan, whichever is the most restrictive.~~
- b. ~~Building Setbacks: Any detached accessory building that is erected shall conform to front and side yard setback requirements. A minimum rear yard setback of ten feet (10') shall be required, which may be reduced to zero feet (0') if the rear lot line abuts a public alley.~~

~~c. **Building Area:** A detached accessory building shall be limited to a maximum area of one thousand (1,000) square feet or ten percent (10%) of the lot area, whichever is greater, but not to exceed one thousand two hundred (1,200) square feet.~~

8. Exceptions:

- a. Lots Of Record: On each existing lot of record, the side yards shall have a width of not less than five and one-half feet ($5\frac{1}{2}'$), and a front yard of not less than twelve feet (12') for single-family dwelling units.
- b. Detached Guesthouse ~~Or~~ Servants' Quarters: Detached guesthouses and servants' quarters are permitted in any district; provided, however, that they shall conform to all yard requirements applicable to the principal building.

F. RO Residential Office District:

- 1. Intent: The purpose of the RO zoning district is to establish a residential zone that is transitional in character and location to more intense commercial districts, and to promote a mixed pattern of compatible development consisting primarily of residential uses and a blend of professional office, limited service and retail activities that are recognized as low traffic generators. The RO district is intended to protect the integrity of established residential neighborhoods from noise and excessive levels of traffic while at the same time afford the opportunity for compatible office, service and retail development in a mixed use setting.

2. Principal Uses Permitted:

Electric power substations, sewer lift stations, and water pump stations wherein service to district residents requires location within the district.

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.

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.

Publicly owned and operated parks and recreation areas and centers.

3. Conditional Uses Permitted:

Art studios.

Barber and beauty shops.

Florists.

Multiple-family residential developments which contain five (5) or more units located on a single lot or parcel; townhouse, condominium or attached housing developments.

Offices, medical and professional.

Photographic studios.

Restaurants, limited in scale and hours of operation, such as ice cream parlors, sandwich and beverage shops, delicatessens.

Retail and service establishments, limited in scale and hours of operation, such as boutiques, gift shops and similar uses.

Schools for music, dance, teaching and creative arts.

Similar uses determined to be functionally comparable to conditional permitted uses in this zone.

4. Accessory Uses Permitted: Accessory buildings, structures, and uses customarily incidental to a permitted use, except as otherwise provided in this chapter.

Accessory buildings. Lots with single-family dwelling units may have both permanent and non-permanent accessory buildings. Lots with multiple-family dwelling units may only have permanent accessory buildings.

Childcare family home.

Guesthouse or servants' quarters provided they conform to all yard requirements applicable to the principal building.

Home occupations in accordance with other provisions in this chapter.

Private garage or carport.

Ramada, outdoor swimming pool, or similar home recreational facility so long as the facility is used solely by the occupants of the premises and their guests.

Storage parking for recreational vehicles owned by the occupant; provided, that it is located in a garage, carport, rear or interior side yard, is not provided water or sewer service connections, and is not used for living purposes.

Storage parking of boat, utility trailer, horse trailer and similar equipment owned by the occupant; provided, that such equipment is located in a garage, carport, rear or interior side yard.

5. Property Development Standards: Development standards shall ~~adhere to subsection G of this section~~ comply with Section 3-2-5(G).

56. Property Development Standards ~~F~~for Accessory Buildings: Development standards for accessory buildings ~~within the RO district shall be the same standards established for the R district~~ shall comply with Section 3-2-5(H).

67. General Regulations:

- a. The outdoor storage of goods or materials shall be prohibited.
- b. Warehousing or the indoor storage of goods or materials beyond that normally incidental to permitted uses shall be prohibited.
- c. One wall mounted, nonilluminated sign, for each lot of record not to exceed twelve (12) square feet in area or one freestanding, nonilluminated sign for each lot of record not to exceed six feet (6') in height and twelve (12) square feet in area may be permitted for any approved conditional use. The planning commission may modify such regulations as part of the conditional use permit procedure.

G. Residential Zoning Districts Area, Setback, A and Height Schedule ~~F~~for Principal ~~and Certain Accessory Use~~ Buildings:

1. Table ~~O~~of Area Requirements:

AREA REQUIREMENTS

	Minimum Requirements				Building Setbacks				Maximum Height Requirements
Zoning Districts	Corner Lot Area	Lot Area	Lot Width	Lot Depth	Front Yard	Rear Yard	Interior Side Yard	Exterior Side Yard	Building Height
RS		15,000 sq. ft.	80 ft.	180 ft.	25 ft.	20 ft.	10 ft.	20 ft.	35 ft. ¹
R1	6,500 sq. ft.	6,000 sq. ft.	60 ft.	100 ft.	15 ft. ⁶	20 ft.	5½ ft.	15 ft. ⁵	35 ft. ¹
R2	6,500 sq. ft.	6,000 sq. ft.	60 ft.	100 ft.	15 ft. ⁶	20 ft.	7 ft.	15 ft. ⁵	35 ft. ¹
R3		12,000 sq. ft. ⁴	80 ft.	100 ft.	20 ft.	20 ft.	10 ft.	15 ft. ⁵	45 ft. ¹
R	6,500 sq. ft.	6,000 sq. ft. ⁴	60 ft.	100 ft.	15 ft. ⁶	20 ft.	10 ft. ^{2,3}	15 ft. ⁵	45 ft. ¹
RO		6,000 sq. ft. ⁴	60 ft.	100 ft.	15 ft. ⁶	20 ft.	10 ft. ^{2,3}	12 15 ft.	45 ft. ¹

Notes:

1. Height limitations contained within the current ~~e~~City of Elko ~~a~~Airport ~~m~~Master ~~p~~Plan shall supersede the height restrictions indicated in the above table where more restrictive.
2. For single-family dwellings, interior side yard setbacks shall be 5 ½ feet.
3. For multi-family dwellings, interior side yard setbacks shall be 7 feet.

4. For three- and four-family dwellings on the same lot, a minimum of 2,200 square feet of lot area is required for each dwelling unit.
5. For residences in existence at the time of enactment hereof (November 25, 2003), exterior side yard setbacks shall be 12 feet.
6. Garages, whether attached or detached, and carports shall be set back 20 feet from the front lot line; provided, that for any garage in existence prior to March 26, 2013, the front yard setback shall be 15 feet. ~~The term "garage", as used in this chapter, means a covered or enclosed outbuilding (or part of a building) for housing motor vehicles, boats or trailers.~~

2. Residential Lots ~~Of~~ Record:

- a. A single lot or parcel of land of record in the office of the county recorder as of the effective date of the city subdivision ordinance (December 9, 1975), and which does not meet minimum requirements for lot area, lot width or lot depth shall be considered a buildable lot for one single-family dwelling, provided all other requirements of this chapter are satisfied.
- b. For existing platted subdivisions characterized by twenty five foot (25') wide lots and situated within a residential zoning district, any lot or parcel reconfiguration or resubdivision shall adhere to a minimum lot area of five thousand (5,000) square feet.

H. Residential Zoning Districts Area, Setback, and Height Schedule for Accessory Buildings:

1. Requirements for Non-Permanent Accessory Buildings:

	<u>Minimum Requirements</u>		<u>Building Setbacks³</u>				<u>Maximum Height Requirements</u>
<u>Zoning Districts</u>	<u>Maximum Cumulative Square Feet of All Acc. Buildings²</u>	<u>Minimum Separation from Other Buildings</u>	<u>Front Yard</u>	<u>Rear Yard</u>	<u>Interior Side Yard</u>	<u>Exterior Side Yard</u>	<u>Building Height</u>
<u>RS</u>		<u>5 ft.</u>	<u>25 ft.</u>	<u>5 ft.⁴</u>	<u>5 ft.</u>	<u>5 ft.</u>	<u>15 ft.¹</u>
<u>R1</u>	<u>10% of lot size or 1,200 sq. ft.</u>	<u>5 ft.</u>	<u>15 ft.⁵</u>	<u>5 ft.⁴</u>	<u>5 ft.</u>	<u>5 ft.</u>	<u>15 ft.¹</u>
<u>R2</u>	<u>10% of lot size or 1,200 sq. ft.</u>	<u>5 ft.</u>	<u>15 ft.⁵</u>	<u>5 ft.⁴</u>	<u>5 ft.</u>	<u>5 ft.</u>	<u>15 ft.¹</u>
<u>R</u>	<u>10% of lot size or 1,200 sq. ft.</u>	<u>5 ft.</u>	<u>15 ft.⁵</u>	<u>5 ft.⁴</u>	<u>5 ft.</u>	<u>5 ft.</u>	<u>15 ft.¹</u>
<u>RO</u>	<u>10% of lot size or 1,200 sq. ft.</u>	<u>5 ft.</u>	<u>15 ft.⁵</u>	<u>5 ft.⁴</u>	<u>5 ft.</u>	<u>5 ft.</u>	<u>15 ft.¹</u>
<u>RB</u>	<u>10% of lot size or 1,200 sq. ft.</u>	<u>5 ft.</u>	<u>15 ft.⁵</u>	<u>5 ft.⁴</u>	<u>5 ft.</u>	<u>5 ft.</u>	<u>15 ft.¹</u>

Notes:

1. Height limitations contained within the current City of Elko Airport Master Plan shall supersede the height restrictions indicated in the above table where more restrictive.
2. Includes both permanent and non-permanent accessory buildings.
3. No buildings or structures shall be located within any easement.
4. Setback can be reduced to 0 feet if the rear lot line abuts a public alley.
5. Garages and/or carports shall be setback 20 feet from the front or exterior side property line.

2. Requirements for Permanent Accessory Buildings:

	<u>Minimum Requirements</u>		<u>Building Setbacks</u> ³				<u>Maximum Height Requirements</u>
<u>Zoning Districts</u>	<u>Maximum Cumulative Square Feet of All Acc. Buildings</u> ²	<u>Minimum Separation from Other Buildings</u>	<u>Front Yard</u>	<u>Rear Yard</u>	<u>Interior Side Yard</u>	<u>Exterior Side Yard</u>	<u>Building Height</u>
<u>RS</u>		<u>5 ft.</u>	<u>25 ft.</u>	<u>5 ft.</u> ⁴	<u>5 ft.</u>	<u>5 ft.</u>	<u>35 ft.</u> ¹
<u>R1</u>	<u>10% of lot size or 1,200 sq. ft.</u>	<u>5 ft.</u>	<u>15 ft.</u> ⁵	<u>5 ft.</u> ⁴	<u>5 ft.</u>	<u>5 ft.</u>	<u>35 ft.</u> ¹
<u>R2</u>	<u>10% of lot size or 1,200 sq. ft.</u>	<u>5 ft.</u>	<u>15 ft.</u> ⁵	<u>5 ft.</u> ⁴	<u>5 ft.</u>	<u>5 ft.</u>	<u>35 ft.</u> ¹
<u>R3</u>	<u>10% of lot size or 1,200 sq. ft.</u>	<u>5 ft.</u>	<u>20 ft.</u>	<u>5 ft.</u> ⁴	<u>5 ft.</u>	<u>5 ft.</u>	<u>45 ft.</u> ¹
<u>R</u>	<u>10% of lot size or 1,200 sq. ft.</u>	<u>5 ft.</u>	<u>15 ft.</u> ⁵	<u>5 ft.</u> ⁴	<u>5 ft.</u>	<u>5 ft.</u>	<u>45 ft.</u> ¹
<u>RO</u>	<u>10% of lot size or 1,200 sq. ft.</u>	<u>5 ft.</u>	<u>15 ft.</u> ⁵	<u>5 ft.</u> ⁴	<u>5 ft.</u>	<u>5 ft.</u>	<u>45 ft.</u> ¹
<u>RB</u>	<u>10% of lot size or 1,200 sq. ft.</u>	<u>5 ft.</u>	<u>15 ft.</u> ⁵	<u>5 ft.</u> ⁴	<u>5 ft.</u>	<u>5 ft.</u>	<u>25 ft.</u> ¹

Notes:

1. Height limitations contained within the current City of Elko Airport Master Plan shall supersede the height restrictions indicated in the above table where more restrictive.
2. Includes both permanent and non-permanent accessory buildings.
3. No buildings or structures shall be located within any easement.
4. Setback can be reduced to 0 feet if the rear lot line abuts a public alley.
5. Garages and/or carports shall be setback 20 feet from the front or exterior side property line.

Section 3: Title 3, Chapter 2, Section 6 of the Elko City Code is hereby amended to read as follows:

3-2-6: RB RESIDENTIAL BUSINESS DISTRICT:

- A. Intent: This zoning district is intended to allow conversion of residential structures located along arterial and collector roads in areas of transition to an appropriate mix of residential, light retail and service commercial uses that provides good transitions with nearby residential uses and neighborhoods. This zone allows existing residential uses to remain and be improved, while also allowing low scale, low intensity commercial and business operations to be developed as part of infill projects. The district is intended to protect established residential neighborhoods from the type of land use associated with high levels of noise, illumination and traffic that could be detrimental to the characteristics of the residential neighborhood.
- B. District Boundary: The initial district boundary includes properties within the 5th Street corridor that are located between Pine Street and Walnut Street along the northeast side of 5th Street, and between Pine Street and Willow Street along the southwest side of 5th Street, with at least one property line abutting the right-of-way of 5th Street, and the following lots that are not

abutting the 5th Street right-of-way: Lots 21 & 22 of Block 98 and Lots 15 & 16 of Block 66, as shown on the Map of the First Addition to the Town of Elko, recorded as File No. 5, Elko County records.

1. The district boundaries may be amended in accordance with section [3-2-21](#) of this chapter.
2. The maximum distance allowed from the east or west side of 5th Street right-of-way to the district boundary is one hundred twenty five feet (125').

C. Principal Uses Permitted:

1. The following residential uses are permitted:

Multiple-family residential units, including a duplex, triplex, or a fourplex located on a single lot or parcel, provided all area and setback requirements are met.

One single-family dwelling of a permanent character in a permanent location on its own parcel of land, provided all area and setback requirements are met.

2. The following commercial uses are permitted:

Art galleries and studios.

Bakeries.

Banks, financial institutions, not including short term lending businesses such as title loans or payday lending.

Barber and beauty shops.

Bicycle repair.

Bookstores.

Childcare centers.

Coffee shops.

Corner stores.

Florists.

Healing art, healthcare facilities, including medical and dental offices.

Laboratories: medical, dental, optical.

Laundry or dry cleaning pick up outlets.

Lodges, fraternal organizations, recreation, social and service clubs.

Offices, to include the following uses and activities: government, business and professional, including accountants, architects, collection agencies, chiropractors, employment agencies, engineers, health services, insurance agencies, law offices, real estate, stenographic services, title insurance firms.

Pharmacies when operated in conjunction with, and within the same building as, a medical clinic.

Photographic studios.

Schools for music, dance, teaching and creative arts.

Trade schools.

Travel agencies.

Uses determined to be functionally comparable to principal permitted uses in this zone.

D. Conditional Uses Permitted:

1. The following uses are permitted with a conditional use permit:

Churches, church facility complexes and places of religious worship.

Convalescent hospitals, sanitariums, nursing homes, homes for the aged.

Funeral homes and mortuaries.

Mixed uses within structures containing one or more residential dwelling units in which a significant portion of the space within the structure includes one or more principal commercial permitted uses.

Multiple-family residential developments which contain five (5) or more units located on a single lot or parcel; townhouse, condominium or attached housing developments.

Restaurants, sandwich and beverage shops, delicatessens.

Theaters, indoor.

Uses determined to be functionally comparable to conditional permitted uses in this zone.

E. Accessory Uses Permitted:

1. Accessory buildings, structures and uses customarily incidental to a permitted use, except as otherwise provided [for](#) in this chapter, are permitted for the following uses:

Accessory buildings. Lots with single-family dwelling units may have both permanent and non-permanent accessory buildings. Lots with multiple-family dwelling units may only have permanent accessory buildings.

Childcare family home.

~~Garden house, tool house, remade; outdoor swimming pool and similar home recreational facilities; provided that such facilities are used solely by occupants of the premises and their guest.~~

Guesthouse or servants' quarters provided they conform to all yard requirements applicable to the principal building.

Home occupations in accordance with other provisions in this chapter.

Private garage or carport.

Ramada, outdoor swimming pool, or similar home recreational facility so long as the facility is used solely by the occupants of the premises and their guests.

Rooms in the principal building for roomers, not exceeding two (2) such persons per dwelling unit; provided, that adequate additional off street parking space shall be provided.

Storage parking for recreational vehicles owned by the occupant; provided, that it is located in a garage, carport, rear or interior side yard, is not provided water or sewer service connections, and is not used for living purposes.

Storage parking of boat, utility trailer, horse trailer and similar equipment owned by the occupant; provided, that such equipment is located in a garage, carport, rear or interior side yard.

F. Property Development Standards:

1. Lot Area:

- a. Commercial Uses: The lot area shall be of sufficient size to provide for the building, off-street parking and landscaping.
- b. Residential Uses: Residential uses less than five (5) units and not attached to a commercial use shall provide the minimum lot area required in the R District.

2. Lot Width:

- a. Commercial Uses: No requirement.
- b. Residential Uses: Residential buildings less than five (5) residential units and which do not contain a commercial use shall provide the minimum lot width required in the R District.

3. Front, Rear, Interior Side ~~A~~ and Exterior Side Yard for New Development Or Expansion:

a. Commercial Uses: Zero feet (0').

b. Residential Uses:

(1) New development of residential buildings containing less than five (5) residential units and which do not contain a commercial use shall conform to the yard standards required in the R District.

(2) Expansion upon existing principal permitted use shall have the following setbacks:

(A) Front: Five feet (5').

(B) Rear: Five feet (5').

(C) Interior side: Three feet (3').

(D) Exterior side: Five feet (5').

4. Building Height: Building height shall not exceed forty five feet (45'), or requirements contained within the City Airport Master Plan, whichever is the most restrictive.

5. Landscaping:

a. Commercial uses shall provide landscaping as described in subsection [3-2-10B2a](#) of this chapter.

b. Landscaping within an adjacent right-of-way may be used to satisfy landscaping requirements, so long as it is maintained by the property owner.

c. With approval from the Planning Department, a lighted art element incorporated into the business signage may be allowed in lieu of required landscaping, but only if the developed property has physical conditions that prevent the property owner from installing the landscaping that would otherwise be required.

6. Signage:

a. Free standing signage shall be limited to a maximum height of six feet (6').

b. Signs shall be made of materials that enhance the appearance of the neighborhood, such as wood, stone, non- reflective or patinated metals, or similar materials.

c. Illuminated signs located adjacent to any residential area shall be shielded to direct light downward and away from adjacent properties such that there is no spillover light and shall be controlled by a rheostat or functional equivalent to avoid excessive glare visible from residential properties.

- d. Signs which contain, include, or are illuminated by any flashing, intermittent, or moving light or lights are prohibited.
- e. Wall signs shall not be allowed on any facade on the interior side that faces property zoned R - Single Family and Multiple Family Residential or that has a residential principal permitted use.

7. Off-Street Parking:

- a. Commercial and residential uses must comply with applicable provisions contained in section [3-2-17](#) of this chapter.
- b. On-street parking adjacent to commercial property may be used to satisfy off-street parking requirements.

G. Property Development Standards for Accessory Buildings:

All accessory buildings, both permanent and non-permanent, shall comply with Section 3-2-5(H).

- ~~a. **Building Height:** The maximum building height shall not exceed twenty five feet (25'), or requirements contained within the city airport master plan, whichever is the most restrictive.~~
- ~~b. **Building Setbacks:** Any detached accessory building that is erected shall conform to front and side yard setback requirements. A minimum rear yard setback of five feet (5') shall be required, which may be reduced to zero feet (0') if the rear lot line abuts a public alley.~~
- ~~c. **Building Area:** A detached accessory building shall be limited to a maximum area of one thousand (1,000) square feet or ten percent (10%) of the lot area, whichever is greater, but not to exceed one thousand two hundred (1,200) square feet.~~

H. Building Development Standards ~~F~~or Commercial Uses: Buildings used for commercial purposes shall meet the following standards:

- 1. Low-intensity building and site lighting shall be installed in such a manner as to minimize light spillover and glare into residential neighborhoods.
- 2. Commercial storefront exterior materials and colors shall harmonize with the surrounding properties. Exterior treatments characterized by an overly bright, shiny, reflective or artificial appearance shall not be permitted.
- 3. The appearance of handicap ramps and entries shall be integrated into the design of the property they serve, minimize visual impact from the public right-of-way, provide the most direct building access possible, and comply with the Americans ~~W~~[w](#)ith Disabilities Act.

4. The visual impact of parking and mechanical equipment from the public right-of-way shall be minimized through the use of screening or landscaping.
5. Awnings shall not obscure the character-defining features of the building.
- I. General Regulations ~~F~~or Commercial Uses: Commercial uses shall be subject to the following restrictions:
 1. The outdoor storage of goods or materials is prohibited.
 2. Warehousing or the indoor storage of goods or materials beyond that normally incidental to permitted uses is prohibited.
 3. The appearance of handicap ramps and entries shall be integrated into the design of the property they serve, minimize impact on the public right-of-way, provide the most direct building access as possible, and comply with the Americans ~~W~~ith Disabilities Act.
 4. Commercial buildings and associated structures and other improvements shall be designed in a manner that minimizes conflicts between pedestrian traffic and vehicles.
 5. Commercial building facades shall be designed and constructed in a manner that avoids large expanses of undifferentiated space.
 6. Commercial uses shall not have adverse impacts on the use and enjoyment of adjacent residential properties.

Section 4: Title 3, Chapter 5, Section 4 of the Elko City Code is hereby amended to read as follows:

3-5-4: USES PERMITTED AND MINIMUM STANDARDS:

A. Uses Permitted:

Accessory buildings.

Community recreation buildings and facilities, laundry, car wash, boat or storage facilities serving the mobile home or RV park; provided, however, that the architectural design of all non-mobile home structures shall be subject to approval by the planning commission prior to issuance of any conditional use permit, and all applicable state and city requirements.

Management offices (RMH-1 and RMH-4 only). One or more single-family dwellings or mobile homes used exclusively for office and living quarters by the operator or manager of the mobile home or RV park. The architectural design of a non-mobile home office shall be subject to approval by the planning commission prior to the issuance of any conditional use permit.

Mobile homes, manufactured homes, RVs. One mobile home, manufactured home or RV per space, including doublewide or expandable mobile home units.

Residential uses.

B. Standards for Development; Requirement:

1. Minimum Overall Area:
 - a. RMH-1: Two (2) acres;
 - b. RMH-2: One acre;
 - c. RMH-3: One acre;
 - d. RMH-4: Two (2) acres.
2. Maximum Building Height: The height of any building shall in no manner be such as to create a nuisance or safety hazard for air traffic into and about the Elko Municipal Airport.
3. Minimum Net Space Area: Minimum net space area for each mobile home, RV or manufactured home:
 - a. RMH-1: Four thousand (4,000) square feet;
 - b. RMH-2: Six thousand (6,000) square feet;
 - c. RMH-3: Six thousand (6,000) square feet;
 - d. RMH-4: One thousand two hundred sixty five (1,265) square feet.
4. Minimum Frontage Width: Minimum mobile home, RV or manufactured home space frontage width:
 - a. RMH-1: Forty feet (40');
 - b. RMH-2: Sixty feet (60');
 - c. RMH-3: Sixty feet (60');
 - d. RMH-4: Twenty three feet (23').
5. Minimum Setback, Public Street: Minimum setback of any building, mobile home, RV or manufactured home from a bordering public street line is fifteen feet (15'), except that garages and carports shall be set back twenty feet (20') from the front lot line.
6. Minimum Setback, Internal Street: Minimum setback from internal street in mobile home parks is twelve feet (12'), except that garages and carports shall be set back twenty feet (20') from the front lot line.

7. Minimum Side, Rear Setbacks, Separations: Minimum side and rear setbacks or separation for each mobile home, RV or manufactured home lot, where such side and rear does not border on public or internal streets:
 - a. RMH-1: Five feet (5') from space side line; seven and one-half feet ($7\frac{1}{2}'$) from space rear line.
 - b. RMH-2: Five and one-half feet ($5\frac{1}{2}'$) from side property line; ten feet (10') from rear property line.
 - c. RMH-3: Five and one-half feet ($5\frac{1}{2}'$) from side property line; ten feet (10') from rear property line.
 - d. RMH-4: Ten feet (10') separation between units or structures.
8. Property Development Standards for Accessory Buildings:
 - a. Building Height: The maximum building height for all accessory buildings shall not exceed twenty-five (25) feet, or the building height requirements contained within the City of Elko Airport Master Plan, whichever is the most restrictive.
 - b. Building Setbacks:
 1. Permanent and Non-Permanent Accessory Buildings:
 - a. Front: Fifteen (15) feet except that garages and carports shall be set back twenty (20) feet from any street from which they are accessed.
 - b. Rear: Five (5) feet
 - c. Interior Side: Five (5) feet
 - d. Exterior Side: Five (5) feet except that garages and carports shall be set back twenty (20) feet from any street from which they are accessed.
 - c. Building Area: The cumulative square feet of all accessory buildings shall be limited to a maximum area of ten percent (10%) of the lot area or one thousand, two hundred (1,200) square feet.
 - d. Detached guesthouses are permitted with the exception of RMH 3 and RMH 4 districts, so long as they conform to all yard requirements applicable to the principal building.
 - e. The minimum distance between all buildings on the parcel shall be five (5) feet.
 - f. No building or structure shall be located on any easement.

9. Expandable Sections, Separation Requirements: Expandable sections of a mobile home, manufactured home or RV shall be considered a part of the mobile home, RV or manufactured home proper for setback or separation requirements.

910. Underground Utilities: All utilities shall be placed underground.

1011. Other Statutes Aand Regulations Applicable: Where applicable, all site preparation, construction, mobile home, RV and manufactured home installation, utility connections and occupancy shall be in accordance with the requirements of the Nevada statutes and regulations of this code and ordinances.

C. Transportation Systems Requirements:

1. Access; Alignment Aand Grading of Streets: All mobile home, RV or manufactured home spaces shall be provided with safe and convenient vehicular access from public or private streets. Alignment and grading of streets shall be properly adapted to topography.
2. Street Surfacing: All streets shall have a paved all weather surface approved by the city engineer and drained in a manner approved by the city engineer.
3. Paved Curb Section: All streets shall have a paved, back of curb to back of curb section not less than:
 - a. RMH-1: Forty two feet (42') in width;
 - b. RMH-2: Fifty feet (50') in width;
 - c. RMH-3: Fifty feet (50') in width;
 - d. RMH-4: Twenty feet (20') in width with off street parking.
4. Curb/Gutter Sections; Sidewalk: All streets shall require curb/gutter sections on both sides and have a five foot (5') paved sidewalk:
 - a. RMH-1: At least one side of street;
 - b. RMH-2: Both sides of street;
 - c. RMH-3: Both sides of street;
 - d. RMH-4: On both sides of dedicated public streets.
5. Off Street Parking: A minimum of two (2) off street parking spaces per mobile home or manufactured home space shall be required. One per RV site shall be required on streets twenty feet (20') in width.
6. Emergency Vehicular Access: In all districts, adequate provisions for emergency vehicular access during inclement weather shall be provided on internal streets.

7. Storm Drainage: Adequate storm drainage shall be provided and shall be reviewed by the city engineer for his approval.
8. Signs **A**nd Lighting: All streets shall be properly signed and lighted. Lighting systems to be approved by the city engineer.

D. General Requirements:

1. Paving: All vehicle parking spaces and driveways shall be paved with a hard surface material.
2. Recreation **O**r Open Space Area: The planning commission shall require mobile home and RV parks to have at least one recreation area or usable open space accessible from all spaces, the cumulative size of which recreation area shall not be less than:
 - a. A minimum of two hundred (200) square feet of outdoor recreation area per mobile home space or fifty (50) square feet per RV site shall be provided, exclusive of required yards or setback area. The minimum size for any single outdoor recreation area shall be two thousand four hundred (2,400) square feet in mobile home parks and one thousand two hundred (1,200) square feet in RV parks, with a minimum width of twenty four feet (24').
 - b. Parks catering to family use shall provide larger recreation areas and adequate playgrounds. A minimum of three hundred (300) square feet of outdoor recreation area per mobile home space or seventy five (75) square feet per RV site shall be provided, exclusive of required yards or setback areas. All recreation areas and landscaping plans shall be approved prior to issuance of a conditional use permit by the planning commission.
3. Pedestrianways: When included as additions to required sidewalks, pedestrianways shall have a minimum width of four feet (4') and shall be surfaced in concrete or hard surface material.
4. Water Supply: An accessible, adequate, safe and potable supply of water for domestic purposes shall be provided to each mobile home or manufactured home space or lot and RV site, and proof of the same shall be provided to the planning commission before approval of any conditional use permit. Such supply of water shall be in conformance with any applicable Nevada statutes and regulations and city ordinances, and furnished through a pipe distribution system directly connected to the city water service.
5. Sewerage Facilities: An adequate and safe sewer system shall be provided to each mobile home, manufactured home or RV space, lot or site. Such sewer system shall be in conformance with any applicable Nevada statutes and regulations and city ordinances, and directly connected through a pipe collection system to the city sewer facilities.
6. Refuse **A**nd Garbage: Storage, collection and disposal of garbage and refuse shall be in conformance with any applicable Nevada statutes and regulations and city ordinances. In mobile home and RV parks, one metal dumpster with lid per twenty five (25) spaces located

no more than one hundred fifty feet (150') from mobile home lots and RV sites shall be required.

7. Fuel Supply ~~A~~nd Storage: Installation of liquid petroleum gas or fuel oil containers within a mobile home or manufactured home subdivision or mobile home or RV park shall be in conformance with any applicable Nevada statutes and city ordinances.
8. Fire Protection: In every mobile home or RV park, mobile home subdivision or manufactured home subdivision, fire hydrants shall be installed as may be required by the fire department.
9. Tie Downs: Tie downs for all mobile homes shall be provided in accordance with state fire marshal regulations and applicable Nevada statutes and regulations. Tie downs shall not be required on RV sites.
10. Skirting:
 - a. Skirting shall be of durable materials suitable for exterior exposures, and be installed in accordance with the manufacturer's installation instructions. It shall be secured, as necessary, to assure stability, to minimize vibrations, to minimize susceptibility to wind damage and to compensate for possible frost heave.
 - b. If combustion air for heat producing appliance is taken from within the under floor area, ventilation shall be adequate to assure proper operation of the appliances.
 - c. Use of combustible material (such as hay, straw, cardboard, etc.) shall be prohibited.
11. Fences: Mobile home and RV parks adjacent to residential zones shall be fenced with a solid view screening decorative fence not more than six feet (6') nor less than three feet (3') in height around the entire boundary of the park. However, no such fence over three feet (3') in height shall be allowed within thirty feet (30') of the intersection of any two (2) streets. The design and construction materials of said fence shall be subject to approval by the planning commission prior to the issuance of any conditional use permit. (RMH-1 and RMH-4 districts only.)
12. Floodplain: No mobile home or manufactured home subdivision, mobile home or RV park which is proposed to be constructed below the 100-year floodplain elevation of the Humboldt River and other drainage as defined by the U.S. army corps of engineers, shall be approved by the planning commission.
13. Grading, Erosion Protections; Avoidance Of Visual Scars On Hillsides; Protection Of Underground Utility Lines: Whenever it may be necessary for the developer of a mobile home, manufactured home subdivision, mobile home or RV park to cut and fill, or to alter the contours of the land in any way, he shall comply with the provisions of the city building code.
14. Management: The holder of a valid city business license for the operation of a mobile home or RV park shall be responsible for compliance with this chapter and other applicable ordinances (e.g., section [5-1-1](#) of this code) or Nevada statutes and regulations. He/she shall

maintain the mobile home or RV park in a neat, orderly and sanitary condition at all times. (RMH-1 and RMH-4 districts only.)

15. Signs: All signs for the mobile home or RV park, including the height, size, location, appearance and illumination of such signs, shall be subject to approval of the planning commission prior to the issuance of any conditional use permit. No signs will be installed without approval of said sign by the planning commission. The applicant shall submit a plan showing the locations of such signs and architectural elevations showing the heights, shapes, size and manner of illumination of the signs. (RMH-1 and RMH-4 districts only.)
 16. Landscaping: Exposed ground surfaces in the park shall be covered with stone, screening or other materials or protected with a vegetative growth in a well kept manner, either of which is capable of preventing soil erosion and eliminating objectionable dust. (RMH-1 and RMH-4 districts only.)
 17. Plan: A copy of the final approved plan for the mobile home or RV park shall be conspicuously posted on the site near office, or as designated by the fire department and the license holder shall be responsible for maintenance of the park as per the final approved plan thereafter. (RMH-1 and RMH-4 districts only.)
 18. Space Numbering: All spaces shall be numbered, and such number shall be posted in a place clearly visible and conspicuous from the internal street. (RMH-1 and RMH-4 districts only.)
 19. Electrical: All mobile home parks shall comply with the national electrical code, article 550, part B. All recreational vehicle parks shall comply with the national electrical code, article 551, part B.
 20. Public Telephone: At least one public telephone is required for a mobile home or RV park.
 21. Dump Stations: Permitted dump stations in RV parks shall meet all applicable Nevada statutes and regulations and city requirements.
 22. Fuel Cylinders: No extra or empty fuel cylinders are allowed to be stored on RV sites. Fuel cylinders being used shall comply with the latest edition of NFPA 58 (standard for the storage and handling of liquefied petroleum gases).
 23. Other Requirements: Where this code does not address a particular problem, the use of the latest edition of NFPA 501A (manufactured home installations, sites and communities), 501D (recreational vehicle parks and campgrounds) and 501C (fire safety criteria for recreational vehicles) will be used. Wherever 501A, 501D and 501C and this code differ, the requirements which are more stringent shall apply.
- E. Additional Requirements ~~F~~or Mobile Home Subdivision Utilizing Small Lots ~~A~~nd Homeowners' Associations ~~I~~n RMH-2 ~~O~~r RMH-3 Residential Mobile Home Districts: All mobile home subdivisions shall be subject to issuance of a conditional use permit, following review by the planning commission. Applications and procedures shall be in the manner provided by this title. Additionally, such subdivisions shall comply with Nevada Revised Statutes chapter 278, the subdivision and other applicable ordinances and regulations of the city and any health

regulations of the state health department. In addition to all applicable requirements set forth in subsections A through D of this section, all mobile home subdivisions shall be required to conform to the following standards:

1. Development Requirements: Development requirements shall be as follows:

- a. Minimum overall area: Two (2) acres;
- b. Minimum lot area: Four thousand five hundred (4,500) square feet;
- c. Minimum lot width: Forty five feet (45');
- d. Minimum setback from bordering public street line: Fifteen feet (15'), except that garages and carports shall be set back twenty feet (20') from the front lot line;
- e. Minimum setback from internal street: Twelve feet (12'), except that garages and carports shall be set back twenty feet (20') from the front lot line;
- f. Minimum setback from property line: Seven and one-half feet ($7\frac{1}{2}'$);
- g. Minimum distance between mobile home sides or side and end: Fifteen feet (15'); between ends: Fifteen feet (15');
- h. Expandable sections of a mobile home or attached accessory building shall be considered a part of the mobile home proper for setback requirements.

2. Street System:

- a. All mobile home lots shall be provided with safe and convenient vehicular access from public or private streets. Alignment and gradient of streets shall be properly adapted to topography.
- b. All streets shall be paved and drained in a manner approved by the public works department. Streets shall have a designed structural section based on traffic volumes and soil conditions, but in no event shall the asphaltic pavement be less than two inches (2") in thickness, placed on a base material at least six inches (6") thick and approved by the public works department.
- c. Access to mobile home subdivisions shall be designed to minimize congestion and traffic hazards and provide for safe movement of traffic at the entrance or exits to adjoining streets.
- d. All interior streets shall have a paved section not less than forty feet (40') in width, back of curb to back of curb, and a right of way not less than fifty feet (50').
- e. All streets shall be properly signed and lighted. Lighting system is to be approved by the public works department and shall provide a minimum level of lighting approved by the city engineer.

- f. Adequate provisions for snow removal and snow storage areas shall be provided.
- g. All streets shall have four foot (4') concrete paved sidewalks on both sides of street.

3. General Requirements:

- a. Pavement ~~O~~of Spaces ~~A~~and Driveways: All vehicle parking spaces and driveways shall be paved.
- b. Covering Of Ground Surfaces: Exposed ground surfaces in all other parts of the mobile home subdivision shall be covered with stone, screening or other material or protected with a vegetative growth in a well kept manner, either of which is capable of preventing soil erosion and eliminating objectionable dust.
- c. Refuse ~~A~~and Garbage: Storage, collection and disposal of garbage and refuse shall be in conformance to any applicable Nevada statutes and regulations, and regulations of the city and state health departments 1 .
- d. Fuel Supply ~~A~~and Storage: Installation of liquefied petroleum gas or fuel oil containers within a mobile home subdivision shall be in conformance to any applicable Nevada statutes and regulations, and city ordinances, and to the satisfaction of the fire department.
- e. Fire Protection: In every mobile home subdivision there shall be installed, and properly maintained, fire hydrants as required by the fire department.
- f. Fences: Mobile home subdivisions shall be fenced with a screened fence not more than six feet (6') nor less than four feet (4') in height around the entire boundary of the subdivision, subject to waiver in specific cases by the planning commission at its discretion.
- g. Variations: The planning commission, as part of the conditional use permit procedure, may vary the above requirements in its recommendation to the city. (Ord. 771, 3-26-2013)

Notes

1. See subsection 3-2-3(L) of this title.

Section 5: All ordinances or parts of ordinances in conflict herewith are hereby repealed, but only to the extent of such conflict

Section 6: If any section, paragraph, clause or provision of this ordinance shall for any reason be held to be invalid, unenforceable, or unconstitutional by a court of competent jurisdiction, the invalidity, unenforceability or provision shall not affect any remaining provisions of this ordinance.

Section 7: Upon adoption, the City Clerk of the City of Elko is hereby directed to have this ordinance published by title only, together with the Councilman voting for or against its passage in a newspaper of general circulation within the time established by law, for at least one publication.

Section 8: This Ordinance shall be effective upon the publication mentioned in Section 7.

PASSED AND ADOPTED this 4th day of May, 2021 by the following vote of the Elko City Council.

AYES:

NAYS:

ABSENT:

ABSTAIN:

APPROVED this _____ day of _____ 2020.

CITY OF ELKO

BY: _____
REECE KEENER, Mayor

ATTEST:

KELLY WOOLDRIDGE, City Clerk

**Elko City Council
Agenda Action Sheet**

1. Title: **First reading of Ordinance No. 861, an amendment to the City Zoning Ordinance, specifically Section 3-2-4; Establishment of Zoning Districts, 3-2-19; Nonconforming Uses & 3-2-21; Amendments, and matters related thereto. FOR POSSIBLE ACTION**
2. Meeting Date: **May 11, 2021**
3. Agenda Category: **ORDINANCE**
4. Time Required: **20 Minutes**
5. Background Information: **Planning Commission at their April 6, 2021 meeting, initiated Zoning Ordinance Amendment 1-21. Planning Commission considered this ordinance at their meeting May 4, 2021 and recommended City Council adopt Ordinance 861. 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: **Ordinance and P.C. Action Report**
9. Recommended Motion: **Conduct first reading of Ordinance No. 861, and direct Staff to set the matter for public hearing, second reading, and possible adoption.**
10. Prepared By: **Cathy Laughlin, City Planner**
11. Committee/Other Agency Review: **Planning Commission, City Attorney**
12. Council Action:
13. Agenda Distribution:



CITY OF ELKO

Planning Department

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CITY OF ELKO PLANNING COMMISSION ACTION REPORT Regular Meeting of May 4, 2021

WHEREAS, the following item was reviewed and considered by the Elko City Planning Commission on May 4, 2021 under Public Hearing format, in accordance with notification requirements contained in Section 3-2-21(B)(1) of the City Code:

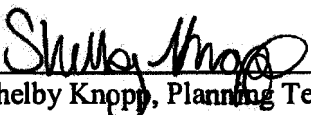
Zoning Ordinance Amendment 1-21, Ordinance No. 861, an amendment to the City Zoning Ordinance, specifically Section 3-2-4; Establishment of Zoning Districts, 3-2-19; Nonconforming Uses & 3-2-21; Amendments, and matters related thereto.

At the April 6, 2021 meeting, Planning Commission took action to initiate an amendment to the City Zoning Ordinance Title 3, Chapter 2, Section 4, Section 19 and Section 21.

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 an ordinance, which approves Zoning Ordinance Amendment No. 1-21, specifically Sections 3-2-4; Establishment of Zoning Districts, 3-2-19; Nonconforming Uses & 3-2-21; Amendments.


Cathy Laughlin, City Planner

Attest:


Shelby Knopp, Planning Technician

CC: Applicant
Kelly Wooldridge, City Clerk

**CITY OF ELKO
ORDINANCE NO. 861**

**AN ORDINANCE AMENDING TITLE 3 (ZONING REGULATIONS), CHAPTER 2
(GENERAL ZONING ORDINANCE), SECTION 4 (ESTABLISHMENT OF ZONING
DISTRICTS), SECTION 19 (NONCONFORMING USES), AND SECTION 21
(AMENDMENTS)**

WHEREAS, the City of Elko has determined that various sections in Title 3, Chapter 2 (Zoning Regulations) of the City Code require amendment to clarify existing requirements and to implement more practical and efficient procedures relative to changes to zoning district boundaries and zoning regulations;

WHEREAS, the proposed amendments more clearly define the standards for determining whether uses of property are nonconforming and what factors are considered in determining whether uses have been abandoned;

WHEREAS, the proposed amendments add clarity to the process for changing zoning district boundaries, adding more detailed guidance on applications to change zoning district boundaries, and setting forth the approval process before the planning commission and city council in greater detail and more understandable terms;

WHEREAS, the amendments eliminate confusion by separating the process for amending zoning regulations from the process used to change zoning district boundaries;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ELKO, NEVADA

*For amendment purposes, words which are in **blue, bold and underlined** are additions to the Ordinance, and words which ~~are lined through~~ are deleted from the Ordinance.*

Section 1: Title 3, Chapter 2, Sections 4, 19, & 21 are hereby added to read as follows:

3-2-4: ESTABLISHMENT OF ZONING DISTRICTS:

The entire City is hereby divided into zoning districts, within which zoning districts all property use shall hereafter conform to the requirements specified in this chapter, and which zoning districts are hereby classified as follows: ~~(Ord. 547, 12-12-2009)~~

A. Types ~~of~~ **of** Districts:

1.	Residential districts:	

	RS	Residential Suburban District
	R1	Single-Family Residential District
	R2	Two-Family Residential District
	R3	Multiple-Family Residential District
	R	Single-Family and Multiple-Family Residential District
	RO	Residential Office District
	RB	Residential Business District
	RMH	Mobile Home Park and Mobile Home Subdivision District
2.	Nonresidential districts:	
	PQP	Public, Quasi-Public District
	CC	Convenience Commercial District
	CT	Commercial Transitional District
	PC	Planned Commercial District
	C	General Commercial District
	IBP	Industrial Business Park District
	IC	Industrial Commercial District
	LI	Light Industrial District
	GI	General Industrial District
	RC	Restricted Commercial District
3.	Special districts:	
	AG	General Agriculture District
	FP	Floodplain Overlay District
	SA	Special Area Overlay District
	PUD	Planned Unit Development District

(Ord. 547, 12-12-2000; amd. Ord. 819, 8-22-2017)

- B. Required Conformity ~~To~~ to District Regulations: Except for nonconforming uses to the extent permitted under Section 3-2-19 or as otherwise provided in this subsection, ~~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, Unless an appropriate conditional use has

been permitted or a variance has been approved, the following restrictions shall apply in all zoning districts. ~~except as provided in this subsection:~~

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, unless excepted, 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;
or
 - 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.
- C. Annexation ~~Of~~ Territory ~~To~~ City: Proceedings for annexation of territory to the city shall be in accordance with Nevada Revised Statutes sections 268.610 through ~~268.670~~268.671, inclusive. A petition for annexation, in writing, shall be presented to the city council. The city council shall consider said petition and may refer the matter to the planning commission for further consideration. The petitioner shall, prior to the consideration of the petition by the planning commission, pay a filing fee to the city in an amount established by resolution of the city council.
- D. Classification Of Annexed Areas: All territory which is annexed to the city after the effective date hereof shall be zoned upon annexation AG general agriculture, unless the planning commission shall recommend and/or the city council shall otherwise designate the zoning district after holding duly advertised public hearings in accordance with section 3-2-21 of this chapter. As part of considering any petition for annexation of territory to the city, a review of conformance with the city master plan, including land use designation, shall be performed by the planning commission, with recommendations forwarded to the city council. If said annexation necessitates substantial amendment to the master plan, the planning commission may adopt such amendment only after holding duly advertised public hearings in accordance with Nevada Revised Statutes section 278.210.
- E. Detachment ~~Of~~ Territory ~~From~~ City: Proceedings for detachment of territory from the city shall be in accordance with Nevada Revised Statutes section 268.664. A petition for detachment, in writing, shall be presented to the city council. The city council shall consider said petition and may refer the matter to the planning commission for further consideration. The petitioner shall, prior

to the consideration of the petition by the planning commission, pay a filing fee to the city in an amount established by resolution of the city council and included in the appendix to this code.

- F. Classification ~~Of~~ Vacated Streets: Whenever a public street or alley is vacated by official action of the city council, the zoning districts adjoining each side of such street or alley shall automatically be extended to the centerline thereof, and all land area thus vacated shall then and henceforth be subject to all regulations of the extended districts.

G. Official Zoning District Map:

1. Establishment: The areas and boundaries of zoning districts are hereby established as shown on the official city zoning map which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this chapter.
2. Identification: The official city zoning map shall be entitled "Elko zoning map" and identified by the signature of the mayor, attested by the city clerk, bear the notations that it was adopted on the date this zoning ordinance was passed, and bear the seal of the city. Regardless of the existence of purported copies of the official city zoning map which may, from time to time, be made or published, the official city zoning map, which shall be located in a secure location designated by the city clerk, ~~the office of the city planner~~, shall be the final authority as to the current zoning status of land areas, buildings, and other structures in the city.
3. Changes: If, in accordance with the provisions of this chapter, changes are made in district boundaries or in other matters portrayed on the city zoning map, such changes shall be made on said map promptly after the amendment has been approved and adopted by ordinance ~~resolution of the city council~~. No changes of any nature shall be made in the city zoning map or matter shown thereon, except in conformity with the provisions of this chapter. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this chapter and punishable as hereinafter provided.
4. Replacement: In the event that the city zoning map becomes damaged, destroyed, lost, or difficult to interpret due to the nature or number of changes and additions, the city council may, by ~~resolution~~ordinance, adopt a new city zoning map which shall supersede the former map. The new city zoning map may correct drafting or other errors or omissions in the former map, but no such correction shall have the effect of amending the original zoning ordinance or any subsequent amendment thereof. The new city zoning map shall be identified by the signature of the mayor attested by the city clerk, and bear the seal of the city under the words:
"This is to certify that this Elko zoning map adopted the (date) supersedes and replaces the Elko zoning map adopted (date of adoption of map being replaced) as part of the zoning ordinance of the city of Elko, Nevada".
5. Interpretation: Where, due to scale, lack of detail or illegibility of the city zoning map, there is an uncertainty, contradiction, or conflict as to the intended location of any district boundary shown thereon, the exact location of such boundary shall be determined by the city planner, who, in reaching a determination, shall apply the following standards:

- a. Zoning district boundary lines are intended to follow lot lines, or be parallel or perpendicular thereto, and centerlines of streets, alleys and rights of way, unless otherwise fixed by dimensions shown on the city zoning map.
- b. In subdivided property, or where a zoning district boundary divides a lot, the exact location of such boundary shall be indicated by dimensions shown on the city zoning map.
- c. If, after application of the foregoing rules, uncertainty still exists as to the exact location of a zoning district boundary, the city council shall determine and fix the location of such boundary in accordance with the purpose and intent of this chapter. (Ord. 547, 12-12-2000)

3-2-19: NONCONFORMING USES:

A. Permitted: ~~Uses~~ A use lawfully existing at the time of adoption of ~~on the effective date of enactment of~~ this chapter or any amendment to this chapter, but ~~which is~~ not in accordance with the provisions and requirements currently contained ~~herein in this chapter~~, shall be known as a nonconforming uses and, if not abandoned, may be allowed to continue; provided, however, that such nonconforming uses may not be extended, enlarged or changed to other nonconforming uses, except by variance or conditional use permit.

B. Uses Included: A nonconforming use is a property use which existed lawfully ~~at~~ on the effective date of the enactment of ~~the City zoning ordinance~~ this chapter or any amendment to this chapter, but which is no longer in accordance with the provisions and requirements contained in this chapter, and has been continued and not abandoned since ~~that time~~ becoming inconsistent with the requirements of this chapter. Nonconforming uses are not limited to, but may include and consist of the following:

A nonconforming use of property, such as any commercial, industrial or residential use not listed as a principal, permitted use within the existing underlying zoning district; nonconforming structures or buildings such as any building or structure that is noncompliant with area, height or setback requirements of the existing underlying zoning district; and nonconforming development standards, such as noncompliant off street parking, including:

1. Quantity of spaces;
2. Paving;
3. Security lighting; and
4. Landscaping.

C. Nuisance Declared: It shall be unlawful for any person to continue a nonconforming use of any kind in any zoning district established by this chapter more than one (1) year after its passage when such nonconforming use has been declared to constitute a nuisance or to be detrimental to public health, safety or welfare by a majority vote of the City Council. The City Council shall have written notice served on the person last known to be the owner of the property on which such nonconforming use exists or which constitutes a nonconforming use. The written notice shall order the nonconforming use to be discontinued within one (1) year thereafter. If the owner does

not reside in the City at the time, the notice may be mailed to the person by registered mail at the last known address. This subsection shall not be construed as limiting the right of the City of any person to abate a nuisance under any existing laws or ordinances.

- D. Abandonment ~~Or~~ Discontinuance: A nonconforming use of a building or land which is operationally abandoned or discontinued for a period of twelve (12) consecutive months or more shall be considered abandoned and shall not be resumed. Nonconforming buildings which have been damaged or destroyed by natural calamity may be repaired or reconstructed within one (1) year from the date of damage, ~~provided~~ so long as the repaired building is appropriate ~~to~~ for the previous use. In considering whether a use is abandoned, the City may consider one or any combination of the following factors: (Ord. 623, 10-12-2004)
- a. Failure to maintain regular business hours that are typical or normal for the use;
 - b. Failure to maintain equipment, supplies or stock-in-trade that would typically be present in the building or on the land for the active operation of the use;
 - c. Failure to maintain utilities that would typically be required for the active operation of the use;
 - d. Failure to pay taxes, including but not limited to sales tax, workers' compensation taxes or business taxes that would be required for the active operation of the use;
 - e. Failure to maintain required local, state or federal licenses or other approvals, to include business licenses, that would be required for the active operation of the use; and/or
 - f. Other indicia of abandonment, such as the presence of a nuisance.

3-2-21-A: AMENDMENTS TO ZONING DISTRICT BOUNDARIES:

The city council may, ~~from time to time as the public necessity, convenience, general welfare, or good zoning practice requires,~~ change the ~~district~~ boundaries ~~or amend, change, repeal or supplement the regulations herein established~~ of any zoning district by ordinance. ~~Such~~ The change ~~or amendment~~ may be initiated by the city council or the planning commission on ~~its~~ the own motion ~~of either body,~~ or by application ~~of~~ by one or more owners of real property within the area proposed to be changed.

A. Application for Change of District Boundaries ~~To Be Filed:~~

1. ~~An~~ Applications for a change of district boundaries ~~or amendment of regulations shall be filed with the planning department submitted~~ by an owner of real property within the area proposed to be changed. ~~Such application~~ shall be filed with the planning department on a form provided for ~~the~~ that purpose. Any such form shall be rejected if not and shall be complete. The application shall contain the following information: a map of the area depicting the area to be changed with a statement of the proposed zone change, as follows: area to be change from "x" to "y"; (L to R, for example); a plot plan depicting existing conditions that have been surveyed by a properly licensed surveyor, to include: property lines, existing buildings, building setbacks, distances between buildings, parking and loading areas, driveways and other existing construction or improvements on the subject property; a complete legal description of the boundary, including area to the center line of the

- street(s), of the proposed zone change and a statement of the existing and proposed zoning of the property, including a brief summary of the intent of the proposed zone change.
2. If the property to be rezoned is adjacent to a public right-of-way, the proposed zone change must go to the center of the corresponding right-of-way.
- 3.1 Except as provided below, at the time the application is filed, the applicant shall pay
~~Payment of~~ a filing fee in an amount established ~~by a schedule adopted~~ by resolution of the city council ~~and filed in the office of the city clerk.~~
- 4.2 No part of the filing fee shall be returnable/refunded once paid. ~~Payment of filing fee shall be waived when the change or amendment is initiated by the city council or the planning commission or when the petitioner is the city, county, state or federal government. (Ord. 477, 12-17-1996)~~
5. Notwithstanding the above, no filing fee shall be required if the applicant is a governmental entity.

B. Planning Commission Stage: ~~Planning Commission Public Hearing:~~

1. Notice ~~Of~~ Hearing:
- a. The ~~planning commission~~ City Council or, if authorized by the City Council, the planning commission or planning department, shall set a date for ~~a~~ public hearing ~~of the petition by the planning commission on any application to change district boundaries within forty-five (45) calendar days of the date the application is filed. Such hearing shall be held only after a public~~ In addition to any applicable notice requirements contained in Chapter 241 of the Nevada Revised Statutes, notice of the time, date and place of ~~such the~~ hearing ~~has been~~ shall be published at least once in a newspaper of general circulation in the city at least ten (10) calendar days prior to ~~such the~~ hearing date, ~~and the requirements of Nevada Revised Statutes chapter 241 have been complied with.~~ Such The notice shall include a legal description and a physical description ~~of, or a map detailing, of~~ the property proposed to be rezoned, and a statement of the existing and proposed zoning of the property, including a brief summary of the ~~intent of the~~ proposed zone change, ~~and a general description of any regulations proposed to be amended. (Ord. 535, 12-14-1999)~~
- b. In addition to publication of ~~such the~~ notice of the hearing, a notice shall be sent by mail at least ten (10) calendar days before the hearing to the following:
- (1) The applicant;
 - (2) Each property owner, as listed on the county assessor's records, of real property located within three hundred feet (300') of the exterior boundary of the property being considered for the zone change;
 - (3) ~~Each property~~ The owners, as listed on the county assessor's records, of at least thirty (30) parcels nearest to the exterior boundary of the property being considered for the zone change, ~~to the extent that notification required pursuant to subsection B1a(2) of this section is not duplicated;~~

- (4) Each tenant of a mobile home park if ~~said~~the park is located within three hundred feet (300') of the exterior boundary of the property being considered for the zone change;~~and~~
 - (5) Any advisory board which has been established by the ~~governing body~~city council for the affected area or any area within three hundred feet (300') of the exterior boundary of the property being considered for the zone change.
 2. Hearing Before the Planning Commission: ~~The planning commission shall hold its~~At the public hearing on the application, the planning commission at which it shall review ~~all~~the proposed changes ~~and amendments, to the district boundaries~~ and shall hear ~~all~~ evidence offered by the ~~petitioner~~ applicant and ~~parties in interest~~ persons having an interest in the change, if any. ~~Such hearing shall be held within forty five (45) calendar days from date of application filing.~~
 3. Planning Commission Action: ~~Within fifteen (15) calendar days a~~After the conclusion of the public hearing on the application but prior to consideration by the city council, the planning commission shall file a written report with the city council ~~that recommending either that~~ the application should be granted as requested, granted subject to ~~specific~~ conditions, or denied. The planning commission's ~~recommendation~~written report shall be transmitted to the city clerk and a copy mailed to the applicant. Failure by the planning commission to file a report with the city council in accordance with this subsection shall be deemed ~~approval by a recommendation~~ by the planning commission to grant the application without conditions.
- C. City Council ~~Stage~~Public Hearing:
 1. Adoption of Zone Change by Ordinance: All changes to zoning district boundaries shall be made by ordinance
 - 2.1. ~~Notice Of Hearing~~First Reading: Subsequent to~~After receipt of~~the city council receives the planning commission's recommendation on the application, a date shall be set for a first reading of the proposed ordinance to change the zoning district boundaries. ~~public hearing of the matter before the city council. The public hearing shall be conducted in accordance with publication and notification requirements contained in subsection B1 of this section. At the first reading, the city council shall consider the planning commission's recommendation, and shall hear comments from the applicant (if any) and any persons interested in the proposed zone change. The first reading shall comply with Section 2.110(1) of the City Charter. At the first reading, the city council may approve or reject the planning commission's recommendation in whole or in part. The city council may also take any of the following actions:~~
 - a. Approve the proposed zoning ordinance;
 - b. Place conditions on the proposed zoning ordinance;
 - c. Modify the proposed zoning ordinance; or
 - d. Disapprove the proposed zoning ordinance in its entirety.
 - 3.2. ~~Consideration~~Second Reading: The city council shall at such public hearing on the application, ~~consider the planning commission's recommendation, and hear all evidence offered by the applicant and parties in interest.~~
 - a. If the city council approves any or all of the proposed zoning ordinance at the first reading, with or without modifications or conditions, the proposed ordinance shall

proceed to a second reading. The second reading shall be a public hearing that satisfies the requirements of NRS 278.260, including notice requirements, and that complies with Section 2.110(2) of the City Charter.

3. Approve Or Deny Petition:

- b.** ~~a.~~ At the conclusion of the ~~public hearing~~second reading, ~~or within fifteen (15) calendar days thereafter,~~ the city council shall either approve the zoning ordinance as approved at the first reading (subject to minor technical or nonsubstantive revisions, or the removal of conditions that have been satisfied) or shall disapprove the zoning ordinance in its entirety. ~~deny the petition. If the city council's decision is to approve an amendment to change zoning district boundaries, without conditions, or subject to conditions agreed to by the petitioner, the amendment shall be adopted by resolution of the city council and shall become effective as provided by law. Such resolution shall contain a description and map of the property approved for zone change and any conditions agreed to by the petitioner.~~
 - ~~b.~~ If the city council's decision is to approve an amendment to change, repeal or supplement regulations contained within the city zoning ordinance, the amendment shall be adopted by passage of an ordinance by the city council, pursuant to sections 2.100 and 2.110 of the city charter.
 - c.** The failure of an applicant for a zoning change to satisfy conditions imposed by the city council in the proposed ordinance adopted at the first reading may be grounds for disapproval at the second reading
 - d.** The city council may enact a zoning ordinance even if the applicant has not satisfied conditions in the proposed zoning ordinance adopted at the first reading. Alternatively, the city council may table the second reading to the next meeting, and to subsequent meetings thereafter, for the purpose of allowing an applicant to satisfy conditions.
 - e.** The city council may rescind approval of any zoning change for any reason permitted by law, to include the failure of an applicant to satisfy conditions bearing a substantial relationship to the future use of the land, so long as no person has acquired a vested right in reliance on the zoning change; provided, any such rescission shall promote the public health, safety, morals or general welfare, and shall encourage the most appropriate use of the land.
4. **Limitation on Reconsideration Of Denied Amendment Application:** In the event ~~that an application for an amendment to change district boundaries is denied by the city council, or is withdrawn after the planning commission hearing, the planning commission or the city council shall not reconsider the an application or any other application for the same amendment of this chapter as it applies to to change~~ the same ~~property described in the original application~~district boundaries, or any part thereof, within a period of one (1) year from the date of the city council's decision. ~~such denial action. (Ord. 477, 12-17-1996)~~

3-2-21-B: AMENDMENTS TO ZONING REGULATIONS:

The city council may amend Title 3, Chapter 2 of the Elko City Code (hereinafter the "zoning regulations" by ordinance, subject to the provisions of this section. The amendment may be initiated

by the city council or the planning commission on the motion of either body. If the proposed amendment is initiated by the planning commission, the planning commission shall file a written report with the city council containing a description of the proposed amendment and the reasons therefor. If the proposed amendment is initiated by the city council, the proposed amendment shall be presented to the planning commission, which shall then provide a recommendation to the city council. The city council may thereafter amend the zoning regulations by ordinance in accordance with Sections 2.090, 2.100 and 2.110 of the Elko City Charter.

Section 2: All ordinances or parts of ordinances in conflict herewith are hereby repealed, but only to the extent of such conflict

Section 3: If any section, paragraph, clause or provision of this ordinance shall for any reason be held to be invalid, unenforceable, or unconstitutional by a court of competent jurisdiction, the invalidity, unenforceability or provision shall not affect any remaining provisions of this ordinance.

Section 4: Upon adoption, the City Clerk of the City of Elko is hereby directed to have this ordinance published by title only, together with the Councilman voting for or against its passage in a newspaper of general circulation within the time established by law, for at least one publication.

Section 5: This Ordinance shall be effective upon the publication mentioned in Section 4

PASSED AND ADOPTED this ___ day of _____, 2021 by the following vote of the Elko City Council.

AYES:

NAYS: None

ABSENT: None

ABSTAIN: None

APPROVED this _____ day of _____, 2021.

CITY OF ELKO

BY: _____
REECE KEENER, Mayor

ATTEST:

KELLY WOOLDRIDGE, City Clerk

**Elko City Council
Agenda Action Sheet**

1. Title: **Review, consideration, and possible approval of a request to reimburse brothel business license fees paid January 1, 2020 - June 30, 2020, and matters related thereto. FOR POSSIBLE ACTION**
2. Meeting Date: **May 11, 2021**
3. Agenda Category: **PETITION**
4. Time Required: **5 Minutes**
5. Background Information: **Kathleen and Gabriel Ornelas, owners of Desert Rose Club, LLC have requested reimbursement of \$1,625.00 out of the \$3,250.00 paid for brothel license fees from 1/1/2020 – 6/20/2020. The brothels were ordered closed due to the Governor’s Directives on March 17, 2020. The City Council passed an ordinance delaying fees to one quarter of what is due 30 days after opening. The brothels have paid the following:**

1/1/2020 - 6/30/2020 - \$3,250 (asking \$1,625 of this reimbursed)
7/1/2020 - 12/30/2020 - \$0 (pursuant to City Ordinance 855)
1/1/2020 - 6/30/2020 - \$1,625 (pursuant to City Ordinance 856)
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: **Letter from Desert Rose Club, LLC**
9. Recommended Motion: **Pleasure of the Council**
10. Prepared by: **Kelly Wooldridge, City Clerk**
11. Committee/Other Agency Review:
12. Council Action:
13. Council Agenda Distribution:

MAY 11, 2020 ELKO CITY COUNCIL/REQUEST FOR AGENDA SPACE

BY DESERT ROSE CLUB LLC

**Request for Refund of ½ Brothel Licensing Fee paid by Desert
Rose Club for the time period of 1/1/2020-6/30/2020**

We request your consideration of the following:

Desert Rose Brothel license fee of \$3,250.00 was paid in good faith to City of Elko for the full 6-month period indicated. Due to Covid-19 and State of Nevada mandate with City of Elko enforcement of same, our business operation was temporarily suspended on March 17, 2020 and far beyond the licensing period noted above. Therefore, we were open less than half the time (2-½ months) this licensing should have covered through no fault of our own.

I understand that City of Elko does not make licensing refunds for business license fees when a license is terminated by the City, but that was not the case here. This was an Emergency temporary business suspension enforced in Elko under State of Nevada mandate.

Therefore, we are requesting \$1,625.00, one half of the \$3,250.00 licensing cost for January through June of 2020 as we were unable to remain open for half the period authorized by that license fee.

Respectfully,

Kathleen Ornelas, Desert Rose Club LLC

Gabriel Ornelas, Desert Rose Club LLC

Date: 4/24/2021

**Elko City Council
Agenda Action Sheet**

1. Title: **Review, consideration, and possible approval of a request from Elko POW/MIA Association for the closure of the round parking lot and the end parking lot in the Elko City Main Park for the Les Brown Memorial/Celebration of Life to be held on June 12, 2021, and matters related thereto. FOR POSSIBLE ACTION**
2. Meeting Date: **May 11, 2021**
3. Agenda Category: **PETITION**
4. Time Required: **15 Minutes**
5. Background Information: **The Elko POW/MIA Association are planning a memorial for Les Brown and would like to have it at the Main City Park. They would like to close a couple of the parking lots within the Park as they estimate at least 200 attendees. KW**
6. Budget Impact Statement:

Appropriation Required: **N/A**
Budget amount available: **N/A**
Fund name: **N/A**
7. Business Impact Statement: **Not Required**
8. Supplemental Agenda Information: **Application**
9. Recommended Motion: **Pleasure of the Council**
10. Prepared by: **Kelly Wooldridge, City Clerk**
11. Committee/Other Agency Review:
12. Council Action:
13. Council Agenda Distribution: **Ken Adams**
kenadams7036@yahoo.com

ELKO SPECIAL EVENT/VENDOR APPLICATION
(When the Event Includes a Closure of City Property)

(A)

Pursuant to Elko City Code 8-16-1 to 8-16-8, the undersigned hereby applies for a Special Event/Vendor License.

Name of Event: Les BROWN Memorial/Celebration of Life

Sponsor of Event: Elko POW*MIA Association

Location of Event: City Park

Date of Event: June 12th 2021

Time of Event: 9am - 5pm

If you are requesting a closure indicate the dates, time and place of the closure: June 12th
9am - 5pm parking lots around park

Number of Vendors _____ x \$34.50 per vendors on City Property
_____ x \$6.00 per day per vendor on Private Property

**No fee shall be charged to businesses physically located within the City of Elko with a current Elko City Business License. No charge to non-profit vendors.

Please list all vendors (including those that will not be charged) on next page.

The City prefers a primary contact person to deal with regarding the issues concerning the event. Although the primary contact person may have others assisting with the safety, security, traffic and parking of the event, the primary contact person will be the only person the City will contact regarding the event. If at any time the primary contact person changes, they must submit a letter stating who will become the main contact. Please list all numbers in which the primary contact person will be available.

Primary Contact Person: Ken Adams

24 Hour Phone/Cellular: 775-500-1595

Under penalties of perjury, the undersigned declares that he/she is the applicant/authorized agent of the applicant in the foregoing application for license and knows the contents thereof that those items contained in the application are true of his/her own knowledge except as to those matters stated on information and belief and as to such matters he/she believes it to be true.

Applicant Name: Ken Adams (please print)

K Adams
Signature of Applicant

Date: 5-5-21

961 CLARKSON DR. ELKO 89801
Mailing Address

Phone Number: 775-500-1595

Type of verification from Nevada Taxation

Nevada State Health Dept. (food vendors)
1020 Ruby Vista Dr. Ste. 103
775-753-1138

Kenadams7036@yahoo.com

EVENT VENDOR LIST

NAME	ADDRESS	PRODUCT SOLD	CITY LICENSE #
1.			
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			
11.			
12.			
13.			
14.			
15.			
16.			
17.			
18.			
19.			
20.			
21.			
22.			
23.			
24.			
25.			

Attach additional sheets if necessary.



CITY OF ELKO
FACILITY/EQUIPMENT USE FEES PERMIT

(B)

This application includes fees for special events held within the City of Elko on property under the ownership and/or control of the City of Elko. The sponsor of such event must complete this form and include all fees necessary for the event. The sponsor will be responsible for any other City fees incurred during the event and not listed on this form.

Name of Event: Les Brown Memorial / Celebration of Life

Sponsor of Event: POW/MIA ASSOC

Date of Event: June 12, 2021 Time of Event: 9 a.m. to 5 p.m.

If you are requesting a closure indicate the dates, times and place of the closure: June 12, 2021
8 a.m. to 6 p.m.

Facility Use Fees:

Street Closures: \$100 per lineal block _____ blocks @ \$100 Amount _____

Parking Corridor Closures: _____ corridors @ \$200 Amount _____

\$200 per corridor, or \$50.00 per quarter _____ ¼ corridor @ \$50 Amount _____

corridor (A parking corridor is a full block of parking between Railroad and Commercial Streets)

Barricades: \$5 each _____ barricades @ \$5

Electrical Fees: \$50 per service panel _____ panels @ \$50 Amount _____

\$10 per distribution box _____ boxes @ \$10 Amount _____

Cones: no charge _____

Total Amount Due: _____

All consumption fees based on power used throughout the event will be the responsibility of the sponsor.

Public Safety Fees: All fees associated with the Elko Fire Department assessed pursuant to Elko City Code Title 6, Chapter 5.

The special event organizer shall pay for additional law enforcement services where warranted. This fee shall be negotiated in advance of the event, and shall be specifically approved by the City Council as part of their approval of the closure of the street or parking corridor.

The following list of equipment must be reserved and paid through the Elko City Parks/Recreation Department at 723 Railroad Street.

Picnic Tables
Serving Tables
Trash Cans
Bleachers
Stages

CITY OF ELKO SPECIAL EVENTS APPLICANT QUESTIONNAIRE

(C. 1 of 2)

Name of Event: Les Brown Memorial

The purpose of this worksheet is to assist city personnel in coordinating our efforts with event organizers.

Please answer all questions in as much detail as possible:

Estimated number of attendees: 200

Will this event affect normal traffic patterns and parking? What actions will be needed to mitigate these problems?

Will City Personnel be needed? Will affect parking around park
NO CITY PERSONNEL will be needed

What are the safety concerns for the participants of this event? What are the safety concerns for the spectators for this event? What actions are needed to minimize the safety problems? Will City personnel be needed? What stipulations have been made for emergency access? NO SAFETY CONCERNS

Will there be any street closures? If yes, what are your emergency access plans?

NO STREET CLOSURES JUST PARKING LOTS

What area will this event effect? Do you have permission from the property owners who may be effected?

If a street closure is occurring present us with a plan and equipment list.

Will the closure include any use of Nevada State right-of-way? NO

What other logistical problems may be encountered? How can the City help?

Will traffic signals be affected by the event? NO

Will electricity be needed for the event, please explain? Yes, we have a sound system we will be using

Will this event create a litter problem? How will that problem be mitigated? NO

What provisions will be made for public restrooms for the attendees? We will just use the restroom in / around park

Will horses be present? NO Will a City street sweeper be required if so when? NO

ACCESSIBILITY PLAN

The City of Elko has the following checklist which is intended to serve as a planning guideline and may not be inclusive of all City, County, State and Federal Disability Access requirements. It is important that you plan for the safe arrival and departure of event attendees, participants and vendors.

- Accessibility parking and/or shuttle accommodations will be provided for the event.
- There will be a clear path of travel for accessibility purposes throughout the event.
- A minimum of 10% of portable restrooms provided at the event will be accessible.
- All food, beverage and vending areas will be accessible.
- If an information center is located at the event, attendants will be available to assist disabled individuals.

CITY OF ELKO STAFF FLOW SHEET

(C. 2 of 2)

The sponsor of the event shall present their entire application to each of the departments below for their comments and approval. The comments made by City Personnel are intended to assist in the approval process only, by signing they are acknowledging and agreeing to the requirements of their department should the event take place. Denials by any of the Departments may result in denial of the event.

Please call to arrange an appointment with each department.

NAME OF EVENT: _____

For Official Use Only

<u>Police Department, 1448 Silver St.:</u> Phone: 775-777-7310 Comments/Conditions: _____ _____ _____ Signature: _____	Approved	Denied	Date _____
<u>Fire Department, 911 W. Idaho St.:</u> Phone: 775-777-7345 Comments/Conditions: _____ _____ _____ Signature: _____	Approved	Denied	Date _____
<u>Street Department, 232 S. 10th St.:</u> Phone: 775-777-7241 Comments/Conditions: _____ _____ _____ Signature: _____	Approved	Denied	Date _____
<u>Parks & Recreation Dept., 723 Railroad St.:</u> Phone: 775-777-7261 Comments/Conditions: _____ _____ _____ Signature: _____	Approved	Denied	Date _____
<u>Nevada Department of Transportation (if applicable), 1951 Idaho St.:</u> Phone: 775-777-2725 Comments/Conditions: <u>NA @ Park</u> _____ _____ Signature: _____	Approved	Denied	Date _____

Attach additional sheets if necessary

**Elko City Council
Agenda Action Sheet**

1. Title: **Review, consideration, and possible approval of a request from Elko High for a donation of \$500 to the graduation fireworks program, and matters related thereto. FOR POSSIBLE ACTION**
2. Meeting Date: **May 11, 2021**
3. Agenda Category: **PETITION**
4. Time Required: **5 Minutes**
5. Background Information: **Elko High School would like to have a fireworks display following the graduation ceremony as a way to celebrate the ending of a difficult year for the graduating Seniors. The high school has \$2,000 for the display, a private donor has given \$500, and Principal Wickersham is request \$500 from the City. KW**
6. Budget Information:

Appropriation Required: **\$500**
Budget amount available:
Fund name: **Donation Fund**
7. Business Impact Statement: **Not Required**
8. Supplemental Agenda Information: **Letter from Principal Wickersham**
9. Recommended Motion: **Pleasure of the Council**
10. Prepared by: **Kelly Wooldridge, City Clerk**
11. Committee/Other Agency Review:
12. Council Action:
13. Council Agenda Distribution: **Timothy Wickersham**
twickers@ecsdnv.net



Elko High School

987 College Avenue
Elko, Nevada 89801
775-738-7281 • 775-738-9616 fax

May 5, 2021

Dear Elko City Council Members,

As you are undoubtedly aware, our students at Elko High School are concluding what is arguably the most difficult school year in our 125 year history. Our seniors, in particular, have suffered as they have lost so many opportunities for celebrating their final year: Homecoming, sports seasons, concerts, awards ceremonies, and, of course, the simple pleasures of enjoying time and creating memories with close friends.

Last year, we were fortunate enough to enjoy your support as we celebrated our alternative "Car Parade" graduation ceremony. The event was an enormous success, due in large part to the incredible support of the community and our local government, who both individually and collectively worked with us to navigate the logistical challenges of putting all of that together to honor a group of students who had their final year cut short.

This year, as we plan for a return to our traditional commencement ceremony at 7:30 p.m. on the evening of June 4th, 2021, it is our intention to punctuate the event with a substantial fireworks display. EHS has committed \$2,000 to this effort, and thus far we have received an additional pledge of \$500 dollars from a private donor. I am writing to ask if the City of Elko would like to consider making a \$500 donation to this effort.

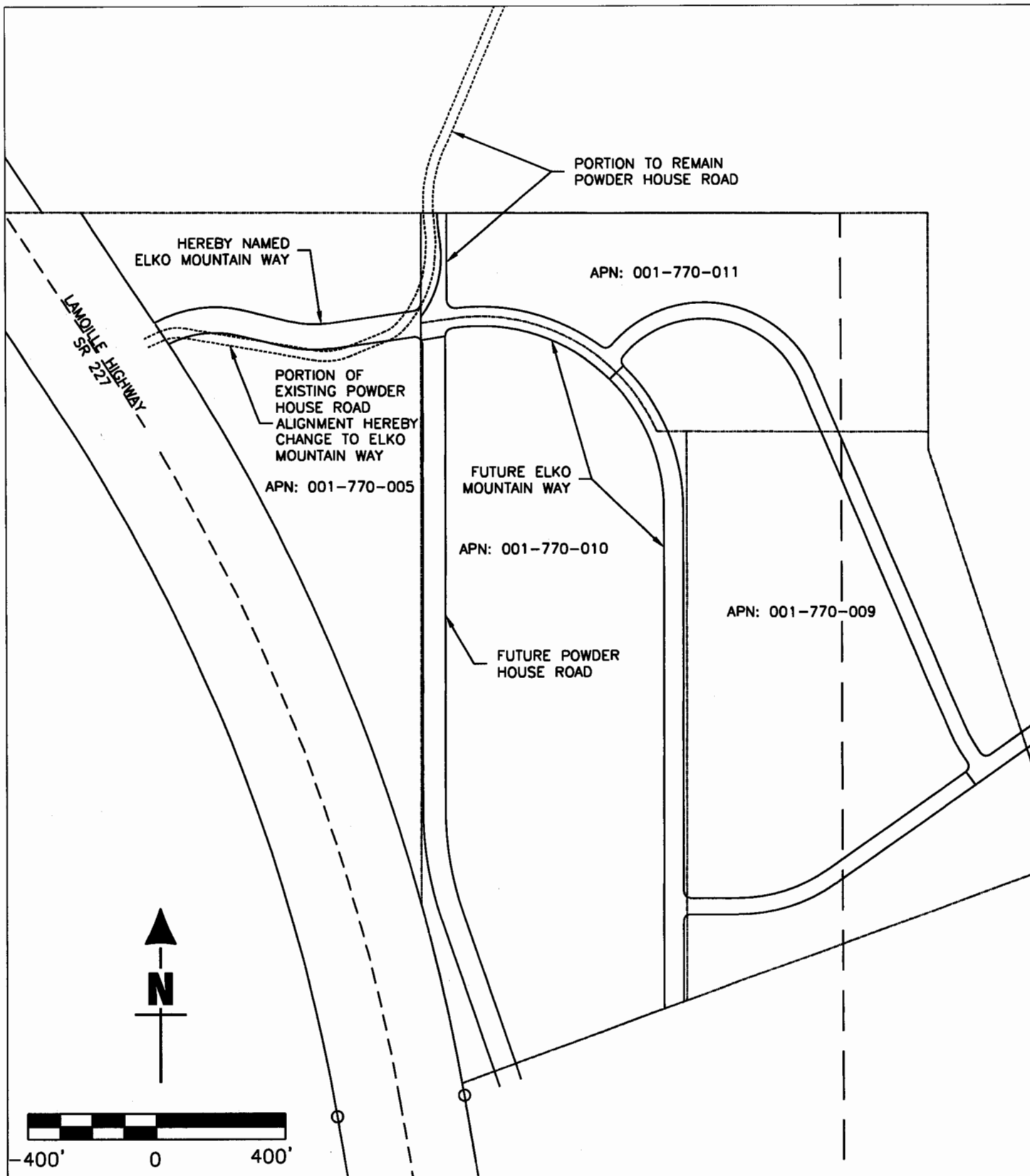
It is our intention to provide a ceremony that is as dignified and memorable as possible for our departing seniors. I hope you will join us, both in spirit and in person, as we gather on June 4th for this important annual event---one which will be all the more special this year as our community returns to normalcy. Thank you so much for your consideration.

Respectfully,

Tim P. Wickersham
Principal, Elko High School
(775) 738-7281

**Elko City Council
Agenda Action Sheet**

1. Title: **Review, consideration, and possible action to rename a portion of Powder House Road to Elko Mountain Way, and matters related thereto. FOR POSSIBLE ACTION**
2. Meeting Date: **May 11, 2021**
3. Agenda Category: **PUBLIC HEARING**
4. Time Required: **5 Minutes**
5. Background Information: **Staff is working toward acquiring Rights-of-Way and easements to allow for the installation of water mains and tanks in the area of Powder House Road. The proposed alignments of streets in the future development creates an intersection where Powder House Road would make a 90° bend if both sections were to remain as Powder House Road. Changing the name of the section nearest Lamoille Highway to Elko Mountain Way allows all of the residents using a Powder House Road address to maintain that address. No existing addresses would be affected by this proposed change. BT**
6. Budget Information:
 - Appropriation Required: **\$4,000**
 - Budget amount available:
 - Fund name: **Estimated \$3,500 from Facility Department budget for the lighted sign at Lamoille Highway.**
 - Estimated \$500 from the Street Department budget for a sign at the intersection of Powder House Road and Elko Mountain Way.**
7. Business Impact Statement: **Not Required**
8. Supplemental Agenda Information: **Map of roads in the area**
9. Recommended Motion: **Approve the street name change for a portion of Powder House Road to be named Elko Mountain Way, as shown on the map included in this agenda packet.**
10. Prepared by: **Bob Thibault, Civil Engineer**
11. Committee/Other Agency Review: **None**
12. Council Action:
13. Council Agenda Distribution: **None**



CITY OF ELKO
1751 COLLEGE AVE
ELKO, NEVADA 89801
775-777-7210

SCALE

HORZ 1" = 400'

VERT NONE

DATE 4/2/21

**DISPLAY MAP
EXISTING AND PROPOSED
STREET NAMES
SECTION 24, T 34 N, R 55 E**