



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

PUBLIC MEETING NOTICE

The Elko City Council will meet in regular session on Tuesday, April 13, 2021 at 4:00 P.M.–7:00 P.M., P.D.S.T. at the Elko City Hall, 1751 College Avenue, Elko, Nevada and by utilizing **GoToMeeting.com**

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

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ELKO CITY HALL

1751 College Avenue, Elko, NV 89801

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

Posted by: Kim Wilkinson	Administrative Assistant	
Name	Title	Signature

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

The public can view or participate in the virtual meeting on a computer, laptop, tablet or smart phone at: **<https://global.gotomeeting.com/join/190908805>** You can also dial in using your phone at **United States: +1 (872) 240-3412** the Access Code for this meeting is **190-908-805** Public Comment and questions can be received by calling **(775) 777-0590** or by emailing: **cityclerk@elkocitynv.gov**

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Dated this 8th day of April, 2021

NOTICE TO PERSONS WITH DISABILITIES

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



Curtis Calder, City Manager
Elko, Nevada

CITY OF ELKO
CITY COUNCIL AGENDA
REGULAR MEETING
4:00 P.M., P.D.S.T.
TUESDAY, APRIL 13, 2021
ELKO CITY HALL, CHAMBERS
1751 COLLEGE AVENUE, ELKO, NEVADA
<https://global.gotomeeting.com/join/190908805>

CALL TO ORDER

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

ROLL CALL

PLEDGE OF ALLEGIANCE

COMMENTS BY THE GENERAL PUBLIC

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

APPROVAL OF MINUTES: March 23, 2021 Regular Session

I. PRESENTATIONS

- A. Reading of a proclamation by the Mayor, commemorating the 50th Anniversary of Vitality Unlimited, and matters related thereto. **INFORMATION ONLY – NON ACTION ITEM**
- B. Review and possible approval of the Fiscal Year 2021/2022 Tentative Budget, and matters related thereto. **FOR POSSIBLE ACTION**

Staff will provide a revised budget presentation and will be requesting tentative budget approval and submittal. JB
- C. Presentation of the 2020 Fire Department Year in Review, and matters related thereto. **INFORMATION ONLY – NON ACTION ITEM**

II. CONSENT AGENDA

- A. Review, consideration, and possible approval of the Full-Time Human Resources Coordinator job description, and matters related thereto. **FOR POSSIBLE ACTION**

The change to the position of Human Resources Coordinator from Part-Time to Full-Time, was approved during the City Council Meeting on March 23, 2021 as part of the FY 2021-2022 Budget. The position will provide support to various Human Resources activities and functions, including file maintenance, recruiting benefits administration, safety, and HR administrative support. SS

III. PERSONNEL

- A. Employee Introductions:
 - 1.) Mr. Juan Salazar, Laborer, Water Department
- B. Swearing in of recently promoted Fire Department employees: Driver/Operator I, Driver/Operator II and Fire Captain, and matters related thereto. **INFORMATION ONLY – NON ACTION ITEM**

IV. APPROPRIATIONS

- A. Review and possible approval of Warrants, and matters related thereto. **FOR POSSIBLE ACTION**
- B. Review and possible approval of Print n' Copy Warrants, and matters related thereto. **FOR POSSIBLE ACTION**
- C. Review and possible ratification of General Hand-Cut Checks, and matters related thereto. **FOR POSSIBLE ACTION**
- D. Review, consideration, and possible action to accept Amendment No. Four (4) to Contract Dated February 26, 2019 between Jviation, INC and The City of Elko, Nevada, and matters related thereto. **FOR POSSIBLE ACTION**

This item is to amend the current contract between The City of Elko and Jviation, Inc. Jviation contract amendment #4 will cover fees associated with Airport Concessions Disadvantage Business Enterprise (ACDBE) program. Jviation will assist the airport in updating its Airport Concessions Disadvantaged Business Enterprise (ACDBE) Goal for FY20-22 to be in compliance with the FAA. JF

V. NEW BUSINESS

- A. Review, consideration and possible action to initiate an amendment to Elko City Code Sections 2-1-2 "Applicability" and 2-1-4 "Permits" in the Building Regulations, and matters related thereto. **FOR POSSIBLE ACTION**

Several sections of both the Building Regulations and Zoning Regulations address City requirements pertaining to accessory buildings, such as sheds. Staff has determined that these City Code provisions require further clarification. The Planning Commission initiated an amendment to the applicable sections of the Zoning Regulations at their meeting of April 6, 2021. City Staff is now requesting that the City Council initiate similar and/or corresponding changes to the Building Regulations.

The changes to the Building Regulations include the addition and/or modification of definitions pertaining to accessory buildings and clarification of what types and sizes of accessory buildings require a building permit. These amendments are being made in conjunction with proposed amendments to the Zoning Regulations which will be presented to the City Council at a later date once they have gone through the Planning Commission process. MR

- B. Review, consideration, and possible action for a determination from City Council to fence the golf course ponds, and matters related thereto. **FOR POSSIBLE ACTION**

The ponds were lined in the fall of 2020 and then refilled with water. Since that time there has been two instances where animals have gone into the ponds and could not get out without assistance from the owners. Once the owners of the animals entered the ponds they were also unable to exit the pond without assistance. If public access is controlled and achieved with fencing, a minimum of a 6' fence shall be used in Parks according to WTS-7 NDEP Guidance Document for Reclaimed Water Storage Ponds. NDEP did not require the ponds to be fenced and the plans were approved as submitted. Staff is requesting determination from City Council to have the ponds fenced or leave them unfenced, which poses a risk for someone entering the ponds and drowning if they cannot get out.

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

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

VI. RESOLUTIONS AND ORDINANCES

- A. First reading of proposed Ordinance 857 amending Title 8, Chapter 21, Section 4 of the Elko City Code entitled "Sidewalk Maintenance, Reconstruction, and Repair", and matters related thereto. **FOR POSSIBLE ACTION**

The proposed amendment consists of three components: 1) clarify decision-making authority for the reconstruction and/or repair of sidewalks, 2) require that all sidewalk construction, reconstruction, and/or repair comply with applicable federal

laws including the Americans with Disabilities Act, and 3) minor adjustments to language for additional clarity. The City Council Initiated Ordinance No. 857 at their March 23, 2021 meeting. MR

VII. PETITIONS, APPEALS, AND COMMUNICATIONS

- A. Ratification of the Police Chief issuing a 30-day Temporary Retail Liquor License and issue a Regular Retail Liquor License, to Tania Kump, Jeff Kump, and Scott Ygoa, DBA Evergreen Flower and Gift Shop, located at 232 3rd Street, Elko, NV 89801, and matters related thereto. **FOR POSSIBLE ACTION**
- B. Ratification of the Police Chief issuing a 60-day Temporary Retail Liquor License and issue a Regular Retail Liquor License, to Thomas J. Duncan, DBA TD's Golf at Ruby View, LLC, located at 2100 Ruby View Drive, Elko, NV 89801, and matters related thereto. **FOR POSSIBLE ACTION**
- C. Review, consideration, and possible action to rename a portion of Powder House Road to Elko Mountain Way, and matters related thereto. **FOR POSSIBLE ACTION**

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

- D. Review, consideration, and possible action for a request to connect the sewer lateral for 2005 Indian View Heights to the private system of Town Homes at Ruby View, and matters related thereto. **FOR POSSIBLE ACTION**

The home owners of 2005 Indian View heights Lester Decker and Jody Abe have requested that their sewer lateral be connected into the new development of Town Homes of Ruby View. This has been requested because they have a septic tank system which pumps the effluent water to the Christian Center of Elko and then the effluent gravity feeds into the City Sewer System. This system was installed in 2006 because there was no sewer in the area to service the home. In 2019, City Council approved a waiver request from Cater Engineering for Town Homes at Ruby View to not extend the sewer main along the frontage of their property as it would not serve any future customers.

There are many issues with approving this request as follows:

- The City does not have the authority to require the Developer of The Town Homes at Ruby View project to accept the proposed sewer connection.

- The Town Homes at Ruby View sewer system will be private and maintained by a Home Owners Association.
- The Final Map for the Town Homes at Ruby View and associated utility plans have been approved by the NDEP and the City. The final map does not include an easement for the proposed sewer. Inclusion of the sewer will require revisions to both the Final Map and the utility plans. Work has commenced on the project and changes to the plans would likely result in change orders to the developer.
- City Code states customers are responsible for their service lateral to the main including the connection, commingling private services for multiple services is not practical and is extremely poor planning. Which party would be responsible for sewer lateral maintenance if issue develop.
- There are no agreements with the Town Homes at Ruby View for inclusion of the sewer.
- An agreement between the Colony and City for utility service would be required. DJ

- E. Review, consideration, and possible action to accept a petition requesting the lease of City owned property pursuant to NRS 268.062, approximately 2.262 acres, identified as Lease Area N2 located at the Elko Regional Airport, at public auction, and authorize Staff to obtain the required appraisal, and matters related thereto.

FOR POSSIBLE ACTION

REACH Air Medical has petitioned the City of Elko to lease airport owned property identified as Lease Area N2 located on the Elko Regional Airport. If Council accepts the petition, an appraisal will be obtained and Council will hold a meeting on the fair market value of the property and adopt a resolution declaring its intention to lease the property at public auction. JF

VIII. 5:30 P.M. PUBLIC HEARINGS

- A. Second reading, public hearing, and possible adoption of Ordinance No. 858, an ordinance amending Title 4, Chapter 6, Section 13 entitled Uses and Purposes of Transient Lodging Tax Proceeds, and matters related thereto. **FOR POSSIBLE ACTION**

On March 9, 2021, the City Council approved a request by the Elko Visitors and Convention Authority to initiate a change in how the Room Tax Funds could be spent in order to give the ECVA some flexibility in their budget. First reading of the ordinance was approved on March 23, 2021, and published in the Elko Daily Free Press on March 25, 2021. KW

IX. REPORTS

- A. Mayor and City Council
- B. City Manager - Legislative Update
- C. Assistant City Manager

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

COMMENTS BY THE GENERAL PUBLIC

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 blue ink, appearing to read "Curtis Calder", is written over the printed name.

Curtis Calder
City Manager

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

SS March 23, 2021

The City Council of the City of Elko, State of Nevada met for a regular meeting beginning at 4:00 p.m., Tuesday, March 23, 2021. Due to the restrictions found in the State of Nevada Emergency Directive 006, the meeting was held in the council chambers, 1751 College Ave., Elko and via GoTo Meeting.

This meeting was called to order by Mayor Reece Keener. He stated the agenda for this meeting has been posted for this date and time in accordance with State of Nevada Emergency Directive 006. The public can participate in person, by phone, tablet, laptop, or computer by registering with the GoTo Meeting link provided in the agenda, or calling 775-777-0590. Questions can be sent to cityclerk@elkocitynv.gov.

CALL TO ORDER

ROLL CALL

Mayor Present: Reece Keener

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

City Staff Present: Curtis Calder, City Manager
 Scott Wilkinson, Assistant City Manager
 Kelly Wooldridge, City Clerk
 Candi Quilici, Accounting Manager
 Jan Baum, Financial Services Director
 Dennis Strickland, Public Works Director
 Susie Shurtz, Human Resources Manager
 Dale Johnson, Utilities Director
 Mike Haddenham, WRF Supervisor
 Cathy Laughlin, City Planner
 Jim Foster, Airport Manager
 Matt Griego, Fire Chief
 Jack Snyder, Deputy Fire Chief
 Ty Trouten, Police Chief
 Jason Pepper, Police Lieutenant
 Dave Stanton, City Attorney
 Michele Rambo, Development Manager
 James Wiley, Parks and Recreation Director
 Bob Thibault, Civil Engineer
 Jeff Ford, Building Official
 Paul Willis, Computer Information Systems Coordinator
 Diann Byington, Recording Secretary

PLEDGE OF ALLEGIANCE

COMMENTS BY THE GENERAL PUBLIC

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

There were no public comments.

APPROVAL OF MINUTES: March 9, 2021 Regular Session

The minutes were approved by general consent.

III. PERSONNEL

A. Employee Introductions:

- 1) James Riley, Fire Department, Firefighter

Present and introduced.

- 2) Martin Salas, Jr., Street Department, Equipment Operator I

Present and introduced

I. PRESENTATIONS

- A. Review, consideration, and possible direction to Staff regarding the Fiscal Year FY 2021/2022 Budget, inclusive of all Enterprise Funds, and matters related thereto.
INFORMATION ONLY – NON ACTION ITEM

Jan Baum, Financial Services Director, gave a presentation (Exhibit "A")

- B. Presentation of the 2020 Annual Report by Police Chief Tyler Trouten, and matters related thereto. **INFORMATION ONLY – NON ACTION ITEM**

Chief Trouten gave a presentation (included in packet).

II. CONSENT AGENDA

- A. Review, consideration, and possible designation of the Civil Engineer as the Flood Plain Administrator and the Development Manager as the acting Flood Plain Administrator in the absence of the Civil Engineer, and matters related thereto.
FOR POSSIBLE ACTION

Chapter 3 Section 8-4 requires a designation of staff members for the administration of the flood plain ordinance by granting or denying floodplain development permits in accordance with the provision of the ordinance. SAW

- C. Review, consideration, and possible approval of the revised position description for Head Lifeguard/Assistant Pool Manager, and matters related thereto. **FOR POSSIBLE ACTION**

The Head Lifeguard/Assistant Pool Manager position description has been revised and updated to accurately reflect the duties of the position. SS

- D. Review, consideration, and possible approval of minor revisions to the position description for Seasonal Recreation Aide, and matters related thereto. **FOR POSSIBLE ACTION**

The Seasonal Recreation Aide position description and job title have been revised and updated to accurately reflect the duties of the position. SS

Scott Wilkinson, Assistant City Manager, said he thought Susie Shurtz had a revision to Item B.

Susie Shurtz, Human Resources Manager, asked to have Item B removed from the consent agenda.

**** A motion was made by Councilwoman Simons, seconded by Councilman Stone, to approve Consent Agenda Items A, C & D.**

The motion passed unanimously. (5-0)

- B. Review, consideration, and possible approval of minor revisions to the position description for Code Enforcement Officer, and matters related thereto. **FOR POSSIBLE ACTION**

The Code Enforcement Officer position description has been revised and updated to accurately reflect the duties of the position. We have updated the Title to Code Enforcement Officer, from Code Enforcement Official, and have removed some of the preferred certifications and license requirements. This is an entry level position. SS

Ms. Shurtz explained she made some changes to the job description. There was some language missing under Experience and Training. She explained the addition to the revised job description.

Mayor Keener said there is nothing on there about being able to operate a smart phone. Is there anything that pertains to use of technology?

Ms. Shurtz answered it is covered in the section that requires knowledge of computer applications and able to operate computer equipment.

Councilman Hance would like to see it be a full-time position eventually.

Dave Stanton, City Attorney, said the item needs to be read into the record.

Mayor Keener read the item into the record and asked if there was a motion.

**** A motion was made by Councilman Hance, seconded by Councilman Morris, to approve the revised Code Enforcement Official position description as presented.**

The motion passed unanimously. (5-0)

VI. RESOLUTIONS AND ORDINANCES

- A. First reading of Ordinance No. 858, an ordinance amending Title 4, Chapter 6, Section 13 entitled Uses and Purposes of Transient Lodging Tax Proceeds, and matters related thereto. **FOR POSSIBLE ACTION**

On March 9, 2021, the City Council approved a request by the Elko Visitors and Convention Authority to initiate a change in how the room tax funds could be spent in order to give the ECVA some flexibility in their budget. KW

Kelly Wooldridge explained this is a simple change. We talked about it at the last Council Meeting. The changes are included in the packet.

Katie Neddenriep, Executive Director ECVA, said she had no other changes. She offered to answer questions if needed.

**** A motion was made by Councilman Stone, seconded by Councilman Hance, to conduct first reading of Ordinance 858, and direct staff to set the matter for Public Hearing, Second Reading and possible adoption.**

The motion passed unanimously. (5-0)

IV. APPROPRIATIONS

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

**** A motion was made by Councilman Hance, seconded by Councilwoman Simons, to approve the general warrants in the amount of \$304,207.52.**

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 Councilman Hance, seconded by Councilwoman Simons, to approve the Print 'N Copy warrants in the amount of \$115.04.**

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

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

**** A motion was made by Councilman Hance, seconded by Councilwoman Simons, to approve the Hand-Cut checks in the amount of \$68,635.39.**

The motion passed unanimously. (5-0)

- D. Review, consideration, and possible action to award a bid for the Alley Water Line Replacement between 4th and 5th and Commercial and Silver Street, and matters related thereto. **FOR POSSIBLE ACTION**

Council directed Staff to solicit bids for this project on January 12, 2021. Bids were opened on March 4, 2021. The low bidder was Great Basin Engineering in the amount of \$159,220.91. Bid tabulation sheet is provided. DJ

Dale Johnson, Utilities Director, explained there were 3 compliant bids. He recommended awarding the bid to Great Basin Engineering Contractors.

**** A motion was made by Councilman Stone, seconded by Councilwoman Simons, to award the contract for the Alley Water Line Replacement between 4th and 5th and Commercial and Silver Street to Great Basin Engineering Contractors in the amount of \$159,220.91.**

The motion passed unanimously. (5-0)

- E. Review, consideration and possible authorization for Staff to solicit bids for the Public Works Department Preventive Maintenance Project 2021, to apply Micro Slurry Seal to select City streets, and matters related thereto. **FOR POSSIBLE ACTION**

Micro Slurry Seal is a preventive maintenance treatment which will be applied to approximately 64,685 l.f. of selected city streets, plus the parking corridor between 8th Street and 11th Street, which were identified and adopted as part of the City of Elko street inventory. This work will be completed after July 1, 2021. DS

Dennis Strickland, Public Works Director, explained this is our annual preventive maintenance.

**** A motion was made by Councilman Hance, seconded by Councilman Morris, to authorize staff to solicit bids for the Public Works Department Preventive Maintenance Project 2021.**

The motion passed unanimously. (5-0)

V. NEW BUSINESS

- A. Review, discussion, and possible adoption of the 2021 Street Inventory and the 2021 Construction Season Project List, and matters related thereto. **FOR POSSIBLE ACTION**

City Staff conducted a street inventory in February. The purpose of this annual survey is to evaluate current road conditions and to recommend a list of maintenance projects for the upcoming construction season. Please find enclosed

for your review, in the supplemental agenda information, City staff's 2021 street inventory, and recommendations for the 2021 Construction Season Project List. DS

Mr. Strickland gave a presentation (included in packet).

**** A motion was made by Councilwoman Simons, seconded by Councilman Morris, to adopt the 2021 Street Inventory and the 2021 Construction Season Project List.**

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

BREAK

- B. Review, consideration, and possible action to initiate an amendment to Title 8 Chapter 21, Section 4 of the Elko City Code, entitled "Sidewalk Maintenance, Reconstruction, and Repair", and matters related thereto. **FOR POSSIBLE ACTION**

The proposed amendment consists of three components: 1) clarify decision-making authority for the reconstruction and/or repair of sidewalks, 2) require that all sidewalk construction, reconstruction, and/or repair comply with applicable federal laws including the Americans with Disabilities Act, and 3) minor adjustments to language for additional clarity. MR

Michele Rambo, Development Manager, explained the proposed changes.

Mayor Keener asked does this mean that property owners will have to hire an engineer any time they want to do a sidewalk repair.

Ms. Rambo answered not necessarily an engineer but perhaps a contractor.

Mayor Keener asked if he understood that the City does have the authority to tell someone to fix their sidewalk.

Ms. Rambo answered yes under certain circumstances.

Dennis Strickland, Public Works Director, said we have never gone out and made somebody repair our infrastructure.

**** A motion was made by Councilman Hance, seconded by Councilman Morris, to initiate an amendment to Title 8 Chapter 21, Section 4 of the Elko City Code, entitled "Sidewalk Maintenance, Reconstruction and Repair" as presented by staff.**

The motion passed unanimously. (5-0)

- C. Review, consideration, and possible approval of a Grant, Bargain and Sale Deed and Contract of Purchase and Sale of Vacant Land between the City of Elko and Parrado Partners, LP & Gloria E. Capps, as trustee of the Gloria E. Capps Revocable trust of 1989, as amended January 25, 2011 for the purchase and sale of

a parcel of land consisting of 2.223 acres referred to as APN 001-630-087 in the City of Elko, and matters related thereto. **FOR POSSIBLE ACTION**

City Council approved the offer of \$175,000 for the purchase of this parcel at their March 9, 2021 meeting. The Contract of Purchase and Sale and Grant, Bargain and Sale Deed are required to open escrow. CL

Cathy Laughlin, City Planner, explained this is the final stage. We will take these documents to the realtor that has the property listed and direct Stewart Title to open up escrow. Council has already approved the purchase of this property.

**** A motion was made by Councilwoman Simons, seconded by Councilman Morris, to approve a Grant, Bargain and Sale Deed and Contract of Purchase and Sale of Vacant Land between the City of Elko and Parrado Partners, LP & Gloria E. Capps, as trustee of the Gloria E. Capps Revocable Trust of 1989, as amended January 25, 2011, for the purchase and sale of a parcel of land consisting of 2.223 acres.**

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

- D. Review and possible action to repeal the Elko City Council's March 18, 2020 Emergency Declaration, and matters related thereto. **FOR POSSIBLE ACTION**

After one (1) year of operating under various State of Nevada Emergency Directives, City Staff recommends repealing the March 18, 2020 Emergency Declaration made by the Elko City Council. CC

Curtis Calder, City Manager, explained this item is a housekeeping. The Staff never had the Council approve an actual declaration document that would need to be repealed. Council did take action on March 18 due to the shut-down that was ordered by the Governor. At that time City Staff thought that could cause a financial emergency and we prepared for such with our budget. Fortunately, that did not occur and we do not foresee any financial emergencies in the near future. We see no need to operate under an emergency declaration. This will not make the City immune to the Governor's directives or any actions in place. We will still have to comply to those directives. Elko County will be trying to obtain local control from the State of Nevada, but that may not happen until May. If Council chooses to repeal this, he asked that Council provide the same direction they did when they issued the declaration; the City Manager could have the flexibility in determining the different standards for the different City facilities.

**** A motion was made by Councilman Hance, seconded by Councilman Morris, to repeal the City Council action on March 18, 2020 declaring an emergency, at this time reserving the authority to the City Manager for compliance thereto.**

The motion passed unanimously. (5-0)

- E. Review, discussion, and possible action with regard to "Take Pride - Clean Up Green Up" event originally scheduled for April 24, 2021, and matters related thereto. **FOR POSSIBLE ACTION**

Due to Statewide COVID-19 restrictions currently in place for large gatherings, City Staff has canceled the April 24, 2021 volunteer cleanup event. In addition to COVID restrictions, liability concerns prevent this event from occurring at this time. Free Landfill Day remains available on April 24, 2021.

Mayor Keener stated he had asked for this to be on the agenda. He heard from a number of the public that this has been canceled. Many asked why we can't have an outdoor event.

Curtis Calder, City Manager, said if you are going to have a large gathering you have to go through an application process with the State of Nevada. Second, on our worker's compensation policy, we have an allowance on it just for the volunteers. There are roughly 500 volunteers covered under our workmen's compensation policy for that day. If someone cut off their arm working at the Johnny Appleseed Park, they would be covered. The same would hold true if there was a major COVID outbreak. We could end up having a whole slew of workmen's comp claims that we would be dealing with in a legacy fashion for quite some time. He was not in favor of sponsoring a big volunteer clean-up effort at this time. The landfill component is fine. They can operate safely. People can still get together and clean up their neighborhood but the City cannot sponsor it.

Dennis Strickland, Public Works Director, added the NYTC kids will not be at the landfill to help unload the trash. They may not be there again. People need to expect to unload their own waste.

Councilman Stone asked if we could do the coupons to avoid the long lines; maybe spread it out.

Mr. Strickland wasn't sure how we would facilitate that. It was meant to inspire people to go out and help clean up a public area. If you had a group and you cleaned up some public area you got a voucher. Without that component he wasn't sure how they would do it.

Scott Wilkinson, Assistant City Manager, concurred with all the comments so far. It would be impossible to manage the different groups that go throughout the community. At this late stage, to try to pull it off in April or May, it would be problematic. We rely on donations to buy the shirts and such. He agreed we shouldn't do that component of the event but still offer the free landfill day.

Mayor Keener didn't know about the insurance part of that and he was sure the public didn't either.

Councilwoman Simons said he has had tons of questions about this. She looked it up and found out the event had been canceled. In the future, she would like there be an item on the agenda or something said during reports to let us know what is going on.

Mr. Calder said it is our goal to bring this back. It has really gotten big. The last one had over 700 volunteers.

NO ACTION

VII. PETITIONS, APPEALS, AND COMMUNICATIONS

- A. Review, consideration and possible approval of a variance, related to the expansion of an existing facility located at 355 West River Street, from Section 3-8-5 Subsection 3 of the Elko City Code which stipulates a lowest floor elevation requirement of two feet above the base flood elevation, and matters related thereto.
FOR POSSIBLE ACTION

The property owner is proposing an expansion of an existing warehouse located at 355 West River Street. The owner's engineer has filed a variance request allowing for a lower floor elevation of 1.1 feet above base flood elevation for both the existing structure and the expansion area. The variance request of 0.9 feet less than the required two feet above base flood elevation stipulated in the code. The basis for the request is to match the existing floor elevation which was approved for construction under different guidelines in effect at the time of development. BT

Bob Thibault, Civil Engineer, explained in the memo (Exhibit "B") included in the packet explaining the first finished floor had an elevation of 1.1 feet above the base flood elevation. That in itself is a factor of safety. Our Code has a more significant factor of safety requiring 2 feet above the base flood elevation. He had looked at other jurisdictions around northern Nevada. Wells has the same requirement of 2 feet above base flood elevation. Both Elko County and the City of Reno require 1 foot above the base flood elevation, which this proposed construction would comply with. The City of Winnemucca and the City of West Wendover require that you build at or above the base flood elevation. Our Code is on the more stringent side. FEMA recommends at or above. They want the jurisdictions to develop their own requirements. There is some factor of safety in this proposed construction. During the flood we had in February of 2017, this existing structure did not get flooded. There was flood water on the property but the building was not inundated with flood water. Also in the packet is a summarization from High Desert Engineering, Mr. Tom Ballew.

Tom Ballew, High Desert Engineering, said he didn't have anything to add but would answer questions. He thought the Code is a good Code and it does allow for these variances. Giving the construction, we are above base flood elevation, shows good reason to grant the variance.

Mayor Keener asked if it would present a hardship to have the new addition higher than the existing.

Mr. Ballew answered it would increase the costs. There would be areas of the building that are unusable. There was an exhibit that was prepared by the architect that would show that. It is a floorplan that was prepared by the architect.

Mayor Keener noted the client realizes there is risk associated with this and they are willing to take the risk.

Mr. Ballew answered they are. The bottom line is that they are still a foot higher than the base flood elevation.

Councilwoman Simons asked Dave Stanton if the City granted this variance, is there an exclusion of liability if this were to flood.

Dave Stanton, City Attorney, answered you are talking about granting a variance, which is a legislative act. As long as the Council considers different criteria in order to support its decision, it is a legislative decision and shouldn't be a decision that would expose the City to liability. It is within the scope of its legislative power.

**** A motion was made by Councilman Morris, seconded by Councilwoman Simons, to approve a variance related to the expansion of an existing facility located at 355 West River Street, from Section 3-8-5 Subsection 3 of the Elko City Code which stipulates a lowest floor elevation requirement of two feet above the base flood elevation, referencing the memo entitled Byington Variance Request Section 3-8-6 Paragraph B: Conditions for Variances and there are 6 of them.**

The motion passed unanimously. (5-0)

VIII. REPORTS

A. Mayor and City Council

Mayor Keener reported he met with SW Gas and talked about their gas pipeline going out to Spring Creek. They are still awaiting approval from BLM for easements through a few spots. They are also concerned with the Legislative Session. There are groups wanting to cancel natural gas into new construction. He had the privilege to meet with NGM and Anthem Broadband regarding the of fiber to every address within the City of Elko and Spring Creek and Lamoille.

Councilwoman Simons clarified at the last meeting she was asking about an item for a volunteer fire truck budget item. She thought the volunteer firefighters were being phased out but learned that was not the case. She learned more about what they do and the vital services they provide to the community.

Councilman Stone said he also met with SW Gas regarding the concern about the bill legislation coming out.

B. City Manager – Legislative Update; American Rescue Plan Act Update

Curtis Calder gave an update on the City Charter Bill AB311. It is scheduled for its first hearing on Thursday morning. He will be testifying. It will have to go through the assembly and the senate before the deadline.

Mayor Keener said he learned some things about AB311. Some people thought the City Council was looking to expand its reach and appoint an additional judge. He assured them that it is very difficult to make a change in our charter and it is something you want to make for many years in the future.

Dave Stanton added that AB311 will provide clarity as to how the municipal court will work. This should have been done a long time ago.

Mr. Calder reported the American Rescue Act has passed and there were allocations from congressional delegations sent out. The City has been working with the Nevada League of Cities. The City of Elko is scheduled to receive an \$18.35 million allocation. We do not know what the restrictions on it will be. Once we get the specifics he would like to schedule a City Council workshop to

decide about accepting the money and how to spend it. He hopes to have more information by the next meeting. There are federal bills being discussed right now such as an infrastructure bill of \$3-4 trillion. We may need to prioritize our spending based on infrastructure and non-infrastructure but still looking at capital related items. This isn't money that will be coming in every year and we shouldn't build our budget on it.

Mayor Keener said Elko will be hosting a post legislative retreat here in Elko in late June. He was hoping that all members of the board can attend that event.

Mr. Calder thought the event was scheduled for June 17 and 18.

Mayor Keener thought this will potentially would draw more attendees if he had content related to ideas of utilization of these funds that will be available.

Mr. Calder said there are a couple of things that will complicate our lives such as the timing of the receipt of the money. If we get the money tomorrow, we will bring an augmented budget. It will create an additional audit for us when we have our annual audit. If we get it July 1, we would have to augment our budget for next year.

C. Assistant City Manager

Scott Wilkinson said Union Pacific(UP) is looking at a target date of April 2 to complete a legal review of the purchase and sale agreement that we sent back with comment. Hopefully they meet that target. Then we move to the selection of an appraiser. He followed up with UP's consultant about the sound wall. They kicked it out to another individual at UP that he had not dealt with. He indicated that was tied to Amtrak funding which Amtrak was not funding the project. He didn't see how that sound wall was related to Amtrak. He reached out to someone else with UP to look into that.

D. Utilities Director

Mayor Keener asked regarding the budget, it said Well 96 was going to utilize and old generator from the WRF. Will that be the only well with backup power?

Dale Johnson answered that will be the only well with back-up power.

Curtis Calder asked if we still had the portable generator that could be moved around for emergencies.

Mr. Johnson answered it went to the SnoBowl. He has a meeting with MGM on Thursday and the architect but the new shop is coming along.

D. Public Works

Mayor Keener asked how the scales project is coming along.

Dennis Strickland answered they will be here on April 13. We will get the inbound ones done first and the other half in 4 to 6 weeks after that.

E. Airport Manager

Jim Foster reported the new deicing snowplow will arrive next Monday the 29th. That was AIP51 and he will bring that to Council for closeout.

G. City Attorney

H. Fire Chief

Chief Griego handed out a report of the last four years of incidents they responded to (Exhibit "C"). He wanted to get them caught up to where they were at since he has not reported in the last year or so. If they had any questions they could reach out to Deputy Chief Snyder or him. He thanked

Councilwoman Simons for coming out and speaking with the volunteers. He talked about the volunteer meetings and trainings. The Elko County COVID report shows us down to 40 active cases in the County with 3 in the hospital. We are making progress every week.

I. Police Chief

J. City Clerk

Kelly Wooldridge asked Chief Griego for a copy of his handout for the record.

K. City Planner

L. Development Manager

M. Financial Services Director

N. Parks and Recreation Director – Ruby View Golf Course Update

James Wiley reported the Golf Course is open and fully operational, including the bar and restaurant. Last week the bar and restaurant passed their final health inspection and they opened. He didn't have any golf play numbers yet for March. The weather forecast looks pretty good going forward. The golf community is happy.

Mayor Keener asked about the Sports Complex.

Mr. Wiley said he has been working with Curtis and we have a tentative ribbon cutting scheduled in May. They will nail down a specific date for that soon. They are getting closer to opening the complex for play. One field is struggling more than the other two.

O. Civil Engineer

Bob Thibault said a couple of construction projects will be starting up in the next couple of weeks. The Downtown Block Ends Project is scheduled to start April 5th. April 12th you will see work starting on the 5th Street Parking Lot Project.

P. Building Official

Jeff Ford reported the new inspector was able to obtain his Residential Building Inspector certification and he is prepping for his Commercial Building Inspector.

Mayor Keener asked if Cambridge Heights had any building permits yet.

Mr. Ford answered no.

III. PERSONNEL (Cont.)

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

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

Mayor Keener asked for final public comment for anyone that may be on the phone or the GoToMeeting. He adjourned the meeting and went to a closed meeting. After adjourning the closed meeting, he reopened City Council Meeting.

COMMENTS BY THE GENERAL PUBLIC

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

There were no public comments.

There being no further business, Mayor Reece Keener adjourned the meeting.

Mayor Reece Keener

Kelly Wooldridge, City Clerk

**Elko City Council
Agenda Action Sheet**

1. Title: **Review and possible approval of the Fiscal Year 2021/2022 Tentative Budget, and matters related thereto. FOR POSSIBLE ACTION**
2. Meeting Date: **April 13, 2021**
3. Agenda Category: **PRESENTATION**
4. Time Required: **30 Minutes**
5. Background Information: **Staff will provide a revised budget presentation and will be requesting tentative budget approval and submittal. JB**
6. Budget Impact Statement:

 Appropriation Required: **N/A**
 Budget amount available: **N/A**
 Fund name: **N/A**
7. Business Impact Statement: **Not Required**
8. Supplemental Agenda Information:
9. Recommended Motion: **Approve the Fiscal Year 2021/2022 Tentative Budget**
10. Prepared by: **Jan Baum, Financial Services Director**
11. Committee/Other Agency Review:
12. Council Action:
13. Council Agenda Distribution:

**Elko City Council
Agenda Action Sheet**

1. Title: **Presentation of Fire Department 2020 Year in Review, and matters related thereto. INFORMATION ONLY – NON ACTION ITEM**
2. Meeting Date: **April 13, 2021**
3. Agenda Category: **Presentation**
4. Time Required: **10 Minutes**
5. Background Information:
6. Budget Information:

Appropriation Required: **\$0**
Budget amount available: **\$ 0**
Fund name:
7. Business Impact Statement: **Not Required**
8. Supplemental Agenda Information: **N/A**
9. Recommended Motion:
10. Prepared By: **Matthew Griego Fire Chief**
11. Committee/Other Agency Review: **N/A**
12. Council Action:
13. Agenda Distribution:

**Elko City Council
Agenda Action Sheet**

1. Title: **Review, consideration, and possible approval of the Full-Time Human Resources Coordinator job description, and matters related thereto. FOR POSSIBLE ACTION**
2. Meeting Date: **April 13, 2021**
3. Agenda Category: **CONSENT**
4. Time Required: **5 Minutes**
5. Background Information: **The change to the position of Human Resources Coordinator from Part-Time to Full-Time, was approved during the City Council Meeting on March 23, 2021 as part of the FY 2021-2022 Budget. The position will provide support to various Human Resources activities and functions, including file maintenance, recruiting benefits administration, safety, and HR administrative support. SS**
6. Budget Information:

Appropriation Required: **N/A**
Budget amount available: **N/A**
Fund name: **N/A**
7. Business Impact Statement: **Not Required**
8. Supplemental Agenda Information: **Copy of proposed description as presented**
9. Recommended Motion: **Approve the position description as presented**
10. Prepared by: **Susie Shurtz, Human Resources Manager**
11. Committee/Other Agency Review:
12. Council Action:
13. Council Agenda Distribution:

City of Elko, Nevada – Employment Position Description

Department: Human Resources
Title: Human Resources Coordinator
FLSA Status: FLSA Non-Exempt Position

DEFINITION

Under direct supervision of the Human Resources Manager, provides responsible technical, standard professional, and specialized office support to a variety of human resources activities and functions.

DISTINGUISHING CHARACTERISTICS

The ability to perform a full range of duties as assigned, This position is designated as paraprofessional, and requires a moderate level of independent and analytical judgement and decision making, and high level of interpersonal skills.

SUPERVISION EXERCISED

Exercises no supervision.

ESSENTIAL FUNCTIONS

(Performance of these functions is the reason the job exists. Assigned job tasks/duties are not limited to the essential functions).

- Contributes to the efficiency and effectiveness of the organization's service to its customers by offering suggestions and participating as an active member of a work team.
- Performs a wide range of duties relative to the review, maintenance, and processing of employee personnel records, documents and reports.
- Maintains personnel files in compliance with applicable legal requirements.
- Confers with human resources and payroll staff; provides information regarding the proper method of completing forms and processing information; reconciles and corrects errors as required.
- Assists with recruitment and interview process. Prepares recruitment and selection materials. Screens applications for requirements, arranges for the notification of candidates and proctors, and administers various portions of required examinations. Tracks status of candidates and responds with follow up letters.
- Assists in conducting background and reference checks, verification of employment, and exit interviews.

- Completes Forms I-9, verifies I-9 documentation and maintains I-9 files, ensuring compliance with USCIS Form I-9 Employment Eligibility Verification.
- Assists with the acquisition of collective bargaining data; participates in salary and benefits surveys; takes minutes during labor negotiation sessions.
- Collects and summarizes information, prepares written reports and recommendations, and provides technical support in areas of employee records, classification, compensation, benefits administration, and performance evaluation.
- Assist with administration of Safety Program, and Workers Compensation.
- Performs responsible, specialized office support work.
- Maintains high standards of confidentiality of all employee records and information.

OTHER JOB RELATED DUTIES

Perform related duties and responsibilities as assigned.

JOB RELATED AND ESSENTIAL QUALIFICATIONS

Knowledge, Skills, and Abilities: (KSAs are the attributes required to perform a job; generally demonstrated through qualifying experience, education, or training.)

Knowledge of:

- Principles and procedures of public human resources administration;
- Basic function and structure of a public agency;
- Computer applications related to the work;
- Basic supervisory principles;
- Extensive knowledge of computer software (Microsoft Office Suite);
- Standard office practices and procedures, including filing and the operation of standard office equipment;
- Business letter writing and the standard format for typed materials;
- Payroll and personnel record keeping principles and practices; and
- Correct English usage including grammar, punctuation, and vocabulary.

Skill to:

- Effectively interact with employees, management, board members, and the public, in person, and over the telephone;
- Maintain accurate records and files;
- Prepare clear and concise reports, correspondence, and other written materials;
- Write in English sufficient to compose routine business correspondence and reports; and
- Analyze personnel problems and recommend solutions.

Ability to:

- Work independently at times;
- Work on multiple tasks and projects;
- Perform standard human resources support work;
- Strong ability to handle confidential information with discretion and maturity;
- Effectively work with the public, in person, and over the telephone;
- Interpret, apply, and explain applicable codes and regulations;
- Perform responsible office support work;
- Use initiative and independent judgment within established procedural guidelines;
- Organize own work, set priorities, and meet critical deadlines;
- Contribute effectively to the accomplishment of team or work unit goals, objectives, and activities; and
- Establish and maintain effective working relationships with those contacted in the course of the work.

MINIMUM QUALIFICATIONS

Any combination of experience and education that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

Experience and Training:

Two (2) years of college level coursework in Business Administration, or Human Resources Administration required; Bachelor's degree in Human Resource Administration or related field preferred.

Three (3) years of responsible Human Resources experience in a professional setting preferred. Additional college level education may be substituted for the experience on a year-for-year basis.

PHR, IPMA-CP, or SHRM-CP certification preferred.

Required Licenses:

Possession of a valid driver's license.

Physical Requirements and Working Conditions:

The physical and mental requirements described here are representative of those that must be met by an employee to successfully perform the essential functions of the job.

Strength, dexterity, coordination, and vision to use keyboard and video display terminal for prolonged periods. Strength and stamina to bend, stoop, sit, and stand for long periods of time. Dexterity and coordination to handle files and single pieces of paper; occasional lifting of files, stacks of paper or reports, references, and other materials. Some reaching for items above and below desk level. Some reaching, bending, squatting, and stooping to access files and records is necessary. The manual dexterity and cognitive ability to operate a personal computer using word processing and databases. The ability to interact professionally, communicate effectively, and exchange information accurately with all internal and external customers. Ability to appropriately handle stress and interact with others, including supervisors, coworkers, employees, and the public. Maintain regular and consistent punctuality and attendance. Light lifting (up to 25 pounds) is occasionally required.

Work is performed under the following conditions:

Position functions indoors in an office type environment where most work is performed at a desk. Occasional presentations and recruitment require standing for substantial periods of time, and working outdoors. Environment is generally clean with limited exposure to conditions such as dust, fumes, noise, or odors. Frequent interruptions to planned work activities occur.

In compliance with the Americans With Disabilities Act and similar state laws, reasonable accommodations may be provided for qualified individuals with disabilities who require and request such accommodations. Incumbents and individuals who have been offered employment are encouraged to discuss potential accommodations with the appropriate City Staff.

Effective Date: April 13, 2021

**Elko City Council
Agenda Action Sheet**

1. Title: **Swearing in of newly Fire Department promotes to Driver/Operator I, Driver/Operator II and Fire Captain, and matters related thereto. INFORMATION ONLY – NON ACTION ITEM**
2. Meeting Date: **April 13, 2021**
3. Agenda Category: **PERSONNEL**
4. Time Required: **10 Minutes**
5. Background Information:
6. Budget Information:

Appropriation Required: **\$0**
Budget amount available: **\$0**
Fund name:
7. Business Impact Statement: **Not Required**
8. Supplemental Agenda Information: **N/A**
9. Recommended Motion: **Information Only – Non Action Item**
10. Prepared by: **Matthew Griego Fire Chief**
11. Committee/Other Agency Review: **N/A**
12. Council Action:
13. Agenda Distribution:

**Elko City Council
Agenda Action Sheet**

1. Title: **Review, consideration, and possible action to accept Amendment No. Four (4) to Contract Dated February 26, 2019 between Jviation, INC and The City of Elko, Nevada. and matters related thereto. FOR POSSIBLE ACTION**
2. Meeting Date: **April 13, 2021**
3. Agenda Category: **APPROPRIATION**
4. Time Required: **5 Minutes**
5. Background Information: **This item is to amend the current contract between The City of Elko and Jviation, Inc. Jviation contract amendment #4 will cover fees associated with Airport Concessions Disadvantage Business Enterprise (ACDBE) program. Jviation will assist the airport in updating its Airport Concessions Disadvantaged Business Enterprise (ACDBE) Goal for FY20-22 to be in compliance with the FAA. JF**
6. Budget Information:
 - Appropriation Required: **\$7, 290.00**
 - Budget amount available: **NA**
 - Fund name: **Airport Enterprise Fund**
7. Business Impact Statement: **Not Required**
8. Supplemental Agenda Information: **Amendment No. Four to contract Dated February 26, 2019**
9. Recommended Motion: **Move to accept Amendment number four (4) to the contract between Jviation and The City of Elko.**
10. Prepared by: **Jim Foster, Airport Manager**
11. Committee/Other Agency Review:
12. Council Action:
13. Agenda Distribution: **Kirk Nielsen, PE
Office Manager/Project Manager
D: 435.574.5318 | M: 801.558.3428
Kirk.Nielsen@Woolpert.com
Jviation, a Woolpert Company
35 South 400 West, Suite 200, St. George, UT 84770
jviation.com**

AMENDMENT NO. FOUR (4) TO CONTRACT
DATED FEBRUARY 26, 2019
BETWEEN
JVIATION, A WOOLPERT COMPANY
AND
THE CITY OF ELKO, NEVADA

The Sponsor and the Engineer agree to amend their contract for improvements to the Elko Regional Airport, Elko, Nevada to include fees for engineering services. The improvement item is included in the Scope of Work of the original contract. The item covered by this amendment is described as follows:

- ACDBE Goal and Reports

The Sponsor agrees to pay the Engineer for the services listed under Section 2 of the original contract in the following manner, and within the time constraints outlined in the AIP development schedule.

PART A - BASIC SERVICES

Prepare ACDBE FY20-22 Goal.....Lump sum of \$3,825.00
Prepare ACDBE FY19 and FY20 Reports.....Lump sum of \$3,465.00

TOTAL BASIC SERVICESLump sum of \$7,290.00

Method of payment shall be as follows:

If work is abandoned, or terminated, after obtaining approval by the Sponsor and the FAA of the final construction plans and specifications, the Sponsor shall reimburse up to 100 percent of the total lump sum as listed under PART A.

All other terms and conditions of the original contract shall remain in effect.

IN WITNESS WHEREOF, the parties hereto have affixed their signatures this _____ day of _____ 2021.

SPONSOR:
The City of Elko, Nevada

ENGINEER:
Jviation, A Woolpert Company

By: _____

Name: _____

Name: Kirk Nielsen, PE

Title: _____

Title: Office Manager

**SCOPE OF WORK
FOR
ELKO REGIONAL AIRPORT
Elko, Nevada
ACDBE Goal and Reports**

This is an Appendix attached to, made a part of and incorporated by reference to the Consulting Contract dated February 26, 2019 between the City of Elko, Nevada and Jviation, A Woolpert Company for providing professional services. For the remainder of this scope Elko Regional Airport is indicated as "Sponsor" and Jviation, A Woolpert Company is indicated as "Consultant".

DESCRIPTION

Consultant will assist the Sponsor in updating its Airport Concessions Disadvantaged Business Enterprise (ACDBE) Goal for FY20-22 to be in compliance with the FAA. As part of updating the ACDBE Goal, Consultant will also prepare and submit the Sponsor's FY19 and FY20 ACDBE reports.

1.0 Prepare ACDBE FY 20-22 Goal

Consultant will update the ACDBE Program Goal as prescribed by the Department of Transportation/Federal Aviation Administration's Disadvantaged Business Enterprise in Airport Concessions Program requirements under 49 CFR Part 23. The goals must reflect the relative availability of ready, willing, and able ACDBE's. Research of these ACDBEs will be conducted in order to develop the ACDBE goal.

1.1 Step 1- Goal Setting. The Step 1 process will be conducted for car rental and non-car rental concessions, as prescribed by the regulation to determine the base figures in order to develop the goals. Methodologies chosen will be based on noticeable evidence of market conditions and be designed to attain a goal that is rationally related to the relative availability of ACDBEs in the market area. Information/data will be provided to Consultant to develop the ACDBE goal and methodology.

1.2 Step 2 – Goal Adjustment. The Step 2 process will be conducted as prescribed by the regulation to determine the base figures in order to develop the goal for car rental and non-car rental concessions. Consultant will research past performances, ACDBE Directories, disparity studies, census bureau data and alternate methods to see if an adjustment should be made to the base goal.

1.3 Prepare Race-Neutral/Race-Conscious Determination. Consultant will determine whether race-neutral or race-conscious mechanisms will be implemented to achieve the overall goal for both car rental and non-car rental concessions.

1.4 Provide Consultation. Consultant will gather data from other organizations and institutions via teleconference to understand how to better level the playing field for ACDBEs.

1.5 Prepare Submittal. Consultant will submit the goal after making any necessary changes that result from the teleconference.

1.6 Complete Revisions. Consultant will make any requested revisions from the FAA after submittal.

2.0 Prepare ACDBE FY19 and FY20 Reports

2.1 Gather Information. Gather ACDBE participation information from FY2019 and FY2020.

2.2 Prepare and Submit ACDBE Reports. Prepare and submit FY2019 and FY2020 Uniform Report of ACDBE Commitments/Awards and Payments.

TASK 1-4 DELIVERABLES:	TO FAA	TO SPONSOR
4.0 Calculate and submit ACDBE goals for FY20-22	✓	✓
5.0 Prepare and Submit FY19/FY20 ACDBE reports	✓	✓

AVIATION

LABOR HOUR BREAKDOWN

LABOR HOUR BREAKDOWN							
TASK	LABOR CATEGORY						Phase Item Cost
	Principal	Senior Project Manager	Quality Control Manager	Project Manager V	Project Coordinator II	Support III	
1.0 Prepare ACDBE FY20-22 Goal (Lump Sum)							
1.1 Step 1 - Goal Setting				2	10		\$ 1,080.00
1.2 Step 2 - Goal Adjustment					4		\$ 480.00
1.3 Prepare Race Neutral/Race Conscious Determination				2			\$ 240.00
1.4 Provide Consultation					2		\$ 240.00
1.5 Prepare Submittal				1	1		\$ 360.00
1.6 Complete Reviews				2	2	1	\$ 875.00
TOTALS	0	0	0	5	21	1	\$ 3,475.00

TASK	LABOR CATEGORY						Phase Item Costs
	Principal	Senior Project Manager	Quality Control Manager	Project Manager V	Project Coordinator II	Support III	
2.0 Prepare ACDBE FY19 and FY20 Reports (Lump Sum)							
2.1 Gather Information				7	8		5 1,440.00
2.2 Prepare and Submit ACDBE Reports				2	12	1	3 2,025.00
TOTALS	0	0	0	4	20	1	5 3,465.00

REVISED 2020 04

**Elko City Council
Agenda Action Sheet**

1. Title: **Review, consideration and possible action to initiate an amendment to Elko City Code Sections 2-1-2 “Applicability” and 2-1-4 “Permits” in the Building Regulations, and matters related thereto. FOR POSSIBLE ACTION**
2. Meeting Date: **April 13, 2021**
3. Agenda Category: **NEW BUSINESS**
4. Time Required: **10 Minutes**
5. Background Information: **Several sections of both the Building Regulations and Zoning Regulations address City requirements pertaining to accessory buildings, such as sheds. Staff has determined that these City Code provisions require further clarification. The Planning Commission initiated an amendment to the applicable sections of the Zoning Regulations at their meeting of April 6, 2021. City staff is now requesting that the City Council initiate similar and/or corresponding changes to the Building Regulations.**

The changes to the Building Regulations include the addition and/or modification of definitions pertaining to accessory buildings and clarification of what types and sizes of accessory buildings require a building permit. These amendments are being made in conjunction with proposed amendments to the Zoning Regulations which will be presented to the City Council at a later date once they have gone through the Planning Commission process. MR
6. Budget Information:

Appropriation Required: **N/A**
Budget amount available: **N/A**
Fund name: **N/A**
7. Business Impact Statement: **Not Required**
8. Supplemental Agenda Information: **Sections 2-1-2 “Applicability” and 2-1-4 “Permits” of the Building Regulations with proposed revisions shown with track changes; draft Zoning Regulation changes (for reference only).**
9. Recommended Motion: **Move to initiate an amendment to Sections 2-1-2 “Applicability” and 2-1-4 “Permits” of the City Building Regulations, adopting the changes presented by staff.**
10. Prepared by: **Michele Rambo, AICP, Development Manager**
11. Committee/Other Agency Review: **David Stanton, City Attorney**
12. Council Action:
13. Council Agenda Distribution: **N/A**

2-1-2: APPLICABILITY:

A. General:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

CODE: The Elko City Code.

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

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

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

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

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

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

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

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

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

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

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

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

MANMADE EARTHEN FEATURES: Improvements to real property not constituting buildings or structures that are created through the movement, installation, removal, compaction or

emplacement of soil, gravel, rock or other natural materials, to include ditches, levees, dams, impoundments, slopes, artificial rock outcrops or gravity retaining walls.

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

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

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

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

PERMITTEE: A person who has been issued a permit.

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

PLOT PLAN: A site plan.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

C. Expiration ~~o~~Of Permit; Extensions:

1. Permit Expiration: Except as otherwise specifically provided herein, every permit issued by the building official pursuant to this chapter shall automatically expire if the work authorized by the permit is not commenced within one hundred eighty (180) days from the date of issuance. The failure of a permittee to request an inspection from the date of the last inspection requested by the permittee or, if no inspection has been requested, one hundred eighty (180) days from the date the permit was issued, shall be deemed an abandonment of the work, whereupon the permit shall automatically expire.
2. Permit Extensions: The building official may, on a case-by- case basis, grant one (1) or more extensions of time to complete the work authorized by a permit; provided, only a single extension may be granted if, after the date the permit was issued, there have been any amendments to those portions of the technical codes that are applicable to the proposed work. Each extension shall be for a period of not more than one hundred eighty (180) days. To apply for an extension, the permittee must submit a permit extension request on a form supplied by the City prior to the expiration of the permit then in effect containing an explanation of why an extension is needed, describing the diligent efforts the permittee has made to complete the work prior to the expiration of the permit and verifying that no changes have been made to the work that was approved by the permit.

D. Suspension ~~E~~or Revocation: The building official may suspend work through the issuance of a stop work order or may revoke a permit: 1) if the permit was issued in error on the basis of false, misleading, incorrect, inaccurate or incomplete information; 2) if the work authorized by the permit is being conducted in an unsafe manner so as to create an unreasonable risk of

imminent harm to people; or 3) if the work authorized by the permit fails to comply with applicable Federal laws, State laws, to include all licensing requirements set forth in chapter 624 of the Nevada Revised Statutes, or this Code.

- E. Placement ~~o~~^of Permit: The permit or a copy of the permit shall be kept at the site of the work until completion of the work.
- F. Persons ~~T~~^To Whom Permits May Be Issued, Waivers, Penalties: A permit may be issued to a contractor or homeowner performing work, provided the following corresponding criteria are satisfied:
1. Permit Issued ~~T~~^To Contractor: A permit may be issued to a contractor who performs the work, provided the contractor holds an appropriate State contractor's license with the correct classification and, if applicable, sub-classification, and a City business license.
 2. Permit Issued ~~T~~^To Homeowner: A permit may be issued to a homeowner for work on a single-family dwelling used exclusively by the homeowner for his or her occupancy, provided:
 - a. The homeowner has been granted an exemption to State contractor licensing requirements pursuant to Nevada Revised Statutes 624.031(4);
 - b. The homeowner is the owner of the real property on which the building or structure is to be built or improved;
 - c. The homeowner applies for and obtains the required permits for the installation of any equipment affixed to the building or structure;
 - d. The homeowner signs the application and the "owner/builder" statement pursuant to Nevada Revised Statutes 278.573 acknowledging the homeowner's responsibilities as the applicant to supervise the work and to comply with all applicable laws, ordinances, building codes and zoning regulations; and
 - e. The homeowner agrees, in writing, that the residential building or structure will not be leased or sold within one (1) year after the issuance of the Certificate of Occupancy or Certificate of Completion, whichever is later.
 3. Partial Work Waiver: Prior to the issuance of a permit by the building official, the City Manager may, upon submission of a request for a partial work waiver by a person proposing to perform work requiring a permit under this title, issue a partial work waiver allowing the commencement of the work. The application for partial work waiver shall describe the reason(s) why a partial work waiver is needed prior to issuance of the applicable permit, state the scope of work to be performed, state that the applicant has or will immediately apply for the permit required under this title and confirm that the applicant will, within ten (10) business days, correct any work performed under the partial work waiver that is determined by the building official to be in violation of this title or any approved plans. A partial work waiver issued under this section will specify the work that may be performed prior to the issuance of the required permit and will automatically expire within a specified

number of business days from the date of issuance. If the person who is issued the partial work waiver fails to apply for a required permit or correct work as required by the building official to comply with the partial work waiver, the fee for the required permit shall automatically increase to an amount equal to two (2) times the fee for the required permit before the permit may be issued, together with any additional fees or penalties associated therewith.

4. **Correction Of Non-Permitted Work:** In the event any work is performed without a permit that was, at the time the work was performed, required by this title, the building official may at any time thereafter issue a notice of correction to the owner of the property describing the violation, stating any conditions that must be satisfied prior to the issuance of the required permit, listing any documents that must be submitted and stating the deadline for correction of the non-permitted work. The foregoing notice of correction shall be served on the owner of the property without regard to whether the owner actually performed the work. The requirement to correct noncompliant work shall apply to the present owner of the property upon which the work was performed without regard to whether the violation existed at the time the owner acquired the property or whether the work was performed by a contractor or other third party.
- G. **Permit Exemptions:** The following buildings, structures and other improvements to property are exempt from any permit requirements contained in this title:

1. **Buildings ~~a~~And Structures:** Except as otherwise provided in this subsection, no permit shall be required for the construction or installation of any of the following:
 - a. A single one-story ~~detached accessory structure- non-permanentized accessory building~~ used as a ~~tool or small greenhouse, garden shed,~~ storage shed, ~~playhouse or similar use or other building designed to store garden tools, bicycles, holiday decorations, or a patio cover, carport, garage or similar use items,~~ provided so long as the floor area does not exceed two hundred (200) square feet and ~~further provided the structure- building is~~ not occupied as a dwelling unit, except as follows:

(1) Permits are required for the following:

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

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

- b. Temporary storage sheds and offices for specific construction projects, including construction trailers on active construction projects.

- c. ~~Any fences~~ not over six feet six inches (6'6") in height ~~constructed of wood, vinyl or composite that are not part of a pool barrier.~~
- d. Fences not over four feet (4') in height measured from the bottom of the footing to the top of the fence constructed of block, brick, stone, rock or similar materials.
- e. Fences supported by a retaining wall (see subsection G1f of this section) when the overall height is less than six feet six inches (6'6") from the bottom of the retaining wall footing to the top of the fence.
- f. Retaining walls not over four feet (4') in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or tiered system, or impounding Class I, II or IIIA liquids.
- g. Oil derricks.
- h. Water tanks supported directly on grade if the capacity does not exceed five thousand (5,000) gallons and the ratio of height to diameter or width does not exceed two to one (2:1).
- i. Platforms, decks and similar structures not more than thirty inches (30") measured vertically to the grade below at any point within thirty six inches (36") horizontally from any open edge and not permanently attached to any other structure. This applies only when built in conjunction with a structure that is classified as a Group R, Division 3 one-family or two-family dwelling.
- j. Walks and driveways located not more than thirty inches (30") above grade, not over any basement or story below and not part of an accessible route or means of egress.
- k. Painting, papering, tiling, carpeting, cabinets, countertops and similar finish work.
- l. Temporary structures, booths, sets, and scenery used for producing motion pictures, television shows, theater shows, stage shows and special events. These temporary uses may require permits under other codes, such as the International Fire Code or other adopted regulations or ordinances.
- m. On-ground storable pools (as defined in the Swimming Pool and Spa Code) which are accessory to a single-family dwelling and in which the pool walls are entirely above the adjacent grade. Electrical and plumbing permits are required when any pool is permanently attached to electrical or plumbing services.
- n. Portable spas that are accessory to a single-family dwelling if all heating and circulating equipment is integral to the manufactured product.
- o. Swings and other playground equipment accessory to detached one- and two-family dwellings.

- p. Window awnings in Group R-3 and U occupancies, if supported by an exterior wall that does not project more than fifty four inches (54") from the exterior wall and do not require additional support. Awnings shall meet all setback requirements stated in the Zoning Code.
- q. Non-fixed and movable fixtures, cases, racks, counters and partitions not over five feet nine inches (5'9") in height and not containing electrical branch circuits.

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

- (1) Storage racks over five feet nine inches (5'9") in height.
 - (2) Storage racks over eight feet (8') in height. As a condition precedent to the issuance of a permit, structural calculations shall be provided for all such storage racks.
 - (3) Storage racks over twelve feet (12') in height measured to the top of any materials placed on the storage racks. As a condition precedent to the issuance of a permit, structural calculations shall be provided and a Fire Department "high piled" permit shall be issued for the storage racks.
 - (4) Storage racks over six feet (6') in height which contain high hazard commodities require a Fire Department "high piled" permit, including, but not limited to, storage racks, storage pallet racks, movable shelf racks and stacker racks in commercial and industrial buildings.
- r. Construction directly relating to the delivery of a utility service, built by a public utility company regulated by the Public Utilities Commission of Nevada or another State agency, or operating pursuant to a franchise or other agreement with the City. This exemption applies only to buildings, structures, or building service equipment systems directly used in utility generation or distribution and installed on recorded utility easements belonging to gas, power, telephone or other utility companies. This exemption does not apply to office buildings, grading, occupied support buildings or general site development.
 - s. Construction work on property owned by any governmental entity to the extent State law specifically prohibits the City from requiring a permit.
 - t. Improvements, such as traffic lights, streets, curbs, gutters, sidewalks, drainage facilities and bus stops, constructed on public property or in a public easement or right-of-way.
 - u. Minor repairs of interior or exterior lath or drywall, provided:
 - (1) No framing needs replacement or repair;
 - (2) The repaired area of lath or drywall does not exceed thirty (30) square feet in area; and

- (3) The area of repair is not a fire-resistance-rated assembly comprised of more than one (1) layer of wall board on each side or any special material(s) necessary to maintain the required fire-resistance rating of the assembly (i.e., fire-stopping of penetrations).
 - v. Replacement of exterior or interior doors, hinges, hardware or decorative trim, provided the following conditions are met:
 - (1) The replacement door is of the same size and type;
 - (2) The replacement door does not require any modification to existing wall framing;
 - (3) The existing door is not a component of a fire-resistive rated construction element; and
 - (4) The existing door is not a required means of egress.
 - w. Replacement of exterior or interior window glazing, provided the following conditions are met:
 - (1) The replacement window glazing is of the same size, type and thickness;
 - (2) The replacement glazing does not require any modification to existing wall framing or window frames;
 - (3) The existing glazing is not a component of a fire-resistive rated construction element; and
 - (4) The existing glazing is not required to be safety-glazed.
 - x. Repair of less than thirty two (32) square feet of stone or brick veneer if the damage is less than six feet (6') above the adjacent grade.
 - y. Work required to render a building or structure stable following damage from fire, wind, water, vehicle impact, or other causes and to clear the site of damaged materials to allow inspection to ascertain the scope of required repairs, when authorized by the building official.
 - z. Replacement of roof covering materials and re-roofing materials, other than tile roofing, so long as no structural components are repaired and no more than sixty four (64) square feet of roof covering material is replaced.
2. Signs: No permit shall be required for any of the following work with respect to signs:
- a. One (1) painted or printed non-illuminated sign per street address, placed on the exterior wall of a structure, not projecting out more than three inches (3") and not exceeding three (3) square feet in area.

- b. Real estate signs, provided: 1) the signs are removed within seven (7) days of the sale, rental or lease of the property upon which the signs are placed; 2) the signs do not exceed thirty two (32) square feet in area; 3) the signs are not higher than eight feet (8') above the adjacent grade; 4) the signs are not illuminated; and 5) the signs are set back at least ten feet (10') from all property lines.
 - c. Government-owned signs for traffic control, direction to public facilities, regulatory notice, warning or any other public purpose.
 - d. The changing of movable parts of a sign that is designed to be changed in that manner.
 - e. The following maintenance activities: repainting, repositioning or recovering of display matter; exact or functionally equivalent replacement of flashers, lamps, bulbs, ballasts, neon tubing, starters, neon transformers, wires or computer components; and cleaning or changing a part, so long as there is no structural change to the sign.
 - f. Construction signs having an area forty eight (48) square feet or less, or a height eight feet (8') or less above the adjacent grade, provided such signs are erected no more than sixty (60) days prior to construction, are confined to the site of construction, and are removed not more than thirty (30) days after the suspension or abandonment of work or completion of construction and prior to occupancy.
 - g. Political signs; provided, nothing herein shall be interpreted as a limitation on any requirement to remove a political sign under Federal, State or local law.
3. Mechanical: No permit shall be required for the following mechanical work:
- a. Portable heating appliances.
 - b. Portable ventilation appliances.
 - c. Portable cooling unit.
 - d. Portable evaporative cooler.
 - e. A closed system of steam, hot, or chilled water piping within heating or cooling equipment regulated by this Code.
 - f. Replacement of any component part or assembly of an appliance that does not alter its original approval and complies with other applicable requirements of this Code.
 - g. Refrigerating equipment that is part of the equipment for which a permit has been previously issued pursuant to this Code.
 - h. A unit refrigerating system as defined in the Mechanical Code.
 - i. Replacement of compressors of the same rating.

4. Plumbing: No permit shall be required for the following plumbing work:
- a. The stopping of leaks in drains, soil pipes, waste pipes, or vent pipes.
 - b. The clearing of stoppages, including the removal and reinstallation of water closets.
 - c. The repairing of leaks in pipes, valves, or fixtures, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes, or fixtures.
 - d. Work pertaining to fuel tanks, either buried or above ground that is regulated by the Fire Code or the State of Nevada.
 - e. Work pertaining to landscape water sprinkler systems, except for the backflow prevention device at the point of connection to any potable water supply.
 - f. Installation or replacement of water softeners where pre-plumbing for the softener has already been installed.
 - g. Replacement of plumbing fixtures in the same location with a similar fixture and materials, provided no work is done other than the replacement of the fixture, the tail piece and/or the trap, and further provided the work does not penetrate the fire-resistive rated construction, including a fire-resistive rated concrete slab.
5. Electrical: No permit shall be required for the following electrical work:
- a. Minor repair work, including the replacement of lamps or the connection of approved portable motors or other portable appliances having an attachment plug end to be connected to an approved one hundred twenty (120) volt receptacle, when that cord or cable is permitted by the Electrical Code.
 - b. Installation of electrical equipment used solely for radio and television transmissions, but not to include equipment and wiring for a power supply or the installation of towers and antennas.
 - c. Repair or replacement of motors, transformers and controls within fixed approved appliances, provided replacements must be of the same type and rating, and in the same location.
 - d. Installation and removal of temporary decorative lighting.
 - e. Repair or replacement of current carrying parts of any switch, contactor or control device.
 - f. Replacement of attachment plug receptacles, but not replacement of an outlet box.
 - g. Repair or replacement of any overcurrent device of the required capacity in the same location.

- h. Repair or replacement of electrodes or transformers of the same size and capacity for signs or gas tube systems.
 - i. Taping or wrapping of joints and splices.
 - j. Removal of electrical wiring.
 - k. Installation of temporary wiring for experimental purposes in laboratories.
 - l. Installation of wiring for temporary theater, motion picture or television stage sets.
 - m. Electrical wiring, devices, appliances, apparatus or equipment operating at less than twenty five (25) volts and not capable of supplying more than fifty (50) watts of energy.
 - n. Installation of low energy power, control and signal circuits of Classes II and III (as defined in the Electrical Code) that are not part of a fire warning system, control wiring for emergency power systems, or smoke control system.
 - o. Installation, alteration or repair of electrical wiring, apparatus or equipment, or the generation, transmission, distribution or metering of electrical energy or in the operation of signals or the transmission of intelligence by a public or private utility in the exercise of its function as a serving utility.
 - p. Installation of wiring outside of buildings and structures by licensed cable television, telephone, or buried cable installers.
 - q. Replacement of lighting fixtures in dwelling units (to include one-family, two-family and multifamily dwellings), guest rooms and guest suites.
6. Grading Permit Exemptions: No permit shall be required for the following grading and similar work:
- a. Grading associated with agriculture within districts approved for agriculture.
 - b. Grading, excavating or filling cemetery graves.
 - c. Grading, excavating or filling refuse disposal sites controlled by other regulations.
 - d. Excavating for wells or trenches for utilities.
 - e. Mining, quarrying, excavating, processing or stockpiling rock, sand, gravel, aggregate or clay to the extent the activity is regulated by Federal, State or other local governmental entities, provided such activities do not affect the lateral support of or significantly increase stresses in soil on adjoining properties.
 - f. Performing exploratory excavations.
7. Repairs:

- a. Repairs Not Requiring Permit: No permit shall be required for the following ordinary repairs to buildings and structures:
 - (1) Replacement of lamps.
 - (2) Connection of approved portable electrical equipment to approved permanently installed receptacles.
 - b. Repairs Requiring Permit: Notwithstanding the foregoing exceptions, a permit shall be required for the following repairs:
 - (1) Addition to or removal, cutting away, rearrangement, modification or relocation of: a) any wall, partition or portion thereof; b) any structural beam or load bearing support; c) any required means of egress or d) parts of a building or structure affecting egress.
 - (2) Addition to, alteration of, replacement of or relocation of any standpipe; water supply; sewer, drainage, drain leader, gas, soil, waste, vent or similar piping; or
 - (3) Addition to, alteration of, replacement of or relocation of any electric wiring, mechanical system or other work creating a risk of an unsafe condition.
8. Other Laws: No exemption from the permitting requirements of this chapter shall be construed as authorization to engage in or refrain from any activity in violation of any other provision in this Code, or any applicable Federal, State or local law or ordinance. All exemptions from the permitting requirements of this chapter shall be strictly construed.
- H. Emergency Work: Where emergency work must be performed without a permit, the permit application shall be submitted to the building official the next business day. Any emergency work performed before the permit is issued shall comply with the technical codes.
- I. Manufactured Structures: The City does not regulate the installation of manufactured houses, commercial coaches, travel trailers or recreational vehicles. Notwithstanding the foregoing, permits are required for the installation of all permanent exterior footings, foundations and elements outside the exterior perimeter of any building or structure.
- J. Application ~~f~~For Permit:
- 1. Any person required to obtain a permit pursuant to this title shall first file an application on a form furnished by the City, together with the following documents and other information:
 - a. A description of the land on which the proposed work is to be performed, to include the street address (if any) and the assessor's parcel number.

- b. If the building or structure is occupied by a tenant, the tenant's name and contact phone number.
 - c. The property owner's name and contact phone number.
 - d. If the work is to be performed by a contractor, the contractor's name, address, contact telephone number, fax number, email address, State contractor's license number, State contractor's license type and City business license number.
 - e. If a design professional is involved in the work, the design professional's name, address, email address, contact phone number, and fax number.
 - f. The type of permit(s) requested.
 - g. A detailed description of the work for which the permit is requested.
 - h. An estimate or calculation of the cost to perform the proposed work, including materials and labor.
 - i. A description of the planned use or occupancy of the building or structure.
 - j. The occupant load of the building or structure.
 - k. The square footage of the building or structure.
 - l. A description of the type of construction that will be used to perform the work.
 - m. The signature and printed name of the applicant or the applicant's authorized agent.
 - n. A fully completed contractor contact list.
 - o. All submittal documents.
2. Applications (to include submittal documents and other required information) must be filed with the building official.
 3. If the application and submittal documents satisfy the requirements of this title, upon payment of all applicable fees, the building official shall issue the permit to the applicant.
 4. The permit, when issued, shall be for the work described in the application and no deviation shall be made from that work without the written approval of the building official, except as otherwise provided in this Code.

K. Action n Application:

1. The building official will approve or reject applications submitted pursuant to this chapter within ninety (90) days. If the building official rejects an application, the building official will specify the reason(s) for the rejection.

2. A permit issued pursuant to this chapter shall only be for the work described in the application. Except as otherwise provided and subject to any other limitations or restrictions in this chapter, no work beyond the scope of the work described in application shall be performed unless revised submittal documents are submitted to and approved by the building official.
- L. Contracting ~~f~~For Services: Nothing in this chapter shall prevent the City from contracting with third parties for plan review, engineering and other services related to reviewing and processing the application; provided, in no event shall the City delegate to a third party the authority to issue a permit or any other governmental function.
- M. Expiration ~~o~~Of Application; Extensions:
1. Application Expiration: In the event a person submits an incomplete application for any permit pursuant to this title, to include incomplete submittal documents, and thereafter fails to provide a complete application for a period of one hundred eighty (180) days after the date of filing the initial application, the application will thereupon automatically expire unless an extension has been granted in accordance with subsection M2 of this section.
 2. Application Extension: Provided there have been no amendments to those portions of the technical code that are applicable to the proposed work since the date of the initial application, the building official may, on a case-by-case basis, grant one (1) or more extensions of time to submit a complete application. Each extension shall be for a period of not more than one hundred eighty (180) days. To apply for an extension, the applicant must submit a written statement prior to the expiration of the application then in effect containing an explanation of why an extension is needed and describing the diligent efforts the applicant has made to submit a complete application prior to its expiration. (Ord. 820, 7-11-2017)
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3-2-2: DEFINITIONS:

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

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

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

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

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

ADULT MOTION PICTURE THEATER: A motion picture theater whose program, during the time of its operation, contains one or more motion pictures which are rated "X" by the Code Rating Administration of the Motion Picture Association of America or are not rated, and whose program is intended to appeal to the prurient interests of the viewer.

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

ALLEY:

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

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

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

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

~~When attached to the principal building, such accessory building shall be considered a part of the principal building for purposes of setback and yard regulations.~~

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

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

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

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

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

CAMPING: The use of real property owned or occupied by another person for living accommodation purposes outside of a structure that is affixed to the ground, to include uses such as, without limitation, the following when done in connection with outdoor living: a) overnight sleeping activities or making preparations to sleep overnight outside of a motor vehicle, recreational vehicle or trailer, such as the laying down of bedding on the ground for the purpose of sleeping overnight; b) storing personal belongings outside of a structure in connection with overnight sleeping activities; c) cooking outdoors or making a fire for the purpose of cooking food outdoors as approved by the City; or d) using any tent, shelter or other mobile structure for sleeping overnight. "Camping" does not include using a motor vehicle, recreational vehicle or trailer as long-term shelter, for living accommodation purposes or for the purpose of storage of belongings.

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

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

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

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

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

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

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

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

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

CONVALESCENT HOME: See definition of nursing or convalescent home.

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

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

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

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

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

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

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

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

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

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

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

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

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

HOME OCCUPATION: A business customarily carried on in a business establishment that is permitted to be carried out in a residence as long as the use as a business is incidental to the primary residential purpose and the residential character of the property is not changed. Every person permitted to carry on a home occupation shall obtain an annual business license.

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

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

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

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

JUNKYARD: An open area where waste, used or secondhand materials are bought and sold, exchanged, stored, baled, packed, disassembled or handled, including, but not limited to, scrap iron and other metals, paper, rags, rubber tires, and bottles. A "junkyard" includes automobile wrecking yards and any

area of more than one hundred twenty (120) square feet for storage, keeping or abandonment of junk, but does not include uses confined entirely within enclosed buildings.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

LOT WIDTH:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

PERSON: Except where otherwise indicated, a natural person, any form of business or social organization and any other nongovernmental legal entity including, but not limited to, a corporation,

partnership, association, trust or unincorporated organization, or a government, governmental agency or political subdivision of a government.

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

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

PLANNING COMMISSION: The City of Elko Planning Commission.

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

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

RAILROAD USE: The occupation and use of land, buildings and structures for purposes directly connected with rail transportation of articles, goods and passengers, including such facilities as tracks, sidings, signal devices and structures, shops and yards for maintenance and storage of rail machinery, loading platforms, passenger and freight terminals, but excluding warehouses, stockyards, grain elevators, truck freight terminals and yards, and similar facilities, which are maintained and operated by the owning railroad company or by a lessee for purposes auxiliary to rail transportation.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Notes

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

3-2-5: RESIDENTIAL ZONING DISTRICTS:

A. RS Residential Suburban District:

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

2. Principal Uses Permitted:

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

One single-family dwelling of a permanent character in a permanent location with each dwelling unit on its own parcel of land and provided all area and setback requirements are met.

Publicly owned and operated parks and recreation areas and centers.

Sheltering of farm animals:

- a. The keeping of domestic horses, donkeys, llamas and alpacas under the ownership of the resident occupant of the lot or parcel shall be considered as a permitted principal use; provided, that any combination of such animals on any one lot shall be limited to

one animal for the first thirty thousand (30,000) square feet of lot area. One additional large animal may be maintained for each additional twenty thousand (20,000) square feet of lot area contained in the same lot.

- b. The keeping of domestic sheep and goats under the ownership of the resident occupant of the lot or parcel shall be considered as a permitted principal use; provided, that any combination of such animals on any one lot shall be limited to one animal for the first fifteen thousand (15,000) square feet of lot area. One additional small animal may be maintained for each additional ten thousand (10,000) square feet of lot area contained in the same lot.
 - c. The keeping of such farm animals shall conform to all other provisions of law governing same, and no animal, nor any pen, stable, barn or corral shall be kept or maintained within one hundred feet (100') of any principal dwelling (other than that occupied by the owner of such domestic animal), any public building, park, school, hospital, or any other public place; or within eighty feet (80') of the front property line of the lot on which the animals are maintained, or within twenty five feet (25') of the side street of a corner lot. There shall be no killing or dressing of any such animals for commercial purposes.
 - d. Poultry, rabbits or domestic fowl raised for food, education, scientific or furbearing purposes; provided, not more than twelve (12) of any one or combination of such animals and fowl may be maintained on one lot.
 - e. The keeping of such domestic animals or fowl shall conform to all other provisions of law governing same, and no fowl or animals, nor any pen or coop, shall be kept or maintained within fifty feet (50') of any window or door of any residence, dwelling or other building used for human habitation (other than that occupied by the owner of such domestic animals or fowl), or within sixty feet (60') of the front property line of the lot on which the animals are maintained, or within twenty five feet (25') of the side street on a corner lot.
3. Conditional Uses Permitted: Any of the following uses may be permitted as principal uses upon approval of a conditional use permit in accordance with the provisions of this chapter and those set forth in section 3-2-18 of this chapter regarding conditional use permits. In reviewing conditional use permit applications, the Planning Commission shall ensure that adequate light and air, ingress and egress, and compatibility with other uses in the neighborhood are maintained.

Churches, church facility complexes and places of religious worship.

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

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

Accessory buildings.

Childcare family home.

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

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

Home occupations in accordance with other provisions of this chapter.

Private garage or carport.

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

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

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

5. Property Development Standards:

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

6. Property Development Standards ~~f~~For Accessory Buildings:

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

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

B. R1 Single-Family Residential District:

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

2. Principal Uses Permitted:

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

One single-family dwelling of a permanent character in a permanent location with each dwelling unit on its own parcel of land, and provided all area and setback requirements are met.

Publicly owned and operated parks and recreation areas and centers.

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

Churches, church facility complexes and places of religious worship.

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

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

Accessory buildings.

Childcare family home.

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

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

Home occupations in accordance with other provisions of this chapter.

Private garage or carport.

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

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

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

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

6. Property Development Standards ~~f~~For Accessory Buildings:

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

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

~~b. Building Setbacks: Any detached accessory building that is erected shall conform to front and side yard setback requirements. A minimum rear yard setback of ten feet (10') shall be required, which may be reduced to zero feet (0') if the rear lot line abuts a public alley.~~

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

C. R2 Two-Family Residential District:

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

2. Principal Uses Permitted:

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

One single-family dwelling or one two-family dwelling (duplex) of a permanent character in a permanent location with each dwelling unit on its own parcel of land, and provided all area and setback requirements are met.

Publicly owned and operated parks and recreation areas and centers.

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

Childcare group home.

Churches, church facility complexes and places of religious worship.

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

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

Recreational, social and service clubs.

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

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

Childcare family home.

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

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

Home occupations in accordance with other provisions of this chapter.

Private garage or carport.

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

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

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

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

6. Property Development Standards ~~f~~For Accessory Buildings:

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

- ~~a. Building Height: The maximum building height shall not exceed twenty five feet (25'), or requirements contained within the city airport master plan, whichever is the most restrictive.~~
- ~~b. Building Setbacks: Any detached accessory building that is erected shall conform to front and side yard setback requirements. A minimum rear yard setback of ten feet (10') shall be required, which may be reduced to zero feet (0') if the rear lot line abuts a public alley.~~
- ~~c. Building Area: A detached accessory building shall be limited to a maximum area of one thousand (1,000) square feet or ten percent (10%) of the lot area, whichever is greater, but not to exceed one thousand two hundred (1,200) square feet.~~

D. R3 Multiple-Family Residential District:

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

2. Principal Uses Permitted:

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

Publicly owned and operated parks and recreation areas and centers.

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

Childcare center.

Churches, church facility complexes and places of religious worship.

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

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

Recreation, social and service clubs.

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

5. Property Development Standards: Development standards shall comply with Sections 3-2-5(E6) and 3-2-5(G) adhere to subsections E6 and G of this section.

65. Property Development Standards fFor Accessory Buildings: Development standards for accessory buildings within the R3 district shall be the same standards established by the R district comply with Section 3-2-5(H).

76. General Regulations:

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

E. R Single-Family aAnd Multiple-Family Residential District:

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

2. Principal Uses Permitted:

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

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

Multiple-family residential units, including a duplex, triplex, or a fourplex located on a single lot or parcel, provided area and setback requirements are met.

One single-family dwelling of a permanent character in a permanent location with each dwelling unit on its own parcel of land and provided all area and setback requirements are met.

Publicly owned and operated parks and recreation areas and centers.

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

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

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

Childcare center; childcare group home.

Churches, church facility complexes and places of religious worship.

Halfway house for recovering alcohol and drug abusers.

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

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

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

Recreation, social and service clubs.

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

Teaching of creative arts.

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

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

Childcare family home.

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

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

Home occupations in accordance with other provisions of this chapter.

Private garage or carport.

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

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

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

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

5. Property Development Standards: Development standards shall ~~adhere to subsection G of this section~~ comply with Section 3-2-5(G).
6. Additional Property Development Standards ~~f~~For Multiple- Family Residential Developments:
 - a. Minimum Distance ~~b~~Between Buildings ~~o~~On ~~t~~The Same Lot: The minimum distance between the opposing exterior walls of detached buildings, or parts of attached or semiattached buildings, on the same lot, shall be:
 - (1) If both walls are front walls, or contain main entrances or living room windows: Thirty feet (30');
 - (2) If one wall is a front wall, or contains a main entrance or living room windows, and one wall is a side or rear wall containing no doors or windows: Twenty four feet (24');
 - (3) If both walls are side or rear walls containing windows or secondary entrances: Twenty four feet (24');
 - (4) If one wall is a side or rear wall containing windows or secondary entrances and one wall contains no doors or windows: Eighteen feet (18');

(5) If neither wall contains windows or doors: Ten feet (10').

- b. Additional Placement Regulations For Multi-Family Dwellings: If the front of a building, or part thereof, faces on an interior side or rear lot line, the building, or that part thereof, shall be set back from such lot line not less than twenty feet (20').
- c. Separation Of Semidetached Dwellings Or Row Houses: When, for purposes of sale or separate ownership, a two-family or multi-family dwelling and the land in and upon which such dwellings are situated, is to be subdivided into separate lots having one dwelling unit per lot, such lots shall be exempt from all interior side yard requirements.

7. Property Development Standards ~~f~~For Accessory Buildings:

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

- ~~a. Building Height: The maximum building height shall not exceed twenty five feet (25'), or requirements contained within the city airport master plan, whichever is the most restrictive.~~
- ~~b. Building Setbacks: Any detached accessory building that is erected shall conform to front and side yard setback requirements. A minimum rear yard setback of ten feet (10') shall be required, which may be reduced to zero feet (0') if the rear lot line abuts a public alley.~~
- ~~c. Building Area: A detached accessory building shall be limited to a maximum area of one thousand (1,000) square feet or ten percent (10%) of the lot area, whichever is greater, but not to exceed one thousand two hundred (1,200) square feet.~~

8. Exceptions:

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

F. RO Residential Office District:

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

afford the opportunity for compatible office, service and retail development in a mixed use setting.

2. Principal Uses Permitted:

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

Multiple-family residential units, including a duplex, triplex, or a fourplex located on a single lot or parcel, provided area and setback requirements are met.

One single-family dwelling of a permanent character in a permanent location with each dwelling unit on its own parcel of land and provided all area and setback requirements are met.

Publicly owned and operated parks and recreation areas and centers.

3. Conditional Uses Permitted:

Art studios.

Barber and beauty shops.

Florists.

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

Offices, medical and professional.

Photographic studios.

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

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

Schools for music, dance, teaching and creative arts.

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

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

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

Childcare family home.

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

Home occupations in accordance with other provision of this chapter.

Private garage or carport.

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

Storage parking for recreational vehicles owned by the occupant; so long as it is located in a garage, carport, rear or interior side yard, is not connected to water or sewer, and is not used for living purposes.

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

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

56. Property Development Standards ~~f~~For Accessory Buildings: Development standards for accessory buildings ~~shall within the RO district shall be the same standards established for the R district~~ comply with Section 3-2-5(H).

67. General Regulations:

- a. The outdoor storage of goods or materials shall be prohibited.
- b. Warehousing or the indoor storage of goods or materials beyond that normally incidental to permitted uses shall be prohibited.
- c. One wall mounted, nonilluminated sign, for each lot of record not to exceed twelve (12) square feet in area or one freestanding, nonilluminated sign for each lot of record not to exceed six feet (6') in height and twelve (12) square feet in area may be permitted for any approved conditional use. The planning commission may modify such regulations as part of the conditional use permit procedure.

G. Residential Zoning Districts Area, Setback ~~a~~And Height Schedule ~~f~~For Principal ~~And Certain~~ Accessory Use-Buildings:

1. Table ~~O~~of Area Requirements:

AREA REQUIREMENTS

Zoning Districts	Minimum Requirements				Building Setbacks				Maximum Height Requirements
	Corner Lot Area	Lot Area	Lot Width	Lot Depth	Front Yard	Rear Yard	Interior Side Yard	Exterior Side Yard	Building Height
RS		15,000 sq. ft.	80 ft.	180 ft.	25 ft.	20 ft.	10 ft.	20 ft.	35 ft. ¹
R1	6,500 sq. ft.	6,000 sq. ft.	60 ft.	100 ft.	15 ft. ⁶	20 ft.	5½ ft.	15 ft. ⁵	35 ft. ¹
R2	6,500 sq. ft.	6,000 sq. ft.	60 ft.	100 ft.	15 ft. ⁶	20 ft.	7 ft.	15 ft. ⁵	35 ft. ¹
R3		12,000 sq. ft. ⁴	80 ft.	100 ft.	20 ft.	20 ft.	10 ft.	15 ft. ⁵	45 ft. ¹
R	6,500 sq. ft.	6,000 sq. ft. ⁴	60 ft.	100 ft.	15 ft. ⁶	20 ft.	10 ft. ^{2,3}	15 ft. ⁵	45 ft. ¹
RO		6,000 sq. ft. ⁴	60 ft.	100 ft.	15 ft. ⁶	20 ft.	10 ft. ^{2,3}	12-15 ft.	45 ft. ¹

Notes:

- Height limitations contained within the current ~~eCity of Elko aAirport mMaster pPlan~~ shall supersede the height restrictions indicated in the above table where more restrictive.
- For single-family dwellings, interior side yard setbacks shall be 5½ feet.
- For multi-family dwellings, interior side yard setbacks shall be 7 feet.
- For three- and four-family dwellings on the same lot, a minimum of 2,200 square feet of lot area is required for each dwelling unit.
- For residences in existence at the time of enactment hereof (November 25, 2003), exterior side yard setbacks shall be 12 feet.
- Garages, whether attached or detached, and carports shall be set back 20 feet from the front lot line; provided, that for any garage in existence prior to March 26, 2013, the front yard setback shall be 15 feet. ~~The term "garage", as used in this chapter, means a covered or enclosed outbuilding (or part of a building) for housing motor vehicles, boats or trailers.~~

2. Residential Lots ~~o~~Of Record:

- A single lot or parcel of land of record in the office of the county recorder as of the effective date of the city subdivision ordinance (December 9, 1975), and which does not meet minimum requirements for lot area, lot width or lot depth shall be considered a buildable lot for one single-family dwelling, provided all other requirements of this chapter are satisfied.
- For existing platted subdivisions characterized by twenty five foot (25') wide lots and situated within a residential zoning district, any lot or parcel reconfiguration or resubdivision shall adhere to a minimum lot area of five thousand (5,000) square feet. (Ord. 805, 12-13-2016)

H. Residential Zoning Districts Area, Setback, and Height Schedule for Accessory Buildings:

1. Requirements for Non-Permanent Accessory Buildings

	<u>Minimum Requirements</u>		<u>Building Setbacks³</u>				<u>Maximum Height Requirements</u>
<u>Zoning Districts</u>	<u>Maximum Cumulative Square Feet of All Acc. Buildings²</u>	<u>Minimum Separation from Other Buildings</u>	<u>Front Yard</u>	<u>Rear Yard</u>	<u>Interior Side Yard</u>	<u>Exterior Side Yard</u>	<u>Building Height</u>
<u>RS</u>		<u>5 ft.</u>	<u>25 ft.</u>	<u>5 ft.⁴</u>	<u>5 ft.</u>	<u>5 ft.</u>	<u>35 ft.¹</u>
<u>R1</u>	<u>10% of lot size or 1,200 sq. ft.</u>	<u>5 ft.</u>	<u>15 ft.⁵</u>	<u>5 ft.⁴</u>	<u>5 ft.</u>	<u>5 ft.</u>	<u>35 ft.¹</u>
<u>R2</u>	<u>10% of lot size or 1,200 sq. ft.</u>	<u>5 ft.</u>	<u>15 ft.⁵</u>	<u>5 ft.⁴</u>	<u>5 ft.</u>	<u>5 ft.</u>	<u>35 ft.¹</u>
<u>R</u>	<u>10% of lot size or 1,200 sq. ft.</u>	<u>5 ft.</u>	<u>15 ft.⁵</u>	<u>5 ft.⁴</u>	<u>5 ft.</u>	<u>5 ft.</u>	<u>45 ft.¹</u>
<u>RO</u>	<u>10% of lot size or 1,200 sq. ft.</u>	<u>5 ft.</u>	<u>15 ft.⁵</u>	<u>5 ft.⁴</u>	<u>5 ft.</u>	<u>5 ft.</u>	<u>45 ft.¹</u>
<u>RB</u>	<u>10% of lot size or 1,200 sq. ft.</u>	<u>5 ft.</u>	<u>15 ft.⁵</u>	<u>5 ft.⁴</u>	<u>5 ft.</u>	<u>5 ft.</u>	<u>25 ft.¹</u>

Notes:

1. Height limitations contained within the current City of Elko Airport Master Plan shall supersede the height restrictions indicated in the above table where more restrictive.
2. Includes both permanent and non-permanent accessory buildings.
3. No buildings or structures shall be located within any easement.
4. Setback can be reduced to 0 feet if the rear lot line abuts a public alley.
5. Garages and/or carports shall be setback 20 feet from the front or exterior side property line.

2. Requirements for Permanent Accessory Buildings

	<u>Minimum Requirements</u>		<u>Building Setbacks³</u>				<u>Maximum Height Requirements</u>
<u>Zoning Districts</u>	<u>Maximum Cumulative Square Feet of All Acc. Buildings²</u>	<u>Minimum Separation from Other Buildings</u>	<u>Front Yard</u>	<u>Rear Yard</u>	<u>Interior Side Yard</u>	<u>Exterior Side Yard</u>	<u>Building Height</u>
<u>RS</u>		<u>5 ft.</u>	<u>25 ft.</u>	<u>5 ft.⁴</u>	<u>5 ft.</u>	<u>5 ft.</u>	<u>35 ft.¹</u>
<u>R1</u>	<u>10% of lot size or 1,200 sq. ft.</u>	<u>5 ft.</u>	<u>15 ft.⁵</u>	<u>5 ft.⁴</u>	<u>5 ft.</u>	<u>5 ft.</u>	<u>35 ft.¹</u>
<u>R2</u>	<u>10% of lot size or 1,200 sq. ft.</u>	<u>5 ft.</u>	<u>15 ft.⁵</u>	<u>5 ft.⁴</u>	<u>5 ft.</u>	<u>5 ft.</u>	<u>35 ft.¹</u>
<u>R3</u>	<u>10% of lot size or 1,200 sq. ft.</u>	<u>5 ft.</u>	<u>20 ft.</u>	<u>5 ft.⁴</u>	<u>5 ft.</u>	<u>5 ft.</u>	<u>45 ft.¹</u>
<u>R</u>	<u>10% of lot size or 1,200 sq. ft.</u>	<u>5 ft.</u>	<u>15 ft.⁵</u>	<u>5 ft.⁴</u>	<u>5 ft.</u>	<u>5 ft.</u>	<u>45 ft.¹</u>

<u>RO</u>	<u>10% of lot size or 1,200 sq. ft.</u>	<u>5 ft.</u>	<u>15 ft.⁵</u>	<u>5 ft.⁴</u>	<u>5 ft.</u>	<u>5 ft.</u>	<u>45 ft.¹</u>
<u>RB</u>	<u>10% of lot size or 1,200 sq. ft.</u>	<u>5 ft.</u>	<u>15 ft.⁵</u>	<u>5 ft.⁴</u>	<u>5 ft.</u>	<u>5 ft.</u>	<u>25 ft.¹</u>

Notes:

1. Height limitations contained within the current City of Elko Airport Master Plan shall supersede the height restrictions indicated in the above table where more restrictive.
2. Includes both permanent and non-permanent accessory buildings.
3. No buildings or structures shall be located within any easement.
4. Setback can be reduced to 0 feet if the rear lot line abuts a public alley.
5. Garages and/or carports shall be setback 20 feet from the front or exterior side property line.

3-2-6: RB RESIDENTIAL BUSINESS DISTRICT:

- A. Intent: This zoning district is intended to allow conversion of residential structures located along arterial and collector roads in areas of transition to an appropriate mix of residential, light retail and service commercial uses that provides good transitions with nearby residential uses and neighborhoods. This zone allows existing residential uses to remain and be improved, while also allowing low scale, low intensity commercial and business operations to be developed as part of infill projects. The district is intended to protect established residential neighborhoods from the type of land use associated with high levels of noise, illumination and traffic that could be detrimental to the characteristics of the residential neighborhood.
- B. District Boundary: The initial district boundary includes properties within the 5th Street corridor that are located between Pine Street and Walnut Street along the northeast side of 5th Street, and between Pine Street and Willow Street along the southwest side of 5th Street, with at least one property line abutting the right-of-way of 5th Street, and the following lots that are not abutting the 5th Street right-of-way: Lots 21 & 22 of Block 98 and Lots 15 & 16 of Block 66, as shown on the Map of the First Addition to the Town of Elko, recorded as File No. 5, Elko County records.
 1. The district boundaries may be amended in accordance with section [3-2-21](#) of this chapter.
 2. The maximum distance allowed from the east or west side of 5th Street right-of-way to the district boundary is one hundred twenty five feet (125').
- C. Principal Uses Permitted:
 1. The following residential uses are permitted:

Multiple-family residential units, including a duplex, triplex, or a fourplex located on a single lot or parcel, provided all area and setback requirements are met.

One single-family dwelling of a permanent character in a permanent location on its own parcel of land, provided all area and setback requirements are met.
 2. The following commercial uses are permitted:

Art galleries and studios.

Bakeries.

Banks, financial institutions, not including short term lending businesses such as title loans or payday lending.

Barber and beauty shops.

Bicycle repair.

Bookstores.

Childcare centers.

Coffee shops.

Corner stores.

Florists.

Healing art, healthcare facilities, including medical and dental offices.

Laboratories: medical, dental, optical.

Laundry or dry cleaning pick up outlets.

Lodges, fraternal organizations, recreation, social and service clubs.

Offices, to include the following uses and activities: government, business and professional, including accountants, architects, collection agencies, chiropractors, employment agencies, engineers, health services, insurance agencies, law offices, real estate, stenographic services, title insurance firms.

Pharmacies when operated in conjunction with, and within the same building as, a medical clinic.

Photographic studios.

Schools for music, dance, teaching and creative arts.

Trade schools.

Travel agencies.

Uses determined to be functionally comparable to principal permitted uses in this zone.

D. Conditional Uses Permitted:

1. The following uses are permitted with a conditional use permit:

Churches, church facility complexes and places of religious worship.

Convalescent hospitals, sanitariums, nursing homes, homes for the aged.

Funeral homes and mortuaries.

Mixed uses within structures containing one or more residential dwelling units in which a significant portion of the space within the structure includes one or more principal commercial permitted uses.

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

Restaurants, sandwich and beverage shops, delicatessens.

Theaters, indoor.

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

E. Accessory Uses Permitted:

1. Accessory buildings, structures and uses customarily incidental to a permitted use, except as otherwise provided for in this chapter, are permitted for the following uses:

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

Childcare family home.

Garden house, tool house, ramada; outdoor swimming pool and similar home recreational facilities; provided, that such facilities must be used solely by occupants of the premises and their guests.

Guesthouse or servants' quarters.

Home occupations in accordance with other provisions of this chapter.

Private garage or carport.

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

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

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

Storage parking for recreational vehicles owned by the occupant, so long as it is located in a garage, carport, rear or interior side yard, is not connected to water or sewer lines, and is not used for living purposes.

F. Property Development Standards:

1. Lot Area:

- a. Commercial Uses: The lot area shall be of sufficient size to provide for the building, off-street parking and landscaping.
- b. Residential Uses: Residential uses less than five (5) units and not attached to a commercial use shall provide the minimum lot area required in the R District.

2. Lot Width:

- a. Commercial Uses: No requirement.
- b. Residential Uses: Residential buildings less than five (5) residential units and which do not contain a commercial use shall provide the minimum lot width required in the R District.

3. Front, Rear, Interior Side ~~a~~And Exterior Side Yard For New Development Or Expansion:

- a. Commercial Uses: Zero feet (0').
- b. Residential Uses:
 - (1) New development of residential buildings containing less than five (5) residential units and which do not contain a commercial use shall conform to the yard standards required in the R District.
 - (2) Expansion upon existing principal permitted use shall have the following setbacks:
 - (A) Front: Five feet (5').
 - (B) Rear: Five feet (5').
 - (C) Interior side: Three feet (3').
 - (D) Exterior side: Five feet (5').

4. Building Height: Building height shall not exceed forty five feet (45'), or requirements contained within the City Airport Master Plan, whichever is the most restrictive.

5. Landscaping:

- a. Commercial uses shall provide landscaping as described in subsection [3-2-10B2a](#) of this chapter.
- b. Landscaping within an adjacent right-of-way may be used to satisfy landscaping requirements, so long as it is maintained by the property owner.
- c. With approval from the Planning Department, a lighted art element incorporated into the business signage may be allowed in lieu of required landscaping, but only if the developed property has physical conditions that prevent the property owner from installing the landscaping that would otherwise be required.

6. Signage:

- a. Free standing signage shall be limited to a maximum height of six feet (6').
- b. Signs shall be made of materials that enhance the appearance of the neighborhood, such as wood, stone, non- reflective or patinated metals, or similar materials.
- c. Illuminated signs located adjacent to any residential area shall be shielded to direct light downward and away from adjacent properties such that there is no spillover light and shall be controlled by a rheostat or functional equivalent to avoid excessive glare visible from residential properties.
- d. Signs which contain, include, or are illuminated by any flashing, intermittent, or moving light or lights are prohibited.
- e. Wall signs shall not be allowed on any facade on the interior side that faces property zoned R - Single Family and Multiple Family Residential or that has a residential principal permitted use.

7. Off-Street Parking:

- a. Commercial and residential uses must comply with applicable provisions contained in section [3-2-17](#) of this chapter.
- b. On-street parking adjacent to commercial property may be used to satisfy off-street parking requirements.

G. Property Development Standards ~~f~~For Accessory Buildings:

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

1. ~~Building Height: The maximum building height shall not exceed either twenty five feet (25') or the maximum height requirements contained within the City Airport Master Plan, whichever is the most restrictive.~~

2. ~~Building Setbacks: A detached accessory building shall conform to front and side yard setback requirements. Regardless of any other requirements, the minimum rear yard setback shall be five feet (5'), which may be reduced to zero feet (0') if the rear lot line abuts a public alley.~~

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

H. Building Development Standards ~~f~~For Commercial Uses: Buildings used for commercial purposes shall meet the following standards:

1. Low-intensity building and site lighting shall be installed in such a manner as to minimize light spillover and glare into residential neighborhoods.
2. Commercial storefront exterior materials and colors shall harmonize with the surrounding properties. Exterior treatments characterized by an overly bright, shiny, reflective or artificial appearance shall not be permitted.
3. The appearance of handicap ramps and entries shall be integrated into the design of the property they serve, minimize visual impact from the public right-of-way, provide the most direct building access possible, and comply with the Americans ~~w~~With Disabilities Act.
4. The visual impact of parking and mechanical equipment from the public right-of-way shall be minimized through the use of screening or landscaping.
5. Awnings shall not obscure the character-defining features of the building.

I. General Regulations ~~f~~For Commercial Uses: Commercial uses shall be subject to the following restrictions:

1. The outdoor storage of goods or materials is prohibited.
2. Warehousing or the indoor storage of goods or materials beyond that normally incidental to permitted uses is prohibited.
3. The appearance of handicap ramps and entries shall be integrated into the design of the property they serve, minimize impact on the public right-of-way, provide the most direct building access as possible, and comply with the Americans ~~w~~With Disabilities Act.
4. Commercial buildings and associated structures and other improvements shall be designed in a manner that minimizes conflicts between pedestrian traffic and vehicles.

5. Commercial building facades shall be designed and constructed in a manner that avoids large expanses of undifferentiated space.
 6. Commercial uses shall not have adverse impacts on the use and enjoyment of adjacent residential properties. (Ord. 819, 8-22-2017)
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3-5-4: USES PERMITTED AND MINIMUM STANDARDS:

A. Uses Permitted:

Accessory buildings.

Community recreation buildings and facilities, laundry, car wash, boat or storage facilities serving the mobile home or RV park; provided, however, that the architectural design of all non-mobile home structures shall be subject to approval by the planning commission prior to issuance of any conditional use permit, and all applicable state and city requirements.

Management offices (RMH-1 and RMH-4 only). One or more single-family dwellings or mobile homes used exclusively for office and living quarters by the operator or manager of the mobile home or RV park. The architectural design of a non-mobile home office shall be subject to approval by the planning commission prior to the issuance of any conditional use permit.

Mobile homes, manufactured homes, RVs. One mobile home, manufactured home or RV per space, including doublewide or expandable mobile home units.

Residential uses.

B. Standards ~~f~~For Development; Requirement:

1. Minimum Overall Area:

- a. RMH-1: Two (2) acres;
- b. RMH-2: One acre;
- c. RMH-3: One acre;
- d. RMH-4: Two (2) acres.

2. Maximum Building Height: The height of any building shall in no manner be such as to create a nuisance or safety hazard for air traffic into and about the Elko Municipal Airport.

3. Minimum Net Space Area: Minimum net space area for each mobile home, RV or manufactured home:

- a. RMH-1: Four thousand (4,000) square feet;

- b. RMH-2: Six thousand (6,000) square feet;
 - c. RMH-3: Six thousand (6,000) square feet;
 - d. RMH-4: One thousand two hundred sixty five (1,265) square feet.
4. Minimum Frontage Width: Minimum mobile home, RV or manufactured home space frontage width:
- a. RMH-1: Forty feet (40');
 - b. RMH-2: Sixty feet (60');
 - c. RMH-3: Sixty feet (60');
 - d. RMH-4: Twenty three feet (23').
5. Minimum Setback, Public Street: Minimum setback of any building, mobile home, RV or manufactured home from a bordering public street line is fifteen feet (15'), except that garages and carports shall be set back twenty feet (20') from the front lot line.
6. Minimum Setback, Internal Street: Minimum setback from internal street in mobile home parks is twelve feet (12'), except that garages and carports shall be set back twenty feet (20') from the front lot line.
7. Minimum Side, Rear Setbacks, Separations: Minimum side and rear setbacks or separation for each mobile home, RV or manufactured home lot, where such side and rear does not border on public or internal streets:
- a. RMH-1: Five feet (5') from space side line; seven and one-half feet ($7\frac{1}{2}'$) from space rear line.
 - b. RMH-2: Five and one-half feet ($5\frac{1}{2}'$) from side property line; ten feet (10') from rear property line.
 - c. RMH-3: Five and one-half feet ($5\frac{1}{2}'$) from side property line; ten feet (10') from rear property line.
 - d. RMH-4: Ten feet (10') separation between units or structures.
8. Property Development Standards for Accessory Buildings:
- a. Building Height: The maximum building height for all accessory buildings shall not exceed twenty-five (25) feet, or the building height requirements contained within the City of Elko Airport Master Plan, whichever is the most restrictive.
 - b. Building Setbacks:

1. Permanent and Non-Permanent Accessory Buildings:

- a. Front: Fifteen (15) feet except that garages and carports shall be set back twenty (20) feet from any street from which they are accessed.
 - b. Rear: Five (5) feet
 - c. Interior Side: Five (5) feet
 - d. Exterior Side: Five (5) feet except that garages and carports shall be set back twenty (20) feet from any street from which they are accessed.
 - c. Building Area: The cumulative square feet of all accessory buildings shall be limited to a maximum area of ten percent (10%) of the lot area or one thousand, two hundred (1,200) square feet.
 - d. Detached guesthouses are permitted with the exception of RMH 3 and RMH 4 districts, so long as they conform to all yard requirements applicable to the principal building.
 - e. The minimum distance between all buildings on the parcel shall be five (5) feet.
 - f. No building or structure shall be located on any easement.
9. Expandable Sections, Separation Requirements: Expandable sections of a mobile home, manufactured home or RV shall be considered a part of the mobile home, RV or manufactured home proper for setback or separation requirements.
910. Underground Utilities: All utilities shall be placed underground.
1011. Other Statutes aAnd Regulations Applicable: Where applicable, all site preparation, construction, mobile home, RV and manufactured home installation, utility connections and occupancy shall be in accordance with the requirements of the Nevada statutes and regulations of this code and ordinances.

C. Transportation Systems Requirements:

- 1. Access; Alignment aAnd Grading oOf Streets: All mobile home, RV or manufactured home spaces shall be provided with safe and convenient vehicular access from public or private streets. Alignment and grading of streets shall be properly adapted to topography.
- 2. Street Surfacing: All streets shall have a paved all weather surface approved by the city engineer and drained in a manner approved by the city engineer.
- 3. Paved Curb Section: All streets shall have a paved, back of curb to back of curb section not less than:
 - a. RMH-1: Forty two feet (42') in width;

- b. RMH-2: Fifty feet (50') in width;
 - c. RMH-3: Fifty feet (50') in width;
 - d. RMH-4: Twenty feet (20') in width with off street parking.
4. Curb/Gutter Sections; Sidewalk: All streets shall require curb/gutter sections on both sides and have a five foot (5') paved sidewalk:
- a. RMH-1: At least one side of street;
 - b. RMH-2: Both sides of street;
 - c. RMH-3: Both sides of street;
 - d. RMH-4: On both sides of dedicated public streets.
5. Off Street Parking: A minimum of two (2) off street parking spaces per mobile home or manufactured home space shall be required. One per RV site shall be required on streets twenty feet (20') in width.
6. Emergency Vehicular Access: In all districts, adequate provisions for emergency vehicular access during inclement weather shall be provided on internal streets.
7. Storm Drainage: Adequate storm drainage shall be provided and shall be reviewed by the city engineer for his approval.
8. Signs ~~a~~And Lighting: All streets shall be properly signed and lighted. Lighting systems to be approved by the city engineer.
- D. General Requirements:
- 1. Paving: All vehicle parking spaces and driveways shall be paved with a hard surface material.
 - 2. Recreation ~~Or~~ Open Space Area: The planning commission shall require mobile home and RV parks to have at least one recreation area or usable open space accessible from all spaces, the cumulative size of which recreation area shall not be less than:
 - a. A minimum of two hundred (200) square feet of outdoor recreation area per mobile home space or fifty (50) square feet per RV site shall be provided, exclusive of required yards or setback area. The minimum size for any single outdoor recreation area shall be two thousand four hundred (2,400) square feet in mobile home parks and one thousand two hundred (1,200) square feet in RV parks, with a minimum width of twenty four feet (24').
 - b. Parks catering to family use shall provide larger recreation areas and adequate playgrounds. A minimum of three hundred (300) square feet of outdoor recreation area per mobile home space or seventy five (75) square feet per RV site shall be provided,

exclusive of required yards or setback areas. All recreation areas and landscaping plans shall be approved prior to issuance of a conditional use permit by the planning commission.

3. Pedestrianways: When included as additions to required sidewalks, pedestrianways shall have a minimum width of four feet (4') and shall be surfaced in concrete or hard surface material.
4. Water Supply: An accessible, adequate, safe and potable supply of water for domestic purposes shall be provided to each mobile home or manufactured home space or lot and RV site, and proof of the same shall be provided to the planning commission before approval of any conditional use permit. Such supply of water shall be in conformance with any applicable Nevada statutes and regulations and city ordinances, and furnished through a pipe distribution system directly connected to the city water service.
5. Sewerage Facilities: An adequate and safe sewer system shall be provided to each mobile home, manufactured home or RV space, lot or site. Such sewer system shall be in conformance with any applicable Nevada statutes and regulations and city ordinances, and directly connected through a pipe collection system to the city sewer facilities.
6. Refuse aAnd Garbage: Storage, collection and disposal of garbage and refuse shall be in conformance with any applicable Nevada statutes and regulations and city ordinances. In mobile home and RV parks, one metal dumpster with lid per twenty five (25) spaces located no more than one hundred fifty feet (150') from mobile home lots and RV sites shall be required.
7. Fuel Supply aAnd Storage: Installation of liquid petroleum gas or fuel oil containers within a mobile home or manufactured home subdivision or mobile home or RV park shall be in conformance with any applicable Nevada statutes and city ordinances.
8. Fire Protection: In every mobile home or RV park, mobile home subdivision or manufactured home subdivision, fire hydrants shall be installed as may be required by the fire department.
9. Tie Downs: Tie downs for all mobile homes shall be provided in accordance with state fire marshal regulations and applicable Nevada statutes and regulations. Tie downs shall not be required on RV sites.
10. Skirting:
 - a. Skirting shall be of durable materials suitable for exterior exposures, and be installed in accordance with the manufacturer's installation instructions. It shall be secured, as necessary, to assure stability, to minimize vibrations, to minimize susceptibility to wind damage and to compensate for possible frost heave.
 - b. If combustion air for heat producing appliance is taken from within the under floor area, ventilation shall be adequate to assure proper operation of the appliances.
 - c. Use of combustible material (such as hay, straw, cardboard, etc.) shall be prohibited.

11. Fences: Mobile home and RV parks adjacent to residential zones shall be fenced with a solid view screening decorative fence not more than six feet (6') nor less than three feet (3') in height around the entire boundary of the park. However, no such fence over three feet (3') in height shall be allowed within thirty feet (30') of the intersection of any two (2) streets. The design and construction materials of said fence shall be subject to approval by the planning commission prior to the issuance of any conditional use permit. (RMH-1 and RMH-4 districts only.)
12. Floodplain: No mobile home or manufactured home subdivision, mobile home or RV park which is proposed to be constructed below the 100-year floodplain elevation of the Humboldt River and other drainage as defined by the U.S. army corps of engineers, shall be approved by the planning commission.
13. Grading, Erosion Protections; Avoidance Of Visual Scars On Hillsides; Protection Of Underground Utility Lines: Whenever it may be necessary for the developer of a mobile home, manufactured home subdivision, mobile home or RV park to cut and fill, or to alter the contours of the land in any way, he shall comply with the provisions of the city building code.
14. Management: The holder of a valid city business license for the operation of a mobile home or RV park shall be responsible for compliance with this chapter and other applicable ordinances (e.g., section [5-1-1](#) of this code) or Nevada statutes and regulations. He/she shall maintain the mobile home or RV park in a neat, orderly and sanitary condition at all times. (RMH-1 and RMH-4 districts only.)
15. Signs: All signs for the mobile home or RV park, including the height, size, location, appearance and illumination of such signs, shall be subject to approval of the planning commission prior to the issuance of any conditional use permit. No signs will be installed without approval of said sign by the planning commission. The applicant shall submit a plan showing the locations of such signs and architectural elevations showing the heights, shapes, size and manner of illumination of the signs. (RMH-1 and RMH-4 districts only.)
16. Landscaping: Exposed ground surfaces in the park shall be covered with stone, screening or other materials or protected with a vegetative growth in a well-kept manner, either of which is capable of preventing soil erosion and eliminating objectionable dust. (RMH-1 and RMH-4 districts only.)
17. Plan: A copy of the final approved plan for the mobile home or RV park shall be conspicuously posted on the site near office, or as designated by the fire department and the license holder shall be responsible for maintenance of the park as per the final approved plan thereafter. (RMH-1 and RMH-4 districts only.)
18. Space Numbering: All spaces shall be numbered, and such number shall be posted in a place clearly visible and conspicuous from the internal street. (RMH-1 and RMH-4 districts only.)

19. Electrical: All mobile home parks shall comply with the national electrical code, article 550, part B. All recreational vehicle parks shall comply with the national electrical code, article 551, part B.
 20. Public Telephone: At least one public telephone is required for a mobile home or RV park.
 21. Dump Stations: Permitted dump stations in RV parks shall meet all applicable Nevada statutes and regulations and city requirements.
 22. Fuel Cylinders: No extra or empty fuel cylinders are allowed to be stored on RV sites. Fuel cylinders being used shall comply with the latest edition of NFPA 58 (standard for the storage and handling of liquefied petroleum gases).
 23. Other Requirements: Where this code does not address a particular problem, the use of the latest edition of NFPA 501A (manufactured home installations, sites and communities), 501D (recreational vehicle parks and campgrounds) and 501C (fire safety criteria for recreational vehicles) will be used. Wherever 501A, 501D and 501C and this code differ, the requirements which are more stringent shall apply.
- E. Additional Requirements ~~f~~For Mobile Home Subdivision Utilizing Small Lots ~~a~~And Homeowners' Associations ~~i~~n RMH-2 ~~o~~Or RMH-3 Residential Mobile Home Districts: All mobile home subdivisions shall be subject to issuance of a conditional use permit, following review by the planning commission. Applications and procedures shall be in the manner provided by this title. Additionally, such subdivisions shall comply with Nevada Revised Statutes chapter 278, the subdivision and other applicable ordinances and regulations of the city and any health regulations of the state health department. In addition to all applicable requirements set forth in subsections A through D of this section, all mobile home subdivisions shall be required to conform to the following standards:
1. Development Requirements: Development requirements shall be as follows:
 - a. Minimum overall area: Two (2) acres;
 - b. Minimum lot area: Four thousand five hundred (4,500) square feet;
 - c. Minimum lot width: Forty five feet (45');
 - d. Minimum setback from bordering public street line: Fifteen feet (15'), except that garages and carports shall be set back twenty feet (20') from the front lot line;
 - e. Minimum setback from internal street: Twelve feet (12'), except that garages and carports shall be set back twenty feet (20') from the front lot line;
 - f. Minimum setback from property line: Seven and one-half feet (7½');
 - g. Minimum distance between mobile home sides or side and end: Fifteen feet (15'); between ends: Fifteen feet (15');

- h. Expandable sections of a mobile home or attached accessory building shall be considered a part of the mobile home proper for setback requirements.

2. Street System:

- a. All mobile home lots shall be provided with safe and convenient vehicular access from public or private streets. Alignment and gradient of streets shall be properly adapted to topography.
- b. All streets shall be paved and drained in a manner approved by the public works department. Streets shall have a designed structural section based on traffic volumes and soil conditions, but in no event shall the asphaltic pavement be less than two inches (2") in thickness, placed on a base material at least six inches (6") thick and approved by the public works department.
- c. Access to mobile home subdivisions shall be designed to minimize congestion and traffic hazards and provide for safe movement of traffic at the entrance or exits to adjoining streets.
- d. All interior streets shall have a paved section not less than forty feet (40') in width, back of curb to back of curb, and a right of way not less than fifty feet (50').
- e. All streets shall be properly signed and lighted. Lighting system is to be approved by the public works department and shall provide a minimum level of lighting approved by the city engineer.
- f. Adequate provisions for snow removal and snow storage areas shall be provided.
- g. All streets shall have four foot (4') concrete paved sidewalks on both sides of street.

3. General Requirements:

- a. Pavement ~~o~~Of Spaces ~~a~~And Driveways: All vehicle parking spaces and driveways shall be paved.
- b. Covering Of Ground Surfaces: Exposed ground surfaces in all other parts of the mobile home subdivision shall be covered with stone, screening or other material or protected with a vegetative growth in a well-kept manner, either of which is capable of preventing soil erosion and eliminating objectionable dust.
- c. Refuse ~~a~~And Garbage: Storage, collection and disposal of garbage and refuse shall be in conformance to any applicable Nevada statutes and regulations, and regulations of the city and state health departments 1.
- d. Fuel Supply ~~a~~And Storage: Installation of liquefied petroleum gas or fuel oil containers within a mobile home subdivision shall be in conformance to any applicable Nevada statutes and regulations, and city ordinances, and to the satisfaction of the fire department.

- e. Fire Protection: In every mobile home subdivision there shall be installed, and properly maintained, fire hydrants as required by the fire department.
- f. Fences: Mobile home subdivisions shall be fenced with a screened fence not more than six feet (6') nor less than four feet (4') in height around the entire boundary of the subdivision, subject to waiver in specific cases by the planning commission at its discretion.
- g. Variations: The planning commission, as part of the conditional use permit procedure, may vary the above requirements in its recommendation to the city. (Ord. 771, 3-26-2013)

Notes

1. See subsection 3-2-3(L) of this title.

For Reference Only

Elko City Council
Agenda Action Sheet

1. Title: **Review, consideration, and possible action for a determination from City Council to fence the golf course ponds, and matters related thereto. FOR POSSIBLE ACTION**
2. Meeting Date: **April 13, 2021**
3. Agenda Category: **NEW BUSINESS**
4. Time Required: **5 Minutes**
5. Background Information: **The ponds were lined in the fall of 2020 and then refilled with water. Since that time there has been two instances where animals have gone into the ponds and could not get out without assistance from the owners. Once the owners of the animals entered the ponds they were also unable to exit the pond without assistance. If public access is controlled and achieved with fencing, a minimum of a 6' fence shall be used in Parks according to WTS-7 NDEP Guidance Document for Reclaimed Water Storage Ponds. NDEP did not require the ponds to be fenced and the plans were approved as submitted. Staff is requesting determination from City Council to have the ponds fenced or leave them unfenced, which poses a risk for someone entering the ponds and drowning if they cannot get out.**

City Staff has implemented further safety measures in response to these incidents.
 - **Added additional warning signage around the ponds.**
 - **Raised the pond level 24" to reduce the amount of exposed liner on the banks.**
 - **Attached safety ladders around the ponds banks and life rings at these points.**
6. Budget Information:

Appropriation Required:
Budget amount available:
Fund name:
7. Business Impact Statement: **Not Required**
8. Supplemental Agenda Information: **Statement from a citizen who entered the ponds, WTS-7 NDEP Guidance for Reclaimed Water Storage Ponds, WTS-37 NDEP Design Guidance for Lined Wastewater Holding Ponds, Approved Plan letter from NDEP.**
9. Recommended Motion: **Pleasure of the Council to direct Staff to fence the golf course ponds or leave them unfenced.**
10. Prepared by: **Dale Johnson, Utilities Director**
11. Committee/Other Agency Review:
12. Council Action:
13. Council Agenda Distribution:

To whom it may concern,

On Monday December 7th, 2020 at approximately 11am, I was at the Ruby View Golf Course walking my two dogs and my two children were with us riding in a battery operated jeep. I started at the dirt parking area and we went to the 14th hole where the bathroom is. At the bathroom we turned and headed south along the fence line towards the driving range area. We walked behind the nets and kept heading south. As we approached the first pond my dogs ran to the pond and checked it out but were a little confused due to the new liner. I called my dogs back as I did not want their nails damaging the liner. I kept heading south to get away from the pond and turned west and went towards the second pond. My dogs also approached this pond but I called them away. I sat down about 30 feet away and let my kids out of the battery operated jeep to run around. I was on the phone and my kids were talking to their grandparents when I realized I heard splashing in the distance. I don't know how much time had lapsed but I would estimate 8-10 minutes before I stood up to look at where they were and noticed they were in the water. Upon further observation I noticed they were clawing at the ice shelf that ran the circumference of the pond and extended towards the middle about 8 feet. However, they were unable to get their bodies out of the water because they had nothing to put their back feet on. I quickly hung up and ran to the pond carrying my 10 month old son. I set him down as far away from the edge as I could while still being able to keep an eye on him and climbed down the liner to the ice. I laid on the ice and reached out as far I as I felt safe and was unable to reach my dogs. I scooted back to the edge of the pond and climbed up the embankment and called my husband who was on lunch break (it was a little after 12pm at this time). I told my husband the dogs had fallen in the water and were unable to get out and I was not comfortable going too far out on the ice and leaving our two kids if I fell in. He said he was on his way and to look for a golf course employee to help me. As it was December the clubhouse was closed but as I ran towards the workshops an employee came in through the main gates and drove towards the workshops. Carrying my 10 month old son I jogged towards the employee. When he parked and got out I hollered to him that my dogs had fallen in the water and were unable to get out. I asked him to bring a rope and something to help us reach them. He ran to the workshops and I turned around and jogged back to the ponds. When I reached the pond one of my dogs had been able to get his front paws on the ice shelf and had his chin resting on the ice and the other dog was frantically swimming in circles and whimpering. My husband was still on the phone that my 2 year old was carrying and I hollered to the phone that I was going back down to get the dogs and if he hears a splash to call 911. He advised against it and said he was almost there but the pleading looks in my dogs panicked eyes won out. I again set my 10 month old son down where I could see him but far away from the edge of the pond as I could and I climbed back down. My dog that had his paws on the edge I could reach so I scooted out on my stomach and grabbed his paws and pulled him out. He was unable to stand so he just flopped in my lap. I scooted back to the pond edge and pushed him off me. I scooted back out the ice shelf and reached for the second dog who was very frantic at this time. I was able to pull him out and again his back legs were frozen so he just laid in my lap. I scooted back to the edge of the pond and had both dogs in my lap. My husband and the golf course employee approached at the same time and climbed down the embankment and hauled both dogs up. Then my husband came back and gave me a hand. As we were rubbing the dogs down and getting blood in their legs the golf course supervisor also showed up. I would say the dogs had been in the water between 20-25 minutes.

Joy

NEVADA DIVISION OF ENVIRONMENTAL PROTECTION**GUIDANCE DOCUMENT FOR RECLAIMED WATER STORAGE PONDS**

This guidance document outlines a suggested list of areas for incorporation into the O&M program at permitted facilities, which operate reclaimed water storage ponds (e.g., golf courses & effluent storage reservoirs).

1. Posting: Reclaimed water warning (advisory) signs need to be checked periodically and replaced when damaged or the printed lettering is illegible because of weathering.
2. Fencing: Where public access control is achieved by fencing, a minimum height of 6 feet shall be used. Parks which have ponds containing category B and lower water quality must maintain fencing in good condition to keep out the public, livestock, and large wildlife.
3. Emergency Egress: An escape plan (e.g., textured liner surface, life preserver rings, sidewall ladders, etc.) is recommended for all storage ponds especially when the presence of an exposed membrane liner surface makes for slick conditions.
4. Liner Maintenance: Liner integrity is important to minimize seepage loss. Clay-lined ponds need to be kept free of weeds and the basins wetted at all operating times to prevent clay desiccation (cracking). Membrane liners need to be securely fastened into the anchor trenches to prevent wind uplift and liner tearing. If the liner is covered (e.g., compacted soil, spray-on concrete), the cover needs to be maintained in a good shape to minimize liner surface weathering. A thorough liner inspection is recommended periodically and generally requires the pond to be drained, cleaned, and the working conditions made safe for the inspection personnel.
5. Berms: Maintain the embankment (sidewalls) to prevent erosion and failure (slumping). Contact a wildlife specialist to humanely trap and remove any burrowing animals.
6. Sludge Removal: Pond sludge is to be removed in a manner, which is protective of the liner material. Heavy equipment and sharp tool edges are not recommended when working, with membrane liners. The sludge depth should be measured and recorded periodically using a measurement device such as a Sludge Judge[®] tube and the pond cleaned when the sludge depth is $\geq 20\%$ of the pond's design operating depth.

7. Freeboard: Maintenance of a minimum freeboard (2 ft. for ponds ≤ 1 acre or 3 ft. for ponds > 1 acre) limits wave overtopping in high winds and provides for precipitation storage under normal operating scenario. Release of reclaimed water from a pond to a surface watercourse or storm drain is prohibited without prior Division approval. At all times, the water level must be maintained below the top of the liner material to prevent seepage loss.
8. Pond Color: Frequent visual inspection of the pond's surface appearance provides the facility operator with an indication of the overall ecosystem health in the pond. The following table indicates various pond color conditions that may be encountered:

Surface Appearance	Condition	Comment
Colorless or light green	Optimal	Acceptable algae level
Pea soup green	Algae Bloom	Excessive algae growth
Floating sludge	Seasonal Turnover	Sludge buildup in pond
Black	Low or no dissolved oxygen	Septic pond (toxic)
Yellow or fluorescent green	Low oxygen & pH levels	Blue-green algae (toxic)
Tan or muddy	Storm inflow	Sediment buildup in pond

9. Algae: The control of excess pond algae growth is important to limit objectionable odor and maintain good pond aesthetic conditions. Algae control methods can include aeration, circulation (mixing), ozone addition, ultrasonic devices, biological control (e.g., barley straw or duckweed), algae filters, chemical addition, and denitrification (nitrogen removal). If the surrounding landscaping is fertilized, minimize any irrigation runoff into the storage pond, which can be laden with nutrients (nitrogen and phosphorus) conducive to promoting algae blooms.
10. Chemical Control: The usage of water treatment chemicals is to be conducted in accordance with the manufacturer's instructions and all applicable environmental regulations. The application of copper-based chemicals (e.g., copper sulfate) in unlined ponds is not recommended due to seepage and potential groundwater contamination with high copper level.
11. Monitoring Wells: A groundwater monitoring program may be required to monitor pond seepage loss and/or surrounding landscape irrigation practices especially when the reclaimed water source is not denitrified.
12. Vector Control: If your pond is a source of vector breeding (e.g., mosquitoes), consult with your local health department or county extension program to see if a vector control program is recommended to prevent the transmission of waterborne illness. Mosquito prevention measures include aeration, mixing, chemical or pesticide addition, and stocking of mosquito fish (i.e., *Gambusia affinis*).
13. Vegetation Control: The seasonal removal of aquatic vegetation aids in preventing berm erosion and liner damage, and limits organic debris accumulation. Overgrown

ponds can inhibit natural wind aeration and promote vector growth if the water surface is quiescent. To prevent organic overloading, remove all leaf litter, wind-blown weeds, and lawn clippings in and around the vicinity of the storage pond.

14. Pond Odor: Objectionable pond odor is generally the result of a high oxygen demand condition in the water and less frequently from a toxic upset (e.g., illicit discharge). High oxygen demand in the pond can result from excess sludge buildup, seasonal pond turnover, a non-denitrified effluent source, or an overloaded wastewater treatment system. Near-surface dissolved oxygen (D.O.) levels can be read with a handheld meter and need to be maintained ≥ 2 mg/l of D.O. to maintain aerobic conditions in the pond at all times.
15. Worker Hygiene: A sample Worker Safety Fact Sheet is available on the NDEP website in reuse guidance documents WTS-1A or WTS-1B. Direct public contact with the storage ponds (e.g., golf ball retrieval) needs to be controlled by the facility since the public may not be properly immunized and have received the proper training to safely contact reclaimed water.
16. Wildlife Issues: A waterfowl management program may be needed if high bacterial levels in the ponds are due to excessive waterfowl manure loading. Stocking of ornamental fish in the pond may be inappropriate if the effluent source contains residual levels of chlorine and/or ammonia considered detrimental to aquatic life.
17. Water Sampling: Generally, the effluent provider is in charge of sampling and reporting the effluent quality at the time of the plant's discharge (i.e., end-of-pipe sampling). Over time, poor pond management practices can deteriorate an acceptable effluent source to that of a less suitable level considered unacceptable for spray irrigation discharge.
18. Aerators: If mechanical aerators are used, the facility operator needs to implement the manufacturer's O&M recommendations including a preventive maintenance program and stocking of sufficient spare parts inventory.

**Carson City Office
901 S. Stewart St., Suite 4001
CARSON CITY, NEVADA 89701
PHONE: (775) 687-9418, FAX: (775) 687-9484**

Page 1 of 6

1. SITE CHARACTERIZATION DATA REQUIRED

- A. A topographical map of the site with 5-foot contour intervals. On this map, please provide identification of the following within a one mile radius of the proposed pond:
- 1) Creeks and Rivers;
 - 2) Dwelling units (e.g., residences and commercial buildings);
 - 3) Earthquake fault lines;
 - 4) Drinking water wells;
 - 5) Wellhead Protection Zone Area delineation (if available).
- B. The depth to the groundwater table shall be provided along with a description of the underlying strata (confining layers, soil types, etc.). The groundwater gradient and direction, depth to groundwater, and groundwater quality shall be provided.
- If this information is not available from available data, the applicant may have to drill borings to the water table and have the strata categorized by a licensed professional with expertise in this discipline.
- C. Watershed map of the site which depicts the 100-year flood plain and storm water drainage channels in and around the proposed pond(s) site.
- D. Direction of prevailing winds shall be provided.

2. GENERAL POND CONSTRUCTION DETAILS

- A. Interior embankments shall be sloped no steeper than 3:1 (horizontal to vertical).
- B. Pond bottom shall be level unless a leak detection system is proposed using a leak collection media.
- C. Top of the embankment shall be a minimum of 8 feet wide for non-vehicular access. If the top of the embankment is used as a service road, the top embankment width must be at least 12 feet and designed to support the load weight for all service vehicles.
- D. Pond geometry should be either square or rectangular. If rectangular, the side lengths shall be no longer than 3 times the side width. Other pond geometry will be reviewed on a case by case basis.
- E. A freeboard of 3-feet is required for all large ponds (greater than 1 acre of surface area). A freeboard of 2-feet may be acceptable for smaller ponds (1 acre or less of surface area) if it can be determined that wave action will not be a problem based upon a wave fetch analysis using local wind (meteorological) data.
- F. The pond must withstand and contain, without release, the 25-year, 24-hour storm event.
- G. Plans for protection from floodwater must be presented. The pond must be designed to

withstand the run-off generated by the 24-hour storm event with a 100-year recurrence interval. The pond should remain operational after such an event, with no structural damage.

- H. The engineer shall attempt to not locate any ponds within the 100-year flood plain (NAC 445A.285).
- I. A method for recording the liquid level in each pond shall be provided. This may include staff gages, sidewall depth markings, or pressure-depth sensors. If using staff gages, then the length intervals shall be marked in units of a quarter of a foot or inches and be easily readable from 30 feet away.
- J. A plan for leak detection must be presented for all ponds. Examples of acceptable leak detection systems include double liner designs with leak collection sumps, and monitoring wells. Other innovative plans for leak detection will be reviewed by BWPC on a case by case basis.
- K. A water balance demonstrating storage capacity of the pond within the required freeboard shall be presented. This balance shall incorporate local figures for pond surface evaporation and average precipitation rates.
- L. Inlet piping must have an adequate erosion protection measure at the discharge point into the pond.
- M. Seepage collars must be installed at junctions at piping penetrations to the pond embankment.
- N. Ballast measures shall be considered to protect liner uplift from wind activity or high water table.
- O. Odor control plans (if required). These may include providing aeration or recirculation of the flow to the pond(s) or other acceptable measures (chemical oxidants, algal control chemicals, scum removal, sludge removal, etc.).
- P. The chemical compatibility of the liner material with the stored wastewater must be evaluated with the liner manufacturer and found suitable for the proposed wastewater.
- Q. A plan for measuring the depth of solids (sludge) accumulation in the pond shall be provided (e.g., Sludge JudgeTM, ultrasonic sounder, etc.). Additionally, a plan for solids removal from the pond shall be presented that will be protective of the liner system.
- R. The ponds shall be enclosed within an acceptable fence to keep out non-authorized personnel (e.g., the public), wildlife, and livestock. Waterfowl protection (e.g., bird balls, netting, etc.) may be also required by applicable state or federal wildlife agencies.
- S. The perimeter fence shall be posted at the entrance gate and on all four sides at a recommended 300 ft. spacing interval per sign. The warning signs shall indicate usage of the pond(s) as a wastewater storage facility. The entrance gate sign shall denote the facility's name and emergency contact number.

- T. A safety plan (emergency egress) for getting people out of the pond shall be presented (e.g. roped life rings, textured liner, sidewall ladders, service rowboat, etc.).

3. DESIGN ITEMS FOR GEOMEMBRANE LINER SYSTEMS

- A. The liner should have a coefficient of permeability of at least 1×10^{-11} cm/sec and minimum thicknesses of 60-mil (primary liner) and 40-mil (secondary liner), respectively. The primary or upper liner is the liner layer in contact with the wastewater.
- B. Reclaimed water ponds (e.g. golf courses, effluent storage reservoirs, etc.) storing denitrified domestic effluent (i.e. < 10 mg/l of Total Nitrogen content) may utilize a PVC liner with a minimal thickness of 30-mil provided that the PVC liner is protected from UV degradation (e.g., soil or sand cover, sprayed-on concrete, etc.).
- C. The liner material specifications shall meet the standards listed in the Geosynthetic Research Institute Test Method GM13 (e.g. UV Resistance, Puncture Resistance).
- D. A plan for protection of the liner from ice damage, temperature extremes, wind uplift, oxidation, and sharp objects shall be presented.
- E. If there is the potential for gas generation in the sub-base, a plan to remove the gases beneath the liner must be presented.
- F. Supporting geotechnical data on the embankment foundation and slope stability shall be submitted.
- G. Subsurface or underlayment prep for the liner installation shall be provided.
- H. It is strongly recommended that the primary liner material be textured on the exposed side for personnel slip prevention.
- I. A means of emergency egress shall be provided (e.g. knotted hand lines, welded in ladder rungs, etc.).
- J. Provide the details on liner anchoring and all pipe penetrations. It is recommended that liner penetrations be limited to the best extent possible and reserved to areas above the pond freeboard to reduce potential for leaks.
- K. The engineer-of-record for the approved design shall submit a Quality Assurance/Quality Control (QA/QC) letter and report on the liner installation when complete. This documentation shall include a summary of the results of all field tests conducted on the liner.

4. DOUBLE LINED LEAK DETECTION SYSTEMS DESIGN ITEMS

- A. A double-lined pond is required when any industrial and/or process (non-domestic) wastewater is stored. Plans for a single-lined pond storing and/or treating only domestic

(sanitary) wastewater shall be prepared and submitted in accordance with WTS-5: Guidance Document for Design of Wastewater Treatment Ponds.

- B. The liner materials shall be at least 60-mil (primary liner) and 40-mil (secondary liner) thick, respectively, and made of HDPE or approved equivalent material (e.g. LLDPE, PVC, Polypropylene, etc.).
- C. The leak collection material between the two liners shall be designed to rapidly transmit primary liner leakage to a collection sump and prevent hydraulic head transference from the primary liner onto the secondary liner. This interstitial material should be an engineered geo-net or equivalent material.
- D. The Leak Collection and Recovery System or LCRS (e.g., collection sump, pumps, collection media, etc.) shall be designed to remove the collected leakage at a rate equal to or greater than the maximum rate collected in the interstitial leak detection media and/or at a rate that prevents the overfilling of the detection sump.
- E. The leak detection metering system must allow for accurate recording of the daily volume of leakage from the primary liner.
- F. The maximum allowable leakage rate for the primary liner is 500 gallons/acre-day. The action leakage rates for the primary liner should be as follows (note: a more restrictive action leakage rate schedule may be required in the discharge permit on a case-by-case basis):
 - i. When the leakage rate exceeds 125 gallons/acre-day, the facility shall develop a plan to identify the source of the leakage. This plan shall be submitted to the BWPC for its review and approval within one month's time upon discovery of the leakage.
 - ii. When the leakage rate exceeds 250 gallons/acre-day, the approved plan shall be initiated.
 - iii. When the leakage rate exceeds 500 gallons/acre-day, the permittee shall notify the BWPC in writing within five (5) business days, shall cease discharge to the identified leaking pond(s), and shall implement all necessary corrective action measures to mitigate the liner leakage.
 - iv. Leak-detection monitoring wells may be required to assess impacts to environment.

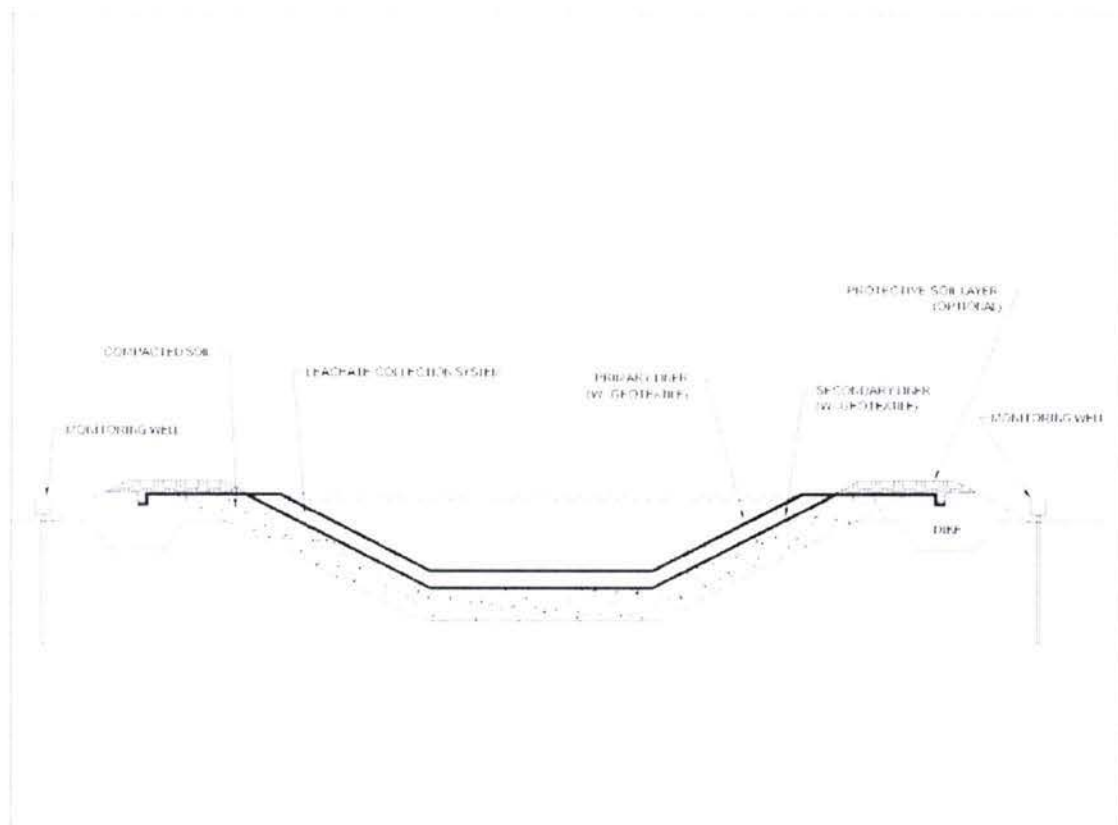


Figure 1 - Example of a Surface Impoundment

References:

1. Geosynthetic Institute, <http://www.geosynthetic-institute.org/>
2. Ten States Standards, *Recommended Standards for Wastewater Facilities*, <http://10statesstandards.com/wastewaterstandards.html>
3. U.S. EPA, *Introduction to Land Disposal Units (40 CFR Parts 264/265, Subparts K, L, M, N)*, <http://www.epa.gov/osw/inforesources/pubs/hotline/training/ldu05.pdf>



NEVADA DIVISION OF
**ENVIRONMENTAL
PROTECTION**

STATE OF NEVADA
Department of Conservation & Natural Resources
Bradley Crowell, Director
Greg Lovato, Administrator

May 22, 2020

Eric W. Lattin, P.E., President
Black Dolphin Consulting, LLC
P.O. Box 2561
Elko, NV 89803

RE: P&S Approval for Pond #1-2 Lining Project
Project Location: Ruby View Golf Course
Permittee: City of Elko Ruby View G.C. – Permit # NS2003515

Dear Mr. Lattin:

The Nevada Division of Environmental Protection, Bureau of Water Pollution Control (NDEP-BWPC) has reviewed the 100% plans and specifications submittal, received on May 21, 2020. Based upon technical review, NDEP-BWPC hereby approves the plans and specifications for lining Ponds #1-2 at the Ruby View Golf Course in Elko, NV with a 60-mil HDPE liner material. Please note the following conditions:

1. Within thirty (30) days of completion, a Nevada registered professional engineer (P.E.) shall provide NDEP-BWPC certification that lining of Ponds #1-2 is substantially complete and performed in accordance with the plans and specifications approved by this letter.

Review or approval of facilities plans, design drawings, and specifications or other documents by or for the Division is for administrative purposes only and does not relieve the owner of the responsibility to properly plan, design, build and effectively operate and maintain the facility as required under law, regulations, permits, and good management practices. The Division is not responsible for increased costs resulting from defects in design, plans and specifications or other pertinent documents.

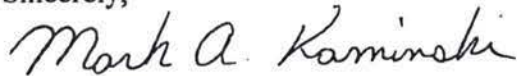
A discharge permit must be issued from this Division before construction or modification of any treatment works (per NRS 445A.585). Also, the applicant is responsible for all other permits that may be required, which may include, but not be limited to:

Dam Safety Permits -	Division of Water Resources
Well Permits -	Division of Water Resources
404 Permits -	U.S. Army Corps of Engineers and Division
Air Permits -	NDEP
Health Permits -	Local Government or State Health Division
Local Permits -	Local Government (Special Use Permits, etc.)
Storm Water Permits -	NDEP
Dewatering Permits -	NDEP

The Division must approve all addenda and change orders. A copy of a transmittal form (WTS-13) is included herewith. That form must be completed and sent to the Division with each addendum or change order.

If you have any question with regards to this plan approval letter, please feel free to contact me at (775) 687-9424.

Sincerely,



Mark A. Kaminski, P.E.
Technical, Compliance & Enforcement Branch
Bureau of Water Pollution Control
mkaminsk@ndep.nv.gov

Enclosure: WTS-13 Change Order Form

cc (w/o enclosure):

BWPC Compliance Coordinator

Emailed:

Pete Dondero, Golf Course Superintendent: pdondero@elkocitynv.gov

Dale Johnson, Utilities Director: djohnson@elkocitynv.gov

Clark Phillips, Utilities Superintendent: cphillips@elkocitynv.gov

Lior Singer, P.E.

Donette Barreto, P.E.

Katrina Pascual, P.E.

REQUIRED FORM
CHANGE ORDER OR ADDENDUM SUBMITTAL FORM

Note: This Form must be submitted with all Change Orders and addendum for NDEP approval.

TO: Bureau of Water Pollution Control
Nevada Division of Environmental Protection
901 South Stewart Street, Suite 4001
Carson City, NV 89701

FROM: _____ DATE: _____

Submitted herewith: Change Order # _____ or Addendum # _____

Project: _____

Owner: _____

Brief Description & Reason for Change _____

If Change Order:	Original Contract \$	_____	Other Change Orders \$	_____
	Contract Time	_____	This Change Order \$	_____
	Approved Time Change	_____	Total \$	_____
	Completion Date	_____		

Does this addendum / Change Order impact the treatment process or effluent quality? Yes _____
No _____

Name _____

Signature _____

Address _____

Telephone # _____

For NDEP response: The above document is hereby approved by NDEP

Date: _____ Name: _____

Signature: _____

**Elko City Council
Agenda Action Sheet**

1. Title: **First reading of proposed Ordinance No. 857, amending Title 8, Chapter 21, Section 4 of the Elko City Code entitled "Sidewalk Maintenance, Reconstruction, and Repair", and matters related thereto. FOR POSSIBLE ACTION**
2. Meeting Date: **April 13, 2021**
3. Agenda Category: **ORDINANCE**
4. Time Required: **10 Minutes**
5. Background Information: **The proposed amendment consists of three components: 1) clarify decision-making authority for the reconstruction and/or repair of sidewalks, 2) require that all sidewalk construction, reconstruction, and/or repair comply with applicable federal laws including the Americans with Disabilities Act, and 3) minor adjustments to language for additional clarity. The City Council Initiated Ordinance No. 857 at their March 23, 2021 meeting. MR**
6. Budget Information:

Appropriation Required: **N/A**
Budget amount available: **N/A**
Fund name: **N/A**
7. Business Impact Statement: **Not Required**
8. Supplemental Agenda Information: **Copy of Ordinance No. 857**
9. Recommended Motion: **Conduct first reading of Ordinance No. 857 and direct City Staff to set the matter for second reading, public hearing, and possible adoption.**
10. Prepared by: **Michele Rambo, AICP, Development Manager**
11. Committee/Other Agency Review: **Planning Department, Public Works Department, Engineering Department, City Attorney**
12. Council Action:
13. Agenda Distribution:

ORDINANCE 857

AN ORDINANCE AMENDING TITLE 8, CHAPTER 21, SECTION 4 OF THE ELKO CITY CODE, ENTITLED "SIDEWALK MAINTENANCE, RECONSTRUCTION, AND REPAIR" TO CLARIFY DECISION-MAKING AUTHORITY, REQUIRE COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT AND OTHER LAWS, AND OTHER MINOR CLARIFICATIONS

WHEREAS, Title 8, Chapter 21 was last updated in 2019; and

WHEREAS, during this update, the City Council was given decision-making authority for the reconstruction and repair of sidewalks, curbs, and gutters; and

WHEREAS, it has since been determined that presenting all decisions on the reconstruction and repair of sidewalks, curbs, and gutters to the City Council has led to unreasonable delays in obtaining approvals for relatively minor projects, resulting in inconvenience and additional cost to the public.

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

Section 1: Title 8, Chapter 21, Section 4 of the Elko City Code is hereby amended to read as follows:

8-21-4: SIDEWALK MAINTENANCE, RECONSTRUCTION, AND REPAIR:

- A. Responsibility of Property Owners: It is the responsibility of all property owners to reasonably maintain any sidewalk constructed in a public right of way that abuts the owner's property. This Subsection A is not intended and shall not be relied upon to determine the standard of care in any civil action for negligence to include an action asserting negligence per se.
- B. Standards:
 - 1. Except as otherwise provided in the City Code or pursuant to authority granted by the City Code, all sidewalks shall be constructed of concrete with a minimum of four inches (4") in depth and with a width determined as follows:
 - a. Four feet (4') for sidewalks along all unclassified roadways or roadways classified as local residential in the City's Master Plan and along roadways determined by the City Development Department to be functionally equivalent to "local residential" as that term is used in the City's Master Plan; or
 - b. Five feet (5') in width for all other sidewalks, to include sidewalks along roadways classified as residential collector or higher in the City's Master Plan or along roadways determined by the City Development Department to be functionally equivalent to or higher than "residential collector" as that term is used in the City's Master Plan.
 - 2. All sidewalks shall be constructed, maintained, reconstructed and repaired in compliance with current City of Elko standards and federal and state laws, to include all applicable provisions of Title II of the Americans with Disabilities Act, Sections 504 and 795 of the Rehabilitation Act, and the Fair Housing Act.

C. Reconstruction and Repair:

1. The City Development Manager or her or his designee may require the reconstruction or repair of sidewalks under the following circumstances:
 - a. The reconstruction or repair of a sidewalk is required as a condition of approval for a division, merger, or change in the use of the abutting property, or;
 - b. The abutting property owner's actions resulted in damage to the sidewalk necessitating repair or reconstruction; provided the City Development Department may impose an assessment or other charge authorized by law on the abutting property owner for any reconstruction or repair of a sidewalk if the reconstruction or repair is performed by the City or its contractor in a public right-of-way at the direction of the City Development Manager or her or his designee.
 - c. The abutting property owner abandons any existing curb cuts or driveway approaches.
2. Any sidewalk ordered repaired or reconstructed by the City Development Manager or her or his designee shall be repaired or reconstructed by the owner of the property which abuts upon the sidewalk. The property owner shall cause the reconstruction or repair to be constructed by a properly licensed contractor, within a time period set by the City, not to exceed ninety (90) days. Notwithstanding any other provision in this Section, the City may , at the request of the property owner and in the City's sole discretion, accept an appropriate bond for the needed repairs or reconstruction to allow for completion at a later date due to weather.

Section 2: All ordinances or parts of ordinances in conflict herewith are hereby repealed, but only to the extent of such conflict

Section 3: If any section, paragraph, clause or provision of this ordinance shall for any reason be held to be invalid, unenforceable, or unconstitutional by a court of competent jurisdiction, the invalidity, unenforceability or provision shall not affect any remaining provisions of this ordinance.

Section 4: Upon adoption, the City Clerk of the City of Elko is hereby directed to have this ordinance published by title only, together with the Councilman voting for or against its passage in a newspaper of general circulation within the time established by law, for at least one publication.

Section 5: This Ordinance shall be effective upon the publication mentioned in Section 4.

PASSED AND ADOPTED this 13th day of April, 2021 by the following vote of the Elko City Council.

AYES:

NAYS:

ABSENT:

ABSTAIN:

APPROVED this ____ day of _____ 2021.

CITY OF ELKO

BY: _____
REECE KEENER, Mayor

ATTEST:

KELLY WOOLDRIDGE, City Clerk

**Elko City Council
Agenda Action Sheet**

1. Title: **Ratification of the Police Chief issuing a 30-day Temporary Retail Liquor License and issue a Regular Retail Liquor License, to Tania Kump, Jeff Kump, and Scott Ygoa, DBA Evergreen Flower and Gift Shop, located at 232 3rd Street, Elko, NV 89801, and matters related thereto. FOR POSSIBLE ACTION**
2. Meeting Date: **April 13, 2021**
3. Agenda Category: **PETITION**
4. Time Required: **5 Minutes**
5. Background Information: **N/A**
6. Budget Information:
 Appropriation Required: **N/A**
 Budget amount available: **N/A**
 Fund name: **N/A**
7. Business Impact Statement: **Not Required**
8. Supplemental Agenda Information: **N/A**
9. Recommended Motion: **Ratification of the Police Chief issuing a 30-day Temporary Retail Liquor License and issue a Regular Retail Liquor License, to Tania Kump, Jeff Kump, and Scott Ygoa, DBA Evergreen Flower and Gift Shop, located at 232 3rd Street, Elko, NV 89801. TT**
10. Prepared by: **Ty Trouten, Elko Police Chief**
11. Committee/Other Agency Review:
12. Council Action:
13. Council Agenda Distribution: **Jeff and Tania Kump**
 1723 Celtic Way
 Elko, NV 89801
Scott Ygoa
 507 Andy's Way
 Elko, NV 89801

**Elko City Council
Agenda Action Sheet**

1. Title: **Ratification of the Police Chief issuing a 60-day Temporary Retail Liquor License and issue a Regular Retail Liquor License, to Thomas J. Duncan, DBA TD's Golf at Ruby View, LLC, located at 2100 Ruby View Drive, Elko, NV 89801, and matters related thereto. FOR POSSIBLE ACTION**
2. Meeting Date: **April 13, 2021**
3. Agenda Category: **PETITION**
4. Time Required: **5 Minutes**
5. Background Information: **N/A**
6. Budget Information:
 Appropriation Required: **N/A**
 Budget amount available: **N/A**
 Fund name: **N/A**
7. Business Impact Statement: **Not Required**
8. Supplemental Agenda Information: **N/A**
9. Recommended Motion: **Ratification of the Police Chief issuing a 60-day Temporary Retail Liquor License and issue a Regular Retail Liquor License, to Thomas J. Duncan, DBA TD's Golf at Ruby View, LLC, located at 2100 Ruby View Drive, Elko, NV 89801.**
10. Prepared by: **Ty Trouten, Elko Police Chief**
11. Committee/Other Agency Review:
12. Council Action:
13. Council Agenda Distribution: **Thomas J. Duncan
1400 Wolf Run Road
Reno, NV 89511**

**Elko City Council
Agenda Action Sheet**

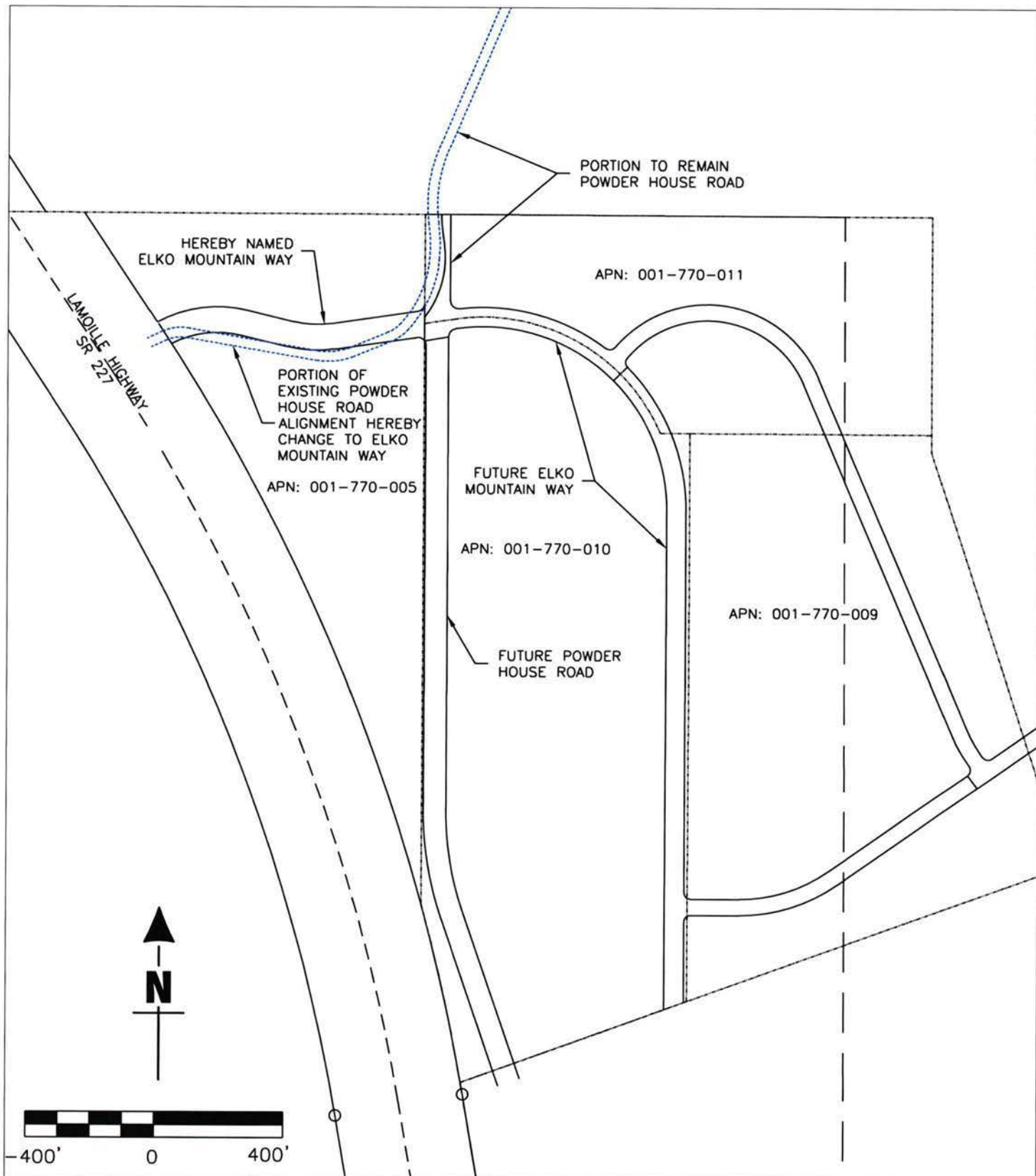
1. Title: **Review, consideration, and possible action to rename a portion of Powder House Road to Elko Mountain Way, and matters related thereto. FOR POSSIBLE ACTION**
2. Meeting Date: **April 13, 2021**
3. Agenda Category: **PETITION**
4. Time Required: **5 Minutes**
5. Background Information: **Staff is working toward acquiring Rights-of-Way and easements to allow for the installation of water mains and tanks in the area of Powder House Road. The proposed alignments of streets in the future development creates an intersection where Powder House Road would make a 90° bend if both sections were to remain as Powder House Road. Changing the name of the section nearest Lamoille Highway to Elko Mountain Way allows all of the residents using a Powder House Road address to maintain that address. No existing addresses would be affected by this proposed change. BT**
6. Budget Information:

Appropriation Required: **\$4,000**

Budget amount available:

Fund name: **Estimated \$3,500 from Facility Department budget for the lighted sign at Lamoille Highway.**

Estimated \$500 from the Street Department budget for a sign at the intersection of Powder House Road and Elko Mountain Way.
7. Business Impact Statement: **Not Required**
8. Supplemental Agenda Information:
9. Recommended Motion: **Accept the petition to change the name of a portion of Powder House Road to Elko Mountain Way, and direct Staff to set the matter for a public hearing.**
10. Prepared by: **Bob Thibault, Civil Engineer**
11. Committee/Other Agency Review:
12. Council Action:
13. Council Agenda Distribution: **None**



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

SCALE

HORZ 1" = 400'

VERT NONE

DATE 4/2/21

DISPLAY MAP
EXISTING AND PROPOSED
STREET NAMES
SECTION 24, T 34 N, R 55 E

**Elko City Council
Agenda Action Sheet**

1. Title: **Review, consideration, and possible action for a request to connect the sewer lateral for 2005 Indian View Heights to the private system of Town Homes at Ruby View, and matters related thereto. FOR POSSIBLE ACTION**
2. Meeting Date: **April 13, 2021**
3. Agenda Category: **PETITION**
4. Time Required: **5 Minutes**
5. Background Information: **The home owners of 2005 Indian View heights Lester Decker and Jody Abe have requested that their sewer lateral be connected into the new development of Town Homes of Ruby View. This has been requested because they have a septic tank system which pumps the effluent water to the Christian Center of Elko and then the effluent gravity feeds into the City Sewer System. This system was installed in 2006 because there was no sewer in the area to service the home. In 2019, City Council approved a waiver request from Cater Engineering for Town Homes at Ruby View to not extend the sewer main along the frontage of their property as it would not serve any future customers.**

There are many issues with approving this request as follows:

- **The City does not have the authority to require the Developer of The Town Homes at Ruby View project to accept the proposed sewer connection.**
- **The Town Homes at Ruby View sewer system will be private and maintained by a Home Owners Association.**
- **The Final Map for the Town Homes at Ruby View and associated utility plans have been approved by the NDEP and the City. The final map does not include an easement for the proposed sewer. Inclusion of the sewer will require revisions to both the Final Map and the utility plans. Work has commenced on the project and changes to the plans would likely result in change orders to the developer.**
- **City Code states customers are responsible for their service lateral to the main including the connection, commingling private services for multiple services is not practical and is extremely poor planning. Which party would be responsible for sewer lateral maintenance if issue develop.**
- **There are no agreements with the Town Homes at Ruby View for inclusion of the sewer.**
- **An agreement between the Colony and City for utility service would be required. DJ**

6. Budget Information:

Appropriation Required: **N/A**
Budget amount available: **N/A**
Fund name: **N/A**

Agenda Item VII. D.

7. Business Impact Statement: **Not Required**
8. Supplemental Agenda Information: **Letter to City Council, map of existing sewer lateral, letter from Elko Indian Health Services dated July 2006.**
9. Recommended Motion: **Deny the request to connect the sewer lateral to the private sewer system of Town Homes at Ruby View.**
10. Prepared by: **Dale Johnson, Utilities Director**
11. Committee/Other Agency Review:
12. Council Action:
13. Council Agenda Distribution:

April 1, 2021

City of Elko
1751 College Avenue
Elko, Nevada 89801

Dear City Commissioners,

The ground work has begun on the development of the Townhomes at Ruby View Drive, this development is in the front of my home facing east, and the project is for 10 lots.

I am writing to you because in 2020, my modular was the only stationary home on the right side of Indian View Heights. My family consists of myself, husband (both retirement age) and 35 year old severely handicapped son. In 2020 with the assistance of the church, (Manuel Vega) and the Indian Health Service, we were able to have the sewer, septic tank with an electric pump installed, the pipe runs 50 feet towards your development then turns and runs alongside of the fence up the hill and across to the church, this arrangement was in a contract which only my address is able to utilize. (contract attached)

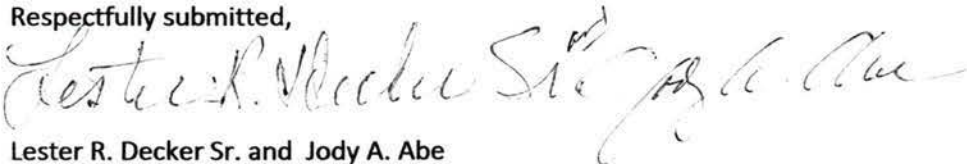
This past year we noticed that flushing the toilet made a strange noise, after contacting Porta Potty of Elko the owner stated that it was strange that we had a septic tank because the only other property in Elko was the Benti property.

He recommended we contact a Salt Lake City business to shoot the sewer to the north at the corner of Eagle Drive which the other new homes are connected to up from our house.

I am in contact with the city with the request for allowing my property to connect to this new development for the sewer use only. We know that the cost is pricy for plumbers but we are willing to pay the price for this connection.

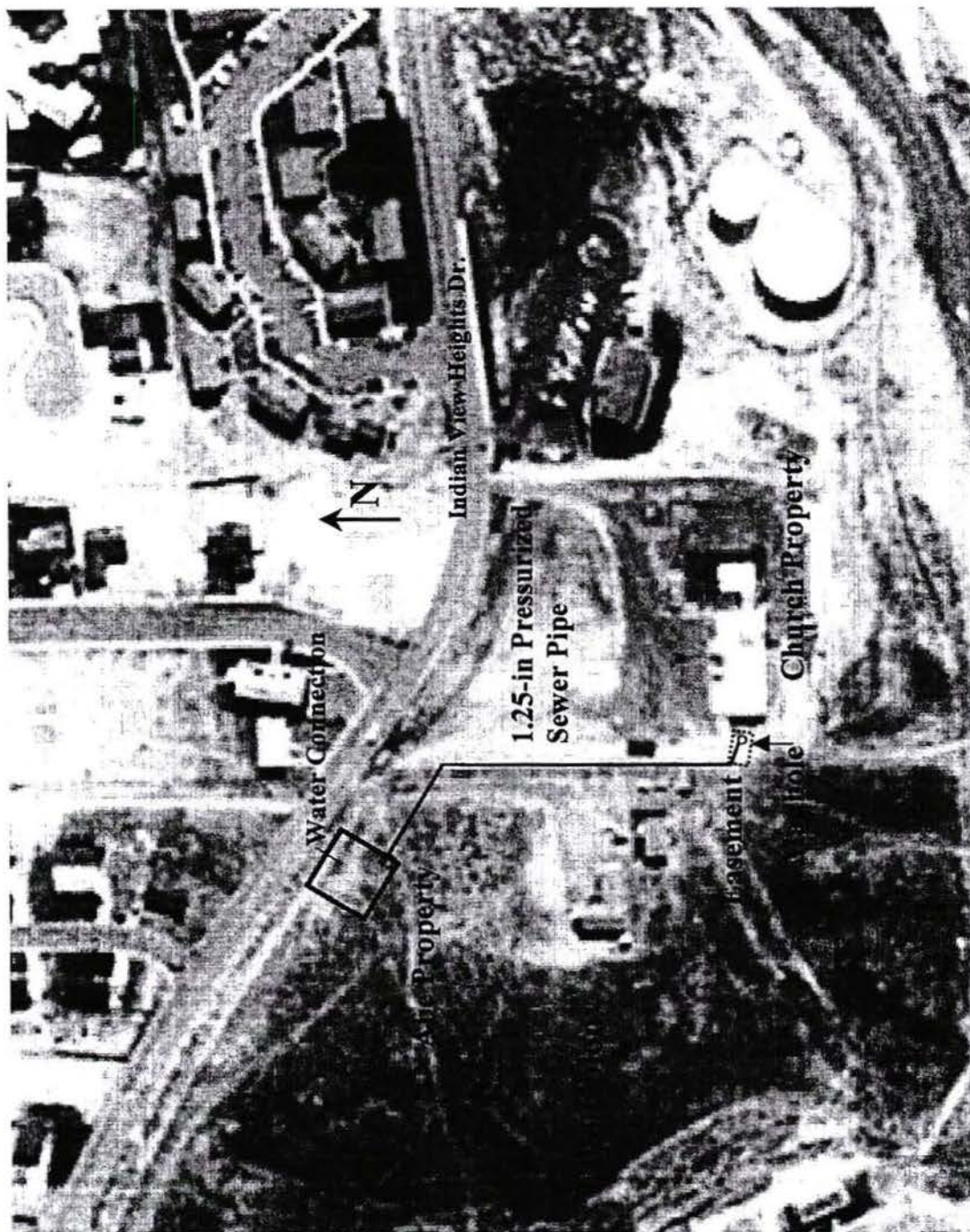
Please consider my request, and if you have any questions please call me at (775) 397-7224 (cell number)

Respectfully submitted,



Lester R. Decker Sr. and Jody A. Abe
2005 Indian View Heights
Elko, Nevada 89801

cc: Mayor





DEPARTMENT OF HEALTH & HUMAN SERVICES

Public Health Service
Office of Environmental Health & Engineering

Elko IHS Field Office
551 W. Silver Street, Ste 204
Elko, NV 89801

Ms. Jody Abe
1739 Weyumb Street
Elko, NV 89801

July 5, 2006

RE: Sewer Discharge to the Christian Center of Elko

Jody,

Attached are the general design placements for your water and sewer connections. The sewer pump system will be an Orenco P-series that discharges 10 gallons/minute through a 1.25-inch PVC pipe to the manhole owned by the Christian Center of Elko. A 3-inch hole will be cut in the manhole concrete wall midway between seams (> 4-ft deep), and the discharge pipe will be placed through the hole and fitted with a 90° angle pointing to the bottom of the manhole. The manhole section with the new discharge pipe will be sealed with grout, and inspected by the City and myself prior to backfilling of the trench.

The P-series pump will only discharge your property's septic tank effluent to the Center manhole, at a flow rate not to exceed 5% of the daily pump discharge rate. The 1.25-inch pressurized discharge pipe will restrict the flow to the Center manhole to only effluent created by residents of your property.

The water and sewer connections will be initiated after you have begun construction of your home foundation. The Indian Health Service will contact the City of Elko prior to project initiation to verify the exact placement of the water distribution system tap and to review City requirements for all construction.

Please do not hesitate to call me should any problems arise.

Thank you,

Stephen J. Rooklidge, PhD, PE
IHS Environmental Engineer
738-6770

**Elko City Council
Agenda Action Sheet**

1. Title: **Review, consideration, and possible action to accept a petition requesting the lease of City owned property pursuant to NRS 268.062, approximately 2.262 acres, identified as Lease Area N2 located at the Elko Regional Airport, at public auction, and authorize Staff to obtain the required appraisal, and matters related thereto. FOR POSSIBLE ACTION**
2. Meeting Date: **April 13, 2021**
3. Agenda Category: **PETITION**
4. Time Required: **5 Minutes**
5. Background Information: **REACH Air Medical has petitioned the City of Elko to lease airport owned property identified as Lease Area N2 located on the Elko Regional Airport. If Council accepts the petition, an appraisal will be obtained and Council will hold a meeting on the fair market value of the property and adopt a resolution declaring its intention to lease the property at public auction. JF**
6. Budget Impact Statement: **N/A**

Appropriation Required:
Budget amount available:
Fund name:
7. Business Impact Statement: **Not Required**
8. Supplemental Agenda Information: **Application for lease of Lease Area N2**
9. Recommended Motion: **Accept the petition to lease N2 pursuant to NRS 268.062 at public auction, authorize Staff to obtain the required appraisal, direct staff to consult with the FAA on any required approvals for leasing the property.**
10. Prepared by: **Jim Foster, Airport Manager**
11. Committee/Other Agency Review:
12. Council Action:
13. Council Agenda Distribution: **STACEY INGRAM**
Program Director, Northwest Region-N. Nevada
655 S. Rock Blvd. | Reno, NV 89502
stacey.ingram@gmr.net

TOM LIEBMAN
Northern Nevada Regional Director
thomas.liebman@gmr.net



CITY OF ELKO PLANNING DEPARTMENT

1751 College Avenue * Elko * Nevada * 89801 * (775)

777-7160 * (775) 777-7219 fax

APPLICATION FOR SALE OR LEASE OF CITY OWNED LAND

APPLICANT(S): **REACH Air Medical**

ADDRESS: **801 Murray Way, Elko, NV 89801**

PHONE NO (Home) **412-715-5444**

(Business) **412-715-5444**

(Fax)

I, the undersigned applicant, hereby requests the Elko City Council advertise for sale or lease, by sealed bid/public auction on terms/or cash, a parcel of land owned by the City of Elko and further described below:

ASSESSORS PARCEL #, LEGAL DESCRIPTION, AND LOCATION OF PROPERTY: (Attach if necessary):

The remaining parcel of land at the Elko Airport, adjacent to the property that was just awarded to MedX and Classic Air Medical in the recent City Council Meeting.

(Attach a small site plan)

FILING REQUIREMENTS:

- 1) In order to begin processing the request, an Application for Sale or Lease of City Owned Land must be completed and signed.
- 2) There is no filing fee at this time, however applicants are required to deposit a sufficient amount of money to pay the costs to be incurred by the City of Elko in acting upon the application. These costs include the expense of the appraisal and associated publications. The deposit amount will be determined on a case-by-case basis. Applicants shall be notified of the deposit amount required to process the application.
- 3) Successful bidders shall be responsible for the costs of acting upon the application. If someone other than the applicant is the successful bidder, the costs will be obtained from the successful bidder and the money deposited by the applicant will be refunded.
- 4) If costs exceed the original deposit amount, successful bidders shall pay the difference. If costs are less than the deposit, successful bidders shall be refunded the difference. Deposits shall only be returned to non-successful bidders. *Applicants who fail to submit a bid on the property forfeit their deposit.*
- 5) The notice of sale or lease of the property must be advertised by Public Notice once a week for three (3) successive weeks in a local newspaper. All bids must conform to the notice of land sale or lease and must be filed in the Office of the City Clerk in a sealed envelope prior to the time set for receiving bids. Anyone, including anyone not submitting a bid, may raise the offer by five percent (5%) at the time of the auction and the auction will proceed accordingly.

APPLICANT'S SIGNATURE:

Thomas J. Liebman

Digitally signed by Thomas J. Liebman

Date: 2021.03.12 09:21:07 -08'00'

APPLICANT'S PRINTED NAME:

Thomas J. Liebman

OFFICE USE ONLY

File No.: _____ Date Filed: _____ Deposit Paid: _____

EXHIBIT A

LEGAL DESCRIPTION OF LEASE AREA N2

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

Beginning at a point that bears North $10^{\circ}32'16''$ East, a distance of 493.25 feet from the Elko Regional Airport survey control monument "Cessna";
Thence, North $45^{\circ}49'00''$ West, a distance of 399.90 feet;
Thence, North $44^{\circ}11'00''$ East, a distance of 247.07 feet;
Thence, South $45^{\circ}37'09''$ East, a distance of 399.90 feet;
Thence, South $44^{\circ}11'00''$ West, a distance of 245.69 feet, more or less, to the point of beginning.

Said Lease Area N2 contains an area of $\pm 98,526$ square feet, or ± 2.262 acres.

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

Elko Regional Airport survey control monument "Cessna"

N 2847077.14

E 599834.56

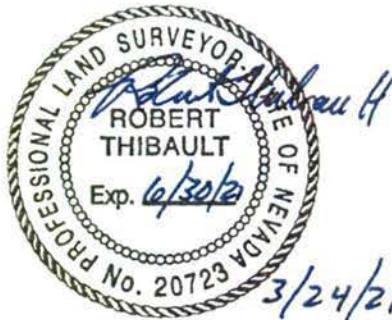
Elko Regional Airport survey control monument "Piper"

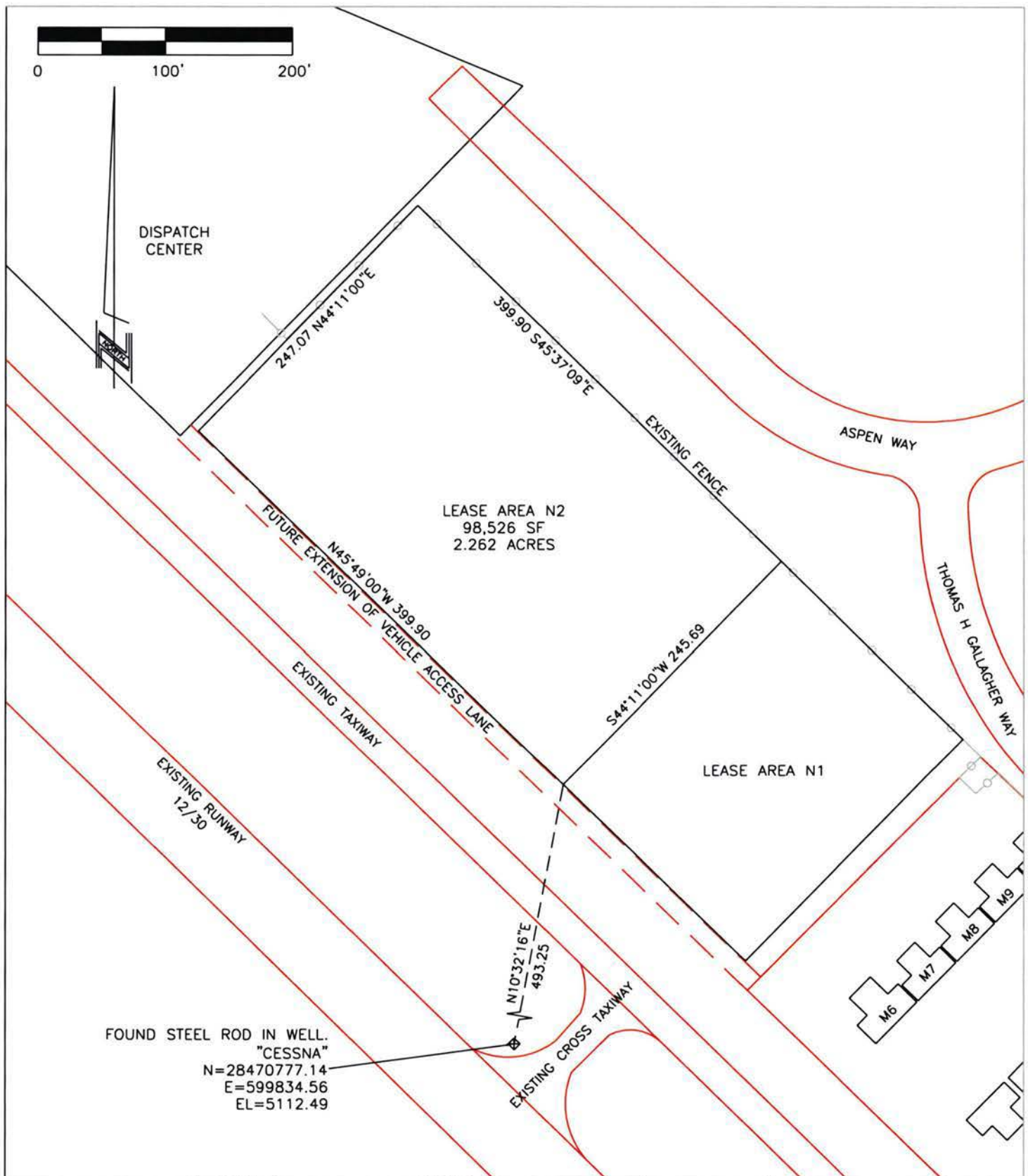
N 28469096.94

E 599075.75

With a bearing of South $24^{\circ}18'17''$ West and distance of 1,843.60 feet from Cessna to Piper.

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





CITY OF ELKO
1751 COLLEGE AVE
ELKO, NEVADA 89601
775-777-7210

SCALE
HORIZ. 1"=100'
VERT. _____
JOB No. _____

**EXHIBIT B
MAP OF LEASE AREA N 2
FOR THE ELKO REGIONAL AIRPORT**

DESIGNED BY: ST
DRAWN BY: ACAD C-30 2020
CHECKED BY: ST
DATE: 3/24/2021

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

**Elko City Council
Agenda Action Sheet**

1. Title: **Second reading, public hearing, and possible adoption of Ordinance No. 858, an ordinance amending Title 4, Chapter 6, Section 13 entitled Uses and Purposes of Transient Lodging Tax Proceeds, and matters related thereto. FOR POSSIBLE ACTION**
2. Meeting Date: **April 27, 2021**
3. Agenda Category: **PUBLIC HEARING**
4. Time Required: **5 Minutes**
5. Background Information: **On March 9, 2021, the City Council approved a request by the Elko Visitors and Convention Authority to initiate a change in how the Room Tax Funds could be spent in order to give the ECVA some flexibility in their budget. First reading of the ordinance was approved on March 23, 2021, and published in the Elko Daily Free Press on March 25, 2021. KW**
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 No. 858**
9. Recommended Motion: **Approve second reading, public hearing, and adoption of Ordinance No. 858.**
10. Prepared by: **Kelly Wooldridge, City Clerk**
11. Committee/Other Agency Review:
12. Council Action:
13. Council Agenda Distribution: katie@elkocva.com

Ordinance 858

An ordinance amending Title 4, Chapter 6, Section thirteen (13) of the Uses and Purposes of Transient Lodging Tax Proceeds regarding Marketing/Tourism Promotion.

Whereas, the Elko Convention and Visitors Authority is a recipient of Transient Lodging Taxes,

Whereas, the Elko Convention and Visitors Authority and the City of Elko desires to amend the uses and purposes of transient lodging taxes in order to increase budgeting flexibility for the Elko Convention Center and Visitors Authority.

SECTION 1: Title 4, Chapter 6, Section 13 entitled "Uses and Purposes of Transient Lodging Tax Proceeds: of the Elko City Codes is hereby amended as follows:

4-6-10: ALLOCATION AND USE OF TRANSIENT LODGING TAX FUNDS:

The Transient Lodging Tax in the total amount of fourteen percent (14%) of the gross income actually received, excluding the Lodging Tax, by each licensee for transient lodging rentals pursuant to section 4-6-2 of this chapter shall be allocated and used by the City on the following percentages under the following categories. The Transient Lodging Tax allocation shall be reviewed annually by the City Council:

F. All proceeds from the gross income actually received, excluding the Lodging Tax, by each licensee for transient lodging rentals for the marketing/tourism promotion Transient Lodging Tax in the amount of one and three-fourths percent (1 3/4%) shall be paid to the Elko Convention and Visitors Authority on the condition that it creates a separate marketing and tourism promotion fund to account for all collections and expenditures made on and after July 1, 2001.

4-6-13: USES AND PURPOSES OF TRANSIENT LODGING TAX PROCEEDS:

The City Council shall use the proceeds of the Transient Lodging Tax provided by this chapter for the following use, uses, purpose or purposes, or any one or more thereof, at such times, in such amounts and in such manner as they shall determine, from time to time:

F. Marketing/Tourism Promotion On Transient Lodging Tax Fund:

1. To use for marketing *and destination development* efforts to increase *business and leisure* travel to Elko ~~by tourists~~, on a *state, regional, national and/or regional international* level. The Elko Convention and Visitors Authority will determine the appropriate marketing *campaigns, sponsorships*, packages and programs to be funded by this tax.
2. This tax may ~~not~~ be used for administration or overhead *related to marketing of Elko Convention & Visitors Authority facilities and tourism to the area* for the Elko Convention and Visitors Authority.
3. The City will exercise reasonable efforts to provide, on a monthly basis, summary reports of the confidential room occupancy reports to the Elko Convention and Visitors Authority and the City Council as a tool to monitor the success of the marketing efforts funded by this tax.

SECTION 2: All ordinances in conflict herewith are hereby repealed, but only to the extent of such conflict.

SECTION 3: If any section, paragraph, clause or provision of this Ordinance shall for any reason be held to be invalid, unenforceable or unconstitutional by any court of competent jurisdiction, the invalidity, unenforceability or unconstitutionality of such section, paragraph, clause or provision shall not affect any remaining provisions of this Ordinance.

SECTION 4: That adoption, the City Clerk of the City of Elko is hereby directed to have this Ordinance published, by title only, together with the Councilmen voting for or against its passage, in the Elko Daily Free Press newspaper, a newspaper printed and published in the City of Elko, for at least one publication.

SECTION 5: This Ordinance shall be effective upon the publication mentioned in Section 4.

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

VOTE:

AYES:

NAYS:

ABSENT:

ABSTAIN:

APPROVED this ____ day of _____, 2021.

CITY OF ELKO

By: _____
REECE KEENER, Mayor

ATTEST:

Kelly Wooldridge, City Clerk