



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

The Elko City Council will meet in regular session on Tuesday, October 22, 2019

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

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

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

Website, <http://www.elkocitynv.gov/>, the State of Nevada's Public Notice Website,

<https://notice.nv.gov>, and in the following locations:

ELKO CITY HALL

1751 College Avenue, Elko, NV 89801

Date: Time Posted: Thursday, October 17, 2019 at 8:30 a.m.

ELKO COUNTY COURTHOUSE

571 Idaho Street, Elko, NV 89801

Date/Time Posted: Thursday, October 17, 2019 at 8:40 a.m.

ELKO POLICE DEPARTMENT

1448 Silver, Elko NV 89801

Date/Time Posted: Thursday, October 17, 2019 at 8:50 a.m.

ELKO COUNTY LIBRARY

720 Court Street, Elko, NV 89801

Date/Time Posted: Thursday, October 17, 2019 at 9:00 a.m.

Posted by: <u>Kim Wilkinson</u>	<u>Administrative Assistant</u>	<u><i>Kim Wilkinson</i></u>
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 at Elko City Hall, 1751 College Avenue, Elko, NV or on the City website at <http://www.elkocity.com>

Dated this 17th day of October, 2019

NOTICE TO PERSONS WITH DISABILITIES

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

Curtis Calder
 Curtis Calder, City Manager
 Elko, Nevada

CITY OF ELKO
CITY COUNCIL AGENDA
REGULAR MEETING
4:00 P.M., P.D.S.T., TUESDAY, OCTOBER 22, 2019
ELKO CITY HALL, 1751 COLLEGE AVENUE, ELKO, NEVADA

CALL TO ORDER

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

ROLL CALL

PLEDGE OF ALLEGIANCE

COMMENTS BY THE GENERAL PUBLIC

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

APPROVAL OF MINUTES: October 8, 2019 Regular Session

I. PRESENTATIONS

- A. Reading of a proclamation by the Mayor in recognition of “Extra Mile Day”, and matters related thereto. **INFORMATION ITEM ONLY – NON ACTION**

- B. Presentation of an appreciation plaque to Mr. Les Byrns, and matters related thereto. **INFORMATION ONLY –NON ACTION ITEM**

II. PERSONNEL

- A. Employee Introductions:
 - 1.) Mr. Dale Johnson, Utilities Director, Water Department
 - 2.) Ms. Amber Huff, Domestic Violence Coordinator, Police Department

- B. Appointment of Captain Ty Trouten as the Police Chief for the City of Elko, effective October 22, 2019, and matters related thereto. **FOR POSSIBLE ACTION**

During the August 13, 2019 Council Meeting, Council selected Captain Ty Trouten for the position of Police Chief and authorized a formal job offer to be made. Staff is pleased to report that the job offer was accepted. SS

- C. Review, consideration, and possible approval of an Agreement between the City of Elko, and the Elko Police Officers Protective Nevada Association of Public Safety Officer Communications Workers of America AFL/CIO Local 9110, July 1, 2019 – June 30, 2022, and matters related thereto. **FOR POSSIBLE ACTION**

The City of Elko has concluded negotiations for FY 2019/2020, FY 2020/2021 and FY 2021/2022. A redlined copy of the proposed Collective Bargaining Agreement has been included in the agenda packet for review. SS

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.

III. 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, consideration, and possible direction to Staff to solicit bids for the Water and Water Reclamation Facility (WRF) Shop, and matters related thereto. **FOR POSSIBLE ACTION**

Revised final design is nearly complete for this project. The tentative schedule is to go to bid January 7th, leave open for 35 days, open bids February 11th, and bring back to Council for possible award on February 25th. Construction would commence late March. This project will overlap two fiscal years. DJ

IV. SUBDIVISIONS

- A. Review, consideration, and possible action to conditionally approve Final Map 9-19, filed by Bailey & Associates, LLC, for the development of a subdivision entitled Cambridge Estates involving the proposed division of approximately 8.02 acres of property into 35 lots for residential development within the R1 (Single Family Residential) Zoning District, and matters related thereto. **FOR POSSIBLE ACTION**

The subject property is located at the northeast corner of Celtic Way and El Armuth Drive (APN 001-660-041). The Planning Commission considered this item on October 1, 2019 and took action to forward a recommendation to conditionally approve Final Map 9-19. MR

V. NEW BUSINESS

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

Elko City Code 3-3-21 requires the subdivider to have executed and filed an agreement between the subdivider and the City for the required subdivision improvements, including stipulations on the timeframe for when those improvements are to be completed, and to post a performance guarantee in accordance with Elko City Code 3-3-22. As part of the conditions of approval for Final Map 9-19, the Planning Commission recommended that the agreement be approved by the City Council and be entered into by the developer within 30 days of the City Council's approval of the Final Map. MR

- B. Review, discussion, and possible action to extend the Golf Professional Agreement between the City of Elko, Nevada and Bradley John Martin DBA Martin Creek Holdings, LLC, and matters related thereto. **FOR POSSIBLE ACTION**

The current Golf Professional Agreement between the City of Elko and Martin Creek Holdings, LLC expires on December 31, 2019 (unless an extension is agreed upon between the Golf Professional and the Elko City Council).

On September 10, 2019, the City Council tabled an item to request proposals from qualified individuals or firms to provide Golf Professional Services at Ruby View Golf Course. During the September 10, 2019 City Council meeting, Brad Martin indicated he was interested in extending the current Agreement between the parties. Per Article 16, the Agreement may be extended for up to two years past December 31, 2019 if both the Golf Professional and the Elko City Council so agree.

Options for City Council consideration include: 1) extending the Agreement for two (2) years; 2) extending the Agreement for one (1) year; or 3) not extending the Agreement, thereby allowing the original expiration to occur on December 31, 2019. If expiration occurs, Staff recommends requesting proposals from qualified individuals or firms as soon as possible.

A copy of the current Agreement, a Golf Enterprise Fund financial performance summary, and correspondence received by the City Manager has been included in the agenda packet for review. CC

VI. PETITIONS, APPEALS, AND COMMUNICATIONS

- A. Review, consideration, and possible action to accept a petition for the vacation of approximately 1,979 square feet of the easterly portion of the terminus of Front Street, south of South 5th Street, adjacent to APN 001-422-002, filed by Ellison Properties and processed as Vacation No. 12-19, and matters related thereto. **FOR POSSIBLE ACTION**

The applicant is currently working on a proposed development of the property and is asking for a vacation of the excess right-of-way for additional parking, access and landscaping. CL

- B. Ratification of the Police Chief issuing a 30-day Temporary Retail Liquor License and issue a Regular Retail Liquor License, to Lori Ayala, DBA Cowboys Bar, located at 442 Idaho Street, Elko, NV 89801, and matters related thereto. **FOR POSSIBLE ACTION**
- C. Consideration of a request from Ms. Kim Boschetto, Accounts Payable Manager at Jacobs Entertainment, Inc., to forgive fees assessed for the delayed remittance of Transient Lodging Taxes for the Hampton Inn, and matters related thereto. **FOR POSSIBLE ACTION**

A copy of the email from Kim Boschetto has been included in the agenda packet for review. CC

VII. 5:30 P.M. PUBLIC HEARINGS

- A. Second reading, public hearing, and possible adoption of Ordinance No. 845, an ordinance amending Title 3, Chapter 4, Section 1 of the Elko City Code entitled "Planning Commission", filed and processed as Zoning Ordinance Amendment No. 2-19, and matters related thereto. **FOR POSSIBLE ACTION**

The Planning Commission held a public hearing on October 1, 2019, and took action to forward a recommendation to Council to adopt an ordinance, which approves the zoning ordinance amendment. City Council held the first reading of Ordinance No. 845 on October 8, 2019 and set the matter for second reading and public hearing. CL

- B. Review, consideration, and possible action to adopt Resolution No. 21-19, a resolution and order vacating a portion of Commercial Street rights-of-way approximately 25.75 feet in width by 2 feet in depth abutting APN 001-343-001, which is located within the City of Elko, Nevada, to the abutting property owner, J. M. Capriola Co. Inc., filed and processed as Vacation No. 4-19 by City of Elko, and matters related thereto. **FOR POSSIBLE ACTION**

Council made a motion to vacate a portion of Commercial Street right-of-way at its regular meeting of September 24, 2019, and directed Staff to continue with the vacation process by referring the matter to the Planning Commission. The Planning Commission considered the vacation at its regular meeting of October 1, 2019, and took action to forward a recommendation to Council to adopt a resolution which conditionally approves Vacation No. 4-19 with findings in support of its recommendation. CL

- C. Review, consideration, and possible action to adopt Resolution No. 22-19, a resolution and order vacating a portion of Commercial Street rights-of-way approximately 50.51 feet in width by 2 feet in depth abutting APN 001-343-002,

which is located within the City of Elko, Nevada, to the abutting property owner, Jacques G. Errecart, Jennifer M. Anderson & Joan Anderson, filed and processed as Vacation No. 5-19 by City of Elko, and matters related thereto. **FOR POSSIBLE ACTION**

Council made a motion to vacate a portion of Commercial Street right-of-way at its regular meeting of September 24, 2019, and directed Staff to continue with the vacation process by referring the matter to the Planning Commission. The Planning Commission considered the vacation at its regular meeting of October 1, 2019, and took action to forward a recommendation to Council to adopt a resolution which conditionally approves Vacation No. 5-19 with findings in support of its recommendation. CL

- D. Review, consideration, and possible action to adopt Resolution No. 23-19, a resolution and order vacating a portion of Commercial Street rights-of-way approximately 25.01 feet in width by 2 feet in depth abutting APN 001-343-003, which is located within the City of Elko, Nevada, to the abutting property owner, Patray Assets, LLP., filed and processed as Vacation No. 6-19 by City of Elko, and matters related thereto. **FOR POSSIBLE ACTION**

Council made a motion to vacate a portion of Commercial Street right-of-way at its regular meeting of September 24, 2019, and directed Staff to continue with the vacation process by referring the matter to the Planning Commission. The Planning Commission considered the vacation at its regular meeting of October 1, 2019, and took action to forward a recommendation to Council to adopt a resolution which conditionally approves Vacation No. 6-19 with findings in support of its recommendation. CL

- E. Review, consideration, and possible action to adopt Resolution No. 24-19, a resolution and order vacating a portion of Commercial Street rights-of-way approximately 25.01 feet in width by 2 feet in depth abutting APN 001-343-004, which is located within the City of Elko, Nevada, to the abutting property owner, Ace Glass Co., filed and processed as Vacation No. 7-19 by City of Elko, and matters related thereto. **FOR POSSIBLE ACTION**

Council made a motion to vacate a portion of Commercial Street right-of-way at its regular meeting of September 24, 2019, and directed Staff to continue with the vacation process by referring the matter to the Planning Commission. The Planning Commission considered the vacation at its regular meeting of October 1, 2019, and took action to forward a recommendation to Council to adopt a resolution which conditionally approves Vacation No. 7-19 with findings in support of its recommendation. CL

- F. Review, consideration, and possible action to adopt Resolution No. 25-19, a resolution and order vacating a portion of Commercial Street rights-of-way approximately 25.01 feet in width by 2 feet in depth abutting APN 001-343-005, which is located within the City of Elko, Nevada, to the abutting property owner,

Cowboy Arts and Gear Museum, filed and processed as Vacation No. 8-19 by City of Elko, and matters related thereto. **FOR POSSIBLE ACTION**

Council made a motion to vacate a portion of Commercial Street right-of-way at its regular meeting of September 24, 2019, and directed Staff to continue with the vacation process by referring the matter to the Planning Commission. The Planning Commission considered the vacation at its regular meeting of October 1, 2019, and took action to forward a recommendation to Council to adopt a resolution which conditionally approves Vacation No. 8-19 with findings in support of its recommendation. CL

- G. Review, consideration, and possible action to adopt Resolution No. 26-19, a resolution and order vacating a portion of Commercial Street rights-of-way approximately 26.70 feet in width by 2 feet in depth abutting APN 001-343-006, which is located within the City of Elko, Nevada, to the abutting property owner, Gremel Properties, Inc., filed and processed as Vacation No. 9-19 by City of Elko, and matters related thereto. **FOR POSSIBLE ACTION**

Council made a motion to vacate a portion of Commercial Street right-of-way at its regular meeting of September 24, 2019, and directed Staff to continue with the vacation process by referring the matter to the Planning Commission. The Planning Commission considered the vacation at its regular meeting of October 1, 2019, and took action to forward a recommendation to Council to adopt a resolution which conditionally approves Vacation No. 9-19 with findings in support of its recommendation. CL

- H. Review, consideration, and possible action to adopt Resolution No. 27-19, a resolution and order vacating a portion of Commercial Street rights-of-way approximately 73.32 feet in width by 2 feet in depth abutting APN 001-343-007, which is located within the City of Elko, Nevada, to the abutting property owner, Shigamo Development, Inc., filed and processed as Vacation No. 10-19 by City of Elko, and matters related thereto. **FOR POSSIBLE ACTION**

Council made a motion to vacate a portion of Commercial Street right-of-way at its regular meeting of September 24, 2019, and directed Staff to continue with the vacation process by referring the matter to the Planning Commission. The Planning Commission considered the vacation at its regular meeting of October 1, 2019, and took action to forward a recommendation to Council to adopt a resolution which conditionally approves Vacation No. 10-19 with findings in support of its recommendation. CL

- I. Hearing and/or review of investigation and findings concerning alleged nuisance(s) regarding property located at 403 Pine Street due to unsafe or hazardous conditions from extensive fire damage and dry landscaping, and possible declaration of a nuisance(s) and appropriate order(s)/actions for abatement of nuisance(s) regarding the property located at 403 Pine Street, Elko, Nevada, owned by William Armstrong and other actions, orders or matters related thereto. **FOR POSSIBLE ACTION**

This is the **second** nuisance hearing regarding the property located at 403 Pine Street, owned by William Armstrong, within the last year. On December 11, 2018, the City Council declared a nuisance at 403 Pine Street.

Subsequent to the previous nuisance being abated, the structure located on 403 Pine Street was extensively damaged by fire on or about April 10, 2019. The City of Elko Fire Department responded to the fire and initiated suppression efforts. As a result of the fire and related damage, the Building Department inspected the structure and determined it was unsafe for entry and occupancy.

Despite the Building Department placing placards on the structure and prohibiting entry into or occupancy of the structure, transients have trespassed and occupied the structure, thereby creating an attractive nuisance. Since April 12, 2019, the Police Department has received twelve (12) calls for service for 403 Pine Street. Additionally, the landscaping is dry and has not been maintained, thereby creating an additional fire hazard.

Since April 10, 2019, the City has received numerous complaints concerning the condition of the property located at 403 Pine Street. Accordingly, the complaints were forwarded to the City Clerk's Office as required under 5-1-5 of City Code. The City Clerk forwarded the complaints to the City Manager on August 13, 2019. The City Manager assigned the investigation to the Assistant City Manager on August 14, 2019. The Assistant City Manager completed an investigation and presented those findings to the City Manager on August 16, 2019. To date, no plans have been submitted to the City to address the condition of the structure and/or property.

The findings of the investigation confirm the existence of a public nuisance, thereby violating the following sections of City Code:

- a. Title 5 Chapter 1; 5-1-4(A) Business, premises and acts.
- b. Title 5 Chapter 1: 5-1-4(L) Vegetation which is a public nuisance.
- c. Title 5 Chapter 1; 5-1-4(N) Public nuisance further defined.
- d. Title 5 Chapter 1; 5-1-4(N)(1) Menace, threat, or hazard.
- e. Title 5 Chapter 1; 5-1-4(N)(2) Unsafe for occupancy.
- f. Title 5 Chapter 1; 5-1-4(N)(3) Lack of sufficient maintenance

The property owner has been properly noticed under the noticing provisions stipulated in Title 5 Chapter 1 of City Code, Title 9 Chapter 2, NRS Chapter 241 and NRS 268. The noticing was completed by the City's legal counsel. CC

VIII. REPORTS

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

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

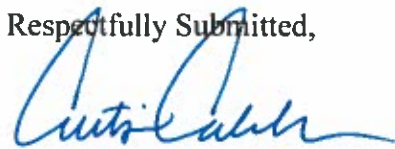
COMMENTS BY THE GENERAL PUBLIC

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

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

ADJOURNMENT

Respectfully Submitted,



Curtis Calder
City Manager