



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, December 10, 2019

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

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

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

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

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

ELKO CITY HALL

1751 College Avenue, Elko, NV 89801

Date: Time Posted: Wednesday, December 5, 2019 at 8:30 a.m.

ELKO COUNTY COURTHOUSE

571 Idaho Street, Elko, NV 89801

Date/Time Posted: Wednesday, December 5, 2019 at 8:40 a.m.

ELKO POLICE DEPARTMENT

1448 Silver, Elko NV 89801

Date/Time Posted: Wednesday, December 5, 2019 at 8:50 a.m.

ELKO COUNTY LIBRARY

720 Court Street, Elko, NV 89801

Date/Time Posted: Wednesday, December 5, 2019 at 9:00 a.m.

Posted by: **Kim Wilkinson** Administrative Assistant

Name

Title

Signature

The public may contact Curtis Calder by phone at (775)777-7110 or email at ccalder@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 5th day of December, 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, City Manager
Elko, Nevada

CITY OF ELKO
CITY COUNCIL AGENDA
REGULAR MEETING
4:00 P.M., P.S.T., TUESDAY, DECEMBER 10, 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: November 26, 2019 Regular Session

I. PRESENTATIONS

A. Presentation by Mark Robison, Senior Consultant with the Humane Network and Co-Executive Director of Maddie's Pet Project regarding Trap-Neuter-Return (TNR) programs, including possible action to initiate amendments to Title 5, Chapter 3 of the Elko City Code to allow for TNR within the City of Elko, and matters related thereto. **FOR POSSIBLE ACTION**

B. Presentation of Integration of potential fire department portable radios into the self-contained breathing apparatus worn by fire department personnel, and matters related thereto. **FOR POSSIBLE ACTION**

The City of Elko Fire Department has applied for a grant for portable radios and looking to replace them in the next year if grant funding does not happen. These radios integrate into the current self-contained breathing apparatus via Bluetooth and will increase firefighter safety and enhance communication between responders and the incident commander. JS

II. CONSENT AGENDA

A. Review, consideration, and possible approval for the Elko Police Department to enter into a Memorandum of Understanding (MOU) with the United States Marshal Service, and matters related thereto. **FOR POSSIBLE ACTION**

The purpose of this MOU is to delineate the responsibilities of the U.S. Marshal Service personnel; formalize relationships between participating agencies for policy guidance, planning, training, public and media relations; and maximize inter-agency cooperation.

The Elko Police Department would be entering into this agreement and providing officers for this task force on an as needed basis. The City Attorney has reviewed the agreement and has found it satisfactory. There is no financial burden to the City of Elko. TT

- B. Review, consideration, and possible approval for the Elko Police Department to enter into a Memorandum of Understanding (MOU) with the Federal Bureau of Investigation, Northern Nevada Safe Streets Task Force (SSTF) for operational support, and matters related thereto. **FOR POSSIBLE ACTION**

The purpose of this MOU is to delineate the responsibilities of the Federal Bureau of Investigation Northern Nevada SSTF; formalize relationships between participating agencies for policy guidance, planning, training, public and media relations; and maximize inter-agency cooperation.

The Elko Police Department would be entering into this agreement and providing officers for this task force on an as needed basis. The City Attorney has reviewed the agreement and has found it satisfactory. There is no financial burden to the City of Elko. TT

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**

IV. UNFINISHED BUSINESS

- A. Review, consideration and possible approval of a Non-Exclusive Franchise Agreement between the City of Elko and White Cloud Communications Incorporated for Data Communications Over, Under, In, Along and Across Public Roads in the City of Elko, and matters related thereto. **FOR POSSIBLE ACTION**

At the November 26, 2019 Council Meeting, City Council tabled this item and directed Staff to bring the item back at the December 10, 2019 City Council meeting. The proposed term of the agreement is 10 (ten) years and provides for a 5 (five) year renewal provided the terms and conditions remain the same. The proposed franchise fee is 5 (five) percent of the gross revenues actually collected from customers located within the corporate limits of the City. SAW

- B. Status update on the Public Nuisance complaint regarding 403 Pine Street, and matters related thereto. **INFORMATION ITEM ONLY – NON ACTION ITEM**

Based upon City Council action on November 27, 2019, Staff is providing a status update with regard to 403 Pine Street. MR

V. NEW BUSINESS

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

This resignation is a result of Mr. Montgomery's work schedule conflicting with the Planning Commission meetings. CL

- B. Review, consideration, and possible approval of the First Amendment to the Agreement to Install Improvements and Provide Maintenance Guaranty with DDS Properties, LLC for the Humboldt Hills Subdivision, and matters related thereto. **FOR POSSIBLE ACTION**

As required by Elko City Code 3-3-21, the City and DDS Properties, LLC entered into an agreement to install improvements for the Humboldt Hills Subdivision on February 12, 2019. The agreement to install improvements stated that the developer would construct the subdivision improvements with its own resources. However, in some cases, the developer may decide to post a performance guaranty, then record a final map and begin construction prior to the completion of the subdivision improvements. In this case, DDS Properties has completed some of the subdivision improvements for the Humboldt Hills Subdivision, but has chosen to post a performance guaranty in accordance with Elko City Code 3-3-22 and Section 1.A of the agreement to install improvements for the remainder of the work. To accomplish this, staff has determined that the City and the developer need to revise language in the agreement to install improvements that is inconsistent with posting a performance guaranty for the remaining work. To permit the developer to post a performance guaranty while staying in compliance with the agreement to install improvements, staff is recommending the proposed First Amendment. MR

- C. Review, consideration and possible approval of a lease agreement between the City of Elko, Elko Regional Airport and Nevada Gold Mines, LLC at the Elko Regional Airport, and matters related thereto. **FOR POSSIBLE ACTION**

Nevada Gold Mines wishes to enter into a two (2) year lease agreement with the Elko Regional Airport for the lease of 20 parking spaces located at the airport terminal. The current lease will expire on December 31, 2019. JF

- D. Review, consideration and possible approval of a Hangar (C6 and D3) Lease Agreement with Mark and Kim Hooper, and matters related thereto. **FOR POSSIBLE ACTION**

Mr. Hooper recently purchased Hangars C6 and D3 from Ann Barron and Ron Privasky and a new Lease Agreement needs to be completed with Mark and Kim Hooper. Additionally, airport ground leases of less than one-half an acre are no longer subject to appraisal/auction process for cities whose population is less than 25,000 (NRS 496.80) JF

- E. Review, consideration, and possible appointment of Jan Baum, Financial Services Director, City of Elko, as Property and Equipment Officer, and matters related thereto. **FOR POSSIBLE ACTION**

2019 Hinton Burdick Audit Finding/Recommendation:

2019-004 Property and Equipment Officer

Finding

We noted that with the separation of the previous Administrative Services Director, the State had not been notified of the change in the Property and Equipment Designated Officer required under NRS 354.625. We did not note anywhere in the minutes of the City where the designation took place during a council meeting.

Recommendation

We recommend that the City designate a Property and Equipment Designated Officer as required by NRS 354.625. JB

VI. RESOLUTIONS AND ORDINANCES

- A. Review, consideration, and possible adoption of Resolution No. 19-18, a resolution amending the Water User Meter Fees pursuant to Elko City Code Title 9, Chapter 1, and Section 29, and matters related thereto. **FOR POSSIBLE ACTION**

At the September 9, 2019 meeting, Council accepted the Water Study completed by Farr West Engineering and directed Staff to complete a Business Impact Statement on Water Rate Increases.

At the November 12, 2019 meeting, Council accepted the Business Impact Statement and found that Resolution No. 19-18 does not impose a direct and significant economic burden on a business or directly restrict the formation, operation or expansion of a business. This resolution raises the Water User Meter Fees 5% per year over the next three years. KW

- B. Review, consideration, and possible adoption of Resolution No. 19-19, a resolution amending the water flat rate user fees pursuant to Elko City Code Title 9, Chapter 1, and section 29, and matters related thereto. **FOR POSSIBLE ACTION**

City Council accepted the Water Study completed by Farr West Engineering and directed staff to complete a business impact statement on water rate increases at the

September 9, 2019 City Council Meeting. At the November 12, 2019 meeting City Council accepted the business impact statement and found that Resolution 19-19 does not impose a direct and significant economic burden on a business or directly restrict the formation, operation or expansion of a business. This resolution raises the water flat rate user fees 5% per year over the next three years. KW

- C. Review, consideration, and possible adoption of Resolution No. 19-20, a resolution setting the fees for Fire Protection Services Line pursuant to Elko City Code Title 9, Chapter 1, Section 29, and matters related thereto. **FOR POSSIBLE ACTION**

At the September 9, 2019 meeting, Council accepted the Water Study completed by Farr West Engineering and directed Staff to complete a Business Impact Statement on Water Rate Increases.

At the November 12, 2019 meeting, Council accepted the Business Impact Statement and found that Resolution No. 19-20 does not impose a direct and significant economic burden on a business or directly restrict the formation, operation or expansion of a business. This resolution establishes a fee for the Fire Protection Service Line Pursuant to Ordinance No. 846. KW

VII. PETITIONS, APPEALS, AND COMMUNICATIONS

- A. Ratification of the Police Chief issuing a 30-day Temporary Retail Wine and/or Beer License and recommended denial of the request to issue a Regular Retail Wine and/or Beer License, to Jorge, DBA Mr. Shrimp Mariscos, located at 232 Silver Street, Elko, NV 89801, and matters related thereto. **FOR POSSIBLE ACTION**

VIII. 5:30 P.M. PUBLIC HEARINGS

- A. Second reading, public hearing, and possible adoption of Ordinance No. 846, an ordinance amending Title 9 Chapter 1, section 3 adding a definition of fire protection service line and section 29, adding a Fire Protection Service Fee, and matters related thereto. **FOR POSSIBLE ACTION**

City Council accepted the Water Study completed by Farr West Engineering and directed Staff to complete a Business Impact Statement on Water Rate Increases at the September 9, 2019 Council Meeting. At the November 12, 2019 meeting, Council accepted the Business Impact Statement and found that Ordinance No 846 does not impose a direct and significant economic burden on a business or directly restrict the formation, operation or expansion of a business. First reading of this ordinance was held on November 26, 2019. KW

IX. REPORTS

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

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

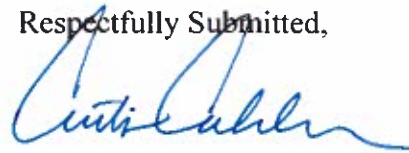
COMMENTS BY THE GENERAL PUBLIC

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

ADJOURNMENT

Respectfully Submitted,



Curtis Calder
City Manager