



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, February 27, 2018

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 COUNTY COURTHOUSE

571 Idaho Street, Elko, NV 89801

Date/Time Posted: February 22, 2018 at 8:50 a.m.

ELKO COUNTY LIBRARY

720 Court Street, Elko, NV 89801

Date/Time Posted: February 22, 2018 at 9:00 a.m.

ELKO POLICE DEPARTMENT

1448 Silver, Elko NV 89801

Date/Time Posted: February 22, 2018 at 8:40 a.m.

ELKO CITY HALL

1751 College Avenue, Elko, NV 89801

Date: Time Posted: February 22, 2018 at 8:30 a.m.

Posted by: Kim Wilkinson Administrative Assistant
Name Title

Kim Wilkinson
Signature

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

Dated this 22nd day of February, 2018

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

CITY OF ELKO
CITY COUNCIL AGENDA
REGULAR MEETING
4:00 P.M., P.D.S.T., TUESDAY, FEBRUARY 27, 2018
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: February 13, 2018

Regular Session

I. PRESENTATION

- A. Presentation of an Appreciation Plaque to Planning Commission Chairman Aaron Martinez, and matters related thereto. **INFORMATION ONLY–NON ACTION ITEM**

II. PERSONNEL

- A. Employee Introductions:
 - 1.) George Tibbitts, Parks Maintenance Technician I, Parks Department
- B. Fire Department, Volunteer Coordinator Jamie Winrod, Badge Pinning and Administration of the Fire Officer's Oath

III. APPROPRIATIONS

- A. Review and possible approval of Warrants, and matters related thereto. **FOR POSSIBLE ACTION**
- B. Review, consideration, and possible approval to solicit bids for the Effluent Reuse and Sanitary Sewer Railroad Bores and Humboldt River Crossing to the New Sports Complex, and matters related thereto. **FOR POSSIBLE ACTION**

This portion of the project was not completed last year as part of the Effluent Reuse Pipeline and Sewer to the Elko Sports Complex Project. Staff is seeking Council approval to rebid the work. RL

- C. Review, consideration, and possible approval to award a bid for the City of Elko Water Main Removal and Replacement Project, and matters related thereto. **FOR POSSIBLE ACTION**

Council directed Staff to solicit bids for this project on January 9, 2018. A Bid Tally Sheet is included as supplemental agenda information. RL

- D. Review, consideration, and possible approval of a Professional Services Agreement with Aqua Engineering for Construction Management related services on the Secondary Clarifier #3 Project, and matters related thereto. **FOR POSSIBLE ACTION**

Council directed Staff to solicit bids for this project at the November 28, 2017 meeting. Bids will be opened on March 6, 2018. RL

- E. Review, consideration, and possible action to award a bid for the City of Elko WRF Reuse Water Fill Station, and matters related thereto. **FOR POSSIBLE ACTION**

Council directed Staff to solicit bids for this project on December 12, 2017. A bid tally sheet is attached. RL

- F. Review, consideration, and possible award of the bid for the Cedar Street Reconstruction Project Phase II, and matters related thereto. **FOR POSSIBLE ACTION**

This item has been approved and budgeted for in the 2017/18 Fiscal Year Budget, Capital Construction Fund. DS

- G. Review, consideration, and possible authorization to bid the sports complex as a Two Phase Project, and authorization to separate the outfield fencing and the comfort station into individual contracts, and matters related thereto. **FOR POSSIBLE ACTION**

The Council authorized Staff to restructure and possibly rebid the proposed Sports Complex Project at its February 23, 2018. Staff has confirmed the deletions proposed at the February 13 meeting. Staff has completed a review of the technical specifications identifying qualifications and specification, which can be eliminated with the intent to reduce costs further. The proposed revisions to the technical specifications have been accounted for in field cost reduction and cannot be further quantified. The proposed project has been structured over a two-year period providing additional resources to fund the project. The proposed 2018 project would include the following:

- Site grading
- Installation of electrical utilities (with some items omitted)
- Sound wall
- Pump station and irrigation mainlines
- Water source to wetlands
- Storm drainage infrastructure

The following items would be included as additives alternates:

- Field construction excluding outfield fencing
- Field lighting installed

Additional owner costs of approximately \$507,871 to cover the costs for NV Energy, QA/QC testing, 404 permit management, and historical preservation management are projected. This cost does not include either purchase or lease of field lights, which would be deferred until the next budget cycle.

The remainder of the project would be bid as three separate contracts as follows:

- Outfield fencing
- Scoreboards, sports equipment, and parking lot construction
- Comfort station

SAW

IV. UNFINISHED BUSINESS

- A. Review, consideration, and possible action to accept the 2017 Annual Report of Planning Commission Activities, and matters related thereto. **FOR POSSIBLE ACTION**

Pursuant to City Code Section 3-4-23, the Planning Commission is required to prepare and present an Annual Report of its activities to Council. On February 6, 2018, the Planning Commission took action to approve the 2017 Annual Report of Planning Commission Activities, and forward it to the Council. CL

V. NEW BUSINESS

- A. Review, consideration, and possible action to accept a Letter of Resignation from Mr. Aaron Martinez from the Planning Commission, and to further authorize Staff to commence with the standard recruitment process to fill the vacancy on the Planning Commission, and matters related thereto. **FOR POSSIBLE ACTION**

This resignation is a result of Mr. Martinez no longer living within the City of Elko. Mr. Stanton has provided a legal opinion stating that not residing within the boundary of the City of Elko would disqualify Mr. Martinez from being appointed to the Planning Commission. CL

VI. PETITIONS, APPEALS, AND COMMUNICATIONS

- A. Review, consideration, and possible action to approve Curb, Gutter, and Sidewalk Waiver No. 1-18, filed by Golden Gate Petroleum of Nevada, LLC, which waives the requirement for curb and gutter on the north side of West Idaho Street abutting APN 001-679-011, and matters related thereto. **FOR POSSIBLE ACTION**

Per Elko City Code Section 2-13-3, public improvements are required when vacant lots are developed. The applicant has submitted application for a permit for development of the parcel. NDOT has reviewed the need for curb and gutter at this location and has determined that it is not needed to control drainage in this area. Staff recommends approval of the waiver for curb and gutter with sidewalk still being required. JD

- B. Ratification of the Police Chief issuing a 30-day temporary Packaged Beer and Wine License and issuing a regular Packaged Beer and Wine License to Joshua Hunt and Joseph Hunt, dba Hunt Convenience Stores, LLC, located at 275 12th Street, Elko, NV 89801, and matters related thereto. **FOR POSSIBLE ACTION**
- C. Ratification of the Police Chief issuing a 30-day temporary Packaged Beer and Wine License and issuing a regular Packaged Beer and Wine License to Joshua Hunt and Joseph Hunt, dba Idaho Street Station, LLC, located at 1600 Idaho Street, Elko, NV 89801, and matters related thereto. **FOR POSSIBLE ACTION**

VII. 5:30 P.M. PUBLIC HEARINGS

- A. Hearing to determine cause whether or not to suspend or revoke the brothel license of Soon Yee Scott and Kim Watson, a partnership, d/b/a Mona's Ranch ("Mona's Ranch"), based upon alleged employee misconduct, together with acts or omissions of Mona's Ranch in suffering, allowing or permitting the alleged employee misconduct, and matters related thereto. **FOR POSSIBLE ACTION**

On or about February 3, 2018, Mona's Ranch bartender/manager Peter Alberro was arrested and the subject of subsequent seizures of controlled substances/paraphernalia on or about Mona's Ranch premises. Specifically, Mr. Alberro, who resided from time to time on the premises of Mona's Ranch, was arrested for trafficking under NRS 453.385, Unlawful Possession for Sale NRS 453.336, and Misdemeanor Drug Paraphernalia NRS 453.336 and Mona's Ranch is potentially accountable for relevant related activities on or about the premises, or in conjunction therewith, of Mona's Ranch, 103 S. 3rd Street, Elko, Nevada which constitute a cause or causes for suspension and/or revocation of its brothel license under Title 4 Chapter 9 of the Elko City Code. CC

- B. Review, consideration, and possible action to adopt Resolution No. 6-18, a resolution of the Elko City Council, adopting a change in zoning district boundaries from AG (General Agriculture District) to IC (Industrial Commercial), approximately 62.03 acres of property located generally northeast of the

intersection of Statice Street and Delaware Ave., filed by Surebrec Holdings, LLC. and processed as Rezone No. 10-17, and matters related thereto. **FOR POSSIBLE ACTION**

The Planning Commission considered the Subject Zone Change Request on February 6, 2018, and took action to forward a recommendation to Council to adopt a resolution, which conditionally approves Rezone No. 10-17. CL

- C. Review, consideration, and possible action to adopt Resolution No. 7-18, a resolution of the Elko City Council, adopting a change in zoning district boundaries from (LI) Light Industrial to (IC) Industrial Commercial, approximately 1.5 acres of property located generally north side of Silver Street between River Street and 1st Street, APN 001-691-007, filed by MRP, LLC., and processed as Rezone No. 11-17, and matters related thereto. **FOR POSSIBLE ACTION**

The Planning Commission considered the Subject Zone Change Request on February 6, 2018, and took action to forward a recommendation to Council to adopt a resolution, which approves Rezone No. 11-17. CL

- D. Review, consideration, and possible action to adopt Resolution No. 8-18, a resolution of the Elko City Council, adopting a change in zoning district boundaries from (AG) General Agriculture to (LI) Light Industrial, approximately 3 acres of property located generally on the north side of West Idaho Street, approximately 2,500 feet east of I-80 Exit 298, filed by Swire Coca Cola, USA and processed as Rezone No. 12-17, and matters related thereto. **FOR POSSIBLE ACTION**

The Planning Commission considered the Subject Zone Change Request on February 6, 2018, and took action to forward a recommendation to City Council to adopt a resolution, which conditionally approves Rezone No. 12-17. CL

- E. Review, consideration, and possible action to adopt Resolution No. 9-18, a resolution of the Elko City Council adopting a change in zoning district boundaries from R (Single Family and Multiple Family Residential) to RO (Residential Office), approximately 0.086 acres of property located generally on the south side of Court Street, approximately 50 feet east of 9th Street, filed by Jason Land on behalf of Blaine Branscomb and processed as Rezone No. 2-18, and matters related thereto. **FOR POSSIBLE ACTION**

The Planning Commission considered the Subject Zone Change Request on February 6, 2018, and took action to forward a recommendation to City Council to adopt a resolution, which conditionally approves Rezone No. 2-18. CL

- F. Second reading, public hearing, and possible adoption of Ordinance No. 826, an ordinance increasing the corporate limits of the City of Elko, Nevada, pursuant to the provisions of N.R.S. 268.670 annexing thereto a certain tract of land partially contiguous to, and not embraced within the present limits of the City of Elko described as follows: a parcel of land located northeast of the intersection of Statice Street and Delaware Avenue in Section 36, T. 35 N., R. 55 E., MDM, Elko County,

Nevada, consisting of 62.03 acres, filed by Surebrec Holdings LLC., and processed as Annexation No. 2-17, and matters related thereto. **FOR POSSIBLE ACTION**

Council accepted the petition for the subject annexation on January 23, 2018, and directed Staff to continue with the annexation process by referring the matter to the Planning Commission. The Planning Commission considered the annexation on February 6, 2018, and took action to forward a recommendation of approval with findings back to Council. City Council held First Reading of the ordinance on February 13, 2018. CL

- G. Second reading, public hearing, and possible adoption of Ordinance No. 827, an ordinance increasing the corporate limits of the City of Elko, Nevada, pursuant to the provisions of N.R.S. 268.670 annexing thereto a certain tract of land partially contiguous to and not embraced within the present limits of the City of Elko described as follows: a parcel of land located on the north side of West Idaho Street approximately 2,500 feet east of I-80 Exit 298, in Section 19, T. 34 N., R. 55 E., MDM, Elko County, Nevada, consisting of 3 acres, filed by Swire Coca-Cola USA and processed as Annexation No. 3-17, and matters related thereto. **FOR POSSIBLE ACTION**

Council accepted the petition for the subject annexation on January 9, 2018, and directed Staff to continue with the annexation process by referring the matter to the Planning Commission. The Planning Commission considered the annexation on February 6, 2018, and took action to forward a recommendation of approval with findings back to Council. City Council held first reading of the ordinance on February 13, 2018 CL

VIII. 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. Administrative Services Director
- N. Parks and Recreation Director
- O. Civil Engineer
- P. Building Official

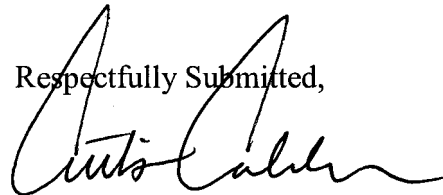
COMMENTS BY THE GENERAL PUBLIC

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

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

ADJOURNMENT

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Curtis Calder", written in a cursive style.

Curtis Calder
City Manager

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

SS February 13, 2018

The City Council of the City of Elko, State of Nevada met for a regular meeting beginning at 4:00 p.m., Tuesday, February 13, 2018.

This meeting was called to order by Mayor Chris Johnson.

ROLL CALL

Mayor Present: Chris J. Johnson

Council Present: Councilman John Rice
 Councilwoman Mandy Simons
 Councilman Robert Schmidlein
 Councilman Reece Keener

City Staff Present: Curtis Calder, City Manager
 Scott Wilkinson, Assistant City Manager
 Ryan Limberg, Utilities Director
 Shanell Owen, City Clerk
 Dennis Strickland, Public Works Director
 Jonnye Jund, Administrative Services Director
 Candi Quilici, Accounting Manager
 Adeline Thibault, Environmental Coordinator
 Cathy Laughlin, City Planner
 Ben Reed Jr., Police Chief
 Jeremy Draper, Development Manager
 Jeff Ford, Building Official
 Matt Griego, Fire Chief
 Jim Foster, Airport Manager
 James Wiley, Parks and Recreation Director
 Dave Stanton, City Attorney
 Tom Coyle, Deputy City Attorney
 Diann Byington, Recording Secretary

PLEDGE OF ALLEGIANCE

COMMENTS BY THE GENERAL PUBLIC

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

There were no public comments.

The minutes were approved by general consent.

I. PRESENTATIONS

- A. A Proclamation by the Mayor in recognition of the month of February as “Beef Month”, and matters related thereto. **INFORMATION ONLY – NON-ACTION ITEM**

Mayor Johnson read the proclamation and presented a copy of it to a representative of the Elko County Cattlewomen’s Association and she presented the Mayor with a tri-tip steak.

LaDonna Smith, Secretary Elko County Cattlewomen’s Association, explained she is new to the association. She explained what the association does for the county.

II. PERSONNEL

- A. Employee Introductions:

- 1.) Kyle Jones, Patrol Officer II, Police Department

Present and introduced.

I. PRESENTATIONS (Cont.)

- B. A Presentation of a Nevada LTAP Road Scholar Certificate to Jeremy Rekward, and matters related thereto. **INFORMATION ONLY – NON-ACTION ITEM**

Dennis Strickland acknowledged Jeremy Rekward for his completion of the Nevada LTAP Road Scholar Program.

Jeremy Rekward, Equipment Operator I, said it took him three years to finish the program.

III. APPROPRIATIONS

- C. Review, consideration, and possible approval to award the Equipment Bid for the WRF Emergency Diesel Generator Project, and matters related thereto. **FOR POSSIBLE ACTION**

Council directed Staff to solicit bids at the January 9, 2018 meeting. Five (5) bids and three (3) alternate bids were received. The City’s Electrical Engineer has reviewed the bids, and finds the Smith Power Products Bid to meet the bid specifications, and is the lowest cost option. A Bid Tally and recommendation has been provided. RL

Ryan Limberg, Utilities Director, said Mr. Joe Elquist and Mrs. Corinne Dowers, the Electrical Engineers for the project, were present to answer specific electrical questions.

**** A motion was made by Councilman Keener, seconded by Councilman Rice, to approve award of bid to Smith Power Products Inc., in the amount of \$291,750.**

The motion passed unanimously. (5-0)

- D. Review, consideration, and possible approval to purchase a new EnviroSight RovverX Complete Mobile Inspection Truck by utilizing the Joinder Provision of NRS 332.195, and matters related thereto. **FOR POSSIBLE ACTION**

This piece of equipment consists of a new Ram 2500 Van with internal computer and software licenses as well as camera equipment, crawler, and various sized wheels, and accessories to televise sewer and storm drains from 6" to 60"

This project was budgeted in the current fiscal year at a reduced rate, in an attempt to purchase a demo unit. This has not come to fruition, due to several complications. A new unit is available at a higher than budgeted cost. However, with the greatly reduced cost estimate at the WRF Fill Stand Project, there will be money available in the current Fiscal Year Budget to cover the expenditure. RL

Mr. Limberg explained this is a piece of equipment that the Sewer Department and the Street Department can both use. We can use a unit much more than we contract for in any given year. We can get a long service life out of a piece of equipment like this. This one is designed from six to sixty inches, with changing wheels and axles, so we can camera a lot of different pipes with it and expect a long lifespan of use out of it.

Councilman Schmidtlein asked what is spent yearly on this with all the testing.

Mr. Limberg answered they don't use it as much as they would like to. We are only spending about \$5000 and then the Street Department spends more on top of that. We are throwing the money away by hiring others to do this.

Councilman Schmidtlein said he had an issue putting it on a van-mounted vehicle. Why not a trailer mount? The maintenance that comes with the vehicles, after time it will need to be replaced. The camera can go on for many years.

Mr. Limberg answered they liked this setup better. It is a lot smaller than a large truck and a large trailer. They won't be putting a lot of miles on the van.

Dennis Strickland, Public Works Director, said they have talked about this in the fleet. This will not be a frontline piece of equipment. They demoed the trailer version and they can be problematic. They haven't been able to look at our own infrastructure because we don't own something like this. We have found culverts that were caved in and they had no idea about it. This will give us a better idea of what we have. This would be a great asset to the city.

Councilman Rice said we need to look more closely at our infrastructure. We lost two culverts last year. This is a proactive move. If we discover something it can save us the cost of the unit.

Mr. Limberg said having this piece of equipment allows us to take a proactive approach and better plan maintenance.

Mr. Strickland said they are getting ready to start the budget process. It would be appropriate that the Street Department help pay for this.

Mr. Limberg said he would like to keep stuff segregated for maintenance concerns and whose equipment is it. We all share our equipment based on who needs it. It works better if one department buys it.

Mr. Strickland felt they can make that happen and it would still be the Water Department's piece of equipment.

**** A motion was made by Councilman Schmidlein, seconded by Councilman Rice, to approve utilizing the Joinder Provisions of NRS 332.195 with National Joint Powers Alliance, a Public Agency and Political Subdivision of the State of Minnesota, for the purchase of an EnviroSight RoverX Complete Mobile Inspection Truck, as specified in the attached supplemental information.**

The motion passed unanimously. (5-0)

- F. Review, consideration, and possible approval of a Professional Services Agreement with ZGA Architects for design of a new Combined Water/Sewer/WRF Shop, and matters related thereto. **FOR POSSIBLE ACTION**

At the January 23, 2018 meeting, Council directed Staff to negotiate a proposal with ZGA, and bring back a Professional Services Agreement for possible Council approval. RL

Mr. Limberg explained the proposal from ZGA was in the packet, with a description of the work and those items they will be working on. We don't have construction management in there because they are just looking for the design of this right now. There are not any travel costs included either.

**** A motion was made by Councilman Keener, seconded by Councilman Schmidlein, to approve the Professional Services Agreement with ZGA, in the amount of \$248,214.**

The motion passed unanimously. (5-0)

- G. Review and possible designation of an independent auditor to prepare the annual audit for the City of Elko for Fiscal Year ending June 30, 2018, pursuant to NRS 354.624, and matters related thereto. **FOR POSSIBLE ACTION**

Each year, the City is required to designate an independent auditor prior to March 31 of the year in which the audit is to be conducted. The City put out Requests for Proposals for auditing services for a period of five years, on March 2016, and awarded the RFP to HintonBurdick, PLLC. JJ

Jonnye Jund, Administrative Services Director, explained this is an annual action. This would be year three of five of the awarded RFP.

**** A motion was made by Councilwoman Simons, seconded by Councilman Rice, to approve HintonBurdick, PLLC, as the City of Elko's independent auditors for the Fiscal Year ending June 30, 2018, in an amount not to exceed \$54,000.**

The motion passed unanimously. (5-0)

- H. Review, consideration, and possible approval of a funds transfer from the Revenue Stabilization Fund to the General Fund for FY18. The Revenue Stabilization Fund Balance exceeds the limitations as set forth in NRS 345.6115, and matters related thereto. **FOR POSSIBLE ACTION**

The City allocates a portion of the excess General Fund balance to three funds at the beginning of each year as follows:

- A) Twenty five percent (25%) to a Revenue Stabilization Fund, established pursuant to Nevada Revised Statutes section 354.6115, up to the maximum amount allowed.
- B) Thirty seven and five-tenths percent (37.5%) to a Capital Equipment Reserve Fund.
- C.) Thirty seven and five-tenths percent (37.5%) to a Facility Reserve Fund.

The balance in the Revenue Stabilization Fund must not exceed 10 percent of the expenditures from the General Fund for the previous fiscal year, excluding any federal funds expended by the local government. We are in a situation where the fund balance exceeds the limitation by \$48,321.60. We would recommend that the excess funds be transferred to the Street Department to pay expenses incurred by the local government to mitigate the effects of the natural disaster last year. Significant asphalt work is still required to complete our projects as defined by FEMA. These projects were not budgeted in FY18. JJ

Ms. Jund explained this is the first year we have ever exceeded the fund balance. They discussed where the money would be most beneficial. She suggested that Public Works should get the funding to complete the FEMA projects by the end of this year to get the FEMA funding reimbursement. It wouldn't matter when we would get the FEMA funding back but we do need to meet the deadline to complete the work.

Councilwoman Simons asked if we use this money to pay for this and we get reimbursed, will the Street Department get the money.

Ms. Jund answered when the money comes in, the money will go directly into the General Fund.

**** A motion was made by Councilman Keener, seconded by Councilman Rice, to recommend the transfer of excess Revenue Stabilization Funds to the General Fund for street repairs.**

The motion passed unanimously. (5-0)

I. Review, consideration, and possible ratification of Airport Improvement Project (AIP) 49 Grant Application, and matters related thereto. **FOR POSSIBLE ACTION**

FAA Grant Application 49 includes upgrading the airport perimeter fence and electrical vault. The security fence upgrade will bring the entire perimeter fence into conformance with advisory circulars, and TSA Guidelines. The current electrical vault is housed in a wood structure. The upgrade would build a flame retardant structure, replace all constant current regulators, and associated connections.

Due to application date requirements set by the FAA for 2018, Staff was required to submit an application to the FAA by January 31, 2018. JF

Jim Foster, Airport Manager, explained this is their next project for the airport. They will upgrade the perimeter security fence and the electrical vault, which houses all of the regulators that control all of the airfield lighting.

Councilman Schmidlein asked when they changed the fencing requirements from six foot to eight foot.

Mr. Foster said right now the FAA requires it to be seven feet and he didn't know when that changed. Right now it is seven feet with three strand another additional foot. Most of our current fence is at six foot so they are technically out of compliance with the current FAA standard. The FAA issues cert alerts (Exhibit "A") and he handed one about wildlife exclusion fencing, which includes the ten-foot requirement and the eight-foot requirement. We are looking at doing the eight-foot requirement.

Councilwoman Simons asked if the extra two feet will stop the wildlife.

Mr. Foster answered the wildlife will have to jump the six foot fence and then also jump an additional eight foot fence with three strand barbed wire. The NDOT fence will remain in place because they are not allowed to touch that. Eventually the new fence line that will be on the interior of the airport, reduces our airport operations area significantly down and potentially opens up that internal airport for future development.

**** A motion was made by Councilman Keener, seconded by Councilman Rice, for ratification of FAA Grant Application No. 3-32-0005-049-0218.**

The motion passed unanimously. (5-0)

IV. NEW BUSINESS

- A. Review, consideration, and possible authorization to pursue legal action against Braemar Construction for continued violations of Title 9 Chapter 6, Illegal Discharge and Connection to Stormwater, and matters related thereto. **FOR POSSIBLE ACTION**

The City of Elko, as a part of its Small Municipal Separate Storm Sewer Systems (MS4) permit requirements (issued by NDEP) and pursuant to Elko City Code Title 9, Chapter 6 (Illegal Discharge and Connection to Stormwater), conducts regular inspections of construction sites throughout the City of Elko. These inspections are used to verify the contractors' compliance with the City Code, the contractors' Storm Water Pollution Prevention Plan (SWPPP) and the Best Management Practices (BMP) the contractors must use to minimize storm water pollution from their construction sites. Last year, construction work began on a property near Jennings Way and Courtney Drive. Inspections by Staff revealed that Braemar was operating vehicles in such a manner as to track sediment on City streets, where it then washes into the City Stormwater System. Furthermore, Braemar was failing to place sediment barriers around stormwater drain inlets. These actions were and continue to be in violation of Elko City Code Title 9, Chapter 6. A Notice of Violation was issued on November 29, 2017, demanding correction of the violations. Braemar had 30 days to appeal, but it did not do so, nor did it correct the violations. For the purpose of considering how to direct Staff, it should be noted that Braemar appears to have a history of violating certain City requirements in connection with construction projects, which is demonstrated by past notices, and other documents included in the Council packet. JD

Mayor Johnson disclosed he has had at least three contracts with Braemar in sale of property and building of a house. In review of NRS and conflict of interest, he felt that was clearly a conflict and abstained by turning the gavel over to Mayor Pro Tempore Rice.

Mayor Pro Tempore Rice read the background information of the agenda item.

Jeremy Draper explained there are several representatives from Braemar Construction, as well as, Adeline Thibault, Environmental Coordinator. Ms. Thibault is who goes out, does a lot of these inspections and provides the documentation for these Storm Water Inspections. We strive to work with each of the developers as they begin their construction activities. One requirement is prior to them starting, if they are disturbing enough ground that they are required to get permits from NDEP, is to notify staff to come out and take a look at some of their best management practices that they put in place for the construction activities, make sure that they are aware of what their permit says, and moving it forward. Braemar Construction has done several subdivisions throughout the city and there have been many violations of our Elko City Code Title 9, Chapter 6. He explained the violations and the list of actions. Since 2012 there have been seven violations issued. The property at Jennings and Courtney, which was recently annexed into the City of Elko, Braemar Construction failed to obtain the required grading permits for their grading activities up there. When this was brought to their attention they did

submit some plans to us. One of the conditions of the plans was they have excess material that they will be taking off to other sites. We requested that information prior to issuing a grading permit. Because they didn't know where all of the material was going, we issued the permit with the condition that prior to them removing material from that site, they notify us. They failed to notify us prior to taking the material off as late as two weeks ago. He notified Dusty Shipp about that and Mr. Shipp asked what the process was of notifying them. We can start with an email and we can go from there. We have noticed that Braemar is the only contractor to receive Construction NOV's (Notice of Violation). They were notified of this meeting and they are in attendance with us. The City of Elko does have the MS4 Permit that was issued by NDEP. It requires us to do periodic inspections of all construction activities within the City to verify compliance with Storm Water Permits and the City's MS4 Permit. The Storm Water Pollution Prevention Plan that they put together for each of their projects references a responsible person for the Storm Water best management practices. We work with that person at each of the project sites. Failure of us to enforce MS4 that is issued by NDEP could result in negative marks on our audit from NDEP. It can also include fines for the City of Elko. We take this very seriously. This can also fall under EPA review if it does get serious enough. This is designed to protect the Humboldt River and other downstream rivers. We are seeking City Council's consideration to authorize us to pursue a possible legal action against Braemar Construction for these violations.

Dave Stanton, City Attorney, explained the Code does not require Council to have this meeting. This is a matter of enough seriousness that we felt the Council needed to be the decision maker. Braemar was served with a notice of violation back in November. The Code provides an opportunity to appeal and that didn't happen. The purpose of this meeting is to decide how to proceed. There are a couple of legal avenues that can be taken at this point. One is civil and the other is criminal. In terms of the civil avenues, the Code does not limit what we can do. It specifically contemplates a couple of things. One is commencing a nuisance action and seeking injunctive relief. It would fall under the Elko City Nuisance Code. The Nuisance Code delineates a variety of different acts that constitute a public nuisance, and one of them is placing offensive material on City streets. The process for pursuing a Nuisance Action does involve more procedure just because of the way our Code is written. This process takes some time and it has to come back to Council for the initiation of a civil suit. Tom Coyle is in attendance to answer questions about a pursuing a criminal complaint. We are at the point of deciding to pursue a legal action against Braemar Construction. We don't have to and it would be better if we don't.

Scott Wilkinson, Assistant City Manager, said he believes the City's involvement with the State and the State's oversight of the City of Elko and their perception of how we are managing our program, has brought us to this point. We have had an unresponsive contractor and we have had quite a bit of involvement with the State throughout the community.

Dusty Shipp, 959 Montrose Lane, Braemar Construction, wanted to review some of the things in the report. There are six years of records and seven violations noted. If you went through those records you will see the first few were areas where we had dumped materials in the City street in the right-of-way. This is a situation where the home is done and built and we typically have a top soil or landscaping rock being dumped in the City street. The reason we do it in the City street is because at that point the lot we are building on has new sidewalks and we are trying not to run heavy equipment across there. When this first came about we were home builders and he wasn't really aware of how they affected the storm drains. They have since sent a lot of staff to

trainings so they understand what needs to be done and what they need to watch for. They have hired an outside inspector to keep track because they have to do weekly inspections. They own three sweepers and try to sweep the streets daily. Track-out happens all of the time. We are also building up to areas that are used for ATV entertainment and the best time to do that is when it is muddy. Instead of straw waddles around storm drains, that seem to have issues, they have bought filtration bags to put inside all of the storm drain boxes. It goes inside and catches everything. It allows traffic to go over without being destroyed. They are costly. He felt they have tried to be proactive. They have tried to work with the City and resolve issues. He finds it hard to believe that Braemar is the only developer to be given a notice of violation. They do a lot of work here. They didn't appeal the notice in November because they felt it was dealt with. Every time they have been notified, they have been proactive.

Councilman Keener noted there was a violation as early as two weeks ago.

Mr. Shipp explained they have a project called Golden Hills. That project is low, needing material. There is also a new project that they want to get started on West Jennings. They moved material from there to finish up the project out at Golden Hills. He tried to coordinate and pick a route that was more direct so we had less track-out and traffic flow. We hired a bunch of other trucks to haul their material that day to minimize the time spent moving the material. They felt they were doing best management practices.

Mayor Pro Tem Rice asked when a violation has been noticed, what is the follow-up from the City.

Mr. Draper answered for any of the inspections that they do, Ms. Thibault goes out and does the inspections. She works with the responsible person on the project site. The first thing she does is, if she notices something, she tells them they need to correct the problem. She will set up a follow-up date for that. She does really good to watch the weather to make sure we don't have any storms coming up. She tries to get out there before the next storm if there is one coming up. This instance with Golden Hills, she went back out there and saw there was still track-out on the road. It's hard to say if there was sweeping that took place in between. Once we issue the Notice of Violation, we do the same thing. We set up follow-up dates with them and go out there and make sure they have taken care of it.

Councilman Keener asked if a contractor is issued a notice of violation, why doesn't the City send its own crews out there, do the cleanup and then invoice the contractor.

Mr. Draper answered that is an option within the City Code. They can hire another contractor to do the work and then invoice them. We give the contractor issued the violation the opportunity to clean up after themselves first.

Councilman Schmittlein asked when you do an inspection, you give them a notice saying they have 24 hours to be in compliance or 48 hours.

Mr. Draper answered 24 or 48 and sometimes it could be up to a week. We look for when the next storm event is coming. During the rainy season we shorten those up and make sure everything is in place to reduce any sediment into our storm drain system.

Councilman Schmittlein asked Mr. Shipp, where would you grade your company compared to 2012? You have pulled a substantial amount of permits and it is difficult doing a housing development and avoid track-out, but there is a history that shows there have been issues.

Mr. Shipp answered it is a night and day difference. He didn't know anything about EPA and the river initially. It has been a huge education. We watch for things now.

Councilman Schmittlein asked from a disciplinary standpoint, what would be fair going forward? What can we do to remedy this?

Mr. Shipp felt the point brought up of fixing it and sending them a bill sounds reasonable.

Councilwoman Simons asked if communication on our side could be better. (Yes)

Mr. Wilkinson said he disagreed with that. Our staff spends a lot of time communicating these issues. Braemar has been non-responsive. Braemar has trespassed on other property creating issues. There have been joint inspections with the State on a variety of construction sites throughout the community. Braemar continually pops to the top on all those joint inspections. It is creating a problem for the City with the State under our permit. We don't get Braemar to be responsive. They trespass on other people's property. He also disagrees with sending our staff out to clean up what the contractor should be doing and sending them a bill. The contractor is responsible to administer that program and make it work.

Councilwoman Simons felt sometimes the State goes to extremes. She does not feel staff is slacking off.

Mr. Wilkinson said staff has been working with them and if you wanted to continue to do that it might be appropriate. Maybe some direction that another NOV would initiate staff working with legal counsel and pursue a criminal complaint. That would demonstrate to the State that we are taking the program serious and providing staff that direction to enforce our permit the way we need to do that.

Mayor Pro Tem Rice said whether or not we feel one agency is overreaching, that is a matter to be argued, but we do have requirements. He heard Mr. Shipp say his organization is trying to comply. We can't try, we have to comply. He is sorry it has come to this point. Short of starting a civil action, how about the development of a performance plan? Is there some way for Braemar and the City for a performance plan that is specific to the issues that come up. It is kind of like a probation period but we need assurances that these things will be taken care of. Clearly something needs to be done that is more than trying to comply.

Councilwoman Simons thought the City should do something before we take legal action so everybody has had ample chances to step it up. We are going to be the ones left paying the fines.

Mayor Pro Tem Rice said it should be relatively simple to put together a performance plan.

Dennis Strickland, Public Works Director, said it has been understated the severity of this matter. NDOT got in to a huge predicament over this matter. He doesn't love the regulations but they are taking it very seriously. NDOT has created a whole storm water division and they watch this

stuff like a hawk. Braemar has been a great contractor in the community, but he thought it is the attention to detail. They are having their reports done but the follow-up isn't there. This is being undersold as to how important this is. The State will come back to the City.

Howard Schmidt, 1694 E. Torrey Pines Cir, Draper, UT, Braemar Construction, explained he has been into Elko for a long time. He has been building for 30 years. Storm water and pollution prevention has come to light lately. They have learned a lot about it. They do get into a bit of a hurry sometimes and we can be victim to it. They are putting everyone on notice. They are not taking this lightly. They appreciate the opportunity to appeal to Council for some grace on this. He wondered if in that plan, if when Ms. Thibault is going to do an inspection, she give them a call. Maybe for the next 60 days we can have a regular schedule where one of their guys go out with Ms. Thibault and see what she sees.

Councilman Schmidlein said that is their responsibility as a contractor. They shouldn't rely on the City and that is what they hired a consultant for. If Ms. Thibault goes out there, she shouldn't notify you if she is going to show up.

Mr. Schmidt asked if they could occasionally have a few minutes with her so they are seeing what she is seeing. We are getting better at this. If they are missing something, they want to catch it.

Mayor Pro Tem Rice said he was concerned that this is a pattern that has gone on for six years. We need assurance that compliance is going to happen.

Mr. Stanton pointed out there is a plan, a Storm Water Pollution Prevention Plan. We also have the City of Elko Construction Site Best Management Practices Handbook that contains standards. If there is going to be a plan, he wasn't sure how they could do that without it being redundant or contradicting or inconsistent with standards that are already in place.

Mayor Pro Tem Rice said he looks at it as a personnel issue. If someone isn't performing you put together a plan. He felt we should direct staff to follow the recommended motion and pursue legal recourse. He is looking for Braemar to provide the City with concrete assurance that they will be in compliance going forward. If not we will take legal recourse.

Mr. Stanton said Mr. Wilkinson had a good suggestion earlier. This agenda item is whether or not to take legal action against Braemar. Mr. Wilkinson suggested that maybe we can do something in the interim but if there is one more NOV, subject to Braemar's appeal rights, then Council is directed to pursue legal action against Braemar.

Mayor Pro Tem Rice thought maybe Braemar needs to consider hiring an environmental person to be on their sites.

Mr. Draper pointed out the Storm Water Pollution Prevention Plan that they provide to us for each site, Braemar prepares that. That is something they should be aware of following. They have hired Lana Carter for several of their sites, to go out and do their inspections. Ms. Thibault does spot inspections. She also does scheduled inspections.

Mr. Wilkinson said council action along that line will demonstrate to the State that the City's elected officials and management are serious about Storm Water compliance in the City of Elko. If they were to make the motion, including the language that Mr. Stanton suggested, subject to appeal rights, that would be an appropriate course of action.

**** A motion was made by Councilman Keener, seconded by Councilman Schmidlein, with respect to Agenda Item IV. A., to direct staff to work with the contractor on a corrective action plan, and if there is one more Notification of Violation in the future for something that has not happened yet, then at that time, subject to Braemar Construction's appeal rights, staff is authorized to pursue legal action against Braemar Construction.**

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

BREAK

VII. 5:30 P.M. PUBLIC HEARINGS

- A. Second reading, public hearing, and possible adoption of Ordinance No. 825, an ordinance amending Title 3, Chapter 2, of the Elko City Code entitled "GENERAL ZONING ORDINANCE" specifically adding a new Section 29 entitled "Marijuana Establishments and Medical Marijuana Establishments Prohibited", filed and processed as Zoning Ordinance Amendment No. 3-17, and matters related thereto. **FOR POSSIBLE ACTION**

Cathy Laughlin, City Planner, explained Council has conducted the First Reading, so this is the Second Reading, Public Hearing and final step of Ordinance No. 825.

Mayor Johnson asked if there was more information.

Curtis Calder, City Manager, said there have been emails and letters received regarding this item.

Mayor Johnson read the emails and letters (Exhibits "B" to "J").

Councilman Rice read two emails he received (Exhibits "K" and "L").

Mayor Johnson read an email and an attachment from Sean Fericks (Exhibit "M").

Tara White read an email she had received from Heidi Marty (Exhibit "N").

Sean Fericks, 2126 Colonial, asked Councilwoman Simons doesn't the City Code already prohibit business licenses for any activity that is against Federal Law.

Councilwoman Simons answered yes.

Mr. Fericks admitted he looked that up on the website. If this is the case and the City of Elko has already banned cannabis dispensaries in Elko, what is the purpose of the zoning ban if the goal is already accomplished? Why the redundancy. What is the City trying to accomplish that is not already accomplished by the current code on business licensure.

Councilwoman Simons answered a few meetings back this was discussed. It went to Planning Commission and then came back to us. The Planning Commission said, and it was four to three, and four of them said they felt this was good, and three of them said they wanted extra measures. She assumed the thought for most of council was that we want that extra measure in.

Mr. Fericks asked if the City is concerned that someday the Federal Government will make cannabis legal and then the City wants to actually disagree with the Federal Government and still keep it out of Elko, even though nationally the drug gets rescheduled.

Councilman Rice admitted his position on this is for the establishment for medical and recreational marijuana. The reason that we went down the path of the Ordinance was because it was the only avenue the State provided to prohibit dispensaries in our community, according to the NRS. He disagrees with the Ordinance but that was what he understood was the reason for it being drafted.

Mr. Fericks thought the City Council is concerned that the new State law overturns the provisions for City Business Licenses. Is that the consensus?

Councilman Schmidtlein said it can potentially do that in the forthcoming. The Council has the right with the NRS statute to decide whether or not to have a dispensary in Elko. The majority of the people here tonight are here for medical. The ordinance was written originally, for what everybody voted for, medical and recreational marijuana. That is where he has the biggest problem. Our community works in a zero tolerance for the Mining Industry. He is not in favor of recreational marijuana in any way. Everybody seems to put them together. When Councilman Rice brought forward to put a moratorium on marijuana, it was for medical and recreational. He mentioned that if it could be broken apart, there would be a possibility he would vote in favor of a moratorium for the medical side. That is not the way it has been presented. It opens up a gateway for recreational marijuana use in our community. He does not believe it is in the best interest for the people in the City of Elko, or the County. The City and County did vote down the recreational portion. There are needs and improvements coming for medical marijuana but there are too many unknowns. Science has not proven where this stuff is going for the future.

Mr. Fericks wondered if the concern is that the State's law over-rides our City Code that prohibits a dispensary because it is a violation of Federal Law. Are you worried that State Law over-rides Federal Law?

Councilman Schmidtlein answered not necessarily. We have the right as a municipality to make a decision the way the NRS was written.

Mr. Fericks asked Councilman Schmidtlein, one of the concerns that he has heard about seems to be compliance with DEA scheduling. A lot of people say a cannabis dispensary will not comply with Federal Law and that is a big concern, especially for the Police who have to decide which one to enforce. Current City Code is compliant with the DEA's schedule and that it prohibits business licenses for any activity that is against federal law. If the City Council passes this zoning ban and then cannabis is rescheduled as a prescribed medication, schedule 2, which is highly possible, wouldn't the zoning ban then clash with the new FDA scheduling? If it were

allowed to be dispensed in a regular pharmacy, and we have zoned it out of Elko, then wouldn't federal law and City law clash?

Councilman Schmidtlein answered yes, tentatively it would. This Council would have the obligation to overrule that. He mentioned all along, regarding the pharmaceutical portion of medical marijuana, he wished it would just be allowed in pharmaceuticals and this would all have gone away. What is the federal government doing? We as a body here are making our decisions representing the people of Elko.

Mr. Fericks said the Council is actually making decisions for other people that have real medical concerns. The thing that concerns him the most is the concern about recreational. He thought everybody there was concerned a little bit about recreational cannabis, but Council is willing to throw the gauntlet down. In doing so you cause real harm to people who have real medical needs and you are going to be the boss of them in this case, instead of letting them run their own lives.

Mike Sea has been in community since 1993. He is a miner and believes in the no tolerance policy. He asked Councilman Schmidtlein; don't we as miners, have a no tolerance policy for alcohol on the job too? What are you doing to get alcohol out of the community?

Councilman Schmidtlein said marijuana and alcohol have been around for many years. He has no intentions of banning alcohol in the city limits.

Mr. Sea asked if they are picking and choosing.

Councilman Schmidtlein answered not at all.

Mr. Sea asked do you suppose it is only the recreational crowd that is voting for the use of the products.

Councilman Schmidtlein answered no but it is piggybacking with the medical portion of it. Recreational marijuana is not needed in this community.

Mr. Sea thought there is another subject matter on the table and that is medical marijuana.

Edwin Lingar, 1617 Bullion Road, said he works at NYTC. He doesn't partake (as a federal employee he is not allowed to) but he has had friends that have used medical marijuana. One friend in particular has a brain tumor and he has to drive many hours to Reno to get what he needs to prevent seizures. He understands legislating morality; it's something we have done a lot in the history of this country, but it is not something that typically ends well. He also understands the point of this being a mining community, but shouldn't the miners have the option? If they make the wrong choice, they will be fired. We are a nation of choices.

Councilman Keener said it is important to distinguish that we are not prohibiting anyone from using marijuana. There is a dispensary in Reno that delivers to Elko. According to what they have on their website, if you purchase \$300 or more of product there is no charge for delivery of that product. Individuals also have the opportunity to grow their own.

Mr. Lingar asked then what is the point.

Councilman Keener said a majority of City Council does not want recreational marijuana available in the Elko area. They can approve a medical marijuana facility. Who's to say our State Legislature in the next session and put down a requirement that medical marijuana establishments now have to sell recreational marijuana. We don't know what the State is going to do. We as a majority of the Council feel it is a bad influence on our community and there are so many unknowns that we see more harm than good.

Marcey Logsdon, 625 W. Birch St., said 47% vs the 53%. Forty-seven percent of your constituents voted for the use of cannabis in this county. How many of you voted yes on this? Councilman Rice does not represent 47% of us. She is a Registered Nurse by trade and she sees people daily who do not want to be on pills. They are traveling far and wide to get what they need so they can get away from opiates and benzodiazepines. It works for them. They are managing their healthcare. As healthcare providers, we want to shift from chronic maintenance that is such a burden on our society to being preventative. These people are going out of their way to better their lives. That helps all of us as taxpayers. Her mother-in-law lost two very dear people in her life. She was in a room for days and they finally got her eating some goodies. Now she talks to her grandchildren. This is a big deal. Right now, Canada is on the forefront of legalizing both medicinal and recreational cannabis use for the entire country. They are boasting a \$5 million surplus into their economy. They want a 50% excise tax, which is crazy. The country finally agreed to 25% going back into the government. Canada is forecasting a surplus of \$22 billion. She has seen her uncle die of cancer. She has seen his federal physician at a VA hospital recommend cannabis. It eased his end of life care. If this ban is upheld, she will make it her life's mission to make sure there are people in here that are representing the 47% of us that did vote for it.

Cindy Cordray, 4037 Osage, said alcohol has no medicinal use except to pour it on a wound. When we tried prohibition, we ended up with so much illegal activity that people were murdered every day. Right now we have illegal activity in Elko. Whenever we take something illegal and regulate it, the illegal activity goes down. She is a proponent of medical marijuana.

Sue Kennedy, 2473 Ruby Home Ranch Drive in Lamoille, shared some of her personal experiences and those of her friend that used medical marijuana. She spoke in favor of a medical marijuana dispensary.

Gratton Miller, 1024 Barrington Avenue, said he just witnessed several people walking up here, with one person, through email, deciding that they didn't want a medical marijuana facility here. He felt the constituents have spoken.

Christine Gardnerson, 756 Fir Street, said she is a daily cannabis user. She uses it as an alternative to opioids. She asked the Council to reconsider the ban on a dispensary. This ban is restricting the access of an herbal medicine to patients that need it.

Steven Ackerly, Carlin, NV, said he sells CBD oil and other forms of pain relief such as Kratom. He has used it medically for almost a decade after he fell off a water truck. His 13-year-old daughter uses CBD oil for social anxiety. Medical is very important and needs to be heard.

Sherry Richens, 1385 Stitzel Road, said we need a dispensary in Elko. We don't all make miner's wages. Most of us live paycheck to paycheck. She has been fighting to stay alive. She has to go to Reno for main management and to a dispensary. There is no money for this because she is on Medicaid. Why don't we open up some kind of research facility to see what you can actually get from the plant and what can it take care of? These things are being discovered every day.

Joshua White, 8758 Perry Way, said he was born in Elko, graduated from Spring Creek High School, has worked in Elko, married in Elko and fathered three beautiful children in Elko. He is the owner/co-founder with his wife, Tera, of Cannabis Consulting Group, LLC. Spoke in favor of medical marijuana and expressed his confusion and anger with Council's actions.

Aaron Hildreth, Police Patrol IV Advanced, School Resource Officer, placed some drug paraphernalia on the desk in front of the dais. He is compassionate and understands the medicinal side of cannabis. He wanted to point out a position we are forgetting. He is in the schools and sees this on a daily basis. His concern is for not so much for those present but for the kids. When they legalized marijuana for medicinal use, the teen usage rates across the country and states didn't change. When the laws were changed for recreational use, the usage rates have gone up. From his own experience, when they first started this, we did a drug survey in the schools and as far as the middle and high schools in Elko County were concerned, we were pretty equal with the national average when it came to kids trying or using marijuana; the 30% range. Our alcohol usage was also similar to the national averages, up in the 60-70% ranges. When we accept something as a society, and we say this is okay, we send a message to our children that usage of marijuana is okay. Our current usage rates have gone up because we send the message that this is okay but you have to wait until you are twenty-one. When they started taking the dogs to the schools they would find drug paraphernalia every day. What he placed on the desk is just a small percentage of what they have found. We have sent a message to our kids that marijuana is not addictive, and that is false. In the last year where the State has legalized marijuana, it has undone all that they have done to get drugs out of the schools. Now there are more drugs. The drugs are in higher quantities. There is more paraphernalia coming in again. This is becoming a weekly occurrence. Recently this year we had kids, children, bringing marijuana to school to sell it. It was legal marijuana; marijuana that they had gotten from their parents. This is because we have sent the message to our kids that this is okay. That is the wrong message to send. This is what is going on in the schools and it is not getting any better. It is getting worse.

Mr. White asked if those were the only drugs that were found in the schools.

Officer Hildreth answered all of the drugs had gone down. The alcohol use at school has gone down. There is an alcohol problem in the community. Marijuana with kids is his new job security. We do find other drugs in the school. Since he started, it has been in a huge decline but marijuana has done the exact opposite. We are sending the wrong message to the kids.

Cindy Cordray said you talk about increasing and she understands it is because we are saying it is okay. How much of that you are seeing is still obtained illegally from dealers vs coming from the parents that have allowed the children to have it?

Officer Hildreth answered he can't give exact numbers. The largest marijuana bust was medicinal marijuana. We do have parents that make excuses for it and say they didn't think it was a big deal. These kids are not smoking once in a while. The kids they are busting are smoking every day. Some parents are pro-marijuana parents. Now these parents are saying they can't believe what this has done to their kids.

Ms. Cordray asked when you say they are doing this, is it coming from the recreational side or the medicinal side.

Officer Hildreth said the quality of marijuana is going up and it is more readily available to the kids. He cannot answer the question. Any way you look at this we are sending a message. Marijuana is available to the adults and they are selling it to kids. They are going after adults that are selling to kids. We haven't had that problem before.

Councilman Rice said two weeks ago he proposed a moratorium. Councilman Schmidtlein said he would consider it on medical only and go forward with this ordinance on recreational. Is there an appetite for revising this ordinance to prohibit recreational dispensaries only. The testimony we heard tonight was about medical marijuana and a desire for a medical marijuana dispensary in our community.

Mayor Johnson said we should move forward and vote on the second reading. The message is getting out. When he weighs the benefits to the community and the risk of loss, then he can't vote to allow it. Let's vote on the ordinance. It is easy to change the ordinance. This topic is big and will continue to be big. To make a change tonight would not be fair.

Councilwoman Simons said we have all said this stuff but she has never used this and she is not an expert. We have become more educated than we thought we could be. Her opinion has evolved. Maybe we can all focus on the federal government and force them to put it in the pharmacies. That sounds like the path and it sounds like people really benefit from it.

Councilman Rice said we can ban the recreational dispensaries in Elko. The current AG directive has not changed the Cole memo at all. The memo is an interpretation of law. It is not a priority of the Department of Justice to prosecute medical or any legal marijuana laws anywhere.

Councilwoman Simons said it doesn't change the law but it says we are not going to prosecute.

Councilman Rice said they cannot look at things in a black and white way. The memo and Attorney General Sessions latest instruction leaves the discretion prosecution of marijuana laws up to the states. It is a tool that allows law enforcement to justify their and our own oath to uphold the constitution. He is suggesting that we revise this ordinance to ban the establishment of recreational dispensaries in our community and allow the market to provide medical marijuana dispensaries if the market is there to support it. The testimony tonight shows that citizens are in favor of at least the establishment of medical marijuana facilities. This has to be a health and safety of our citizens issue. We are denying our citizens access to medical marijuana that the rest of the state enjoys.

Councilman Schmidtlein asked if a medical marijuana dispensary opened in Elko, would recreational marijuana users be able to grow their own.

The crowd answered yes.

Councilman Keener said the emails and the testimony are very compelling. Bottom line is if we were to enact the ability to have either medical or recreational marijuana establishments, they would be violating their oath of office. It is bad policy for the community.

**** A motion was made by Councilman Rice, seconded by Councilman Schmittlein, to reject the Ordinance No. 825 and direct staff to come back to Council with a new Ordinance entitled: General Zoning Ordinance, specifically adding a new section entitled: Recreational Marijuana Establishments Prohibited.**

The motion was amended below.

Mayor Johnson asked Attorney Stanton how they should handle this item.

Dave Stanton, City Attorney, said if this motion passes, that means we have to start at ground zero. We can do that. Just because we are having a second reading doesn't mean you have to adopt the ordinance. The agenda is to conduct the Second Reading of this Ordinance and it can be adopted or not adopted.

Mayor Johnson asked, as the motion is presented, do we need to make that motion and vote on it?

Attorney Stanton asked if he meant the second part of the motion. (yes) To be clear about Open Meeting Law issues, he thought the better approach would be to adopt it or not adopt it. Just leave it at that. If a new ordinance is going to come back before the City Council, there is a separate process for initiating that.

Councilman Rice wanted to be clear. We can vote on this up or down. Let's say it is down, then what is the next step?

Councilwoman Simons thought then they can vote on Councilman Rice's motion.

Attorney Stanton said they can't do that. There isn't an agenda item to do that. The first part of the motion is fine. The second part is outside the scope of the agenda item and a separate process.

**** A motion was made by Councilman Rice, without a second, to reject Ordinance No. 825.**

The motion was amended below.

There was discussion about how the motion should be worded.

**** A motion was made by Councilman Rice, without a second, to not adopt Ordinance No. 825.**

The motion was amended below.

Councilman Schmidlein rescinded his second on the original motion.

**** A motion was made by Councilman Rice, seconded by Councilwoman Simons, to not adopt Ordinance No. 825.**

The motion failed. (2-3 Mayor Johnson, Councilwoman Simons and Councilman Keener voted against.)

**** A motion was made by Councilman Keener, seconded by Councilwoman Simons, to adopt Ordinance No. 825.**

The motion passed. (3-2 Councilman Rice and Councilman Schmidlein voted against.)

After the motion and before the vote, Councilman Rice said he stopped short of begging. You are making a huge mistake if you move forward with this.

Councilwoman Simons asked what about the people that tell us the opposite. In this room it is hard to imagine.

Councilman Rice noted there was 150 more people in our community that voted against the establishment of recreational marijuana. Sixty percent of the people in this entire county voted for medical marijuana.

Council voted on the motion.

BREAK

V. RESOLUTIONS AND ORDINANCES

- A. First Reading of Ordinance No. 826, an ordinance increasing the corporate limits of the City of Elko, Nevada, pursuant to the provisions of N.R.S. 268.670 annexing thereto a certain tract of land partially contiguous to and not embraced within the present limits of the City of Elko described as follows: a parcel of land located northeast of the intersection of Statice Street and Delaware Avenue in Section 36, T. 35 N., R. 55 E., MDM, Elko County, Nevada, consisting of 62.03 acres, filed by Surebrec Holdings LLC., and processed as Annexation No. 2-17, and to direct Staff to set the matter for public hearing, second reading, and possible adoption, and matters related thereto. **FOR POSSIBLE ACTION**

Council accepted the petition for the subject annexation on January 23, 2018, and directed Staff to continue with the annexation process by referring the matter to the Planning Commission. The Planning Commission considered the annexation

on February 6, 2018, and took action to forward a recommendation of approval with findings back to Council. CL

Cathy Laughlin, City Planner, explained the applicant is in the audience. We are processing a rezone concurrent with the application. It is in conformance with our Master Plan land use. We meet the NRS requirements for annexation. It is a good opportunity to provide light industrial in that area. They feel it has a positive impact to the city. She recommended approval of the annexation.

**** A motion was made by Councilman Schmidlein, seconded by Councilman Keener, to conduct first reading of Ordinance 826, and direct staff to set the matter for Public Hearing, Second Reading and possible adoption.**

The motion passed unanimously. (5-0)

- B. First Reading of Ordinance No. 827, an ordinance increasing the corporate limits of the City of Elko, Nevada, pursuant to the provisions of N.R.S. 268.670 annexing thereto a certain tract of land partially contiguous to and not embraced within the present limits of the City of Elko described as follows: a parcel of land located on the north side of West Idaho Street approximately 2,500 feet east of I-80 Exit 298, in Section 19, T. 34 N., R. 55 E., MDM, Elko County, Nevada, consisting of 3 acres, filed by Swire Coca-Cola USA and processed as Annexation No. 3-17, and to direct Staff to set the matter for public hearing, second reading and possible adoption, and matters related thereto. **FOR POSSIBLE ACTION**

Council accepted the petition for the subject annexation on January 9, 2018, and directed Staff to continue with the annexation process by referring the matter to the Planning Commission. The Planning Commission considered the annexation on February 6, 2018, and took action to forward a recommendation of approval with findings back to Council. CL

Ms. Laughlin explained this property is Swire Coca-Cola. We have worked through a waterline extension agreement from Cattle Drive to this property. It can be serviced with water and sewer is septic. They will install dry sewer in the frontage until we can provide a lift station in the area. They are running a rezone concurrent with this application. She recommended approval of the annexation.

**** A motion was made by Councilman Keener, seconded by Councilwoman Simons, to conduct first reading of Ordinance No. 827, and direct staff to set the matter for Public Hearing, Second Reading and possible adoption.**

The motion passed unanimously. (5-0)

VI. PETITIONS, APPEALS, AND COMMUNICATIONS

- A. Ratification of the Police Chief issuing a 90-day temporary Retail Liquor License and Caterer's Liquor License, and issuing a regular Retail Liquor License and

Caterer's Liquor License to Mai Burrows, Jaden Enterprises, LLC dba Cowboys, located at 442 Idaho Street, Elko, NV 89801, and matters related thereto. **FOR POSSIBLE ACTION**

**** A motion was made by Councilman Keener, seconded by Councilman Schmidtlein, to ratify a 90-day temporary Retail Liquor License and Caterer's Liquor License, and issue a regular Retail Liquor License and Caterer's Liquor License to Mai Burrows, Jaden Enterprises, LLC dba Cowboys, located at 442 Idaho Street, Elko.**

The motion passed unanimously. (5-0)

III. APPROPRIATIONS (Cont.)

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

**** A motion was made by Councilman Rice, seconded by Councilwoman Simons, to approve the regular warrants.**

The motion passed unanimously. (5-0)

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

**** A motion was made by Councilwoman Simons, seconded by Councilman Schmidtlein, to approve the Print 'N Copy warrants.**

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

J. Review, consideration, and possible award of a bid or rejection of all bids for the Sports Complex Project, and matters related thereto. **FOR POSSIBLE ACTION**

The Council authorized Staff to bid the Sports Complex Project at its November 14, 2017 meeting. Staff revised the project to reduce the scope of the project in an attempt to ensure adequate funding for a base bid. The base bid was structured to preserve the following basic components of the project:

- Site grading
- Wetland construction
- Utility installation
- Three playing fields
- Plaza Development
- Parking Lot Development
- Sound wall construction
- Area landscaping adjacent to the sound wall and Errecart Blvd.

Field lighting installation was addressed as additive alternates 1 & 2 with the lights to be owner provided.

Bids were received until 3:00 p.m. on January 29, 2018. Three bids were received. All bids are well above the budget available for the project. Two of the bidders were deemed responsive but ineligible for preferential status with the omission of the required affidavit. The third bidder was deemed unresponsive with the omission of the qualification information required under Constructed Wetlands Section 32.7100 (1.3)(E)(1) and (2) and Sports Field Irrigation Section 328425.10 (1.3)(B)(1) and (2). The apparent lowest responsive bidder is Granite Construction, with a total for the base bid of \$12,035,035.00. There was one minor error on the total amount for bid item 47 presented as \$29,000 vs, the calculated result of \$29,400. The base bid amount is reflective of the \$29,400. Staff does not recommend an award without consideration of additive alternates 1 and 2. Consideration of additive alternates 1 and 2 would bring the total award for consideration to \$12,302,035.00. A complete bid tabulation is provided in your packet.

If this project is awarded, there are additional expenses, outside of this contract, in the amount of \$337, 871.00 to cover the costs for NV Energy, QA/QC testing, 404 permit management, and historical preservation management. This cost does not include either purchase or lease of field lights. SAW

Mayor Johnson asked if we have a bid the city can award to. Is there an apparent low bidder?

Scott Wilkinson, Assistant City Manager, answered yes, if you determine the \$29,400 error is minor.

Dave Stanton, City Attorney, said it is up to the council to decide if that error is a technical irregularity.

Mayor Johnson said let's talk about if we are willing to waive the irregularity. Are there any issues there?

Attorney Stanton said is it a technical minor irregularity that can be waived without giving a competitive advantage to anybody else.

Councilman Keener said he doesn't see an issue on this. It is something that can easily be overlooked.

Mayor Johnson asked do we want to take public comment or hear from staff.

Mr. Wilkinson said the third bidder referenced is Road and Highway. They looked at the affidavit for preferential status but it did not meet the NRS requirements. None of the bidders would be eligible for the preferential status. We determined that Road and Highway's bid is unresponsive. The two responsive bidders are Granite and Great Basin.

Councilman Schmittlein disclosed that his partners in Canyon Construction are owners of Great Basin. He did not feel he had any pecuniary interest at this time.

Mayor Johnson said when he first heard about the bid numbers coming in he wanted to take a close look at this. Even though this project is over budget, we have some things that should be considered and not overlooked. We have a window with a contractor set up, a number in front of us and we know we will have a completed project. The challenge is that we do not have enough money to fund it. Once we start breaking up a project there are no guarantees we will see this closeness in awarding the project. There are places to save money. The City might be able to save \$2 million but the risk is it would have to go back to bid and we would have to push it out. What will Pennington still fund? As long as the City of Elko keeps the concept of the three fields, the parking lot and the concession, Pennington is there. There is a chance that if the City rebid the project, the bids will come in less and the project can still be finished in 2019. The market is changing and his company is receiving more bid invitations. The construction season is starting to take off.

Councilwoman Simons asked, when you say bids are starting to come in, is that a seasonal thing. If we bid it in the fall...

Mayor Johnson answered there is always a strategy when you bid things to try to bid it on a particular time of year but there is no exact time of year that will be the best.

Mr. Wilkinson said we need a lot of lead-time for possible utility crossing at the river. This would be a good year to start this.

Mayor Johnson said it is a two year project. There is room to save money and still keep the donors.

Councilman Keener asked if we could accept this bid and negotiate with the contractor.

Councilman Schmittlein said we can't do that.

Councilman Keener noted that we cannot afford this and he didn't understand why this is a conversation.

Nate Johnson, Granite Construction, asked if they could do deductive change orders? The regional managers said they are available to help to keep within the budget or figure out what could be done.

Mr. Stanton said you cannot consider that in your decision to award. After the bid is awarded there might be things you can do. You can't do that now. It is not competitive bidding if you do that.

Curtis Calder, City Manager, said he is disappointed in the Architect's estimate. We have built the project around the estimate and found the resources using that estimate. For him it gets down to the estimate being way off. The economy plays into this too. We hearing on the western side of the State that all of their projects are coming in 15%-20% higher. He can't come up with \$2 or \$3 million dollars to make this project work. His opinion is the only option would be to reject

and go out and rebid in a timely manner and hope that we can get closer to the original engineer's estimate.

Councilman Schmidlein said there are many ways to save money on this project. You need to go through and read the specifications. We cannot afford to award this project. We have to live within our means.

**** A motion was made by Councilman Rice, seconded by Councilwoman Simons, to reject all bids.**

The motion passed unanimously. (5-0)

- K. Review, consideration, and possible authorization to restructure and rebid the Sports Complex Project, and matters related thereto. **FOR POSSIBLE ACTION**

The Council authorized Staff to bid the Sports Complex Project at its November 14, 2017 meeting. Bids were received until 3:00 p.m. on January 29, 2018. Three (3) bids were received. All bids are well above the budget available for the project. Staff believes the project could be restructured and rebid based upon available resources and project timing. For example, a realistic bid package for the 2018 Construction Season could include:

- Site grading
- Installation of Electrical Utilities (with some items omitted)
- Wetland Mitigation
- Water source to wetlands
- Storm Drainage Infrastructure Utility installation
- Installation of Field Lighting Infrastructure (foundations, bases, conduit, etc.)
- Sound Wall construction

Additional owner costs of approximately \$300,000.00 to cover the costs for NV Energy, QA/QC testing, 404 permit management, and historical preservation management are projected. This cost does not include either purchase or lease of field lights, which would be deferred until the next budget cycle. SAW

Scott Wilkinson, Assistant City Manager, said initially they pulled out \$1.2 million of components to the project when they went out for the first bid. We added those as additive alternates. As we move forward we looked at what can be removed completely from the project, still maintain the basic elements, do the wetlands mitigation and grade the entire property. They went over more to decide what they can remove. They took some of the components and put them as add alternates. We made the assumption that we could reduce the costs of the fields by \$850,000. The consultants have verified that we can expect about \$1million. They took all of the concrete and planters out of the plaza area. There would just be gravel between the fields. He explained to Council what they think they can put together as a bid package with additive alternates.

Councilman Keener asked if this is approved tonight, how long until it is ready to go out to bid.

Mr. Wilkinson answered maybe a week to a week and a half.

Mayor Johnson felt the City Manager's office should dedicate full resources to getting this project where we can get a bid back turned around in the next month. He wants to see a plan presented to City Council that can be finished.

Councilman Schmidtlein felt they need to cut \$3 million off this. There were three bids that were within 5% of each other. If you read the specifications, you will find ways to value engineer and save money.

Mayor Johnson recommended staff talking to the local contractors to get their opinions.

Curtis Calder said time is of the essence. Two weeks would be the longest we would want to wait to go out to bid. In between now and the next meeting we can work on this.

Ambrosia Anderson, Rockin A Electric, said they provided estimates to all three of the bidders. Her estimator went through this with a fine toothed comb. This is definitely a Bentley and they see ways the City can save money.

**** A motion was made by Councilman Keener, seconded by Councilman Schmidtlein, to direct the City Manager and his staff, committing full resources toward preparing the bid specifications to go out for rebid on the Elko Sports Complex, and to have a report and recommendations for Council for the second February 2018 meeting.**

The motion passed unanimously. (5-0)

IV. NEW BUSINESS (Cont.)

- B. Review, consideration, and possible action to accept the 2017 Annual Report of Planning Commission Activities, and matters related thereto. **FOR POSSIBLE ACTION**

Pursuant to City Code Section 3-4-23, the Planning Commission is required to prepare and present an Annual Report of its activities to the City Council. On February 6, 2018, the Planning Commission took action to approve the 2017 Annual Report of Planning Commission Activities and forward it to the Council.
CL

**** A motion was made by Councilwoman Simons, seconded by Councilman Schmidtlein, to table New Business Item B., the Planning Commission Report.**

The motion passed unanimously. (5-0)

After the motion and before the vote, Mayor Johnson moved on to the next agenda item.

- C. Review, consideration, and possible approval of Staff's response to noted violations of statute and/or regulations in relation to the Fiscal Year 2017 Annual Audit, and matters related thereto. **FOR POSSIBLE ACTION**

The City violations are noted in the Fiscal Year 2017 letter from Hinton Burdick. Staff is required to respond to these violations with corrective actions, which must be approved by Council. JJ

Jonnye Jund, Administrative Services Director, said this is an annual thing. There was an issue with non-compliance. The letter states that we had a non-compliance and our corrective action is to discuss with managers about the limit that can be paid to a Councilmember's business in a one-month period.

**** A motion was made by Councilman Keener, seconded by Councilman Rice, to approve the letter to the Nevada Department of Taxation, dated February 13, 2018, as presented by Jonnye Jund.**

The motion passed unanimously. (5-0)

After the motion and vote, Dave Stanton, City Attorney, reminded Council that there was a motion made on the previous item and there had not been a vote.

Council voted on the previous agenda item motion.

V. RESOLUTIONS AND ORDINANCES (Cont.)

- C. Review, consideration, and possible approval of Resolution No. 05-18, a resolution amending various fees related to Ruby View Golf Course pursuant to Elko City Code, Title 8, Chapter 13, Section 3, and matters related thereto. **FOR POSSIBLE ACTION**

The Golf Course Financial Advisory Committee took action to recommend amending various fees at Ruby View Golf Course on February 5, 2018. A draft resolution has been included in the agenda packet for review. JW

James Wiley, Parks and Recreation Director, explained the committee took a good look at the rates and fees charged at the Ruby View Golf Course. He went over the recommended changes. It was also recommended that these changes become effective April 1, 2018.

**** A motion was made by Councilman Rice, seconded by Councilman Keener, to adopt Resolution No. 05-18, amending fees charged for Ruby View Golf Course.**

The motion passed unanimously. (5-0)

III. APPROPRIATIONS (Cont.)

- E. Review, consideration, and possible approval to solicit bids for the Effluent Reuse and Sanitary Sewer Railroad Bores and Humboldt River Crossing to the New Sports Complex, and matters related thereto. **FOR POSSIBLE ACTION**

This portion of the project was not completed last year as part of the Effluent Reuse Pipeline and Sewer to the Elko Sports Complex Project. Staff is seeking Council approval to rebid the work. RL

**** A motion was made by Councilwoman Simons, seconded by Councilman Schmidtlein, to table.**

The motion passed unanimously. (5-0)

VI. PETITIONS, APPEALS, AND COMMUNICATIONS (Cont.)

- B. Ratification of the Police Chief issuing a 30-day temporary Packaged Beer and Wine License and issuing a regular Packaged Beer and Wine License to Joshua Hunt and Joseph Hunt, dba Idaho Street Station, LLC, located at 1600 Idaho Street, Elko, NV 89801, and matters related thereto. **FOR POSSIBLE ACTION**

**** A motion was made by Councilman Keener, seconded by Councilwoman Simons, to table Petitions, Appeals, and Communications Items B and C.**

The motion passed unanimously. (5-0)

- C. Ratification of the Police Chief issuing a 30-day temporary Packaged Beer and Wine License and issuing a regular Packaged Beer and Wine License to Joshua Hunt and Joseph Hunt, dba Idaho Street Station, LLC, located at 1600 Idaho Street, Elko, NV 89801, and matters related thereto. **FOR POSSIBLE ACTION**

See the motion above.

VIII. REPORTS

- A. Mayor and City Council

Councilman Keener met with the Police Department today, as part of the newly assigned liaison positions, and looks forward to meeting with Don Newman on Friday of this week. He asked Curtis Calder, regarding the municipalities being subject to sales tax on certain purchased items, how does that come into play? Curtis Calder answered in general, what the legislature did a few sessions ago, there were some local governments involved in Public Works Projects that were buying the materials tax free using their local government exemption, and then giving those materials to the contractor in order to circumvent the sales tax laws. We have long lead times on equipment where we might have to have a piece of equipment constructed six months ahead of time, so when the contractor is ready to install it, it is ready. The Legislature provided a small window for those types of things, but generally, a

local government cannot go out and purchase the materials tax exempt and then give them to a contractor for a Public Works Project.

B. City Manager

Curtis Calder reported on the sales tax report through the month of November (Exhibit "O"). We have been above our budget every single month. We are trending 10% over what was estimated.

C. Assistant City Manager

D. Utilities Director

Ryan Limberg said there are six or seven big capital projects ongoing.

E. Public Works

F. Airport Manager

G. City Attorney

H. Fire Chief

I. Police Chief

J. City Clerk

Shanell Owen said filing for office will be March 5th through the 16th.

K. City Planner

Cathy Laughlin said there are four rezones coming to the next meeting and there will be several Public Hearings. Stacey Payne, Lyfe Recovery Services, continues to be non-compliant with the City rules and code. She is still getting complaints from the neighbors, and they are mostly related to parking.

L. Development Manager

M. Administrative Services Director

N. Parks and Recreation Director

O. Civil Engineer

P. Building Official

COMMENTS BY THE GENERAL PUBLIC

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

There were no public comments.

There being no further business, Mayor Chris Johnson adjourned the meeting.

Mayor Chris Johnson

Shanell Owen, City Clerk

**Elko City Council
Agenda Action Sheet**

1. Title: **Review, consideration, and possible approval to solicit bids for the Effluent Reuse and Sanitary Sewer Railroad Bores and Humboldt River Crossing to the New Sports Complex, and matters related thereto. FOR POSSIBLE ACTION**
2. Meeting Date: **February 27, 2018**
3. Agenda Category: **APPROPRIATION**
4. Time Required: **5 Minutes**
5. Background Information: **This portion of the project was not completed last year as part of the Effluent Reuse Pipeline, and Sewer to the Elko Sports Complex Project. Staff is seeking Council approval to rebid the work. RL**
6. Budget Information:
 Appropriation Required:
 Budget amount available: **\$677,000.00 + 393,000.00 = 1.07M**
 Fund name: **Sewer**
7. Business Impact Statement: **Not Required**
8. Supplemental Agenda Information:
9. Recommended Motion: **Move to approve soliciting bids.**
10. Prepared by: **Ryan Limberg, Utilities Director**
11. Committee/Other Agency Review:
12. Council Action:
13. Council Agenda Distribution:

**Elko City Council
Agenda Action Sheet**

1. Title: **Review, consideration, and possible approval to award a bid for the City of Elko Water Main Removal and Replacement Project, and matters related thereto. FOR POSSIBLE ACTION**
2. Meeting Date: **February 27, 2018**
3. Agenda Category: **APPROPRIATION**
4. Time Required: **3 Minutes**
5. Background Information: **Council directed Staff to solicit bids for this project on January 9, 2018. A Bid Tally Sheet is included as supplemental agenda information. RL**
6. Budget Information:

Appropriation Required: \$196,120.00
Budget amount available: \$297,000.00
Fund name: Water
7. Business Impact Statement: **Not Required**
8. Supplemental Agenda Information: **Bid Tally Sheet**
9. Recommended Motion: **Make a finding that there was a minor technical defect on line item #3 of the Sierra Nevada Excavation Bid, which does not affect the total cost, or create a competitive advantage for the contractor, waive the technical defect, and further move to approve Award of Bid to Sierra Nevada Excavation.**
10. Prepared by: **Ryan Limberg, Utilities Director**
11. Committee/Other Agency Review:
12. Council Action:
13. Council Agenda Distribution:

CITY OF ELKO
BID TABULATION
FOR
WATER MAIN REMOVE & REPLACE PROJECT
February 13, 2018

NAME
ADDRESS
CITY, STATE
PHONE

Sierra Nevada Excavation
PO Box 231
Smith, NV 89430
775.465.9553

Acha Construction
1042 Commercial St.
Elko, NV 89801
775.777.3575

Great Basin Engineering
Contractors
PO Box 396
Elko, NV 89801
775.340.8365

Remington Construction
445 5th St.
Elko, NV 89801
775.738.6001

NO.	BID ITEM	QUANTITY	UNIT	UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	UNIT PRICE	UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT
1	Mobilization / Demobilization	1	LS	\$ 5,000.00	\$ 5,000.00	\$ 17,829.00	\$ 17,829.00	\$ 11,708.75	\$ 11,708.75	\$ 30,547.00	\$ 30,547.00
2	6" Dia. P.V.C. Water Main	1670	LF	\$ 45.00	\$ 75,150.00	\$ 100.00	\$ 167,000.00	\$ 84.78	\$ 141,582.60	\$ 122.00	\$ 203,740.00
3	2" Dia.Polyethylene Water Main	6	LF	\$ 200.00	\$ 1,200.00	\$ 100.00	\$ 600.00	\$ 801.31	\$ 4,807.86	\$ 67.00	\$ 402.00
4	18" X 6" Tapping Tee & Valve	1	EA	\$ 3,500.00	\$ 3,500.00	\$ 3,200.00	\$ 3,200.00	\$ 3,762.67	\$ 3,762.67	\$ 2,810.00	\$ 2,810.00
5	12" X 6" Tapping Tee & Valve	1	EA	\$ 2,500.00	\$ 2,500.00	\$ 2,750.00	\$ 2,750.00	\$ 2,921.65	\$ 2,921.65	\$ 2,000.00	\$ 2,000.00
6	8" X 6" Tapping Tee & Valve	1	EA	\$ 2,500.00	\$ 2,500.00	\$ 2,100.00	\$ 2,100.00	\$ 2,766.54	\$ 2,766.54	\$ 1,870.00	\$ 1,870.00
7	6" Tapping Tee & Valve	1	EA	\$ 2,500.00	\$ 2,500.00	\$ 2,500.00	\$ 2,500.00	\$ 2,626.40	\$ 2,626.40	\$ 1,860.00	\$ 1,860.00
8	6" X 2" Reducer	4	EA	\$ 400.00	\$ 1,600.00	\$ 450.00	\$ 1,800.00	\$ 512.17	\$ 2,048.68	\$ 205.00	\$ 820.00
9	2" - 90 ° Bend	2	EA	\$ 500.00	\$ 1,000.00	\$ 750.00	\$ 1,500.00	\$ 614.20	\$ 1,228.40	\$ 300.00	\$ 600.00
10	6" - 45 ° Bend	4	EA	\$ 350.00	\$ 1,400.00	\$ 750.00	\$ 3,000.00	\$ 593.87	\$ 2,375.48	\$ 275.00	\$ 1,100.00
11	6" X 2" Tee	1	EA	\$ 600.00	\$ 600.00	\$ 650.00	\$ 650.00	\$ 898.75	\$ 898.75	\$ 530.00	\$ 530.00
12	2" Tee	1	EA	\$ 350.00	\$ 350.00	\$ 300.00	\$ 300.00	\$ 495.82	\$ 495.82	\$ 300.00	\$ 300.00
13	2" Gate Valve	2	EA	\$ 600.00	\$ 1,200.00	\$ 450.00	\$ 900.00	\$ 870.20	\$ 1,740.40	\$ 575.00	\$ 1,150.00
14	6" Gate Valve	1	EA	\$ 1,200.00	\$ 1,200.00	\$ 850.00	\$ 850.00	\$ 1,604.43	\$ 1,604.43	\$ 1,030.00	\$ 1,030.00
15	Connect Existing Services	22	EA	\$ 4,000.00	\$ 88,000.00	\$ 1,000.00	\$ 22,000.00	\$ 1,698.13	\$ 37,358.86	\$ 1,550.00	\$ 34,100.00
16	Replace P.C.C Sidewalk	390	SF	\$ 6.00	\$ 2,340.00	\$ 7.00	\$ 2,730.00	\$ 19.77	\$ 7,710.30	\$ 10.00	\$ 3,900.00
17	Replace Curb & Gutter	70	LF	\$ 20.00	\$ 1,400.00	\$ 35.00	\$ 2,450.00	\$ 65.90	\$ 4,613.00	\$ 52.00	\$ 3,640.00
18	Pavement Patch	460	SF	\$ 8.00	\$ 3,680.00	\$ 8.50	\$ 3,910.00	\$ 10.54	\$ 4,848.40	\$ 10.00	\$ 4,600.00
19	Traffic Control	1	LS	\$ 1,000.00	\$ 1,000.00	\$ 2,000.00	\$ 2,000.00	\$ 4,745.93	\$ 4,745.93	\$ 5,000.00	\$ 5,000.00
	TOTAL BASE BID				\$ 196,120.00		\$ 238,069.00		\$ 239,844.92		\$ 299,999.00

1st

Written error on bid tab - Item # 3

Wrote \$3500.00 should have been \$1,200.

Totals match.

2nd

3rd

4th

Written error on bid tab- Item #15

Wrote \$1,550.00 should have been \$34,100.00

Totals match.

**Elko City Council
Agenda Action Sheet**

1. Title: **Review, consideration, and possible approval of a Professional Services Agreement with Aqua Engineering for Construction Management related services on the Secondary Clarifier #3 Project, and matters related thereto. FOR POSSIBLE ACTION**
2. Meeting Date: **February 27, 2018**
3. Agenda Category: **APPROPRIATION**
4. Time Required: **3 Minutes**
5. Background Information: **Council directed Staff to solicit bids for this project at the November 28, 2017 meeting. Bids will be opened on March 6, 2018. RL**
6. Budget Information:
 Appropriation Required: **\$153,400.00**
 Budget amount available: **3M**
 Fund name: **Sewer**
7. Business Impact Statement: **Not Required**
8. Supplemental Agenda Information: **Proposal and PSA with Aqua Engineering**
9. Recommended Motion: **Move to approve PSA with Aqua**
10. Prepared by: **Ryan Limberg, Utilities Director**
11. Committee/Other Agency Review:
12. Council Action:
13. Council Agenda Distribution:



February 14, 2018

Mike Haddenham
City of Elko
1751 College Avenue
Elko, NV 89801

Re: Elko Water Reclamation Facility (WRF) Secondary Clarifier #3 – Construction Scope of Services

Dear Mr. Haddenham:

AQUA Engineering (AQUA) thanks you for this opportunity to work with the City on the construction phase of the Elko WRF Secondary Clarifier #3 project. AQUA has developed a scope of services as follows:

Scope of Services:

1. **Construction Services** – AQUA will provide the following services during the construction phase of the project. It is estimated the project will require approximately six (6) months to be constructed. AQUA will assist the City as detailed in the following items:
 - a. *Attend pre-construction meeting.* AQUA will attend the pre-construction meeting.
 - b. *Attend and participate in progress meetings on a monthly basis or as requested by the City.* AQUA will attend monthly progress meetings and help coordinate the work associated with this project. Currently we have budgeted for six (6) meetings.
 - c. *Construction Observation.* AQUA will provide construction observation for this project on a daily basis by having a local inspector (Black Dolphin Consulting LLC.) who will check in on the project daily. A weekly report will be generated describing daily activities including photos. The inspector will also help coordinate questions, RFIs, and so forth. We have budgeted to provide an inspector for an average of eight (8) hours a day during the six months when onsite construction work will be performed.
 - d. *Review Pay Requests and Change Orders.* AQUA will review and provide recommendations for the contractors monthly pay request. Additionally, we will assist the City in reviewing and processing project change orders.
 - e. *Review all submittals and requests for information.* AQUA and SKM will review all of the project submittals and respond to requests for information (RFIs). Submittals will be reviewed for overall compliance with the project plans and specifications. Clarifications or resubmittals will be requested as needed to approve submittals. We have estimated that we will review 46 submittals and 10 Requests for Information (RFI's).
 - f. *Startup and Commissioning.* Working with the City and the Contractor, AQUA will help coordinate the startup and commissioning.
 - g. *Final Punch List.* AQUA will review the constructed project and prepare a final punch list with input from the City for the Contractor to complete prior to issuance of final payment.

- h. *Coordinate QA/QC Testing.* AQUA (Black Dolphin Consulting LLC) will coordinate any materials testing as required by the project. It is estimated that 16 concrete samples will be tested along 47 Soil Density Tests and One Concrete Shrinkage test.
- i. *Prepare As-Constructed Drawings.* AQUA will require the Contractor to keep and maintain an accurate and up-to-date set of as-constructed redlines during the construction phase of the project. This includes all sub-contracted work, especially electrical and will be done neatly and legibly on a full size set of contract drawings. Upon completion of the project, we will update the electronic documents (drawings and technical specifications) and provide the City with one (1) set of half-size drawings (unbound), one (1) set of technical specifications (unbound) and an electronic set of the drawings and technical specifications (pdf format).
- j. *Update O and M manual.* AQUA will update the master O and M manual as required to include the specific information for equipment and process changes at completion of the project.
- k. *Final Certification.* AQUA will provide a project certification letter at the completion of the project indicating project conformance with the design intent of the Contract Documents.

AQUA proposes a project budget of \$153,400.00 for this scope of services, to be billed on a time and materials basis at the rates and fees shown in the attached Table A and not to exceed without the owner's approval. Any additional services requested in excess of those listed above will also be performed using these rates and fees. Invoicing will occur on a monthly basis.

If additional information is required please let me know. Again, we look forward to working with you on this project.

Sincerely,
AQUA Engineering

Justin R. Logan, P.E.
Principal

Cc File

TABLE A

Position	Hourly Rate
Principal Engineer	\$135
Project Engineer	\$120
Engineer	\$90
Senior Designer	\$90
Designer II	\$70
Clerical	\$45
Construction Manager	\$110

AQUA Mileage: \$0.55/mile

Inspector Vehicle Charge: \$120/week

Additional Testing: \$75/hour

**Elko City Council
Agenda Action Sheet**

1. Title: **Review, consideration, and possible action to award a bid for the City of Elko WRF Reuse Water Fill Station, and matters related thereto. FOR POSSIBLE ACTION**
2. Meeting Date: **February 27, 2018**
3. Agenda Category: **APPROPRIATION**
4. Time Required: **3 Minutes**
5. Background Information: **Council directed Staff to solicit bids for this project on December 12, 2017. A bid tally sheet is attached. RL**
6. Budget Information:
 Appropriation Required: **\$121,098.01**
 Budget amount available: **\$350,000.00**
 Fund name: **WRF**
7. Business Impact Statement: **Not Required**
8. Supplemental Agenda Information: **Bid Tally Sheet**
9. Recommended Motion: **Move to award a bid for the WRF Reuse Water Fill Station to Ruby Dome, Inc. in the amount of \$121,098.01.**
10. Prepared by: **Ryan Limberg, Utilities Director**
11. Committee/Other Agency Review:
12. Council Action:
13. Council Agenda Distribution:

CITY OF ELKO
BID TABULATION
FOR
WRF - REUSE WATER FILL STATION
February 16, 2018

Name
Address
City State
Phone
Fax No.

CONTRACTOR
Ruby Dome Inc
6525 E. Idaho St.
Elko, NV 89801
775-738-2154

CONTRACTOR
Acha Construction
1042 Commercial St.
Elko, NV 89801
775-777-3575

CONTRACTOR
Faulstich & Rand
PO Box 2703
Elko, NV 89803
775-738-7463

CONTRACTOR
KAP-Mechanical
809 Industrial Blvd.
Elko, NV 89801
775-738-1908

CONTRACTOR
Remighton Construction
PO Box 1616
Elko, NV 89803
775-738-6156

CONTRACTOR
Great Basin Engineering
Contractors
PO Box 396
Elko, NV 89803
775-738-1176

No.	Bid Item Description	Bid Quantity	Unit	Unit Price	Total Amount
1	Mobilization	1	LS	\$ 9,700.00	\$9,700.00
2	Demolish Existing Concrete Pad at Dump	144	SF	\$ 25.00	\$3,600.00
3	Remove existing Wire Fence	180	LF	\$ 5.00	\$900.00
4	Clearing & Grubbing	0.70	Acre	\$ 2,000.00	\$1,400.00
5	Borrow Embankment	780	CY	\$ 24.00	\$18,720.00
6	8" Tickened Edge Reinforced Concrete Pad	1144	SF	\$ 13.00	\$14,872.00
7	Pavement Saw Cut	150	LF	\$ 3.00	\$450.00
8	4-Inch A.C. Pavement	5577	SF	\$ 4.12	\$22,977.24
9	12 - Inch A.C. Type 2, Class B Agg. Base	6721	SF	\$ 2.12	\$14,248.52
10	Gravel Shoulder	530	LF	\$ 4.40	\$2,332.00
11	Seal Coat	620	SY	\$ 0.90	\$558.00
12	6" C-900 DR 18 Pipe	227	LF	\$ 44.00	\$9,988.00
13	Trenching & Backfill for 16" X 6" Hot Tap	1	EA	\$ 3,510.00	\$3,510.00
14	6" Ductile Iron 22.5 Degree Bend (mj X flg)	1	EA	\$ 550.00	\$550.00
15	6" Ductile Iron 11.25 Degree Bend (flg x mj)	1	EA	\$ 550.00	\$550.00
16	6"X4" Ductile Iron Adaptor (mj x flg)	1	EA	\$ 600.00	\$600.00
17	4" Ductile Iron 90 Degree Bend (flg x mj)	1	EA	\$ 550.00	\$550.00
18	4" Ductile Iron Pressure Class 350 Pipe	5	EA	\$ 116.00	\$580.00
19	4" Adaptor (mj x flg)	1	EA	\$ 400.00	\$400.00
20	8" ADS N-12 Pipe	54	LF	\$ 60.00	\$3,240.00
21	24"X24" Drop Inlet	1	EA	\$ 3,200.00	\$3,200.00
22	Connection to Sewer Manhole	1	EA	\$ 1,800.00	\$1,800.00
23	Bollards	2	EA	\$ 800.00	\$1,600.00
24	T Post & Wire Fence	303	LF	\$ 15.75	\$4,772.25
	TOTAL BASE BID				\$121,098.01

Unit Price	Total Amount
\$8,000.00	\$8,000.00
\$6.00	\$864.00
\$5.00	\$900.00
\$1,714.29	\$1,200.00
\$30.00	\$23,400.00
\$17.00	\$19,448.00
\$2.60	\$390.00
\$3.60	\$20,077.20
\$2.50	\$16,802.50
\$8.00	\$4,240.00
\$5.50	\$3,410.00
\$47.00	\$10,669.00
\$786.00	\$786.00
\$784.00	\$784.00
\$836.00	\$836.00
\$1,022.00	\$1,022.00
\$732.00	\$732.00
\$160.20	\$801.00
\$466.00	\$466.00
\$59.00	\$3,186.00
\$2,500.00	\$2,500.00
\$900.00	\$900.00
\$436.50	\$873.00
\$13.50	\$4,090.50
	\$126,377.20

Unit Price	Total Amount
\$1,575.00	\$1,575.00
\$17.37	\$2,501.28
\$5.56	\$1,000.80
\$2,571.43	\$1,800.00
\$27.41	\$21,379.80
\$20.72	\$23,703.68
\$6.00	\$900.00
\$5.65	\$31,510.05
\$2.34	\$15,727.14
\$3.78	\$2,003.40
\$0.95	\$589.00
\$61.65	\$13,994.55
\$1,275.00	\$1,275.00
\$475.00	\$475.00
\$475.00	\$475.00
\$350.00	\$350.00
\$370.16	\$370.16
\$120.00	\$600.00
\$350.00	\$350.00
\$34.75	\$1,876.50
\$3,800.00	\$3,800.00
\$1,850.00	\$1,850.00
\$925.00	\$1,850.00
\$9.88	\$2,993.64
	\$132,950.00

Unit Price	Total Amount
\$4,200.00	\$4,200.00
\$18.50	\$2,664.00
\$3.00	\$540.00
\$7,150.00	\$5,005.00
\$11.00	\$8,580.00
\$24.50	\$28,028.00
\$4.00	\$600.00
\$5.00	\$27,885.00
\$2.48	\$16,668.08
\$13.22	\$7,006.60
\$0.60	\$372.00
\$49.00	\$11,123.00
\$2,800.00	\$2,800.00
\$750.00	\$750.00
\$800.00	\$800.00
\$1,100.00	\$1,100.00
\$775.00	\$775.00
\$200.00	\$1,000.00
\$500.00	\$500.00
\$35.00	\$1,890.00
\$4,800.00	\$4,800.00
\$2,000.00	\$2,000.00
\$800.00	\$1,600.00
\$17.00	\$5,151.00
	\$135,837.68

Unit Price	Total Amount
\$15,090.10	\$15,090.10
\$5.00	\$720.00
\$3.50	\$630.00
\$2,000.00	\$1,400.00
\$45.00	\$35,100.00
\$15.00	\$17,160.00
\$4.00	\$600.00
\$4.70	\$26,211.90
\$3.00	\$20,163.00
\$4.00	\$2,120.00
\$0.40	\$248.00
\$80.00	\$18,160.00
\$1,500.00	\$1,500.00
\$220.00	\$220.00
\$200.00	\$200.00
\$362.00	\$362.00
\$505.00	\$505.00
\$85.00	\$425.00
\$980.00	\$980.00
\$70.00	\$3,780.00
\$4,250.00	\$4,250.00
\$1,500.00	\$1,500.00
\$600.00	\$1,200.00
\$10.00	\$3,030.00
	\$155,555.00

Unit Price	Total Amount
\$6,598.90	\$6,598.90
\$13.76	\$1,981.44
\$4.13	\$743.40
\$1,901.66	\$1,331.16
\$48.48	\$37,814.40
\$25.81	\$29,526.64
\$6.37	\$955.50
\$4.60	\$25,654.20
\$2.40	\$16,130.40
\$9.94	\$5,268.20
\$0.46	\$285.20
\$73.41	\$16,664.07
\$1,812.19	\$1,812.19
\$361.42	\$361.42
\$275.06	\$275.06
\$679.24	\$679.24
\$457.30	\$457.30
\$144.05	\$720.25
\$284.33	\$284.33
\$105.91	\$5,719.14
\$4,403.21	\$4,403.21
\$5,223.07	\$5,223.07
\$768.43	\$1,536.86
\$18.33	\$5,553.99
	\$169,979.57

**Elko City Council
Agenda Action Sheet**

1. **Title: Review, consideration, and possible award of the bid for the Cedar Street Reconstruction Project Phase II, and matters related thereto. FOR POSSIBLE ACTION**
2. Meeting Date: **February 27, 2018**
3. Agenda Category: **APPROPRIATION**
4. Time Required: **5 Minutes**
5. Background Information: **This item has been approved and budgeted for in the 2017/18 Fiscal Year Budget, Capital Construction Fund. DS**
6. Budget Information:

Appropriation Required: \$1,500,000.00 to \$1,700,000.00
Budget amount available: \$1,301,776.00
Fund name: Capital Construction; Additional anticipated revenues of approximately: \$250,000 in ad valorem tax to be collected; 300,000 from the ¼ cent Elko County sales tax available September 1, 2018; and \$50,000 from NV Energy franchise agreement; for a total approximate amount of \$1,901,776.00 available by October of 2018.
7. Business Impact Statement:
8. Supplemental Agenda Information: **A bid tabulation will be provided at the meeting**
9. Recommended Motion: **Award the bid for the Cedar Street Reconstruction Project Phase II to _____.**
10. Prepared By: **Dennis Strickland, Public Works Director**
11. Committee/Other Agency Review:
12. Council Action:
13. Agenda Distribution: **Lana Carter**
lanalcarter@live.com

**Elko City Council
Agenda Action Sheet**

1. Title: **Review, consideration, and possible authorization to bid the sports complex as a two phase project, and authorization to separate the outfield fencing and the comfort station into individual contracts, and matters related thereto. FOR POSSIBLE ACTION**
2. Meeting Date: **February 27, 2018**
3. Agenda Category: **APPROPRIATION**
4. Time Required: **15 minutes**
5. Background Information: **The Council authorized staff to restructure and possibly rebid the proposed Sports Complex Project at its February 23, 2018. Staff has confirmed the deletions proposed at the February 13 meeting. Staff has completed a review of the technical specifications identifying qualifications and specification which can be eliminated with the intent to reduce costs further. The proposed revisions to the technical specifications have been accounted for in field cost reduction and cannot be further quantified. The proposed project has been structured over a two year period providing additional resources to fund the project. The proposed 2018 project would include the following:**
 - **Site grading**
 - **Installation of electrical utilities (with some items omitted)**
 - **Sound wall**
 - **Pump station and irrigation mainlines**
 - **Water source to wetlands**
 - **Storm drainage infrastructure**

The following items would be included as additives alternates:

- **Field construction excluding outfield fencing**
- **Field lighting installed**

Additional owner costs of approximately \$507,871 to cover the costs for NV Energy, QA/QC testing, 404 permit management, and historical preservation management are projected. This cost does not include either purchase or lease of field lights, which would be deferred until the next budget cycle.

The remainder of the project would be bid as three separate contracts as follows:

- **Outfield fencing**
- **Scoreboards, Sports Equipment, and Parking Lot Construction**
- **Comfort station**

6. Budget Information:

Agenda Item III.G.

Appropriation Required: **\$8,501,117.00 (approximate)**

Budget amount available: **\$8,000,000.00 (includes reimbursement for water and sewer items offsetting projected costs)**

Fund name: **Recreation**

7. Business Impact Statement: **Not Required**
8. Supplemental Agenda Information: **Project Estimated Cost**
9. Recommended Motion: **Pleasure of the Council.**
10. Prepared by: **Scott Wilkinson, Assistant City Manager**
11. Committee/Other Agency Review:
12. Council Action:
13. Council Agenda Distribution:

Project - 2 yr

Average of Bids; Alts 1 and 2; Deletions 2.1M, Fields, Parking and Comfort Station moved to add alts

	2018
resources	\$ 7,993,514
bid items	\$ 5,708,520
contingency 3%	\$ 171,256
owner expenses	\$ 507,871
net	\$ 1,605,868
add alts for fields and lights 1 - 4	\$ 2,051,913
contingency 3%	\$ 61,557
net	\$ (507,602)
add alts for outfield fencing 5	\$ -
contingency 0%	\$ -
net	\$ (507,602)
add alts for scoreboards and field equipment 6-7	\$ -
contingency 0	\$ -
net	\$ (507,602)
add alts for parking lot 8	\$ -
contingency 3%	\$ -
net	\$ (507,602)
ad alts for parking lot 9	\$ -
contingency 3%	\$ -
net	\$ (507,602)
add alt for comfort station 10	\$ -
contingency 3%	\$ -
net	\$ (507,602)

Bid Item No.	Description of Work	TOTAL AMOUNT
	CLEARING EARTHWORK	
1	Mobilization @ _____ Per Lump Sum	\$ 582,273.52
2	SWPPP - Includes 10'X10' basin below existing storm water outflow pipe includes filter fence around soil and fill stockpile areas. @ _____ Per Lump Sum.	\$ 101,580.93
3	Site Cleaning, Grubbing to be stockpiled on site in future phase area, concrete and other manmade debris to be removed from the site., Concrete curb cutting/removal covered in Civil Bid schedule, Includes clearing wetland/restoration area @ _____ Per Acre	\$ 205,059.22
4	Topsoil Stripping and Stockpile 6" depth Includes wetland/restoration area includes future work areas Includes fine grading of landscape areas @ _____ Per Acre.	\$ 211,182.63
5	Topsoil Placement Includes placement of 6" of topsoil to all planted areas Includes 6" topsoil placement on wetland / restoration area @ _____ per Cubic Yard.	\$ 180,152.38
6	Excavation and Rough Grading Includes wetland & restoration cut (approx. 40,000 yards) Includes stockpile of excess fill material (approx. 20,000 yards) @ _____ per Cubic Yards	\$ 1,441,917.33
		\$ 2,722,166.02

	2019	2019 alt 1
resources	\$ 1,492,398	\$ 492,398
bid items	\$ 45,000	\$ 45,000
contingency 3%	\$ 1,350	\$ 1,350
owner expenses	\$ -	\$ -
net	\$ 1,446,048	\$ 446,048
add alts for fields and lights 1 - 4	\$ -	\$ -
contingency 3%	\$ -	\$ -
net	\$ 1,446,048	\$ 446,048
add alts for outfield fencing 5	\$ 266,385	\$ 266,385
contingency 0%	\$ -	\$ -
net	\$ 1,179,663	\$ 179,663
add alts for scoreboards and field equipment 6-7	\$ 102,945	\$ 102,945
contingency 0	\$ -	\$ -
net	\$ 1,076,717	\$ 76,717
add alts for parking lot 8	\$ 442,730	\$ -
contingency 3%	\$ 13,282	\$ -
net	\$ 620,705	\$ 620,705
ad alts for parking lot 9	\$ 208,691	\$ -
contingency 3%	\$ 6,261	\$ -
net	\$ 405,754	\$ 620,705
add alt for comfort station 10	\$ 500,000	\$ 500,000
contingency 3%	\$ 15,000	\$ 15,000
net	\$ (109,246)	\$ 105,705

Bid Item No.	Description of Work	TOTAL AMOUNT
	CLEARING EARTHWORK	
1	Mobilization @ _____ Per Lump Sum	\$ 30,000.00
2	SWPPP - Includes 10'X10' basin below existing storm water outflow pipe includes filter fence around soil and fill stockpile areas. @ _____ Per Lump Sum.	\$ 15,000.00
3	Site Cleaning, Grubbing to be stockpiled on site in future phase area, concrete and other manmade debris to be removed from the site., Concrete curb cutting/removal covered in Civil Bid schedule, Includes clearing wetland/restoration area @ _____ Per Acre	\$ -
4	Topsoil Stripping and Stockpile 6" depth Includes wetland/restoration area includes future work areas Includes fine grading of landscape areas @ _____ Per Acre.	\$ -
5	Topsoil Placement Includes placement of 6" of topsoil to all planted areas Includes 6" topsoil placement on wetland / restoration area @ _____ per Cubic Yard.	\$ -
6	Excavation and Rough Grading Includes wetland & restoration cut (approx. 40,000 yards) Includes stockpile of excess fill material (approx. 20,000 yards) @ _____ per Cubic Yards	\$ -
		\$ 45,000.00

ELECTRICAL UTILITIES

7	Electrical Service Connection, Include transformer and concrete pad. @ _____ per Lump Sum.	\$	112,363.02
8	(P-2) Parking Lot Lighting, Includes pole base, conduit, conductor, junction box, Includes trenching, backfill, compaction @ _____ Per Each.	\$	38,423.79
9	(P-1) Parking Lot Lighting - Includes pole base, conduit, conductor, junction box Includes trenching, backfill, compaction @ _____ per Each.	\$	55,907.97
10	(R-1) Roadway Lighting Includes pole base, conduit, conductor, junction box includes trenching, backfill, compaction @ _____ per Each.	\$	7,572.10
11	(W-1) Walkway Lighting- Includes pole base, conduit, conductor, junction box, includes trenching, backfill, compaction @ _____ per Each.	\$	75,578.57
12	(R-1) Roadway Lighting (Pole Base Only) Includes pole base, conduit & pull string, junction box includes trenching, backfill, compaction @ _____ per Each.	\$	15,779.33
13	(W-1) Walkway Lighting (Pole Base Only) includes pole base, conduit, & pull string, junction box includes trenching, backfill, compaction @ _____ per Each	\$	15,779.33
14	Scoreboard Power - Includes conduit, conductor junction box and connection to scoreboard- Includes trenching, backfill, compaction @ _____ per Lump Sum.	\$	23,588.04
15	Dugout Power (6 Dugouts) Includes receptacle, conduit, conductor junction box includes trenching, backfill, compaction @ _____ per Lump Sum.	\$	-
16	Irrigation Pump Station Power - Includes conduit, conductor junction box Includes trenching, backfill, compaction @ _____ per Lump Sum.	\$	13,804.61
17	Security Camera - Includes excavation, pole base and pole @ _____ per Lump Sum.	\$	-
18	Flagpole Lighting - Includes conduit, conductor, junction box includes trenching, backfill, compaction @ _____ per Each.	\$	8,624.47
19	Sports Lighting Components - Includes conduit, pull strings, junction boxes, no conductor. Includes trenching, backfill, and compaction @ _____ per Each.	\$	49,486.65
		\$	416,907.88

**SITE CONCRETE /ASPHALT
(EXCLUDING ROADS OR PARKING**

ELECTRICAL UTILITIES

7	Electrical Service Connection, Include transformer and concrete pad. @ _____ per Lump Sum.	\$	-
8	(P-2) Parking Lot Lighting, Includes pole base, conduit, conductor, junction box, Includes trenching, backfill, compaction @ _____ Per Each.	\$	-
9	(P-1) Parking Lot Lighting - Includes pole base, conduit, conductor, junction box Includes trenching, backfill, compaction @ _____ per Each.	\$	-
10	(R-1) Roadway Lighting Includes pole base, conduit, conductor, junction box includes trenching, backfill, compaction @ _____ per Each.	\$	-
11	(W-1) Walkway Lighting- Includes pole base, conduit, conductor, junction box, includes trenching, backfill, compaction @ _____ per Each.	\$	-
12	(R-1) Roadway Lighting (Pole Base Only) Includes pole base, conduit & pull string, junction box includes trenching, backfill, compaction @ _____ per Each.	\$	-
13	(W-1) Walkway Lighting (Pole Base Only) includes pole base, conduit, & pull string, junction box includes trenching, backfill, compaction @ _____ per Each	\$	-
14	Scoreboard Power - Includes conduit, conductor junction box and connection to scoreboard- Includes trenching, backfill, compaction @ _____ per Lump Sum.	\$	-
15	Dugout Power (6 Dugouts) Includes receptacle, conduit, conductor junction box includes trenching, backfill, compaction @ _____ per Lump Sum.	\$	-
16	Irrigation Pump Station Power - Includes conduit, conductor junction box Includes trenching, backfill, compaction @ _____ per Lump Sum.	\$	-
17	Security Camera - Includes excavation, pole base and pole @ _____ per Lump Sum.	\$	-
18	Flagpole Lighting - Includes conduit, conductor, junction box includes trenching, backfill, compaction @ _____ per Each.	\$	-
19	Sports Lighting Components - Includes conduit, pull strings, junction boxes, no conductor. Includes trenching, backfill, and compaction @ _____ per Each.	\$	-
		\$	-

**SITE CONCRETE /ASPHALT
(EXCLUDING ROADS OR PARKING**

20	Retaining Planter Wall (Center of complex) Includes subgrade excavation preparation and fine grading includes foundation, agg.base, reinforcing steel, and skate stoppers @ _____per Cubic Yard.	\$	-
21	Concrete Stairs, Cheek walls, Handrails includes subgrade excavation preparation and fine grading - Includes foundation, agg.base, reinforcing steel, and hand rail installation @ _____per Cubic Yard.	\$	-
22	6" Concrete Flatwork - Includes subgrade excavation preparation and fine grading includes 4" type 2 agg. Base @ _____Per Square Foot.	\$	-
23	6" Colored Concrete Flatwork - Includes subgrade excavation preparation and fine grading includes 4" type 2 agg.Base @ _____Per Square Foot.	\$	-
24	4" Concrete flatwork - Includes subgrade excavation preparation and fine grading includes 4" type 2 agg. Base @ _____Per Square Foot.	\$	-
25	Concrete mow curb 6"x6" at main entry includes subgrade excavation preparation and fine grading Includes, reinforcing steel and 4" type 2 agg. Base @ _____per Lineal Foot.	\$	-
26	6' Precast Concrete Fence - Includes grading, footings for posts and agg. Base @ _____per Lineal Foot.	\$	293,202.00
		\$	293,202.00

SITE FURNISHINGS / AMENITIES

27	Removable Steele Bollards - Includes footing, sleeve, and agg. Base @ _____Per Each.	\$	-
28	Permanent Steel Bollard - Includes footing, and agg. base @ _____per Each.	\$	-
29	Seating Area Shade Canopy - Includes engineered shop drawings Includes excavation, footings, and agg.base @ _____per Each.	\$	-
30	Vehicle Swing Gates - Includes engineered shop drawings includes excavation, footings, and agg.base @ _____per Each	\$	-
31	8" CMU Dumpster Enclosure - Includes excavation, footing and agg.base Includes steel doors, engineered shop drawing required for doors. @ _____per Lump Sum	\$	-
32	40' Flag Pole & Paver Path to Pole - Includes concrete base and pad Includes integration of flagpole power and light fixtures in pad - Includes 4" type 2 agg. Base @ _____per Lump Sum.	\$	-
		\$	-

PLANTING AND MULCH (EXCLUDES PLAYING FIELDS)

37	Lawn Area (excluding playing fields and central lawn area) Furnish and install hydro-mulch turf seed @ _____per Square Foot.	\$	-
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20	Retaining Planter Wall (Center of complex) Includes subgrade excavation preparation and fine grading includes foundation, agg.base, reinforcing steel, and skate stoppers @ _____per Cubic Yard.	\$	-
21	Concrete Stairs, Cheek walls, Handrails includes subgrade excavation preparation and fine grading - Includes foundation, agg.base, reinforcing steel, and hand rail installation @ _____per Cubic Yard.	\$	-
22	6" Concrete Flatwork - Includes subgrade excavation preparation and fine grading includes 4" type 2 agg. Base @ _____Per Square Foot.	\$	-
23	6" Colored Concrete Flatwork - Includes subgrade excavation preparation and fine grading includes 4" type 2 agg.Base @ _____Per Square Foot.	\$	-
24	4" Concrete flatwork - Includes subgrade excavation preparation and fine grading includes 4" type 2 agg. Base @ _____Per Square Foot.	\$	-
25	Concrete mow curb 6"x6" at main entry includes subgrade excavation preparation and fine grading Includes, reinforcing steel and 4" type 2 agg. Base @ _____per Lineal Foot.	\$	-
26	6' Precast Concrete Fence - Includes grading, footings for posts and agg. Base @ _____per Lineal Foot.	\$	-
		\$	-

SITE FURNISHINGS / AMENITIES

27	Removable Steele Bollards - Includes footing, sleeve, and agg. Base @ _____Per Each.	\$	-
28	Permanent Steel Bollard - Includes footing, and agg. base @ _____per Each.	\$	-
29	Seating Area Shade Canopy - Includes engineered shop drawings Includes excavation, footings, and agg.base @ _____per Each.	\$	-
30	Vehicle Swing Gates - Includes engineered shop drawings includes excavation, footings, and agg.base @ _____per Each	\$	-
31	8" CMU Dumpster Enclosure - Includes excavation, footing and agg.base Includes steel doors, engineered shop drawing required for doors. @ _____per Lump Sum	\$	-
32	40' Flag Pole & Paver Path to Pole - Includes concrete base and pad Includes integration of flagpole power and light fixtures in pad - Includes 4" type 2 agg. Base @ _____per Lump Sum.	\$	-
		\$	-

PLANTING AND MULCH (EXCLUDES PLAYING FIELDS)

37	Lawn Area (excluding playing fields and central lawn area) Furnish and install hydro-mulch turf seed @ _____per Square Foot.	\$	-
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38	Native Area - Furnish and install border zone hydro-mulch seed @ _____ per Acre.	\$	-
39	Rock Mulch in Drain Channel: 3"-8" Cobble 8" Depth @ _____ per Cubic Yard.	\$	25,186.50
40	Landscapes Boulders in Drain Channel: 1'x1' - 3'x3' Furnish and install boulders per detail/plans @ _____ per each.	\$	-
41	Bottom of Detention Basins Furnish and install wetland hydro-mulch seed @ _____ per Acre.	\$	-
		\$	25,186.50

IRRIGATION (EXCLUDES PLAYING FIELDS)

42	Lawn area outside of playing fields (excludes lateral irrigation for central lawn area) Includes mainline, point of connection equipment, irrigation clock, communication wire, and associated equipment @ _____ Per Square Foot.	\$	253,737.30
43	Planted Beds (Drip Zones) Includes all equipment for non-turf drip zones @ _____ per Square Foot.	\$	-
44	Native Area (Point Source Emitter Zones Only) Includes all areas receiving native border zone seed includes valves, pipe, emitters based on plant quantities and spacing @ _____ per Each.	\$	-
45	Water Source to Wetlands 2" PVC pipe and valve @ _____ per Lineal Foot	\$	26,889.33
46	Pump Station Includes engineered shop drawings by vendor Includes offloading and set station, tie in to water source, connection to power stub, start up and testing Includes concrete pad and cabinet as specified @ _____ per Lump Sum.	\$	134,669.16
		\$	415,295.80

WETLAND MITIGATION AND RESTORATION AREA

47	Wetland Seed Mix Hydro-mulch @ _____ per Acre.	\$	20,935.56
48	Upland Seed Mix Hydro-mulch @ _____ per Acres	\$	19,569.21
49	Transition Seed Mix Hydro-mulch @ _____ per Acre.	\$	5,954.90
50	Deciduous Trees: 1" Caliper Furnish and install trees per plan and specification @ _____ per Each.	\$	36,957.98
51	Shrubs: 1 Gallon - Furnish and install shrubs per plan and specification @ _____ per Each.	\$	47,582.00
52	Willow Whips - Furnish and install willow whips per plan and specification @ _____ per Each	\$	26,468.00
53	Sedge and Rush Seedlings - Furnish and install wetland seedlings per plan and specification @ _____ per Each.	\$	227,640.00

38	Native Area - Furnish and install border zone hydro-mulch seed @ _____ per Acre.	\$	-
39	Rock Mulch in Drain Channel: 3"-8" Cobble 8" Depth @ _____ per Cubic Yard.	\$	-
40	Landscapes Boulders in Drain Channel: 1'x1' - 3'x3' Furnish and install boulders per detail/plans @ _____ per each.	\$	-
41	Bottom of Detention Basins Furnish and install wetland hydro-mulch seed @ _____ per Acre.	\$	-
		\$	-

IRRIGATION (EXCLUDES PLAYING FIELDS)

42	Lawn area outside of playing fields (excludes lateral irrigation for central lawn area) Includes mainline, point of connection equipment, irrigation clock, communication wire, and associated equipment @ _____ Per Square Foot.	\$	-
43	Planted Beds (Drip Zones) Includes all equipment for non-turf drip zones @ _____ per Square Foot.	\$	-
44	Native Area (Point Source Emitter Zones Only) Includes all areas receiving native border zone seed includes valves, pipe, emitters based on plant quantities and spacing @ _____ per Each.	\$	-
45	Water Source to Wetlands 2" PVC pipe and valve @ _____ per Lineal Foot	\$	-
46	Pump Station Includes engineered shop drawings by vendor Includes offloading and set station, tie in to water source, connection to power stub, start up and testing Includes concrete pad and cabinet as specified @ _____ per Lump Sum.	\$	-
		\$	-

WETLAND MITIGATION AND RESTORATION AREA

47	Wetland Seed Mix Hydro-mulch @ _____ per Acre.	\$	-
48	Upland Seed Mix Hydro-mulch @ _____ per Acres	\$	-
49	Transition Seed Mix Hydro-mulch @ _____ per Acre.	\$	-
50	Deciduous Trees: 1" Caliper Furnish and install trees per plan and specification @ _____ per Each.	\$	-
51	Shrubs: 1 Gallon - Furnish and install shrubs per plan and specification @ _____ per Each.	\$	-
52	Willow Whips - Furnish and install willow whips per plan and specification @ _____ per Each	\$	-
53	Sedge and Rush Seedlings - Furnish and install wetland seedlings per plan and specification @ _____ per Each.	\$	-

\$ 385,107.65

CIVIL WORK

71	Grading of 2' Depth Drainage Ditch @ per 100 Feet.	\$	11,150.46
72	Grading of 4' Depth Drainage Ditch @ per 100 Feet.	\$	13,475.58
73	18" Drainage junction structures @ Each.	\$	4,290.70
74	24" Drainage Junction structures @ _____per Each	\$	36,854.32
75	6 inch dia. Corrugated PP N-12 storm drain @ Per Lineal Foot.	\$	8,184.40
76	10" dia. Corrugated PP N-12 storm drain pipe @ per Lineal Foot.	\$	16,124.27
77	12 inch dia. Corrugated PP N-12 storm drain pipe @ per Lineal Foot	\$	4,232.00
78	18" Dia. Corrugated PP N-12 storm drain pipe @ per Line Foot.	\$	100,471.80
79	24" dia. Corrugated PP N-12 Storm drain pipe @ Lineal Foot.	\$	100,203.60
80	30" dia. Corrugated PP N -12 storm drain @ per Lineal Foot.	\$	50,930.00
81	42" dia. Corrugated PP N-12 storm drain @ per Lineal Foot.	\$	191,637.17
82	48" dia. Corrugated PP N-12 storm drain @ per Lineal Foot.	\$	128,682.00
83	Concession & Field drainage inlets @ per Each.	\$	15,921.78
84	Grading Fill - Berms @ _____per Cubic Yards.	\$	2,658.80
85	Rock Riprap inlet and outlet Protection @ per Square Yard.	\$	15,335.23
86	Grouted Riprap @ _____per Square Yard.	\$	33,077.00
87	Type 4R drainage inlet @ _____per Each	\$	26,057.85
88	60" dia. Storm Drain Manholes @ per Each	\$	44,443.62
89	48" dia. Sanitary Sewer Manholes @ per Each.	\$	49,838.62
90	12" dia. PVC SDR-35 Sanitary Sewer Pipe @ per Lineal Foot.	\$	220,668.62
91	8" dia. PVC SDR-35 Sanitary Sewer Service Pipe @ per Lineal Foot.	\$	5,480.17
92	6" Concrete CIP slab on grade @ _____per Square Foot.	\$	3,570.67
93	12" AWWA C900 Class 150 SDR 18 PVC Pressure Pipe @ _____per Lineal Foot.	\$	248,639.40
94	Cut 12" line, cap 12" line & remove valve box @ per Lump Sum.	\$	4,232.58
95	12" X 12" X 12" Waterline Tee @ _____per Each	\$	9,598.11

\$ -

CIVIL WORK

71	Grading of 2' Depth Drainage Ditch @ per 100 Feet.	\$	-
72	Grading of 4' Depth Drainage Ditch @ per 100 Feet.	\$	-
73	18" Drainage junction structures @ Each.	\$	-
74	24" Drainage Junction structures @ _____per Each	\$	-
75	6 inch dia. Corrugated PP N-12 storm drain @ Per Lineal Foot.	\$	-
76	10" dia. Corrugated PP N-12 storm drain pipe @ per Lineal Foot.	\$	-
77	12 inch dia. Corrugated PP N-12 storm drain pipe @ per Lineal Foot	\$	-
78	18" Dia. Corrugated PP N-12 storm drain pipe @ per Line Foot.	\$	-
79	24" dia. Corrugated PP N-12 Storm drain pipe @ Lineal Foot.	\$	-
80	30" dia. Corrugated PP N -12 storm drain @ per Lineal Foot.	\$	-
81	42" dia. Corrugated PP N-12 storm drain @ per Lineal Foot.	\$	-
82	48" dia. Corrugated PP N-12 storm drain @ per Lineal Foot.	\$	-
83	Concession & Field drainage inlets @ per Each.	\$	-
84	Grading Fill - Berms @ _____per Cubic Yards.	\$	-
85	Rock Riprap inlet and outlet Protection @ per Square Yard.	\$	-
86	Grouted Riprap @ _____per Square Yard.	\$	-
87	Type 4R drainage inlet @ _____per Each	\$	-
88	60" dia. Storm Drain Manholes @ per Each	\$	-
89	48" dia. Sanitary Sewer Manholes @ per Each.	\$	-
90	12" dia. PVC SDR-35 Sanitary Sewer Pipe @ per Lineal Foot.	\$	-
91	8" dia. PVC SDR-35 Sanitary Sewer Service Pipe @ per Lineal Foot.	\$	-
92	6" Concrete CIP slab on grade @ _____per Square Foot.	\$	-
93	12" AWWA C900 Class 150 SDR 18 PVC Pressure Pipe @ _____per Lineal Foot.	\$	-
94	Cut 12" line, cap 12" line & remove valve box @ per Lump Sum.	\$	-
95	12" X 12" X 12" Waterline Tee @ _____per Each	\$	-

96	12" Dia. Isolation Gate Valves Each End of Park, @ 1000" @ _____ per Each	\$	20,341.98
97	2" Backflow Prevention Assembly @ _____ per Each.	\$	6,591.13
98	THIS ITEM HAS BEEN REMOVED		
99	THIS ITEM HAS BEEN REMOVED		
100	2" ips, 200 psi Polly Water Service Line (includes tap) @ _____ per Lineal Foot.	\$	22,253.27
101	6" AWWA C900 Fire Service Line @ _____ per Lineal Foot.	\$	7,028.17
102	Fire Hydrant Assembly (includes 1 6" GV) @ _____ per Each.	\$	20,069.07
103	Special Construction Utility crossing(s) @ _____ per Each.	\$	12,958.19
104	Remove and dispose of 12" diameter water main @ _____ per Lineal Foot.	\$	15,653.33
		\$	1,450,653.88

ADDITIVE ALTERNATE #1

1	Sports Light Poles and precast pole bases (owner provided poles and control equipment)-Install per light pole provider specifications @ _____ per Each	\$	260,337.45
		\$	260,337.45

ADDITIVE ALTERNATE #2

1	Sports Field Lighting (wire only)-Includes installation of conductor for sports light fixtures @ _____ per Lump Sum	\$	31,206.28
		\$	31,206.28

ADDITIVE ALTERNATE #3

1	Baseball Playing Field 325' (natural grass) Excludes all outfield fencing; Includes all other materials and systems included in SR series sheets @ _____ per Each.	\$	1,300,000.00
		\$	1,300,000.00

ADDITIVE ALTERNATE #4

1	Baseball Playing Field 250' (natural grass) Excludes all outfield fencing; Includes all materials and systems included in SR series sheets @ _____ per Each.	\$	460,369.00
		\$	460,369.00

ADDITIVE ALTERNATE #5

96	12" Dia. Isolation Gate Valves Each End of Park, @ 1000" @ _____ per Each	\$	-
97	2" Backflow Prevention Assembly @ _____ per Each.	\$	-
98	THIS ITEM HAS BEEN REMOVED		
99	THIS ITEM HAS BEEN REMOVED		
100	2" ips, 200 psi Polly Water Service Line (includes tap) @ _____ per Lineal Foot.	\$	-
101	6" AWWA C900 Fire Service Line @ _____ per Lineal Foot.	\$	-
102	Fire Hydrant Assembly (includes 1 6" GV) @ _____ per Each.	\$	-
103	Special Construction Utility crossing(s) @ _____ per Each.	\$	-
104	Remove and dispose of 12" diameter water main @ _____ per Lineal Foot.	\$	-
		\$	-

ADDITIVE ALTERNATE #1

1	Sports Light Poles and precast pole bases (owner provided poles and control equipment)-Install per light pole provider specifications @ _____ per Each	\$	-
		\$	-

ADDITIVE ALTERNATE #2

1	Sports Field Lighting (wire only)-Includes installation of conductor for sports light fixtures @ _____ per Lump Sum	\$	-
		\$	-

ADDITIVE ALTERNATE #3

1	Baseball Playing Field 325' (natural grass) Includes all materials and systems included in SR series sheets @ _____ per Each.	\$	-
		\$	-

ADDITIVE ALTERNATE #4

1	Baseball Playing Field 250' (natural grass) Includes all materials and systems included in SR series sheets @ _____ per Each.	\$	-
		\$	-

ADDITIVE ALTERNATE #5

1	Outfield Fencing for all Baseball Playing Fields included in SR series sheets @ _____ per Each.	\$ -
		\$ -

ADDITIVE ALTERNATE #6

1	Scoreboard - Includes engineered shop drawings Includes excavation, footings, and agg.base @ _____ per Each.	\$ -
		\$ -

ADDITIVE ALTERNATE #7

1	Sports Equipment @ _____ per Lump Sum.	\$ -
		\$ -

ADDITIVE ALTERNATE #8

1	Sawcut Existing AC Errecart Access @ _____ per Lineal Foot.	\$ -
2	Remove Existing AC - Errecart Access @ _____ per Square Yard.	\$ -
3	10" Aggregate Base: Future Road & Cul-De-Sac @ _____ per Square Yard.	\$ -
4	6" Aggregate Base @ _____ per Square Yard.	\$ -
5	Track Coat @ _____ per Square Yard	\$ -
6	Plant mix (AC3") @ _____ per Square Yard	\$ -
7	Plant mix (AC 4") @ _____ per Square Yard	\$ -
8	Parking Lot & Road Striping and Markings @ _____ per Lump Sum.	\$ -
9	Pavement Markings ADA access aisles @ _____ per Lump Sum.	\$ -
10	Traffic Control - Phase 1 @ _____ per Lump Sum.	\$ -
11	New Permanent Signs - per MUTCD (Stop & handicap signs)@ _____ Per Square Foot.	\$ -
12	Concrete Curb and Gutter Type 1 (includes 6" Type @ Agg Base) @ _____ per Lineal Foot.	\$ -
13	Concrete Median Curb (Includes 6" Ty 2 Base) @ _____ per Lineal Foot.	\$ -
14	Concrete Sidewalk - 5' width (includes 4" Type 2 Ag Base) Access Rd. @ _____ per Square Yard.	\$ -

1	Outfield Fencing for all Baseball included in SR series sheets @ _____ per Each.	\$ 266,385.00
		\$ 266,385.00

ADDITIVE ALTERNATE #6

1	Scoreboard - Includes engineered shop drawings Includes excavation, footings, and agg.base @ _____ per Each.	\$ 77,674.36
		\$ 77,674.36

ADDITIVE ALTERNATE #6

1	Sports Equipment @ _____ per Lump Sum.	\$ 25,270.88
		\$ 25,270.88

ADDITIVE ALTERNATE #8

1	Sawcut Existing AC Errecart Access @ _____ per Lineal Foot.	\$ 973.67
2	Remove Existing AC - Errecart Access @ _____ per Square Yard.	\$ 3,559.52
3	10" Aggregate Base: Future Road & Cul-De-Sac @ _____ per Square Yard.	\$ -
4	6" Aggregate Base @ _____ per Square Yard.	\$ 91,680.00
5	Track Coat @ _____ per Square Yard	\$ -
6	Plant mix (AC3") @ _____ per Square Yard	\$ 168,720.00
7	Plant mix (AC 4") @ _____ per Square Yard	\$ -
8	Parking Lot & Road Striping and Markings @ _____ per Lump Sum.	\$ 8,032.90
9	Pavement Markings ADA access aisles @ _____ per Lump Sum.	\$ 2,006.59
10	Traffic Control - Phase 1 @ _____ per Lump Sum.	\$ 20,044.41
11	New Permanent Signs - per MUTCD (Stop & handicap signs)@ _____ Per Square Foot.	\$ 9,004.00
12	Concrete Curb and Gutter Type 1 (includes 6" Type @ Agg Base) @ _____ per Lineal Foot.	\$ 72,647.84
13	Concrete Median Curb (Includes 6" Ty 2 Base) @ _____ per Lineal Foot.	\$ 11,894.13
14	Concrete Sidewalk - 5' width (includes 4" Type 2 Ag Base) Access Rd. @ _____ per Square Yard.	\$ 31,877.30

15	Concrete Valley Gutter @ _____ per Square Yard.	\$	-
16	ADA Ramp in Parking area Detail sheet C-27 w / Domes @ _____ per Square Yard.	\$	-
		\$	-

ADDITIVE ALTERNATE #9

????	6" Aggregate Base @ _____ per Square Yard.	\$	-
?????	Plant mix (AC3") @ _____ per Square Yard	\$	-
????	Parking Lot & Road Striping and Markings @ _____ per Lump Sum.	\$	-
13	Concrete Median Curb (Includes 6" Ty 2 Base) @ _____ per Lineal Foot.	\$	-
		\$	-

ADDITIVE ALTERNATE #10

1	Comfort Station / Concessions @ _____ Lump Sum.	\$	-
		\$	-

15	Concrete Valley Gutter @ _____ per Square Yard.	\$	12,358.87
16	ADA Ramp in Parking area Detail sheet C-27 w / Domes @ _____ per Square Yard.	\$	9,931.00
		\$	442,730.23

ADDITIVE ALTERNATE #9

????	6" Aggregate Base @ _____ per Square Yard.	\$	61,120.00
?????	Plant mix (AC3") @ _____ per Square Yard	\$	112,480.00
????	Parking Lot & Road Striping and Markings @ _____ per Lump Sum.	\$	5,355.26
13	Concrete Median Curb (Includes 6" Ty 2 Base) @ _____ per Lineal Foot.	\$	29,735.33
		\$	208,690.60

ADDITIVE ALTERNATE #10

1	Comfort Station / Concessions @ _____ Lump Sum.	\$	500,000.00
		\$	500,000.00

Schedule of Deletions

Electrical	15	\$	27,754.09	
	17	\$	15,145.39	
				\$ 42,899.48
Site Concrete	20	\$	100,650.25	
	21	\$	36,466.61	
	22	\$	309,440.35	
	23	\$	316,643.40	
	24	\$	81,808.86	
	25	\$	4,013.04	
				\$ 849,022.51
Site Furnishings	27	\$	7,195.19	
	28	\$	1,987.55	
	29	\$	80,226.88	
	30	\$	14,743.25	
	31	\$	23,882.47	
	32	\$	12,084.38	
				\$ 140,119.72
Playing Fields	33	\$	740,000.00	
	34	\$	260,000.00	
				\$ 1,000,000.00
Planting Mulch	37	\$	29,025.30	
	38	\$	45,173.42	
	40	\$	28,768.00	
	41	\$	2,046.65	
				\$ 105,013.37
Irrigation	43	\$	56,266.67	
	44	\$	68,090.55	
				\$ 124,357.22
civil work	3	\$	56,380.07	
	5	\$	9,573.33	
	7	\$	73,560.00	offset with 3inch cost
Total Deletions		\$	2,400,925.70	
Owner cost to address deletions		\$	150,000.00	

Net	\$	2,250,925.70
NOTES:		
1 lights are leased		
2 lease payments for 5 yrs begin 2019		
3 fields reduced 1,221,163	\$	700,000.00 est
4 no hard surfacing of plaza area		
5 no irrigation outside playing fields		
6 outfield fencing to separate from separate contract		
7 comfort station reduced to 500k requires redesign and separate contract		
8 grading items factored at 0.85 of average bids assumed inflated		
9 contingency reduced to 3% based on average est of bids assumed inflated		
10 2019 estimates not escalated based on average est of bids assumed inflated		
11 2019 resources include 1M outside funding 500 k from ops 500k from excess revenues		

**Elko City Council
Agenda Action Sheet**

1. Title: **Review, consideration, and possible action to accept the 2017 Annual Report of Planning Commission Activities, and matters related thereto. FOR POSSIBLE ACTION**
2. Meeting Date: **February 27, 2018**
3. Agenda Category: **UNFINISHED BUSINESS**
4. Time Required: **10 Minutes**
5. Background Information: **Pursuant to City Code Section 3-4-23, the Planning Commission is required to prepare and present an Annual Report of its activities to Council. On February 6, 2018, the Planning Commission took action to approve the 2017 Annual Report of Planning Commission Activities, and forward it to the Council. CL**
6. Budget Information:
 Appropriation Required: **N/A**
 Budget amount available: **N/A**
 Fund name: **N/A**
7. Business Impact Statement: **Not Required**
8. Supplemental Agenda Information: **2017 Annual Report of Planning Commission Activities**
9. Recommended Motion: **Accept the 2017 Annual Report of Planning Commission Activities**
10. Prepared By: **Cathy Laughlin, City Planner**
11. Committee/Other Agency Review: **Planning Commission**
12. Council Action:
13. Agenda Distribution:

City of Elko Planning Commission 2017 Annual Report

Chairman Aaron Martinez

Vice-Chairman David Freistroffer

Secretary Jeff Dalling

Commissioner John Anderson

Commissioner Kevin Hodur

Commissioner Tera Hooiman

Commissioner Stefan Beck

APPLICATIONS PROCESSED

A summary of the tasks and accomplishments of the City of Elko Planning Commission for the 2017 calendar year:

<u>Application</u>	<u>2017</u>	<u>2016</u>	<u>2015</u>	
Annexations	3	1	3	
Boundary Line Adjustments (admin.)	1	4	4	
Conditional Use Permits	6	4	10	
Appeals (City Council)	1	0	0	
Curb, Gutter, Sidewalk Waivers	1* (C.C.)	3* (C.C.)	5 (C.C)	
Appeals (City Council)	0	0	0	
Home Occupation Permits (admin.)	37*	43*	39*	
Land Sales/Leases/Acquisitions (C.C.)	2*	2*	2*	
Parcel Maps (mostly administrative)	8*	7	10*	
Parking Waivers	0	0	1	
Reversions to Acreage (City Council)	2	5	1	
Revocable Permits (mostly City Council)	4	3	3*	
Rezones	12	10	15*	
Appeals (City Council)	0	0	1	
Subdivisions				
Pre-Applications, Stage 1	0	2	2	
Preliminary Plats	2	2	2	
Final Plats	2	4	6	
Temporary Sign Clearances (admin.)	4	3	5	
Temporary Use Permits	4	3	4	
Vacations	1	3	9	
Variances	5	2	6*	
	<hr/>			
* see next page	TOTAL	95	101	128

APPLICATIONS PROCESSED Cont.

Application

Curb, Gutter, & Sidewalk Waivers

1 – 2015 application on hold

2 – 2016 applications on hold

1 – 2017 application on hold

Home Occupation Permits (admin.)

1 – 2017 application paid but never finished

1 – 2017 application withdrawn

2 – 2016 applications paid but never finished

1 – 2016 application withdrawn

2 - 2015 applications paid but never finished

Land Sales/Leases/Acquisitions (C.C.)

1 – 2017 application in progress

1 - 2015 application refunded

1 - 2015 application on hold

Parcel Maps

3 – 2017 applications refunded

1 - 2015 application refunded

Revocable Permits

1 - 2015 application refunded

Rezones

1 - 2015 application withdrawn and money applied to a new application

Variances

1 - 2015 application refunded

***INTERACTION WITH and SUPPORT OF
the
REDEVELOPMENT AGENCY
and the
REDEVELOPMENT ADVISORY COUNCIL***

- **Analyzed applications within the Redevelopment Area for general conformance with the Redevelopment Plan.**
- **Commissioner Dalling is a member of the Redevelopment Advisory Council and therefore keeps the Planning Commission informed of redevelopment happenings.**

***CITY OF ELKO
MASTER PLAN and other
PROJECT PLANS***

- **Completed a new zoning district along the 5th Street corridor to be consistent with the City of Elko Master Plan**
- **Amendment to The Land Use Component, Transportation Component, and several Atlas Maps of the City of Elko Master Plan.**
- **Updated the City of Elko Land Inventory.**
- **Zoning revisions or clarification on properties throughout the City of Elko. (Ongoing)**
- **Review zoning for the RMH districts, revise map. (In progress)**

***CITY OF ELKO
ZONING and SUBDIVISION
ORDINANCE and CITY CODE
AMENDMENTS***

- **Section 3-2-22 Street Designs – Address rural road standards for improvement. (In Progress)**
- **New Residential Business District for the 5th Street Corridor was completed.**
- **Ordinance 818 an update to Section 3-2-18 (G) for Home Occupations was completed.**
- **Add Section 3-2-29 Marijuana Establishments and Medical Marijuana Establishments Prohibited. (In Progress)**
- **Revisions to the Planning Department applications and fee schedule. (In Progress)**
- **Revisions to the Section 3-9 Sign Ordinance. (In progress)**
- **Revisions to Sections 3-3 Subdivisions (In progress)**

PLANNING DEPARTMENT FILING FEES COLLECTED

	<u>2017</u>	<u>2016</u>
Annexations	\$ 2,250	\$ 500
Conditional Use Permits	\$ 4,875	\$ 3,000
Curb, Gutter and Sidewalk Waivers	\$ 50	\$ 150
Home Occupation Permits	\$ 800	\$ 1,075
Parking Waivers	\$ 0	\$ 0
Parcel Maps	\$ 1,425	\$ 1,825
Reversions to Acreage	\$ 600	\$ 1,500
Revocable Permits	\$ 1,600	\$ 1,200
Rezoning	\$ 3,000	\$ 3,000
Subdivisions	\$ 6,925	\$ 7,125
Temporary Use Permits	\$ 400	\$ 600
Vacations	\$ 600	\$ 1,800
Variances	\$ 500	\$ 200

TOTAL FEES COLLECTED FOR 2017
\$ 23,025

2016 - \$21,975 (difference of \$1,050)

**Elko City Council
Agenda Action Sheet**

1. Title: **Review, consideration, and possible action to accept a letter of resignation from Mr. Aaron Martinez from the Planning Commission, and to further authorize Staff to commence with the standard recruitment process to fill the vacancy on the Planning Commission, and matters related thereto. FOR POSSIBLE ACTION**
2. Meeting Date: **February 27, 2018**
3. Agenda Category: **NEW BUSINESS**
4. Time Required: **10 Minutes**
5. Background Information: **This resignation is a result of Mr. Martinez no longer living within the City of Elko. Mr. Stanton has provided a legal opinion stating that not residing within the boundary of the City of Elko would disqualify Mr. Martinez from being appointed to the Planning Commission. CL**
6. Budget Information:

Appropriation Required: **N/A**
Budget amount available: **N/A**
Fund name: **N/A**
7. Business Impact Statement: **Not Required**
8. Supplemental Agenda Information: **Letter of Resignation**
9. Recommended Motion: **Accept the resignation of Planning Commission member Aaron Martinez, and direct Staff to begin the recruitment process.**
10. Prepared By: **Cathy Laughlin, City Planner**
11. Committee/Other Agency Review:
12. Council Action:
13. Agenda Distribution: **Aaron Martinez**
445 5th Street Suite 201
Elko, NV 89801
aaron@amengineering.pro

2/21/18

Mr. Wilkinson,

I am regrettably writing this Letter of Resignation to the City of Elko - Planning Commission. My resignation is due the understanding that my family building a home in Elko County has disqualified me as a participant on the commission. I believe the City attorney has issued a memo reflecting his opinion of NRS, and that opinion is the basis of my resignation.

Initially, I looked to challenge the opinion because of my philanthropic passion and to finish the goals I set out to achieve 5 years ago. I would have approached the challenge in hopes of a reasonable understanding that my residence in the Summit Estates (Elko County) would qualify. Additionally, I am currently closing on a City of Elko commercial parcel / building and currently own a local business, renting in the City of Elko and own a City of Elko single family residence.

Nonetheless, I have been advised that I would eventually lose that battle. With that, thank you all so much for the amazing discussion, collaboration and professionalism. It was an amazing opportunity serving the City of Elko residents as a volunteer on the Planning Commission.

Regards,

Aaron Martinez

**Elko City Council
Agenda Action Sheet**

1. Title: **Review, consideration, and possible action to approve Curb, Gutter, and Sidewalk Waiver No. 1-18, filed by Golden Gate Petroleum of Nevada, LLC, which waives the requirement for curb and gutter on the north side of West Idaho Street abutting APN 001-679-011, and matters related thereto. FOR POSSIBLE ACTION**
2. Meeting Date: **February 27, 2018**
3. Agenda Category: **PETITION**
4. Time Required: **15 Minutes**
5. Background Information: **Per Elko City Code Section 2-13-3, public improvements are required when vacant lots are developed. The applicant has submitted application for a permit for development of the parcel. NDOT has reviewed the need for curb and gutter at this location and has determined that it is not needed to control drainage in this area. Staff recommends approval of the waiver for curb and gutter with sidewalk still being required. JD**
6. Budget Information:
 Appropriation Required: **N/A**
 Budget amount available: **N/A**
 Fund name: **N/A**
7. Business Impact Statement: **Not Required**
8. Supplemental Agenda Information: **Staff Report, Application, letter from NDOT**
9. Recommended Motion: **Approve Curb, Gutter, and Sidewalk Waiver No. 1-18 for the waiver of curb and gutter along West Idaho Street abutting APN 001-679-011**
10. Prepared By: **Jeremy Draper, PE, Development Manager**
11. Committee/Other Agency Review:
12. Council Action:
13. Agenda Distribution: **Golden Gate Petroleum of Nevada, LLC
16580 Wedge Parkway #300
Reno, NV 89511**



CITY OF ELKO
DEVELOPMENT DEPARTMENT
1755 COLLEGE AVENUE
ELKO, NEVADA 89801
(775)777-7210
(775)777-7219 FAX

To: Elko City Council
From: Jeremy Draper, Development Manager
RE: CGS 1-18, Golden Gate Petroleum, 3600 W. Idaho St
Date: February 21, 2018

The City of Elko Development Department has reviewed the waiver application for Curb, Gutter and Sidewalk as presented by Golden Gate Petroleum of Nevada, LLC for the waiver of curb and gutter along W. Idaho St, a NDOT right of way.

The following correspondence is to aid the City Council's review of the application to Waive Curb and Gutter Installation required under City Code 2-13-3.

Property Assessment

1. The property is identified as APN 001-679-011, located at 3600 W. Idaho St.
2. The property is zoned C-General Commercial.
3. Elko City Code 2-13-3 requires the installation of curb, gutter and sidewalk when any new construction is completed, or a parcel map merging or dividing a parcel is recorded. Plans for a building on this property have been submitted through the building department for review.
4. The applicant has provided a copy of a memo from NDOT indicating that they do not need curb and gutter installed at this time to convey drainage, they are in support of requiring a pedestrian path. Elko City Code 2-13-3-C requires that evidence be presented showing that it is impractical to install curb, gutter and sidewalk because of circumstances beyond the reasonable control of the applicant. Based on information from NDOT it appears that this requirement is satisfied.
5. Elko City Code 3-2-17-B-3-d, requires Civil Improvements to be completed across the full frontage of the property prior to access being granted. Civil improvements within the Idaho Street right of way will require NDOT approval.
6. Elko City Code 3-2-B, public street and utility construction and installation is required across the full frontage of property at time of development.
7. West Idaho Street is identified as a Major Arterial, in the Transportation Component of the Master Plan.

Findings

1. The applicant indicates that have a copy of a letter from NDOT stating that curb and gutter at this location is not required to control drainage.
2. The applicant has submitted plans, which are under review, for the installation of a gas station and convenience store at this location.
3. The applicant provided evidence regarding the impracticality of installing curb and gutter along W. Idaho St, Elko City Code 2-13-3. The right of way is under NDOT control, NDOT does not require the same improvements as the City of Elko as part of their Access Management.
4. NDOT states that as a condition of the permit for access granted to Golden Gate NDOT will include a requirement that the construction of these improvements if they are ever constructed adjacent to them will be required of the property owner.
5. The Master Plan identifies W. Idaho Street as a Major Arterial roadway, completion of the improvements along W. Idaho Street is consistent with the Master Plan, with consideration for NDOT requirements within their right of way.

Recommendation

The **Development Department** recommends approval of this waiver based on the findings presented

The **Engineering Department** recommends approval of this waiver based on the supporting evidence from NDOT.

The **Public Works Department** recommends approval of the waiver based on the supporting evidence from NDOT.



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

CITY OF ELKO STAFF REPORT

MEMO DATE: February 21, 2018
CITY COUNCIL DATE: February 27, 2018
APPLICATION NUMBER: CGS 1-18
APPLICANT: Golden Gate Petroleum of Nevada
PROJECT DESCRIPTION: Exit 298 and West Idaho Street

A Waiver for curb and gutter for the development of a truck stop located off West Idaho Street, NDOT jurisdiction

STAFF RECOMMENDATION:

RECOMMEND APPROVAL, subject to findings of fact, conditions and waivers.

PROJECT INFORMATION

PARCEL NUMBER: 001-679-003
PROPERTY SIZE: 7.821 acres
EXISTING ZONING: C – General Commercial was approved but conditions are to be met prior to the mayor signing the resolution
MASTER PLAN DESIGNATION: (COMM-HWY) Commercial Highway
EXISTING LAND USE: Undeveloped

NEIGHBORHOOD CHARACTERISTICS:

The property is surrounded by undeveloped land to the north, south, and west. Developed with Industrial uses to the east.

PROPERTY CHARACTERISTICS:

The property is currently undeveloped.
The property is generally flat with no unusual conditions.
The property is accessed from West Idaho Street, which is under NDOT jurisdiction
The property is not in the floodway and flood zone.

APPLICABLE MASTER PLANS AND CITY CODE SECTIONS:

- City of Elko Master Plan-Land Use Component
- City of Elko Master Plan-Transportation Component
- City of Elko Section 2-13-3 – Sidewalk, Curb and Gutter Construction
- City of Elko Section 3-2-17 – Traffic, Access, Parking and Loading Regulations

BACKGROUND INFORMATION

- A Conditional Use Permit (CUP) was approved for the proposed use of the property.
- The area is zoned General Commercial
- The area is located near the I-80 exit 298.
- The property is identified as APN 001-679-003
- The property is owned by the applicant.
- The property is not located in the Redevelopment Area

MASTER PLAN

Land Use

1. The Master Plan Land Use Atlas shows the area as Commercial Highway.
2. C- General Commercial is a corresponding zoning district for the Commercial Highway designation.
3. The listed Goal of the Land Use component states “Promote orderly, sustainable growth and efficient land use to improve quality of life and ensure new development meets the needs of all residents and visitors”.
4. Objective 4: Consider a mixed-use pattern of development for the downtown area, and for major centers and corridors, to ensure the area’s adaptability, longevity, and overall sustainability.
5. Objective 6: Encourage multiple scales of commercial development to serve the needs of the region, the community, and that of individual neighborhoods.
6. Objective 8: Ensure that new development does not negatively impact County-wide natural systems, or public/federal lands such as waterways, wetlands, drainages, floodplains etc., or pose a danger to human health and safety.

Transportation

1. The area will be accessed from West Idaho Street.
2. West Idaho Street is referred to as State Route 535 and is under NDOT jurisdiction. NDOT has provided documentation requesting the curb and gutter not be installed along the frontage of this parcel as they feel it is not necessary to accommodate the drainage.

3. Objective 1: Provide a balanced transportation system that accommodates vehicles, bicycles, and pedestrians, while being sensitive to, and supporting the adjacent land uses.
4. Objective 5: Implement and maintain a pavement management system and curb, gutter, and sidewalk construction/maintenance program to protect the investment in existing roads.

SECTION 2-13-3 SIDEWALK, CURB AND GUTTER CONSTRUCTION:

1. 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.
2. Any request by the city development department to waive all or part of the requirement to install curb, gutter and sidewalk shall be based on the following criteria: 1) the presence or proposed installation of other substantially equivalent or superior improvements in the vicinity of the lot or parcel of land, 2) conditions on the lot or parcel of land affecting the practicability of installing the curb, gutter and sidewalk and 3) any other factors deemed by the city development department to be appropriate grounds for waiving any or all of the foregoing requirements relative to the installation of curb, gutter and sidewalk.

The letter from NDOT should be considered as evidence required to meet the request to waive requirements.

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

1. Civil Improvements Required: All civil improvements required pursuant to this code (to include, without limitation, title 8, chapter 18, "Public Improvement Standards", of this code) shall be completed on the full frontage of the lot, parcel or tract of real property prior to the granting of access to any city right of way or easement. Civil improvements shall be consistent with the public improvements identified in chapter 3 or 5 of this title whichever is applicable and satisfy all other requirements of this code. All civil improvements are to be approved by the city of Elko and constructed by a properly licensed contractor and certified by a properly licensed engineer.

STAFF RECOMMENDATION:

Staff recommends **APPROVAL** of CGS 1-18 with waiver for curb and gutter only, sidewalk will still be installed



SITE PLAN



CITY OF ELKO PLANNING DEPARTMENT

1751 College Avenue * Elko * Nevada * 89801

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

APPLICATION TO WAIVE CURB, GUTTER AND SIDEWALK INSTALLATION

APPLICANT(s): Golden Gate Petroleum of Nevada, LLC
MAILING ADDRESS: 16580 Wedge Parkway #300, Reno, NV 89511
PHONE NO. (Home) _____ (Business) (775) 850-3010
NAME OF PROPERTY OWNER (If different): same
(Property owner consent in writing must be provided.)
MAILING ADDRESS: same
ADDRESS AND LOCATION OF PROPERTY INVOLVED (Attach if necessary):
3600 West Idaho Street
ASSESSOR PARCEL NO(S): 001-679-011 Parcel 1, File 736178

FILING REQUIREMENTS:

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

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

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

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

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

RECEIVED

FEB 12 2018

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

Waiver of the curb and gutter on the West Idaho Street frontage for Assessor's Parcel
Number 001-679-011 (Parcel 1, File 736178)

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

The Nevada Department of Transportation (NDOT), which controls the West Idaho
Street right-of-way at this location, has reviewed the need for curb & gutter at this location
and has determined that it is not needed to control drainage in this area. See the attached
letter and email from Boyd Ratliff, NDOT District Engineer, regarding this matter.

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

No other properties in the area are served with curb and gutter.

This area intentionally left blank,

By My Signature below:

☒ I consent to having the City of Elko Staff enter on my property for the sole purpose of inspection of said property as part of this application process.

☐ I object to having the City of Elko Staff enter onto my property as a part of their review of this application. (Your objection will not affect the recommendation made by the staff or the final determination made by the City Planning Commission or the City Council.)

☒ I acknowledge that submission of this application does not imply approval of this request by the City Planning Department or the City Council, nor does it in and of itself guarantee issuance of any other required permits and/or licenses.

☒ I acknowledge that this application may be tabled until a later meeting if either I or my designated representative or agent is not present at the meeting for which this application is scheduled.

☒ I have carefully read and completed all questions contained within this application to the best of my ability.

Applicant / Agent:

Golden Gate Petroleum of Nevada, LLC
(Please print or type)


Mailing Address:

11-580 Wedge Pkwy, # 300
Street Address or P.O. Box
Bene NV 89511
City, State, Zip Code

Phone Number: 775-850-3016

Email address: nkilbourn@ggpetro.com

SIGNATURE:



OFFICE USE ONLY

File No.: 1-18 Date Filed: 2/13/18 Fee Paid: \$250 CK # 13969



STATE OF NEVADA
DEPARTMENT OF TRANSPORTATION

BRIAN SANDOVAL
Governor

RECEIVED

FEB 13 2018

RUDY Malfabon, P.E., Director

In Reply Refer to:

SR 535

City of Elko
1751 College Ave
Elko, NV 89801
Attn: Jeremy Draper, P.E.
Development Manager

Dear Mr. Draper:

Regarding the proposed Golden Gate gas station, NDOT does not require closed drainage, pedestrian, or bicycle facilities at this time. Currently there are no existing adjacent closed drainage, pedestrian or bike facilities to connect to.

Should you need more information on this matter please contact me at this office.

Sincerely,


Boyd Ratliff
Assistant District Engineer
District III

cc:File

Jeremy Draper

From: Jeremy Draper
Sent: Tuesday, June 06, 2017 9:48 AM
To: 'Ratliff, Boyd A'
Subject: RE: Exit 298,

RECEIVED

FEB 13 2018

Thank you,

Jeremy Draper, PE
Development Manager
775-777-7217



From: Ratliff, Boyd A [mailto:BRatliff@dot.nv.gov]
Sent: Tuesday, June 06, 2017 9:43 AM
To: Jeremy Draper <jdraper@elkocitynv.gov>; Morfin, Rhonda M <RMorfin@dot.nv.gov>
Cc: Tom Ballew (tcballew@frontiernet.net) <tcballew@frontiernet.net>; Ryan Limberg <rlimberg@elkocitynv.gov>; Bob Thibault <bthibault@elkocitynv.gov>
Subject: RE: Exit 298,

Jeremy,

Yes. To clarify, the Department (NDOT) does support the City of Elko regarding the construction of any improvements required in any development. The Department will continue to coordinate any such improvements that are submitted to be under permit within NDOT Right-of-Ways as they occur.

To clarify, the letter you received regarding the Colden Gate Development, NDOT does require the same improvements as the City of Elko when they are adjacent to existing ones as part of our Access Management. As such, a condition of the Permit for Access to Golden Gate will include the construction of these improvements if they are ever constructed adjacent to them.

Currently, we understand that a pedestrian path would be required in this area, and we do support the City in this regard.

Boyd Ratliff
Assistant District Eng.
1951 Idaho Street
Elko, NV 89801
(775) 777-2712

From: Jeremy Draper [<mailto:jdraper@elkocitynv.gov>]

Sent: Tuesday, June 06, 2017 9:14 AM

To: Ratliff, Boyd A <BRatliff@dot.nv.gov>; Morfin, Rhonda M <RMorfin@dot.nv.gov>

Cc: Tom Ballew (tballew@frontiernet.net) <tballew@frontiernet.net>; Ryan Limberg <rlimberg@elkocitynv.gov>; Bob Thibault <bthibault@elkocitynv.gov>

Subject: Exit 298,

Thank you for meeting with us yesterday to discuss the proposed Golden Gate Development. I know that Bob and Ryan are working on the permit for our proposed utility extensions through the area. In reading your letter again Boyd in regards to the pedestrian access you state that NDOT does not require it at this time, I just want to verify that you have no concerns and would support the City requiring pedestrian access along properties as they develop.

Thank you,

Jeremy Draper, PE
Development Manager
City of Elko
1751 College Ave
Elko, NV 89801
Phone: 775-777-7217
Fax: 775-777-7219



**Elko City Council
Agenda Action Sheet**

1. Title: **Ratification of the Police Chief issuing a 30-day temporary Packaged Beer and Wine License and issuing a regular Packaged Beer and Wine License to Joshua Hunt and Joseph Hunt, dba Hunt Convenience Stores, LLC, located at 275 12th Street, Elko, NV 89801, and matters related thereto. FOR POSSIBLE ACTION**
2. Meeting Date: **February 27, 2018**
3. Agenda Category: **PETITION**
4. Time Required: **5 Minutes**
5. Background Information:
6. Budget Information:
 Appropriation Required:
 Budget amount available:
 Fund name:
7. Business Impact Statement: **Not Required**
8. Supplemental Agenda Information:
9. Recommended Motion: **Ratify a 30-day temporary Packaged Beer and Wine License and issuing a regular Packaged Beer and Wine License to Joshua Hunt and Joseph Hunt, dba Hunt Convenience Stores, LLC, located at 275 12th Street, Elko, NV 89801.**
10. Prepared By: **Ben Reed, Police Chief**
11. Committee/Other Agency Review:
12. Council Action:
13. Council Agenda Distribution: **Joshua Hunt
759 Grandview Drive
Folsom, CA 95630

Joseph Hunt
5011 Jardin Lane
Carmichael, CA 95608**

**Elko City Council
Agenda Action Sheet**

1. Title: **Ratification of the Police Chief issuing a 30-day temporary Packaged Beer and Wine License and issuing a regular Packaged Beer and Wine License to Joshua Hunt and Joseph Hunt, dba Idaho Street Station, LLC, located at 1600 Idaho Street, Elko, NV 89801, and matters related thereto. FOR POSSIBLE ACTION**
2. Meeting Date: **February 27, 2018**
3. Agenda Category: **PETITION**
4. Time Required: **5 Minutes**
5. Background Information:
6. Budget Information:
 Appropriation Required:
 Budget amount available:
 Fund name:
7. Business Impact Statement: **Not Required**
8. Supplemental Agenda Information:
9. Recommended Motion: **Ratify a 30-day temporary Packaged Beer and Wine License and issuing a regular Packaged Beer and Wine License to Joshua Hunt and Joseph Hunt, dba Idaho Street Station, LLC, located at 1600 Idaho Street, Elko, NV 89801.**
10. Prepared By: **Ben Reed, Police Chief**
11. Committee/Other Agency Review:
12. Council Action:
13. Council Agenda Distribution: **Joshua Hunt
759 Grandview Drive
Folsom, CA 95630

Joseph Hunt
5011 Jardin Lane
Carmichael, CA 95608**

**Elko City Council
Agenda Action Sheet**

1. Title: **Hearing to determine cause whether or not to suspend or revoke the brothel license of Soon Yee Scott and Kim Watson, a partnership, d/b/a Mona's Ranch ("Mona's Ranch"), based upon alleged employee misconduct, together with acts or omissions of Mona's Ranch in suffering, allowing or permitting the alleged employee misconduct, and matters related thereto. FOR POSSIBLE ACTION**
2. Meeting Date: **February 27, 2018**
3. Agenda Category: **PUBLIC HEARING**
4. Time Required: **30 – 45 Minutes**
5. Background Information: **On or about February 3, 2018, Mona's Ranch bartender/manager Peter Alberro was arrested and the subject of subsequent seizures of controlled substances/paraphernalia on or about Mona's Ranch premises. Specifically, Mr. Alberro, who resided from time to time on the premises of Mona's Ranch, was arrested for trafficking under NRS 453.385, Unlawful Possession for Sale NRS 453.336, and Misdemeanor Drug Paraphernalia NRS 453.336 and Mona's Ranch is potentially accountable for relevant related activities on or about the premises, or in conjunction therewith, of Mona's Ranch, 103 S. 3rd Street, Elko, Nevada which constitute a cause or causes for suspension and/or revocation of its brothel license under Title 4 Chapter 9 of the Elko City Code. CC**
6. Budget Information:
 Appropriation Required: **N/A**
 Budget amount available: **N/A**
 Fund name: **N/A**
7. Business Impact Statement: **Not Required**
8. Supplemental Agenda Information: **Memorandum; Exhibits 1 - 6**
9. Recommended Motion: **Pleasure of the Council.**
10. Prepared by: **Curtis Calder, City Manager**
11. Committee/Other Agency Review: **David Stanton, City Attorney**
12. Council Action:
13. Council Agenda Distribution: **Soon Yee Scott and Kim Watson**
 Mona's Ranch **Scott/Watson**
 103 S. 3rd. Street **3188 Azure Bay Street**
 Elko, NV 89801 **Las Vegas, NV 89117**

MEMORANDUM FOR Council Packet for City Council Meeting on February 27, 2018, Agenda Item VII(A)

SUBJECT: Mona's Ranch brothel license hearing

I am familiar with the facts and circumstances regarding the above-referenced agenda item. The matter will involve the following assertions based on information and belief and supporting evidence:

- A. At all relevant times, Peter Alberro was employed at Mona's Ranch as a bartender/manager. He has since had his work permit revoked. A copy of his work permit is attached hereto together with the letter from the Chief of Police revoking said permit, as Exhibit "1."
- B. Mona's Ranch is a licensed brothel within the City of Elko. A copy of the brothel license is attached as Exhibit "2."
- C. Mona's Ranch is owned by Soon Yee Scott and Kim Watson, a partnership, doing business as Mona's Ranch. The named owners reside outside the City of Elko. A copy of the Nevada Secretary of State's website print-out containing information about the partnership is attached as Exhibit "3." Also attached as Exhibit "4" is a copy of the fictitious name filing for the partnership on file with the Elko County Clerk's office.
- D. On or about February 3, 2018, during a traffic stop of Peter Alberro for failing to stop at a stop sign, drugs and paraphernalia were discovered in Peter Alberro's automobile and a methamphetamine ("meth") pipe was found on his person. Ultimately, Peter Alberro was arrested for Trafficking under NRS 453.385, Unlawful Possession for Sale under NRS 453.337, Possession of a Controlled Substance under NRS 453.336, and Misdemeanor Drug Paraphernalia NRS 453.336. A summary of the list of the items found in the automobile search is as follows: \$800.00 cash, a personal safe, a weight set, a digital scale, seven (7) separate bags of meth, a gallon bag with trace amounts of meth, a meth pipe, a tin with trace amounts of meth, and a blue digital scale.
- E. In furtherance of that arrest, a search warrant was issued for a residence owned by Peter Alberro at 420 Oak Street, in Elko Nevada, and a personal room at Mona's Brothel under the control of Peter Alberro, located at 103 S. 3rd Street, in Elko, Nevada.
- F. In execution of the warrant at Mona's Brothel, fourteen (14) grams of meth were found, as well as drug paraphernalia. It will be shown that this weight of meth is substantial in the view of law enforcement and would not ordinarily be for personal use. The following items were seized therefrom: a counterfeit \$100 bill, a digital scale, a pill pouch with meth residue, four (4) bags of meth, 3 meth pipes.
- G. At the 420 Oak Street address five (5) grams of meth and drug paraphernalia were found.

It is believed that the factual allegations and evidence listed above constitutes grounds for suspension and/or revocation of the brothel license held by Mona's Ranch under 4-9-16 of the Elko City Code, as set forth in the Notice of Hearing to determine cause, a copy of which is attached hereto as Exhibit "5." A copy of part of the Elko City Code regulating prostitution is attached as Exhibit "6."

The operation of a brothel within the City of Elko is done pursuant to a privilege license. The City has set forth strict standards concerning the operation of a house of prostitution to

protect the health, safety, and welfare of the public. Upon information and belief, the above-listed factual allegations and evidence will show that the licensee has violated Title 4, Chapter 9, and has fallen below the standards required of a brothel licensee within the City. It appears there is substantial negligence and lack of supervision which has led to the endangerment of the health, safety and welfare of the public, and Council action is sought to impose discipline in the form it determines to be warranted.

For the Council's information, Peter Alberro and Soon Yee Scott were served with notice of this hearing no later than February 17, 2018, and that at the time of this memo, the City has not been contacted by any representative from Mona's Ranch.

A handwritten signature in black ink, appearing to read "Ben Reed, Jr.", with a stylized flourish at the end.

Ben Reed, Jr.
Police Chief
Elko Police Department
City of Elko, Nevada

EXHIBIT 1

EXHIBIT 1

Elko Police Department

Name **PETER ALBERRO 9797L**

Occupation **BARTENDER MONAS**

Issued **7/8/2016**

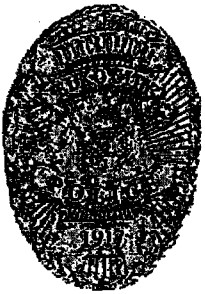
Exp. **7/8/2022**

Authorizing signature



Work Permit





ELKO POLICE DEPARTMENT

Ben Reed, Jr.
Police Chief

1448 Silver Street
Elko Nevada 89801
775.777.7310
775.738.1415 Fax
epd@elkocitynv.gov

February 7, 2018

Peter J. Alberro
420 Oak Street
Elko, NV 89801

Subject: Revocation of work permit.

Mr. Alberro,

This letter is to inform you that the work permit you applied for and received on September 29, 2015 is revoked per Elko City Code 5-11-4 (E). Therefore, you may no longer work in Mona's or any other liquor establishment in the City of Elko.

The reason for the revocation comes from your recent arrest by the Elko Police Department on February 3, 2018.

You must surrender your current work permit at the Elko Police Department, 1448 Silver Street by 5:00 pm Monday, February 26, 2018.

If you wish to appeal this decision you must do so as set forth in Elko City Code 5-11-5.

Sincerely,

A handwritten signature in black ink, appearing to read "Ben Reed, Jr.".

Ben Reed, Jr.
Police Chief

Attachments: Elko City Code 5-11-1; 5-11-2; 5-11-5

ONLY
2/13/18 Copy delivered to Jail.
3

EXHIBIT 2

EXHIBIT 2



**City of Elko
Brothel License**

Business Name: MONA'S RANCH

Location: 103 S 3RD ST

License #: 41004

Class: BROTHEL

Issue Date: 1/1/2018

Expiration Date: 06/30/2018

License Type: Brothel

**MONA'S RANCH
103 S 3RD ST
Elko, NV 89801**

**SCOTT/WATSON
103 S 3RD ST
Elko, NV 89801**

EXHIBIT 3

EXHIBIT 3

SOON YEE SCOTT & KIM WATSON

Non-Title 7 Business Entity Information

Status:	Active	File Date:	10/31/2014
Type:	Partnership	Exemption Code:	
NV Business ID:	NV20141678600	Business License Exp:	10/31/2018

Registered Agent Information

No Registered Agent required for Non-Title 7 Business Licenses.

Associated Business Names

MONA'S RANCH

MONA'S RANCH

MONA'S RANCH

EXHIBIT 4

EXHIBIT 4

FILED

2017 OCT 13 PM 3:16

ELKO COUNTY

ELKO CO DISTRICT COURT

CERTIFICATE OF BUSINESS: FICTITIOUS FIRM NAME

THIS CERTIFICATE EXPIRES 5 YEARS FROM FILE DATE

CLERK _____ DEPUTY JP

☒ New Filing ☐ Renewal

THE UNDERSIGNED do(es) hereby certify that I AM / WE ARE / IT IS a
(circle one above)

Sole Proprietorship / Proprietorship / Partnership / General Partnership / LLC / LLP / Corporation / Trust
(circle one above)

conducting a RENTAL

(type of business)

business at 103 S. 3RD ST. ELKO / 103 S. 3RD ST. ELKO, NV 89601
(physical address) (mailing address)

under the fictitious firm name of MONA'S RANCH
(name of business)

with a telephone number of 775-777-7469 and that said firm is composed of the following persons whose name(s), address(es), and phone numbers or legal entity on file with the Nevada Secretary of State with the signing officer's name and title, are as follows, to-wit:

Name SOON YEE SCOTT

Name KIM WATSON

Address 3188 AZURE RAY ST.

Address 3188 AZURE RAY ST.

City/State LAS VEGAS NV 89117

City/State LAS VEGAS NV 89117

Phone No. 702-562-3009

Phone No. 702-858-2529

ESTABLISHED SINCE 10/3/17 IN ELKO COUNTY SINCE 10-02-17

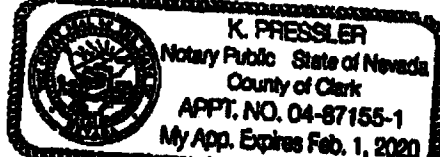
WITNESS my hand this 3rd day of OCT, 2017.

Soon Yee Scott
Kim Watson
(Signature of owners, partners or authorized officer)

STATE OF NEVADA)
COUNTY OF ELKO)

On this 05 day of October, 2017, before me, K. Pressler, Notary, a Notary Public in and for the said County and State, residing therein, duly commissioned and sworn, personally appeared Soon Yee Scott and Kim Watson and known to me to be the person(s) whose name(s) subscribed to the within instrument, and acknowledged to me that they executed the same freely and voluntarily and for the uses and purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official stamp at my office in the County of Elko the day and year in this certificate first above written.



K. Pressler
Signature of Notary

if submitted by mail, please send the original, two copies, a self-addressed, stamped envelope and the \$20.00 filing fee to:
Elko County Clerk, 550 Court Street, 3rd Floor, Elko, Nevada 89601

MONA'S RANCH

FILED: 10/13/2017

EXHIBIT 5

EXHIBIT 5

NOTICE OF HEARING TO DETERMINE CAUSE

TO: Soon Yee Scott, Kim Anita Watson, Partnership, d/b/a Mona's Ranch (hereafter "Mona's Ranch" or "Licensee")

SERVICE: Posting At Business Premises 103 S. 3rd St. Elko, Nevada

Mona's Ranch is hereby given Notice that the City of Elko will hold a hearing to determine whether or not to suspend and/or revoke the brothel license held by you or your partnership pursuant to 4-9-16 of the Elko City Code, on one or more of the following possible grounds:

1. Violation by the licensee of Title 4, Chapter 9, Subsection 8(A) of the Elko City Code (operation conducted in violation of any applicable city, court, state or federal ordinance, statute or regulation);
2. Violation by any person who works on a regularly or weekly basis in Mona's Ranch of any provision where the licensee knew or should have known of the violation;
3. Licensee knowingly permitting the existence of a health hazard on the premises occupied by the licensed operation; and/or
4. Any other cause which the City Council may determine to be harmful or injurious to the health, welfare, and safety of the general public.

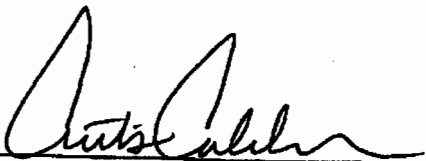
The following event(s) and associated conduct may provide grounds for the suspension and/or revocation of your brothel license:

Arrest of Licensee's bartender/manager, Peter Alberro, who at relevant times resided on the premises of Mona's Ranch, and subsequent seizure of controlled substances/paraphernalia on or about Mona's Ranch premises on or about February 3, 2018, for trafficking under NRS 453.385, Unlawful Possession for Sale NRS 453.336, Misdemeanor Drug Paraphernalia NRS 453.336 and any relevant related activities on or about the premises, or in conjunction with the premises, of Mona's Ranch, 103 S. 3rd Street, Elko, Nevada.

The hearing on this matter will be held at the City Council at its meeting on February 27, 2018, at 5:30 p.m., at Elko City Hall, 1751 College Avenue, Elko, Nevada. You are permitted to be present, to be represented by legal counsel, and to submit evidence and testimony regarding the matters set forth above.

///

DATED this 21st day of February 2018.

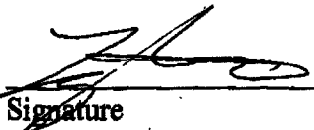
By: 
CURTIS CALDER
City of Elko City Manager

PROOF OF SERVICE

On February 21, 2018, I served the following document: **NOTICE OF HEARING TO DETERMINE CAUSE** at the following time: 12:00 AM/PM by posting a copy to the business premises of Mona's Ranch at 103 S. 3rd St., Elko, Nevada, pursuant to 4-9-16 B1 of the Elko City Code.

Pursuant to NRS 53.045: "I declare under penalty of perjury under the law of the State of Nevada that the foregoing is true and correct."

Executed on 2/21, 2018.



Signature

Tyler Trouton

Print Name

EXHIBIT 6

EXHIBIT 6

Chapter 9

PROSTITUTION 1¹

4-9-1: PRIVILEGE LICENSE:

No applicant for a license or other affirmative city council approval has any right to a license or the granting of the approval sought. Any license issued or other city council approval granted pursuant to the provisions of this chapter is a revocable privilege and no holder acquires any vested right therein or thereunder. (Ord. 354, 8-14-1984)

4-9-2: PROSTITUTION NOT AN OFFENSE OR NUISANCE:

The operation of a house of prostitution within the city in accordance with the provisions of this chapter does not constitute a public nuisance or an offense to public decency. (Ord. 354, 8-14-1984)

4-9-3: UNLAWFUL UNDER CERTAIN CONDITIONS:

- A. It is unlawful for any person, firm or corporation to keep, own or operate any house of prostitution, house of ill fame or bawdy house of any description within the city, except as herein provided in this chapter.
- B. It is unlawful for any owner or bartender/manager of a licensed brothel to allow any person to practice prostitution or to solicit business for a prostitute or to procure any person for the purpose of prostitution within the city, except within the premises of a licensed brothel and within the boundaries of the restricted commercial district as set forth in the city zoning code. There will be no "out dates". That is, prostitutes shall not be hired from a brothel for the purpose of prostitution to accompany a customer outside the brothel from which the prostitute is employed. All soliciting of prostitution and acts of prostitution must take place inside the premises of a licensed brothel.
- C. In the trial of any case arising under the provisions of subsection A or B of this section, evidence of general reputation shall be competent evidence as to the question of the ill fame of any house of prostitution and to the question of the ill fame of any person alleged to be practicing prostitution. (Ord. 443, 1-24-1995)

4-9-4: DEFINITIONS:

As used in this chapter, the following words will be defined as follows:

APPLICANT: Any person, firm or corporation applying to the city council for a license under the provision of this chapter, together with all persons listed in subsections 4-9-6A and B of this chapter.

BOARD: The city council of the city of Elko.

BROTHEL: A duly licensed house of prostitution operated in accordance with the provisions of this chapter.

CITY CLERK: The city clerk of the city of Elko.

HOUSE OF PROSTITUTION: Any building in which sexual acts are provided or performed for a fee.

POLICE: The chief of police of the city of Elko.

WORK CARD OR WORK PERMIT: A permit issued by the chief of police to applicants who meet the requirements of this chapter permitting the applicant to perform work authorized by this chapter. (Ord. 443, 1-24-1995)

4-9-5: LICENSING AND CONTROL BOARD CREATED:

A. City Council Designated: The city council shall act as a prostitution licensing and control board.

B. Duty: It shall be the duty of the city council to carry out terms of provisions of this chapter, and to see that this chapter is faithfully enforced.

C. Powers: Powers of the city council shall include, but shall not be limited to, the power to:

1. Receive all license applications submitted under the provisions of this chapter;
2. Investigate all applicants for a license under the provisions of this chapter;
3. Grant or refuse to grant the license provided for in this chapter;
4. Receive complaints concerning alleged violations of this chapter;
5. Revoke or temporarily suspend or put restrictions and conditions against licenses issued under the terms of this chapter;
6. Exercise any proper power and authority necessary to perform the duties assigned it, and is not limited by any enumeration of powers or considerations in this chapter; and
7. Hear appeals from the rules of the chief of police. (Ord. 443, 1-24-1995)

4-9-6: LICENSE APPLICATION, CONTENTS:

Any person, firm or corporation desiring to own or operate a house of prostitution within the city shall apply to the city council for a license to operate such house of prostitution. Such license application shall contain the following information:

- A. Names, ages and addresses of all persons who have or will have any financial interest in the operation, including the owner of the real property, if the real property is leased to the operator;
- B. Names, ages and addresses of persons who are or will be personally responsible for the conduct and management of the operation;
- C. A recent photograph and complete set of fingerprints of all persons listed in subsections A and B of this section;
- D. Names and addresses of every other business in which the applicant has any financial interest, including the type of such business and the nature of the applicant's interest;
- E. Names and addresses of all employers of the applicant in the preceding five (5) years;
- F. All the applicant's addresses for the preceding five (5) years;
- G. A list of all prior convictions of the applicant for any crime, excluding minor traffic violations, which list shall include a statement of the offense, the place of its occurrence, the date of its occurrence, and the disposition of the case;
- H. A complete and accurate financial statement of the applicant, together with an audit of the applicant's finances conducted by a licensed certified public accountant;
- I. The street address of the property upon which the proposed operation is to be conducted, together with copies of all deeds, mortgages, deeds of trusts, liens or other encumbrances, leasehold interests, or other interests relating to the property;
- J. Any other information reasonably deemed necessary or useful by the city council;

K. Names, ages and addresses of all persons who have or will have leasehold interests in the property. (Ord. 443, 1-24-1995)

4-9-7: LICENSE APPLICATION, FILING AND INVESTIGATION:

A. Filing; Investigation Fee: All license applications under the provisions of this chapter shall be filed with the city clerk, along with a nonrefundable two thousand five hundred dollar (\$2,500.00) investigation fee. If the actual total cost of investigating any license application exceeds two thousand five hundred dollars (\$2,500.00) the applicant shall be responsible for and pay the city the amount in excess of two thousand five hundred dollars (\$2,500.00).

B. Investigation: Upon presentation of any license application to the city clerk, the city clerk shall refer such application to the chief of police for investigation. The chief of police shall conduct a full investigation of all information contained in the license application, which investigation shall include, but shall not be limited to, the following:

1. A complete check of all records of the federal bureau of investigation and any other similar organization concerning the criminal record of any applicant;
2. A personal interview with each applicant;
3. An interview, either personal or by mail, with all employers of the applicant and business associates of the applicant, as shown in the license application;
4. Examination of the financial statement and financial background of the applicant;
5. Any other investigation reasonably deemed necessary by the chief of police.

C. Report Of Investigation Results: Within thirty (30) days after any application is referred by the city clerk to the chief of police, the chief of police shall report the results of his investigation in writing to the city council, which report shall include, but shall not be limited to, the following:

1. A complete statement of the results of all investigations undertaken;
2. A list of any errors or omissions found to exist in the application;
3. An evaluation of the personal and financial status and background of the applicant.

D. Board Action: Within thirty (30) days after receiving the chief of police's report, the board may:

1. Refer the application back to the chief of police for additional investigation;
2. Require a personal interview with the applicant;

3. Require the applicant to submit additional information relative to his application;
4. Grant or refuse to grant a license under the provisions of this chapter.

E. Refusal: The city council may refuse to grant a license to any applicant:

1. Where an applicant or an applicant's spouse or any other individual listed on the application that would have any interest in the brothel, has been convicted of any felony;
2. Who is financially insolvent or is inadequately financed;
3. Who has a history of financial instability;
4. Who has wilfully omitted or incorrectly stated any material fact in the license application;
5. Who has any financial interest in, or connection with, any business which is illegal where such business is located;
6. Whose license under the provisions of this chapter would be contrary to the health, welfare or safety of the city or its residents;
7. When the proposed establishment is not in the correct zoning;
8. Who has business relationships with persons or entities who would be denied a license for reasons other than financial instability or insolvency.

F. Resubmittal; Time Limit: Upon denying any application for a license under the provisions of this chapter, the applicant shall have thirty (30) days within which to cure any defect in the application, and such application may be again submitted to the city council for consideration, as herein provided, within thirty (30) days after such denial. (Ord. 443, 1-24-1995)

4-9-8: LICENSE RESTRICTIONS:

Every license issued under the provisions of this chapter shall have the following restrictions:

- A. Violations Not Permitted:** No operation may be conducted in violation of any applicable city, county, state or federal ordinance, statute or regulation.
- B. Maximum Number Permitted:** The maximum number of houses of prostitution which will be permitted within the city limits is five (5). (Ord. 443, 1-24-1995)

4-9-9: CITY COUNCIL MAY IMPOSE OTHER RESTRICTIONS:

The city council may, in its discretion and to promote the health, safety and welfare of the people of the city, and to promote the orderly conduct of the operation, impose additional restrictions, including, but not limited to, the following:

- A. Limitation of the number of prostitutes that may be working in an operation;
- B. Limitation on the type, signing and size of building in which an operation may be conducted;
- C. The city council may impose restrictions pursuant to this section prior, during or after issuance of license;
- D. The city council may by resolution authorize the chief of police to promulgate written rules and regulations not inconsistent with the provisions of this chapter regulating the activities and conduct of prostitutes and the brothel employees working pursuant to the provisions of this chapter. All such proposed rules and regulations will be forwarded to the city council and affected licensees prior to implementation. The city council will hear any written objections at its next meeting and approve, modify or reject the proposed rules. (Ord. 443, 1-24-1995)

4-9-10: ZONING:

No licenses shall be issued without the prospective licensee first obtaining proper zoning for the proposed operation. (Ord. 354, 8-14-1984)

4-9-11: LICENSE ISSUANCE:

- A. Content Of License: Upon approval of all applications connected with an operation, the city council shall issue a license for the operation, which license shall state:
 - 1. The name and address or location of the operation;
 - 2. Any option restrictions or limitations imposed by the city council under section 4-9-9 of this chapter;
 - 3. The date of issuance of the license;
 - 4. The date of expiration of the license.

- B. Term Of License:** All licenses shall be issued for an annual period from January 1 to January 1 of the next year.
- C. Renewal:** No later than thirty (30) days before the expiration date of any license, the licensee shall apply to the city clerk, on forms provided, for a renewal. The city clerk shall forthwith notify the chief of police, and if any written complaint regarding the operation shall have been received during that current license period, the chief of police may cause the renewal application to be placed on the agenda of the next city council meeting, at which meeting the city council shall either renew or deny the license. If placed on the agenda, the city council shall conduct a hearing, and may summon witnesses, interview the licensee, interview any complainant, require additional investigation by the chief of police, or do any and all other acts which may be necessary or appropriate to the council's determination. If no such complaints have been received, the city clerk shall issue the renewed license upon compliance with the provisions of this chapter.
- D. Failure To Renew:** Failure of any licensee to apply for a renewal, as required in subsection C of this section, shall be grounds for the city council to revoke the license at its first regular meeting in January. Any license thus revoked may be reinstated only upon compliance by the licensee with all requirements of this chapter relating to original license applications.
- E. Changes In Ownership:** No change in ownership, partners, shareholders or any other persons with any ownership interest in a brothel shall occur after the city council has granted a license until the following occurs:
1. The licensee shall furnish to the chief of police a list of all proposed persons or entities who desire to acquire an interest in the brothel.
 2. The chief of police may, in his sole discretion after reviewing the list, request a nonrefundable investigation fee in the sum of two thousand five hundred dollars (\$2,500.00) per person or entity desiring to acquire an interest in the brothel.
 3. All provisions of this chapter relating to the investigation and licensing of applicants for a brothel license shall apply to the person or entity desiring to acquire an interest in the brothel. Such person or entity shall be granted or refused the privilege to acquire an ownership interest in the brothel in accordance with all applicable provisions of this chapter for the granting or denying of a license to the original licensee or owners. (Ord. 443, 1-24-1995)

4-9-12: LICENSE FEES:

- A. Required:** Every licensee shall pay two thousand five hundred dollars (\$2,500.00) per year, for the privilege of operating a house of prostitution in the city effective September 15, 1984. Said fees, except the fee paid on September 15, 1984, shall be paid annually or semiannually and shall accompany the annual renewal application form, which shall be due on or before December 15 of each year. The license fee may be increased from time to time by resolution of the city council. The

license fee for any licenses granted for a portion of a calendar year before June 30 of any year, shall be two thousand five hundred dollars (\$2,500.00). The license fee for any licenses granted for a portion of a calendar year after June 30 of any year shall be one thousand two hundred fifty dollars (\$1,250.00).

- B. Due; Renewal: License fees shall be paid to the city clerk beginning September 15, 1984. Thereafter, the annual or semiannual fee shall accompany the renewal application on or before December 15 of each year. (Ord. 443, 1-24-1995)

4-9-13: WORK PERMIT REGISTRATION REQUIREMENTS:

- A. Permit Required: It is unlawful for any person to work as a prostitute or bartender/manager at a brothel or any employee to reside on the premises of a licensed brothel, unless such person is the holder of a valid current work permit issued by the chief of police or his designee in accordance with this chapter.
- B. Registration: Every prostitute and bartender/manager and employee residing on the premises of a licensed brothel shall be registered with the chief of police on forms provided by the chief of police which shall be referred to as a "work card" and which shall include:
1. The name, age, address, physical description and current pictured identification of the applicant is required. Forms of identification acceptable are those issued from state agencies which require a certified copy of a birth certificate. Also at the time of registering, each applicant must produce along with pictured identification their social security card;
 2. A full set of fingerprints of the applicant;
 3. Complete employment record of the applicant for the preceding five (5) years;
 4. All addresses of the applicant for the preceding five (5) years;
 5. Complete criminal record of the applicant, including all convictions, except minor traffic violations, which list shall include a statement of each offense, the place of its occurrence and the date of its occurrence;
 6. Prostitute work card application be accompanied with an application fee as set by resolution by the city council, or an annual renewal or revision fee as set by resolution by the city council;
 7. Work card application for bartender/manager and any employee residing on the premises of a licensed brothel be accompanied with an application fee equal in amount to the fee to obtain a bar employee work permit under title 5, chapter 11 of this code;
 8. The work card for the applicant shall be renewed annually;
 9. A work card must be renewed each time a prostitute changes places of work from one brothel and starts work with a different brothel.

C. Investigation: The chief of police shall investigate, through all available means, the accuracy of all information supplied by any applicant on the registration form.

D. Prohibited Employees: No person may work as a prostitute or bartender/manager or employee who resides on the premises of a licensed brothel who:

1. Has been convicted of the possession, use, sale or furnishing of any narcotic, hallucinogenic or dangerous drug within the past five (5) years;
2. Is on probation resulting from a conviction of a felony;
3. Has been convicted of any crime involving theft, embezzlement or misappropriation of funds within the past five (5) years;
4. Has been convicted of any crime involving violence or the use of any deadly or dangerous weapon within the past five (5) years;
5. Has been convicted of any crime involving the illegal use of firearms within the past five (5) years;
6. Has wilfully made any false statement or omission in the registration form required by subsection B of this section;
7. Is a person under twenty one (21) years of age.

E. Denial Or Revocation Authority: The chief of police or his designee will have the authority to deny or revoke the work permit of a prostitute or of a bartender/manager or an employee who resides on the premises of a licensed brothel who does not qualify under this section or who is found to be violating this code or state law. The person whose work card has been denied or revoked may file an appeal to the city council within thirty (30) calendar days from the date in which the work permit (card) was denied or revoked.

F. Card Requirements; Restrictions:

1. All prostitutes or bartender/managers or any employee who resides on the premises of a licensed brothel shall file and maintain a current work card with the operator of a licensed brothel before commencing work as a prostitute or bartender/manager or employee who resides on the premises of a licensed brothel; no work card shall be transferable; all work cards shall state the name of the licensed operation where the prostitute or bartender/manager or employee who resides on the premises of a licensed brothel will work; no prostitutes shall change their place of work from one brothel to another without first notifying the chief of police of the proposed change and obtaining a revised work card.
2. No prostitute or bartender/manager of a licensed brothel can possess more than one work card at a time or work for more than one brothel at a time.

G. Security Requirements/Inspections For Brothels:

1. Owner/management of brothels shall have the choice of operating their business with the business entrance to the brothel either locked or unlocked. If the brothel elects to keep the business entrance and exit doors unlocked, they must be unlocked at all times during posted business hours and the business hours must be posted on the entrance door. Upon complying with these conditions, the brothel need not provide keys to the chief of police. If the brothel elects to keep the business entrance and exit doors locked during business hours, owner/management of brothels shall provide the chief of police keys to all entrance and exit doors of the brothel. If door locks are changed, then current keys must be provided to the chief of police.
2. a. The brothel license which is granted as a revocable privilege pursuant to section 4-9-1 of this chapter shall include a consent to and an acknowledgment of the power and authority of the chief of police, or other authorized representative of the city to enter the licensed brothel premises and the principal office of any brothel, at any time during brothel business hours for the purpose of examining the premises, or the books of account of said business, to ascertain the truth or veracity of statements made on the brothel license application and to determine if the terms, conditions, provisions and regulations of this code and state law are being complied with.

b. The person in charge of a licensed house of prostitution shall cooperate with the state health division, bureau of disease control during:
 - (1) The investigation of the circumstances or cause of a case or suspected case, or of an outbreak or suspected outbreak;
 - (2) The carrying out of measures for the prevention, suppression or control of a communicable disease, including procedures of exclusion, isolation and quarantine; and
3. A person who owns/operates a brothel business or his/her agent or employee commits an offense if such person refuses to permit a lawful inspection of the premises by the persons designated above. (Ord. 559, 1-23-2001)

4-9-14: MEDICAL EXAMINATION REQUIRED OF ALL PROSTITUTES:

- A. Examination Requirements: Every licensee shall require and ensure that the rules and regulations now in force or hereafter promulgated by the division of health of the department of human resources of the state are complied with and that medical examinations are undergone by all prostitutes working at the licensee's operation, which examinations shall:
1. Be performed at least once a week. These medical examinations must be completed and the examination results available by each Friday of the week prior to medical exam record checks being conducted by the police department;
 2. Be performed by or under the supervision of a physician or doctor of osteopathy duly licensed to practice medicine in the state;
 3. Include all tests specified by the division of health of the state department of human resources for the detection and diagnosis of sexually transmitted diseases including, but not limited to, weekly tests for gonorrhea and chlamydia; and a monthly blood test for syphilis and human immunodeficiency virus (HIV), which shall be processed at a licensed and approved clinical laboratory;

4. Include monthly tests approved by the division of health of the department of human resources of the state for the detection of HIV. Appropriate specimens are to be submitted to and processed at a licensed and approved medical laboratory;
 5. Include other medically approved tests, deemed advisable by the physician, for determining whether the prostitute is afflicted with any infectious or contagious disease;
 6. Be performed at the location of the licensed operation, at the physician's office, at a hospital or clinic, as determined by the physician;
 7. Consistent with NAC 441A.120(2), no person may work as a prostitute in a licensed house of prostitution until a state licensed and approved medical laboratory has reported that the results of the tests required by NAC 441A.800 et seq., do not show the presence of chlamydia, syphilis, gonorrhea or the antibody to the human immunodeficiency virus. In effect, no prostitutes will be allowed to work (perform sexual acts with another person) on the premises until they have been cleared by a physician to work;
 8.
 - a. All prostitutes who have registered with the police department but are awaiting test results from a licensed physician may reside at the brothel. It will be the sole responsibility of the owner/manager to ensure that all prostitutes awaiting results and residing at the brothel remain off the floor, which includes the bar area, and do not engage in any type of sexual activity until such test results have been received from the physicians;
 - b. If any prostitute's test results are positive, the prostitute must be pulled off the brothel floor immediately and her work card turned over to a representative of the police department. The prostitute must wait at the brothel until contact is made by the state health department or its designee. This contact may be made in person or by telephone. Once contact is complete, the prostitute may then leave the premises of the brothel. If the prostitute chooses to stay, she will remain off the floor, which includes the bar area, and not engage in any type of sexual activity until a clearance to return to work has been received from the physician and presented to the police department;
 9. The owner/management or employee of the brothel is required to notify the police department when a prostitute leaves the brothel on vacation. (Any period in excess of 24 hours is considered vacation.) Prior to returning to work from vacation, the prostitute must get a medical exam, clearance from a licensed physician and pick up their work card at the police department;
 10. All prostitutes shall be tested to determine if they are infected with the hepatitis B virus (HBV) by a licensed and approved medical laboratory. If antibody testing shows a positive result for HBV, the prostitute will not be issued a work permit. If the results of the HBV are negative, it will be the responsibility of the prostitute to follow up with the vaccine series. Prostitutes who are undergoing the hepatitis B vaccine series shall not be prohibited from working in a licensed brothel.
- B. Physician Duties:** After performing the examination required in subsection A of this section, the examining doctor shall:
1. Issue to every person examined and found not to be afflicted with a sexually transmitted disease or other contagious or infectious disease a certificate so stating;
 2. Refuse to issue such certificate to any person found to be, or suspected of being, afflicted with a sexually transmitted disease or other contagious or infectious disease;

3. Report the results of such examinations weekly to the chief of police;
 4. If any prostitute examined is found to be afflicted with a sexually transmitted disease or any contagious or infectious disease, the doctor shall immediately notify the chief of police and the licensed operator where the prostitute is working of such condition.
- C. Certificate Required: No person may work as a prostitute in any operation without a current certificate, as described in subsection B1 of this section.
- D. Denial Based On Positive Result Of Test: No person who has ever been denied a certificate by an examining physician or doctor of osteopathy, as provided in subsection B2 of this section, may again work as a prostitute in any licensed operation until such person has received and presented to the chief of police a certificate from an examining physician or doctor of osteopathy stating that the cause or causes which resulted in the denial of the certificate have been cured and that the person is now free of any sexually transmitted disease or other contagious or infectious disease.
- E. Authority Of City Council: Nothing contained in this section shall prevent the city council on its own motion or upon complaints or reports from any person, from inquiring into the existence of any condition on the premises of any licensed operation which might constitute or cause a health hazard. (Ord. 632, 1-11-2005)

4-9-15: GENERAL PROVISIONS:

A. Minors:

1. It is unlawful for any person under the age of twenty one (21) years, except as otherwise specified in this chapter, to enter or be a patron of any operation licensed under the provisions of this chapter.
2. It is unlawful for the licensee of any operation licensed under the provisions of this chapter, or for any prostitute or employee of such licensee, to compel, entice, encourage, permit or suffer any person under the age of twenty one (21) years, to enter or be a patron of any operation licensed under the provisions of this chapter. (Ord. 443, 1-24-1995)

B. Advertising: It is unlawful for anyone, not properly licensed by the appropriate licensing authority or authorities, engaged in the business of prostitution, to advertise prostitution within the city, by use of print, television or radio media, computers, flyers, CB radio, telephone books or any other form of advertising. (Ord. 695, 5-13-2008)

C. Work Without Permit: It is unlawful for any licensed brothel under this chapter or for any licensee or for any employee of any licensee to allow any prostitute or bartender/manager or employee who

resides on the premises of a licensed brothel to work in a licensed operation of a brothel without that person first obtaining a valid work permit from the chief of police. Persons performing part time maintenance or repair work or delivering supplies are not required to obtain a work permit for such performance of duties unless they reside on the premises of the licensed brothel. (Ord. 443, 1-24-1995)

4-9-16: REVOCATION OF LICENSES:

A. Causes: The city council may revoke or temporarily suspend any license issued under the provisions of this chapter or place a licensee on probation with or without conditions for any of the following causes:

1. Any cause that would constitute grounds for denial of a license under subsection 4-9-7E of this chapter;
2. Violation by the licensee of any provision of this chapter;
3. Violation by any prostitute, or other person who works on a regular daily or weekly basis in a house of prostitution, of any provision of this chapter where the licensee knew or should have known of the violation;
4. The licensee knowingly permitting the existing of any health hazard on the premises occupied by the licensed operation or employing any person as a prostitute when such person does not have a valid health certificate, as required by section 4-9-14 of this chapter;
5. Wilful refusal of the licensee to comply with any order of the city council issued under the provisions of section 4-9-15 of this chapter;
6. Any other cause which the city council may determine, in its sound discretion, to be harmful or injurious to the health, welfare and safety of the general public.

B. Action Of City Council: Before action is taken pursuant to subsection A of this section, unless an alternative procedure is clearly specified elsewhere in this chapter, the city council shall:

1. Conduct a hearing to determine the existence of the cause or causes of action, notice of which hearing shall have been served upon the licensee or posted upon the premises where the licensed operation is conducted at least forty eight (48) hours prior to the time of such hearing;
2. Permit the licensee to submit evidence and testimony;
3. Consider all evidence and testimony in support of and in opposition to the action pending;
4. Enter in the minutes of the city council the findings of the city council and reasons for any action taken by the city council, which action may include revocation or temporary suspension of the license. The city council may impose such conditions on the operation of the business as are necessary to cure the problem and eliminate the danger presented by the violation. Such conditions may include action by the licensee required to be taken within a reasonable specified time as an alternative to revocation; and, if necessary to protect the health, safety and welfare of the public from imminent danger, temporary suspension of the license;

5. Enter in the minutes of the city council an order specifying the action taken.

C. Notice Of Proceeding: Notice of the proceeding shall be served upon the licensee or posted upon the premises occupied by the licensed operation.

D. Action Effective: Any action taken shall be effective upon service or posting of the notice, as specified in subsection C of this section. (Ord. 443, 1-24-1995)

4-9-17: EXCEPTION TO HEARING PROCEDURE (EMERGENCY SUSPENSION OF BROTHEL LICENSE):

A brothel license may be suspended without a hearing by a written emergency suspension order signed by the mayor or one member of the city council and the chief of police, if in their opinion there exists an immediate and present danger to public health and safety which necessitates the immediate closure of the brothel. Upon the issuance and service of such an order, all brothel activity shall immediately cease and the brothel licensee may request a hearing before the city council within three (3) business days in accordance with the Nevada open meeting law. The proceedings thereafter shall be held in accordance with section 4-9-16 of this chapter. (Ord. 443, 1-24-1995)

4-9-18: LICENSE NOT TRANSFERABLE:

All licenses granted under this chapter shall be for operations conducted on the property described in the application only, and no operation shall be added to or moved without a new license application and approval. (Ord. 354, 8-14-1984)

4-9-19: DEATH OR RESIGNATION OF LICENSED PERSON:

In the event of the death or resignation of a licensed person without whom a licensed premises would be forced to cease operations, and in order to prevent undue hardship to an applicant, the city clerk, with the concurrence of the chief of police, may issue a ninety (90) day "temporary license" pending the processing of an application for a regular license; provided, however, that at the time any such temporary license is issued by the city clerk, a full and complete application for a regular brothel license shall be on file with the city clerk along with a two thousand five hundred dollar (\$2,500.00) nonrefundable investigation fee and referred to the chief of police for a complete investigation of the new application for a regular brothel license. The chief of police shall submit his investigative findings along with his recommendation for denial or approval of a regular brothel license to the city council within thirty (30) days from the date the temporary license was issued. (Ord. 443, 1-24-1995)

4-9-20: CRIMINAL PENALTY:

Any person who violates any provision of this chapter or of this code, amended by this chapter, shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine not to exceed one thousand dollars (\$1,000.00), or by imprisonment for a term not to exceed six (6) months, or by both fine and imprisonment. (Ord. 443, 1-24-1995)

4-9-21: SEPARABILITY:

If any section, subsection, sentence, clause, phrase or portion of this chapter is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof. (Ord. 443, 1-24-1995)

**Elko City Council
Agenda Action Sheet**

1. Title: **Review, consideration, and possible action to adopt Resolution No. 6-18, a resolution of the Elko City Council, adopting a change in zoning district boundaries from AG (General Agriculture District) to IC (Industrial Commercial), approximately 62.03 acres of property located generally northeast of the intersection of Statice Street, and Delaware Avenue, filed by Surebrec Holdings, LLC., and processed as Rezone No. 10-17, and matters related thereto. FOR POSSIBLE ACTION**
2. Meeting Date: **February 27, 2018**
3. Agenda Category: **PUBLIC HEARING**
4. Time Required: **10 Minutes**
5. Background Information: **The Planning Commission considered the Subject Zone Change Request on February 6, 2018, and took action to forward a recommendation to Council to adopt a resolution, which conditionally approves Rezone No. 10-17. CL**
6. Budget Information:

Appropriation Required: **N/A**
Budget amount available: **N/A**
Fund name: **N/A**
7. Business Impact Statement: **Not Required**
8. Supplemental Agenda Information: **Resolution, P.C. Action Report, Staff Memos and Related Correspondence**
9. Recommended Motion: **Adopt Resolution No. 6-18**
10. Prepared By: **Cathy Laughlin, City Planner**
11. Committee/Other Agency Review: **Planning Commission, Legal Counsel**
12. Council Action:
13. Agenda Distribution: **Surebrec Holdings, LLC
207 Brookwood Drive
Elko, NV 89801**

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

**CITY OF ELKO
RESOLUTION NO. 06-18**

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

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

WHEREAS, the Elko City Council has received and reviewed the application submitted by Surebrec Holdings, LLC (petitioner), and has considered any public input, supporting data and evidence and the previous action taken by the Planning Commission pertaining to Rezone Application No. 10-17.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE ELKO CITY COUNCIL that Rezone Application No. 10-17, involving a change in zoning from AG (General Agriculture) to IC (Industrial Commercial) involving approximately 62.03 acres of property located generally on the northeast corner of the intersection of Statice Street and Delaware Avenue, more particularly described as follows: All that real property situated in the County of Elko, State of Nevada, bounded and described as follows: Parcel C on a Parcel Map, filed in the office of the County Recorder of Elko County, State of Nevada, on January 5, 2018 as File No. 735391, and shown on the description and map at Exhibit A attached hereto, is hereby adopted subject to the following conditions agreed to by the petitioner:

1. Council approval of Annexation 3-17 is required prior to this change in zoning district boundaries becoming effective.
2. The applicant shall enter into an agreement with the City pursuant to which it waives and forever relinquishes any rights it may have under that certain agreement between the State of Nevada and the City of Elko dated September 4, 2008, entitled "Nevada Youth Training Center, Elko Three (3) Non-Exclusive Waterline Easements," and any amendments thereto.

IT IS FURTHER RESOLVED AND ORDERED that this Resolution shall not be signed and recorded until the conditions are satisfied.

IT IS FURTHER RESOLVED AND ORDERED that upon the above conditions being satisfied this Resolution shall be signed by the Mayor and attested to by the City Clerk.

PASSED AND ADOPTED this __ day of _____, 2018.

CITY OF ELKO

By: _____
, MAYOR

ATTEST:

, CITY CLERK

VOTE:

AYES:

NAYS:

ABSENT:

ABSTAIN:

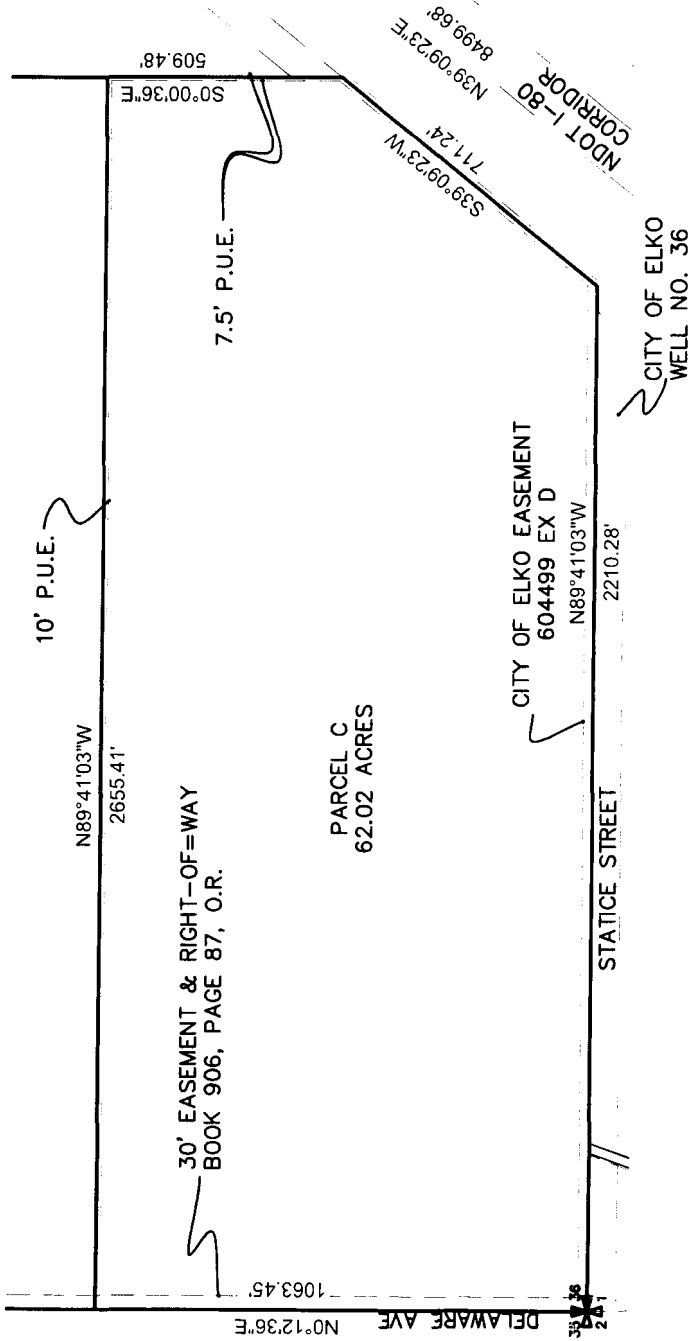
RECEIVED

JAN 09 2018

LEGAL DESCRIPTION:

ALL THAT REAL PROPERTY SITUATED IN THE COUNTY OF ELKO, STATE OF NEVADA, BOUNDED AND DESCRIBED AS FOLLOWS: PARCEL C, AS SHOWN ON A PARCEL MAP, FILED IN THE OFFICE OF THE COUNTY RECORDER OF ELKO COUNTY, STATE OF NEVADA, ON JANUARY 5, 2018 AS FILE NO. 735391

Exhibit A




GRAPHIC SCALE
SCALE IN FEET



EXISTING ZONING = OPEN SPACE
PROPOSED ZONING = COMMERCIAL & INDUSTRIAL

RECEIVED

JAN 16 2018

SHEET 1 OF 1	DATE: JANUARY 2018 DRAWN BY: RSR CHECKED BY: BEJ JOB NO.: 193.000	ANNEXATION of PARCEL "C" A PORTION OF SECTION 36, TOWNSHIP 35 NORTH RANGE 55 EAST, M.D.M. ELKO COUNTY NEVADA SUREBREC HOLDINGS LLC	 ENGINEERING 445 5TH STREET, SUITE 201 ELKO, NEVADA 89801 TEL: (775) 738-3113 FAX: (775) 738-6199 WWW.AMENGINEERING.ORG • CIVIL ENGINEERING • CONSTRUCTION MANAGEMENT • QUALITY ASSURANCE • TOPOGRAPHIC SURVEYING
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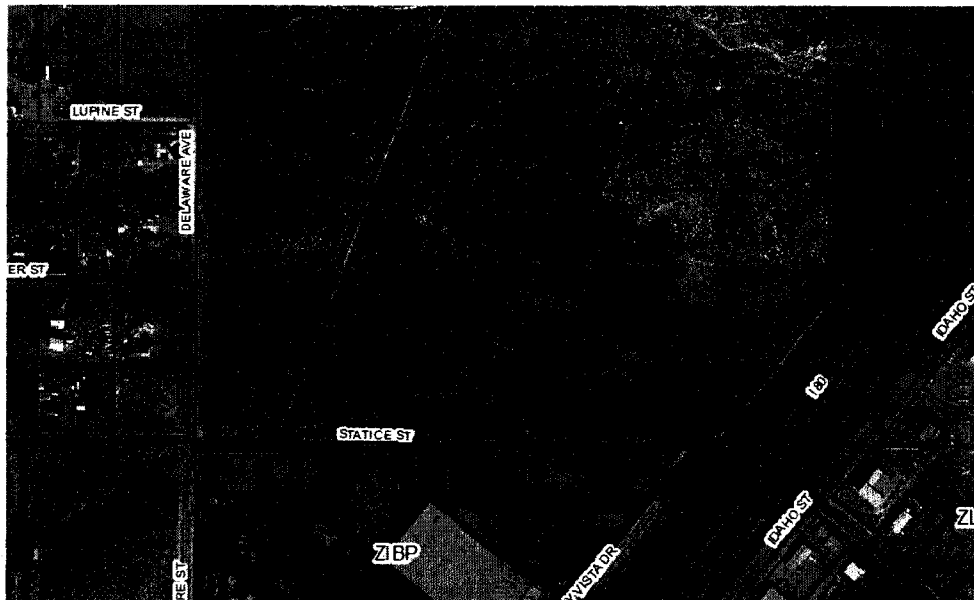


City of Elko
1751 College Avenue
Elko, NV 89801
(775) 777-7160
FAX (775) 777-7119

CITY OF ELKO STAFF REPORT

DATE:	January 26, 2018
PLANNING COMMISSION DATE:	February 6, 2018
CITY COUNCIL DATE:	February 27, 2018
AGENDA ITEM NUMBER:	V.1
APPLICATION NUMBER:	REZONE 10-17
APPLICANT:	Surebrec Holdings, LLC
PROJECT DESCRIPTION:	Zone Designation for Proposed Annexation
ADDITIONAL APPLICATION:	Annexation Application 2-17

A zone designation upon annexation of property to Industrial Commercial (IC).



STAFF RECOMMENDATION:

RECOMMEND APPROVAL, subject to facts, findings and conditions.

PROJECT INFORMATION

PARCEL NUMBER: 006-10C-006; will be issued a new APN upon finalization of the annexation.

PARCEL SIZE: 62.03 acres

EXISTING ZONING: General Agriculture (Elko County); Petition of the annexation was accepted by City Council on 1/23/2018

MASTER PLAN DESIGNATION: (IND-BS PARK) Industrial Business Park

EXISTING LAND USE: Undeveloped land

NEIGHBORHOOD CHARACTERISTICS:

- The property is surrounded by:
 - North: Elko County Property / Undeveloped
 - West: Elko County Property / Partially developed Residential
 - South: Industrial Business Park (IBP) / Developed
 - East: I-80 corridor

PROPERTY CHARACTERISTICS:

- The property is currently undeveloped.
- The property will be accessed from Ruby Vista Drive and Statice Street

MASTER PLAN AND CITY CODE SECTIONS:

Applicable Master Plan Sections, NRS Sections and City Code Sections and other coordinating plans are:

- City of Elko Master Plan – Land Use Component
- City of Elko Master Plan – Transportation Component
- City of Elko – Redevelopment Plan
- City of Elko Wellhead Protection Program
- City of Elko Zoning – Section 3-2-4 Establishment of Zoning Districts
- City of Elko Zoning – Section 3-2-11 Industrial Commercial Districts
- City of Elko Zoning – Section 3-2-17 Traffic, Access, Parking and Loading Regulations
- City of Elko Zoning – Section 3-2-21 Amendments
- City of Elko Zoning – Section 3-8 Flood Plain Management

BACKGROUND:

1. The application has been filed by Surebrec Holdings, LLC.

2. Surebrec Holdings, LLC is the owner of the property.
3. The proposed zone district includes all of APN 006-10C-006 which is the area identified in annexation application 2-17.
4. The proposed zone district is located northwesterly of the I-80 interstate right-of-way. The area was a portion of a larger property controlled by the State of Nevada. The City Council took action May 23, 2017 committing two-acre feet of water to Surebrec Holdings LLC in order to facilitate County approval of the parcel map to facilitate transfer of ownership.
5. The proposed zone district is consistent with the Master Plan Land Use Component and Transportation Component of the plan.
6. The area fronts the I-80 corridor and Statice Street.
7. The surrounding area is partially developed with light industrial land uses, vacant land owned by the state located within the City's incorporated boundary and outside the incorporated boundary, and low density residential development located outside the City's incorporated boundary and separated by a roadway.
8. City water mains are located adjacent to the I-80 frontage and the Statice Street frontage
9. Sanitary sewer exists in Ruby Vista Drive but is too shallow to be utilized as a point of connection for gravity service. A lift station and forced main could be considered for this point of connection. A more practical point of connection would require a bore under I-80 to a point of connection near Union Pacific Way.
10. Other non-city utilities are located in the immediate vicinity.
11. This application is being processed concurrent with annexation application 2-17.
12. The City Council accepted the petition for the subject annexation on January 23, 2018, and directed Staff to continue with the annexation process by referring the matter to the Planning Commission.

MASTER PLAN:

Land use:

1. The Master Plan Land Use Atlas shows the area as Industrial Business Park.
2. Corresponding zone districts for Industrial Business Park are Industrial Business Park, Light Industrial and Industrial Commercial.
3. Objective 5: Encourage development that strengthens the core of the City, and ensure all new annexations are logical and orderly and do not promote sprawl.
4. Objective 7: Promote high quality and visually appealing industrial uses, where appropriate, to ensure economic sustainability as well as strengthen the community's image.
5. Objective 8: Ensure that new development does not negatively impact countywide natural systems, or public/federal lands such as waterways, wetlands, drainages, floodplains etc., or pose a danger to human health and safety.

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

Transportation:

1. The area will be accessed from Statice Street or Ruby Vista Drive. The area could also be accessed from Delaware Avenue, which would be considered a secondary access.
2. Statice Street is classified as an Industrial Collector.
3. Ruby Vista Drive is classified as a Minor Arterial.
4. Delaware Avenue is classified as a local roadway.

The proposed zone district is compatible with the Master Plan Transportation Component and is consistent with the existing transportation infrastructure.

ELKO REDEVELOPMENT PLAN:

1. The property is not located within the redevelopment area.

ELKO WELLHEAD PROTECTION PLAN:

1. The property is located inside the 2-5 year capture zone for a City well located adjacent to the property.

The proposed zone district is consistent with City of Elko Wellhead Protection Plan.

SECTION 3-2-4 - ESTABLISHMENT OF ZONING DISTRICTS:

1. The Planning Commission can recommend to the City Council a zone classification for annexed territory other the default Agriculture District. The applicant has filed this application in conformance with the code requesting the Industrial/Commercial District. The proposed district is in conformance with the Master Plan.
2. The property meets the area requirements for the proposed zone district.

The proposed zone change is in conformance with Elko City Code Section 3-2-4.

SECTION 3-2-11 - INDUSTRIAL COMMERCIAL DISTRICTS:

1. The size of the property meets the area requirements required under this section code.
2. Conformance with this section will be required as the property develops.

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

1. Conformity with the section is required has the property develops. The property is undeveloped and the provisions of code can be met as the property is developed.

SECTION 3-2-21 – AMENDMENTS:

1. The applicant has conformed to this section of code with the filing of the application.

SECTION 3-8 - FLOOD PLAIN MANAGEMENT:

1. This parcel is not designated in a Special Flood Hazard Area (SFHA).

FINDINGS:

1. The proposed zone district is in conformance with the Master Plan Land Use Component.
2. The proposed zone district is compatible with the Master Plan Transportation Component and is consistent with the existing transportation infrastructure.
3. The proposed zone district is consistent with City of Elko Wellhead Protection Plan.
4. The proposed zone district rezone is in conformance with City Code 3-2-4(B)(C) and (D).
5. The proposed zone district is in conformance with Section 3-2-11, IC-Industrial Commercial Districts.
6. The property is large enough to meet the development standards specified in Section 3-2-11 of Elko City Code.
7. The proposed zone district is in conformance with City Code 3-2-17.
8. The proposed zone district is consistent with surrounding land uses.
9. The topography of the area is well suited for the proposed commercial and light industrial land uses.
10. Development under the proposed zone district will not adversely impact natural systems, or public/federal lands such as waterways, wetlands, drainages, floodplains etc., or pose a danger to human health and safety.

STAFF RECOMMENDATION:

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

Engineering Department:

1. The parcel described by metes and bounds does not match the parcel of record. Please revise the legal description to reference the map instead of the metes and bounds description. The revision is required prior to Council consideration of the application.

Planning Department:

1. Council approval of Annexation 3-17 is required prior to action taken on this application.
2. The applicant enters into an agreement with the City relinquishing or identifying any residual rights that may exist under the agreement between the State of Nevada and the City.

Development Department:

1. The department recommends approval.



CITY OF ELKO
DEVELOPMENT DEPARTMENT
1755 COLLEGE AVENUE
ELKO, NEVADA 89801
(775)777-7210
(775)777-7219 FAX

To: Elko City Planning Commission
From: Jeremy Draper, Development Manager
RE: Rezone 10-17, Surebrec Holdings, LLC, Annex 2-17
Date: January 19, 2018

The City of Elko Development Department is providing this correspondence to aid the Planning Commission's review of Rezone Application 10-17.

Project Information



- The along Statice Street between Delaware Street and Ruby Vista Drive.
- The property is being considered for annexation as annexation 2-17.
- The property is identified as APN 006-10C-006.
- The parcel is currently undeveloped.
- The parcel will be zoned AG-Agricultural upon annexation.
- The proposed zone is IC-Industrial Commercial.
- The proposed rezone would result in a rezone of proposed parcel 1 being 62.03 acres of IC.
- The property is bound by Industrial Business Park to the south, and Industrial Commercial to the east with county property to the north and west.

- The property is not located within a FEMA Floodzone.

Master Plan

Land Use:

- The Land Use component of the Master Plan identifies this area as Industrial Business Park.
- Objective 6-Encourage multiple scales of commercial development to serve the needs of the region, the community, and individual neighborhoods.
- Objective 7-Promote high quality and visually appealing industrial uses, where appropriate, to ensure economic sustainability as well as strengthen the community's image.
- Objective 8-Ensure that new development does not negatively impact County-wide natural systems, or public/federal lands such as waterways, wetlands, drainages, floodplains etc., or pose a danger to human health and safety.
- Corresponding zoning districts are IBC-Industrial Business Park, LI-Light Industrial, and IC-Industrial Commercial.

Elko Wellhead Protection Plan

- The property is located within the 5-year capture zone.
- Conformance with the Wellhead Protection Plan is required.

Section 3-2-4-Establishment of Zoning Districts

- Conformance with this section is required

Section 3-2-11-(B)-(IC) Industrial Commercial District

- Conformance with this section is required

Section 3-2-17-Traffic, Access, Parking and Loading Regulations

- Conformance with this section is required

Section 3-2-21-Amendments

- Conformance with this section is required

Findings

1. The proposed rezone does not appear to frustrate the goals and policies of the Land Use Component of the Master Plan.

2. Industrial Commercial is a corresponding district of Industrial Business Park Land Use designation
3. The proposed rezone is in conformance with City Code 3-2-4-B and C
4. The proposed rezone is in conformance with City Code 3-2-11-B.
5. The proposed rezone is in conformance with City Code 3-2-17
6. The proposed rezone is in conformance with City Code 3-2--8
7. The proposed rezone is in conformance with the City of Elko Wellhead Protection Plan.
8. Development under the proposed rezone will not adversely impact natural systems, or public/federal lands such as waterways, wetlands, drainages, floodplains etc. or pose a danger to human health and safety.

Recommendation

The City of Elko **Development Department** recommends that the proposed zone changes be approved.



CITY OF ELKO

Planning Department

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

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

CITY OF ELKO PLANNING COMMISSION ACTION REPORT Regular Meeting of February 6, 2018

WHEREAS, the following item was reviewed and considered by the Elko City Planning Commission on February 6, 2018 under Public Hearing format in accordance with notification requirements contained in N.R.S. 278.260 and Elko City Code Section 3-2-21:

Rezone No. 10-17, filed by Surebrec Holdings, LLC, for a change in zoning from AG (General Agricultural) to IC (Industrial Commercial), approximately 62.03 acres of property, to allow for future development, and matters related thereto.

The subject property is located generally northeast of the intersection of Statice Street and Delaware Avenue. (APN 006-10C-006)

NOW THEREFORE, upon review and consideration of the application, supporting data, public input and testimony, the Planning Commission forwards a recommendation to City Council to adopt a resolution which conditionally approves Rezone No. 10-17, subject to the conditions listed in the City of Elko Staff Report dated January 26, 2018, listed as follows:

Engineering Department:

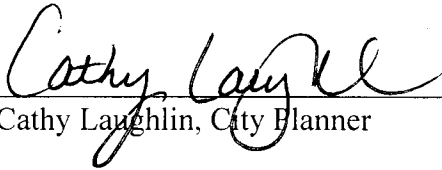
1. The parcel described by metes and bounds does not match the parcel of record. Please revise the legal description to reference the map instead of the metes and bounds description. The revision is required prior to Council consideration of the application.

Planning Department:

1. Council approval of Annexation 3-17 is required prior to action taken on this application.
2. The applicant enters into an agreement with the City relinquishing or identifying any residual rights that may exist under the agreement between the State of Nevada and the City.

The Planning Commission's findings to support its recommendation are the proposed zone district is in conformance with the City of Elko Master Plan Land Use Component. The proposed zone district is compatible with the Master Plan Transportation Component and is consistent with the existing transportation infrastructure. The proposed zone district is consistent with the City of Elko Wellhead Protection Plan. The Proposed zone district is in conformance with City Code 3-2-4(B), (C), and (D). The proposed zone district is in conformance with Section 3-2-11, IC-Industrial Commercial Districts. The property is large enough to meet the development standards specified in Section 3-2-11 of Elko City Code. The proposed zone district is in conformance with City Code 3-2-17. The proposed zone district is consistent with surrounding

land uses. The topography of the area is well suited for the proposed commercial and light industrial land uses. Development under the proposed zone district will not adversely impact natural systems, or public/federal lands such as waterways, wetlands, drainages, floodplains etc., or pose a danger to human health and safety.


Cathy Laughlin, City Planner

Attest:


Shelby Archuleta, Planning Technician

CC: Applicant
Jeremy Draper, Development Manager (via email)
Bob Thibault, Civil Engineer
Shanell Owen, City Clerk



CITY OF ELKO PLANNING DEPARTMENT

1751 College Avenue * Elko * Nevada * 89801

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

APPLICATION FOR ZONE CHANGE

APPLICANT(s): Surebrec Holdings, LLC

MAILING ADDRESS: 207 Brookwood Drive, Elko, Nevada 89801

PHONE NO (Home): 775-219-8199

(Business):

NAME OF PROPERTY OWNER (If different):

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

MAILING ADDRESS: Same

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

ASSESSOR'S PARCEL NO.: 006-10C-006 **Address:** O St & Tice St

Lot(s), Block(s), & Subdivision: 36 35N 56E

Or Parcel(s) & File No.: 730066

FILING REQUIREMENTS:

Complete Application Form: In order to begin processing the application, an application form must be complete and signed. *Complete* applications are due at least 21 days prior to the next scheduled meeting of the Elko City Planning Commission (meetings are the 1st Tuesday of every month).

Fee: A \$300.00 non-refundable filing fee.

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

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

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

Note: One .pdf of the entire application must be submitted as well as one set of legible, reproducible plans 8 1/2" x 11" in size. If the applicant feels the Commission needs to see 24" x 36" plans, 10 sets of pre-folded plans must be submitted.

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

RECEIVED

1. Identify the existing zoning classification of the property: _____
OS Open Space

2. Identify the zoning Classification being proposed/requested: _____
IC Industrial Commercial

3. Explain in detail the type and nature of the use anticipated on the property: _____
A mixture of commercial and small scale industrial uses which may include retail and service activities, office buildings, public and quasi-public land uses, building and material sales, lumber yards, automotive dealerships, and/or conditional uses permitted to include gas station, RV parks, residential uses.
Using light industrial and/or commercial development standards where appropriate.

4. Explain how the proposed zoning classification relates with other zoning classifications in the area:
The proposed zone is complimentary to other zoning in the area.

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

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

By My Signature below:

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


Applicant / Agent Robert Fitzgerald
(Please print or type)

Mailing Address 207 Brookwood Drive
Street Address or P.O. Box

Elko, Nevada 89801
City, State, Zip Code

Phone Number: 775-219-8199

Email address: rob.fitz@earthlink.net

SIGNATURE: 

FOR OFFICE USE ONLY

File No.: 10-17 **Date Filed:** 11/2/17 **Fee Paid:** \$300 CK# 1043

**Elko City Council
Agenda Action Sheet**

1. Title: **Review, consideration, and possible action to adopt Resolution No. 7-18, a resolution of the Elko City Council adopting a change in zoning district boundaries from (LI) Light Industrial to (IC) Industrial Commercial, approximately 1.5 acres of property located generally north side of Silver Street between River Street and 1st Street, APN 001-691-007, filed by MRP, LLC., and processed as Rezone No. 11-17, and matters related thereto. FOR POSSIBLE ACTION**
2. Meeting Date: **February 27, 2018**
3. Agenda Category: **PUBLIC HEARING**
4. Time Required: **10 Minutes**
5. Background Information: **The Planning Commission considered the Subject Zone Change Request on February 6, 2018, and took action to forward a recommendation to Council to adopt a resolution, which approves Rezone No. 11-17. CL**
6. Budget Information:

Appropriation Required: **N/A**
Budget amount available: **N/A**
Fund name: **N/A**
7. Business Impact Statement: **Not Required**
8. Supplemental Agenda Information: **Resolution, P.C. Action Report, Staff Memos and Related Correspondence**
9. Recommended Motion: **Adopt Resolution No. 7-18**
10. Prepared By: **Cathy Laughlin, City Planner**
11. Committee/Other Agency Review: **Planning Commission, Legal Counsel**
12. Council Action:
13. Agenda Distribution: **MRP LLC
P.O. Box 2730
Elko, NV 89803**

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

**CITY OF ELKO
RESOLUTION NO. 07-18**

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

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

WHEREAS, the Elko City Council has received and reviewed the application submitted by MRP, LLC (petitioner), together with any public input, supporting data and evidence, and the previous action taken by the Planning Commission pertaining to Rezone Application No. 11-17.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE ELKO CITY COUNCIL that Rezone Application No. 11-17, involving a change in zoning from LI (Light Industrial) to IC (Industrial Commercial) involving approximately 1.5 acres of property located generally on the north side of W. Silver Street, approximately 427 feet west of 2nd Street, more particularly described as Block 10 Lot "C" as shown on "Record of Survey of Block 10, Lot B Elko Industrial Park" located in Section 15, Township 34 North, Range 55 East, M.D.B.&M., Elko County, Nevada filed in the office of the County Recorder of Elko County, Nevada, on October 30, 1996, as File No. 396517, and shown on description and map at Exhibit A attached hereto, is hereby adopted.

IT IS FURTHER RESOLVED AND ORDERED that this Resolution shall be signed by the Mayor and attested to by the City Clerk.

PASSED AND ADOPTED this ___ day of _____, 2018.

CITY OF ELKO

By: _____
 , MAYOR

ATTEST:

, CITY CLERK

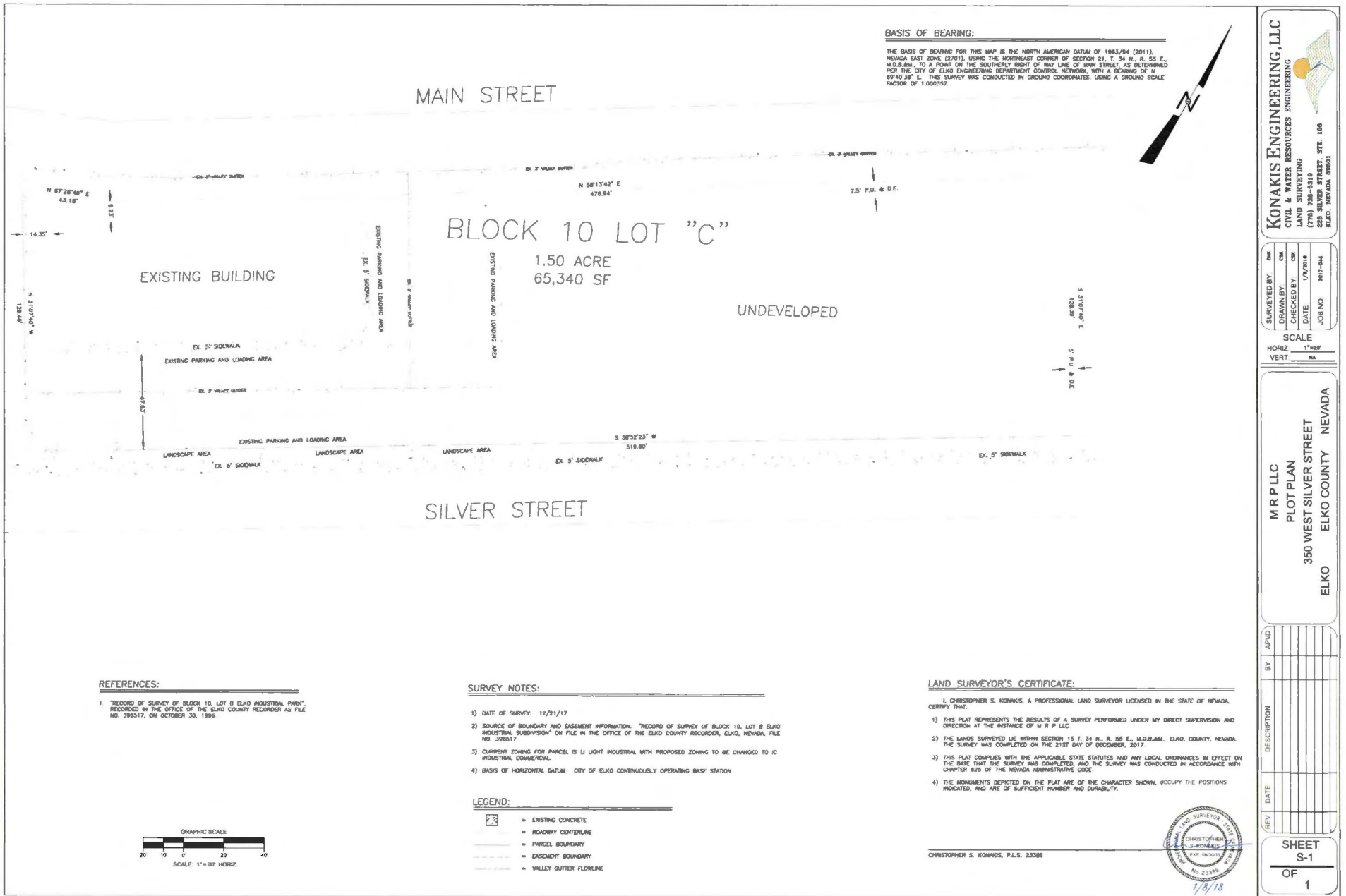
VOTE:

AYES:

NAYS:

ABSENT:

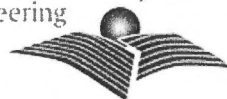
ABSTAIN:



KONAKIS ENGINEERING, LLC

Civil & Water Resources Engineering
Land Surveying

225 Silver Street, Suite 106
Elko, Nevada 89801
725.738.5119



RECEIVED

JAN 09 2018

PS

LEGAL DESCRIPTION

APN 001-691-007

The land referred to herein is situated in the State of Nevada, City of Elko and more particularly described as follows:

Block 10 Lot "C" as shown on "Record of Survey of Block 10, Lot B Elko Industrial Park" located in Section 15, Township 34 North, Range 55 East, M.D.B.&M., Elko County, Nevada filed in the office of the County Recorder of Elko County, Nevada, on October 30, 1996, as File No. 396517.

Description Prepared By:

Christopher S. Konakis, PLS
Konakis Engineering, LLC
225 Silver Street, Suite 106
Elko, Nevada 89801



1/9/2018

END OF DESCRIPTION



City of Elko
1751 College Avenue
Elko, NV 89801
(775) 777-7160
FAX (775) 777-7219

CITY OF ELKO STAFF REPORT

MEMO DATE:	January 30, 2018
PLANNING COMMISSION DATE:	February 6, 2018
CITY COUNCIL DATE:	February 27, 2018
AGENDA ITEM NUMBER:	
APPLICATION NUMBER:	REZONE 11-17
APPLICANT:	MRP LLC
PROJECT DESCRIPTION:	North side of Silver St between River St and 1st Street

A rezone from Light Industrial (LI) to Industrial Commercial (IC) providing for commercial uses in addition to the light industrial uses



STAFF RECOMMENDATION:

RECOMMEND APPROVAL, subject to findings of facts, and conditions.

PROJECT INFORMATION

PARCEL NUMBER: 001-691-007

PARCEL SIZE: 1.5 acres

EXISTING ZONING: (LI) Light Industrial

MASTER PLAN DESIGNATION: (COMM-GEN) Commercial General

EXISTING LAND USE: One lot partially developed and leased with Commercial and Industrial uses. Area available for expansion.

NEIGHBORHOOD CHARACTERISTICS:

- The property is surrounded by:
 - North: Light Industrial (LI) / Developed
 - West: Light Industrial (LI) / Developed
 - South: Industrial Commercial (IC) / Partially Developed
 - East: Light Industrial (LI) / Developed

PROPERTY CHARACTERISTICS:

- The property is partially developed. One half of the lot is currently vacant
- The property is generally flat.
- The property will be accessed from Silver Street with rear access from Main Street

MASTER PLAN AND CITY CODE SECTIONS:

Applicable Master Plans and City Code Sections are:

- City of Elko Master Plan – Land Use Component
- City of Elko Master Plan – Transportation Component
- City of Wellhead Protection Plan
- City of Elko Zoning – Section 3-2-4 Establishment of Zoning Districts
- City of Elko Zoning – Section 3-2-11(B) Industrial Commercial District (IC)
- City of Elko Zoning – Section 3-2-17 Traffic, Access, Parking and Loading Regulations
- City of Elko Zoning – Section 3-2-21 Amendments
- City of Elko Zoning – Section 3-8 Flood Plain Management

BACKGROUND:

1. The application has been filed by MRP, LLC, owner of the property.
2. The proposed zone district includes all of APN 001-691-007.
3. The parcel is identified as Lot C Block 10 of the Elko Industrial Subdivision
4. The parcel is partially developed with commercial and light industrial land uses.

5. The parcel is located on the north side of Silver Street approximately 225' west of 2nd Street.
6. The proposed zone district is compatible with the Land Use Component and Transportation Component of the City's Master Plan.
7. The area proposed for rezone fronts Silver Street and the rear of the property fronts Main Street.
8. The surrounding area is developed or partially developed with light industrial and/or commercial uses.
9. City staff has reviewed a business license request for a retail establishment within the developed property. Retail establishments are not part of the permitted uses in Light Industrial (LI). The fact should not be considered a basis for a zone amendment.
10. The property owner has plans for two buildings equal in size and appearance for the property. It is currently only developed with one building which was built in 1998. This fact should not be considered a basis for a zone amendment.

MASTER PLAN:

Land use:

1. The Master Plan Land Use Atlas shows the area as Commercial Highway.
2. Industrial Commercial is listed as a corresponding zoning district for Highway Commercial in the Master Plan.
3. The listed Goal of the Land Use component states "Promote orderly, sustainable growth and efficient land use to improve quality of life and ensure new development meets the needs of all residents and visitors".
4. Objective 4: Consider a mixed-use pattern of development for the downtown area, and for major centers and corridors, to ensure the area's adaptability, longevity and overall sustainability.
5. Objective 6: Encourage multiple scales of commercial development to serve the needs of the region, the community, and individual neighborhoods.
6. Objective 7: Promote high quality and visually appealing industrial uses, where appropriate, to ensure economic sustainability as well as strengthen the community's image.
7. Objective 8: Encourage new development that does not negatively impact County-wide natural systems, or public/federal lands such as waterways, wetlands, drainages, floodplains etc., or pose a danger to human health and safety.

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

Transportation:

1. The area will be accessed from Silver Street with a secondary rear access from West Main Street.
2. Silver Street is classified as a Principal Arterial.

The proposed zone district is compatible with the Master Plan Transportation Component and is consistent with the existing transportation infrastructure.

ELKO REDEVELOPMENT PLAN:

1. The property is located within the redevelopment area.

2. The proposed zone district is compatible with the goals and objectives of the Redevelopment Plan providing for additional commercial uses and economic growth to the downtown.

The proposed zone district is in conformance with the Elko Redevelopment Plan.

ELKO WELLHEAD PROTECTION PLAN:

1. The property is not located within any identified capture zones for City wells.

SECTION 3-2-4 – ESTABLISHMENT OF ZONING DISTRICTS:

1. The property meets the area requirements for the proposed zone district.
2. The existing development does not exceed the maximum height in the City Airport Master Plan.

The proposed zone change is in conformance with Elko City Code Section 3-2-4.

SECTION 3-2-11(B) – INDUSTRIAL COMMERCIAL DISTRICT:

1. The IC- Industrial Commercial zoning district allows for light industrial and commercial uses. Development standards are based on the use of the property. Due to the location and current tenants of the existing development, the property would be considered commercial use and be required to develop to the standards set forth in section 3-2-10 of the Elko City Code.
2. The existing development meets the requirements under 3-2-11 for minimum area, minimum lot width, front and rear yard setbacks, side yard setback and maximum building height for commercial development.
3. The site plan indicates the rear setback at 9.25 feet which does not meet the required setback for Light Industrial development stipulated in Section 3-2-11 of city code. The current uses of the existing building are commercial.
4. The existing development is consistent with the listed commercial principal uses.
5. The existing development is not adjacent to a residential zoning district therefore a conditional use permit is not required.
6. The existing development meets the requirements for the provisions of landscaping.

The proposed zone change is in conformance with Elko City Code Section 3-2-11.

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

1. The existing development meets the requirements under 3-2-17.
2. If the developer expands upon the property, conformity with the section 3-2-17 is required.

The proposed zone change is in conformance with Elko City Code Section 3-2-17.

SECTION 3-2-21 - AMENDMENTS:

1. The applicant has conformed to this section of code with the filing of the application.

SECTION 3-8 - FLOOD PLAIN MANAGEMENT:

1. This parcel is located outside a Special Flood Hazard Area (SFHA).

FINDINGS:

1. The proposed rezone is in conformance with the Master Plan Land Use Component.
2. The proposed rezone is compatible with the Master Plan Transportation Component and is consistent with the existing transportation infrastructure.
3. The proposed zone district is consistent with City of Elko Wellhead Protection Plan.
4. The proposed zone district is consistent with the City of Elko Redevelopment Plan.
5. The proposed zone district is in conformance with City Code 3-2-4(B) & (C)
6. The proposed zone district is in conformance with Section 3-2-11 IC- Industrial Commercial Districts.
7. The proposed zone district is in conformance with City Code 3-2-17
8. The proposed zone district is consistent with surrounding land uses.
9. The topography of the area is well suited for the proposed light industrial and commercial land uses
10. Development under the proposed zone district will not adversely impact natural systems, or public/federal lands such as waterways, wetlands, drainages, floodplains etc., or pose a danger to human health and safety.

STAFF RECOMMENDATION:

Staff recommends this item be **approved**



CITY OF ELKO
DEVELOPMENT DEPARTMENT
1755 COLLEGE AVENUE
ELKO, NEVADA 89801
(775)777-7210
(775)777-7219 FAX

To: Elko City Planning Commission
From: Jeremy Draper, Development Manager
RE: Rezone 11-17, MRP, LLC, 3500 W Silver St
Date: January 12, 2018

The City of Elko Development Department is providing this correspondence to aid the Planning Commission's review of Rezone Application 11-17.

Project Information



- The property is located generally 700 ft west of the intersection of 2nd Street and Silver Street.
- The property is identified as APN 001-691-007
- The parcel is partially developed.
- The parcel is currently zoned LI-Light Industrial District.
- The proposed rezone would result in a rezone of proposed parcel 1 being 1.50 acres of IC-Industrial Commercial.

- The property is bound by Light Industrial to the north, east, and west and Industrial Commercial to the south.
- The property is not located within a FEMA Floodzone.

Master Plan

Land Use:

- The Land Use component of the Master Plan identifies this area as General Commercial.
- Objective 6-Encourage multiple scales of commercial development to serve the needs of the region, the community, and individual neighborhoods.
- Corresponding zoning districts for General Commercial are C-General Commercial, CC-Convenience Commercial, CT-Commercial Transitional, PC-Planned Commercial, IC-Industrial Commercial.

Elko Wellhead Protection Plan

- The property is located outside the 30-year capture zone.
- Conformance with the Wellhead Protection Plan is required.

Section 3-2-4-Establishment of Zoning Districts

- Conformance with this section is required

Section 3-2-11-(B)-(IC) Industrial Commercial District

- It would appear from the current and proposed uses within the building that the development standards of the Commercial zone should be followed.
- Conformance with this section is required

Section 3-2-17-Traffic, Access, Parking and Loading Regulations

- Conformance with this section is required

Section 3-2-21-Amendments

- Conformance with this section is required

Findings

1. The proposed rezone does not appear to frustrate the goals and policies of the Land Use Component of the Master Plan.
2. The proposed rezone is in conformance with City Code 3-2-4-B and C
3. The proposed rezone is in conformance with City Code 3-2-11-B.

4. The proposed rezone is in conformance with City Code 3-2-17
5. The proposed rezone is in conformance with City Code 3-2--8
6. The proposed rezone is in conformance with the City of Elko Wellhead Protection Plan.
7. Development under the proposed rezone will not adversely impact natural systems, or public/federal lands such as waterways, wetlands, drainages, floodplains etc. or pose a danger to human health and safety.

Recommendation

The City of Elko **Development Department** recommends that the proposed zone changes be approved.



CITY OF ELKO

Planning Department

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

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

CITY OF ELKO PLANNING COMMISSION ACTION REPORT Regular Meeting of February 6, 2018

WHEREAS, the following item was reviewed and considered by the Elko City Planning Commission on February 6, 2018 under Public Hearing format in accordance with notification requirements contained in N.R.S. 278.260 and Elko City Code Section 3-2-21:

Rezone No. 11-17, filed by MRP, LLC, for a change in zoning from LI (Light Industrial) to IC (Industrial Commercial), approximately 1.5 acres of property, to allow for commercial uses, and matters related thereto.

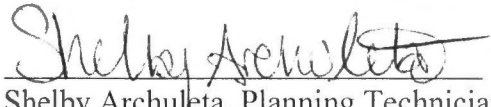
The subject property is located generally on the north side of Silver Street, between River Street and 1st Street (350 W. Silver Street, APN 001-691-007).

NOW THEREFORE, upon review and consideration of the application, supporting data, public input and testimony, the Planning Commission forwards a recommendation to City Council to adopt a resolution, which approves Rezone No. 11-17.

The Planning Commission's findings to support its recommendation are the proposed zone district is in conformance with the City of Elko Master Plan Land Use Component. The proposed zone district is compatible with the Master Plan Transportation Component and is consistent with the existing transportation infrastructure. The proposed zone district is consistent with the City of Elko Wellhead Protection Plan. The proposed zone district is consistent with the City of Elko Redevelopment Plan. The Proposed zone district is in conformance with City Code 3-2-4(B) and (C). The proposed zone district is in conformance with Section 3-2-11, IC-Industrial Commercial Districts. The proposed zone district is in conformance with City Code 3-2-17. The proposed zone district is consistent with surrounding land uses. The topography of the area is well suited for the proposed commercial and light industrial land uses. Development under the proposed zone district will not adversely impact natural systems, or public/federal lands such as waterways, wetlands, drainages, floodplains etc., or pose a danger to human health and safety.


Cathy Laughlin, City Planner

Attest:


Shelby Archuleta, Planning Technician

CC: Applicant
Jeremy Draper, Development Manager (via email)
Bob Thibault, Civil Engineer
Shanell Owen, City Clerk



CITY OF ELKO PLANNING DEPARTMENT

1751 College Avenue * Elko * Nevada * 89801

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

APPLICATION FOR ZONE CHANGE

APPLICANT(s): M R P. LLC

MAILING ADDRESS: PO Box 2730 Elko, NV 89803

PHONE NO (Home) 775-397-8788 (Business) same

NAME OF PROPERTY OWNER (If different): same

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

MAILING ADDRESS: same

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

ASSESSOR'S PARCEL NO.: 001-691-007 Address 350 W Silver St.

Lot(s), Block(s), & Subdivision attached

Or Parcel(s) & File No. _____

FILING REQUIREMENTS:

Complete Application Form: In order to begin processing the application, an application form must be complete and signed. *Complete* applications are due at least 21 days prior to the next scheduled meeting of the Elko City Planning Commission (meetings are the 1st Tuesday of every month).

Fee: A \$300.00 non-refundable filing fee.

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

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

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

Note: One .pdf of the entire application must be submitted as well as one set of legible, reproducible plans 8 1/2" x 11" in size. If the applicant feels the Commission needs to see 24" x 36" plans, 10 sets of pre-folded plans must be submitted.

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

RECEIVED

NOV 20 2015

Initial _____

1. Identify the existing zoning classification of the property: Light Industrial (ZLI)
2. Identify the zoning Classification being proposed/requested: (IC) Industrial Commercial
3. Explain in detail the type and nature of the use anticipated on the property: The proposed rezoning would allow us to lease space to retail stores in addition to our current tenants. Currently, Social Security Administration & The State of Nevada have offices, as well as Major Drilling & Fast Glass. Modified Vapors has leased our last available space & they are a retail store needing the commercial/industrial change. M.R.P. LLC is also working on some new site plans for the vacant lot adjacent to the existing Silver St. Square. Having the option to lease the "new location" to retail businesses would be a valuable asset to us & the community.
4. Explain how the proposed zoning classification relates with other zoning classifications in the area: The planning commission & City Council approved the same zoning change across the street for Modified Vapors at their current location of 345 W. Silver St. The change will enhance the businesses along Silver St, there are other retail locations within several blocks of said property.
5. Identify any unique physical features or characteristics associated with the property: Our current building Silver St. Square, has many great long term tenants, we are in the process of getting some drawings done for the adjacent lot. It is our intention to bring many more great business back to downtown Elko.

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

By My Signature below:

☒ I consent to having the City of Elko Staff enter on my property for the sole purpose of inspection of said property as part of this application process.

☐ I object to having the City of Elko Staff enter onto my property as a part of their review of this application. (Your objection will not affect the recommendation made by the staff or the final determination made by the City Planning Commission or the City Council.)

☒ I acknowledge that submission of this application does not imply approval of this request by the City Planning Department, the City Planning Commission and the City Council, nor does it in and of itself guarantee issuance of any other required permits and/or licenses.

☒ I acknowledge that this application may be tabled until a later meeting if either I or my designated representative or agent is not present at the meeting for which this application is scheduled.

☒ I have carefully read and completed all questions contained within this application to the best of my ability.

Applicant / Agent M.R.P. LLC Angie Heguy, K. Scott Burns
(Please print or type)

Mailing Address P.O. Box 2730
Street Address or P.O. Box

Elko, NV 89803
City, State, Zip Code

Phone Number: 775 397-8788

Email address: angieheguy@gmail.com

SIGNATURE: Angie Heguy, Manager
K. Scott Burns, Member

FOR OFFICE USE ONLY

File No.: 11-17 **Date Filed:** 11/28/17 **Fee Paid:** \$300 CK# 1592

**Elko City Council
Agenda Action Sheet**

1. Title: **Review, consideration, and possible action to adopt Resolution No. 8-18, a resolution of the Elko City Council adopting a change in zoning district boundaries from (AG) General Agriculture to (LI) Light Industrial, approximately 3 acres of property located generally on the north side of West Idaho Street, approximately 2,500 feet east of I-80 Exit 298, filed by Swire Coca Cola, USA and processed as Rezone No. 12-17, and matters related thereto. FOR POSSIBLE ACTION**
2. Meeting Date: **February 27, 2018**
3. Agenda Category: **PUBLIC HEARING**
4. Time Required: **10 Minutes**
5. Background Information: **The Planning Commission considered the Subject Zone Change Request on February 6, 2018, and took action to forward a recommendation to Council to adopt a resolution, which conditionally approves Rezone No. 12-17. CL**
6. Budget Information:
 Appropriation Required: **N/A**
 Budget amount available: **N/A**
 Fund name: **N/A**
7. Business Impact Statement: **Not Required**
8. Supplemental Agenda Information: **Resolution, P.C. Action Report, Staff Memos and Related Correspondence**
9. Recommended Motion: **Adopt Resolution No. 8-18**
10. Prepared By: **Cathy Laughlin, City Planner**
11. Committee/Other Agency Review: **Planning Commission, Legal Counsel**
12. Council Action:
13. Agenda Distribution: **Swire Coca-Cola, USA
Attention: Mr. Dan Reid
12634 South 265 West
Draper, UT 84020**

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

**CITY OF ELKO
RESOLUTION NO. 08-18**

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

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

WHEREAS, the Elko City Council has received and reviewed the application submitted by Swire Coca-Cola, USA (petitioner), together with any public input, supporting data and evidence, and the previous action taken by the Planning Commission pertaining to Rezone Application No. 12-17.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE ELKO CITY COUNCIL that Rezone Application No. 12-17, involving a change in zoning from AG (General Agricultural) to LI (Light Industrial) involving approximately 3.00 acres of property located generally on the north side of West Idaho Street, approximately 2,500 feet east from I-80 Exit 298, more particularly described as Parcel 1 as shown on that certain Parcel Map for Frances Adeline Warmbrodt filed in the office of the County Recorder of Elko County, State of Nevada, on October 12, 1988, as File No. 263740, as amended by Certificate recorded January 23, 1989, being a portion of Sections 19 and 20, Township 34 North, Range 55 East, M.D.B.&M., and shown on the description and map at Exhibit A attached hereto is hereby adopted, subject to the following conditions agreed to by the petitioner:

1. The rezone not take effect until the conditions for Annexation 3-17 are satisfied and the annexation is made of record.

IT IS FURTHER RESOLVED AND ORDERED that this Resolution shall not be signed and recorded until the aforementioned conditions are satisfied.

IT IS FURTHER RESOLVED AND ORDERED that upon the above conditions being satisfied, this Resolution shall be signed by the Mayor and attested to by the City Clerk.

PASSED AND ADOPTED this __ day of _____, 2018.

CITY OF ELKO

By: _____
 , MAYOR

ATTEST:

, CITY CLERK

VOTE:

AYES:

NAYS:

ABSENT:

ABSTAIN:

Exhibit A

Blue Stakes Location Lender

Call: Toll Free
1-800-662-4111

Two Working Days Before You Dig

The 811 logo, featuring the number 811 in white on a green shield-like background.

**NOTE: BOUNDARY
 DETERMINED FROM ELKO
 COUNTY G.S. FIELD
 VERIFY, AS-REQUIRED**

006-090-037
BARRICK GOLDSTRIKE
MINES INC

Note: Contractor to verify ALL Existing Utility Locations, Terminations and Invert Elevations.

Existing Zoning: Highway Commercial
Requested Zoning Change: Light Industrial

**Reeve
& Associates, Inc.**

BIG-D
CONSTRUCTION

DATE	DESCRIPTION
03-03-17	TP Design Complete
06-01-17	TP Water Main Layout
08-14-17	TP Water Main Layout
08-30-17	TP Water Main Layout
11-29-17	TP Water Main Layout

**Swire Coca-Cola
Improvement Plans**
CITY OF ELKO, ELKO COUNTY, NV



Project Info.
Engineer: J. NATE REEVE
Drafter: T. PRODEMORE
Begin Date: FEBRUARY 22, 2017
Name: SWIRE COCA-COLA
BUILDING ADDITION
IMPROVEMENT PLANS
Number: 4805-12

Sheet	7
4	Sheets

THESE PLANS AND SPECIFICATIONS ARE THE PROPERTY OF REEVE & ASSOCIATES, INC., 5180 SOUTH 1500 WEST, RENO, UTAH 84405, AND SHALL NOT BE PHOTOCOPIED, RE-DRAWN, OR USED ON ANY PROJECT OTHER THAN THE PROJECT SPECIFICALLY DESIGNED FOR, WITHOUT THEIR WRITTEN PERMISSION. THE OWNERS AND ENGINEERS OF REEVE & ASSOCIATES, INC. DISCLAIM ANY LIABILITY FOR ANY CHANGES OR MODIFICATIONS MADE TO THESE PLANS OR THE DESIGN THEREON WITHOUT THEIR CONSENT.

RECEIVED

Initial _____

LEGAL DESCRIPTION

The land referred to herein is situated in the State of Nevada, County of Elko, described as follows:

Parcel 1 as shown on that certain Parcel Map for Frances Adeline Warmbrodt filed in the office of the County Recorder of Elko County, State of Nevada, on October 12, 1988, as File No. 263740, as amended by Certificate recorded January 23, 1989, being a portion of Sections 19 and 20, Township 34 North, Range 55 East, M.D.B.&M..



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

CITY OF ELKO STAFF REPORT

DATE:	January 11, 2018
PLANNING COMMISSION DATE:	February 6, 2018
CITY COUNCIL DATE:	February 27, 2018
APPLICATION NUMBER:	REZONE 12-17
APPLICANT:	Swire Coca-Cola, USA
PROJECT DESCRIPTION:	Zone Designation for Proposed Annexation
ADDITIONAL APPLICATION:	Annexation Application 3-17

A zone designation upon annexation of property to Light Industrial (LI).



STAFF RECOMMENDATION:

RECOMMEND APPROVAL, subject to findings of fact, and conditions.

PROJECT INFORMATION

PARCEL NUMBER:	006-09G-039; will be issued a new APN upon finalization of the annexation.
PARCEL SIZE:	3 acres
EXISTING ZONING:	Currently in Elko County; (AG) General Agriculture zoning with final approval of the annexation application. Petition of the annexation was accepted by City Council on 1-9-2018.
MASTER PLAN DESIGNATION:	(IND-GEN) Industrial General
EXISTING LAND USE:	Developed land consistent with Light Industrial Principal Permitted Use

NEIGHBORHOOD CHARACTERISTICS:

- The property is surrounded by:
 - North: Elko County Property / Developed as Barrick parking lot
 - West: General Agriculture (AG) / Undeveloped
 - South: General Agriculture (AG) / Undeveloped
 - East: Elko County Property / Developed as trailer court

PROPERTY CHARACTERISTICS:

- The property is developed.
- The property is generally flat.
- The property will be accessed from West Idaho Street

MASTER PLAN AND CITY CODE SECTIONS:

Applicable Master Plans and City Code Sections are:

- City of Elko Master Plan – Land Use Component
- City of Elko Master Plan – Transportation Component
- City of Wellhead Protection Plan
- City of Elko Zoning – Section 3-2-4 Establishment of Zoning Districts
- City of Elko Zoning – Section 3-2-12 LI, GI Industrial Districts
- City of Elko Zoning – Section 3-2-17 Traffic, Access, Parking and Loading Regulations
- City of Elko Zoning – Section 3-2-21 Amendments
- City of Elko Zoning – Section 3-8 Flood Plain Management

BACKGROUND:

1. Swire Coca-Cola, USA, owner of the property, has filed the application.
2. The applicant has applied for annexation into the City of Elko. The City Council accepted the petition for the subject annexation on January 9, 2018, and directed Staff to continue

- with the annexation process by referring the matter to the Planning Commission.
3. The application is being processed concurrent with annexation application 3-17.
 4. The proposed zone district includes all of APN 006-09G-039 which is the area identified in annexation application 3-17.
 5. The property is located approximately 2,500 feet east of I-80 Exit 298. The City of Elko has recently received applications for new development and expansion of existing development in the immediate vicinity. This is partially due to the water line extension to exit 298 in 2016.
 6. The surrounding area is partially developed with light industrial land uses.
 7. The area proposed for rezone fronts West Idaho Street.
 8. City utilities have not been extended to the edge of the property. The property owner has entered into an agreement with Golden Gate Petroleum and the City of Elko for a water line extension along Sheep Creek Trail. Construction is expected to begin spring 2018. Sewer is not available in close vicinity to the property. The property owner would be required to install dry sewer along the frontage of the property and connect when it is available.
 9. Other non-city utilities are located in the immediate vicinity.
 10. The requested zoning district is in conformance with the City of Elko Master Plan.

MASTER PLAN:

Land use

1. The Master Plan Land Use Atlas shows the area as General Industrial.
2. Supporting zone districts for General Industrial are General Industrial, Light Industrial and Industrial Commercial.
3. Objective 5: Encourage development that strengthens the core of the City, and new annexations that are logical and orderly and do not promote sprawl.
4. Objective 7: Promote high quality and visually appealing industrial uses, where appropriate, to promote economic sustainability and strengthen the community's image.
5. Objective 8: Encourage new development that does not negatively impact County wide natural systems, or public/federal lands such as waterways, wetlands, drainages, floodplains etc., or pose a danger to human health and safety.

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

Transportation

1. The area will be accessed from West Idaho Street.
2. West Idaho Street is classified as a Major Arterial.
3. The proposed zone change is commensurate with the surrounding transportation infrastructure.

The proposed zone district is compatible with the Master Plan Transportation Component and is consistent with the existing transportation infrastructure.

ELKO REDEVELOPMENT PLAN:

1. The property is not located within the redevelopment area.

ELKO WELLHEAD PROTECTION PLAN:

1. The property is located outside the 30-year capture zone for several City wells.

SECTION 3-2-4 Establishment of Zoning Districts:

1. The Planning Commission can recommend to the City Council a zone classification for annexed territory other the default Agriculture District. The applicant has filed this application in conformance with the code requesting the Light Industrial Zoning District. The proposed district is in conformance with the Master Plan.
2. The property meets the area requirements for the proposed zone district.

The proposed zone change is in conformance with Elko City Code Section 3-2-4.

SECTION 3-2-12(A) – Light Industrial District –LI:

1. The existing development meets the requirements under 3-2-12 for minimum area, minimum lot width, front and rear yard setbacks, side yard setback and maximum building height.
2. The existing development is consistent with the listed principal uses permitted.
3. The existing development does not abut a residential zoning district therefore; a conditional use permit is not required.
4. The existing development meets the requirements for the provisions of landscaping.

The proposed zone change is in conformance with Elko City Code Section 3-2-12.

SECTION 3-2-17:

1. Existing development meets the requirements under 3-2-17.
2. Conformity with the section is required if the existing facilities are expanded or the use changes.

The proposed zone change is in conformance with Elko City Code Section 3-2-17.

SECTION 3-2-21:

1. The applicant has conformed to this section of code with the filing of the application.

SECTION 3-8:

1. This parcel is not designated in a Special Flood Hazard Area (SFHA).

FINDINGS:

1. The proposed rezone is in conformance with the Master Plan Land Use Component.
2. The proposed rezone is compatible with the Master Plan Transportation Component and is consistent with the existing transportation infrastructure.
3. The proposed zone district is consistent with City of Elko Wellhead Protection Plan.

4. The proposed zone district is in conformance with City Code 3-2-4(B)(C) & (D).
5. The proposed zone district is in conformance with Section 3-2-12(A) LI, GI Industrial Districts.
6. The proposed zone district is in conformance with City Code 3-2-17
7. The proposed zone district is consistent with surrounding land uses.
8. The topography of the area is well suited for the proposed light industrial land uses
9. Development under the proposed zone district will not adversely impact natural systems, or public/federal lands such as waterways, wetlands, drainages, floodplains etc., or pose a danger to human health and safety.

STAFF RECOMMENDATION:

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

Planning Department:

1. Council approval of Annexation 3-17 is required prior to action taken on this application.

Development Department:

1. The rezone not be finalized until the conditions for annexation 3-17 are met and the annexation is of record



CITY OF ELKO
DEVELOPMENT DEPARTMENT
1755 COLLEGE AVENUE
ELKO, NEVADA 89801
(775)777-7210
(775)777-7219 FAX

To: Elko City Planning Commission
From: Jeremy Draper, Development Manager
RE: Rezone 12-17, Swire Coca-Cola, W. Idaho Street
Date: January 12, 2018

The City of Elko Development Department is providing this correspondence to aid the Planning Commission's review of Rezone Application 12-17.

Project Information



- The property is located generally 3,100 ft east of the intersection of I-80 and W. Idaho St.
- The property is identified as a portion of APN 006-09G-036.
- The parcel is currently developed as Swire Coca-Cola.

- Annexation Application 3-17 is currently being considered for approval for this property.
- The parcel will be zoned AG-General Agricultural District upon annexation.
- The proposed rezone would result in a rezone of proposed parcel 1 being 3.00 acres of LI-Light Industrial District.
- The property is bound by AG, to the south and west, county property to the east and north.
- The property is not located within a FEMA Floodzone.

Master Plan

Land Use:

- The Land Use component of the Master Plan identifies this area as General Industrial per amendment 1-17.
- Objective 6: Encourage multiple scales of commercial development to serve the needs of the community, and that of individual neighborhoods
- Objective 7: Promote high quality and visually appealing industrial uses, where appropriate, to ensure economic sustainability as well as strengthen the community's image.
- Corresponding zoning districts for the General Industrial Land Use are LI-Light Industrial, IC-Industrial Commercial, and GI-General Industrial.

Elko Wellhead Protection Plan

- The property is not located within the current wellhead capture zone, however it should be noted that the City of Elko has long range plans for a new well within 4,500 ft of this property.

Section 3-2-4-Establishment of Zoning Districts

- Conformance with this section is required

Section 3-2-12-(A)- (LI) Light Industrial District

- Conformance with this section is required

Section 3-2-17-Traffic, Access, Parking and Loading Regulations

- Conformance with this section is required

Section 3-2-21-Amendments

- Conformance with this section is required

Findings

1. The proposed rezone appears to be compatible with, and not frustrate the City of Elko Master Plan goals and policies found in the Land Use Component.
2. The proposed rezone is in conformance with City Code 3-2-4-B and C
3. The proposed rezone is in conformance with City Code 3-2-17
4. The proposed rezone is in conformance with City Code 3-2-12-(A)
5. The proposed rezone is in conformance with the City of Elko Wellhead Protection Plan.
6. Development under the proposed rezone will not adversely impact natural systems, or public/federal lands such as waterways, wetlands, drainages, floodplains etc. or pose a danger to human health and safety.

Recommendation

The City of Elko **Development Department** recommends that the proposed zone changes be approved with the following conditions:

1. The rezone not be recorded until the conditions for from annexation 3-17 are met and the annexation is of record.



CITY OF ELKO

Planning Department

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

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

CITY OF ELKO PLANNING COMMISSION ACTION REPORT Regular Meeting of February 6, 2018

WHEREAS, the following item was reviewed and considered by the Elko City Planning Commission on February 6, 2018 under Public Hearing format in accordance with notification requirements contained in N.R.S. 278.260 and Elko City Code Section 3-2-21:

Rezone No. 12-17, filed by Swire Coca-Cola, USA, for a change in zoning from AG (General Agricultural) to LI (Light Industrial), approximately 3.00 acres of property, to allow for the continued use of a beverage distribution center, and matters related thereto.

The subject property is located generally on the north side of West Idaho Street, approximately 2,500 feet east of I-80 Exit 298.

NOW THEREFORE, upon review and consideration of the application, supporting data, public input and testimony, the Planning Commission forwards a recommendation to City Council to adopt a resolution which conditionally approves Rezone No. 12-17, subject to the conditions listed in the City of Elko Staff Report dated January 11, 2018, listed as follows:

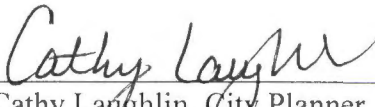
Planning Department:

1. Council approval of Annexation 3-17 is required prior to action taken on this application.

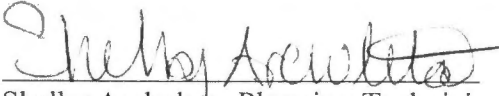
Development Department:

1. The rezone not be finalized until the conditions for annexation 3-17 are met and the annexation is of record

The Planning Commission's findings to support its recommendation are the proposed zone district is in conformance with the City of Elko Master Plan Land Use Component. The proposed zone district is compatible with the Master Plan Transportation Component and is consistent with the existing transportation infrastructure. The proposed zone district is consistent with the City of Elko Wellhead Protection Plan. The Proposed zone district is in conformance with City Code 3-2-4(B), (C), and (D). The proposed zone district is in conformance with Section 3-2-12(A), LI, GI Industrial Districts. The proposed zone district is in conformance with City Code 3-2-17. The proposed zone district is consistent with surrounding land uses. The topography of the area is well suited for the proposed light industrial land uses. Development under the proposed zone district will not adversely impact natural systems, or public/federal lands such as waterways, wetlands, drainages, floodplains etc., or pose a danger to human health and safety.


Cathy Laughlin, City Planner

Attest:


Shelby Archuleta, Planning Technician

CC: Applicant
Jeremy Draper, Development Manager (via email)
Shanell Owen, City Clerk



CITY OF ELKO PLANNING DEPARTMENT

1751 College Avenue * Elko * Nevada * 89801

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

APPLICATION FOR ZONE CHANGE

APPLICANT(s): Swire Coca-Cola, USA

MAILING ADDRESS: 12634 South 265 West, Draper, UT 84020

PHONE NO (Home): _____ **(Business):** 801.816.5670

NAME OF PROPERTY OWNER (If different): _____

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

MAILING ADDRESS: _____

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

ASSESSOR'S PARCEL NO.: 006-09G-036

Address: 3400 West Idaho Street

Lot(s), Block(s), & Subdivision _____

Or Parcel(s) & File No. Parcel 1, Map #263740

FILING REQUIREMENTS:

Complete Application Form: In order to begin processing the application, an application form must be complete and signed. *Complete* applications are due at least 21 days prior to the next scheduled meeting of the Elko City Planning Commission (meetings are the 1st Tuesday of every month).

Fee: A \$300.00 non-refundable filing fee.

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

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

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

Note: One .pdf of the entire application must be submitted as well as one set of legible, reproducible plans 8 1/2" x 11" in size. If the applicant feels the Commission needs to see 24" x 36" plans, 10 sets of pre-folded plans must be submitted.

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

RECEIVED

1. Identify the existing zoning classification of the property: Highway Commercial

2. Identify the zoning Classification being proposed/requested: Light Industrial

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

4. Explain how the proposed zoning classification relates with other zoning classifications in the area: We understand that the City is in the process of a master plan review and that the requested zoning change to Light Industrial will be consistant with the new City master plan, as well as with the use.

5. Identify any unique physical features or characteristics associated with the property: _____
None known

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

By My Signature below:

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

Applicant / Agent Dan Reid, Swire Sr. Manager For Construction
(Please print or type)

Mailing Address 12634 South 265 West
Street Address or P.O. Box
Draper, UT 84020
City, State, Zip Code

Phone Number: 801.816.5670

Email address: dreid@swirecc.com

SIGNATURE: 

FOR OFFICE USE ONLY

File No.: 12-17 **Date Filed:** 12/19/17 **Fee Paid:** Per \$300 **CC #** 6559

**Elko City Council
Agenda Action Sheet**

1. Title: **Review, consideration, and possible action to adopt Resolution No. 9-18, a resolution of the Elko City Council adopting a change in zoning district boundaries from R (Single Family and Multiple Family Residential) to RO (Residential Office), approximately 0.086 acres of property located generally on the south side of Court Street, approximately 50 feet east of 9th Street, filed by Jason Land on behalf of Blaine Branscomb and processed as Rezone No. 2-18, and matters related thereto. FOR POSSIBLE ACTION**
2. Meeting Date: **February 27, 2018**
3. Agenda Category: **PUBLIC HEARING**
4. Time Required: **10 Minutes**
5. Background Information: **The Planning Commission considered the Subject Zone Change Request on February 6, 2018, and took action to forward a recommendation to Council to adopt a resolution, which conditionally approves Rezone No. 2-18. CL**
6. Budget Information:

Appropriation Required: **N/A**
Budget amount available: **N/A**
Fund name: **N/A**
7. Business Impact Statement: **Not Required**
8. Supplemental Agenda Information: **Resolution, P.C. Action Report, Staff Memos and Related Correspondence**
9. Recommended Motion: **Adopt Resolution No. 9-18**
10. Prepared By: **Cathy Laughlin, City Planner**
11. Committee/Other Agency Review: **Planning Commission, Legal Counsel**
12. Council Action:
13. Agenda Distribution: **Jason Land
P.O. Box 281329
Lamoille, NV 89828**

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

CITY OF ELKO
RESOLUTION NO. 09-18

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

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

WHEREAS, the Elko City Council has received and reviewed the application submitted by Jason B. Land (petitioner), together with any public input, supporting data and evidence, and the previous action taken by the Planning Commission pertaining to Rezone Application No. 2-18.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE ELKO CITY COUNCIL that Rezone Application No. 2-18, involving a change in zoning from R (Single-Family and Multiple-Family Residential) to RO (Residential Office) involving approximately 0.086 acres of property located generally on the south side of Court Street, approximately 50 feet east of 9th Street, more particularly described as Lot 10 & the Southwesterly ½ of Lot 9, Block 7 City of Elko, Nevada, and shown on the description and map at Exhibit A attached hereto is hereby adopted, subject to the following condition agreed to by the petitioner:

1. A variance shall first be granted for the lot size, lot width and interior side yard setback for the principle structure.

IT IS FURTHER RESOLVED AND ORDERED that this resolution shall not be signed and recorded until the condition is satisfied.

IT IS FURTHER RESOLVED AND ORDERED that upon the above condition being satisfied, this Resolution shall be signed by the Mayor and attested to by the City Clerk.

PASSED AND ADOPTED this ____ day of _____, 2018.

CITY OF ELKO

By: _____
_____, MAYOR

ATTEST:

, CITY CLERK

VOTE:

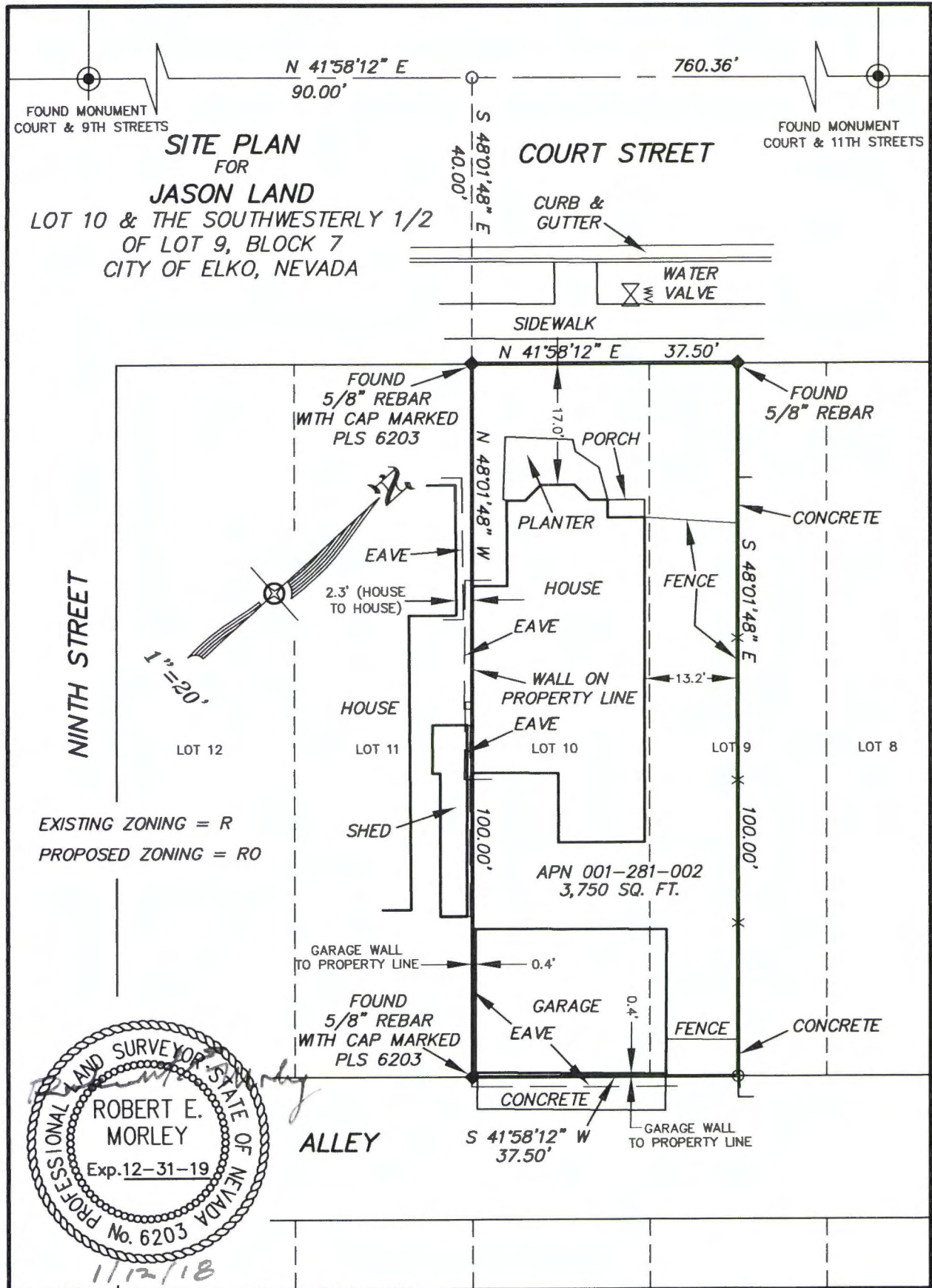
AYES:

NAYS:

ABSENT:

ABSTAIN:

JAN 12 2018





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

CITY OF ELKO STAFF REPORT

MEMO DATE: January 18, 2018
PLANNING COMMISSION DATE: February 6, 2018
CITY COUNCIL DATE: February 27, 2018
APPLICATION NUMBER: REZONE 2-18
APPLICANT: Jason Land
PROJECT DESCRIPTION:

A rezone from (R) Single Family and Multiple Family Residential to (RO) Residential Office to allow for a professional office with approved CUP.



STAFF RECOMMENDATION:

RECOMMEND APPROVAL, subject to facts, findings, and conditions.

PROJECT INFORMATION

PARCEL NUMBER: 001-281-002

PARCEL SIZE: .086 acres, 3,750 sq. ft.

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

MASTER PLAN DESIGNATION: (MU-DTWN) Mixed Use Downtown

EXISTING LAND USE: Developed with a single family dwelling

NEIGHBORHOOD CHARACTERISTICS:

- The property is surrounded by:
 - North & Northeast: (R) Single and Multiple Family / Developed
 - Southeast: (RO) Residential Office / Developed
 - South: (C) Commercial / Developed

PROPERTY CHARACTERISTICS:

- The property is developed.
- The property fronts Court Street.
- Access to the property for parking is off the alley at the rear of the parcel.

MASTER PLAN AND CITY CODE SECTIONS:

Applicable Master Plans and City Code Sections are:

- City of Elko Master Plan – Land Use Component
- City of Elko Master Plan – Transportation Component
- City of Wellhead Protection Plan
- City of Elko Zoning – Section 3-2-4 Establishment of Zoning Districts
- City of Elko Zoning – Section 3-2-5(F) RO – Residential Office District
- City of Elko Zoning – Section 3-2-17 Traffic, Access, Parking and Loading Regulations
- City of Elko Zoning – Section 3-2-21 Amendments
- City of Elko Zoning – Section 3-8 Flood Plain Management

BACKGROUND:

1. The parcel is identified as APN 001-281-002.
2. The applicant is not the property owner but has entered into an agreement to purchase the property.
3. The property owner has filed written authorization with the City dated January 10, 2018 allowing the applicant to submit the application.
4. The property is located approximately 100 feet east of the Court Street and 9th Street intersection.
5. The area of the parcel is approximately 3,750 square feet.
6. The parcel is approximately 37.50 feet in width. The parcel is smaller than the typical 50 foot wide or larger lot encountered in this area of the community.
7. The property was built in approximately 1910 and as the recent survey shows, the west wall of the principal structure is constructed on the property line.
8. The property has been vacant since 2009. Any legal non-conforming uses are considered abandoned.

9. The required off street parking for business uses does not exist on the property. The required off street parking for residential uses does exist on the property. The applicant intends on demolishing an existing garage structure and developing the required off street parking with the approval of a CUP for an office use.

MASTER PLAN:

Land use

1. The Master Plan Land Use Atlas shows a portion of the area as Mixed Use Downtown.
2. RO- Residential Office zoning district is not listed as a corresponding zoning district for Mixed Use Downtown. The proposed RO district is consistent with current RO uses and/or residential uses in the immediate vicinity.
3. Objective 2: Encourage revitalization and redevelopment of the downtown area to strengthen its role as the cultural center of the community
4. Objective 4: Consider a mixed-use pattern of development for the downtown area, and for major centers and corridors, to ensure the area's adaptability, longevity, and overall sustainability.
5. Downtown Mixed Use: This land use designation includes land uses that are located in or close to the historic downtown area. The area will capitalize on the existing fabric of the downtown and its walkable grid system. Mixed-use allows for a variety of land uses, and configurations. Housing or office use may be located within the same structure, with retail use primarily on the first floor.

Strict conformance with the Master Plan under section 3-2-21 is not required and the proposed zone district is consistent with existing land uses in the immediate vicinity.

Transportation

1. The property fronts Court Street.
2. Parking will be established at the rear of the property off the alley.

The proposed zone district, intensity of use and limitations of intensity of use will not create any significant cumulative issues on the existing transportation system.

ELKO REDEVELOPMENT PLAN:

1. The property is located within the redevelopment area. The proposed district supports several objectives in the redevelopment plan. The more important objective being repurposing of buildings and/or properties and thereby eliminating blight in the area and increasing economic activity in the area.

The proposed zone district and repurposing the property and structure conforms to the redevelopment plan.

ELKO WELLHEAD PROTECTION PLAN:

1. The property is located within the 5 year capture zone for several City wells.
2. Conformance with the Wellhead Protection Plan is required.

The proposed use of the property and allowed uses under the proposed district do not present a hazard to City wells.

SECTION 3-2-4 Establishment of Zoning Districts:

1. The minimum lot area required is 5,000 square for areas of the community platted with 50 foot wide lots. The parcel area does not meet either criteria stipulated for the lot area in Section 3-2-5 of city code.
2. The required lot dimensions for the proposed district in this area of the community would be 50 feet in width by 100 feet in depth as stipulated in Section 3-2-5 of city code.
3. The property is developed and the structure does not meet the setback requirements stipulated in Section 3-2-5 of city code.

As a result of the above referenced non-conformance issues, the applicant has applied for variances on the lot size, lot width and the interior side yard setback under Variance application 1-18.

SECTION 3-2-5 (RO) Residential Office:

1. As noted in the evaluation under Section 3-2-4 the property does not conform with area, dimension and setback requirements stipulated for the district.
2. Variance 2-18 application has been submitted for consideration by the Planning Commission to address the conformance deficiencies.

Approval of variance application 2-18 is a required condition of the zone application to address identified non-conforming issues.

SECTION 3-2-17 Traffic, Access, Parking and Loading Regulations:

1. There is off-street parking located in the rear of the parcel and it meets the 2 off street parking stalls code requirement for a principal permitted use as a single family residence. The parking is not ADA compliant. Development of ADA off-street parking is required to conform with this section of code if the property is developed as a conditionally permitted use or more intense use than single family residence.

The applicant has committed to removal of the existing garage to develop ADA compliant off-street parking to be located at the rear of the property and accessed from the alley way if the property is issued a CUP and developed as an office use.

SECTION 3-2-21 Amendments:

1. The applicant has conformed to this section of code with the filing of the application.

SECTION 3-8 Flood Plain Management:

1. This parcel is not located in a designated Special Flood Hazard Area (SFHA).

FINDINGS:

1. The proposed rezone does not appear to frustrate the Master Plan's goals and policies of the Land Use Component. Strict conformance with the Master Plan under section 3-2-21 is not required and the proposed zone district is consistent with existing land uses in the immediate vicinity. Residential Office is not a corresponding district of Downtown Mixed Use. The proposed zone district meets several of the Objectives 2 and 4 of the Land Use Component of the Master Plan.

2. The proposed rezone is consistent with the Transportation component of the Master Plan. The proposed zone district, intensity of use and limitations of intensity of use will not create any significant cumulative issues on the existing transportation system.
3. The proposed zone district and repurposing the property and structure conforms to the redevelopment plan.
4. The proposed rezone is consistent with City of Elko Wellhead Protection Plan. The proposed use of the property and allowed uses under the proposed district do not present a hazard to City wells.
5. The property does not conform to Section 3-2-4 of city code. As a result of the above referenced non-conformance issues, the applicant has applied for variances on the lot size, lot width and the interior side yard setback under Variance application 1-18. Approval of the variance application is required as a condition of the zone application.
6. The proposed rezone is not in conformance with Section 3-2-5(R) Residential Office, a variance for lot size and interior side setback will be required prior to approval of the application.
7. The property as developed is in conformance with City Code 3-2-17 for the principal permitted use as a single family residence. The applicant has committed to removal of the existing garage to develop ADA compliant off-street parking to be located at the rear of the property and accessed from the alley way if the property is issued a conditional use permit to be developed as an office use.
8. The parcel is not located within a designated Special Flood Hazard Area.
9. Development under the proposed rezone will not adversely impact natural systems, or public/federal lands such as waterways, wetlands, drainages, floodplains etc. or pose a danger to human health and safety.
10. The proposed rezone is consistent with surrounding land uses.

STAFF RECOMMENDATION:

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

Planning Department:

1. All conditions for the rezone are satisfied prior to the Mayor signing the resolution to rezone the property.

Development Department:

1. A variance be granted for the lot size, lot width and interior side yard setback for the principle structure.



CITY OF ELKO
DEVELOPMENT DEPARTMENT
1755 COLLEGE AVENUE
ELKO, NEVADA 89801
(775)777-7210
(775)777-7219 FAX

To: Elko City Planning Commission
From: Jeremy Draper, Development Manager
RE: Rezone 2-18, Jason Land, 910 Court St.
Date: January 12, 2018

The City of Elko Development Department is providing this correspondence to aid the Planning Commission's review of Rezone Application 2-18.

Project Information



- The property is located generally 100 ft east of the intersection of 9th Street and Court Street.
- The property is identified as APN 001-281-002.
- The parcel is currently developed.
- The parcel is currently zoned R-Single Family and Multiple Family Residential.
- The proposed rezone would result in a rezone of proposed parcel 1 being 0.086 acres of RO-Residential Office.
- The property is bound by Single Family and Multiple Family Residential, to the north and east, General Commercial to the south and RO to the east.

- The property is not located within a FEMA Floodzone.

Master Plan

Land Use:

- The Land Use component of the Master Plan identifies this area as Downtown Mixed Use.
- Objective 2-Encourage revitalization and redevelopment of the downtown area to strengthen its role as the cultural center of the community.
- Objective 4-Consider a mixed-use pattern of development for the downtown area, and for major centers and corridors, to ensure the area's adaptability, longevity, and overall sustainability.
- Objective 6-Encourage multiple scales of commercial development to serve the needs of the region, the community, and individual neighborhoods.
- Corresponding zoning districts for Downtown Mixed Use are C-General Commercial.

Elko Wellhead Protection Plan

- The property is located within the 5-year capture zone.
- Conformance with the Wellhead Protection Plan is required.

Section 3-2-4-Establishment of Zoning Districts

- Conformance with this section is required

Section 3-2-5-(F)-(RO) Residential Office District

- Conformance with this section is required

Section 3-2-17-Traffic, Access, Parking and Loading Regulations

- Conformance with this section is required

Section 3-2-21-Amendments

- Conformance with this section is required

Findings

1. The proposed rezone does not appear to frustrate the goals and policies of the Land Use Component of the Master Plan.

2. Residential Office is not a corresponding district of Downtown Mixed Use, but provides limited commercial opportunities and meets the goals as listed in Objective 4.
3. The proposed rezone is in conformance with City Code 3-2-4-B and C
4. The proposed rezone is not in conformance with City Code 3-2-5-F, a variance for setbacks and lot size will be required.
5. The proposed rezone is in conformance with City Code 3-2-17
6. The proposed rezone is in conformance with City Code 3-2--8
7. The proposed rezone is in conformance with the City of Elko Wellhead Protection Plan.
8. Development under the proposed rezone will not adversely impact natural systems, or public/federal lands such as waterways, wetlands, drainages, floodplains etc. or pose a danger to human health and safety.

Recommendation

The City of Elko **Development Department** recommends that the proposed zone changes be approved with the following conditions:

1. A variance be granted for the lot size, lot width and side yard setback for the principle structure.



CITY OF ELKO

Planning Department

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

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

CITY OF ELKO PLANNING COMMISSION ACTION REPORT Regular Meeting of February 6, 2018

WHEREAS, the following item was reviewed and considered by the Elko City Planning Commission on February 6, 2018 under Public Hearing format in accordance with notification requirements contained in N.R.S. 278.260 and Elko City Code Section 3-2-21:

Rezone No. 2-18, filed by Jason B. Land, on behalf of Blaine Branscomb, for a change in zoning from R (Single-Family and Multi-Family Residential) to RO (Residential Office), approximately 0.086 acres of property, to allow for a professional office, and matters related thereto.

The subject property is located generally on the south side of Court Street, approximately 50 feet east of 9th Street (910 Court Street, APN 001-281-002).

NOW THEREFORE, upon review and consideration of the application, supporting data, public input and testimony, the Planning Commission forwards a recommendation to City Council to adopt a resolution which conditionally approves Rezone No. 2-18, subject to the conditions listed in the City of Elko Staff Report dated January 18, 2018, listed as follows:

Planning Department:

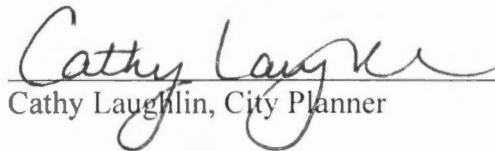
1. All conditions for the rezone are satisfied prior to the Mayor signing the resolution to rezone the property.

Development Department:

1. A variance be granted for the lot size, lot width and interior side yard setback for the principal structure.

The Planning Commission's findings to support its recommendation are the proposed rezone does not appear to frustrate the Master Plan's goals and policies of the Land Use Component. Strict conformance with the Master Plan under Section 3-2-21 is not required and the proposed zone district is consistent with existing land uses in the immediate vicinity. Residential Office is not a corresponding district of Downtown Mixed Use. The proposed zone district meets several of the Objectives 2 and 4 of the Land Use Component of the Master Plan. The proposed rezone is consistent with the Transportation Component of the Master Plan. The proposed zone district, intensity of use and limitations of intensity of use will not create any significant cumulative issues on the existing transportation system. The proposed zone district and repurposing the property and structure conforms to the redevelopment plan. The proposed rezone is consistent with the City of Elko Wellhead Protection Plan. The proposed use of the property and allowed uses under the proposed district do not present a hazard to City Wells. The property does not conform to Section 3-2-4 of City Code. As a result of the above referenced non-conformance

issues, the applicant has applied for variances on the lot size, lot width and the interior side yard setback under Variance application 1-18. Approval of the variance application is required as a condition of the zone application. The proposed rezone is not in conformance with Section 3-2-5(R) Residential Office, a variance for lot size and interior side setback will be required for approval of the application. The property as developed is in conformance with City Code 3-2-17 for the principal permitted use as a single-family residence. The applicant has committed to removal of the existing garage to develop ADA compliant off-street parking to be located at the rear of the property and accessed from the alleyway if the property is issued a conditional use permit to be developed as an office use. The parcel is not located within a designated Special Flood Hazard Area. Development under the proposed rezone will not adversely impact natural systems, or public/federal lands such as waterways, wetlands, drainages, floodplains etc., or posed a danger to human health and safety. The proposed rezone is consistent with surrounding land uses.


Cathy Laughlin, City Planner

Attest:


Shelby Archuleta, Planning Technician

CC: Applicant
Jeremy Draper, Development Manager (via email)
Shanell Owen, City Clerk



CITY OF ELKO PLANNING DEPARTMENT

1751 College Avenue * Elko * Nevada * 89801

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

RECEIVED

APPLICATION FOR ZONE CHANGE

JAN 10 2018

APPLICANT(s): JASON B. LADD
MAILING ADDRESS: P.O. Box 281329 Lamoille NV 89828
PHONE NO (Home) 775-340-0062 (Business) 775-75734-8811
NAME OF PROPERTY OWNER (If different): _____
(Property owner's consent in writing must be provided.)
MAILING ADDRESS: _____
LEGAL DESCRIPTION AND LOCATION OF PROPERTY INVOLVED (Attach if necessary):
ASSESSOR'S PARCEL NO.: 001-281-002 Address 910 COURT STREET
Lot(s), Block(s), & Subdivision lot 10 the Southwesternly 1/2
Or Parcel(s) & File No. of lot 9 block 7 city of Elko map #1

FILING REQUIREMENTS:

Complete Application Form: In order to begin processing the application, an application form must be complete and signed. *Complete* applications are due at least 21 days prior to the next scheduled meeting of the Elko City Planning Commission (meetings are the 1st Tuesday of every month).

Fee: A \$300.00 non-refundable filing fee.

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

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

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

Note: One .pdf of the entire application must be submitted as well as one set of legible, reproducible plans 8 1/2" x 11" in size. If the applicant feels the Commission needs to see 24" x 36" plans, 10 sets of pre-folded plans must be submitted.

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

1. Identify the existing zoning classification of the property: R
2. Identify the zoning Classification being proposed/requested: RO
3. Explain in detail the type and nature of the use anticipated on the property: I AM
A FINANCIAL ADVISOR. I WOULD LIKE TO
RUN MY BUSINESS FROM THE PROPERTY
AT 910 CANAL STREET. MY HOURS RUN
FROM 9:00 AM TO 4:00 PM MONDAY
THROUGH FRIDAY. I WOULD CONDUCT MY
BUSINESS V.A PHONE CALLS & FACE TO
FACE APPOINTMENTS.
4. Explain how the proposed zoning classification relates with other zoning classifications in the area: THE PROPERTY TO SOUTHWEST IS ALSO
ZONED RO. THE PROPERTY TO THE PROPERTIES
TO THE SOUTH ARE COMMERCIAL.
5. Identify any unique physical features or characteristics associated with the property: _____
VARIANCE IS REQUIRED FOR SIDE SETBACK
& APPLIED FOR

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

By My Signature below:

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

Applicant / Agent JASON B. LAND
(Please print or type)

Mailing Address PO Box 281329
Street Address or P.O. Box

LA MOILLE NV 89428
City, State, Zip Code

Phone Number: 775-340-0062

Email address: jason.land@edwardjones.com

SIGNATURE:

Jason B. Land

FOR OFFICE USE ONLY

File No.: 2-18 **Date Filed:** 1/10/18 **Fee Paid:** \$300 **ck#** 1015

RECEIVED

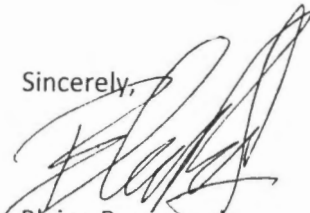
JAN 10 2018

City of Elko Planning Department
1751 College Avenue
Elko, NV 89801

Dear Sir or Madam,

I am the owner of 910 Court Street, Elko NV 89801. I approve and consent to Jason Land applying for both a variance and zone change to the aforementioned property. My mailing address is 101 Court Street, Elko NV 89801. Furthermore, I can be reached at (775) 934-1150.

Sincerely,



Blaine Branscomb

**Elko City Council
Agenda Action Sheet**

1. Title: **Second Reading, public hearing, and possible adoption of Ordinance No. 826, an ordinance increasing the corporate limits of the City of Elko, Nevada, pursuant to the provisions of N.R.S. 268.670 annexing thereto a certain tract of land partially contiguous to, and not embraced within the present limits of the City of Elko described as follows: a parcel of land located northeast of the intersection of Statice Street and Delaware Avenue in Section 36, T. 35 N., R. 55 E., MDM, Elko County, Nevada, consisting of 62.03 acres, filed by Surebrec Holdings LLC., and processed as Annexation No. 2-17, and matters related thereto. FOR POSSIBLE ACTION**
2. Meeting Date: **February 27, 2018**
3. Agenda Category: **PUBLIC HEARING**
4. Time Required: **10 Minutes**
5. Background Information: **Council accepted the petition for the subject annexation on January 23, 2018, and directed Staff to continue with the annexation process by referring the matter to the Planning Commission. The Planning Commission considered the annexation on February 6, 2018, and took action to forward a recommendation of approval with findings back to Council. Council held First Reading of the ordinance on February 13, 2018. CL**
6. Budget Information:
 Appropriation Required: **N/A**
 Budget amount available: **N/A**
 Fund name: **N/A**
7. Business Impact Statement: **Not Required**
8. Supplemental Agenda Information: **Ordinance, P.C. Action Report, Staff Reports and Application**
9. Recommended Motion: **Adopt Ordinance No. 826**
10. Prepared By: **Cathy Laughlin, City Planner**
11. Committee/Other Agency Review: **Planning Commission, Elko County**
12. Council Action:
13. Agenda Distribution: **Surebrec Holdings, LLC
207 Brookwood Drive
Elko, NV 89801**

**CITY OF ELKO
ORDINANCE NO. 826**

AN ORDINANCE INCREASING THE CORPORATE LIMITS OF THE CITY OF ELKO, NEVADA, PURSUANT TO THE PROVISIONS OF N.R.S. 268.670 ANNEXING THERETO A CERTAIN TRACT OF LAND CONTIGUOUS TO AND NOT EMBRACED WITHIN THE PRESENT LIMITS OF THE CITY OF ELKO DESCRIBED AS FOLLOWS: A PARCEL OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 36, T. 35 N., R. 55 E., M.D.B. & M., ELKO COUNTY, NEVADA, CONSISTING OF 62.03 ACRES, MORE OR LESS.

WHEREAS, Surebrec Holdings, LLC is the owner of 100% of the property to be annexed and has petitioned the City Council of the City of Elko to annex such area into the city; and

WHEREAS, not less than 15% of the total boundary of the property is coterminous with the boundary of the City of Elko and the property is not embraced within the present limits of the City of Elko; and

WHEREAS, the City Council of the City of Elko desires to annex the property, pursuant to the terms of N.R.S. 268.670, after notifying the Board of Commissioners of Elko County of its intent to annex such area to the City of Elko; and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ELKO DOES ORDAIN:

SECTION 1: The City Council of the City of Elko has determined that the territory described above to be annexed has not less than fifteen percent (15%) of the total boundary of the property coterminous with the boundary of the City of Elko and the property is not embraced within the present limits of the City of Elko; and therefore, the City Council of the City of Elko has jurisdiction to annex the property into the City of Elko.

SECTION 2: The corporate limits of the City limits of the City of Elko are extended and increased so as to include and embrace within the corporate limits of the City of Elko the territory located generally on the northeast corner of the intersection of Statice Street and Delaware Avenue, and legally described in Exhibit "A" attached hereto, and such territory is hereby annexed and declared to be a part of the City of Elko.

SECTION 3: The map and plat attached to this ordinance as Exhibit "B" is an accurate map and plat of the territory annexed, which map and plat shows the legal boundaries thereof, together with all existing easements, streets, alleys and rights-of-ways.

SECTION 4: The conditions for annexation and development are attached to the ordinance as Exhibit "C".

SECTION 5: The Mayor of the City of Elko is hereby authorized and directed to certify that the map is an accurate map of the territory annexed under the provisions of this ordinance.

SECTION 6: This ordinance, with a copy of the legal description, official map and plat and conditions for development attached hereto, shall be recorded in the office of the Elko County Recorder, Elko County, Nevada.

SECTION 7: All ordinances or parts of ordinances in conflict herewith are hereby repealed but only to the extent of such conflict.

SECTION 8: 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 or provision shall not affect any remaining provisions of this ordinance.

SECTION 9: 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 printed and published in the City of Elko, for at least one publication.

SECTION 10: This ordinance shall be effective upon the publication mentioned in Section 8.

PASSED AND ADOPTED this ___th day of _____, 2018 by the following vote of the City Council.

AYES:

NAYS:

ABSTAIN:

ABSENT:

APPROVED this ___th day of _____, 2018.

CITY OF ELKO

BY: _____
CHRIS J. JOHNSON, MAYOR

ATTEST:

SHANELL OWEN, CITY CLERK

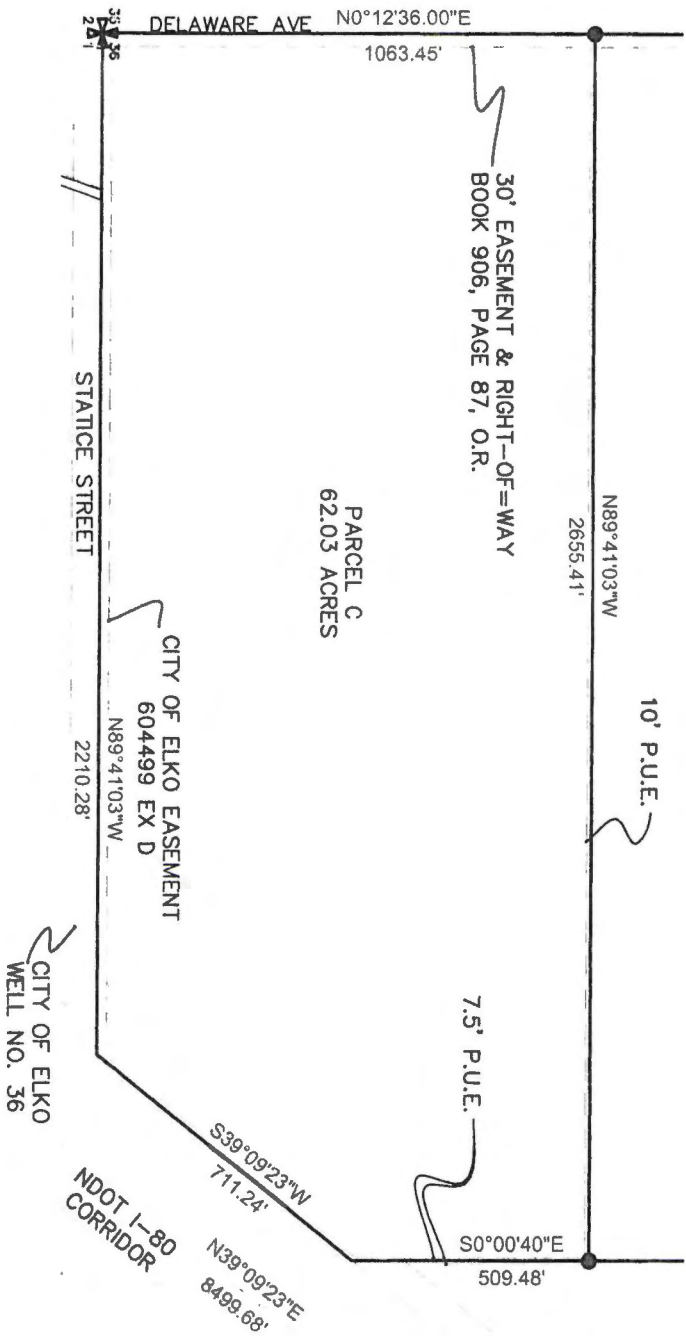
RECEIVED

JAN 09 2018

Exhibit A

LEGAL DESCRIPTION:

ALL THAT REAL PROPERTY SITUATED IN THE COUNTY OF ELKO, STATE OF NEVADA, BOUNDED AND DESCRIBED AS FOLLOWS: PARCEL C, AS SHOWN ON A PARCEL MAP, FILED IN THE OFFICE OF THE COUNTY RECORDER OF ELKO COUNTY, STATE OF NEVADA, ON JANUARY 5, 2018 AS FILE NO. 735391



GRAPHIC SCALE
SCALE IN FEET

400 0 400 800


SHEET 1 OF 1		SUREBREC HOLDINGS LLC	 ENGINEERING 445 5TH STREET, SUITE 201 ELKO NEVADA 89801 TEL (775) 738-3113 FAX (775) 738-6199 WWW.AMENGINEERING.ORG <ul style="list-style-type: none">• CIVIL ENGINEERING• CONSTRUCTION MANAGEMENT• QUALITY ASSURANCE• TOPOGRAPHIC SURVEYING
	DATE: JANUARY 2018	ANNEXATION MAP	
	DRAWN BY: RSR	OF	
	CHECKED BY: BEJ	SECTION 36, TOWNSHIP 35 NORTH	
	JOB NO.: 193.000	RANGE 55 EAST, M.D.M.	
	ELKO COUNTY	NEVADA	

Exhibit B

RECEIVED
JAN 16 2011

CITY OF ELKO
ORDINANCE NO. 826
SUREBREC HOLDINGS, LLC ANNEXATION
Exhibit "C"

Planning Department:

1. The applicant enters into an agreement with the City relinquishing or identifying any residual rights that may exist under the agreement between the State of Nevada and the City.
2. Right-of-Way for Delaware Avenue shall offered for dedication through the intersection with Aster Street. The offer of dedication shall be filed with the City with 45 days of annexation.
3. Right-of Way for Statice Street shall be offered for dedication from the intersection of Delaware Avenue extending to the intersecting property line of APN 001-860-065. The remainder of the easement shall remain for the designated use. The offer of dedication shall be filed with the City with 45 days of annexation.
4. Right-of Way for Ruby Vista shall be offered for dedication connecting existing right-of-way to the west and to the east. The offer of dedication shall be filed with the City with 45 days of annexation.

Development Department:

1. The property owners shall receive approval for a zone designation for the property to be consistent with the Land Use designation in the City of Elko Master Plan.
2. The property owners present a deed of dedication for right-of-way for Delaware Street, Statice Street, and Ruby Vista Drive, within 45 days of acceptance of the annexation by the City. The property owner shall work with City on the alignment of these right-of-ways prior to being offered for dedication.
3. It appears from map 730066 that the property may be encumbered by an existing easement for ATT fiber, the map does not indicate the location of this easement through the parcel. The property owner shall contact AT&T, verify the location of the AT&T easement, and provide documentation of that location to the City. This condition is to be satisfied prior to concurrent with property development.

Utility Department:

1. Applicant vacates the existing waterline easements and replaces the easements with a right-of-way.



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

CITY OF ELKO STAFF REPORT

DATE:	January 26, 2018
PLANNING COMMISSION DATE:	February 6, 2018
CITY COUNCIL DATE:	February 13, 2018
AGENDA ITEM NUMBER:	V.A
APPLICATION NUMBER:	Annexation 2-17
APPLICANT:	Surebrec Holdings, LLC
PROJECT DESCRIPTION:	62.03 Acres
ADDITIONAL APPLICATION:	Rezone 10-17

An annexation of approximately 62.03 acres. The parcel is located in Elko County adjacent to city property as shown below.



STAFF RECOMMENDATION:

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

PROJECT INFORMATION

PARCEL NUMBER: 006-10C-006

PARCEL SIZE: 62.03 Acres

EXISTING ZONING: General Agriculture (Elko County) applicant has requested Industrial Commercial zoning under rezone application 10-17

MASTER PLAN DESIGNATION: Industrial Business Park (IND-BS PARK)

EXISTING LAND USE: Undeveloped

NEIGHBORHOOD CHARACTERISTICS:

- The property is surrounded by:
 - North: Elko County Property / Undeveloped
 - West: Elko County Property / Partially developed Residential
 - South: Industrial Business Park (IBP) / Developed
 - East: I-80 corridor

PROPERTY CHARACTERISTICS:

- The property is currently undeveloped.
- The property will be accessed from Ruby Vista Drive and Statice Street

MASTER PLAN AND CITY CODE SECTIONS:

Applicable Master Plan Sections, NRS Sections and City Code Sections and other coordinating plans are:

- City of Elko Master Plan – Land Use Component
- City of Elko Master Plan – Transportation Component
- City of Elko Development Feasibility, Land Use, Water Infrastructure, Sanitary Sewer Infrastructure, Transportation Infrastructure and Annexation Potential Report dated November 2012
- Nevada Revised Statutes - 268.610 to 268.670, inclusive
- City of Elko Zoning – Section 3-2-4 Establishment of Zoning Districts
- City of Elko Wellhead Protection Program

BACKGROUND INFORMATION:

1. The petition has been filed by Surebrec Holdings, LLC.
2. The applicant owns the property.

3. The petition includes all of APN 006-10C-006 lying northwesterly of the I-80 interstate right-of-way. The area was a portion of a larger property controlled by the State of Nevada. The City Council took action May 23, 2017 committing two-acre feet of water to Surebrec Holdings LLC in order to facilitate County approval of the parcel map to facilitate transfer of ownership.
4. The City Council accepted the petition for the subject annexation on January 23, 2018, and directed Staff to continue with the annexation process by referring the matter to the Planning Commission.
5. Planning Commission considered the application on February 6, 2018 and moved to recommend City Council adopt an ordinance which conditionally approves Annexation 2-17.
6. Annexation of the property is consistent with the Master Plan Land Use Component and Transportation Component of the plan.
7. The area fronts the I-80 corridor and Statice Street.
8. The area is identified as having annexation potential in the adopted Development Feasibility, Land Use, Water Infrastructure, Sanitary Sewer Infrastructure, Transportation Infrastructure and Annexation Potential Report dated November 2012.
9. 24" City water mains are located adjacent to the I-80 frontage and the Statice Street frontage
10. Sanitary sewer exists in Ruby Vista Drive but is too shallow to be utilized as a point of connection for gravity service. A lift station and forced main could be considered for this point of connection. A more practical point of connection would require a bore under I-80 to a point of connection near Union Pacific Way.
11. Other non-city utilities are located in the immediate vicinity.
12. Annexation of the property promotes the extension of Ruby Vista Drive as a frontage roadway adjacent to the I-80 corridor.
13. The property is encumbered with several utility easements. All the easement are logically located with the exception of the unknown location of an AT&T utility bisecting the property. There is an existing easement and utility agreement between the State of Nevada and the City that will require amendment. The agreement contains provisions governing utility easements located on the property. The applicant is agreeable to the proposed amendments.
14. Elko County was notified of the proposed annexation on January 16, 2018. They responded on January 24, 2018 with no concerns.
15. The applicant has requested an Industrial/Commercial zone classification for the area upon annexation of the property. The application is being processed concurrent with the annexation application.

MASTER PLAN:

Land Use:

1. Land Use is shown as Industrial Business Park.
2. The petitioner has filed an application for an Industrial/Commercial (IC) district to be designated on the property upon annexation of the property. The application will be processed in conjunction with the annexation application but acted on separately.
3. Supporting zone districts for Industrial Business Park are Industrial Business Park, Light

Industrial and Industrial Commercial.

4. Objective 5: Encourage development that strengthens the core of the City, and new annexations that are logical and orderly and do not promote sprawl.
5. Objective 7: Promote high quality and visually appealing industrial uses, where appropriate, to promote economic sustainability and strengthen the community's image.
6. Objective 8: Encourage new development that does not negatively impact countywide natural systems, or public/federal lands such as waterways, wetlands, drainages, floodplains etc., or pose a danger to human health and safety.

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

Transportation:

1. The area will be accessed from Statice Street or Ruby Vista Drive. The area could also be accessed from Delaware Avenue, which would be considered a secondary access.
2. Statice Street is classified as an Industrial Collector.
3. Ruby Vista Drive is classified as a Minor Arterial.
4. Delaware Avenue is classified as a local roadway.

The proposed annexation is compatible with the Transportation Component of the Master Plan.

**DEVELOPMENT FEASIBILITY, LAND USE, WATER INFRASTRUCTURE,
SANITARY SEWER INFRASTRUCTURE, TRANSPORTATION INFRASTRUCTURE
AND ANNEXATION POTENTIAL REPORT – NOVEMBER 2012**

1. The area is identified as having annexation potential as shown in the adopted Development Feasibility, Land Use, Water Infrastructure, Sanitary Sewer Infrastructure, Transportation Infrastructure and Annexation Potential Report dated November 2012.
2. The area can be served from the existing 5400 water zone. There is a 24-inch water line along the frontage of Statice Street. There is a 24-inch water line fronting the property on the I-80 frontage.
3. There is power located on Statice Street frontage as well as at the intersection of Ruby Vista Dr. and Statice Street.
4. There is natural gas located at the intersection of Ruby Vista Dr. and Statice Street.
5. Developable area is estimated to be approximately 62.03 acres less typical roadway and utility reductions.
6. The property is currently undeveloped.
7. Sewer is currently not available in this location. Design of sewer may take into consideration boring under I-80 to Union Pacific Way.
8. Annexation of the area is logical and orderly and supports long range planning in the City's Master Plan.

The proposed annexation is consistent with the goals, objectives and supports long range planning as outlined in the report.

NEVADA REVISED STATUTE:

NRS 268.636(1) states whenever the majority of property owners of any territory lying **contiguous** to a city desire to annex such territory to the city, they may cause an accurate map of plat of the territory to be made under the supervision of a competent surveyor. The map is to be filed with the city.

The property owner's representative has submitted the required map. The applicant owns the entire area proposed for annexation. The property boundary is approximately 7,149.86 feet with 3,431 feet contiguous to City of Elko boundary on the south, I-80 frontage and east lot lines. This equates to approximately 48% of the property boundary as contiguous to the City's incorporated boundary.

NRS 268.646 requires minimum factors to be considered in the review of a proposed annexation.

NRS 268.646(1) requires the evaluation of factors such as population, population density, land area and land uses, per capita assessed valuation, topography, proximity to other populated areas and the likelihood of significant growth within the next 10 years in the area and adjacent areas.

The total area proposed for annexation is approximately 62.03 acres.

The topography of the area is well suited for the proposed commercial and light industrial land uses.

The location and proposed land uses of the area are supported by existing and proposed roadways.

There is a high probability of property development based on recent and current property development in the immediate vicinity. There is a lack of additional acreage for this type of land use promoting efficient utilization of the existing and proposed roadways located in this area of the community.

NRS 268.646 (2) requires the evaluation for the need for organized community services, the present cost of and adequacy of governmental services and controls in the area, probable future needs for such services and controls, and the probable effect of the proposed formation and of alternative courses of action on the cost and adequacy of services and controls in the area and adjacent area.

General

Annexation of the property does provide the opportunity to for continued light industrial and commercial land uses along Ruby Vista Dr.

Land Division and Potential Zoning

The property is undeveloped. The property is large enough to support parceling or subdivision as it is currently one large undeveloped parcel.

The application identifies the zoning classification that is being requested upon annexation of the property as Industrial Commercial. The purpose of the (IC) Industrial Commercial zoning district is to provide and preserve transitional areas characterized by surrounding commercial and industrial districts appropriate for a mixture of commercial uses and small scale industrial uses which are not associated with excessive levels of noise, dust, odor, vibration or smoke.

The proposed zoning would be complimentary to the land use shown in the Master Plan.

Sewer

Sanitary sewer does not exist in the immediate area. Sewer service will be extended into the area as property development occurs.

Water

City of Elko water exists in the immediate area. The property can be served off the existing 5400 water zone with the water line that exists on the Statice Street frontage as well as the line existing on the I-80 frontage.

Access

Primary access will be from Statice Street, an Industrial Collector and/or from Ruby Vista Drive, a Minor Arterial.

Other Services

The size and location of the property will not place any significant burden on other City services.

NRS 268.646(3) requires the evaluation of the proposed annexation and of alternative actions on adjacent areas, on mutual social and economic interests and on local governmental structure of the county.

Annexation of the property is not expected to have any long-term adverse impacts on adjacent areas. The area fronts the I-80 right-of-way and light industrial development. The area is isolated from County residential development by either developed roadways or access easements. Code requirements for property development and uses allowed in the proposed district and/or the designated land use in the Master Plan will ensure that property development will not have an adverse impact on surrounding areas.

Development of the property will result in a positive economic impact to the community.

Annexation and development of the property will not adversely influence the local government structure of the County nor the City.

NRS 268.646(4) requires the evaluation of the proposed annexation and of alternative actions upon the availability of water and requirement of water and other natural resources throughout the affected area.

The City currently has approximately 18,000-acre feet of water rights available and is utilizing approximately 50% of that supply. Based on the Development Feasibility, Land Use, Water Infrastructure, Sanitary Sewer Infrastructure, Transportation Infrastructure and Annexation Potential Report dated November 2012, there was projected deficit of 700 – 800 (3.8% – 4.4% of the total) acre feet of water to serve annexed areas in addition to areas identified as having annexation potential. Upon adoption of the report, the Council determined that through optimization of the plan and optimization of water usage, the projected shortfall did not present a significant concern. Areas identified in the report as having annexation potential provide orderly and logical growth of the City and are generally aligned with future transportation and utility corridors.

The Council has taken action, subsequent to the adoption of the report, to approve a realignment of Errecart Blvd. reducing area required for annexation along the Errecart Blvd alignment. This

decision has resulted in a net reduction of projected water consumption by over 500 acre feet, nearly offsetting the projected deficit referenced.

Proper storm water controls would mitigate any potential impacts from storm water runoff.

Annexation of the property will not negatively impact other natural resources in the area.

NRS 268.646(5) requires a determination by the Bureau of Land Management that the territory proposed to be annexed is suitable for residential, commercial, or industrial development, or will be opened to private acquisition.

The area proposed for annexation does not fall under the jurisdiction of the Bureau of Land Management.

NRS 268.646(6) requires a determination that the annexation is consistent with any applicable comprehensive regional plan, area plan or master plan and any program of annexation adopted and certified pursuant to NRS 268.625.

The City of Elko Master Plans specifically addresses the annexation of property under Objective 5 as outlined in Best Practice 5.1 and Best Practice 5.3. City Staff has identified areas having potential for annexation that promote logical and orderly growth of the community. Those areas are identified in the adopted Development Feasibility, Land Use, Water Infrastructure, Sanitary Sewer Infrastructure, Transportation Infrastructure and Annexation Potential Report dated November 2012. The proposed annexation is in an area that is identified as having annexation potential.

The Land Use component of the Master Plan contains an exhibit showing the area as Industrial Business Park, which is consistent with the corresponding zoning district of Industrial Commercial.

NRS 268.663(3) requires the portions of the county roads, which provide the primary access to the subdivision, are also annexed and become city streets.

Delaware Avenue is currently a partially developed County roadway. The westerly portion of the roadway (developed) is dedicated right-of-way. The easterly portion of the roadway is recorded as an access easement and is undeveloped. Staff is recommending a condition of the annexation for the applicant to dedicate the easement portion of the roadway as a right-of-way allowing for the potential development of the roadway if required. The dedication of right-of-way would extend past the Delaware Ave. and Aster Street intersection. Delaware Avenue will not be the primary access to the property but may be developed as a secondary access.

Ruby Vista Drive currently ends at the intersection of Statice Street. Staff is recommending a condition of the annexation that the applicant dedicate Ruby Vista Drive frontage as a right-of-way allowing for the development of the roadway for primary access to the parcel and a continuation of Ruby Vista Drive. The right-of-way will connect to right-of-way of record acquired under prior annexations.

Statice Street as a partially developed roadway located within the City's incorporated boundary. Statice Street has been developed within an existing 62' wide roadway easement. Staff is recommending as a condition of the annexation that the applicant dedicate Statice Street 20' wide easement as a right-of-way allowing for the development and full build out of Statice Street to be utilized as primary access to the parcel.

ELKO CITY CODE SECTION 3-2-4

The petitioner has filed an application for an Industrial/Commercial (IC) district to be designated on the property upon annexation of the property. The application will be processed in conjunction with the annexation application but acted on separately.

The following section of code provides the Planning Commission and City Council the discretion to designate an appropriate zone district after holding the appropriate public hearing:

Section 3-2-4 D. Classification Of Annexed Areas: All territory which is annexed to the city after the effective date hereof shall be zoned upon annexation AG general agriculture, unless the planning commission shall recommend and/or the city council shall otherwise designate the zoning district after holding duly advertised public hearings in accordance with section 3-2-21 of this chapter. As part of considering any petition for annexation of territory to the city, a review of conformance with the city master plan, including land use designation, shall be performed by the planning commission, with recommendations forwarded to the city council. If said annexation necessitates substantial amendment to the master plan, the planning commission may adopt such amendment only after holding duly advertised public hearings in accordance with Nevada Revised Statutes section 278.210.

CITY OF ELKO WELLHEAD PROTECTION PROGRAM

The property is adjacent to an existing well and therefore a portion of the property is within the 2-year capture zone and the remainder of the parcel is within the 5-year capture zone. Future development will require conformance to the City of Elko Wellhead Protection Program.

FINDINGS

1. The annexation is consistent with the City's Land Use Component of the Master Plan. The proposed zoning of IC- Industrial Commercial would ensure conformance with the land use designation shown in the Master Plan.
2. The annexation is consistent with the City's Transportation Component of the Master Plan.
3. Annexation of the property provides an immediate accrual to the tax base for the City.
4. Annexation of the property does provide the opportunity for continued Light Industrial and Commercial land uses along Ruby Vista Drive, a Minor Arterial and Statice Street, an Industrial Collector ensuring the highest and best uses of the proposed roadways.
5. The Development Feasibility, Land Use, Water Infrastructure, Sanitary Sewer Infrastructure, Transportation Infrastructure and Annexation Potential Report dated November 2012, identifies the area as having potential for annexation.
6. The area proposed for annexation is not localized or isolated.
7. The area proposed for annexation promotes development of future transportation and utility corridors thus promoting future growth opportunities for the City.

8. Annexation of the area will not have any immediate or negative impact on City resources. The area is located within the existing 5400 water zone and can be served from existing infrastructure.
9. Other, required, utilities such as sewer, power and gas will be installed at developer expense to facilitate development of the property.
10. The topography of the area is well suited for the proposed commercial and light industrial land uses.
11. Development of the property will result in a positive economic impact to the community.
12. Annexation and development of the property will not adversely influence the local government structure of the County nor the City.
13. The proposed annexation satisfies considerations and/or concerns identified as minimum factors for consideration under NRS 268.646 and has been evaluated in consideration of NRS 268.663(3).
14. The proposed annexation has been evaluated in consideration of NRS 268.610-268.670 inclusive.

STAFF RECOMMENDATION:

Staff recommends conditional approval of Annexation 2-17 with adoption of Ordinance 826, first reading, public hearing and second reading prior to adoption. If approved by the City Council, the conditions will be included in the annexation ordinance.

Planning Department:

1. The applicant enters into an agreement with the City relinquishing or identifying any residual rights that may exist under the agreement between the State of Nevada and the City.
2. Right-of-Way for Delaware Avenue shall offered for dedication through the intersection with Aster Street. The offer of dedication shall be filed with the City with 45 days of annexation.
3. Right-of Way for Statice Street shall be offered for dedication from the intersection of Delaware Avenue extending to the intersecting property line of APN 001-860-065. The remainder of the easement shall remain for the designated use. The offer of dedication shall be filed with the City with 45 days of annexation.
4. Right-of Way for Ruby Vista shall be offered for dedication connecting existing right-of-way to the west and to the east. The offer of dedication shall be filed with the City with 45 days of annexation.

Development Department:

1. The property owners shall receive approval for a zone designation for the property to be consistent with the Land Use designation in the City of Elko Master Plan.
2. The property owners present a deed of dedication for right-of-way for Delaware Street, Statice Street, and Ruby Vista Drive, within 45 days of acceptance of the annexation by the City. The property owner shall work with City on the alignment of these right-of-ways prior to being offered for dedication.

3. It appears from map 730066 that the property may be encumbered by an existing easement for ATT fiber, the map does not indicate the location of this easement through the parcel. The property owner shall contact AT&T, verify the location of the AT&T easement, and provide documentation of that location to the City. This condition is to be satisfied prior to/or concurrent with property development.

Utility Department:

1. Applicant vacates the existing waterline easements and replaces the easements with a right-of-way.



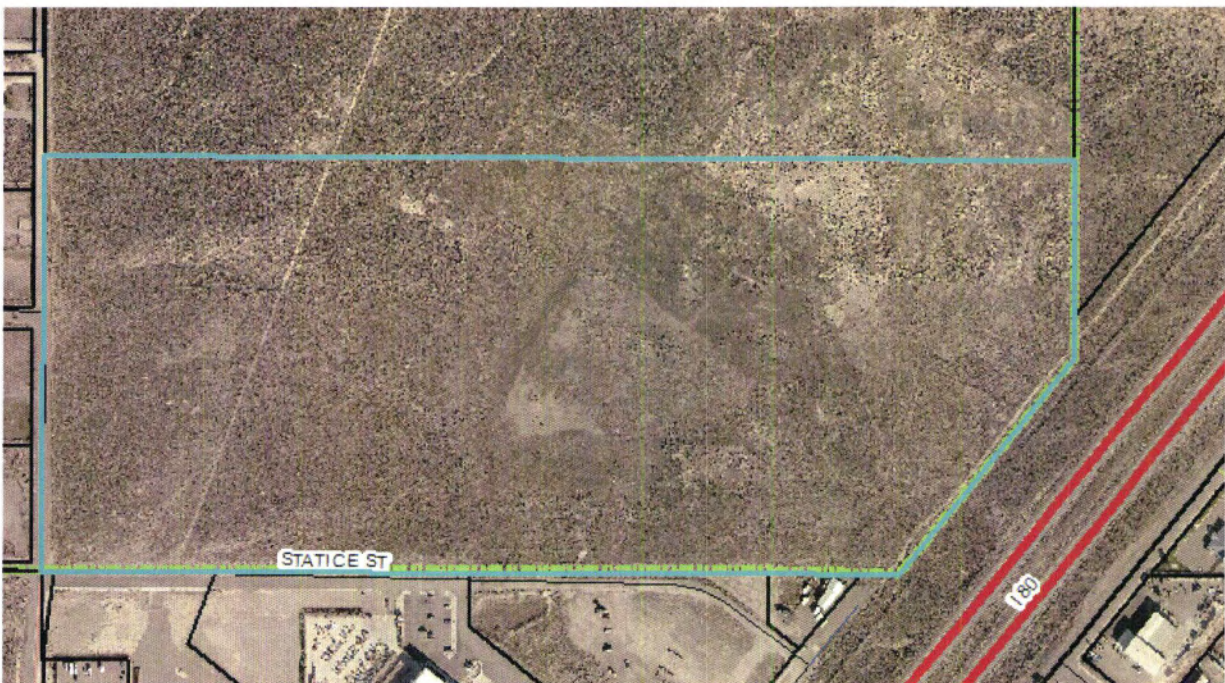
CITY OF ELKO
DEVELOPMENT DEPARTMENT
1755 COLLEGE AVENUE
ELKO, NEVADA 89801
(775)777-7210
(775)777-7219 FAX

To: Planning Commission
From: Jeremy Draper, Development Department
Date: January 18, 2018
Re: Annexation Petition 2-17, Surebrec Holding, LLC

The City of Elko Development Department has reviewed the annexation application offers the following comments for consideration to aid the Planning Commission's review of the above referenced application: Applicable Master Plan Sections, NRS Sections and City Code Sections and other coordinating plans are:

- City of Elko Master Plan – Land Use Component
- City of Elko Master Plan – Streets and Highways Component
- City of Elko Development Feasibility, Land Use, Water Infrastructure, Sanitary Sewer Infrastructure, Transportation Infrastructure and Annexation Potential Report dated November 2012
- Nevada Revised Statutes - 268.610 to 268.670, inclusive
- City of Elko Zoning – Section 3-2-4 Zoning Districts
- City of Elko Wellhead Protection Program

BACKGROUND INFORMATION:



1. The petition includes that portion of APN 006-10C-006 lying just north of the intersection of Ruby Vista Drive and Statice St and contains approximately 62.03 acres of land.
2. The area is identified as having annexation potential as shown in the adopted Development Feasibility, Land Use, Water Infrastructure, Sanitary Sewer Infrastructure, Transportation Infrastructure and Annexation Potential Report dated November 2012.
3. The area fronts Statice Street, Ruby Vista Drive and Delaware Avenue.
4. There is City water and City sewer within the vicinity of the property.
5. The City has a non-exclusive waterline easement as was granted by the State and is record number 604499. It appears that this agreement provided for a specific number of water taps in part for the easements being granted.
6. Other non-city utilizes are located in the immediate area.
7. The area was included in the land use component of the master plan showing the area as Industrial Business Park.
8. The applicant has indicated they will request a rezone for an Industrial Commercial District in conjunction with the annexation application, this is being reviewed as rezone application 10-17.
9. The proposed annexation is logical and orderly.

MASTER PLAN:

Land Use:

1. Land Use is shown as Industrial Business Park.
2. The petitioner has submitted an application, rezone 10-17, for the rezone to an IC-Industrial Commercial District.
3. Section 3-2-4-D of City Code states that a review of conformance with the City master plan, including land use designation shall be performed by the planning commission. The applicant has applied for a rezone to an IC-Industrial Commercial District zone.
4. Objective 7: Promote high quality and visually appealing industrial uses, where appropriate, to ensure economic sustainability as well as strengthen the community's image.
5. Objective 8: Ensure that new development does not negatively impact County-wide natural systems, or public/federal lands such as waterways, wetlands, drainages, floodplains etc., or pose a danger to human health and safety.

Transportation:

1. The area fronts Statice Street, an Industrial Collector, Ruby Vista Drive, a Minor Arterial, and Delaware Street, a local roadway.
2. Delaware Street currently exists as a 30' wide roadway within Section 35, and a 30' wide easement and right-of-way within Section 36 on the property considered for annexation. As a condition of annexation this 30' easement should be offered for dedication as right-of-way.
3. Statice Street exists as an existing 62' wide future roadway, access, drainage and utility easement within the City, on the properties south of this property considered for annexation. There is an existing 20' wide waterline easement along the southern property line and adjacent to the roadway easement. The developer shall dedicate this 20' easement as right-of-way, expanding the right-of-way at the Delaware Street intersection to provide a better alignment up to a point where Statice Street changes directions, the remainder should be dedicated as a utility easement.

4. Ruby Vista Drive contains a 20' waterline easement over the existing waterline. The City has determined the appropriate alignment for Ruby Vista Drive and has completed a legal description for this right-of-way this right-of-way shall be offered for dedication as part of the annexation.

**DEVELOPMENT FEASIBILITY, LAND USE, WATER INFRASTRUCTURE,
SANITARY SEWER INFRASTRUCTURE, TRANSPORTATION INFRASTRUCTURE
AND ANNEXATION POTENTIAL REPORT – NOVEMBER 2012**

1. The area is identified as having annexation potential.
2. This area is adjacent to developed property currently located within the incorporated boundary of the City.
3. The area can be served off of the existing 5400 water zone. A water line is existing in Statice Street and Ruby Vista Drive.
4. Developable area is estimated to be approximately 62.03 acres, the property is currently undeveloped. For industrial properties the assumed density is approximately 1 unit per 13.4 acres, or a total of 4.6 units of Industrial property. The assumption for commercial properties is 1 unit per 2.5 acres, or a total of 24.8 units of Commercial property. It can be anticipated as this property develops within the IC zoning district a mixture of Industrial and Commercial uses will be developed.
5. Sewer is currently unavailable in this location. There is a sewer main within the Ruby Vista Drive right-of-way, approximately 700' southwest of this property within the Ruby Vista Drive right-of-way. However this sewer main is too shallow to be extended and provide service to this property. The City utility plan identified this area to be served by sewer resulting from a bore underneath I-80.
6. Annexation of the area is logical and orderly.

NEVADA REVISED STATUTE:

NRS 268.636(1) states whenever the majority of property owners of any territory lying **contiguous** to a city desire to annex such territory to the city, they may cause an accurate map of plat of the territory to be made under the supervision of a competent surveyor. The map is to be filed with the city.

The property owner's representative has submitted the required map.

NRS 268.646 requires minimum factors to be considered in the review of a proposed annexation.

NRS 268.646(1) requires the evaluation of factors such as population, population density, land area and land uses, per capita assessed valuation, topography, proximity to other populated areas and the likelihood of significant growth within the next 10 years in the area and adjacent areas.

The total annexed area consists of approximately 62.03 acres.

The property is currently undeveloped and proposed to be developed as an IC property. There are existing county residential properties to the west of this property that appear to be fully developed. The proposed zone does provide for a mix of commercial and industrial properties. It does not appear that there will be any adverse effects on population or significant growth in population resulting from this annexation.

NRS 268.646 (2) requires the evaluation for the need for organized community services, the present cost of and adequacy of governmental services and controls in the area, probable future needs for such services and controls, and the probable effect of the proposed formation and of alternative courses of action on the cost and adequacy of services and controls in the area and adjacent area.

General

Annexation of the property does provide the opportunity to provide continued light industrial land use along Ruby Vista Drive, a Minor Arterial.

Land Division and Potential Zoning

The property is undeveloped. Developable area is estimated to be approximately 62.03 acres, the property is currently undeveloped. For industrial properties the assumed density is approximately 1 unit per 13.4 acres, or a total of 4.6 units of Industrial property. The assumption for commercial properties is 1 unit per 2.5 acres, or a total of 24.8 units of Commercial property. It can be anticipated as this property develops within the IC zoning district a mixture of Industrial and Commercial uses will be developed.

The application identifies the zoning classification requested upon annexation as IC-Industrial Commercial.

The purpose of the IC zoning district is to provide and preserve transitional areas characterized by surrounding commercial and industrial districts appropriate for a mixture of commercial uses and small scale industrial uses which are not associated with excessive levels of noise, dust, odor, vibration or smoke.

Sewer

Sewer is currently unavailable in this location. There is a sewer main within the Ruby Vista Drive right-of-way, approximately 700' southwest of this property within the Ruby Vista Drive right-of-way. However this sewer main is too shallow to be extended and provide service to this property. The City utility plan identified this area to be served by sewer resulting from a bore underneath I-80.

Water

City of Elko water service exists in the Ruby Vista Drive and Statice Street areas, this property can be serviced from the existing 5400 water zone.

Access

A proposed layout of facilities has not been provided for this property but it is expected that primary access will be from either Ruby Vista Drive, or Statice Street.

Other Services

The size and location of the property is not expected to place any significant burden on other City services.

NRS 268.646(3) requires the evaluation of the proposed annexation and of alternative actions on adjacent areas, on mutual social and economic interests and on local governmental structure of the county.

Annexation of the property is **not** expected to have any long-term adverse impacts on adjacent areas.

NRS 268.646(4) requires the evaluation of the proposed annexation and of alternative actions upon the availability of water and requirement of water and other natural resources throughout the affected area.

The City currently has approximately 18,000 acre feet of water rights available and is utilizing approximately 50% of that supply. Based on the Development Feasibility, Land Use, Water Infrastructure, Sanitary Sewer Infrastructure, Transportation Infrastructure and Annexation Potential Report dated November 2012, the City could face a potential **shortfall** of 700 – 800 acre feet of water to serve annexed areas in addition to areas identified as having annexation potential. Areas identified as having annexation potential provide orderly and logical growth of the City and are generally aligned with future transportation corridors.

Proper storm water controls would mitigate any potential impacts from storm water runoff.

Annexation of the property will not negatively impact other natural resources in the area.

NRS 268.646(5) requires a determination by the Bureau of Land Management that the territory proposed to be annexed is suitable for residential, commercial, or industrial development, or will be opened to private acquisition.

The area proposed for annexation does not fall under the jurisdiction of the Bureau of Land Management.

NRS 268.646(6) requires a determination that the annexation is consistent with any applicable comprehensive regional plan, area plan or master plan and any program of annexation adopted and certified pursuant to NRS 268.625.

The City of Elko Master Plans specifically addresses the annexation of property under Objective 5 as outlined in Best Practice 5.1 and Best Practice 5.3. City Staff has identified areas having potential for annexation that promote logical and orderly growth of the community. The proposed annexation is in an area that is identified as having annexation potential.

The Land Use component of the Master Plan contains an exhibit showing the area as industrial business park.

NRS 268.663(3) requires the portions of the county roads which provide the primary access to the subdivision are also annexed and become city streets.

Delaware Street exists partially as a dedicated right-of-way and partially as an easement, a condition of annexation will be dedicate the other half of this right-of-way. It is not anticipated that this right-of-way will provide primary access to this parcel.

City Code Section 3-2-4

A companion rezone application has been filed with the City requesting a zone of IC-Industrial Commercial.

The following section of code provides the PC and CC the discretion to designate an appropriate zone district after holding the appropriate public hearing:

Section 3-2-4 D. Classification Of Annexed Areas: All territory which is annexed to the city after the effective date hereof shall be zoned upon annexation AG general agriculture, unless the planning commission shall recommend and/or the city council shall otherwise designate the zoning district after holding duly advertised public hearings in accordance with section 3-2-21 of this chapter. As part of considering any petition for annexation of territory to the city, a review of conformance with the city master plan, including land use designation, shall be performed by the planning commission, with recommendations forwarded to the city council. If said annexation necessitates substantial amendment to the master plan, the planning commission may adopt such amendment only after holding duly advertised public hearings in accordance with Nevada Revised Statutes section 278.210.

CITY OF ELKO WELLHEAD PROTECTION PROGRAM

The property is located within the 5 year capture area, with a portion in the southeast corner of the property within the 2 year capture area of the wellhead protection area. Conformance with this plan is required.

SUMMARY

Factors for consideration

1. The area is identified as having annexation potential in the Development Feasibility, Land Use, Water Infrastructure, Sanitary Sewer Infrastructure, Transportation Infrastructure and Annexation Potential Report dated November 2012. The annexation of this property appears to promote the logical and orderly growth of the City.
2. The area is identified in the Master Plan as suitable for industrial business park land use.
3. The City resources committed in support for development of the property under an IC land use are minimal.
4. Maintenance obligations are not a concern with the annexation of the property. City obligations for infrastructure maintenance will occur as the property develops.
5. The property is currently developed and the property owners have indicated they wish to subdivide the property.

FINDINGS

1. The annexation is consistent with the City' Land Use Component of the Master Plan. Appropriate zoning of the property is required as the property develops to ensure conformance with the land use designation shown in the Master Plan.

2. The annexation is consistent with the City' Transportation Component of the Master Plan.
3. The Development Feasibility, Land Use, Water Infrastructure, Sanitary Sewer Infrastructure, Transportation Infrastructure and Annexation Potential Report dated November 2012, identifies the area as having potential for annexation.
4. The area proposed for annexation is not localized, isolated and does promote future transportation and utility corridors promoting future growth opportunities within the City.
5. Annexation of the area is not expected to have any immediate or negative impact on City resources. The area can be served from the existing 5400 water zone. Additional utility and roadway infrastructure will be installed at developer expense to facilitate development of the property.

RECOMMENDATION

The City of Elko Development Department recommends approval of Annexation 2-17 be forwarded to the City Council based on the following conditions:

1. The property owners shall receive a rezone of their property to be consistent with the Land Use designation in the City of Elko Master Plan.
2. The property owners present a deed of dedication for right-of-way for Delaware Street, Statice Street, and Ruby Vista Drive, within 45 days of acceptance of the annexation by the City. The property owner shall work with City on the alignment of these right-of-ways prior to being offered for dedication.
3. It appears from map 730066 that the property may be encumbered by an existing easement for ATT fiber, the map does not indicate the location of this easement through the parcel. The property owner shall contact AT&T and verify the location of the AT&T easement and provide documentation of that location to the City.



CITY OF ELKO

Planning Department

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

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

CITY OF ELKO PLANNING COMMISSION ACTION REPORT Regular Meeting of February 6, 2018

WHEREAS, the following item was reviewed and considered by the Elko City Planning Commission on February 6, 2018 per City Code Section 3-2-4 C.:

Annexation No. 2-17 filed by Surebrec Holdings, LLC, consisting of approximately 62.03 acres of property located northeast of the intersection of Statice Street and Delaware Avenue, and matters related thereto.

WHEREAS, the Planning Commission, upon review and consideration of the application and supporting data, public input and testimony, forward a recommendation to City Council to adopt an ordinance which conditionally approves Annexation No. 2-17 subject to the conditions listed in the City of Elko Staff Report dated January 26, 2018 listed as follows:

Planning Department:

1. The applicant enters into an agreement with the City relinquishing or identifying any residual rights that may exist under the agreement between the State of Nevada and the City.
2. Right-of-Way for Delaware Avenue shall offered for dedication through the intersection with Aster Street. The offer of dedication shall be filed with the City with 45 days of annexation.
3. Right-of Way for Statice Street shall be offered for dedication from the intersection of Delaware Avenue extending to the intersecting property line of APN 001-860-065. The remainder of the easement shall remain for the designated use. The offer of dedication shall be filed with the City with 45 days of annexation.
4. Right-of Way for Ruby Vista shall be offered for dedication connecting existing right-of-way to the west and to the east. The offer of dedication shall be filed with the City with 45 days of annexation.

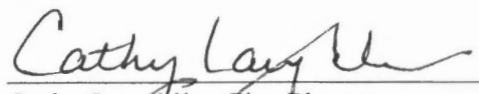
Development Department:

1. The property owners shall receive approval for a zone designation for the property to be consistent with the Land Use designation in the City of Elko Master Plan.
2. The property owners present a deed of dedication for right-of-way for Delaware Street, Statice Street, and Ruby Vista Drive, within 45 days of acceptance of the annexation by the City. The property owner shall work with City on the alignment of these right-of-ways prior to being offered for dedication.
3. It appears from map 730066 that the property may be encumbered by an existing easement for ATT fiber, the map does not indicate the location of this easement through the parcel. The property owner shall contact AT&T, verify the location of the AT&T easement, and provide documentation of that location to the City. This condition is to be satisfied prior to concurrent with property development.

Utility Department:

1. Applicant vacates the existing waterline easements and replaces the easements with a right-of-way.

The Planning Commission's findings to support its recommendation are the annexation is consistent with the City's Land Use Component of the Master Plan. The proposed zoning of IC – Industrial Commercial would ensure conformance with the land use designation as shown in the Master Plan. The annexation is consistent with the City's Transportation Component of the Master Plan. Annexation of the property provides an immediate accrual to the tax base for the City. Annexation of the property does provide the opportunity for continued Light Industrial and Commercial land uses along Ruby Vista Drive, a Minor Arterial and Statice Street, an Industrial Collector ensuring the highest and best uses of the proposed roadways. The Development Feasibility, Land Use, Water Infrastructure, Sanitary Sewer Infrastructure, Transportation Infrastructure and Annexation Potential Report dated November 2012, identifies the area as having potential for annexation. The area proposed for annexation is not localized or isolated. The area proposed for annexation promotes development of future transportation and utility corridors, thus promoting future growth opportunities for the City. Annexation of the area will not have any immediate or negative impact on City resources. The area is located within the existing 5400 water zone and can be served from existing infrastructure. Other, required, utilities, such as sewer, power, and gas will be installed at developer expense to facilitate development of the property. The topography of the area is well suited for the proposed commercial and light industrial land uses. Development of the property will result in a positive economic impact to the community. Annexation and development of the property will not adversely influence the local government structure of the County nor the City. The proposed annexation satisfies considerations and/or concerns identified as minimum factors for consideration under NRS 268.646. The annexation has been evaluated in consideration of NRS 268.663 Section 3. The annexation has been evaluated under NRS 268.610 through 268.670, inclusive.


Cathy Laughlin, City Planner

Attest:


Shelby Archuleta, Planning Technician

CC: Applicant
Jeremy Draper, Development Manager (via email)
Shanell Owen, City Clerk
Ryan Limberg, Utility Director



CITY OF ELKO PLANNING DEPARTMENT

1751 College Avenue * Elko * Nevada * 89801

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

APPLICATION FOR ANNEXATION

The applicant (100% of all property owners) hereby petitions the Elko City Council to annex to the City of Elko certain real property by ordinance, to be adopted pursuant to NRS 268.670. Said property petitioned for annexation is legally described as follows: (Attach if necessary)

See Attached

ASSESSOR PARCEL NUMBER (S): 006-10C-006
(This is not the legal description)

PROPERTY OWNERS: (Attach additional pages if necessary)

Robert Fitzgerald
Surebrec Holdings, LLC
(Print Name)

Signature

775-219-8199

Telephone Number

207 Brookwood Dr, Elko, NV 89801

Mailing Address

(Print Name)

Signature

Telephone Number

Mailing Address

(Print Name)

Signature

Telephone Number

Mailing Address

RECEIVED

Initial: _____

FILING REQUIREMENTS:

Complete Application Form: In order to begin processing the application, an application form must be complete and signed. Applications go before the City Council, Planning Commission, and back to City Council twice, and will take a minimum of 8 weeks.

Fee: 10 acres or less \$500.00, greater than 10 acres through 50 acres \$750.00, greater than 50 acres \$1,250.00. The filing fee shall be paid in full prior to consideration of the annexation request by the Planning Commission.

Annexation Map: An annexation map or record of survey of the area proposed for annexation provided by a properly licensed surveyor. Such map shall include the proposed acreage to be annexed, and the length and percentage of common boundary (at least 15%) with the corporate limits of the City. If the property abuts a road not already in the City limits, at least one half of the road must be included in the map and legal description (see N.R.S. 268.663).

Legal Description: A complete legal description of all property proposed for annexation.

Plot Plan: If the property is improved, a surveyed plot plan showing property lines, existing buildings, building setbacks, parking and loading areas and any other pertinent information.

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

Other Information: The applicant is encouraged to submit other information and documentation to support this Annexation request

1. Identify the existing zoning classification of the property: Open Space
2. Identify the zoning classification being requested upon annexation: I.C.
(A separate zone change application must be submitted for the requested classification.)
3. Explain in detail the type and nature of the use anticipated for the property.

A mixture of commercial and small scale industrial uses which may include retail and service activities, office buildings, public and quasi-public land uses, building and material sales, lumber yards, automotive dealerships, and/or conditional uses permitted to include gas station, RV parks, residential uses.

Using light industrial and/or commercial development standards where appropriate.

4. Identify any unique physical features or characteristics associated with the property.

Flat, no unique physical features

5. Identify the type and extent of City infrastructure anticipated for service to the property such as streets, sewer, and water service.

Street, Sewer, and Water Service

6. Identify any water rights which will support the annexed property: _____

2AF that was dedicated to create the parcel

(Use additional pages if necessary to address questions 3 through 6)

By My Signature below:

☒ I consent to having the City of Elko Staff enter on my property only for the sole purpose of inspection said property as part of this application process.

☐ I object to having the City of Elko Staff enter onto my property as a part of their review of this application. (Your objection will not affect the recommendation made by the staff or the final determination made by the City Planning Commission or the City Council.)

☒ I acknowledge that submission of this application does not imply approval of this request by the City Planning Department, the City Planning Commission and the City Council, nor does it in and of itself guarantee issuance of any other required permits and/or licenses.

☒ I acknowledge that this application may be tabled until a later meeting if either I or my designated representative or agent is not present at the meeting for which this application is scheduled.

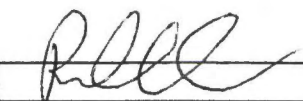
☒ I have carefully read and completed all questions contained within this application to the best of my ability.

Applicant / Agent Surebrec Holdings, LLC
(Please print or type)

Mailing Address 207 Brookwood Drive
Street Address or P.O. Box
Elko, Nevada 89801
City, State, Zip Code

Phone Number: 775-219-8199

Email address: rob.fitz@earthlink.net

SIGNATURE: 

FOR OFFICE USE ONLY

File No.: 2-17 Date Filed: 11/2/17 Fee Paid: \$1250 CK# 1042

**Elko City Council
Agenda Action Sheet**

1. Title: **Second reading, public hearing, and possible adoption of Ordinance No. 827, an ordinance increasing the corporate limits of the City of Elko, Nevada, pursuant to the provisions of N.R.S. 268.670 annexing thereto a certain tract of land partially contiguous to and not embraced within the present limits of the City of Elko described as follows: a parcel of land located on the north side of West Idaho Street approximately 2,500 feet east of I-80 Exit 298, in Section 19, T. 34 N., R. 55 E., MDM, Elko County, Nevada, consisting of 3 acres, filed by Swire Coca-Cola USA and processed as Annexation No. 3-17, and matters related thereto. FOR POSSIBLE ACTION**
2. Meeting Date: **February 27, 2018**
3. Agenda Category: **PUBLIC HEARING**
4. Time Required: **10 Minutes**
5. Background Information: **Council accepted the petition for the subject annexation on January 9, 2018, and directed Staff to continue with the annexation process by referring the matter to the Planning Commission. The Planning Commission considered the annexation on February 6, 2018, and took action to forward a recommendation of approval with findings back to Council. City Council held first reading of the ordinance on February 13, 2018 CL**
6. Budget Information:
 Appropriation Required: **N/A**
 Budget amount available: **N/A**
 Fund name: **N/A**
7. Business Impact Statement: **Not Required**
8. Supplemental Agenda Information: **Ordinance, P.C. Action Report, Staff Reports and Application**
9. Recommended Motion: **Adopt Ordinance No. 827**
10. Prepared By: **Cathy Laughlin, City Planner**
11. Committee/Other Agency Review: **Planning Commission, Elko County**
12. Council Action:
13. Agenda Distribution: **Swire Coca-Cola, USA
Attention: Mr. Dan Reid
12634 South 265 West
Draper, UT 84020**

**CITY OF ELKO
ORDINANCE NO. 827**

AN ORDINANCE INCREASING THE CORPORATE LIMITS OF THE CITY OF ELKO, NEVADA, PURSUANT TO THE PROVISIONS OF N.R.S. 268.670 ANNEXING THERETO A CERTAIN TRACT OF LAND CONTIGUOUS TO AND NOT EMBRACED WITHIN THE PRESENT LIMITS OF THE CITY OF ELKO DESCRIBED AS FOLLOWS: A PARCEL OF LAND LOCATED IN SECTIONS 19 AND 20, T. 34 N., R. 55 E., M.D.B. & M., ELKO COUNTY, NEVADA, CONSISTING OF 3.00 ACRES, MORE OR LESS.

WHEREAS, Swire Pacific Holdings, Inc. is the owner of 100% of the property to be annexed and has petitioned the City Council of the City of Elko to annex such area into the city; and

WHEREAS, not less than 15% of the total boundary of the property is coterminous with the boundary of the City of Elko and the property is not embraced within the present limits of the City of Elko; and

WHEREAS, the City Council of the City of Elko desires to annex the property, pursuant to the terms of N.R.S. 268.670, after notifying the Board of Commissioners of Elko County of its intent to annex such area to the City of Elko; and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ELKO DOES ORDAIN:

SECTION 1: The City Council of the City of Elko has determined that the territory described above to be annexed has not less than fifteen percent (15%) of the total boundary of the property coterminous with the boundary of the City of Elko and the property is not embraced within the present limits of the City of Elko; and therefore, the City Council of the City of Elko has jurisdiction to annex the property into the City of Elko.

SECTION 2: The corporate limits of the City limits of the City of Elko are extended and increased so as to include and embrace within the corporate limits of the City of Elko the territory located generally on the north side of West Idaho Street, approximately 2,500 feet east from I-80 Exit 298, and legally described in Exhibit "A" attached hereto, and such territory is hereby annexed and declared to be a part of the City of Elko.

SECTION 3: The map and plat attached to this ordinance as Exhibit "B" is an accurate map and plat of the territory annexed, which map and plat shows the legal boundaries thereof, together with all existing easements, streets, alleys and rights-of-ways.

SECTION 4: The condition for annexation and development are attached to the ordinance as Exhibit "C".

SECTION 5: The Mayor of the City of Elko is hereby authorized and directed to certify that the map is an accurate map of the territory annexed under the provisions of this ordinance.

SECTION 6: This ordinance, with a copy of the legal description, official map and plat and conditions for development attached hereto, shall be recorded in the office of the Elko County Recorder, Elko County, Nevada.

SECTION 7: All ordinances or parts of ordinances in conflict herewith are hereby repealed but only to the extent of such conflict.

SECTION 8: 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 or provision shall not affect any remaining provisions of this ordinance.

SECTION 9: 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 printed and published in the City of Elko, for at least one publication.

SECTION 10: This ordinance shall be effective upon the publication mentioned in Section 8.

PASSED AND ADOPTED this ___th day of _____, 2018 by the following vote of the City Council.

AYES:

NAYS:

ABSTAIN:

ABSENT:

APPROVED this ___th day of _____, 2018.

CITY OF ELKO

BY: _____
CHRIS J. JOHNSON, MAYOR

ATTEST:

SHANELL OWEN, CITY CLERK

Exhibit A

RECEIVED

OCT 19 1988

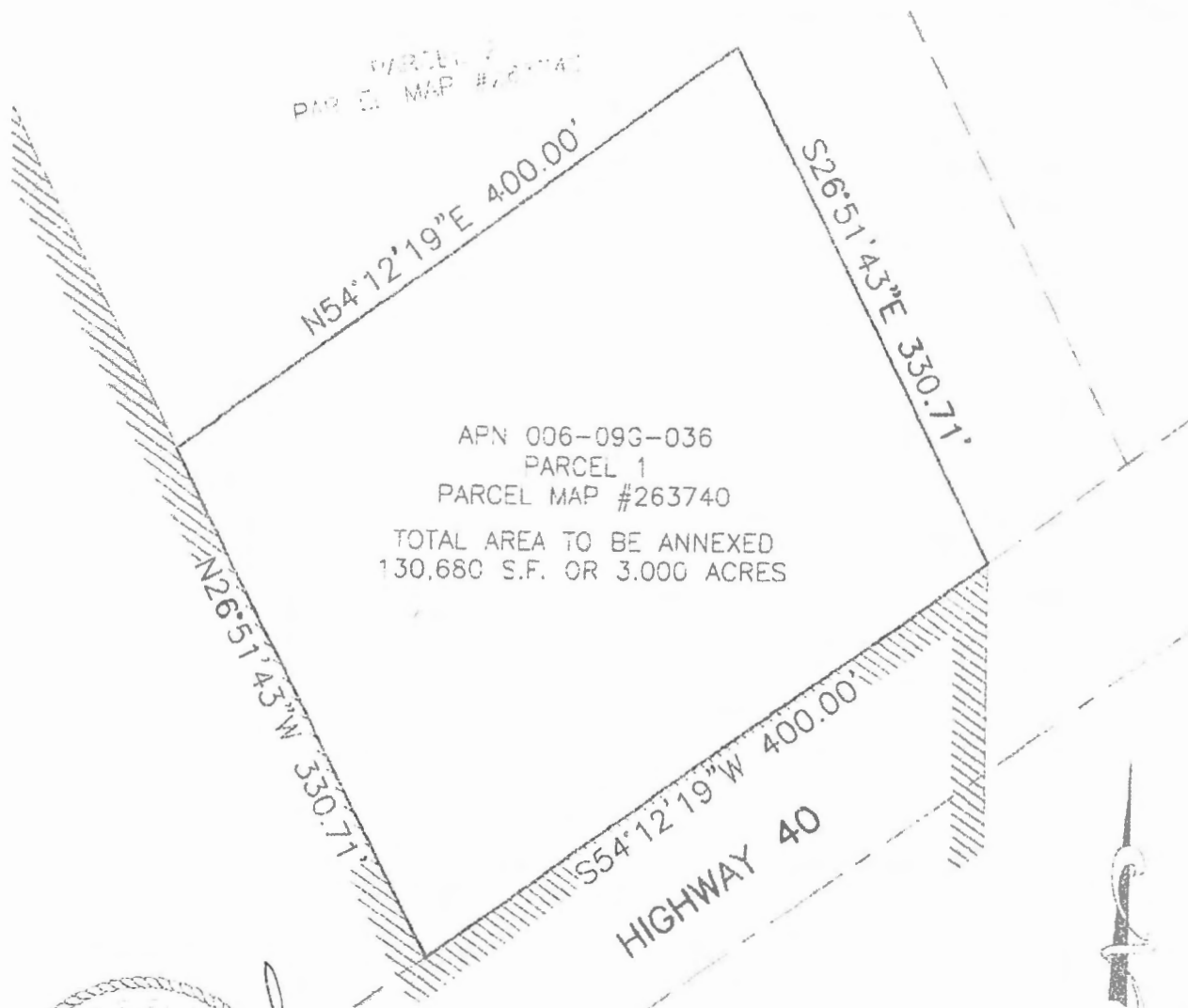
Initial: _____

LEGAL DESCRIPTION

The land referred to herein is situated in the State of Nevada, County of Elko, described as follows:

Parcel 1 as shown on that certain Parcel Map for Frances Adeline Warmbrodt filed in the office of the County Recorder of Elko County, State of Nevada, on October 12, 1988, as File No. 263740, as amended by Certificate recorded January 23, 1989, being a portion of Sections 19 and 20, Township 34 North, Range 55 East, M.D.B.&M..

AREA TO BE ANNEXED TO THE CITY OF ELKO



LEGEND

- = ROAD CENTERLINE
 - = ADJOINING PROPERTY
 - = AREA TO BE ANNEXED
 - /// = EXISTING ELKO CITY LIMITS
- 1"=100'



**Reeve
& Associates, Inc.**

5160 S 1500 W RIVERDALE, UTAH 84405
 TEL: (801) 621-3100 FAX: (801) 621-2665 www.reeve-assoc.com
 LAND PLANNERS • CIVIL ENGINEERS • LAND SURVEYORS
 TRAFFIC ENGINEERS • STRUCTURAL ENGINEERS • LANDSCAPE ARCHITECTS

Project Info.

Designer: N. ANDERSON
 Date: 12-5-17
 Name: ANNEXATION
 Number: 4805-12
 Scale: 1"=100'

CITY OF ELKO
ORDINANCE NO. 827
SWIRE COCA-COLA, USA ANNEXATION
Exhibit "C"

Development Department:

1. The property owners shall receive approval for a zone designation for the property to be consistent with the Land Use designation in the City of Elko Master Plan.

Utility Department:

1. The applicant is required to install dry sewer on their property frontages, as typically required when sewer does not yet exist in the location.
2. The property owner will extend the water main on their frontages and connect to the City water no later than 90 days after service is available to their property line.
3. The onsite ground water well will be abandoned within 90 days of connecting to the City water system.
4. No cross connection between the existing well and the City's system during the period of time required to abandon the onsite ground water well.



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

CITY OF ELKO STAFF REPORT

DATE:	January 31, 2018
PLANNING COMMISSION DATE:	February 6, 2018
CITY COUNCIL DATE:	February 13, 2018
AGENDA ITEM NUMBER:	V.B
APPLICATION NUMBER:	Annexation 3-17
APPLICANT:	Swire Coca-Cola, USA
PROJECT DESCRIPTION:	3 Acres
ADDITIONAL APPLICATION:	Rezone 12-17

An annexation of approximately 3 acres. The property is located in Elko County adjacent to the City's incorporated boundary as shown below.



STAFF RECOMMENDATION:

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

PROJECT INFORMATION

PARCEL NUMBER: 006-09G-039

PARCEL SIZE: 3 Acres

EXISTING ZONING: General Agriculture (Elko County) applicant has requested Light Industrial zoning under rezone application 12-17

MASTER PLAN DESIGNATION: General Industrial (IND-GEN)

EXISTING LAND USE: Light Industrial – Swire Coca-Cola, USA

NEIGHBORHOOD CHARACTERISTICS:

- The property is surrounded by:
- North: Elko County Property / Developed as Barrick parking lot
- West: General Agriculture (AG) / Undeveloped
- South: General Agriculture (AG) / Undeveloped
- East: Elko County Property / Developed as trailer court

PROPERTY CHARACTERISTICS:

- The property is currently developed.
- The property is generally flat.
- The property will be accessed from West Idaho Street

MASTER PLAN AND CITY CODE SECTIONS:

Applicable Master Plan Sections, NRS Sections and City Code Sections and other coordinating plans are:

- City of Elko Master Plan – Land Use Component
- City of Elko Master Plan – Transportation Component
- City of Elko Development Feasibility, Land Use, Water Infrastructure, Sanitary Sewer Infrastructure, Transportation Infrastructure and Annexation Potential Report dated November 2012
- Nevada Revised Statutes - 268.610 to 268.670, inclusive
- City of Elko Zoning – Section 3-2-4 Establishment of Zoning Districts
- City of Elko Wellhead Protection Program

BACKGROUND INFORMATION:

1. The petition has been filed Swire Coca-Cola, USA.
2. The applicant owns the property.

3. The petition includes all of APN 006-09G-039. The property is located adjacent to West Idaho Street near the 298 interchange on I-80.
4. City Council accepted the petition for the subject annexation on January 9, 2018, and directed Staff to continue with the annexation process by referring the matter to the Planning Commission.
5. Planning Commission considered the application on February 6, 2018 and moved to recommend City Council adopt an ordinance which conditionally approves Annexation 2-17.
6. Annexation of the property is consistent with Land Use and Transportation components of the Master Plan.
7. The area fronts West Idaho Street.
8. The area is not identified as having annexation potential in the adopted Development Feasibility, Land Use, Water Infrastructure, Sanitary Sewer Infrastructure, Transportation Infrastructure and Annexation Potential Report dated November 2012. That plan, for the most part, identified areas as having annexation based on established transportation and utility corridors potential in the plan.
9. City utilities have not been extended to the property. The property owner has entered into an agreement with Golden Gate Petroleum and the City of Elko for a water line extension along Sheep Creek Trail from the existing water line located in Section 19 to West Idaho Street. Construction of the water line extension is expected to begin spring 2018.
10. Sewer is not available in close vicinity to the property. The property owner will be required to install dry sewer along the frontage of the property at the time of use expansion and connect to the sanitary sewer when the service becomes available. The existing facility is utilizing septic for sanitary sewer.
11. Other non-city utilities are located in the immediate area.
12. The applicant has requested a Light Industrial zone classification for the area upon annexation of the property. The application is being processed concurrent with the annexation application.
13. Elko County was notified of the proposed annexation on January 16, 2018. The County responded on January 24, 2018 expressing no concerns.
14. The proposed annexation is a logical and orderly addition to the City's incorporated boundary.

MASTER PLAN:

Land Use:

1. Land Use is shown as General Industrial.
2. Supporting zone districts for General Industrial are General Industrial, Light Industrial and Industrial Commercial.
3. The petitioner has filed an application for a Light Industrial district to be designated on the property upon annexation of the property. The application will be processed in conjunction with the annexation application but acted on separately and conditioned upon final approval of the annexation.
4. Objective 5: Encourage development that strengthens the core of the City, and new annexations that are logical and orderly and do not promote sprawl.
5. Objective 7: Promote high quality and visually appealing industrial uses, where appropriate, to promote economic sustainability and strengthen the community's image.

6. Objective 8: Encourage new development that does not negatively impact County-wide natural systems, or public/federal lands such as waterways, wetlands, drainages, floodplains etc., or pose a danger to human health and safety.

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

Transportation:

1. The area will be accessed from West Idaho Street.
2. West Idaho Street is classified as a Major Arterial under NDOT jurisdiction.

The proposed annexation is compatible with the Transportation Component of the Master Plan. Master Plan.

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

1. The area is not identified as having annexation potential in the adopted Development Feasibility, Land Use, Water Infrastructure, Sanitary Sewer Infrastructure, Transportation Infrastructure and Annexation Potential Report dated November 2012. That plan, for the most part, identified areas as having annexation based on established transportation and utility corridors potential in the plan.
2. The property is adjacent to undeveloped land within the City of Elko.
3. The area can be served from the existing 5400 water zone. A water main was constructed along Cattle Drive in 2016
4. The property owner along with Golden Gate Petroleum and the City of Elko have an approved agreement for the water line extension down Sheep Creek Trail to the property requesting annexation.
5. Developable area is estimated to be approximately 3 acres. The property is partially developed.
6. Sewer is currently not available in this location. The city has completed preliminary design work for the establishment of sanitary sewer in the area.
7. Annexation of the area is a logical and orderly expansion of the City's incorporated boundary.

The proposed annexation is consistent with the goals, objectives and supports long range planning as outlined in the report. The alignment for water service to annexed property south/east of the I-80 corridor has been re-evaluated. Extension of water service utilizing the Sheep Creek Trail underpass is significantly less expensive than routing utilizing the Exit 298 interchange. This property now factors into fulfilling that objective.

NEVADA REVISED STATUTE:

NRS 268.636(1) states whenever the majority of property owners of any territory lying **contiguous** to a city desire to annex such territory to the city, they may cause an accurate map of plat of the territory to be made under the supervision of a competent surveyor. The map is to be filed with the city.

The property owner's representative has submitted the required map. The applicant owns the entire area proposed for annexation. The property boundary is approximately 1,461.42 feet with 730.71 feet contiguous to City of Elko boundary on the south and westerly lot lines. This equates

to approximately 50% of the property boundary as contiguous to the City's incorporated boundary.

NRS 268.646 requires minimum factors to be considered in the review of a proposed annexation.

NRS 268.646(1) requires the evaluation of factors such as population, population density, land area and land uses, per capita assessed valuation, topography, proximity to other populated areas and the likelihood of significant growth within the next 10 years in the area and adjacent areas.

The total area proposed for annexation is approximately 3 acres. The Elko County Assessor's Office indicates initial development of the property occurring in 1988 under the current use.

The location and proposed land uses of the area are supported by existing and proposed roadways.

There is a high probability of property development based on recent and current property development in the immediate vicinity. This is due to the water line extension to I-80 Exit 298.

NRS 268.646 (2) requires the evaluation for the need for organized community services, the present cost of and adequacy of governmental services and controls in the area, probable future needs for such services and controls, and the probable effect of the proposed formation and of alternative courses of action on the cost and adequacy of services and controls in the area and adjacent area.

General

Annexation of the property does provide the opportunity to provide continued light industrial land use along Idaho Street. Idaho Street is classified as a major arterial and falls under NDOT jurisdiction. The location provides excellent access to either I-80 or the community.

Land Division and Potential Zoning

The property is partially developed. The size area and existing uses does not appear to support further property division.

The application identifies the zoning classification that is being requested upon annexation of the property as Light Industrial. The purpose of the (LI) Light Industrial zoning district is to provide and preserve areas reserved primarily for less intensive industrial use and activity normally associated with previously prepared materials and with minimal levels of noise, dust, odor, vibration or smoke, and to preclude encroachment of land uses such as residential uses that could be in conflict with the industrial and manufacturing environment.

The proposed zoning would be complimentary to the land use shown in the Master Plan.

Sewer

Sanitary sewer does not exist in the immediate area. A dry gravity sewer will be installed along the frontage of the property until a time that the city can complete the installation of a lift station and force main to the WRF. The property is currently developed with the use of septic system.

Water

City of Elko water does not exist in the immediate area. The property can be served off the existing 5400 water zone with the extension of the water line from existing water line in Section 19 extending to West Idaho Street. Plans for the water line extension have been approved by the City of Elko and the State. There is an agreement between Golden Gate Petroleum, Swire Coca-Cola and the City of Elko that has been approved by the City Council to cost share on the project.

The proposed annexation is consistent with the goals, objectives and supports long range planning as outlined in the report. The alignment for water service to annexed property south/east of the I-80 corridor has been re-evaluated. Extension of water service utilizing the Sheep Creek Trail underpass is significantly less expensive than routing utilizing the Exit 298 interchange. This property now factors into fulfilling that objective.

Access

Primary access is off West Idaho Street, a major arterial, under NDOT jurisdiction.

Other Services

The size, location and use of the property will not place any significant burden on other City services.

NRS 268.646(3) requires the evaluation of the proposed annexation and of alternative actions on adjacent areas, on mutual social and economic interests and on local governmental structure of the county.

Annexation of the property will not have any long-term adverse impacts on adjacent areas. The property is partially developed.

Annexation and development of the property will not adversely influence the local government structure of the County nor the City.

NRS 268.646(4) requires the evaluation of the proposed annexation and of alternative actions upon the availability of water and requirement of water and other natural resources throughout the affected area.

The City currently has approximately 18,000-acre feet of water rights available and is utilizing approximately 50% of that supply. Based on the Development Feasibility, Land Use, Water Infrastructure, Sanitary Sewer Infrastructure, Transportation Infrastructure and Annexation Potential Report dated November 2012, there was projected deficit of 700 – 800 (3.8% – 4.4% of the total) acre feet of water to serve annexed areas in addition to areas identified as having annexation potential. Upon adoption of the report, the Council determined that through optimization of the plan and optimization of water usage, the projected shortfall did not present a significant concern. Areas identified in the report as having annexation potential provide orderly and logical growth of the City and are generally aligned with future transportation and utility corridors.

The Council has taken action, subsequent to the adoption of the report, to approve a realignment of Errecart Blvd. reducing area required for annexation along the Errecart Blvd alignment. This decision has resulted in a net reduction of projected water consumption by over 500 acre feet, nearly offsetting the projected deficit referenced.

Proper storm water controls would mitigate any potential impacts from storm water runoff.

Annexation of the property will not negatively impact other natural resources in the area.

NRS 268.646(5) requires a determination by the Bureau of Land Management that the territory proposed to be annexed is suitable for residential, commercial, or industrial development, or will be opened to private acquisition.

The area proposed for annexation does not fall under the jurisdiction of the Bureau of Land Management.

NRS 268.646(6) requires a determination that the annexation is consistent with any applicable comprehensive regional plan, area plan or master plan and any program of annexation adopted and certified pursuant to NRS 268.625.

The City of Elko Master Plans specifically addresses the annexation of property under Objective 5 as outlined in Best Practice 5.1 and Best Practice 5.3. City Staff has identified areas having potential for annexation that promote logical and orderly growth of the community. Those areas are identified in the adopted Development Feasibility, Land Use, Water Infrastructure, Sanitary Sewer Infrastructure, Transportation Infrastructure and Annexation Potential Report dated November 2012. This area is not identified as having annexation potential in the report. That plan, for the most part, identified areas as having annexation based on established transportation and utility corridors potential in the plan. The proposed annexation is consistent with the goals, objectives and supports long range planning as outlined in the report. The alignment for water service to annexed property south/east of the I-80 corridor has been re-evaluated. Extension of water service utilizing the Sheep Creek Trail underpass is significantly less expensive than routing utilizing the Exit 298 interchange. This property now factors into fulfilling that objective.

The Land Use component of the Master Plan contains an exhibit showing the area as General Industrial. Light Industrial is a corresponding zoning district for the General Industrial identified in the Master Plan.

NRS 268.663(3) requires the portions of the county roads which provide the primary access to the subdivision are also annexed and become city streets.

Idaho Street is currently a NDOT right-of-way at this location and appears to currently be located within the City of Elko. The developer would be required to obtain NDOT approval for changes to ingress/egress to the property or address NDOT requirements for expanded uses on the property.

ELKO CITY CODE SECTION 3-2-4

The petitioner has filed an application for a Light Industrial (LI) district to be designated on the property upon annexation of the property. The application will be processed in conjunction with the annexation application but acted on separately.

The following section of code provides the Planning Commission and City Council the discretion to designate an appropriate zone district after holding the appropriate public hearing:

Section 3-2-4 D. Classification Of Annexed Areas: All territory which is annexed to the city after the effective date hereof shall be zoned upon annexation AG general agriculture, unless the planning commission shall recommend and/or the city council shall otherwise designate the

zoning district after holding duly advertised public hearings in accordance with section 3-2-21 of this chapter. As part of considering any petition for annexation of territory to the city, a review of conformance with the city master plan, including land use designation, shall be performed by the planning commission, with recommendations forwarded to the city council. If said annexation necessitates substantial amendment to the master plan, the planning commission may adopt such amendment only after holding duly advertised public hearings in accordance with Nevada Revised Statutes section 278.210.

CITY OF ELKO WELLHEAD PROTECTION PROGRAM

A proposed well (test hole/monitoring well currently exists) approximately 4,200 feet from the property is expected to be installed as development occurs in the area. At that time, it could be expected that this property will be located within the 5-10 year capture zones. The City of Elko may complete the installation of a sewer main and lift station prior to the installation of the proposed well to eliminate a number of septic systems and leach fields in the area.

FINDINGS

1. The proposed annexation is consistent with the City's Land Use Component of the Master Plan. The proposed zoning of LI- Light Industrial would ensure conformance with the land use designation shown in the Master Plan
2. The proposed annexation is consistent with the City's Transportation Component of the Master Plan.
3. Annexation of the property provides an immediate accrual to the tax base for the City.
4. Annexation of the property provides an opportunity for expanded Light Industrial uses.
5. Annexation of the property is consistent with the goals, objectives, supports long range planning as outlined in the Development Feasibility, Land Use, Water Infrastructure, Sanitary Sewer Infrastructure, Transportation Infrastructure, and Annexation Potential Report dated November 2012. The alignment for water service to annexed property south/east of the I-80 corridor has been re-evaluated. Extension of water service utilizing the Sheep Creek Trail underpass is significantly less expensive than routing utilizing the Exit 298 interchange. This property now factors into fulfilling that objective.
6. The area proposed for annexation is not localized or isolated.
7. The proposed annexation is consistent with the future transportation objectives of the City.
8. Annexation of the area is not expected to have any immediate or negative impact on City resources. The area can be served from the existing 5400 water zone. Extension of water infrastructure is required and has been planned for including certain actions taken by the City Council identified in this report.
9. Other, required, utilities will be installed at developer expense to facilitate development of the property.
10. The topography of the area is well suited for the proposed light industrial land uses.

11. Expanded uses on the property will result in a positive economic impact to the community.
12. Annexation and development of the property will not adversely influence the local government structure of the County nor the City.
13. The proposed annexation satisfies considerations and/or concerns identified as minimum factors for consideration under NRS 268.646 and has been evaluated in consideration of NRS 268.663(3).
14. The proposed annexation has been evaluated in consideration of NRS 268.610-268.670 inclusive.

STAFF RECOMMENDATION:

Staff recommends conditional approval of Annexation 3-17 with adoption of Ordinance 827, first reading, public hearing and second reading prior to adoption. If approved by the City Council, the conditions will be included in the annexation ordinance.

Development Department:

1. The property owners shall receive approval for a zone designation for the property to be consistent with the Land Use designation in the City of Elko Master Plan.

Utility Department:

1. The applicant is required to install dry sewer on their property frontages, as typically required when sewer does not yet exist in the location.
2. The property owner will extend the water main on their frontages and connect to the City water no later than 90 days after service is available to their property line.
3. The onsite ground water well will be abandoned within 90 days of connecting to the City water system.
4. No cross connection between the existing well and the City's system during the period of time required to abandon the onsite ground water well.



CITY OF ELKO
DEVELOPMENT DEPARTMENT
1755 COLLEGE AVENUE
ELKO, NEVADA 89801
(775)777-7210
(775)777-7219 FAX

To: Planning Commission
From: Jeremy Draper, Development Department
Date: January 16, 2018
Re: Annexation Petition 3-17, Coca-Cola

The City of Elko Development Department has reviewed the annexation application offers the following comments for consideration to aid the Planning Commission's review of the above referenced application: Applicable Master Plan Sections, NRS Sections and City Code Sections and other coordinating plans are:

- City of Elko Master Plan – Land Use Component
- City of Elko Master Plan – Streets and Highways Component
- City of Elko Development Feasibility, Land Use, Water Infrastructure, Sanitary Sewer Infrastructure, Transportation Infrastructure and Annexation Potential Report dated November 2012
- Nevada Revised Statutes - 268.610 to 268.670, inclusive
- City of Elko Zoning – Section 3-2-4 Zoning Districts
- City of Elko Wellhead Protection Program

BACKGROUND INFORMATION:



1. The petition includes that portion of APN 006-09G-036 lying approximately 3,100' east of Idaho Street and Interstate 80 containing more or less 3.00 acres of land.
2. The area is not identified as having annexation potential as shown in the adopted Development Feasibility, Land Use, Water Infrastructure, Sanitary Sewer Infrastructure, Transportation Infrastructure and Annexation Potential Report dated November 2012. However, this should not exclude the area for consideration for annexation.
3. The area fronts W. Idaho Street.
4. A project in which developers will extend City water to the edge of the property has been approved and is expected to be constructed in the spring of 2018. The property lies within the 5400 water service zone. City sewer does not exist in this area, however preliminary design has been completed by the City of Elko Engineering Department, the development would be required to install a dry sewer until such time as a force main is install to provide sewer services to this area of the City.
5. Other non-city utilities are located in the immediate area.
6. The area is identified as Industrial Business Park Land Use in the City of Elko Master Plan Land Use Component, amendment 1-17.
7. The applicant has submitted a rezone application for a Light Industrial Zone.
8. The proposed annexation appears logical and orderly.

MASTER PLAN:

Land Use:

1. Land Use is shown as Industrial Business Park per amendment 1-17.
2. The petitioner has submitted an application for rezone to an LI-Light Industrial District.
3. Section 3-2-4-D of City Code states that a review of conformance with the city master plan, including land use designation, shall be performed by the planning commission.
4. Objective 7: Promote high quality and visually appealing industrial uses, where appropriate, to ensure economic sustainability as well as strengthen the community's image.
5. Objective 8: Ensure that new development does not negatively impact County-wide natural systems,, or public/federal lands such as waterways, wetlands, drainages, floodplains etc., or pose a danger to human health and safety.

Transportation:

1. The area fronts W. Idaho St., a Major Arterial under NDOT jurisdiction.

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

1. The area is not identified as having annexation potential.
2. This area is adjacent to vacant property currently located within the incorporated boundary of the City.
3. The area can be served of the existing 5400 water zone. An water line is being proposed to be extended from Cattle Drive to serve this property.
4. Developable area is estimated to be approximately 3.00 acres, the property is currently developed as Swire Coca-Cola and is expected to be expanded upon.

5. Sewer is currently unavailable in this location. The developer will be required to install a dry sewer and utilize a septic system until such time that a force main is installed to the Water Reclamation Facility.
6. Annexation of the area does appear to be logical and orderly and continues the development of land near exit 298 of I-80.

NEVADA REVISED STATUTE:

NRS 268.636(1) states whenever the majority of property owners of any territory lying **contiguous** to a city desire to annex such territory to the city, they may cause an accurate map of plat of the territory to be made under the supervision of a competent surveyor. The map is to be filed with the city.

The property owner's representative has submitted the required map.

NRS 268.646 requires minimum factors to be considered in the review of a proposed annexation.

NRS 268.646(1) requires the evaluation of factors such as population, population density, land area and land uses, per capita assessed valuation, topography, proximity to other populated areas and the likelihood of significant growth within the next 10 years in the area and adjacent areas.

The total annexed area consists of approximately 3.00 acres.

The property is currently developed.

NRS 268.646 (2) requires the evaluation for the need for organized community services, the present cost of and adequacy of governmental services and controls in the area, probable future needs for such services and controls, and the probable effect of the proposed formation and of alternative courses of action on the cost and adequacy of services and controls in the area and adjacent area.

General

Annexation of the property does provide the opportunity to provide continued light industrial land use along Idaho Street, a Major Arterial under NDOT jurisdiction.

Land Division and Potential Zoning

The property is developed and does not appear to be of sufficient size to accommodate parceling or subdivision.

The application identifies the zoning classification requested upon annexation as LI-Light Industrial.

The purpose of the LI zoning district is to provide and preserve areas reserved primarily for less intensive industrial use and activity normally associated with previously prepared materials and with minimal levels of noise, dust, odor, vibration or smoke, and to preclude encroachment of land uses such as residential uses that could be in conflict with the industrial and manufacturing environment.

Sewer

Sanitary sewer does not exist in the immediate area. A dry sewer and septic system will be required to be installed and utilized until a force main can be installed providing service to the Water Reclamation Facility.

Water

City of Elko water service does not exist in the immediate area. The property can be served off the existing 5400 water zone with the extension of a waterline from Cattle Drive plans have been submitted and approved for this extension.

Access

Primary access is from Idaho Street.

Other Services

The size and location of the property is not expected to place any significant burden on other City services.

NRS 268.646(3) requires the evaluation of the proposed annexation and of alternative actions on adjacent areas, on mutual social and economic interests and on local governmental structure of the county.

Annexation of the property is **not** expected to have any long-term adverse impacts on adjacent areas.

NRS 268.646(4) requires the evaluation of the proposed annexation and of alternative actions upon the availability of water and requirement of water and other natural resources throughout the affected area.

The City currently has approximately 18,000 acre feet of water rights available and is utilizing approximately 50% of that supply. Based on the Development Feasibility, Land Use, Water Infrastructure, Sanitary Sewer Infrastructure, Transportation Infrastructure and Annexation Potential Report dated November 2012, the City could face a potential **shortfall** of 700 – 800 acre feet of water to serve annexed areas in addition to areas identified as having annexation potential. Areas identified as having annexation potential provide orderly and logical growth of the City and are generally aligned with future transportation corridors.

Proper storm water controls would mitigate any potential impacts from storm water runoff.

Annexation of the property will not negatively impact other natural resources in the area.

NRS 268.646(5) requires a determination by the Bureau of Land Management that the territory proposed to be annexed is suitable for residential, commercial, or industrial development, or will be opened to private acquisition.

The area proposed for annexation does not fall under the jurisdiction of the Bureau of Land Management.

NRS 268.646(6) requires a determination that the annexation is consistent with any applicable

comprehensive regional plan, area plan or master plan and any program of annexation adopted and certified pursuant to NRS 268.625.

The City of Elko Master Plans specifically addresses the annexation of property under Objective 5 as outlined in Best Practice 5.1 and Best Practice 5.3. City Staff has identified areas having potential for annexation that promote logical and orderly growth of the community. The proposed annexation is not in an area that was identified as having annexation potential; however, it should not be excluded from consideration for annexation.

The Land Use component of the Master Plan contains an exhibit showing the area as industrial business park.

NRS 268.663(3) requires the portions of the county roads which provide the primary access to the subdivision are also annexed and become city streets.

Idaho Street is currently a NDOT right-of-way easement at this location and appears to be currently located within the City.

City Code Section 3-2-4

A companion rezone application has been filed with the City requesting a zone of LI-Light Industrial.

The following section of code provides the PC and CC the discretion to designate an appropriate zone district after holding the appropriate public hearing:

Section 3-2-4 D. Classification Of Annexed Areas: All territory which is annexed to the city after the effective date hereof shall be zoned upon annexation AG general agriculture, unless the planning commission shall recommend and/or the city council shall otherwise designate the zoning district after holding duly advertised public hearings in accordance with section 3-2-21 of this chapter. As part of considering any petition for annexation of territory to the city, a review of conformance with the city master plan, including land use designation, shall be performed by the planning commission, with recommendations forwarded to the city council. If said annexation necessitates substantial amendment to the master plan, the planning commission may adopt such amendment only after holding duly advertised public hearings in accordance with Nevada Revised Statutes section 278.210.

CITY OF ELKO WELLHEAD PROTECTION PROGRAM

The property is not located within the wellhead protection area.

SUMMARY

Factors for consideration

1. The area was not identified as having annexation potential in the Development Feasibility, Land Use, Water Infrastructure, Sanitary Sewer Infrastructure, Transportation Infrastructure and Annexation Potential Report dated November 2012. The annexation of this property appears to promote the logical and orderly growth of the City.

2. The area is identified in the Master Plan as suitable for industrial business park land use.
3. The City resources committed in support for development of the property under an LI land use are minimal.
4. Maintenance obligations are not a concern with the annexation of the property. City obligations for infrastructure maintenance will occur as the property develops.
5. The property is currently developed and the property owners have indicated they wish to subdivide the property.

FINDINGS

1. The annexation is consistent with the City' Land Use Component of the Master Plan. Appropriate zoning of the property is required as the property develops to ensure conformance with the land use designation shown in the Master Plan.
2. The annexation is consistent with the City' Transportation Component of the Master Plan.
3. The Development Feasibility, Land Use, Water Infrastructure, Sanitary Sewer Infrastructure, Transportation Infrastructure and Annexation Potential Report dated November 2012, does not identify the area as having potential for annexation, however the property should not be excluded from consideration for annexation.
4. The area proposed for annexation is not localized, isolated and does promote future transportation and utility corridors promoting future growth opportunities within the City.
5. Annexation of the area is not expected to have any immediate or negative impact on City resources. The area can be served from the existing 5400 water zone. Additional utility and roadway infrastructure will be installed at developer expense to facilitate development of the property.

RECOMMENDATION

The City of Elko Development Department recommends approval of Annexation 3-17 be forwarded to the City Council based on the following conditions:

1. The property owners shall receive a rezone of their property to be consistent with the Land Use designation in the City of Elko Master Plan.



CITY OF ELKO

Planning Department

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

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

CITY OF ELKO PLANNING COMMISSION ACTION REPORT Regular Meeting of February 6, 2018

WHEREAS, the following item was reviewed and considered by the Elko City Planning Commission on February 6, 2018 per City Code Section 3-2-4 C.:

Annexation No. 3-17 filed by Swire Coca-Cola, USA, consisting of approximately 3.00 acres of property located on the north side of West Idaho Street, approximately 2,500 feet east from I-80 Exit 298, and matters related thereto.

WHEREAS, the Planning Commission, upon review and consideration of the application and supporting data, public input and testimony, forward a recommendation to City Council to adopt an ordinance which conditionally approves Annexation No. 3-17 subject to the conditions listed in the City of Elko Staff Report dated January 31, 2018 listed as follows:

Development Department:

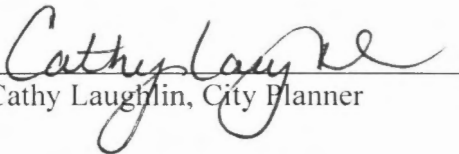
1. The property owners shall receive approval for a zone designation for the property to be consistent with the Land Use designation in the City of Elko Master Plan.

Utility Department:


1. The applicant is required to install dry sewer on their property frontages, as typically required when sewer does not yet exist in the location.
2. The property owner will extend the water main on their frontages and connect to the City water no later than 90 days after service is available to their property line.
3. The onsite ground water well will be abandoned within 90 days of connecting to the City water system.
4. No cross connection between the existing well and the City's system during the period of time required to abandon the onsite ground water well.

The Planning Commission's findings to support its recommendation are the annexation is consistent with the City's Land Use Component of the Master Plan. The proposed zoning of LI – Light Industrial would ensure conformance with the land use designation shown in the Master Plan. The proposed annexation is consistent with the City's Transportation Component of the Master Plan. Annexation of the property provides an immediate accrual to the tax base for the city. Annexation of the property provides an opportunity for expanded Light Industrial uses. Annexation of the property is consistent with the goals, objectives, supports long range planning

as outlined in the Development Feasibility, Land Use, Water Infrastructure, Sanitary Sewer Infrastructure, Transportation Infrastructure, and Annexation Potential Report dated November 2012. The alignment for water service to annexed property south/east of the I-80 corridor has been re-evaluated. Extension of water service utilizing the Sheep Creek Trail underpass is significantly less expensive than routing utilization the Exit 298 interchange. This property now factors into fulfilling that objective. The area proposed for annexation is not localized or isolated. The proposed annexation is consistent with the future transportation objectives of the City. Annexation of the area is not expected to have any immediate or negative impact on City resources. The area can be served from the existing 5400 water zone. Extension of water infrastructure is required and has been planned for including certain actions taken by the City Council identified in this report. Other, required, utilities will be installed at developer expense to facilitate development of the property. The topography of the area is well suited for the proposed commercial and light industrial land uses. Expanded use on the property will result in a positive economic impact to the community. Annexation and development of the property will not adversely influence the local government structure of the County nor the City. The proposed annexation satisfies the considerations and/or concerns identified as minimum factors for consideration under NRS 268.646. The annexation has been evaluated in consideration of NRS 268.663 Section 3. The annexation has been evaluated under NRS 268.610 through 268.670, inclusive.


Cathy Laughlin, City Planner

Attest:


Shelby Archuleta, Planning Technician

CC: Applicant
Jeremy Draper, Development Manager (via email)
Shanell Owen, City Clerk
Ryan Limberg, Utility Director



CITY OF ELKO PLANNING DEPARTMENT

1751 College Avenue * Elko * Nevada * 89801


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

APPLICATION FOR ANNEXATION

The applicant (100% of all property owners) hereby petitions the Elko City Council to annex to the City of Elko certain real property by ordinance, to be adopted pursuant to NRS 268.670. Said property petitioned for annexation is legally described as follows: (Attach if necessary)
(See Attachment)

ASSESSOR PARCEL NUMBER (S): Parcel 1, APN 006-09G-036, Map # 263740
(This is not the legal description)

PROPERTY OWNERS: (Attach additional pages if necessary)

Swire Coca-Cola, USA		801.816.5760
(Print Name)	Signature	Telephone Number
12634 South 265 West, Draper, UT 84020		
Mailing Address		

(Print Name)	Signature	Telephone Number
Mailing Address		

(Print Name)	Signature	Telephone Number
Mailing Address		

RECEIVED

12/20

Initial: _____

FILING REQUIREMENTS:

Complete Application Form: In order to begin processing the application, an application form must be complete and signed. Applications go before the City Council, Planning Commission, and back to City Council twice, and will take a minimum of 8 weeks.

Fee: 10 acres or less \$500.00, greater than 10 acres through 50 acres \$750.00, greater than 50 acres \$1,250.00. The filing fee shall be paid in full prior to consideration of the annexation request by the Planning Commission.

Annexation Map: An annexation map or record of survey of the area proposed for annexation provided by a properly licensed surveyor. Such map shall include the proposed acreage to be annexed, and the length and percentage of common boundary (at least 15%) with the corporate limits of the City. If the property abuts a road not already in the City limits, at least one half of the road must be included in the map and legal description (see N.R.S. 268.663).

Legal Description: A complete legal description of all property proposed for annexation.

Plot Plan: If the property is improved, a surveyed plot plan showing property lines, existing buildings, building setbacks, parking and loading areas and any other pertinent information.

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

Other Information: The applicant is encouraged to submit other information and documentation to support this Annexation request

1. Identify the existing zoning classification of the property: Highway Commercial
2. Identify the zoning classification being requested upon annexation: Light Industrial
(A separate zone change application must be submitted for the requested classification.)
3. Explain in detail the type and nature of the use anticipated for the property.
Beverage distribution center. Product is delivered to this location from regional bottling plants and suppliers,
warehoused in this location, then distributed to local stores, restaurants, etc.
4. Identify any unique physical features or characteristics associated with the property.
None known.

5. Identify the type and extent of City infrastructure anticipated for service to the property such as streets, sewer, and water service.

City waterline extension to serve the property is in progress.

"Sheep Trail and West Idaho Street Water Main Extension"

6. Identify any water rights which will support the annexed property: None

(Use additional pages if necessary to address questions 3 through 6)

By My Signature below:

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

Applicant / Agent Dan Reid, Swire Sr. Manager For Construction
(Please print or type)

Mailing Address 12634 South 265 West
Street Address or P.O. Box
Draper, UT, 84070
City, State, Zip Code

Phone Number: 801.816.5760

Email address: dreid@swirecc.com

SIGNATURE: 

FOR OFFICE USE ONLY

File No.: 3-17 Date Filed: 12/19/17 Fee Paid: \$500 CC# 6559