



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, July 13, 2021 at 4:00 P.M., P.D.T. at the Elko City Hall, 1751 College Avenue, Elko, Nevada, and by utilizing <https://global.gotomeeting.com/join/917607325>

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

[GoToMeeting.com](https://global.gotomeeting.com/join/917607325)

<https://global.gotomeeting.com/join/917607325>

You can also dial in using your phone [+1 \(571\) 317-3122](tel:+15713173122) Access Code: 917-607-325

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, Nevada 89801

Date & Time Posted: Thursday, July 8, 2021 at 8:30 A.M.

ELKO COUNTY COURTHOUSE

571 Idaho Street, Elko, NV 89801

Date and Time Posted: Thursday, July 8, 2021 at 8:40 A.M.

ELKO POLICE DEPARTMENT

1448 Silver Street, Elko, NV 89801

Date and Time Posted: Thursday, July 8, 2021 at 8:50 A.M.

ELKO COUNTY LIBRARY

720 Court Street, Elko, NV 89801

Date and Time Posted: Thursday, July 8, 2021 at 9:00 A.M.

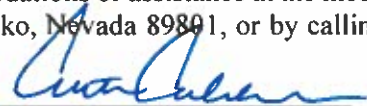
Posted by: **Kim Wilkinson** Administrative Assistant 

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 8th day of July, 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.T., TUESDAY, JULY 13, 2021
ELKO CITY HALL, 1751 COLLEGE AVENUE
ELKO, NEVADA 89801
<https://global.gotomeeting.com/join/917607325>

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: June 22, 2021 **Regular Session**

I. PRESENTATIONS

- A. Reading of a proclamation by the Mayor recognizing August 3, 2021, as National Night Out 2021, and matters related thereto. **INFORMATION ONLY – NON ACTION ITEM**

II. CONSENT AGENDA

- A. Review, consideration, and possible action to reappoint Planning Commission member Gratton Miller to an additional Four-Year Term to expire July 2025, and matters related thereto. **FOR POSSIBLE ACTION**

Gratton Miller's term expires July 2021. Pursuant to City Code Section 3-4-1, Planning Commission members shall be eligible for reappointment, and the terms shall be four years or until his successor takes office. Mr. Miller has indicated an interest to continue serving on the Planning Commission. CL

III. PERSONNEL

A. Employee Introductions:

- 1.) Miranda “Mandy” Dela Vega, Human Resources Coordinator, Human Resources
- 2.) Laura Richardson, PT Code Enforcement Officer, Community Development
- 3.) Treg Butterfield, Laborer, Water Department

B. Possible approval of a successor collective bargaining agreement (CBA) between the City of Elko and the Elko Fire Fighters Association, IAFF Local 2423, and matters related thereto. **FOR POSSIBLE ACTION**

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.

IV. APPROPRIATIONS

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

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

C. Review and possible approval of Ruby Mountain Lock & Safe Warrants, and matters related thereto. **FOR POSSIBLE ACTION**

D. Review and possible approval of Stone Rock Sound Warrants, and matters related thereto. **FOR POSSIBLE ACTION**

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

F. Review, consideration, and possible authorization for Staff to purchase a new Caterpillar Motor Grader Model: 120LVR from Cashman Equipment Company through Sourcewell Purchasing in the amount of \$252,421.00, and matters related thereto. **FOR POSSIBLE ACTION**

This purchase was approved in the FY 2021/22 Budget. DS

G. Review, consideration, and possible authorization for the transfer of ownership of Elko Police Department’s Canine *Xena* to her handler, Corporal Jason Checketts in exchange for the adoption fee of \$85.00, and matters related thereto. **FOR POSSIBLE ACTION**

Elko Police Dog *Xena* is a six (6) year old Belgian Malinois who was assigned to Canine Handler Corporal Jason Checketts. Due to some behavioral issues and the extreme amount of time it would take to assign her to a new handler, and the risk of not being successful, I feel it is in the best interest of the City of Elko, and Canine *Xena*, to transfer ownership of this highly trained Police Dog to her current handler. Corporal Jason Checketts desires to purchase *Xena*.

Canine *Xena's* selling price was determined by using the amount set for dog adoptions at the City of Elko Animal Shelter. TT

- H. Review, consideration, and possible final acceptance of the 5th Street Park Parking Lot Project, and matters related thereto. **FOR POSSIBLE ACTION**

At the February 23, 2021 meeting, Council awarded the 5th Street Park Parking Lot project to Acha Construction in the amount of \$273,451.40. There was one Change Orders during construction that resulted in an additional cost of \$2,254.00. The final cost of the project was \$275,705.40 This project is fully completed. Final billing has been submitted. BT

- I. Review, consideration, and possible authorization for Staff to purchase a new 2023 International HV507 4x2 Chassis with a Metroquip Body Package from Rush Truck Center of Idaho through Sourcewell Purchasing in the amount of \$190,046.14, and matters related thereto. **FOR POSSIBLE ACTION**

This purchase was approved in the FY 2021/22 Budget. DS

- J. Review, consideration, and possible action to approve an Alternative Measures Agreement between the City and Dan G. Beitia and Gerri L. Howard regarding City financial participation and cost sharing in the drilling of a new and deeper well and abandoning the existing well on the Beitia property to protect the City's interest in the ongoing utilization of City Well #43, including a finding by the Council of a public purpose in this action, and matters related thereto. **FOR POSSIBLE ACTION**

NRS 534.110 (5) b. states, "...the State Engineer shall include as a condition of the permit that pumping water pursuant to the permit may be limited or prohibited to prevent unreasonable adverse effects on an existing domestic well located within 2,500 feet of the well, unless the holder of the permit and the owner of the domestic well have agreed to alternative measures that mitigate those adverse effects."

The Beitia well water level has decreased from 100' to 160' below ground surface in the last several years and is currently near the bottom of the well. Multiple factors play into this equation including several years of drought, additional new domestic wells being drilled in the vicinity, as well as the pumping of City well #43 which is located approximately 1200' away. In accordance with NRS, Staff has developed the attached Alternative Measures Agreement to prevent the limiting or prohibition of pumping of City Well #43 which is needed to serve City growth and development. DJ

- K. Review, consider and possible approval for the Elko Police Department to enter into a contractual agreement for towing services with Atlas Towing and Recovery, and matters related thereto. **FOR POSSIBLE ACTION**

V. SUBDIVISIONS

- A. Review, consideration, and possible approval of Final Map No. 4-21, filed by Legion Construction and Development, LLC, for the development of a subdivision entitled Jarbidge Estates involving the proposed division of approximately 2.16 acres of property into 18 lots for townhouse development and 1 common lot within the R (Single Family and Multiple Family Residential) Zoning District, and matters related thereto. **FOR POSSIBLE ACTION**

Subject property is located on the east side of N 5th Street approximately 450 feet north of Dakota Drive. (APN 001-610-093) The Planning Commission considered this item on July 6, 2021, and took action to forward a recommendation to conditionally approve Final Map 4-21. MR

- B. Review, consideration, and possible conditional acceptance of Public Improvements for the Cambridge Estates Subdivision, and matters related thereto. **FOR POSSIBLE ACTION**

Council conditionally approved Final Map 9-19 on October 22, 2019. A Performance and Maintenance Agreement was entered into on that same day.

The Developer has completed the Public Improvements in accordance with the approved plans, with the exception of a micro slurry on the asphalt, which is scheduled to happen in August. The City is in receipt of the required Certification of the project by the Engineer of Record. Upon acceptance of the Public Improvements by the Council, the Developer is required to provide maintenance security in the amount of \$84,268.38 for a 12-month maintenance period, which has already been received. MR

VI. NEW BUSINESS

- A. Review, consideration, and possible approval of an Offer to Sell Real Property agreement between the City of Elko and The United States of America, for and on behalf of The Department of Veterans Affairs, for the purchase and sale of a parcel of land consisting of 15.37 +/- acres referred to as APN 001-01A-024 in the City of Elko, and matters related thereto. **FOR POSSIBLE ACTION**

City Council has on the same agenda Resolution No. 16-21 accepting the fair market value of the referenced parcel as well as Resolution No. 17-21 finding that it is in best interest of the City to sell the property to The United States of America, for and on behalf of The Department of Veterans Affairs for public use as a Veteran Cemetery without offering the property to the public. CL

- B. Review, consideration, and possible authorization for Staff to draft an agreement or supporting document with Bird Rides, Inc. for a stand up electric scooter business throughout the community, and matters related thereto. **FOR POSSIBLE ACTION**

Bird Rides, Inc. has reached out to the City of Elko with a proposal of an electric scooter business in the community. The initial agreement would be an eighteen-month trial period to get a better understanding if the business model works for our community. The initial agreement will require City Council approval. CL

- C. Review, consideration, and possible approval to apply for grant funding in partnership with a provider of fixed broadband service from the National Telecommunication and Information Administration (NTIA) in support of broadband infrastructure build-out for the City of Elko, and matters related thereto. **FOR POSSIBLE ACTION**

The National Telecommunication and Information Administration (NTIA) has made approximately \$288M available for a broadband investment program to be managed by the NTIA. The NTIA expects to make awards in the \$5M to \$30M project range. To be eligible, the City must enter into a qualifying agreement with a provider of fixed broadband service. A covered partnership may include more than one provider of fixed broadband service as part of its application. Applications are due not later than August 17, 2021. NTIA expects the earliest start date for awards to be November 29, 2021. Broadband projects must be completed within one year of the receipt of grant funds, but may be extended by the agency. There is no cost share or matching funds requirement; however, applications proposing a non-federal cost share of at least 10% of total eligible costs will receive favorable consideration.

At least one provider of fixed broadband service has expressed an interest in partnering with the City as part of the program.

The State of Nevada anticipates applying for grant funds under the program; the City and other local governments will have an opportunity to apply together with the State application.

To initiate the process, the City Council should determine the following:

- a. If available, does the City Council wish to participate in a State application?
- b. Determine the amount of funding to apply for.
- c. In light of existing Non-Exclusive Franchise Agreements with multiple broadband providers, does the City Council have the legal authority to exclude other local providers from participation in the program?
- d. If the City Council chooses to partner with a provider or providers of fixed broadband service, what criteria will the City Council consider in making its selection or selections? SAW

- D. Review, consideration, and possible approval of the First Amendment to Agreement to Install Improvements and Provide Maintenance Guaranty with Copper Trails, LLC for Phase 2, Unit 1 of the Copper Trails Subdivision, and matters related thereto. **FOR POSSIBLE ACTION**

As required by Elko City Code 3-3-21, the City and Copper Trails, LLC entered into an agreement to install improvements for Phase 2, Unit 1 of the Copper Trails Subdivision on July 23, 2019. The agreement is set to expire on July 23, 2021. Copper Trails, LLC has determined that they will not complete the subdivision improvements before this expiration date and has requested a one-year extension.

Section 1F of the Performance Agreement outlines the requirements for the City Council to approve an extension. These include: 1) the developer has satisfactorily performed its duties under the agreement to date, 2) the developer has diligently and in good faith attempted to complete the work, but has been unable to do so due to events beyond the developer's control, and 3) the Maintenance Guarantee has been provided to the City. MR

- E. Review, consideration, and possible approval of a Performance/Maintenance Agreement for subdivision improvements associated with the Jarbidge 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. MR

- F. Review of existing Ruby View Golf Course Financial Advisory Committee By-Laws, including possible direction to Staff to propose revisions for future possible City Council approval, and matters related thereto. **FOR POSSIBLE ACTION**

Councilman Morris requested that the City Council review the existing by-laws in order to identify possible changes for future Council consideration. A copy of the bylaws has been included in the agenda packet for review. CC

- G. Review, consideration and possible direction to Staff regarding the drafting of two (2) possible resolutions in support of various COVID related issues previously addressed by Lander County and the Elko County School District, and matters related thereto. **FOR POSSIBLE ACTION**

Recently, Lander County and the Elko County School District have taken formal positions regarding various COVID related issues, ranging from vaccine passports, vaccine status, mask mandates, and mandatory immunizations. Copies of Lander County Resolution 2021-12 and the ECSD Letter to Governor Sisolak have been included in the agenda packet for review. CC

- H. Ratification of Staff’s action to sign three (3) Coronavirus Local Fiscal Relief Fund documents, including: 1) the State of Nevada Allocation Notice and Certification; 2) Coronavirus Local Fiscal Recovery Fund Award Terms and Conditions; and 3) Assurances of Compliance with Civil Rights Requirements, and matters related thereto. **FOR POSSIBLE ACTION**

As a result of the American Rescue Plan Act (ARPA), the City of Elko was recently notified by the State of Nevada of our Maximum Total Allocation of \$27,476.865.36. The City of Elko has been designated as one of Nevada’s 13 “non-entitlement units of local government” (typically local governments serving populations of 50,000 or less) that will receive its ARPA Local Fiscal Recovery Fund disbursement through a payment from the State of Nevada. Due to a July 9, 2021 deadline, Staff signed the above referenced documents and included them in the agenda packet for review. Staff is requesting that the City Council ratify the action. CC

VII. RESOLUTIONS AND ORDINANCES

- A. Review, consideration, and possible adoption of Resolution No. 17-21, a resolution of the Elko City Council finding that it is in the best interest of the City of Elko to sell a 15.37-acre parcel, APN 001-01A-024, to the United States of America pursuant to NRS 268.061(1)(e)(2), restricted to the public purpose of a Veterans Cemetery, and matters related thereto. **FOR POSSIBLE ACTION**

On January 14, 2020, City Council approved an access agreement between the City of Elko and United States of America, by and through the U.S. Department of Veterans Affairs to provide access for a due diligence process in anticipation of the United States purchasing the property for use as a Veterans Cemetery. That process included obtaining an appraisal, which has since been received and is pending City Council acceptance under the Public Hearings portion of this meeting. The adoption of Resolution 17-21, which restricts the use of the property to public use as a Veterans Cemetery and which finds that the sale will be in the best interest of the City, is required if the City wishes to dispose of the property without complying with the requirements of NRS 268.059, 268.061 and 268.062. CL

VIII. 5:30 P.M. PUBLIC HEARINGS

- A. Public hearing to determine the fair market value of approximately 15.37 acres of City-owned property located generally southeast of the intersection of Jennings Way and Rocky Road, APN 001-01A-024, in anticipation of a possible sale of the property to the United States of America, for and on behalf of the Department of Veterans Affairs, for public use as a Veterans Cemetery, and matters related thereto. **FOR POSSIBLE ACTION**

The City Council, at its January 14, 2020 meeting, approved an access agreement between the City of Elko and United States of America, by and through the U.S. Department of Veterans Affairs for a due diligence process in anticipation of the United States purchasing the property for public use as a Veterans Cemetery. That

process included obtaining an appraisal to determine the fair market value of the property. The appraisal, prepared by Valbridge Property Advisors, has since been received; according to the appraisal, the fair market value of the property is \$900,000.00. CL

- B. Second reading, public hearing, and possible adoption of Ordinance No. 863 amending Elko City Code Title 9, Chapter 6 (Illegal Discharge and Connection to Stormwater), Chapter 7 (Construction Site Runoff Control), and Chapter 8 (Postconstruction Runoff Control and Water Quality Management), and matters related thereto. **FOR POSSIBLE ACTION**

The City of Elko Stormwater Program was audited by the Nevada Department of Environmental Protection and the Environmental Protection Agency in August 2020. One of the findings of that audit was that current enforcement regulations were lacking in both clarity and implementation. As a result, the audit report required the City to update its Stormwater codes with enhanced enforcement procedures. Other modifications have been proposed to clarify existing policies and procedures. MR

IX. REPORTS

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

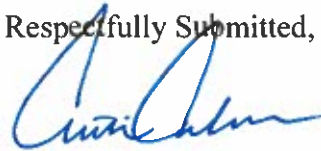
COMMENTS BY THE GENERAL PUBLIC

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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