

CITY OF ELKO
CITY COUNCIL AGENDA
REGULAR MEETING
4:00 P.M., P.D.T., TUESDAY, OCTOBER 13, 2020
TURQUOISE ROOM, ELKO CONVENTION CENTER
LOCATED AT 700 MOREN WAY, ELKO NEVADA

CALL TO ORDER

The Agenda for this meeting of the City of Elko has been posted for this date and time in accordance with State of Nevada Emergency Directive 006.

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: September 22, 2020 Regular Session

I. PRESENTATIONS

- A. Presentation of a “Years of Service” Plaque to former Planning Commissioner, Evi Buell, and matters related thereto. **INFORMATION ONLY–NON ACTION ITEM**

- B. Fire Department Badge Pinning
 - 1.) Tyler Huff, Fire Fighter

II. CONSENT AGENDA

- A. Review, consideration, and possible reappointment of Dennis Strickland as Chairperson for the Storm Water Advisory Committee, and matters related thereto. **FOR POSSIBLE ACTION**

Per the Storm Water Advisory Committee Bylaws, the chairperson serves a two-year term. Dennis Strickland has served as Chairperson since September 11, 2018 and is now due for reappointment. Article III, Section 1 of the committee bylaws states that the City Council shall appoint the Chairperson. MR

- B. Review, consideration, and possible acceptance of a “Letter of Resignation” from Arts and Culture Advisory Board Member, Bailey Billington-Benson, and direct

Staff to advertise the vacant seat, and matters related thereto. **FOR POSSIBLE ACTION**

Bailey Billington-Benson has submitted a “Letter of Resignation” from the Arts and Culture Advisory Board. A copy of the letter has been placed your packet. CC

- C. Review, consideration, and possible appointment of Kelly Wooldridge, City Clerk as the City of Elko Title VI Coordinator, and matters related thereto. **FOR POSSIBLE ACTION**

The City of Elko is required to have a Title VI program to be in compliance with State and Federal grants. In early May the City was notified by NDOT that they will be completing a Title VI program compliance review. NDOT has also hired consultants to assist the City in completing the Title VI program plan. The program requires a City-wide Title VI Coordinator. KW

III. PERSONNEL

- A. Employee Introductions:

- 1.) Spencer Sutherland, Landfill Equipment Operator, Public Works, Landfill
- 2.) Caleb McHale, Parks Maintenance Technician I, Parks and Recreation
- 3.) Aaron Brensel, Equipment Operator I, Public Works, Street Department
- 4.) Carlos Gonzalez, Equipment Operator I, Public Works, Street Department
- 5.) Nicholas Kyriss, Equipment Operator I, Public Works, Street Department
- 6.) Kirsten Kowing, Animal Shelter Worker II, Animal Shelter

IV. APPROPRIATIONS

- A. Review and possible approval of Warrants, and matters related thereto. **FOR POSSIBLE ACTION**
- B. Review and possible approval of Print n’ Copy Warrants, and matters related thereto. **FOR POSSIBLE ACTION**
- C. Review and possible approval of Ruby Mountain Lock & Safe Warrants, and matters related thereto. **FOR POSSIBLE ACTION**
- D. Review and possible approval of Great Basin Engineering Contractors Warrants, and matters related thereto. **FOR POSSIBLE ACTION**
- E. Review, consideration, and possible final acceptance of the Public Works Department Preventive Maintenance Project 2020 to apply Micro Slurry Seal to select City streets, and matters related thereto. **FOR POSSIBLE ACTION**

At the May 26, 2020 meeting, the City Council awarded the bid for the Preventive Maintenance Project 2020 to Sierra Nevada Construction in the amount of

\$514,007.00. The contract came in under budget due to field quantity adjustments. Sierra Nevada Construction has satisfactorily completed the work. DS

- F. Review, consideration, and possible award of the bid for the Swimming Pool Re-Plastering Project, and matters related thereto. **FOR POSSIBLE ACTION**

Bids for the Swimming Pool Re-Plastering Project were opened on Wednesday October 7, 2020. A Bid tabulation sheet has been included in the packet for Council review. JW

V. UNFINISHED BUSINESS

- A. Review, consideration, and possible approval of an Interlocal Agreement for Communication Facility Exchange between the between the City of Elko and CC Communications for a communication facility exchange, and matters related thereto. **FOR POSSIBLE ACTION**

The City of Elko approved a non-exclusive franchise agreement with the CC Communications on February 11, 2020. The non-exclusive franchise agreement does not provide for the use of City-owned fiber. On June 23, 2020, the City of Elko approved the development of an agreement for future consideration by the Council. The Council action required a condition that CC Communication construct the entire communication infrastructure proposed in the agreement prior to CC Communications utilizing City owned fiber. The proposed agreement reflects that condition. SAW

VI. NEW BUSINESS

- A. Review, consideration, and possible approval of the First Amendment to the Non-Exclusive Franchise Agreement between the City of Elko and Citizens Telecommunication Company of Nevada d/b/a Frontier Communications of Nevada, amending Section 1 of the agreement, granting a Revocable License to pull communications cable in underground conduit owned by the City of Elko located within City Rights-of-Way, and amending Section 5 of the agreement, allowing for a reduction in franchise fees by resolution of the City Council, and matters related thereto. **FOR POSSIBLE ACTION**

Council has recently approved Non-exclusive Franchise Agreements including a provision granting a Revocable Permit for Occupancy of City owned conduit. Additionally, Council passed Resolution No. 4-20 on February 11, 2020, waiving franchise fees for telecommunications carriers beginning July 1, 2020 for a period of five (5) years. Commencing on June 29, 2025, and continuing thereafter, the telecommunication carrier shall pay the Franchise Fee as stipulated in the agreement. The proposed amendment addresses the issues referenced above. SAW

- B. Review, consideration, and possible approval of a corrected lease between the City of Elko and ESM2, LLC, for the lease of approximately 8.69 acres of City owned

property located generally north of West Idaho and west of the Airport, and matters related thereto. **FOR POSSIBLE ACTION**

Council adopted Resolution No. 15-20, accepting the appraised lease value at its meeting on July 28, 2020, and conducted a public auction for the referenced property on August 25, 2020. At the July 28, 2020, meeting there was considerable discussion concerning the lack of access to the property and public comment requesting a draft lease agreement to be provided. There was comment by City Officials that the lease must address the access issue. To ensure that all potential interested parties would be bidding on equal terms, a draft lease agreement was presented in the Council agenda packet for the public auction process. That draft lease agreement is what the successful bidder bid upon. The draft lease agreement contained some typographical errors and did not contain two of the referenced Exhibits. The typographical errors have been corrected and the Exhibits have been included in the lease agreement. The successful bidder has requested other significant and substantive revisions to the agreement that Staff, based on legal advice, believes would violate NRS 268.062, because substantive revisions would constitute post-bid negotiation prohibited by the law of competitive bidding. For that reason, the presented agreement does not include the revisions requested by the successful bidder. SAW

- C. Review, consideration, and possible termination of the Memorandum of Understanding (MOU) between the City of Elko, and Friends in Service Helping (F.I.S.H.), a Nevada Non-Profit Corporation for the implementation of Elko Policy Procedure, and Action Plan for the Extreme Cold Weather Shelter, and matters related thereto. **FOR POSSIBLE ACTION**

Due to the COVID-19 pandemic, the F.I.S.H. Agency is not equipped to safely operate nor staff the shelter. F.I.S.H. Chairman Robert Leonhardt has submitted a letter and a copy has been placed in the packet for your review. CC

- D. Review, consideration, and possible approval of a Performance/Maintenance Agreement for subdivision improvements associated with the Aspen Heights 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, including 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.

Final Map 3-20 was approved by the City Council on July 14, 2020. At that time, a Performance and Maintenance Agreement was entered into by the original property owner/developer. Since then, the property has been sold to a new developer (Braemar Construction). Due to this change in ownership, a new Performance and Maintenance Agreement is needed. MR

- E. Review, consideration, and possible action to conditionally approve Parcel Map No. 8-20, filed by Gallagher Family Trust, for the merger of two parcels into one, approximately 4.896 acres, located generally on the north side of 30th Street between Idaho Street and Norco Lane with offer of dedication for Norco Lane Right-of-Way, and matters related thereto. **FOR POSSIBLE ACTION**

The Planning Commission considered this item at its October 6, 2020 meeting, and took action to forward a recommendation of conditional approval Parcel Map 8-20. The Parcel Map contains an offer of dedication for Right-of-Way, and it is for this reason that the map was referred to the Planning Commission, and subsequently to Council. CL

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

On September 8, 2020, Council accepted a letter of resignation from Planning Commission member Evi Buell. Staff conducted the standard recruitment process and has received two (2) Letters of Interest to serve on the Planning Commission, copies have been included in the Council packet. The new member will be appointed to fill the remainder of the four-year term, which will expire at the end of July 2023. CL

VII. PETITIONS, APPEALS, AND COMMUNICATIONS

- A. Review, consideration, and possible action to accept a petition for the vacation of a 25' wide public utility easement bisecting APN 001-610-112, consisting of an area approximately 9,944 sq. ft., filed by Grace Baptist Church and processed as Vacation No. 4-20, and matters related thereto. **FOR POSSIBLE ACTION**

The applicant is in the process of selling the parcel to a developer who would prefer to have the public easement run along the property line. The applicant will be granting a new public utility easement to the City of Elko in lieu of this easement. CL

- B. Review, consideration, and possible action to accept a petition for the vacation of a portion of Silver Street Right-of-Way, consisting of an area approximately 1,720 sq. ft., filed by Ygoa Ltd. and processed as Vacation No. 3-20, and matters related thereto. **FOR POSSIBLE ACTION**

The applicant would like to vacate this portion of Silver Street to create an outdoor dining area. CL

- C. Review, consideration, and possible approval of a request by Jeff and Jenny Peterson of 2727 Morning Breeze Drive to pay the costs on a water leak at his residence, and matters related thereto. **FOR POSSIBLE ACTION**

On July 17, 2020 and again on July 22, 2020 the City of Elko was contacted regarding a water leak at 2727 Morning Breeze Drive. It was discovered there were

two leaks on the City line. The Petersons are requesting payment of a \$1000 invoice from Fielder Sewer and Drain. The claim was denied by Alternative service Concepts, the City's third-part administrator for insurance claims. The agenda packet contains specific information regarding the leak. KW

- D. Review, consideration, and possible action concerning a request for the City Council to direct the Building Department to issue an order of non-compliance to the owner of the property and partially demolished building located at 397 5th Street, and matters related thereto. **FOR POSSIBLE ACTION**

The City received a petition from the owner of the property and structure located at 369 5th Street and abutting the partially demolished structure located 397 5th Street. The request is based on the petitioner intending to complete roof repairs on the structure located at 369 5th Street. The petitioner states that they have attempted to utilize the wall located on 397 5th Street for completion a roof repair on the structure located at 369 5th Street. The petitioner did not provide documentation that the owner of 397 5th Street has granted permission for the use of the wall. The petitioner states that a bricklayer was consulted, and a determination was made the wall is structurally unsound and demolition of the wall is required. A structural analysis completed by a properly licensed professional would be required for a final determination.

The Building Department issued a demolition permit 2018-00000452 on May 21, 2018. That permit is still open pending a final inspection. A final inspection cannot be performed until the owner of the property provides the City a structural analysis showing the portion of the structure left standing is structurally sound. SAW

VIII. 5:30 P.M. PUBLIC HEARINGS

- A. Review, consideration, and possible action to conditionally approve Tentative Map No. 6-20, filed by Legion Construction and Development, LLC, for the development of a subdivision entitled Jarbidge Estates, involving the proposed division of approximately 2.16 acres of property into 18 lots for residential development and 1 common lot within the R (Single-Family and Multiple-Family Residential) Zoning District, and matters related thereto. **FOR POSSIBLE ACTION**

The subject property is located on the west side of N 5th Street at the intersection of Rolling Hills Drive (APN 001-610-093). The Planning Commission considered this item on September 1, 2020, and took action to forward a recommendation to conditionally approve Tentative Map 6-20. MR

IX. REPORTS

- A. Mayor and City Council
- B. City Manager
- C. Assistant City Manager
- D. Utilities Director

- E. Public Works
- F. Airport Manager
- G. City Attorney
- H. Fire Chief
- I. Police Chief
- J. City Clerk
- K. City Planner
- L. Development Manager
- M. Financial Services Director – **Cares Act Report**
- N. Parks and Recreation Director
- O. Civil Engineer
- P. Building Official

COMMENTS BY THE GENERAL PUBLIC

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NOTE: The Mayor, Mayor Pro Tempore, or other Presiding Officer of the City Council reserves the right to change the order of the agenda, and if the agenda has not been completed, to recess the meeting and continue on another specified date and time. Additionally, the City Council reserves the right to combine two or more agenda items, and/or remove an item from the agenda, or delay discussion relating to an item on the agenda at any time.

ADJOURNMENT

Respectfully Submitted,

Curtis Calder
City Manager