



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

The Elko City Council will meet in regular session on Tuesday, July 9, 2019

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

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

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

Website, <http://www.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, NV 89801

Date/Time Posted: Wednesday, July 3, 2019 at 8:30 a.m.

**ELKO COUNTY COURTHOUSE**

571 Idaho Street, Elko, NV 89801

Date/Time Posted: Wednesday, July 3, 2019 at 8:40 a.m.

**ELKO POLICE DEPARTMENT**

1448 Silver, Elko NV 89801

Date/Time Posted: Wednesday, July 3, 2019 at 8:50 a.m.

**ELKO CITY HALL**

**ELKO COUNTY LIBRARY**

720 Court Street, Elko, NV 89801

Date/Time Posted: Wednesday, July 3, 2019 at 9:00 a.m.

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

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

Dated this 3<sup>rd</sup> day of July, 2019

**NOTICE TO PERSONS WITH DISABILITIES**

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

Curtis Calder  
Curtis Calder, City Manager  
Elko, Nevada

**CITY OF ELKO**  
**CITY COUNCIL AGENDA**  
**REGULAR MEETING**  
**4:00 P.M., P.D.S.T., TUESDAY, JULY 9, 2019**  
**ELKO CITY HALL, 1751 COLLEGE AVENUE, ELKO, NEVADA**

**CALL TO ORDER**

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

**ROLL CALL**

**PLEDGE OF ALLEGIANCE**

**COMMENTS BY THE GENERAL PUBLIC**

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

**APPROVAL OF MINUTES:**      June 25, 2019      **Regular Session**

**I.      PRESENTATIONS**

- A.      Update by the Nevada League of Cities and Municipalities, Executive Director Wes Henderson, on the Legislative Session and League Activities, and matters related thereto. **INFORMATION ONLY – NON ACTION ITEM**
- B.      Reading of a proclamation by the Mayor recognizing Tuesday, August 6, 2019 as “National Night Out” and matters related thereto. **INFORMATION ONLY – NON ACTION ITEM**
- C.      Semi-Annual Update on the Fire Department by Fire Chief Matt Griego, and matters related thereto. **INFORMATION ONLY - NON ACTION ITEM**

**II.     PERSONNEL**

- A.      Employee Introductions:
  - 1) Nathaniel Bradford, Patrol Officer, Police Department

**III.    APPROPRIATIONS**

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

- B. Review and possible approval of Ruby Mountain Lock & Safe Warrants, and matters related thereto. **FOR POSSIBLE ACTION**
- C. Review, consideration, and possible issuance of final acceptance for the WRF Secondary Clarifier #3 Project, and matters related thereto. **FOR POSSIBLE ACTION**

The project has been completed. Change orders totaled \$105,238.22. 62 Days of liquidated damages were assessed at the contract rate of \$1,000.00 per calendar day. This amounted to a reduction in cost of \$62,000.00. RL

- D. Review, consideration, and possible approval of an award of bid for AIP-50 Pavement Maintenance, conditioned on FAA AIP Grant award, and matters related thereto. **FOR POSSIBLE ACTION**

Sealed bids were opened on May 10, 2019. The City received two bids. Maxwell Asphalt Inc. was the low bidder with a bid of \$1,243,036.85. Minor irregularities were found with both bids. Bid documents allow for minor irregularities. Jvation Inc. reviewed the bids and recommended awarding the bid to Maxwell Asphalt Inc. pending City Council and FAA approval and Funding. This project has two (2) schedules. Schedule One (1) is the Federal amount of \$1,211,576.85. Schedule Two (2) is the Non-Federal amount of \$31,460.00. JF

- E. Review, consideration, and possible approval to enter into a Professional Services Agreement with Carter Engineering for the Design of the Cedar Street Reconstruction Project Phase 3, in the amount of \$125,000.00, and matters related thereto. **FOR POSSIBLE ACTION**

As Carter Engineering performed the design for Phase 1 and Phase 2, there would be a substantial savings to the City to award this agreement to Carter Engineering, as much of the work performed in Phase 1 and 2 can be utilized for the design of Phase 3. Carter Engineering's team did an excellent job performing Phase 1 and Phase 2 of the Project. DS

#### **IV. NEW BUSINESS**

- A. Review, consideration, and possible approval of a request from Mr. Daren Unruh of Amtgard, to allow overnight camping in the Main City Park for their Dragon Blade Wars event to be held August 30<sup>th</sup> to September 1, 2019, and matters related thereto. **FOR POSSIBLE ACTION**

Amtgard is a free to play non-profit L.A.R.P (live action role play). Members of this group have previously been used for security at the annual Art in the Park. Members of City Staff recently met with this group. Amtgard indicated at the meeting that there may be up to 100 people who would be camping in the park. Amtgard has two Proposals included with the agenda. KW

- B. Review, consideration, and possible acceptance of a Deed of Dedication from Bailey & Associates, LLC. to the City of Elko for a permanent, non-exclusive Right of Way, and matters related thereto. **FOR POSSIBLE ACTION**

The City of Elko recently sold the subject property to Bailey & Associates, LLC. It was discovered during the sale process that the northeasterly 10' of Lot 1 was never dedicated as right-of-way or at least Elko County could not find record of the dedication. This action will clear up any right-of-way concerns that came forth during the sale process. BT

- C. Review, Consideration and Possible Approval of a request from Rides & Rods Elko Classic Car Show for the closures of the Rides and Rods event to be held on September 6, 7 and 8, 2019, and matters related thereto. **FOR POSSIBLE ACTION**

The Rides and Rods event has been sponsored by the ECVA in the past. However, over the last few years they have partnered with Elko Rides & Rods Classic Car Show. This year it will be sponsored entirely by the Elko Rides and Rods Classic Car Shows. Therefore, the event is presented to Council as a new sponsor. The show has a few minor changes in the closures that will be presented at the Council meeting. KW

**V. 5:30 P.M. PUBLIC HEARINGS**

- A. Second reading and possible adoption of Ordinance No. 841, amending Title 2, Chapter 13, of the Elko City Code entitled "Sidewalks, Curbs, Gutters" and recodifying the Section as Title 8, Chapter 21, and matters related thereto. **FOR POSSIBLE ACTION**

The section of the City Municipal Code regulating the installation of curb, gutter, and sidewalk is currently located within the City's Building Code (Title 2). Council's adoption of the 2018 IBC on June 11, 2019 essentially repealed the existing Title 2 and made it necessary to move the curb, gutter, and sidewalk regulations. Council initiated Ordinance No. 841 at their June 11, 2019 meeting and approved the first reading of Ordinance 841 on June 25, 2019. MR

- B. Second reading and possible adoption of Ordinance No. 843, deleting Title 2, Chapter 1, Section 15 of the Elko City Code entitled "Exemptions For Existing Buildings, Structures And Building Service Equipment Systems," and matters related thereto. **FOR POSSIBLE ACTION**

On June 11, 2019, the 2018 International Building Code was approved by the City Council through the adoption of Ordinance No. 839. Council also approved the initiation of Ordinance No. 843, intended to delete Title 2, Chapter 1, Section 15 which contains similar exemptions found in the recently approved code. Ordinance No. 843 passed first reading on June 25, 2019. KW

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

SS     June 25, 2019

The City Council of the City of Elko, State of Nevada met for a regular meeting beginning at 4:00 p.m., Tuesday, June 25, 2019.

This meeting was called to order by Mayor Reece Keener.

## **CALL TO ORDER**

## **ROLL CALL**

**Mayor Present:**     Reece Keener

**Council Present:**   Councilwoman Mandy Simons  
                          Councilman Chip Stone  
                          Councilman Bill Hance  
                          Councilman Robert Schmidtlein

**City Staff Present:**  Curtis Calder, City Manager  
                          Scott Wilkinson, Assistant City Manager  
                          Ryan Limberg, Utilities Director  
                          Kelly Wooldridge, City Clerk  
                          Michele Rambo, Development Manager  
                          Jeff Ford, Building Official  
                          Bob Thibault, Civil Engineer  
                          Candi Quilici, Accounting Manager  
                          Dennis Strickland, Public Works Director  
                          Jim Foster, Airport Manager  
                          Cathy Laughlin, City Planner  
                          Jack Snyder, Fire Department  
                          Ben Reed, Police Chief  
                          Susie Shurtz, Human Resources  
                          Shelby Archuleta, Planning Technician

## **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.*

*The minutes were approved by general consent.*

## **I. CONSENT AGENDA**

- A. Review, consideration, and possible acceptance of a Deed of Dedication from the City of Elko to the City of Elko for a permanent non-exclusive Right of Way, and matters related thereto. **FOR POSSIBLE ACTION**

The City of Elko recently purchased the subject property from Barry Lipparelli. This action will dedicate the property as right-of-way for the future road extension of Cattle Drive. BT

**\*\* A motion was made by Councilwoman Simons, seconded by Councilman Hance, to approve the Consent Agenda.**

*The motion passed unanimously. (5-0)*

## **II. PERSONNEL**

- A. Review, consideration, and possible approval of the Part-Time Domestic Violence Systems Advocate position description, and matters related thereto. **FOR POSSIBLE ACTION**

The Part-Time Domestic Violence Systems Advocate position was approved in the FY 2019/2020 Budget, as a new position within the Police Department. This position is Grant funded through the Services Training Officers Prosecutors (STOP) Grant, awarded to the City of Elko on June 3, 2019. Staff is proposing this position be placed within a Part-Time Hourly Pay Scale of \$30-\$40/hour, dependent upon candidate qualifications, not to exceed 1040 hours annually. A position description has been included in the agenda packet for review. SS

Susie Shurtz, Human Resources Manager, explained this position was approved in the previous budget as a grant funded position. With the grant funding approved they are asking for final approval on the position and position description so they can move forward with recruitment and hiring.

**\*\* A motion was made by Councilman Stone, seconded by Councilwoman Simons, to approve the part-time Domestic Violence position at a maximum of 1040 hours annually, as a grant funded position.**

*The motion passed unanimously. (5-0)*

- B. Review, consideration, and possible approval of the Part-Time Laboratory Technician position description, and matters related thereto. **FOR POSSIBLE ACTION**

The Part-Time Laboratory Technician position was approved in the FY 2019/2020 Budget, as a new position within the Sewer Department. The position will help

meet the needs of daily testing and analysis in the Lab within the City of Elko. Staff is proposing this position be placed within a Part-Time Hourly Pay Scale of \$20-\$22.50/hour. A position description has been included in the agenda packet for review. SS

Ms. Shurtz explained this position was also previously approved in the budget process as an addition to the Sewer Department Lab. They are asking for final approval on the position and the position description so they may move forward with recruitment and hiring.

**\*\* A motion was made by Councilman Schmidtlein, seconded by Councilwoman Simons, to approve the position description as presented.**

*The motion passed unanimously. (5-0)*

### **III. APPROPRIATIONS**

- B. Review, consideration, and possible issuance of final acceptance for the Well 36 Public Improvements Project, and matters related thereto. **FOR POSSIBLE ACTION**

The project is complete. Staff recommends issuance of final acceptance. There was one Change Order for the project, consisting of three sub items, at a cost of \$4,299.49. RL

Ryan Limberg, Utilities Director, recommended final acceptance.

**\*\* A motion was made by Councilman Schmidtlein, seconded by Councilwoman Simons, to approve Final Acceptance on the Well 36 Project, in the amount of \$123,003.38.**

*The motion passed unanimously. (5-0)*

- C. Review and possible approval of the Elko Regional Airport Liability Insurance Policy for FY 2019/2020, and matters related thereto. **FOR POSSIBLE ACTION**

LP Insurance Services, Inc. has competitively sought airport liability insurance for the upcoming fiscal year. Only one (1) quote was received from AIG Aerospace at \$9,741/year, representing a 10% increase over the current year. JF

Jim Foster, Airport Manager, explained there was an increase from the year before.

Mayor Keener felt it was affordable when you think of the potential exposure to a disaster.

Curtis Calder, City Manager, said we get twice the limit on the liability than we would get from POOL/PACT.

**\*\* A motion was made by Councilwoman Simons, seconded by Councilman Stone, to approve the AIG Aerospace Police, effective July 1, 2019, for \$9,741 for the year.**

*The motion passed unanimously. (5-0)*

#### **IV. UNFINISHED BUSINESS**

- A. Review, consideration, and possible action to conditionally approve Final Plat No. 11-18, filed by Parrado Partners LP., for the development of a subdivision entitled Great Basin Estates, Phase 3 involving the proposed division of approximately 9.650 acres of property into 38 lots for residential development within the R (Single Family and Multiple Family Residential) Zoning District, and matters related thereto. **FOR POSSIBLE ACTION**

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

Michele Rambo, Development Manager, explained the Cease and Desist Order has been lifted by NDEP. She recommended conditional approval.

Mayor Keener asked Mr. Capps if he reviewed everything in terms of the conditions and he was good with everything.

Robert Capps, Parrado Partners, answered yes.

Mayor Keener called for public comment without a response.

**\*\* A motion was made by Councilman Schmidtlein, seconded by Councilman Stone, to conditionally approve Final Plat No. 11-18, for the Great Basin Estates Phase 3 Subdivision, subject to the conditions as recommended by the Planning Commission.**

*The motion passed unanimously. (5-0)*

#### **V. NEW BUSINESS**

- A. Review, consideration, and possible approval of a PER (Preliminary Engineering Report) from Lumos and Associates for the Exit 298 Sewer Force Main and Lift Station Design, and matters related thereto. **FOR POSSIBLE ACTION**

The PER is included as supplemental agenda information. Staff will go over a summary of the design and associated costs. RL

Ryan Limberg, Utilities Director, explained the preliminary engineering report was included in the packet. They are looking at designing a lift station and a force main. Each of those has two options



for Council to make decisions on. He went over the design options. In the packet was also a cost sheet breakdown so all the options could be compared.

Councilman Schmidtlein liked the wet/dry well option.

Mayor Keener felt the safety aspect was huge.

Councilwoman Simons confirmed that Mr. Limberg would prefer the two force mains and dry/wet combination. (yes)

Mayor Keener asked if this was budgeted for the upcoming fiscal year.

Mr. Limberg answered the construction of this is not budgeted. It is a little premature to construct this now as we would not have enough flow to make it work.

Councilman Schmidtlein asked about who would pay for the frontage along I80.

Mr. Limberg said the City would likely need to pick up that cost unless NDOT wanted to help out.

Bob Thibault, Civil Engineer, indicated on the overhead, highlighted in yellow was the sewer design completed.

Mr. Limberg stated the design was at 60% right now and they would like to finish up the design. They do need to know what option to go with in order to finish up the design.

**\*\* A motion was made by Councilman Schmidtlein, seconded by Councilwoman Simons, to approve to move the preliminary engineering report from Lumos and Associates for Exit 298, going with the wet well/dry option, as well as, option 2 in regards to the force main with the 6-inch and 10-inch main.**

*The motion passed unanimously. (5-0)*

- B. Review, consideration, and possible approval of a Performance/Maintenance Agreement for subdivision improvements associated with the Great Basin Estates Phase 3 subdivision, and matters related thereto. **FOR POSSIBLE ACTION**

Elko City Code 3-3-21 requires the subdivider to have executed and filed an agreement between the subdivider and the City for the required subdivision improvements, included stipulations on the timeframe for when those improvements are to be completed, and to post a performance guarantee in accordance with Elko City Code 3-3-22. As part of the conditions of approval the Planning Commission recommended that the agreement be approved by the City Council. The Planning Commission also recommended that the Developer shall enter into the agreement within 30 days of the City Council's approval of the final plat. MR

Michele Rambo, Development Manager, explained this is the typical performance agreement. The developer has 30 days to enter into the agreement once it is approved by Council. The developer is here and has indicated that he is in agreement.

Robert Capps, Parrado Partners LP, said he is in agreement with the agreement as drafted.

Mayor Keener called for public comment without a response.

**\*\* A motion was made by Councilwoman Simons, seconded by Councilman Hance, to approve the Performance and Maintenance Agreement for subdivision improvements associated with the Great Basin Estates Phase 3 subdivision. The subdivider shall enter into the agreement within 30 day or table this item if no action is taken on the associated final map.**

*The motion passed unanimously. (5-0)*

## **VI. RESOLUTIONS AND ORDINANCES**

- C. Review, consideration, and possible approval of Resolution No. 12-19, a resolution adopting the National Incident Management System in the City of Elko, and matters related thereto. **FOR POSSIBLE ACTION**

The National Incident Management System (NIMS) was published by the Department of Homeland Security on March 1, 2004. It provides a comprehensive and consistent national approach to all-hazard incident management at all jurisdictional levels and across all functional emergency management disciplines. The benefit of NIMS is especially evident at the local level, when the entire community prepares for and provides an integrated response to an incident

Jurisdictions are required to adopt NIMS implementation requirements as a condition of receiving federal preparedness funding assistance and/or grants. KW

Jack Snyder, Deputy Fire Chief, explained while they were updating the Emergency Operations Plan, they noticed this was not in writing as it should be. All agencies follow this structure but it was not in writing. This is a formality to say we have adopted it.

**\*\* A motion was made by Councilman Hance, seconded by Councilman Stone, to adopt Resolution No. 12-19, recognizing the National Incident Management System as the foundation for incident command coordination and support activities for the City of Elko.**

*The motion passed unanimously. (5-0)*

## **V. NEW BUSINESS (Cont.)**

- C. Review, consideration and possible approval of a request from Mary Spealman, dba Boot Scoot N' Brew for concession space at the Elko City Main Park, and matters related thereto. **FOR POSSIBLE ACTION**

Sisters Food has terminated their concessionaire agreement. This leaves a space #1 available and Mary Spealman would like to utilize it for a mobile expresso shop Boot Scoot N' Brew. KW

Kelly Wooldridge, City Clerk, explained this will make the park concessionaires full.

**\*\* A motion was made by Councilman Schmidtlein, seconded by Councilman Stone, to approve Boot Scoot N' Brew for a concession space No. 1 at the Elko City Main City Park.**

*The motion passed unanimously. (5-0)*

- D. Review, consideration, and possible approval of a lease agreement amendment between Newmont Mining USA and Nevada Gold Mines, LLC between the City of Elko, Elko Regional Airport and Newmont Mining Corporation at the Elko Regional Airport, and lease assignment and assumption between Newmont Mining USA and Nevada Gold Mines, LLC, and the City of Elko, Elko Regional Airport, and matters related thereto. **FOR POSSIBLE ACTION**

Newmont Mining Corporation entered into a lease agreement with the Elko Regional Airport for the lease of 45 parking spaces located at the airport terminal on March 1, 2019. This amendment extends that lease and assigns it to Nevada Gold Mines LLC. JF

Jim Foster, Airport Manager, explained this extension is until January. This will transfer the name and extend the lease.

**\*\* A motion was made by Councilman Stone, seconded by Councilman Hance, to approve the Lease Agreement Amendment between the Elko Regional Airport and Nevada Gold Mines LLC.**

*The motion passed unanimously. (5-0)*

## **VI. RESOLUTIONS AND ORDINANCES (Cont.)**

- A. Review, consideration, and possible approval of Resolution No. 10-19, a resolution amending Police Department fee's effective July 1, 2019 and matters related thereto. **FOR POSSIBLE ACTION**

The State Department of Public Safety is increasing the State fee portion of fingerprint based background checks effective July 1, 2019. BR

Ben Reed, Jr., Police Chief, explained this is a housekeeping issue. We amend these fees time to time, almost annually. Some things have happened at the State level to increase the fees that we have to charge.

Shelby Womack, Police Records Supervisor, said they were notified by the State that as of July 1<sup>st</sup>, the gaming control board would no longer take finger print fees. Normally we transmit it electronically. They are having us take the fee up front so the fee gets paid. The FBI fee and the state investigation fee have also increased.

Mayor Keener pointed out that we went through all these fees a couple years ago and brought everything up to speed to cover costs. We are just increasing these fees for the charges that are being passed through us.

Chief Reed said that was correct. These increases were State driven.

**\*\* A motion was made by Councilman Stone, seconded by Councilman Schmidlein, to adopt Resolution No. 10-19, effective July 1, 2019.**

*The motion passed unanimously. (5-0)*

- B. Review, consideration, and possible approval of Resolution No. 11-19, a resolution donating a City of Elko Fire Engine to the Elko County Fire Protection District, and matters related thereto. **FOR POSSIBLE ACTION**

The City of Elko Fire Department has determined that the 1997 Emergency One Fire Truck has reached its useful life for the City and would like to donate the Engine to the Elko County Fire District. JS

Jack Snyder, Deputy Fire Chief, said the former Engine 2 has served the City for 21 years. It was retired from service when the new Engine 1 was received.

Linda Bingaman, Elko County Fire District, thanked City Council for their consideration of this. When they took over the Fire District, they inherited a very old fleet and minimal equipment.

**\*\* A motion was made by Councilman Stone, seconded by Councilwoman Simons, to adopt Resolution No. 11-19, finding the 1997 Emergency 1 Fire Truck has reached its useful life for the City of Elko and approve the donation to the Elko County Fire District.**

*The motion passed unanimously. (5-0)*

- D. Review, consideration, and possible approval of Resolution No. 13-19, a resolution providing for the transfer of appropriations between accounts within the City of Elko 2018/2019 Fiscal Budget pursuant to N.R.S. 354.598005, and matters related thereto. **FOR POSSIBLE ACTION**

This is the annual year-end housekeeping item to transfer funds between functions, and funds as required to fund all budgetary changes that occurred during the fiscal year. CQ

Candi Quilici, Accounting Manager, explained this is annual year-end housekeeping. Proposed transfers are included in the packet. The swimming pool repairs are included.

Curtis Calder, City Manager, said another one was the capital construction that covered the 6<sup>th</sup> Street Culvert Replacement. We just received a letter from FEMA and DEM denying reimbursement so it was the right call to transfer. We have spoken to our auditors so they can make the necessary adjustments.

**\*\* A motion was made by Councilwoman Simons, seconded by Councilman Hance, to approve Resolution No. 13-19, a resolution providing for the transfer of appropriations between accounts within the City of Elko 2018/2019 Fiscal Budget pursuant to NRS 354.598005.**

*The motion passed unanimously. (5-0)*

- E. First reading of proposed Ordinance No. 841 “Amending Title 2, Chapter 13 Of The Elko City Code Entitled ‘Sidewalks, Curbs, Gutters’ and Recodifying The Section As Title 8, Chapter 21”, and matters related thereto. **FOR POSSIBLE ACTION**

The section of the City Municipal Code regulating the installation of curb, gutter, and sidewalk is currently located within the City’s Building Code (Title 2). Council’s adoption of the 2018 IBC on June 11, 2019 essentially repealed the existing Title 2 and made it necessary to move the curb, gutter, and sidewalk regulations. Council initiated Ordinance No. 841 at their June 11, 2019 meeting to not only change the location, but add standard enforcement language, clarify existing language, and correct typos. MR

Michele Rambo, Development Manager, explained this is simply moving the regulations to another location and correcting some typos, and clarifying some vague regulations. The regulations are not being changed.

**\*\* A motion was made by Councilman Hance, seconded by Councilman Stone, to conduct first reading of Ordinance No. 841, and direct City Staff to set the matter for second reading, public hearing and possible adoption.**

*The motion passed unanimously. (5-0)*

- F. First reading of proposed Ordinance No. 843 “Deleting Title 2, Chapter 1, Section 15 Of The Elko City Code Entitled “Exemptions For Existing Buildings, Structures And Building Service Equipment Systems”, and matters related thereto. **FOR POSSIBLE ACTION**

On June 11, 2019, Ordinance No. 839 adopting the 2018 International Building Code was approved by Council. Council also approved to initiate Ordinance No. 843 deleting the existing building code since it is contained in Ordinance No. 839 and the International Building Codes. KW

Kelly Wooldridge, City Clerk, explained this is more housekeeping due to the existing building codes being contained in the International Building Code.

**\*\* A motion was made by Councilwoman Simons, seconded by Councilman Stone, to conduct the first reading of Ordinance No. 843, and direct staff to set the matter for second reading, public hearing and possible adoption.**

*The motion passed unanimously. (5-0)*

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

- A. Ratification of the Police Chief issuing three 30-day Temporary Retail Liquor Licenses and a 30-day Temporary Packaged Liquor License and issue three Regular Retail Liquor Licenses and a Regular Packaged Liquor License, to Justin Lee Beltram and Eric Hans Perrson, DBA Red Lion Hotel and Casino (retail liquor), located at 2065 Idaho Street, Elko, NV 89801, Gold Country Inn & Casino (retail liquor), located at 2050 Idaho Street, Elko, NV 89801, High Desert Inn (retail liquor), located at 3015 Idaho Street, Red Lion Chevron (packaged liquor), located at 2175 Idaho Street, Elko, NV 89801, and matters related thereto. **FOR POSSIBLE ACTION**

Chief Reed explained that he tried to get that all under one agenda item. The property changed hands. They all have liquor licenses. The background checks are complete with no issues. They will receive separate licenses for each business.

**\*\* A motion was made by Councilman Schmidtlein, seconded by Councilman Stone, to ratify the Police Chief issuing three 30-day temporary retail liquor licenses and a 30-day temporary packaged liquor license and issue three Regular Retail Liquor Licenses and a Regular Packaged Liquor License, to Justin Lee Beltram and Eric Hans Perrson, DBA Red Lion Hotel and Casino (retail liquor), located at 2065 Idaho Street, Elko, NV 89801, Gold Country Inn & Casino (retail liquor), located at 2050 Idaho Street, Elko, NV 89801, High Desert Inn (retail liquor), located at 3015 Idaho Street, Red Lion Chevron (packaged liquor), located at 2175 Idaho Street, Elko, NV 89801.**

*The motion passed unanimously. (5-0)*

## **III. APPROPRIATIONS**

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

**\*\* A motion was made by Councilwoman Simons, seconded by Councilman Hance, to approve the general warrants.**

After the motion and before the vote, Councilman Schmidtlein asked, under the Elko Redevelopment Agency, there was an overpayment to the City of Elko for Wells RDA.

Councilwoman Simons had the same question and wondered if it was related to the last overpayment.

Cathy Laughlin, City Planner, answered no. The County was paying us the Wells portion of their redevelopment. We didn't catch it until three of four months in. The County caught it when Well contacted them.

Mayor Keener asked if it was only for this current fiscal year and it only happened for a few months.

Ms. Laughlin said Wells just got approved for their redevelopment area recently. This should be their first few payments.

Councilman Schmittlein asked regarding the Animal Shelter and American staffing, How much American Staffing do we use at Animal Shelter each year.

Curtis Calder, City Manager, answered we budget a certain amount every year because we know we are going to have people in and out. Currently have an employee out on long-term sick leave as a result of surgery. They are being used more than normal right now.

*The motion passed unanimously. (5-0)*

## VIII. REPORTS

### A. Mayor and City Council

*Mayor Keener met with Troy Poncin and a prospective broadband provider. He thanked Cathy Laughlin for a tour of nuisance homes. There is a fundraiser Walk-a-thon on Saturday at 10:00 am at Elko High, hosted by the National Alliance for Mental Illness.*

*Councilman Schmittlein asked for an update on Armstrong property.*

*Jack Snyder, Deputy Fire Chief said the Fire Marshal has sent the appropriate paperwork to the City Clerk so the process may move forward.*

*Chief Reed said one went into custody for arson and is still in custody.*

*There was some discussion about other properties and serving the property owners paperwork.*

*Councilman Stone said there was an ECVA meeting today. The California Trail Center received \$2,500 to help them with a large convention they are promoting. The Animal Shelter Maddy's event went well.*

*Mayor Keener said he provided the wrong dates for Nevada League of Cities.*

*Councilwoman Simons said she will miss the next meeting.*

*Mayor Keener reported that mosquito spraying happened on Monday and there will be a follow-up application (weather permitting) next Monday or Tuesday. The summer water conservation watering schedule is in place for three times a week for all users within the City of Elko.*

### B. City Manager

*Curtis Calder reported the Swimming Pool is open. Everything seems to be going well. He got an email from NNYSA Soccer Group asking for the Mayor or a Councilmember to participate in the kickoff. He received a letter from FEMA DEM denying reimbursement for the 6<sup>th</sup> Street Culvert and he will put a copy of it in their boxes. This weekend at the SnoBowl is the motorcycle race. There is also another motorcycle race happening in Wells at the same time. They are unrelated.*

### C. Assistant City Manager

*Scott Wilkinson said the Executive Director from the Nevada Commission on Ethics did a presentation today at 1:30 pm. A copy of the presentation was available for information purposes.*

### D. Utilities Director

- E. Public Works
- F. Airport Manager

*Jim Foster said the insurance policy has no deductible. He received a phone call about the noxious weeds at the Airport. They typically mow the infields and along the runway under normal conditions. With the wet winter and spring they have not been able to get out and mow yet. They are also getting ready to start spraying the weeds.*

*Mayor Keener said he noticed some large military helicopters and wondered if they landed at the airport.*

*Mr. Foster said he was out of town at the time but assumed they stopped and purchased some fuel before heading out again.*

- G. City Attorney
- H. Fire Chief

*Deputy Fire Chief Jack Snyder reported open burn season will end at the end of the month. The burn ban will begin July 1. The Hazmat Team responded to train derailment last week. Nine of their volunteers went down to the Nevada State Firefighters Association Conference that was held in Laughlin. They came away with the Fire Department of the Year for the entire state.*

- I. Police Chief

*Chief Reed reported the Tactical and SWAT teams have had some good collaboration with the Sheriff's Office. The teams were able to attend an Advance Tactical Team Training in Winnemucca that was mostly grant funded. They have been working on getting back up to four Canine teams. Jason Checketts was able to train the two new handlers and they passed with flying colors. The Bomb Squad responded to the train derailment. Winnemucca called for a bomb team for an IUD next to a bank. We sent the team but it did not contain any explosives. National Night Out is scheduled for August 6, 2019 starting at 5:00 pm. The FLEAT Academy had opening ceremonies yesterday and graduation is this Saturday.*

- J. City Clerk
- K. City Planner
- L. Development Manager
- M. Parks and Recreation Director
- N. Civil Engineer

*Bob Thibault reported the Sports Complex work is under way again. They have had some issues with the concrete floors in the concession building over the winter. They are researching the causes and looking for a solution.*

- O. 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: **Review, consideration, and possible issuance of final acceptance for the WRF Secondary Clarifier #3 Project, and matters related thereto. FOR POSSIBLE ACTION**
2. Meeting Date: **July 9, 2019**
3. Agenda Category: **APPROPRIATION**
4. Time Required: **3 Minutes**
5. Background Information: **The project has been completed. Change orders totaled \$105,238.22. 62 Days of liquidated damages were assessed at the contract rate of \$1,000.00 per calendar day. This amounted to a reduction in cost of \$62,000.00. rl**
6. Budget Information:  

**Appropriation Required: \$3,135,238.22 (minus \$62,000.00) = \$3,073,238.22**  
**Budget amount available: 3M**  
**Fund name: WRF**
7. Business Impact Statement: **Not Required**
8. Supplemental Agenda Information: **Time lapse construction video and final invoice**
9. Recommended Motion: **Move to issue final acceptance**
10. Prepared By: **Ryan Limberg, Utilities Director**
11. Committee/Other Agency Review:
12. Council Action:
13. Council Agenda Distribution:

## APPLICATION AND CERTIFICATE FOR PAYMENT

PAGE ONE OF 1 PAGES

TO: City of Elko  
1751 College Avenue  
Elko, NV 89801

PROJECT NAME: City of Elko Secondary Clarifier #3

APPLICATION NO: 00011

APPLICATION PERIOD TO: 05/31/2019

PROJECT NO: 1804

CONTRACT DATE:

FROM: Gerber Construction Inc.  
815 East 675 South  
Lehi, UTAH 84043

CERTIFYING AGENT: Aqua Engineering, Inc.  
533 W 2600 S  
Bountiful, UT 84010

CONTRACT FOR: Schedule Of Values

ORIGINAL CONTRACT AMOUNT \$3,030,000.00  
CHANGE ORDERS \$105,238.22  
REVISED CONTRACT AMOUNT \$3,135,238.22  
TOTAL WORK COMPLETED AND STORED MATERIAL TO DATE \$3,135,238.22

## RETAINAGE:

Work Completed 5 % \$156,761.91Stored Materials 0 % \$0.00TOTAL \$156,761.91

WORK COMPLETED AND STORED MATERIALS LESS TOTAL  
RETAINAGE \$2,978,476.31

PREVIOUS CERTIFICATES FOR PAYMENT \$2,963,637.31AMOUNT DUE \$14,839.00REMAINING CONTRACT BALANCE (RETAINAGE INCLUDED) \$156,761.91

SUMMARY OF CHANGES	ADDS	DEDUCTS
Previous Totals	\$105,238.22	\$0.00
THIS MONTH	\$0.00	\$0.00
TOTALS	\$105,238.22	\$0.00

The work covered by this Payment Requisition  
has been completed according to the contract.

(Firm) Gerber Construction Inc.(Name) Mark Nielsen(Signature) Mark Nielsen(Date) 6/12/19  
06/12/2019

## CERTIFICATION

I certify that the work covered by this Application for Payment has been  
completed according to the contract, and that the amount certified is:

\$14,839.00(Firm) Black Dolphin Consulting LLC(Name) Eric Latta(Signature) [Signature](Date) 06/12/2019



Ryan Limberg  
Utilities Director  
City of Elko  
1751 College Avenue  
Elko, Nevada 89801

July 1, 2019

Re: Liquidated Damages on the Secondary Clarifier No. 3 Project

Dear Mr. Limberg,

This letter is in regards to the proposed 62 days' worth or \$62,000 worth of liquidated damages that is being assessed to Gerber Construction, Inc. on the Secondary Clarifier No. 3 project.

We have appreciated the opportunity to construct this project for the City of Elko. At Gerber Construction, we take pride in the quality of our work and sincerely hope that the constructed clarifier will be a benefit and asset to the City for many decades to come.

I write this letter not to try and place blame on any organization for why the project was completed in a timeframe that was longer than the allotted days, but to try and come to somewhat of a middle ground that can help both parties.

As you know, one of the largest factors in timeframe on this project was the removal of groundwater and just the sheer amount of time it took to get in a position where excavation could take place. We knew that groundwater would be encountered but were unsure of the magnitude and effort it would take to get the groundwater down enough to ensure a proper and safe excavation for our employees.

The geotechnical report did state that *"we estimate a pumping quantity on the order of 200 to 2,000 gallons per minute depending on the depth of sand and gravel below the site."* Such a wide range when estimating and planning for a project is largely useless. I would liken it to going in to a dealership to purchase a vehicle and telling the salesman that your budget is somewhere between \$20,000 and \$200,000.

The geotechnical report went on to give a recommendation to the Owner that *"Additional study should be considered to determine subsurface conditions to greater depths and possibly perform a pump test to provide an idea of pump quantities and the water level drawdown from pumping."* To my knowledge, no such study or pump test was ever conducted. With the given information, or lack thereof, Gerber Construction took a risk that the dewatering would be



801.407.2000



info@lgerber.com  
www.lgerber.com



815 East 675 South  
Lehi, UT 84043



somewhere on the low end of the scale. We believe that given the bid results, other bidders did not want to take that risk on to themselves and consequently were much higher. Gerber Construction was the low bidder by over \$515,000 as a result.

Gerber Construction mobilized an excavator on site several weeks before we were to start work on the project so that we could perform potholing (test hole) of the clarifier site to gauge how much water we could expect to encounter during excavation. We were initially told that this would be acceptable but that decision was later reversed and that we could not perform the potholing at that time. Had we had the approval to perform the potholing of the site at that time, we could have had a much more accurate idea of just how much water we would have to deal with saving several weeks of time.

Dewatering of the clarifier excavation area was a slow, deliberate process eating up weeks and weeks of the project schedule. One of the issues with that was that the construction of the clarifier was squarely on the critical path of the project meaning that there weren't many other activities that could occur until dewatering and excavation of the clarifier had taken place. The construction schedule in the contract documents allowed for 180 calendar days to achieve substantial completion. That schedule is fairly tight for this type of project even without any concern given to dewatering. Costs for dewatering went far beyond estimated costs and was quite the losing proposition.

Just as an aside, we would suggest that future projects that are bid at the WRF should be allowed a month's worth of dewatering outside of project time or a month's worth of time be accounted for in the allowed days and that a pump test is performed for bidding contractors. This will really benefit all parties involved.

Another point we'd like to make has to do with the timeframe of the liquidated damages which took place from December 8 thru February 7. December 8 to February 7 equals the 62 days' worth of liquidated damages. However, this timeframe includes 18 weekend days and 4 holiday days. Gerber Construction values the well-being of its employees and wants them home with their families as much as possible, especially when it involves an out-of-town project that already requires a lot of time away as is. For this reason, we did not insist that our employees worked right through every weekend and during holidays. We respectfully request that these non-working days be removed from consideration of the liquidated damages.

As with other projects, the project timeframe of 180 calendar days was somewhat arbitrarily set. To our knowledge, there were no constraints to the WRF which would mandate a completion within the 180 days' timeframe and there were no issues with capacity at the plant that would have caused operational issues.



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Lehi, UT 84043



We understand that the City, under the contract, has every right and ability to apply the full force of the contract and enforce the full 62 days' worth of liquidated damages. We ask however, if the City would be willing to negotiate with Gerber Construction on a final resolution. We understand that there were possibly some extra inspection fees during the timeframe in question as well as other miscellaneous costs that could be directly related and we would be willing to pay those costs out-of-pocket. We would also be willing to look at other proposals that add value to the City.

We strived hard during this project to give the City a product they are happy with as well as a project Gerber takes pride in calling its own. Again, we are not trying to shirk responsibility. We are responsible for our actions including how much risk we assumed, the price we bid at, etc. but we also believe in the principle of partnering with project owners to reduce or remove any sort of adversarial-type relationships on our projects. We can come together and truly cultivate a win-win relationship rather than having one party win and the other lose. From the outset, Gerber assumed a certain amount of risk that benefitted the City of Elko to the tune of many hundreds of thousands of dollars (difference between Gerber's low bid and next bidder) and are now getting hit with additional penalties when in reality, the City's actual damages were a fraction of the proposed liquidated damages amount.

Thank you for your time. We appreciate your consideration in this matter. Please feel free to contact myself with any questions.

Mark Nielsen

Gerber Construction, Inc.

[mn@lgerber.com](mailto:mn@lgerber.com)

801-380-9083



801.407.2000



[info@lgerber.com](mailto:info@lgerber.com)  
[www.lgerber.com](http://www.lgerber.com)



815 East 675 South  
Lehi, UT 84043

**Elko City Council  
Agenda Action Sheet**

1. Title: **Review, consideration, and possible approval of an award of bid for AIP-50 Pavement Maintenance, conditioned on FAA AIP Grant award, and matters related thereto. FOR POSSIBLE ACTION**
2. Meeting Date: **July 9, 2019**
3. Agenda Category: **APPROPRIATION**
4. Time Required: **10 Minutes**
5. Background Information: **Sealed bids were opened on May 10, 2019. The City received two bids. Maxwell Asphalt Inc. was the low bidder with a bid of \$1,243,036.85. Minor irregularities were found with both bids. Bid documents allow for minor irregularities. Jviation Inc. reviewed the bids and recommended awarding the bid to Maxwell Asphalt Inc. pending City Council and FAA approval and Funding. This project has two (2) schedules. Schedule One (1) is the Federal amount of \$1,211,576.85. Schedule Two (2) is the Non-Federal amount of \$31,460.00. JF**
6. Budget Impact Statement:  

**Appropriation Required: \$1,421,402.00**  
**Budget amount available: \$ 88,838.00 (6.25 % local match),**  
**\$ 31,460.00 (non federal)**  
**Fund name: Airport Enterprise Fund**
7. Business Impact Statement: **Not Required**
8. Supplemental Agenda Information: **Bid Tabulation Sheet, Contract Documents Page**
9. Recommended Motion: **Award of bid to Maxwell Asphalt Inc., for AIP-50 project no. 3-32-0005-050-2019, pending FAA grant award and approval.**
10. Prepared By: **Jim Foster, Airport Manager**
11. Committee/Other Agency Review:
12. Council Action:
13. Council Agenda Distribution: **Maxwell Asphalt, Inc.**  
**Rob McIntosh**  
**[rob@maxwellasphalt.com](mailto:rob@maxwellasphalt.com)**

**Kirk Nielsen**  
**Jviation, Inc.**  
**[Kirk.nielsen@jviation.com](mailto:Kirk.nielsen@jviation.com)**

529 **5. Minor Informalities/Irregularities in Bids**

- 530
- 531 a. A minor informality or irregularity is one that is merely a matter of form and not of
- 532 substance. It also pertains to some immaterial defect in a bid or variation of a bid from
- 533 the exact requirements of the invitation that can be corrected or waived without being
- 534 prejudicial to other bidders. The defect or variation is considered immaterial when the
- 535 effect on price, quantity, quality, or delivery is negligible when contrasted with the total
- 536 cost or scope of the services being acquired.
- 537
- 538 b. If the Owner determines that the bid submitted contains a minor informality or
- 539 irregularity, then the Director shall give the bidder an opportunity to cure any deficiency
- 540 resulting from a minor informality or irregularity in a bid, or waive the deficiency,
- 541 whichever is to the advantage of the Owner. In no event will the bidder be allowed to
- 542 change the bid amount. Examples of minor informalities or irregularities include but are
- 543 not limited to the following:
- 544
- 545 (1) Bidder fails to sign the Bid, but only if the unsigned bid is accompanied by other
- 546 material evidence, which indicates the bidder's intention to be bound by the unsigned
- 547 bid. (Such as Bid Bond, or signed cover letter which references the bid and amount
- 548 of bid).
- 549
- 550 (2) Bidder fails to acknowledge an Addendum - this may be considered a minor
- 551 informality only if the Addendum, which was not acknowledged, involves only a
- 552 matter of form or has either no effect or merely a negligible effect on price, quantity,
- 553 quality, or delivery of the item or services bid upon.
- 554

555 **6. Rejection of Bids**

556

557 Any bid that fails to conform to the essential requirements of the invitation for bids will be

558 rejected.

559

- 560 a. Any bid that does not conform to the applicable specifications shall be rejected unless the
- 561 invitation authorizes the submission of alternate bids and the items or services offered as
- 562 alternates meet the requirements specified in the invitation for bids.
- 563
- 564 b. A bid shall be rejected when the bidder imposes conditions that would modify
- 565 requirements of the invitation or limit the bidder's liability to the Owner, since to allow
- 566 the bidder to impose such conditions would be prejudicial to other bidders. For example,
- 567 bids shall be rejected in which the bidder:
- 568
- 569 (1) Protects against future changes in conditions, such as increased costs, if total
- 570 possible costs to the Owner cannot be determined.
- 571
- 572 (2) Fails to state a price and indicates that price shall be "price in effect at time of
- 573 delivery".
- 574
- 575 (3) States a price but qualifies it as being subject to "price in effect at time of delivery".
- 576
- 577 (4) Takes exceptions to the invitation for bids terms and conditions.
- 578
- 579 (5) Inserts the bidder's terms and conditions.



**ELKO REGIONAL AIRPORT**

ELKO, NEVADA

AIP No. 3-32-0005-050-2019

**BID OPENING**

DATE: MONDAY, MAY 10, 2019

TIME: 3:00 PM

Schedule I (Federal) - Asphalt Pavement Maintenance

Schedule II (Non-Federal) - Asphalt Pavement Maintenance

BID SUMMARY ITEM	Engineer's Estimate	Maxwell Asphalt, Inc.	American Road Maintenance		
Contract Proposal	✓	✓	✓		
Bid Bond	✓	✓	✓		
Experience Qualifications	✓	✓	✓		
Contractor Information	✓	✓	✓		
Designation of Subcontractors	✓	✓	✓		
Affidavit of Non-Collusion	✓	✓	✓		
Certification of Bidder Regarding Penalties for Noncompliance with Nevada Prevailing Wage Requirements	✓	✓	✓		
Fringe Benefits Plan, Fund of Program Disbursement Information	✓	✓	✓		
Certification of Bidder, Proposed Contractor or Subcontractor Regarding Debarment, Suspension, Ineligibility of Voluntary Exclusion	✓	✓	✓		
Disadvantaged Business Utilization Commitment	1.22%	1.22%	1.22%		
DBE Participation Form	✓	✓	✓		
Certification of Offeror/Bidder Regarding Tax Delinquency and Felony Convictions	✓	✓	✓		
Equal Employment Opportunity Report Statement	✓	✓	✓		
Buy America Certification	✓	✓	✓		
Buy American Waiver Request (if applicable)	✓	N/A	N/A		
Contractor Certification for No Boycott of Israel	✓	Not Submitted	✓		
Buy American Conformance Listing (if applicable)	✓	N/A	Should be N/A - (Mixed up with Equip Listing)		
Financial Solvent verification for Contractor and all Subcontractors	✓	✓	✓		
Bid Proposal Summary and all Schedule Cost Summaries	✓	✓	✓		
List of Equipment to be Used on the Project	✓	✓	Listed Equipment to be used on project on the Buy American Conformance Listing		
List of Key Pertinent Personnel Performing Work on the Project	✓	✓	Not Submitted		
Proof of Authorization to do Business in the State of Nevada	✓	✓	✓		
Proof of Contractor's Good Standing	✓	✓	✓		
Received Addendum 1	✓	✓	✓		
Received Addendum 2	✓	✓	✓		
Received Addendum 3	✓	✓	✓		
Received Addendum 4	✓	✓	✓		
Schedule I Bid Proposal (Federal)	\$ 929,277.75	\$ 1,211,576.85	\$ 1,472,024.50		
Schedule II Bid Proposal (Non-Federal)	\$ 18,500.00	\$ 31,460.00	\$ 26,297.00		
TOTAL COST - ALL SCHEDULES	\$ 947,777.75	\$ 1,243,036.85	\$ 1,498,321.50		

\* Red Text indicates that errors were found in the bid and the numbers revised for correctness.

\*Sch II bid amount not included in Total Base Bid on Contractor Proposal Div 2-1. However, it was included on their Bid Proposal Summary sheet

**Elko City Council  
Agenda Action Sheet**

1. Title: **Review, consideration, and possible approval to enter into a Professional Services Agreement with Carter Engineering for the Design of the Cedar Street Reconstruction Project Phase 3, in the amount of \$125,000.00, and matters related thereto. FOR POSSIBLE ACTION**
2. Meeting Date: **July 9, 2019**
3. Agenda Category: **APPROPRIATION**
4. Time Required: **5 Minutes**
5. Background Information: **As Carter Engineering performed the design for Phase 1 and Phase 2, there would be a substantial savings to the City to award this agreement to Carter Engineering, as much of the work performed in Phase 1 and 2 can be utilized for the design of Phase 3. Carter Engineering's team did an excellent job performing Phase 1 and Phase 2 of the Project. DS**
6. Budget Information:  

**Appropriation Required: \$ 125,000.00**  
**Budget amount available: \$1, 511,324.00**  
**Fund name: Capital Construction**
7. Business Impact Statement: **Not Required**
8. Supplemental Agenda Information: **A copy of the Professional Services Agreement is included in the packet.**
9. Recommended Motion: **Approve the request from Staff to enter into a Professional Services Agreement with Carter Engineering for the design of the Cedar Street Reconstruction Project Phase 3.**
10. Prepared By: **Dennis Strickland, Public Works Director**
11. Committee/Other Agency Review:
12. Council Action:
13. Council Agenda Distribution: **Lana Carter, Carter Engineering**  
**[lanalcarter@live.com](mailto:lanalcarter@live.com)**

**Carter Engineering, LLC**  
**Civil Engineering**

P. O. Box 794  
Elko, Nevada 89803  
775-397-2531



June 26, 2019

Dennis Strickland, Public Works Director  
City of Elko  
1751 College Avenue  
Elko, Nevada 89803

Subject: Engineering services for the Cedar Street Reconstruction Project Phase 3

Dear Dennis,

Attached is our scope of work and proposal for engineering services for the subject project.

The estimated cost for this work as described in the attached scope of work for  
**Phase I - Preliminary Site Planning and Schematic Design Phase is \$44,780.00.**

The estimated cost for this work as described in the attached scope of work for  
**Phase II - Design Development Phase is \$31,040.00.**

The estimated cost for this work as described in the attached scope of work for  
**Phase III - Construction Documents Phase is \$49,180.00.**

The charges for all three phases will be billed on a time and materials basis and will not exceed this amount without written authorization.

**The grand total for Phases I, II and III is \$125,000.00**

Of the above amount, approximately \$20,000.00 is the engineering and plans for the water service replacement and other water upgrades.

It is my understanding that the Phase IV - Administration of Construction Contract Phase will be negotiated with us later after final plans and specifications are generated.

We appreciate the opportunity to assist you on this project. Please feel free to contact me should you have any questions.

Sincerely,  
Carter Engineering, LLC



Lana L. Carter, P.E.  
Professional Engineer - Owner

Copy: Ryan Limberg, City of Elko Utilities, Director

**SCOPE OF WORK**  
**Phase I - Preliminary Site Planning and Schematic Design**  
**August 1st, 2019 to October 1st, 2019**

**Topographic Survey and Base Mapping**

1. The topographic survey and base mapping performed during Cedar Street Reconstruction Project - Phase 1 will be utilized for Cedar Street Reconstruction Project - Phase 3. As described in the attached proposal from High Desert Engineering, LLC, additional survey is needed to verify connection points for concrete, additional topo along the northerly side of Cedar Street from 9<sup>th</sup> Street to Burns Road for pedestrian connectivity, other verification of existing improvements needed during the design process and set up control network for Phase 3. This survey will also include additional topographic survey from Golf Course Road to the entrance to the softball complex. **\$12,620.00**

**Geotechnical Investigation - Field and Laboratory Work**

2. It is my understanding that a geotechnical investigation for this phase is not wanted. **\$0.00**

**Preliminary Site Planning and Schematic Design**

3. Examination of the site and surrounding area. **\$1,960.00**
4. Study of all codes, ordinances, rules, orders, regulations and statutes affecting the Project, including, but not limited to, fire and safety codes. **\$240.00**
5. Research location of the existing utilities using City of Elko, SW Gas, NV Energy, Satview and Frontier records. This data will be added to the base mapping. **\$1,720.00**
6. Analysis of present and contemplated traffic flows, ingress and egress, for on and offsite pedestrian and vehicular traffic. It is assumed that traffic counts will be provided by the City of Elko. These counts will be utilized for pavement section design verification. **\$240.00**

7. Hydrology calculations to determine the size of drainage facilities and drainage mitigation for Cedar Street from Golf Course Road to the entrance to the softball complex. It is assumed that the City of Elko LIDAR will be made available for areas outside of the topographic area. **\$1,800.00**
8. Phase I for described in the attached proposal from The Land Group, Inc. with regards to irrigation and landscaping. **\$4,000.00**
9. Preparation of schematic designs, site plans, presentation renderings in color, and site model or models as required by City to understand Consultant's design concepts. This phase shall include master planning and schematics of Cedar Street from 6<sup>th</sup> street to Burns Road and Golf Course Road to Entrance to soft ball complex. **\$17,400.00**
10. Preparation of preliminary construction cost estimates to establish the estimated maximum construction cost. **\$4,800.00**

**Total of TASK I = \$44,780.00**

**Phase II - Design Development Phase**  
**October 2nd, 2019 to December 1st, 2019**

**Design Development Plans**

11. Develop site plans, grading plans, plan and profiles, cross sections, utility plans, drainage structures, landscape elements and details showing all improvements in relationship to the existing improvements. The plans shall be submitted to the City in reproducible format or hard copies. **\$16,400.00**
12. Phase II as described in the attached proposal from The Land Group, Inc. with regards to irrigation and landscape plans. **\$5,500.00**
13. Pavement section design from Phase 1 and Phase 2 will be utilized per your request.

**Design Development Specifications**

14. Specifications describing construction materials and systems in reproducible form acceptable to City. **\$4,800.00**

**Design Development Printing**

15. Consultant shall supply the City for review purposes complete sets of prints or plans and specifications as City may require. **\$500.00**

**Design Development Cost Estimates**

16. Updated cost estimates. **\$3,600.00**

**Public Outreach**

17. Meetings and coordination with local residents. **\$240.00**

**Total of TASK II = \$31,040.00**

**Phase III - Construction Documents Phase**

**December 2nd, 2019 to February 1<sup>st</sup>, 2020**

**Bidding support February & March 2020**

**Construction Plans**

18. Produce site plans, grading plans, plan and profiles, cross sections, utility plans, drainage structures, landscape and details showing all improvements in relationship to existing improvements in reproducible format to the City. These plans shall describe and delineate the Project and shall be in such detail as is necessary to permit complete construction of the Project. **\$25,230.00**

19. Phase III as described in the attached proposal from The Land Group, Inc. with regards to irrigation and landscape plans. **\$7,500.00**

**Construction Specifications, General Condition and Special Conditions**

20. Specifications describing construction materials and systems in reproducible form acceptable to the City. Complete specifications which shall describe the scope, materials and quality of workmanship. **\$4,800.00**

**Final Cost Estimates**

21. Updated cost estimates. **\$1,920.00**

**Design Document Printing**

22. Provide one set of reproducible drawing, contract documents and specifications. **\$250.00**

**Proposal Forms and Bidding information**

23. Construction Documents shall be submitted to City review using the City of Elko standard documents. **\$4,800.00**

24. During the bidding period and process, provide the following: **\$4,680.00**

- a. Assist City in obtaining and analyzing proposals from contractors and in awarding and preparing the construction contract;
- b. Interpretation of Construction Documents when requested by prospective bidders;
- c. Preparation and issuance to prospective bidders of addenda, amendments and/or supplementary drawings required for clarification;
- d. Attend bidder's meetings as requested by City; and
- e. Attend bid openings as requested by City to assist in analysis of bids and in recommendations and reports on disposition of bids and awards.

**Total of TASK III = \$49,180.00**

**Carter Engineering, LLC**  
**Civil Engineering**

P. O. Box 794  
Elko, Nevada 89803  
775-397-2531



**Carter Engineering, LLC Fee Schedule 2019**

<u>JOB CLASSIFICATION</u>	<u>HOURLY RATE</u>
Owner-Professional Engineer	\$ 120.00
Draftsperson	\$ 90.00
Clerical	\$ 60.00
Court Time	\$ 150.00
Copies: 24 x 36	\$ 2.50
Vehicle Charges: Truck - per mile	\$ 1.25



**Elko City Council  
Agenda Action Sheet**

1. Title: **Review, consideration, and possible approval of a request from Mr. Daren Unruh of Amtgard, to allow overnight camping in the Main City Park for their Dragon Blade Wars event to be held August 30<sup>th</sup> to September 1, 2019, and matters related thereto. FOR POSSIBLE ACTION**
2. Meeting Date: **July 9, 2019**
3. Agenda Category: **NEW BUSINESS**
4. Time Required: **10 Minutes**
5. Background Information: **Amtgard is a free to play non-profit L.A.R.P (live action role play). Members of this group have previously been used for security at the annual Art in the Park. Members of City Staff recently met with this group. Amtgard indicated at the meeting that there may be up to 100 people who would be camping in the park. Amtgard has two Proposals included with the agenda. 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: **Proposals from Amtgard**
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: **Mr. Daren Unruh**  
    [dragonbladewars@yahoo.com](mailto:dragonbladewars@yahoo.com)

**Elko City Council  
Agenda Action Sheet**

1. Title: **Review, consideration, and possible acceptance of a Deed of Dedication from the Bailey & Associates, LLC. to the City of Elko for a permanent non-exclusive Right of Way, and matters related thereto. FOR POSSIBLE ACTION**
2. Meeting Date: **July 9, 2019**
3. Agenda Category: **NEW BUSINESS**
4. Time Required: **2 Minutes**
5. Background Information: **The City of Elko recently sold the subject property to Bailey & Associates, LLC. It was discovered during the sale process that the northeasterly 10' of Lot 1 was never dedicated as right-of-way or at least Elko County could not find record of the dedication. This action will clear up any right-of-way concerns that came forth during the sale process. BT**
6. Budget Information:  

Appropriation Required: **N/A**  
Budget amount available:  
Fund name:
7. Business Impact Statement: **Not Required**
8. Supplemental Agenda Information: **Deed of Dedication, Exhibit A, Exhibit B**
9. Recommended Motion: **Move to accept Deed of Dedication**
10. Prepared By: **Bob Thibault, Engineering Department**
11. Committee/Other Agency Review:
12. Council Action:
13. Council Agenda Distribution:

APN: Portion of 001-066-005 (portion)

When Recorded, Mail To:  
City of Elko  
1751 College Avenue  
Elko, Nevada 89801

**DEED OF DEDICATION**

**THIS INDENTURE**, made and entered into between **BAILEY & ASSOCIATES, LLC**, a Nevada Limited Liability Company, Grantor, and the **CITY OF ELKO**, a municipal corporation, organized and existing in the County of Elko, State of Nevada under and by virtue of its Charter and the Special Act of the Legislature of the State of Nevada, Grantee.

**W I T N E S S E T H:**

That the Grantor, for valuable consideration, the receipt of which is hereby acknowledged, does hereby dedicate to the Grantee, for public use including but not limited to right-of-way, drainage, street, sidewalk, highway and utility uses and associated purposes, that certain parcel of real property situate within the City of Elko, County of Elko, State of Nevada, more particularly described on **Exhibit "A"** attached hereto, and delineated and shown on the map at **Exhibit "B,"** entitled "Right-of-Way Dedication," attached hereto.

**IN WITNESS WHEREOF**, the Grantor has caused this indenture to be executed this \_\_\_\_ day of \_\_\_\_\_, 2019.

**GRANTOR:**

**BAILEY & ASSOCIATES, LLC**

By: \_\_\_\_\_

Its: \_\_\_\_\_

STATE OF NEVADA     )  
                                      ) ss.  
COUNTY OF ELKO     )

On this \_\_\_\_ day of \_\_\_\_\_, 2019, personally appeared before me,  
a Notary Public, \_\_\_\_\_, who acknowledged that  
he executed the above instrument.

\_\_\_\_\_  
**NOTARY PUBLIC**

**Mail tax statement to:**

City of Elko  
1751 College Avenue  
Elko, Nevada 89801

## Exhibit A

### LEGAL DESCRIPTION

An area of land within the northwest quarter of Section 15, Township 34 North, Range 55 East, which is the northeasterly 10 feet of Lot 1 of Block 114 of the Map of the First Addition to the Town of Elko, Elko County, Nevada, recorded in the office of the Elko County Recorder as file no. 5, and is further described as follows;

Beginning at the northerly most corner of said Lot 1 of Block 114 of the Map of the First Addition to the Town of Elko, which is also the southwesterly edge of the right-of-way of 8<sup>th</sup> Street, and the southeasterly edge of the right-of-way of Elm Street;

Thence, southeasterly, along the right-of-way of 8<sup>th</sup> Street, a distance of 100.00 feet, to the easterly most corner of said Lot 1 of Block 114 of the Map of the First Addition to the Town of Elko, which is along the northwesterly edge of the alley in the middle of said Block 114;

Thence, along said northwesterly edge of the alley, a distance of 10.00 feet;

Thence, northwesterly, on a line that is parallel to the right-of-way of 8<sup>th</sup> Street, a distance of 100.00 feet, to the southeasterly right-of-way of Elm Street;

Thence, along said southeasterly right-of-way of Elm Street, a distance of 10.00 feet, more or less, to the point of beginning.

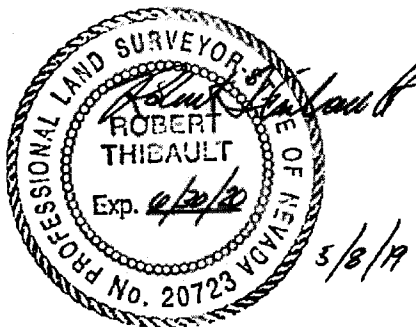
This area of land contains a total of  $\pm 1,000$  square feet.

The Basis of bearings for this description is the Map of the First Addition to the Town of Elko, Elko County, Nevada, recorded in the office of the Elko County Recorder as file no. 5.

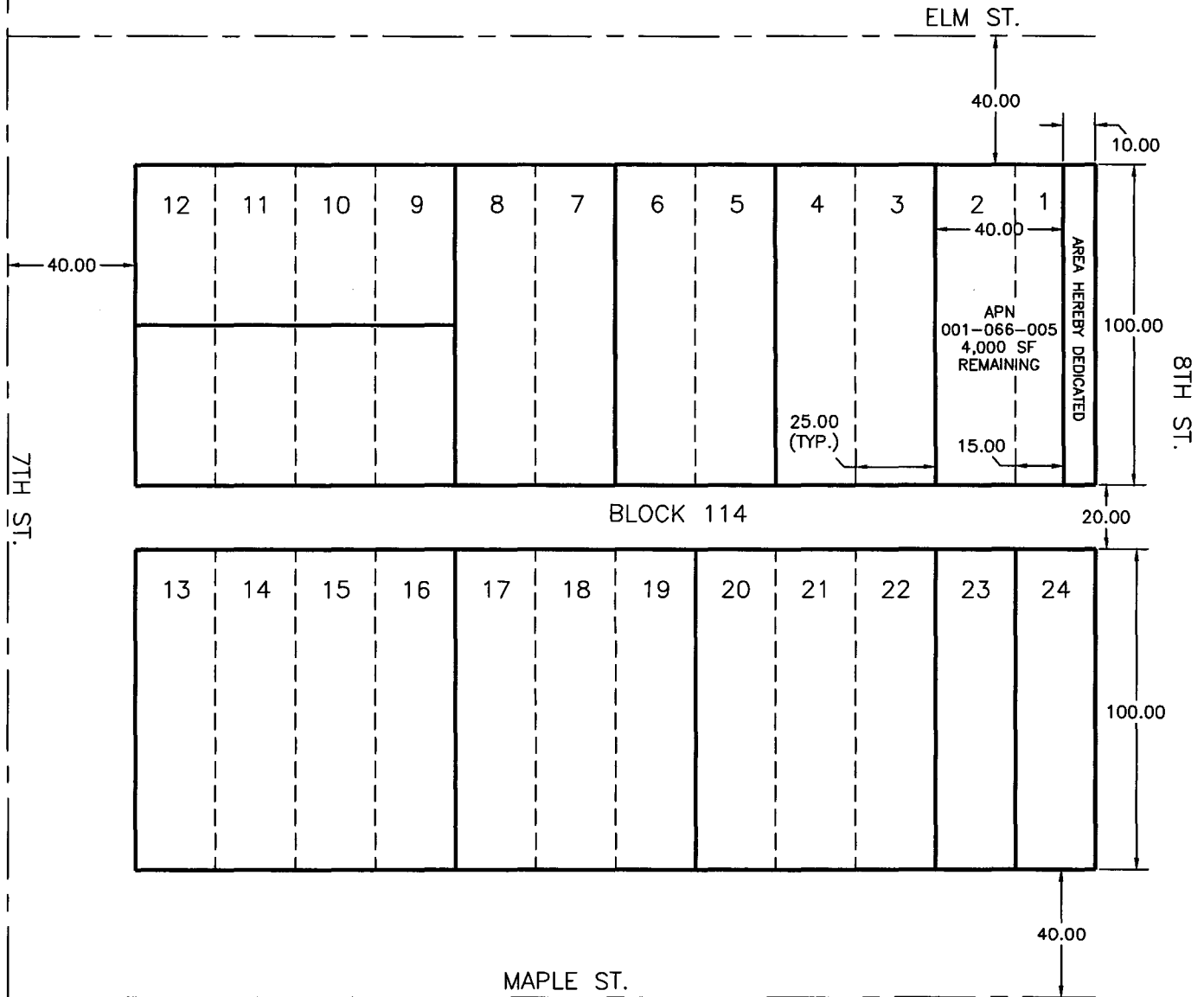
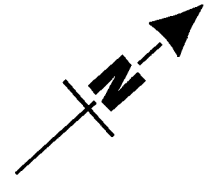
Description prepared by:

Robert Thibault, PE, PLS

Civil Engineer for the City of Elko



# EXHIBIT B



CITY OF ELKO  
1751 COLLEGE AVE.  
ELKO, NEVADA 89801  
775-777-7210

SCALE  
HORIZ " = 50'  
VERT NONE

APN: 001-066-005  
RIGHT-OF-WAY  
DEDICATION

DESIGNED BY  
BT  
DRAWN BY  
ACAD 2017  
CHECKED BY  
BT  
DATE  
5/8/19

**Elko City Council  
Agenda Action Sheet**

1. Title: **Review, Consideration and Possible Approval of a request from Rides & Rods Elko Classic Car Show for the closures of the Rides and Rods event to be held on September 6, 7 and 8, 2019, and matters related thereto. POSSIBLE ACTION ITEM**
2. Meeting Date: **July 9, 2019**
3. Agenda Category: **NEW BUSINESS**
4. Time Required: **15 Minutes**
5. Background Information: **The Rides and Rods event has been sponsored by the ECVA in the past. However, over the last few years they have partnered with Elko Rides & Rods Classic Car Show. This year it will be sponsored entirely by the Elko Rides and Rods Classic Car Shows. Therefore, the event is presented to Council as a new sponsor. The show has a few minor changes in the closures that will be presented at the Council meeting. KW**
6. Budget Impact Statement: **None**  
  
Appropriation Required:  
Budget amount available:  
Fund name:
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: **Stormy Remington**  
**[ridesandrods@yahoo.com](mailto:ridesandrods@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: Rides & Rods Elko Classic Car Show 2019

Sponsor of Event: Rides & Rods Elko Classic Car Show

Location of Event: Elko Convention Center and Main City Park #10

Date of Event: September 6<sup>th</sup>, 7<sup>th</sup> & 8<sup>th</sup> 2019

Time of Event: 9/6 → 10am to 7pm, 9/7 → 7am to 4pm, 9/8 → 8am to 1pm

If you are requesting a closure indicate the dates, time and place of the closure: College Ave from City Hall to Chris Sheeran Way & Moran Way -

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: Stormy Remington ridesandrods@yahoo.com

24 Hour Phone/Cellular: 775-385-6569

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: Stormy Remington (please print)

Stormy Remington  
Signature of Applicant

Date: 3/22/19

3226 Scenic View Dr. Elko, NV 89801  
Mailing Address

Phone Number: 775-385-6569

OK 10/4  
Type of verification from Nevada Taxation

Nevada State Health Dept. (food vendors)  
1020 Ruby Vista Dr. Ste. 103  
775-753-1138





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: Rides & Rods Elko Classic Car Show 2019

Sponsor of Event: \_\_\_\_\_

Date of Event: Sept. 6<sup>th</sup>, 7<sup>th</sup> & 8<sup>th</sup>, 2019 Time of Event: 9/6 → 10am to 7pm  
9/7 → 7am to 4pm  
9/8 → 8am to 1pm

If you are requesting a closure indicate the dates, times and place of the closure: Start 9/6 5am - 9/8 4pm

College Ave from City Hall to Chris Sheeran Way & Moren Way.

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 \_\_\_\_\_ 1/4 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: Rides & Ruds Elko Classic Car Show 2019

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: 250 cars (3000 attendees)

Will this event affect normal traffic patterns and parking? What actions will be needed to mitigate these problems?

Will City Personnel be needed? Increased traffic on College Ave, Sheeran Way and Moren Way heavy street parking on

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? Increase vehicle traffic and pedestrian parking. A 20ft egress will be maintained at all times.

Will there be any street closures? If yes, what are your emergency access plans? College Ave from City Hall to Chris Sheeran Way and Moren Way / A 20ft egress will be maintained at all times.

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. Closing College Ave for pedestrian safety self contained

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? None

Will traffic signals be affected by the event? No

Will electricity be needed for the event, please explain? \_\_\_\_\_

Will this event create a litter problem? How will that problem be mitigated? Additional garbage cans and Rides & Ruds staff will monitor.

What provisions will be made for public restrooms for the attendees? Temporary restrooms will be placed around event grounds.

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:

~~XXXX~~ Rides & Rods ELKO Classic Car Show

## For Official Use Only

Police Department, 1448 Silver St.:

Approved

Denied

Date 5/3/19

Phone: 775-777-7310

Comments/Conditions: ENSURE PROPER SIGNAGE FOR ROAD CLOSURE ON

COLLEGE AND PRE-SIGNAGE DENOTING CLOSURES AHEAD.

Signature:  #101

Fire Department, 911 W. Idaho St.:

Approved

Denied

Date 5/3/19

Phone: 775-777-7345

Comments/Conditions: VENDOR LIST NEEDED - PLEASE EMAIL.

THANK YOU.

Signature: Street Department, 232 S. 10<sup>th</sup> St.:

Approved

Denied

Date 5-16-19

Phone: 775-777-7241

Comments/Conditions: BARRICADES AND SIGNS AS SHOWN

ON MAP

Signature: 

Parks &amp; Recreation Dept., 723 Railroad St.:

Approved

Denied

Date 5/16/19

Phone: 775-777-7261

Comments/Conditions:

Signature: 

Nevada Department of Transportation (if applicable), 1951 Idaho St.:

Approved

Denied

Date

Phone: 775-777-2725

Comments/Conditions:

Signature:



⊕ BARRICADES TO BE PLACED IN 3 LOCATIONS:

- COLLEGE AVE BEFORE ECVA CIRCLE DRIVE, ALLOWING ACCESS TO ECVA PARKING LOT. THIS WILL BE CONTROLLED BY SECURITY.
- COLLEGE AVE AT CHRIS SHEERIN WAY, ALLOWING ACCESS TO CHRIS SHEERIN. THIS WILL BE CONTROLLED BY SECURITY.
- MOREN WAY AT COUNTRY CLUB.







**Elko City Council  
Agenda Action Sheet**

1. Title: **Second reading and possible adoption of Ordinance No. 841, amending Title 2, Chapter 13, of the Elko City Code entitled "Sidewalks, Curbs, Gutters" and recodifying the Section as Title 8, Chapter 21, and matters related thereto. FOR POSSIBLE ACTION**
2. Meeting Date: **July 9, 2019**
3. Agenda Category: **PUBLIC HEARING**
4. Time Required: **10 Minutes**
5. Background Information: **The section of the City Municipal Code regulating the installation of curb, gutter, and sidewalk is currently located within the City's Building Code (Title 2). Council's adoption of the 2018 IBC on June 11, 2019 essentially repealed the existing Title 2 and made it necessary to move the curb, gutter, and sidewalk regulations. Council initiated Ordinance No. 841 at their June 11, 2019 meeting and approved the first reading of Ordinance 841 on June 25, 2019. MR**
6. Budget Information:  

Appropriation Required: N/A  
Budget amount available: N/A  
Fund name: N/A
7. Business Impact Statement: **Not Required – No changes to the existing requirements are being made.**
8. Supplemental Agenda Information: **Copy of Ordinance No. 841**
9. Recommended Motion: **Approve the second reading of Ordinance 841.**
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:

CITY OF ELKO  
ORDINANCE NO. 841

**AN ORDINANCE AMENDING TITLE 2, CHAPTER 13 OF THE ELKO CITY CODE ENTITLED "SIDEWALKS, CURBS, GUTTERS" AND TO RECODIFYING THE SECTION AS TITLE 8, CHAPTER 21**

**WHEREAS**, the City of Elko intends to amend Title 2, Chapter 1 of the Elko City Code, entitled "Building Regulations", to conform with the 2018 Unified Building Code; and

**WHEREAS**, in conjunction with the amendments to Title 2, Chapter 1, the City of Elko intends to amend Title 2, Chapter 13, entitled "Sidewalk, Curbs, Gutters", to include adding clarifying language, correcting grammatical errors, and recodifying the chapter in Title 8, Chapter 21; and

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

For amendment purposes, words which are bold and underlined are additions to the Code and words which are bold and lined through are deletions from the Code.

**SECTION 1.** Title 8, Chapter 21 of the Elko City Code is hereby amended to read as follows:

**Chapter ~~13~~ 21**  
**SIDEWALKS, CURBS, GUTTERS**

~~2-13-1~~ **8-21-1: PERMIT REQUIRED:**

~~2-13-2~~ **8-21-2: PLANS TO BE APPROVED:**

~~2-13-3~~ **8-21-3: SIDEWALK, CURB AND GUTTER CONSTRUCTION:**

~~2-13-4~~ **8-21-4: SIDEWALK MAINTENANCE, RECONSTRUCTION AND REPAIR:**

~~2-13-5~~ **8-21-5: PENALTIES ENFORCEMENT:**

**8-21-6: APPEAL OF NOTICE OF VIOLATION:**

**8-21-7: INJUNCTIVE RELIEF:**

**8-21-8: PENALTIES:**

**8-21-9: REMEDIES NOT EXCLUSIVE:**

~~2-13-1~~ **8-21-1: PERMIT REQUIRED:**

It shall be unlawful for any person to ~~hereafter~~ install, construct, or lay, or cause to be installed, constructed or laid, any sidewalk ~~or sidewalks~~, curb or gutter within the street lines ~~established by~~ **of the City** without first obtaining a permit ~~from the City for that purpose. The issuance of a permit pursuant to this Section shall be in addition to and not in lieu of any other permits required under the City Code. authorizing the same from the city council, to be issued by its authorized agent; and it shall also be unlawful for any person to construct, install or lay any sidewalk, curb or gutter for any other person until such person shall have first obtained a permit permitting the same from the city council, as provided in this chapter. (Ord. 787, 8-26-2014)~~ **from the City for that purpose. The issuance of a permit pursuant to this Section shall be in addition to and not in lieu of any other permits required under the City Code.**

~~2-13-2~~ **8-21-2: PLANS TO BE APPROVED:**

Any sidewalk, curb or gutter ~~hereafter~~ constructed within the street lines ~~of~~ **established by the City** ~~by any person~~ shall be ~~constructed in strict compliance in conformance~~ with specifications and plans, and

upon grades and lines to be approved by the ~~eCity council or its duly authorized engineer.~~ (Ord. 787, 8-26-2014)

**2-13-3 8-21-3: SIDEWALK, CURB AND GUTTER CONSTRUCTION:**

- A. Required; Exception: Except as otherwise provided in this ~~s~~Section, sidewalks, curbs and gutters shall be required on all vacant lots or parcels of land which are hereafter developed; or upon lots or parcels of land which are merged or divided; or upon developed lots or parcels of land involving a change in building occupancy and use of land; or upon any lot or parcel of land with which any building expansion or new construction ~~shall take place~~ involving the addition of gross floor area greater than four hundred (400) square feet; or upon a lot or parcel of land when a change of use results in a measurable increase in pedestrian or vehicular traffic; provided, however, that upon the request of the ~~eCity d~~Development ~~d~~Department or application by ~~a~~ the property owner, or a tenant, lessee or ~~a~~ contractor duly authorized to represent said property owner, and for cause shown, the ~~eCity e~~Council may waive all or part of, the requirement for the installation of the above described improvements, subject to Subsections B and C of this Section.
- B. Request ~~T~~to Waive Requirements ~~B~~by Development Department: Any request by the ~~eCity d~~Development ~~d~~Department to waive all or part of the requirement to install curb, gutter and sidewalk shall be based on the following criteria:
- 1) ~~t~~The presence or proposed installation of other substantially equivalent or superior improvements in the vicinity of the lot or parcel of land;;
  - 2) ~~e~~Conditions on the lot or parcel of land affecting the practicability of installing the curb, gutter and sidewalk; and
  - 3) ~~a~~Any other ~~factors~~ unique circumstances deemed by the ~~eCity d~~Development Department to be appropriate grounds for waiving any or all of the foregoing requirements relative to the installation of curb, gutter and sidewalk.
- C. Request ~~T~~to Waive Requirements ~~B~~by Property Owner or Authorized Representative: Any application to waive all or part of the requirement to install curb, gutter and /or sidewalk by ~~a~~ the property owner, or a tenant, lessee or contractor duly authorized to represent said property owner:
- 1) ~~s~~Shall be based on evidence that it is impractical to install curb, gutter and sidewalk because of circumstances beyond the reasonable control of the ~~applicant~~ property owner; and
  - 2) ~~s~~Shall include a filing fee paid to the ~~eCity~~ in an amount established by resolution of the ~~eCity e~~Council. (Ord. 787, 8-26-2014)

**2-13-4 8-21-4: SIDEWALK MAINTENANCE, RECONSTRUCTION AND REPAIR:**

- A. Responsibility ~~O~~of Property Owners: It is the responsibility of all property owners in the ~~eCity~~ to reasonably maintain a any sidewalk constructed of in a public right of way that abuts the owner's property within the street lines ~~of the city established by the City.~~ The responsibility imposed is that of a reasonable person and is not a duty greater than imposed by common law duty. ~~Furthermore, this~~ This Subsection A is not intended and ~~cannot~~ shall not be relied upon to ~~define~~ determine the standard of care in any civil action for negligence to include an action asserting or for the establishment of negligence per se ~~for its violation.~~



B. Standards:

1. Except as otherwise provided in ~~this code~~ the City Code or pursuant to authority granted by the City Code, all ~~sections of the city~~ sidewalks shall be constructed of concrete ~~cement~~ with a minimum of four inches (4") in depth and ~~a minimum of four feet (4') in width with a width determined as follows:~~
  - a. Four feet (4') for sidewalks along all unclassified roadways or roadways classified as local residential in the City's Master Plan and along roadways determined by the City Development Department to be functionally equivalent to "local residential" as that term is used in the City's Master Plan; or
  - b. Five feet (5') in width for all other sidewalks, to include sidewalks along roadways classified as residential collector or higher in the City's Master Plan or along roadways determined by the City Development Department to be functionally equivalent to or higher than "residential collector" as that term is used in the City's Master Plan.
2. ~~Wherever any sidewalk has been~~ If an existing sidewalk on a City block was constructed under the authority of any former ordinance in any manner other than in accordance with the in a manner consistent with the City Code then in effect, but the sidewalk is inconsistent with existing requirements pertaining to lines and grades, all subsequently constructed sidewalks for the remaining properties in the same block shall be ~~so~~ constructed such that uniformity of line and grade ~~may be~~ is maintained.

C. Reconstruction ~~A~~ and Repair:

1. The ~~e~~City Council may require the reconstruction ~~and or~~ repair of sidewalks ~~in~~ under the following circumstances:
  - a. ~~Imposing an assessment or other charge authorized by law for any reconstruction or repair of a sidewalk that the governing body causes to be performed within a public right-of-way;~~
  - ~~ba.~~ Requiring any ~~The~~ reconstruction or repair of a sidewalk is required as a condition of approval for a division, merger, or change in the use of the ~~land~~ abutting property, or;
  - ~~cb.~~ The abutting property owner's actions resulted in damage to the sidewalk necessitating repair or reconstruction; provided the City Development Department may impose an assessment or other charge authorized by law on the abutting property owner for any reconstruction or repair of a sidewalk if the reconstruction or repair is performed by the City or its contractor in a public right-of-way at the direction of the City Council; or ~~The repair and reconstruction of a sidewalk in the public right-of-way that abuts the property of the owner if the owner caused the need for such repair or reconstruction.~~
  - c. The abutting property owner abandons any existing curb cuts or driveway approaches.
2. Any sidewalk ordered repaired or reconstructed by the ~~e~~City ~~e~~Council shall be repaired or reconstructed by the owners of the property which abuts upon the sidewalk. The property owner shall complete ~~said the~~ reconstruction ~~and or~~ repair, within a time period set by the City Council, not to exceed ninety (90) days. Notwithstanding any other provision in this Section, the City Council shall not require the reconstruction or repair of a sidewalk outside of the during the city construction season generally recognized by the City for projects of a similar type and nature.

~~D. Failure: Failure of the owner to complete the sidewalk improvements as required within the time limits designated shall be considered an infraction of this code and, upon conviction of such infraction, the municipal court may impose any injunctive relief or fine of a civil nature as may be allowed by this code or laws of the state. (Ord. 787, 8-26-2014)~~

#### **2-13-5 8-21-5: PENALTIES ENFORCEMENT:**

~~Any person violating any of the provisions of this chapter shall, upon conviction, be punished as provided in title 1, chapter 3 of this code. Each day's violation of the provisions of this chapter may be deemed a separate offense. (Ord. 787, 8-26-2014)~~

A. Notice of Violation: If a person violates a prohibition contained in this Chapter or fails to meet a requirement of this Chapter, or fails to comply with an order issued by the City Council pursuant to this Chapter to repair or reconstruct a sidewalk, the City Development Department may order compliance by written notice of violation to the responsible person.

B. Deadline: If abatement of a violation or repair or reconstruction of a sidewalk is required, the notice shall set forth a deadline within which such abatement, repair, or reconstruction must be completed. In the event of an order to repair or reconstruct a sidewalk, the foregoing notice shall further advise that, should the violator fail to comply with the established deadline, the work will be done by the City or its contractor and the expense thereof shall be charged to the property owner.

#### **8-21-6: APPEAL OF NOTICE OF VIOLATION:**

Any person receiving a notice of violation may appeal the determination to the City Council. The notice of appeal must be received by the City Clerk within thirty (30) days from the date of issuance of the notice of violation. A hearing on the appeal before the Elko City Council shall take place within forty-five (45) days from the date of receipt of the notice of appeal. The decision of the City Council shall be final and subject to judicial review; provided, any petition for judicial review of a final decision by the City Council shall be commenced within thirty (30) days of the date of the City Council decision.

#### **8-21-7: INJUNCTIVE RELIEF:**

If a person has violated or continues to violate the provisions of this Chapter, the City may petition for a preliminary or permanent injunction restraining the person from activities which could create further violations or compelling the person to perform work required by order of the City Council.

#### **8-21-8: PENALTIES:**

Any person violating any of the provisions of this chapter shall, upon conviction, be punished as provided in Title 1, Chapter 3 of this Code. Each day's violation of the provisions of this Chapter shall be deemed a separate offense.

#### **8-21-9: REMEDIES NOT EXCLUSIVE:**

**The remedies listed in this Chapter are not exclusive of any other remedies available under any applicable federal, state, or local law and it is within the discretion of the City to seek cumulative remedies.**

**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 any court of competent jurisdiction, the invalidity, unenforceability of such section, paragraph, clause or provision shall not affect any remaining provision 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 Councilpersons 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, unless otherwise stated.

PASSED AND ADOPTED this --<sup>th</sup> day of ---, 2019 by the following vote of the Elko City Council.

VOTE:

AYES:

NAYES:

ABSENT:

ABSTAIN: None

CITY OF ELKO

By: \_\_\_\_\_  
REECE KEENER, Mayor

ATTEST:

\_\_\_\_\_  
KELLY WOOLDRIDGE, City Clerk

**Elko City Council  
Agenda Action Sheet**

1. Title: **Second reading of proposed 843 "Deleting Title 2, Chapter 1, Section 15 Of The Elko City Code Entitled "Exemptions For Existing Buildings, Structures And Building Service Equipment Systems", and matters related thereto. FOR POSSIBLE ACTION**
2. Meeting Date: **July 9, 2019**
3. Agenda Category: **PUBLIC HEARING**
4. Time Required: **10 Minutes**
5. Background Information: **On June 11, 2019, Ordinance No. 839 adopting the 2018 International Building Code was approved by Council. Council also approved to initiate Ordinance No. 843 deleting the existing building code since it is contained in Ordinance No. 839 and the International Building Codes. Ordinance 843 passed first reading on June 25, 2019. KW**
1. 6. Budget Information:  

Appropriation Required: **N/A**  
Budget amount available: **N/A**  
Fund name: **N/A**
7. Business Impact Statement: **Not Required – No changes to the existing requirements are being made.**
8. Supplemental Agenda Information: **Copy of Ordinance No. 843**
9. Recommended Motion: **Approve the second reading of Ordinance No. 843.**
10. Prepared By: **Kelly Wooldridge, City Clerk**
11. Committee/Other Agency Review:
12. Council Action:
13. Agenda Distribution:

**CITY OF ELKO  
ORDINANCE NO. 843**

**AN ORDINANCE DELETING TITLE 2, CHAPTER 1, SECTION 15 OF THE ELKO  
CITY CODE ENTITLED “EXEMPTIONS FOR EXISTING BUILDINGS,  
STRUCTURES AND BUILDING SERVICE EQUIPMENT SYSTEMS”, AND MATTERS  
RELATED THERETO.**

**WHEREAS**, the City of Elko desires to adopt the 2018 International Existing Buildings Code which would conflict with Title 2, Chapter 1, Section 15;

**WHEREAS**, the City of Elko desires to remove Title 2, Chapter 1, Section 15 of the Elko Code and reserve the section for future.

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

*For amendment purposes, words which are in bold and underlined are additions to the Ordinance, and words which are lined through and bold are deleted from the Ordinance.*

**Section 1:** Title 2, Chapter 1, Section 15 is hereby added to read as follows:

**2-1-15: RESERVED ~~EXEMPTIONS FOR EXISTING BUILDINGS, STRUCTURES AND  
BUILDING SERVICE EQUIPMENT SYSTEMS:~~**

**~~A. Additions, Alterations Or Repairs:~~**

- ~~1. General: Additions, alterations and repairs to existing buildings, structures and building service equipment systems that were in compliance with the City of Elko Building Code in effect at the time of construction are not required to comply with the requirements of this title, except as specifically provided in this section.~~
- ~~2. Scope Of Exemption: Notwithstanding any other provision contained in this section, additions, alterations or repairs to any building, structure or building service equipment system, regardless of the date of construction or installation, shall not create an unsafe condition or imminent danger.~~
- ~~3. Limitations On Additions, Alterations And Repairs: Any addition, alteration or repair to an existing building or structure which involves a change in use or occupancy shall not cause the building or structure to exceed the height, number of stories or area permitted for that building or structure by this title. Additions and/or alterations shall not be made to an existing building or structure that was not in full compliance with the City of Elko Building Code in effect at the time of construction, unless the addition and/or alteration causes the building or structure to be in compliance with the requirements of this title currently in effect.~~



~~4. Waiver For Use Of Original Materials In Making Certain Nonstructural Alterations And Repairs: The building official may grant a waiver from the requirements of this title to allow alterations or repairs to an existing building or structure to be made with the same materials from which the building or structure was originally constructed, provided the alterations or repairs are nonstructural, do not adversely affect a structural member, do not cause any part of the building or structure to fall below the currently required level of fire resistance and do not create an unsafe condition.~~

~~5. Waiver For Additions, Alterations Or Repairs To Existing Building Service Equipment Systems: The building official may grant a waiver from the requirements of this title for minor additions, alterations and repairs to existing building service equipment systems that complied with the Building Code in effect at the time of the original installation, provided such additions, alterations and repairs shall not cause the building service equipment system to become an unsafe condition, or become unsanitary or overloaded.~~

~~6. Glass: Notwithstanding any provision contained in this section, the installation or replacement of glass shall conform to the current requirements of this title, to include the technical codes.~~

~~B. Existing Building Service Equipment Systems: Except as otherwise provided in this subsection, building service equipment systems that complied with the City of Elko Building Code at the time of installation but that no longer comply with this title may remain in use so long as their continued use, maintenance and repair comply with the requirements of this title and the manufacturer recommendations in effect at time of installation, and further provided that the building service equipment system shall not create an unsafe condition. Notwithstanding the foregoing sentence, in the event polyvinyl chloride (PVC) gas conveyance material is damaged, altered or repaired, the material shall be completely replaced with gas piping which complies with the technical codes currently in effect.~~

~~C. Existing Use Or Occupancy Of Building Or Structure:~~

~~1. General: A legal use or occupancy of any building or structure that complied with the City of Elko Building Code in effect on the date the use or occupancy commenced, but that no longer complies with the requirements of this title shall be permitted to continue without change; provided, the foregoing exception for existing uses and occupancies shall not apply a use or occupancy that creates a public nuisance, is an unsafe condition or violates the latest version of the Fire Code adopted by the City.~~

~~2. Change In Use Or Occupancy: Any change of use or occupancy of a building or structure shall automatically render the building or structure subject to the current requirements of this title, to include the requirement for a Certificate of Occupancy.~~

**D. Maintenance:** ~~Without regard to whether a waiver has been granted or the use or occupancy is otherwise allowed to continue as an existing use, all buildings, structures, and other improvements and parts thereof which are subject to regulation under this title, whether existing or new, shall be maintained by the owner of the property in such a manner as to not create an unsafe condition or imminent danger. (Ord. 820, 7-11-2017)~~

**Footnotes** – Click any footnote link to go back to its reference.

**Footnote 1:** ~~Chapter 2 of this title.~~

**Footnote 2:** ~~Chapter 3 of this title.~~

**Footnote 3:** ~~Chapter 4 of this title.~~

**Footnote 4:** ~~Chapter 5 of this title.~~

**Footnote 5:** ~~Chapter 6 of this title.~~

**Footnote 6:** ~~Chapter 7 of this title.~~

**Footnote 7:** ~~Chapter 11 of this title.~~



**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 --<sup>th</sup> day of -, 2019 by the following vote of the Elko City Council.

AYES:

NAYS:

ABSENT:

ABSTAIN:

**APPROVED** this --<sup>th</sup> day of --, 2019.

CITY OF ELKO

BY: \_\_\_\_\_  
REECE KEENER, Mayor

ATTEST:

\_\_\_\_\_  
KELLY WOOLDRIDGE, City Clerk