



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 27, 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/413956309>

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

[GoToMeeting.com](https://global.gotomeeting.com/join/413956309)

<https://global.gotomeeting.com/join/413956309>

You can also dial in using your phone **+1 (646) 749-3122** Access Code: **413-956-309**

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 22, 2021 at 8:30 A.M.

ELKO COUNTY COURTHOUSE

571 Idaho Street, Elko, NV 89801

Date and Time Posted: Thursday, July 22, 2021 at 8:40 A.M.

ELKO POLICE DEPARTMENT

1448 Silver Street, Elko, NV 89801

Date and Time Posted: Thursday, July 22, 2021 at 8:50 A.M.

ELKO COUNTY LIBRARY

720 Court Street, Elko, NV 89801

Date and Time Posted: Thursday, July 22, 2021 at 9:00 A.M.

Posted by: **Kim Wilkinson** Administrative Assistant *Kim Wilkinson*

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 22nd 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.

Scott A. Wilkinson
Scott Wilkinson, Assistant City Manager
Elko, Nevada

CITY OF ELKO
CITY COUNCIL AGENDA
REGULAR MEETING
4:00 P.M., P.D.T.
ELKO CITY HALL, 1751 COLLEGE AVENUE
ELKO, NEVADA 89801
TUESDAY, JULY 27, 2021
<https://global.gotomeeting.com/join/413956309>

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: July 13, 2021 **Regular Session**

I. PRESENTATIONS

- A. Presentation by the Nevada Rural Housing Authority (NRHA), and matters related thereto. **INFORMATION ITEM ONLY – NON ACTION ITEM**

- B. Review, consideration of information concerning softball tournament play, and matters related thereto. **FOR POSSIBLE ACTION**

At the Council meeting on July 13, 2021, members of the softball community expressed concerns with tournament play and the relationship with the City during prior years. Comments from the Council indicated the City would consider the concerns expressed during the public comment. The City Manager reported that Staff would present information concerning the matter at a future meeting. SAW

II. PERSONNEL

- A. Employee Introductions:
 - 1.) Samuel Cook, WRF Technician Trainee

- B. Review, consideration, and possible approval of the application, and application process to fill the unexpired term of Councilman Bill Hance, and matters related thereto. **FOR POSSIBLE ACTION**

The City of Elko was notified of Councilman Bill Hance's death on July 15, 2021. Elko City Code 1.060 states: "A vacancy in the city council must be filled by a majority vote of the members of the city council within 30 days after the occurrence of the vacancy. A person may be selected to fill a prospective vacancy in the city council before the vacancy occurs. In such a case, each member of the city council, except any member whose term of office expires before the occurrence of the vacancy, may participate in any action taken by the city council pursuant to this section. The appointee must have the same qualifications as are required of the elective official." The Council needs to make a decision regarding the contents of the application, application process and approve the timeline. In the past the Council has required a letter if interest, a resume, and answers to a list of questions. KW

III. APPROPRIATIONS

- A. Review and possible approval of Warrants, and matters related thereto. **FOR POSSIBLE ACTION**
- B. Review and possible approval of Ruby Mountain Lock & Safe 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 approval of the Elko Police Department to purchase nine (9) Tasers and related equipment, and matters related thereto. **FOR POSSIBLE ACTION**

Elko Police Department was approved in the FY2021/22 budgeting process to purchase new Tasers. The cost of nine (9) Tasers, eight (8) Taser magazines, and nine (9) Taser holsters is \$11,962.75. TT

IV. NEW BUSINESS

- A. Review, consideration, and possible approval of a Grant of Easement for Public Utilities and Drainage adjacent to APN 001-200-002, offered from Elko County to the City of Elko, and matters related thereto. **FOR POSSIBLE ACTION**

City Council has on this same agenda Resolution No. 21-21 to vacate a portion of Golf Course Road Right-of-Way to the adjacent parcel owned by Elko County. There are existing public utilities located in the area proposed to be vacated and would require an easement. The proposed easement will provide the City of Elko with the ability to properly maintain the existing utilities and drainage. CL

- B. Review, consideration, and possible approval of a Grant of Easement for Public Utilities and Drainage adjacent to APN 001-200-009, offered from Nevada Health Centers Inc. to the City of Elko, and matters related thereto. **FOR POSSIBLE ACTION**

City Council has on this same agenda Resolution No. 22-21 to vacate a portion of Golf Course Road Right-of-Way to the adjacent parcel owned by Nevada Health Centers Inc. There are existing public utilities located in the area proposed to be vacated and would require an easement. The proposed easement will provide the City of Elko with the ability to properly maintain the existing utilities and drainage. CL

- C. Review, consideration, and possible approval for the City of Elko to enter into a Reciprocal Access Agreement with the owners of APNs 001-375-001 and 001-373-001 for the purpose of providing all parties with the ability to access a portion of 15th Street proposed to be vacated, and matters related thereto. **FOR POSSIBLE ACTION**

Council initiated the vacation of a portion of 15th Street at their June 22, 2021 meeting. If/When the vacation is approved, the former public street will be used as a shared private driveway by the abutting property owners (The Igloo Inc. and Flyers Energy, LLC). Existing City of Elko utilities will remain under the vacated street and the City will need to access these from time to time for maintenance. The proposed agreement allows all three parties to access this new private driveway. This is item 1 of 5 related to the possible vacation of a portion of 15th Street. MR

- D. Review, consideration, and possible approval of a Grant of Easement for Public Utilities and Drainage adjacent to APN 001-375-001 (The Igloo Inc.), and matters related thereto. **FOR POSSIBLE ACTION**

Council initiated the vacation of a portion of 15th Street at their June 22, 2021 meeting. If/When the vacation is approved, the former public street will be used as a shared driveway by the abutting property owners (The Igloo Inc. and Flyers Energy, LLC). Existing City of Elko utilities will remain under the vacated street and drainage will continue to flow through this area. The proposed easement will provide the City of Elko with the ability to properly maintain the existing utilities and drainage. This is item 2 of 5 related to the possible vacation of a portion of 15th Street. MR

- E. Review, consideration, and possible approval of a Grant of Easement for Public Utilities and Drainage adjacent to APN 001-373-001 (Flyers Energy, LLC.), and matters related thereto. **FOR POSSIBLE ACTION**

Council initiated the vacation of a portion of 15th Street at their June 22, 2021 meeting. If/When the vacation is approved, the former public street will be used as a shared driveway by the abutting property owners (The Igloo Inc. and Flyers Energy, LLC). Existing City of Elko utilities will remain under the vacated street

and drainage will continue to flow through this area. The proposed easement will provide the City of Elko with the ability to properly maintain the existing utilities and drainage. This is item 3 of 5 related to the possible vacation of a portion of 15th Street. MR

- F. Review, consideration, and possible approval of the Second Addendum to the School Resource Officer Cooperative Agreement between the Elko County School District, the County of Elko, and the City of Elko, and matters related thereto. **FOR POSSIBLE ACTION**

The original Cooperative Agreement was entered into by all three parties in January 2015, and the Program has been very successful. The Elko County School District has agreed to provide 100% funding of salary and benefits for two SRO positions for the 2021/22 school year. All parties have met, conferred, and agreed to the conditions set forth in the Second Addendum to the Cooperative Agreement. TT

- G. Review, consideration, and possible action to approve a Revocable Agreement with Bird Rides, Inc. for a stand up electric scooter business throughout the community, and matters related thereto. **FOR POSSIBLE ACTION**

City Council approved the concept of scooter service in Elko and authorized Staff to come back with a revocable license agreement at their July 13, 2021 meeting. CL

- H. Review, consideration, and discussion for the appointment of (3) three new members to the Parks and Recreation Advisory Board, and matters related thereto. **FOR POSSIBLE ACTION**

Council authorized Staff to advertise for open positions on the Parks and Recreation Advisory Board at a previous meeting on June 22, 2021. Since then, Staff has received five (5) letters of interest from Katie Neddenriep, Spring Robinson, Leslie Creel, Nick Claerbout, and Ashlyn Greener expressing a desire to serve as members on the Board. Two (2) appointments will be for the remainder of the term through June 30, 2023. One (1) appointment will be for a four (4) term through June 30, 2025. JW

- I. Review, consideration, and discussion for the re-appointment of four (4) members to the Parks and Recreation Advisory Board, and matters related thereto. **FOR POSSIBLE ACTION**

The terms for five (5) members serving on the Parks and Recreation Advisory Board expired on June 30, 2021. Colby Curtis, Harmony Stahl, Jim Conner, and Andrew Storla are seeking reappointment for another four (4) year term. Fred Beitia is not seeking another term on the Board. JW

- J. Review, consideration and possible selection of a provider or providers of fixed broadband service to apply, in partnership with the City, for grant funding from the

National Telecommunication and Information Administration (NTIA), and matters related thereto. **FOR POSSIBLE ACTION**

The City Council took action at its meeting on July 13, 2021 directing Staff to solicit proposals from fixed broadband service providers for consideration in partnering with the City in applying for grant funding from the National Telecommunication and Information Administration (NTIA) for development of broadband service in the City. 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. Proposals were required to be submitted by the end of the business day on July 20, 2021. Two proposals were submitted, one from CC Communications and the other from Anthem. SAW

V. RESOLUTIONS AND ORDINANCES

- A. Review, consideration, and possible approval of Resolution No. 23-21, a Resolution providing for the transfer of the City's 2021 Private Activity Bond Cap to the Nevada Rural Housing Authority, and matters related thereto. **FOR POSSIBLE ACTION**

The City of Elko has previously transferred its portion of the tax-exempt private activity bond cap to the Nevada Rural Housing Authority. This year the Nevada Rural Housing Authority is requesting the City's allocation of the bonds for the purpose of providing a means of financing the costs of single family residential housing that will provide decent, safe and sanitary dwellings at affordable prices for persons of low and moderate income. A request letter from Nevada Rural Housing Authority and Resolution No. 23-21 have been enclosed in the agenda packet for review. CC

VI. PETITIONS, APPEALS, AND COMMUNICATIONS

- A. Review, consideration, and possible approval of a letter addressed to Governor Sisolak concerning COVID related issues, and matters related thereto. **FOR POSSIBLE ACTION**

The City Council took action at its meeting on July 13, 2021 directing Staff to draft a letter to Governor Sisolak concerning several COVID related issues expressed by members of the community. SAW

VII. 5:30 P.M. PUBLIC HEARINGS

- A. Review, consideration, and possible action to adopt Resolution 19-21, a resolution and order vacating a portion of 15th Street Right-of-Way consisting of an area approximately 6,800 square feet abutting APN 001-375-001 to the property owner (The Igloo, Inc.), and matters related thereto. **FOR POSSIBLE ACTION**

Council accepted the petition to vacate this Right-of-Way at its regular meeting of June 22, 2021 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 July 6, 2021 and took action to forward a recommendation to Council to adopt a resolution, which conditionally approves Vacation No. 3-21 with findings in support of its recommendation. This is item 4 of 5 related to the possible vacation of a portion of 15th Street. MR

- B. Review, consideration, and possible action to adopt Resolution 20-21, a resolution and order vacating a portion of 15th Street Right-of-Way consisting of an area approximately 6,800 square feet abutting APN 001-373-001 to the property owner (Flyers Energy, LLC), and matters related thereto. **FOR POSSIBLE ACTION**

Council accepted the petition to vacate this Right-of-Way at its regular meeting of June 22, 2021 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 July 6, 2021 and took action to forward a recommendation to Council to adopt a resolution, which conditionally approves Vacation No. 4-21 with findings in support of its recommendation. This is item 5 of 5 related to the possible vacation of a portion of 15th Street. MR

- C. Review, consideration, and possible action to adopt Resolution No. 21-21, a resolution and order vacating a portion of Golf Course Road Right-of-Way, consisting of an area approximately 1,842 sq. ft. abutting APN 001-200-002, which is located within the City of Elko, Nevada, to the abutting property owner Elko County, filed and processed as Vacation No. 1-21, and matters related thereto. **FOR POSSIBLE ACTION**

Council accepted the petition to vacate this Right-of-Way at its regular meeting of June 22, 2021, 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 July 6, 2021, and took action to forward a recommendation to Council to adopt a resolution, which conditionally approves Vacation No. 1-21 with findings in support of its recommendation. CL

- D. Review, consideration, and possible action to adopt Resolution No. 22-21, a resolution and order vacating a portion of Golf Course Road Right-of-Way, consisting of an area approximately 210 sq. ft. abutting APN 001-200-009, which is located within the City of Elko, Nevada, to the abutting property owner Nevada Health Centers, filed and processed as Vacation No. 2-21, and matters related thereto. **FOR POSSIBLE ACTION**

Council accepted the petition to vacate this Right-of-Way at its regular meeting of June 22, 2021, 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 July 6, 2021, and took action to forward a recommendation to Council to adopt a resolution, which conditionally approves Vacation No. 2-21 with findings in support of its recommendation. CL

- E. Review, consideration, and possible action to conditionally approve Tentative Map No. 3-21, filed by Bailey and Associates, LLC, for the development of a subdivision entitled Cedar Estates Phase 3, involving the proposed division of approximately 7.31 acres of property into 34 lots for residential development within the RMH (Residential Mobile Home) Zoning District, and matters related thereto. **FOR POSSIBLE ACTION**

The subject property is located at the northern terminus of both Primrose Lane and Daisy Drive (APN 001-926-111). The Planning Commission considered this item on July 6, 2021, and took action to forward a recommendation to conditionally approve Tentative Map 3-21. MR

- F. Review, consideration, and possible action on an appeal filed pursuant to Elko City Code 3-2-22(H), appealing the Elko City Planning Commission's decision to deny Variance No. 3-21, filed by DAG LLC. on behalf of Sonora LLC, for an increase in the number of allowed freestanding signs per street frontage and increase maximum area of a freestanding sign, located generally on the south corner of the intersection of Idaho Street and 5th Street (397 5th Street), and matters related thereto. **FOR POSSIBLE ACTION**

Pursuant to Elko City Code 3-2-25, the Council may affirm, modify or reverse the decision of the Planning Commission.

The Planning Commission considered the subject variance on July 6, 2021 and took action to deny the variance. Subsequently, the applicant appealed the Planning Commission's decision. CL

VIII. REPORTS

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

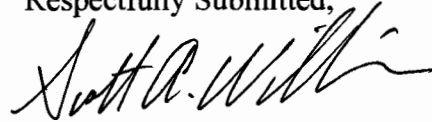
COMMENTS BY THE GENERAL PUBLIC

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,



Scott Wilkinson
Assistant City Manager

**Elko City Council
Agenda Action Sheet**

1. Title: **Presentation by the Nevada Rural Housing Authority (NRHA), and matters related thereto. INFORMATION ONLY – NON ACTION ITEM**
2. Meeting Date: **July 27, 2021**
3. Agenda Category: **PRESENTATION**
4. Time Required: **10 Minutes**
5. Background Information:
6. Budget Information:

 Appropriation Required:
 Budget amount available:
 Fund name:
7. Business Impact Statement: **Not Required**
8. Supplemental Agenda Information:
9. Recommended Motion: **INFORMATION ONLY – NON ACTION ITEM**
10. Prepared by: **Curtis Calder, City Manager**
11. Committee/Other Agency Review:
12. Council Action:
13. Council Agenda Distribution:

**Elko City Council
Agenda Action Sheet**

1. Title: **Review, consideration, and possible approval of the application to fill the unexpired term of Councilman Bill Hance, and matters related thereto. FOR POSSIBLE ACTION**
2. Meeting Date: **July 27, 2021**
3. Agenda Category: **PERSONNEL**
4. Time Required: **10 Minutes**
5. Background Information: **The City of Elko was notified of Councilman Bill Hance's death on July 15, 2021. Elko City Code 1.060 states: "A vacancy in the city council must be filled by a majority vote of the members of the city council within 30 days after the occurrence of the vacancy. A person may be selected to fill a prospective vacancy in the city council before the vacancy occurs. In such a case, each member of the city council, except any member whose term of office expires before the occurrence of the vacancy, may participate in any action taken by the city council pursuant to this section. The appointee must have the same qualifications as are required of the elective official." The council needs to make a decision regarding the contents of the application and approve the timeline. In the past the Council has required a letter if interest, a resume, and answers to a list of questions. 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: **Qualifications according to City Charter and NRS; timeline calendar, list of questions used in the past.**
9. Recommended Motion: **Pleasure of the Council**
10. Prepared by: **Kelly Wooldridge, City Clerk**
11. Committee/Other Agency Review:
12. Council Action:
13. Council Agenda Distribution:

TIMELINE TO FOR APPLICATIONS TO FILL VACANT COUNCIL POSITION

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
		July 27 City Council	28 Put on Facebook and Website	29	30 Advertise	31 Advertise
Aug 1	2	3 Advertise	4 Applications Due by 5:00 p.m.	5 Agenda Posted	6	7
8	9	10 City Council Makes Decision	11	12	13 30 Day Timeline	

QUALIFICATIONS

All applicants must meet all qualifications in accordance to Article II of the Charter of the City of Elko, which are:

- (a) Bona fide residents of the city for at least 2 years' prior
- (b) Qualified elector within the City

Must be eligible to hold office pursuant to NRS 281.040 through 281.055

The appointee shall hold office for a period not to extend beyond the first Monday in January after the next municipal election, at which election the office shall be filled.

QUESTIONS USED IN 2013

1. Will you be able to dedicate the time required to participate in all meetings, workshops and events, and do you have any constraints that may limit your participation on the City Council?
2. What special qualities, talents or interest can you bring to the City Council and how will they benefit the City of Elko?
3. If appointed, will you make decisions and vote according to your conscience, or will you vote based on popular opinion? If the latter, how will you determine what the popular opinion is?
4. What do you see as the most pressing issue facing the City of Elko and what recommendations would you make to solve it?
5. Give a brief overview of your community involvement within the City of Elko and explain how that involvement may be of benefit to you as a member of the City Council.

**Elko City Council
Agenda Action Sheet**

1. **Title: Review, consideration, and possible approval of the Elko Police Department to purchase nine (9) Tasers and related equipment, and matters related thereto. FOR POSSIBLE ACTION**
2. Meeting Date: **July 27, 2021**
3. Agenda Category: **APPROPRIATION**
4. Time Required: **5 Minutes**
5. Background Information: **Elko Police Department was approved in the FY2021/22 budgeting process to purchase new Tasers. The cost of nine (9) Tasers, eight (8) Taser magazines, and nine (9) Taser holsters is \$11,962.75.**
6. Budget Information:
 - Appropriation Required: **\$11,962.75**
 - Budget amount available: **\$12,000.00**
 - Fund name: **Capital Equipment**
7. Business Impact Statement: **Not Required**
8. Supplemental Agenda Information: **AXON quote and City of Elko Purchase Order #7961**
9. Recommended Motion: **Authorize the Elko Police Department to purchase nine (9) Tasers and related equipment**
10. Prepared by: **Ty Trouten, Captain, Elko Police Department**
11. Committee/Other Agency Review:
12. Council Action:
13. Agenda Distribution:



Axon Enterprise, Inc.
17800 N. 85th St.
Scottsdale, AZ 85255
ecommerce@axon.com

Quote Expires on: 8/20/2021

Buyer:
Michael Gustafson
mgustafson@elkocitynv.gov

Bill To:
1448 Silver St
Elko
NV - 89801-3924
USA

Ship To:
1448 Silver St
Elko
NV - 89801-3924
USA

Quote Items:

PRODUCT	PRICE	QUANTITY	DISCOUNT	TOTAL
11002+80398 TASER X26P - Black with 4 Yr Extended Warranty	1524.66	9	2744.39	10977.55
22012 Tactical Performance Power Magazine (TPPM)	71.06	8	113.70	454.78
11501 X26P Blackhawk! Holster - Right Hand	73.67	9	132.61	530.42

Quote Subtotal: \$11962.75

Tax calculated at checkout. Ground shipping is no additional cost.

Thank you for being a valued Axon customer. For your convenience, continue checkout with a credit card / PO / Invoice on our online store my.axon.com/buy

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**Elko City Council
Agenda Action Sheet**

1. **Title: Review, consideration, and possible approval of a Grant of Easement for Public Utilities and Drainage adjacent to APN 001-200-002, between Elko County and the City of Elko, and matters related thereto. FOR POSSIBLE ACTION**
2. Meeting Date: **July 27, 2021**
3. Agenda Category: **NEW BUSINESS**
4. Time Required: **10 Minutes**
5. Background Information: **City Council has on this same agenda Resolution No. 21-21 to vacate a portion of Golf Course Road Right-of-Way to the adjacent parcel owned by Elko County. There are existing public utilities located in the area proposed to be vacated and would require an easement. The proposed easement will provide the City of Elko with the ability to properly maintain the existing utilities and drainage. CL**
6. Budget Information:

Appropriation Required: **N/A**
Budget amount available: **N/A**
Fund name: **N/A**
7. Business Impact Statement: **Not Required**
8. Supplemental Agenda Information: **Proposed Grant of Easement with Exhibits**
9. Recommended Motion: **Approve the Grant of Easement for Public Utilities and Drainage as presented.**
10. Prepared by: **Cathy Laughlin, City Planner**
11. Committee/Other Agency Review: **David Stanton, City Attorney**
12. Council Action:
13. Council Agenda Distribution: **Tyler Ingram**
tingram@elkocountynv.net

APN: 001-200-002

After Recordation Return To:

City of Elko
City Planner
1751 College Avenue
Elko, Nevada 89801

GRANT OF EASEMENT
(Public Utilities and Drainage)

THIS GRANT OF EASEMENT is entered into this ___ day of _____, 202__ by and between **ELKO COUNTY**, a political subdivision of the State of Nevada (“Grantor”), and the **CITY OF ELKO**, a municipal corporation and political subdivision of the State of Nevada (“Grantee”).

W I T N E S S E T H :

WHEREAS, Grantor is the owner of certain real property situate in the County of Elko, State of Nevada, more particularly described in the following exhibits:

**EXHIBIT A - LEGAL DESCRIPTION FOR PUBLIC UTILITY
EASEMENT**

and shown on the following map:

EXHIBIT B - MAP OF PUBLIC UTILITY EASEMENT

Exhibits A and B, being attached hereto and by this reference made a part hereof, the foregoing property collectively referred to as the “Easement Property;” and

WHEREAS, Grantor desires to grant a permanent public utility and drainage easement to Grantee and its successors and assigns over the Easement Property for the purposes of and on the terms and conditions set forth herein.

NOW THEREFORE, Grantor, for good and valuable consideration, receipt of which is hereby acknowledged, does here by agree as follows:

1. **Grant of Utility Easement.** Grantor hereby grants to Grantee and its successors, assigns, licensees, contractors, invitees and agents, a permanent non-exclusive easement and right-of-way, over, across, upon, under and through that portion of the Easement Property delineated on the description attached hereto at **Exhibit A** and depicted on the map attached hereto at **Exhibit B** and made a part hereof, for

ingress and egress for the purpose of installation, construction, grading, excavation, operation, repair and maintenance of public utilities, to include without limitation, water and sewer lines.

- 2. **Grant of Drainage Easement.** Grantor hereby grants to Grantee and its successors, assigns, licensees, contractors, invitees and agents, a permanent non-exclusive easement and right-of-way, over, across, upon, under and through that portion of the Grantor's Property described as the Easement Property delineated on the description attached hereto at **Exhibit A** and depicted on the map attached hereto at **Exhibit B** and made a part hereof, for the purpose of providing drainage of surface water, and for ingress and egress for the purpose of installation, construction, grading, excavation, operation, repair and maintenance of drainage facilities.

THIS GRANT OF EASEMENT and the terms contained herein shall run with the land and become and be a burden on the Grantor's Property and shall be binding upon and shall inure to the benefit of Grantor and Grantee, and the successors, agents and assigns of Grantor and Grantee, and all the rights herein granted may be assigned.

TO HAVE AND TO HOLD all the singular the said premises, granted together with the appurtenances, unto said Grantee their successors, agents, contractors, licensees and assigns forever.

IN WITNESS WHEREOF, Grantor and Grantee have caused these presents duly to be executed the day and year first above written.

GRANTOR:

**ELKO COUNTY, a political subdivision
of the State of Nevada**

By: _____

Its: _____

STATE OF NEVADA)

: ss.

COUNTY OF ELKO)

GRANTEE:

**CITY OF ELKO, a municipal
corporation and political subdivision of
the State of Nevada**

By: _____

**REECE KEENER
Mayor, City of Elko**

This instrument was acknowledged before me on this ____ day of _____, 2021, by Reece Keener, as City of Elko Mayor, on behalf of said

entity, as therein named.

NOTARY PUBLIC

STATE OF NEVADA)
 : ss.
COUNTY OF ELKO)

This instrument was acknowledged before me on this _____ day of _____, 2021, by _____ as _____ of _____, on behalf of said entity, as therein named.

NOTARY PUBLIC

EXHIBIT A

LEGAL DESCRIPTION FOR PUBLIC UTILITY EASEMENT

A strip of land, being northeasterly 20' of APN 001-200-002, in the City of Elko, Nevada, lying within Sections 10 and 11, Township 34 North, Range 55 East, which is further described as follows;

Beginning at the easterly most corner of the parcel described in the deed between the Church of Jesus Christ of Latter-Day Saints and the City of Elko, recorded in the office of the Elko County Recorder as file no. 221822, which bears North 1°18'56" East, a distance of 804.85 feet from the monument at the intersection of Court Street and 13th Street, and is a point along the northwesterly right-of-way of College Avenue;

Thence, along said northwesterly right-of-way of College Avenue, South

Thence, along the northeasterly boundary of the above referenced parcel, North 48°11'00" West, a distance of 264.70 feet, more or less, to the northerly most corner of the above referenced parcel;

Thence, North 41°49'00" East, a distance of 7.00 feet;

Thence, South 48°11'00" East, a distance of 257.70 feet;

Thence, along a tangent circular curve to the right, with a radius of 7.00 feet, an arc length of 11.00 feet, and a central angle of 90°00'00", more or less, to the point of beginning.

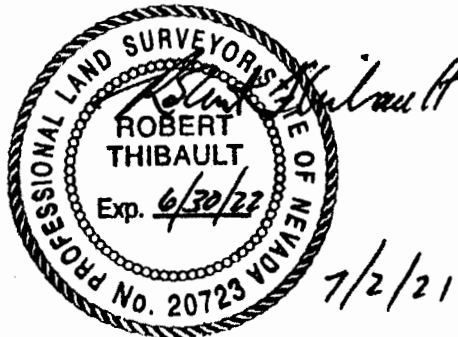
This strip of land being vacated contains a total of ±1,842 square feet.

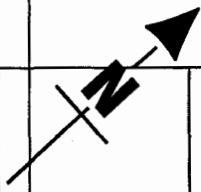
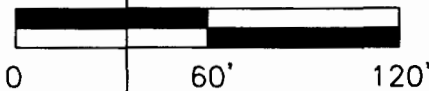
The Basis of bearings for this description is the Map of the Smith's Addition to the City of Elko, recorded in the office of the Elko County Recorder as file no. 43255, on November 5, 1927.

Description prepared by:

Robert Thibault, PE, PLS

Civil Engineer for the City of Elko





VFW DRIVE

APN: 001-200-002

20' WIDE PUBLIC UTILITY EASEMENT GRANTED BY FILE NO. 429234

7' WIDE PUBLIC UTILITY EASEMENT GRANTED BY SEPARATE DOCUMENT

20' WIDE EASEMENT HEREBY GRANTED 5,283 SF.

N41°49'00"E

189.00'

N41°49'00"E
20.00'

20.0'

SEC 10, T 34 N, R 55 E
SEC 11, T 34 N, R 55 E

N48°11'00"W 264.70'

257.70' S48°11'00"E

GOLF COURSE ROAD

N41°49'00"E

189.00'

S41°49'00"W
13.00'

L=11.00', R=7.00'
Δ=90°00'00"

COLLEGE AVENUE

VFW DRIVE

N1°18'56"E
804.85'



CENTERLINE MONUMENT AT THE INTERSECTION OF COURT STREET AND 13TH STREET



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

SCALE

HORZ 1"=60'

VERT NONE

EXHIBIT B MAP OF

PUBLIC UTILITY EASEMENT

DRAWN BY

BT

CHECKED BY

BT

DATE

7/2/21

U:\Survey\OLD-PD-PARCEL\OLD-PD-PARCEL.dwg

**Elko City Council
Agenda Action Sheet**

1. **Title: Review, consideration, and possible approval of a Grant of Easement for Public Utilities and Drainage adjacent to APN 001-200-009, between Nevada Health Centers Inc. and the City of Elko, and matters related thereto. FOR POSSIBLE ACTION**
2. Meeting Date: **July 27, 2021**
3. Agenda Category: **NEW BUSINESS**
4. Time Required: **10 Minutes**
5. Background Information: **City Council has on this same agenda Resolution 22-21 to vacate a portion of Golf Course Road Right-of-Way to the adjacent parcel owned by Nevada Health Centers Inc. There are existing public utilities located in the area proposed to be vacated and would require an easement. The proposed easement will provide the City of Elko with the ability to properly maintain the existing utilities and drainage. CL**
6. Budget Information:

Appropriation Required: **N/A**
Budget amount available: **N/A**
Fund name: **N/A**
7. Business Impact Statement: **Not Required**
8. Supplemental Agenda Information: **Proposed Grant of Easement with Exhibits**
9. Recommended Motion: **Approve the Grant of Easement for Public Utilities and Drainage as presented.**
10. Prepared by: **Cathy Laughlin, City Planner**
11. Committee/Other Agency Review: **David Stanton, City Attorney**
12. Council Action:
13. Council Agenda Distribution: **Stacey Giomi**
sgiomi@nvhealthcenters.org

APN: 001-200-009

After Recordation Return To:

City of Elko
City Planner
1751 College Avenue
Elko, Nevada 89801

GRANT OF EASEMENT
(Public Utilities and Drainage)

THIS GRANT OF EASEMENT is entered into this ___ day of _____, 2021 by and between **NEVADA HEALTH CENTERS, INC.**, a Nevada nonprofit corporation (“Grantor”), and the **CITY OF ELKO**, a municipal corporation and political subdivision of the State of Nevada (“Grantee”).

W I T N E S S E T H :

WHEREAS, Grantor is the owner of certain real property situate in the County of Elko, State of Nevada, more particularly described in the following exhibits:

**EXHIBIT A - LEGAL DESCRIPTION FOR PUBLIC UTILITY
EASEMENT**

and shown on the following map:

EXHIBIT B - MAP OF PUBLIC UTILITY EASEMENT

Exhibits A and B, being attached hereto and by this reference made a part hereof, the foregoing property collectively referred to as the “Easement Property;” and

WHEREAS, Grantor desires to grant a permanent public utility and drainage easement to Grantee and its successors and assigns over the Easement Property for the purposes of and on the terms and conditions set forth herein.

NOW THEREFORE, Grantor, for good and valuable consideration, receipt of which is hereby acknowledged, does here by agree as follows:

1. **Grant of Utility Easement.** Grantor hereby grants to Grantee and its successors, assigns, licensees, contractors, invitees and agents, a permanent non-exclusive easement and right-of-way, over, across, upon, under and through that portion of the Easement Property delineated on the description attached hereto at **Exhibit A** and depicted on the map attached hereto at **Exhibit B** and made a part hereof, for

ingress and egress for the purpose of installation, construction, grading, excavation, operation, repair and maintenance of public utilities, to include without limitation, water and sewer lines.

- 2. **Grant of Drainage Easement.** Grantor hereby grants to Grantee and its successors, assigns, licensees, contractors, invitees and agents, a permanent non-exclusive easement and right-of-way, over, across, upon, under and through that portion of the Grantor's Property described as the Easement Property delineated on the description attached hereto at **Exhibit A** and depicted on the map attached hereto at **Exhibit B** and made a part hereof, for the purpose of providing drainage of surface water, and for ingress and egress for the purpose of installation, construction, grading, excavation, operation, repair and maintenance of drainage facilities.

THIS GRANT OF EASEMENT and the terms contained herein shall run with the land and become and be a burden on the Grantor's Property and shall be binding upon and shall inure to the benefit of Grantor and Grantee, and the successors, agents and assigns of Grantor and Grantee, and all the rights herein granted may be assigned.

TO HAVE AND TO HOLD all the singular the said premises, granted together with the appurtenances, unto said Grantee their successors, agents, contractors, licensees and assigns forever.

IN WITNESS WHEREOF, Grantor and Grantee have caused these presents duly to be executed the day and year first above written.

GRANTOR:

GRANTEE:

NEVADA HEALTH CENTERS, INC., a Nevada nonprofit corporation

CITY OF ELKO, a municipal corporation and political subdivision of the State of Nevada

By: _____

By: _____

Its: _____

**REECE KEENER
Mayor, City of Elko**

STATE OF NEVADA)

: ss.

COUNTY OF ELKO)

This instrument was acknowledged before me on this ____ day of _____, 2021, by Reece Keener, as City of Elko Mayor, on behalf of said

entity, as therein named.

NOTARY PUBLIC

STATE OF NEVADA)

: ss.

COUNTY OF ELKO)

This instrument was acknowledged before me on this ____ day of _____, 2021, by _____ as _____ of _____, on behalf of said entity, as therein named.

NOTARY PUBLIC

EXHIBIT A

LEGAL DESCRIPTION FOR PUBLIC UTILITY EASEMENT

A strip of land, being a portion of APN 001-200-009, in the City of Elko, Nevada, lying within Section 10, Township 34 North, Range 55 East, which is further described as follows;

Beginning at the easterly most corner of Parcel No. 1, of the Parcel Map for the Nevada Health Centers, Inc., recorded in the office of the Elko County Recorder as file no. 770198, which bears North 10°19'42" West, a distance of 997.28 feet from the monument at the intersection of Court Street and 13th Street;

Thence, along the northeasterly boundary of said Parcel No. 1, North 48°11'00" West, a distance of 30.00 feet;

Thence, continuing along the northeasterly boundary of said Parcel No. 1, North 41°49'00" East, a distance of 7.00 feet;

Thence, South 48°11'00" East, a distance of 30.00 feet;

Thence, South 41°49'00" West, a distance of 7.00 feet, more or less, to the point of beginning.

This public utility easement contains a total of ±210 square feet.

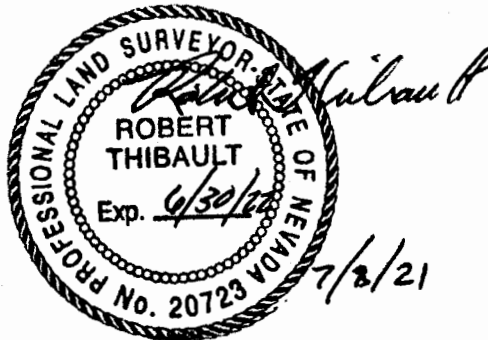
The Basis of bearings for this description is the Map of the Smith's Addition to the City of Elko, recorded in the office of the Elko County Recorder as file no. 43255, on November 5, 1927.

This strip of land is the same strip of land recently vacated by separate document.

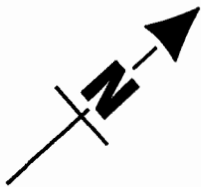
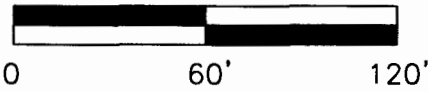
Description prepared by:

Robert Thibault, PE, PLS

Civil Engineer for the City of Elko



CEDAR STREET



FOURTEENTH STREET

APN: 001-200-009

GOLF COURSE ROAD

EXISTING
20' WIDE
PUBLIC
UTILITY
EASEMENT
PER FILE
NO. 429234

N41°49'00"E
7.00'

N48°11'00"W
30.00'

EASEMENT
HEREBY
GRANTED
210 SF.

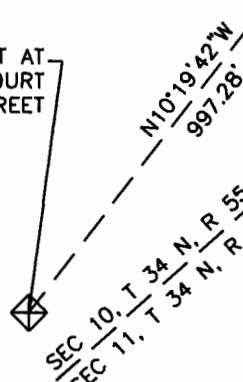
S48°11'00"E
30.00'

S41°49'00"W
7.00'

VFW DRIVE

CENTERLINE MONUMENT AT
THE INTERSECTION OF COURT
STREET AND 13TH STREET

20' WIDE
PUBLIC
UTILITY
EASEMENT
GRANTED BY
SEPARATE
DOCUMENT



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

SCALE

HORZ 1" = 60'

VERT NONE

EXHIBIT B

MAP OF

PUBLIC UTILITY EASEMENT

DRAWN BY

BT

CHECKED BY

BT

DATE

7/2/21

**Elko City Council
Agenda Action Sheet**

1. Title: **Review, consideration, and possible approval for the City of Elko to enter into a Reciprocal Access Agreement with the owners of APNs 001-375-001 and 001-373-001 for the purpose of providing all parties with the ability to access a portion of 15th Street proposed to be vacated, and matters related thereto. FOR POSSIBLE ACTION**
2. Meeting Date: **July 27, 2021**
3. Agenda Category: **NEW BUSINESS**
4. Time Required: **10 Minutes**
5. Background Information: **Council initiated the vacation of a portion of 15th Street at their June 22, 2021 meeting. If/When the vacation is approved, the former public street will be used as a shared private driveway by the abutting property owners (The Igloo Inc. and Flyers Energy, LLC). Existing City of Elko utilities will remain under the vacated street and the City will need to access these from time to time for maintenance. The proposed agreement allows all three parties to access this new private driveway. This is item 1 of 5 related to the possible vacation of a portion of 15th Street. 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 the proposed Reciprocal Access Agreement between the City of Elko, The Igloo Inc., and Flyers Energy, LLC.**
9. Recommended Motion: **Approval for the City of Elko to enter into the Reciprocal Access Agreement between the City of Elko, The Igloo Inc., and Flyers Energy, LLC.**
10. Prepared by: **Michele Rambo, AICP, Development Manager**
11. Committee/Other Agency Review: **Dave Stanton, City Attorney**
12. Council Action:
13. Council Agenda Distribution: **The Igloo, Inc.**
 Attn: Mike Shanks
 shankseng@gmail.com

 Flyers Energy, LLC
 Attn: David Dwelle
 dmdwelle@4flyers.com

RECIPROCAL EASEMENT AGREEMENT
FOR PORTION OF VACATED STREET

This Reciprocal Easement Agreement for Portion of Vacated Street (this "Agreement") is entered into on this 27th day of July, 2021 (the "Effective Date") by and between the City of Elko, a municipal corporation and political subdivision of the State of Nevada (the "City"), The Igloo, Inc., a Nevada non-profit corporation (the "Igloo"), and Flyers Energy LLC, a California limited-liability company ("Flyers").

RECITALS

WHEREAS, the Igloo is the owner of certain real property (the "Igloo Property") situated in Elko, Nevada and further described at **Exhibit 1**;

WHEREAS, Flyers is the owner of certain real property (the "Flyers Property") also situated in Elko, Nevada and further described at **Exhibit 2**;

WHEREAS, the City owns a public street in the City of Elko, Nevada generally known as "15th Street," a portion of which is located between the Igloo Property and the Flyers Property, which public street is further described at **Exhibit 3** and shown on the map at **Exhibit 4** (the "15th Street Property");

WHEREAS, the City intends to vacate portions of the 15th Street Property to the Igloo and Flyers, respectively, subject to the execution of this Agreement and any conditions imposed by the City Council;

WHEREAS, the portion of the 15th Street Property to be vacated to the Igloo, further described at **Exhibit 5** and shown on the map at **Exhibit 6**, shall be referred to herein as the "Igloo Vacated Portion;"

WHEREAS, the portion of the 15th Street Property to be vacated to Flyers, further described at **Exhibit 7** and shown on the map at **Exhibit 8**, shall be known as the "Flyers Vacated Portion;"

WHEREAS, upon vacation of 15th Street Property and recordation thereof with the Elko County Recorder, and after satisfaction of all conditions imposed thereon by resolution of the City Council, Flyers and the Igloo shall record this Agreement, thereby granting to each other reciprocal easements over the Igloo Vacated Portion and Flyers Vacated Portion, respectively, subject to the terms and conditions contained in this Agreement;

WHEREAS, the reciprocal easements granted hereunder by Flyers and the Igloo may be referred to collectively herein as the "Reciprocal Easements;"

NOW, THEREFORE, in consideration of the mutual covenants and agreements set

forth herein and other good and valuable consideration, the receipt and sufficiency of which being hereby acknowledged and agreed, the parties agree as follows:

I.

GRANT OF RECIPROCAL EASEMENTS

Subject to any express conditions, limitations or reservations contained herein:

1. The Igloo grants to Flyers a perpetual, non-exclusive easement over and across the Igloo Vacated Portion, described at **Exhibit 9** and shown on the map attached hereto at **Exhibit 10**, for the purpose of vehicular and pedestrian ingress and egress to and from the Flyers Property (the foregoing easement hereinafter being referred to as the "Flyers Easement"); and
2. Flyers grants to the Igloo a perpetual, non-exclusive easement over and across the Flyers Vacated Portion, described at **Exhibit 11** and shown on the map attached hereto at **Exhibit 12**, for the purpose of vehicular and pedestrian ingress and egress to and from the Igloo Property (the foregoing easement hereinafter being referred to as the "Igloo Easement").
3. The Igloo shall be entitled to utilize the Igloo Vacated Portion in any lawful manner that does not unreasonably interfere with the Flyers Easement, and Flyers shall be entitled to utilize the Flyers Vacated Portion in any lawful manner that does not unreasonably interfere with the Igloo Easement, except as otherwise provided herein.
4. All owners and permittees of the Reciprocal Easements shall be benefited and burdened by the foregoing nonexclusive, perpetual and reciprocal easements, which Reciprocal Easements are hereby imposed upon the Flyers Property and the Igloo Property and all present and future owners and their respective successors, assigns, heirs and personal representatives.
5. Neither Flyers nor the Igloo may record this Agreement, nor shall title to the easements granted hereunder vest in either Flyers or the Igloo, until all conditions by the City Council in relation to the vacation of the 15th Street Property have been fully satisfied, to include the exception, reservation or dedication of any utility easements described in the resolution vacating the 15th Street Property.

II.

MAINTENANCE AND REPAIRS

1. Flyers shall, at its own expense, maintain in good condition and repair the Flyers Vacated Portion and the Igloo shall, at its own expense, maintain in good condition and repair the Igloo Vacated Portion, with both areas to be maintained in a manner consistent with similar commercial properties in Elko, Nevada.

2. If either Flyers or the Igloo (or their permittees) should cause damage to an easement owned by the other in connection with the use thereof by the owner of the easement or its permittees, then Flyers or the Igloo, as appropriate, shall, at its own expense, promptly repair those damages.

3. Flyers shall have the right to make alterations to the Flyers Vacated Portion and the Igloo shall have the right to make alterations to the Igloo Vacated Portion so long as the alterations do not materially interfere with the benefits of the other's easement.

4. Neither Flyers nor the Igloo shall construct or maintain any fence, wall, partition, curb or similar barrier on the Flyers Vacated Portion or the Igloo Vacated Portion, respectively, except for temporary blockage for short periods of time for repairs.

III.

TERM OF RECIPROCAL EASEMENTS

The Flyers Easement and the Igloo Easement are perpetual and shall be appurtenant to and run with the title to the respective properties, to include the Flyers Vacated Portion and the Igloo Vacated Portion. The Igloo hereby binds itself and its successors and assigns to warrant and forever defend the Flyers Easement against every person whomsoever lawfully claiming or to claim the same or any part thereof, by, through, or under the Igloo, but not otherwise. Flyers hereby binds itself and its successors and assigns to warrant and forever defend the Igloo Easement against every person whomsoever lawfully claiming or to claim the same or any part thereof, by, through, or under Flyers, but not otherwise.

IV.

TAXES AND ASSESSMENTS

Flyers and the Igloo, as appropriate, shall pay all taxes, assessments, or charges of any type levied or made by any governmental body or agency with respect to the Flyers Vacated Portion, the Igloo Vacated Portion, the Igloo Easement and the Flyers Easement.

V.

GENERAL RESTRICTIONS

The Flyers Easement and the Igloo Easement shall be used only for lawful purposes in conformance with all restrictions imposed by the City, and no use or operation shall be made, conducted or permitted on or with respect to all or any portion of the Flyers Easement or the Igloo Easement which is illegal or which constitutes an unusual fire, explosive or other hazardous use. The Flyers Easement and the Igloo Easement shall not be used in any manner so as to constitute a nuisance.

VI.

MISCELLANEOUS

A. **TERM.** This Agreement shall be effective commencing on the Effective Date, and shall continue in perpetuity, unless this Agreement is modified, amended, canceled or terminated by the written consent of the City and all record owners of the Flyers Vacated Portion, the Igloo Vacated Portion, the Igloo Easement and the Flyers Easement.

B. **NOTICES.** Any notice to be given by any party under this Agreement shall be given in writing and delivered in person, or forwarded by certified or registered mail, postage prepaid, return receipt requested, or by receipted, overnight courier, at the address indicated below, unless the party giving such notice has been notified, in writing, of a change of address:

If to the City:	City of Elko Attn: Development Manager 1751 College Avenue Elko, Nevada 89801
If to Flyers:	<u>Flyers Energy, LLC</u> Attn: Contracts <u>2360 Lindbergh St</u> <u>Auburn, CA 95602</u>
If to The Igloo:	<u>Michael Shanks</u> <u>982 Wolf Cr. Dr.</u> <u>Spring Cr., NV 89315</u>

Any such notice shall be deemed effective on the date on which such notice is delivered, if notice is given by personal delivery, or if notice is sent through the United States mail or overnight courier, on the date of actual delivery as shown by the addressee's receipt or upon the first date of refusal to accept delivery, whichever date first occurs. A party to this Agreement may change its address for notices by giving the other parties entitled to notice under this Agreement by any means permitted pursuant to this Section, and any such change of address shall be effective as of ten (10) days after the date of such notice.

C. **ATTORNEY'S FEES.** In the event a party institutes any legal action or proceeding for the enforcement of any right or obligation contained in this Agreement, the prevailing party shall be entitled to recover its costs and reasonable attorneys' fees incurred in the preparation and prosecution of such action or proceeding.

D. **AMENDMENT.** The provisions of this Agreement may be modified, canceled, terminated or amended, in whole or in part, only by the written consent of all record owners of the 15th Street Property and the City.

E. **NO WAIVER.** No waiver of any default of any obligation by any party shall be implied from any omission by any other party to take any action with respect to the default.

F. **NO AGENCY OR PARTNERSHIP.** Nothing in this Agreement shall be deemed or construed to create the relationship of principal and agent or of limited or general partners or of joint venturers or of any other association between any party and another party or any third person or entity.

G. **COVENANTS TO RUN WITH LAND.** It is intended that each of the easements, covenants, conditions, restrictions, rights and obligations set forth in this Agreement shall run with and bind the land and create equitable servitudes in favor of and appurtenant to the real property benefited thereby, shall bind every person having any fee, leasehold or other interest therein and shall inure to the benefit of the respective parties and their successors, assigns, heirs, grantees, and personal representatives.

H. **VACATION OF 15TH STREET PROPERTY.** Flyers and the Igloo shall accept the vacation of the 15th Street Property subject to all of the easements, covenants, conditions, restrictions and obligations contained in this Agreement and in any resolution of the City Council or instrument issued by the City for the purpose of effecting the vacation of the 15th Street Property, to include, without limitation, reserving or excepting from the vacation, or dedicating to the City, any public utility easements made a condition of the vacation by resolution of the City Council. By accepting the vacated property, Flyers and the Igloo shall for themselves and their successors, assigns, heirs and personal representatives be deemed to covenant, consent, and agree to keep, observe, comply with, and perform the obligations and agreements set forth in this Agreement and any resolution of the City Council or instrument issued by the City for the purpose of effecting the vacation of the 15th Street Property.

I. **SEVERABILITY.** Each provision of this Agreement and the application thereof to the 15th Street Property, the Igloo Vacated Portion, the Flyers Vacated Portion, the Igloo Easement and the Flyers Easement are hereby declared to be independent of and severable from the remainder of this Agreement. If any provision contained in this Agreement shall be held to be invalid or to be unenforceable or not to run with the land, such holding shall not affect the validity or enforceability of the remainder of this Agreement. In the event the validity or enforceability of any provision of this Agreement is held to be dependent upon the existence of a specific legal description, the parties agree to promptly cause such legal description to be prepared.

J. **TIME OF ESSENCE.** Time is of the essence of this Agreement. If performance of any part of this Agreement falls on a Saturday, Sunday, or legal holiday, performance shall be

extended to the next business day after the Saturday, Sunday, or legal holiday.

K. ENTIRE AGREEMENT. This Agreement and the documents referenced herein contain the complete understanding and agreement of the parties hereto with respect to the parties hereto, and all prior representations, negotiations, and understandings are superseded hereby.

L. GOVERNING LAW. The laws of the State of Nevada shall govern the interpretation and enforcement of this Agreement. Venue for any legal action concerning this Agreement shall be in the state courts located in Elko County, Nevada.

CITY OF ELKO

FLYERS ENERGY, LLC

By: _____
REECE KEENER, MAYOR

By: 

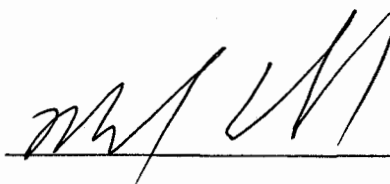
THOMAS DI MERCURIO

ATTEST:

Its: CHIEF EXECUTIVE OFFICER

KELLY WOOLDRIDGE, CITY CLERK

THE IGLOO, INC.

By: 

Its: Board of Directors, member

Exhibit 1
LEGAL DESCRIPTION OF IGLOO PROPERTY

A parcel of land which includes all of Block F of Ballou's Addition to the Town (now City) of Elko, lying southeasterly of the Union Pacific Railroad right-of-way, including the vacated alley that traversed said Block F. This parcel is located within the northwest quarter of Section 14, Township 34 North, Range 55 East, M.D.B.&M.

The total area of this parcel contains ±40,884 square feet.

The Basis of Bearings for this description is the map of Ballou's Addition to the Town (now City) of Elko, Nevada, recorded in the office of the Elko County Recorder as file no. 2, in January of 1900.

Description prepared by:

Robert Thibault, PE, PLS

Civil Engineer for the City of Elko

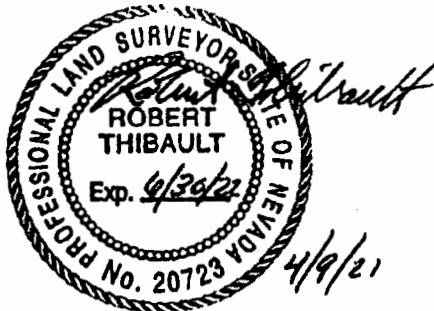


Exhibit 2
LEGAL DESCRIPTION OF FLYERS PROPERTY

A parcel of land which includes all of Block 7 of Ballou's Addition to the Town (now City) of Elko, lying southeasterly of the Union Pacific Railroad right-of-way, including the vacated alley that traversed said Block 7. This parcel is located within the northwest quarter of Section 14, Township 34 North, Range 55 East, M.D.B.&M.

The total area of this parcel contains ±51,000 square feet.

The Basis of Bearings for this description is the map of Ballou's Addition to the Town (now City) of Elko, Nevada, recorded in the office of the Elko County Recorder as file no. 2, in January of 1900.

Description prepared by:

Robert Thibault, PE, PLS

Civil Engineer for the City of Elko

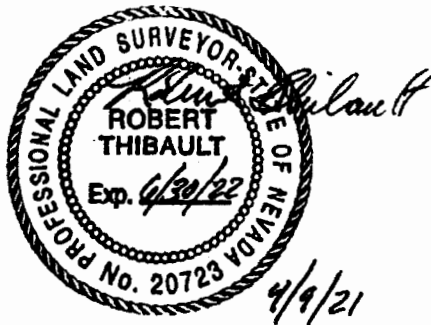


Exhibit 3
LEGAL DESCRIPTION FOR RIGHT-OF-WAY VACATION

All of the remaining right-of-way shown as Vanderbilt Street, between Block 7 and Block F, on the map of Ballou's Addition to the Town (now City) of Elko, Nevada, recorded in the office of the Elko County Recorder as file no. 2, lying southeasterly of the Union Pacific Railroad right-of-way and lying northwesterly of the Silver Street right-of-way, located within the northwest quarter of Section 14, Township 34 North, Range 55 East, M.D.B.&M.

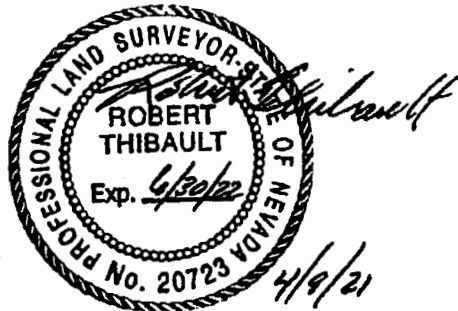
The total area of this vacated right-of-way contains $\pm 13,600$ square feet.

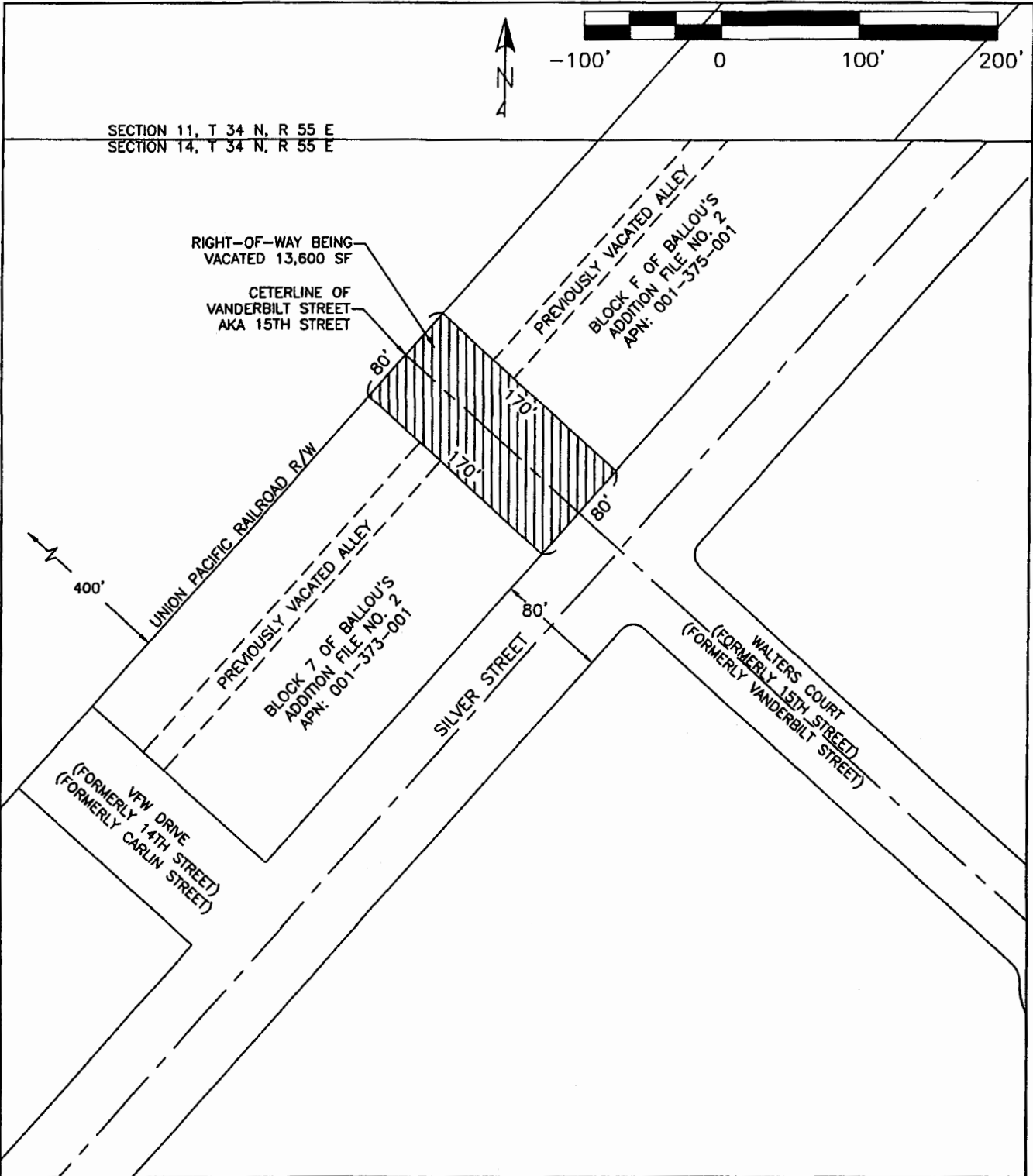
The Basis of Bearings for this description is the map of Ballou's Addition to the Town (now City) of Elko, Nevada, recorded in the office of the Elko County Recorder as file no. 2, in January of 1900.

Description prepared by:

Robert Thibault, PE, PLS

Civil Engineer for the City of Elko





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

EXHIBIT 4
DISPLAY MAP OF
15TH STREET PROPERTY

Exhibit 5
LEGAL DESCRIPTION OF THE IGLOO VACATED PORTION
(TRANSFERES TO APN: 001-375-001)

The northeasterly half of the remaining right-of-way shown as Vanderbilt Street, between Block 7 and Block F, on the map of Ballou's Addition to the Town (now City) of Elko, Nevada, recorded in the office of the Elko County Recorder as file no. 2, lying southeasterly of the Union Pacific Railroad right-of-way and lying northwesterly of the Silver Street right-of-way, located within the northwest quarter of Section 14, Township 34 North, Range 55 East, M.D.B.&M., and is further described as follows:

Beginning at the southerly most corner of said Block F of the Ballou's Addition;

Thence, southwesterly, along right-of-way of Silver Street, 40 feet, more or less, to the centerline of Vanderbilt Street as shown on said Ballou's Addition, sometimes referred to as 15th Street today;

Thence, northwesterly along the centerline of Vanderbilt Street, 170 feet, more or less, to the southeasterly edge of the right-of-way of the Union Pacific railroad, which has been widened by approximately 50 feet to the southeast since the mapping of Railroad Street as shown on said Ballou's Addition;

Thence, northeasterly along said southeasterly boundary of the right-of-way of the Union Pacific railroad, 40 feet more or less to the southwesterly boundary of said Block F of Ballou's Addition;

Thence, southeasterly along said southwesterly boundary of the Block F of Ballou's Addition, 170 feet, more or less, to the point of beginning.

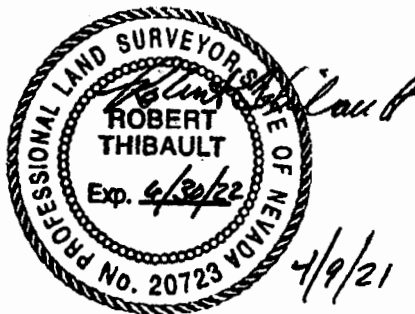
This right-of-way hereby vacated and transferred to Block F (APN: 001-375-001) contains ±6,800 square feet.

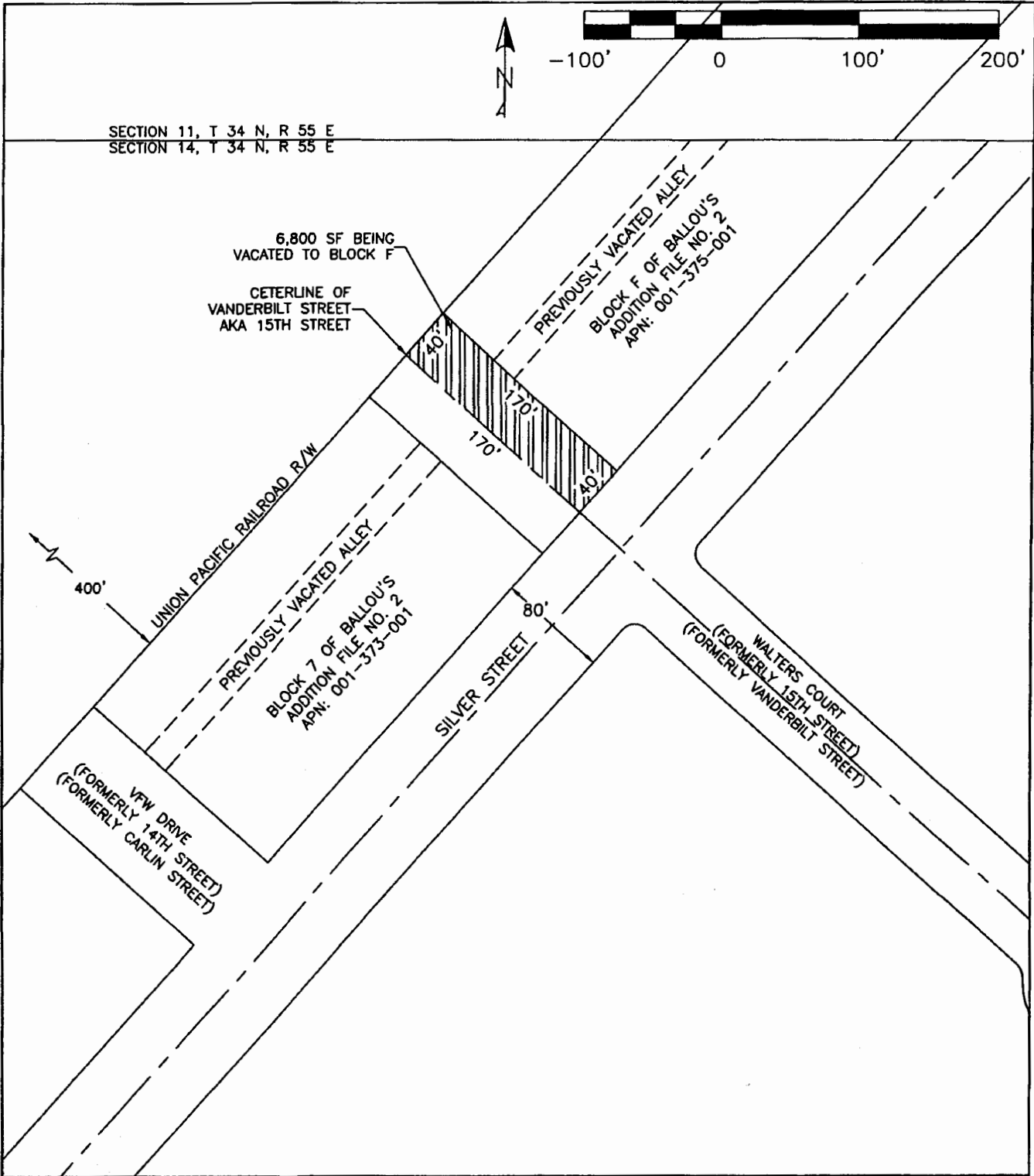
The Basis of Bearings for this description is the map of Ballou's Addition to the Town (now City) of Elko, Nevada, recorded in the office of the Elko County Recorder as file no. 2, in January of 1900.

Description prepared by:

Robert Thibault, PE, PLS

Civil Engineer for the City of Elko





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

EXHIBIT 6

DISPLAY MAP OF IGLOO VACATED PROPERTY

Exhibit 7
LEGAL DESCRIPTION OF THE FLYERS VACATED PORTION
(TRANSFERES TO APN: 001-373-001)

The southwesterly half of the remaining right-of-way shown as Vanderbilt Street, between Block 7 and Block F, on the map of Ballou's Addition to the Town (now City) of Elko, Nevada, recorded in the office of the Elko County Recorder as file no. 2, lying southeasterly of the Union Pacific Railroad right-of-way and lying northwesterly of the Silver Street right-of-way, located within the northwest quarter of Section 14, Township 34 North, Range 55 East, M.D.B.&M., and is further described as follows:

Beginning at the easterly most corner of said Block 7 of the Ballou's Addition;

Thence, northwesterly along the northeasterly boundary of said Block 7 of the Ballou's Addition, 170 feet, more or less, to the southeasterly edge of the right-of-way of the Union Pacific railroad, which has been widened by approximately 50 feet to the southeast since the mapping of Railroad Street as shown on said Ballou's Addition;

Thence, northeasterly along said southeasterly boundary of the right-of-way of the Union Pacific railroad, 40 feet more or less to the centerline of Vanderbilt Street as shown on said Ballou's Addition, sometimes referred to as 15th Street today;

Thence, southeasterly along said centerline of Vanderbilt Street, 170 feet, more or less, to the northwesterly right-of-way of Silver Street;

Thence, southwesterly, along said northwesterly right-of-way of Silver Street, 40 feet, more or less, to the point of beginning.

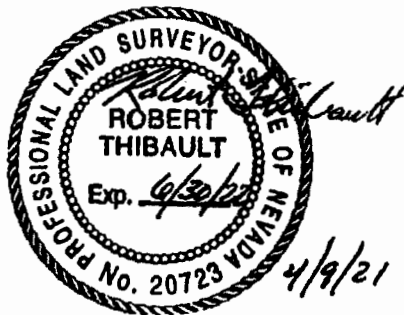
This right-of-way hereby vacated and transferred to Block 7 (APN: 001-373-001) contains $\pm 6,800$ square feet.

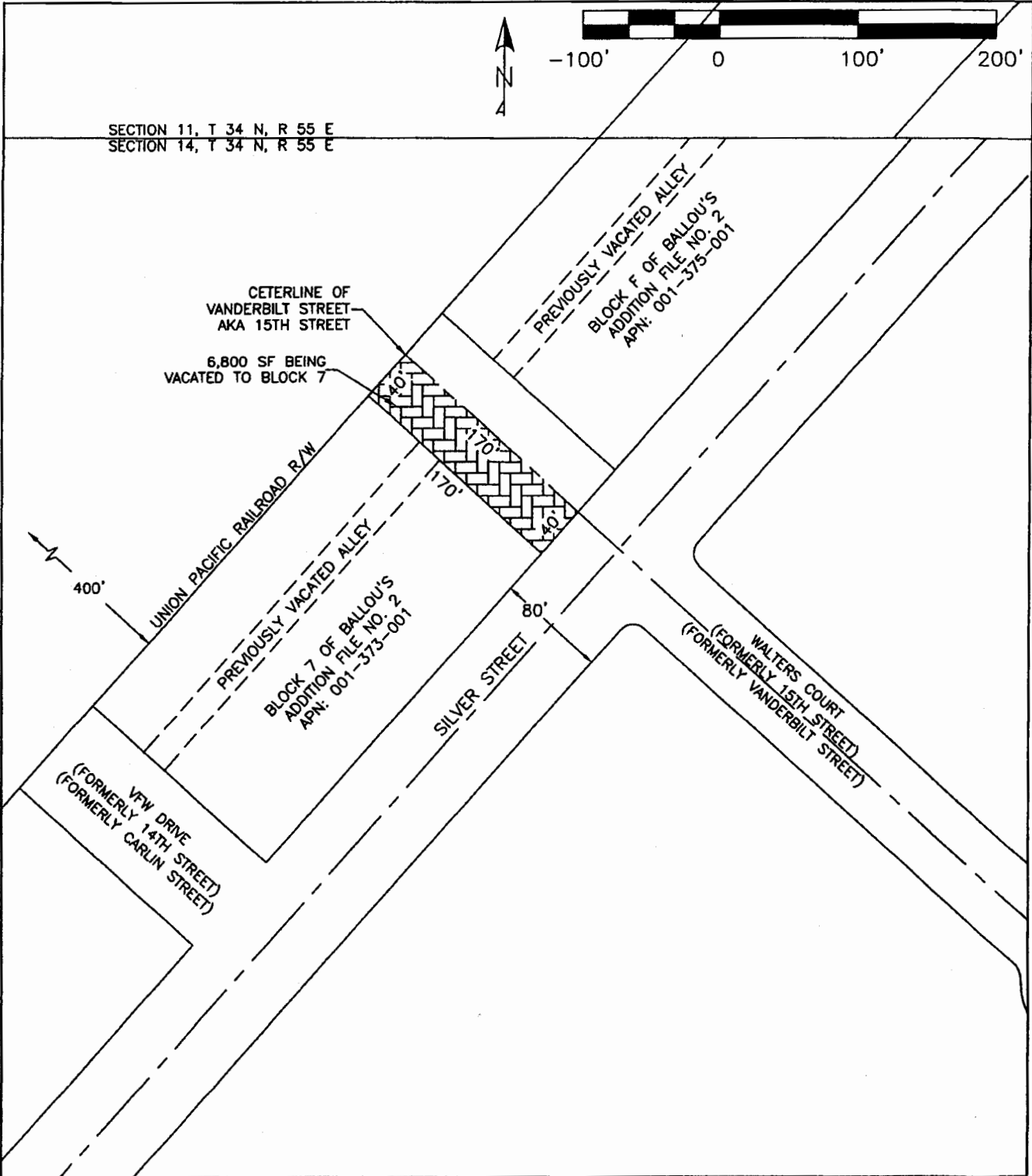
The Basis of Bearings for this description is the map of Ballou's Addition to the Town (now City) of Elko, Nevada, recorded in the office of the Elko County Recorder as file no. 2, in January of 1900.

Description prepared by:

Robert Thibault, PE, PLS

Civil Engineer for the City of Elko





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

EXHIBIT 8
DISPLAY MAP OF
FLYERS VACATED PROPERTY

Exhibit 9

LEGAL DESCRIPTION OF AN ACCESS EASEMENT GRANTED TO FLYERS

A strip of land, being 30 feet wide, lying adjacent to and northeasterly of the centerline of Vanderbilt Street as shown on the map of Ballou's Addition to the Town (now City) of Elko, Nevada, recorded in the office of the Elko County Recorder as file no. 2. The limits of this easement are along the portion of said centerline of Vanderbilt Street lying southeasterly of the Union Pacific Railroad right-of-way and northwesterly of the Silver Street right-of-way, and is 170 feet long, more or less. This easement is located within the northwest quarter of Section 14, Township 34 North, Range 55 East, M.D.B.&M.

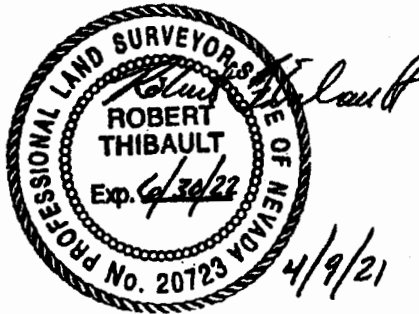
The total area of this easement contains $\pm 5,100$ square feet.

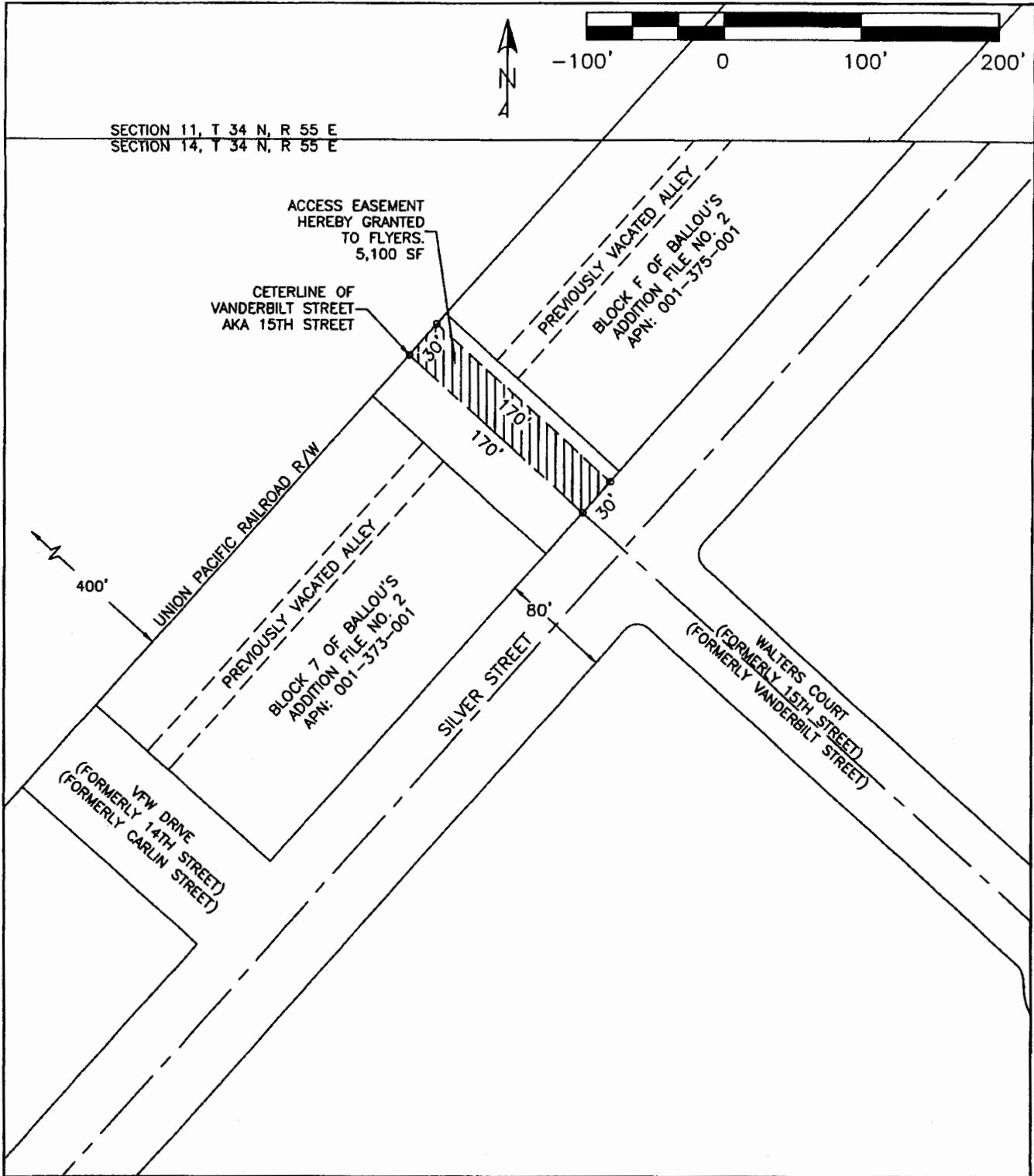
The Basis of Bearings for this description is the map of Ballou's Addition to the Town (now City) of Elko, Nevada, recorded in the office of the Elko County Recorder as file no. 2, in January of 1900.

Description prepared by:

Robert Thibault, PE, PLS

Civil Engineer for the City of Elko





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

EXHIBIT 10
DISPLAY MAP OF
FLYERS EASEMENT

Exhibit 11

LEGAL DESCRIPTION OF AN ACCESS EASEMENT GRANTED TO THE IGLOO

A strip of land, being 30 feet wide, lying adjacent to and southwesterly of the centerline of Vanderbilt Street as shown on the map of Ballou's Addition to the Town (now City) of Elko, Nevada, recorded in the office of the Elko County Recorder as file no. 2. The limits of this easement are along the portion of said centerline of Vanderbilt Street lying southeasterly of the Union Pacific Railroad right-of-way and northwesterly of the Silver Street right-of-way, and is 170 feet long, more or less. This easement is located within the northwest quarter of Section 14, Township 34 North, Range 55 East, M.D.B.&M.

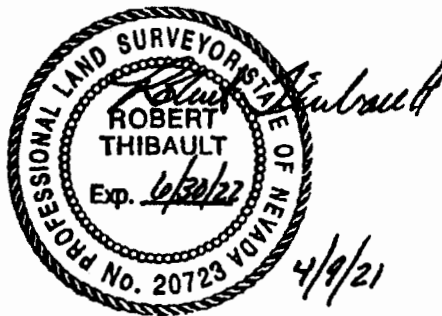
The total area of this easement contains $\pm 5,100$ square feet.

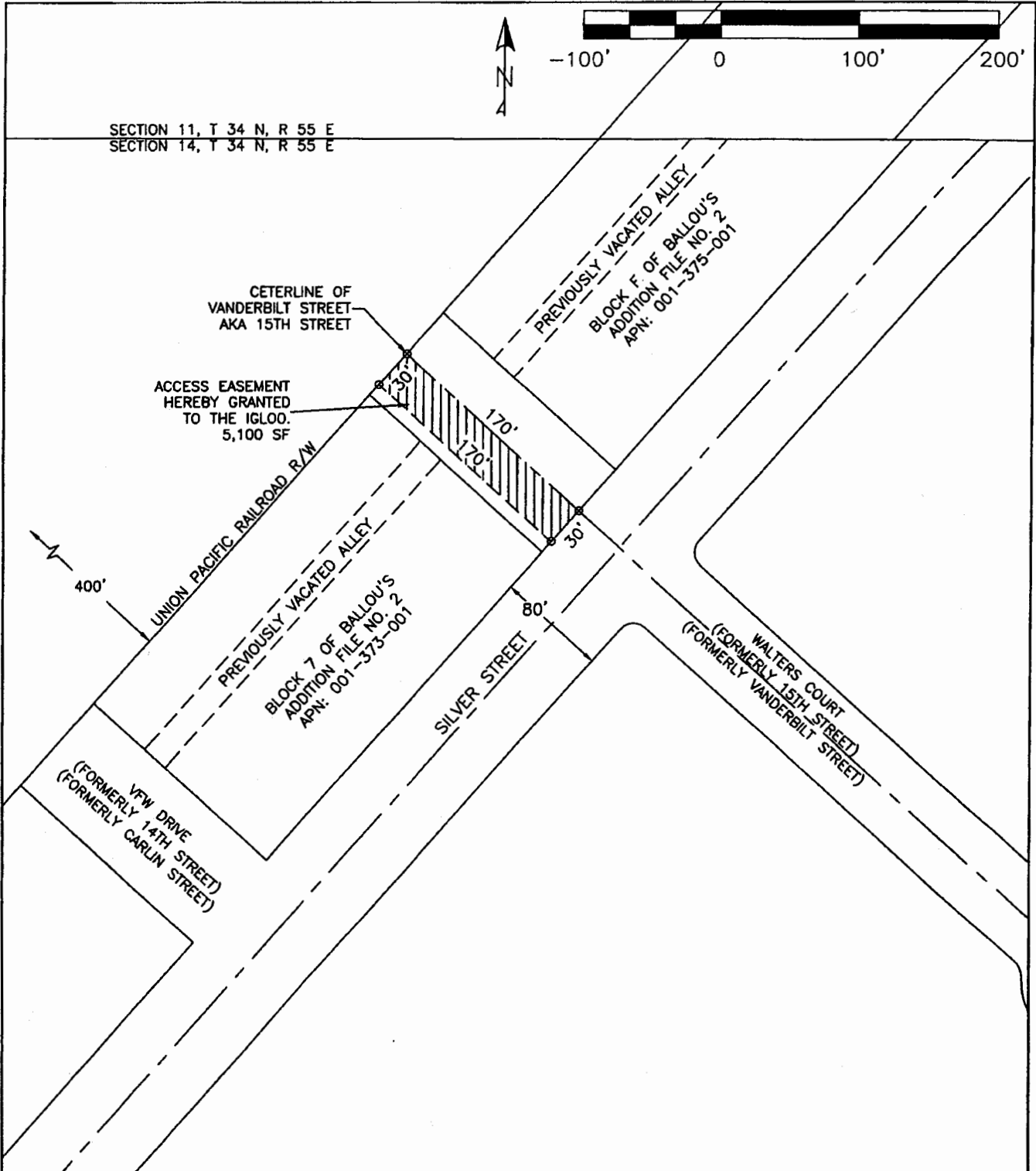
The Basis of Bearings for this description is the map of Ballou's Addition to the Town (now City) of Elko, Nevada, recorded in the office of the Elko County Recorder as file no. 2, in January of 1900.

Description prepared by:

Robert Thibault, PE, PLS

Civil Engineer for the City of Elko





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

EXHIBIT 12
DISPLAY MAP OF
IGLOO EASEMENT

CALIFORNIA CERTIFICATE OF ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)

County of Placer)

On June 7, 2021 before me, Brenda Gillum, Notary Public,
(here insert name and title of the officer)

personally appeared Thomas DiMercurio

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature BG

(Seal)

Optional Information

Although the information in this section is not required by law, it could prevent fraudulent removal and reattachment of this acknowledgment to an unauthorized document and may prove useful to persons relying on the attached document.

Description of Attached Document

The preceding Certificate of Acknowledgment is attached to a document titled/for the purpose of Reciprocal Easement Agreement for Portion of Vacated Street, containing _____ pages, and dated _____.

The signer(s) capacity or authority is/are as:

- Individual(s)
- Attorney-in-Fact
- Corporate Officer(s) _____
Title(s) _____

- Guardian/Conservator
- Partner - Limited/General
- Trustee(s)
- Other: _____

representing: _____
Name(s) of Person(s) or Entity(ies) Signer is Representing

Method of Signer Identification

Proved to me on the basis of satisfactory evidence:
 form(s) of identification credible witness(es)

Notarial event is detailed in notary journal on:
Page # 23 Entry # 1

Notary contact: 209-765-9320

Other

- Additional Signer(s)
- Signer(s) Thumbprint(s)
- _____

**Elko City Council
Agenda Action Sheet**

1. Title: **Review, consideration, and possible approval of a Grant of Easement for Public Utilities and Drainage adjacent to APN 001-375-001 (The Igloo Inc.), and matters related thereto. FOR POSSIBLE ACTION**
2. Meeting Date: **July 27, 2021**
3. Agenda Category: **NEW BUSINESS**
4. Time Required: **10 Minutes**
5. Background Information: **Council initiated the vacation of a portion of 15th Street at their June 22, 2021 meeting. If/When the vacation is approved, the former public street will be used as a shared driveway by the abutting property owners (The Igloo Inc. and Flyers Energy, LLC). Existing City of Elko utilities will remain under the vacated street and drainage will continue to flow through this area. The proposed easement will provide the City of Elko with the ability to properly maintain the existing utilities and drainage. This is item 2 of 5 related to the possible vacation of a portion of 15th Street. 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: **Proposed Grant of Easement with Exhibits**
9. Recommended Motion: **Approve the Grant of Easement for Public Utilities and Drainage as presented.**
10. Prepared by: **Michele Rambo, AICP, Development Manager**
11. Committee/Other Agency Review: **David Stanton, City Attorney**
12. Council Action:
13. Council Agenda Distribution: **The Igloo, Inc.
Attn: Mike Shanks
shankseng@gmail.com**

APN: 001-375-001

After Recordation Return To:

City of Elko
City Planner
1751 College Avenue
Elko, Nevada 89801

GRANT OF EASEMENT
(Public Utilities and Drainage)

THIS GRANT OF EASEMENT is entered into this 27th day of July, 2021 by and between **THE IGLOO, INC.**, a Nevada non-profit corporation ("Grantor"), and the **CITY OF ELKO**, a municipal corporation and political subdivision of the State of Nevada ("Grantee").

W I T N E S S E T H :

WHEREAS, Grantor is the owner of certain real property situate in the County of Elko, State of Nevada, more particularly described in the following exhibits:

EXHIBIT A - LEGAL DESCRIPTION OF PUBLIC UTILITY AND DRAINAGE EASEMENT TO THE CITY OF ELKO, NEVADA FROM THE IGLOO, INC.

and shown on the following map:

EXHIBIT B - MAP OF PUBLIC UTILITY AND DRAINAGE EASEMENT

Exhibits A and B, being attached hereto and by this reference made a part hereof, the foregoing property collectively referred to as the "Easement Property," and

WHEREAS, Grantor desires to grant a permanent public drainage and utility easement to Grantee and its successors and assigns over the Easement Property for the purposes of and on the terms and conditions set forth herein.

NOW THEREFORE, Grantor, for good and valuable consideration, receipt of which is hereby acknowledged, does here by agree as follows:

1. **Grant of Utility Easement.** Grantor hereby grants to Grantee and its successors, assigns, licensees, contractors, invitees and agents, a permanent non-exclusive

GOICOECHEA, DI GRAZIA, COYLE & STANTON, LTD.
Attorneys at Law
530 Idaho Street, P.O. Box 1358
Elko, Nevada 89801 - (775) 738-8091

easement and right-of-way, over, across, upon, under and through that portion of the Easement Property delineated on the description attached hereto at **Exhibit A** and depicted on the map attached hereto at **Exhibit B** and made a part hereof, for ingress and egress for the purpose of installation, construction, grading, excavation, operation, repair and maintenance of public utilities, to include, without limitation, water and sewer lines.

2. **Grant of Drainage Easement.** Grantor hereby grants to Grantee and its successors, assigns, licensees, contractors, invitees and agents, a permanent non-exclusive easement and right-of-way, over, across, upon, under and through that portion of the Grantor's Property described as the Easement Property delineated on the description attached hereto at **Exhibit A** and depicted on the map attached hereto at **Exhibit B** and made a part hereof, for the purpose of providing drainage of surface water, and for ingress and egress for the purpose of installation, construction, grading, excavation, operation, repair and maintenance of drainage facilities.

THIS GRANT OF EASEMENT and the terms contained herein shall run with the land and become and be a burden on the Grantor's Property and shall be binding upon and shall inure to the benefit of Grantor and Grantee, and the successors, agents and assigns of Grantor and Grantee, and all the rights herein granted may be assigned.

TO HAVE AND TO HOLD all the singular the said premises, granted together with the appurtenances, unto said Grantee their successors, agents, contractors, licensees and assigns forever.

IN WITNESS WHEREOF, Grantor and Grantee have caused these presents duly to be executed the day and year first above written.

GRANTOR:

THE IGLOO, INC., a Nevada non-profit corporation

By:  _____

Its: Member

GRANTEE:

CITY OF ELKO, a municipal corporation and political subdivision of the State of Nevada

By: _____

**REECE KEENER
Mayor, City of Elko**

GOICOECHEA, DI GRAZIA, COYLE & STANTON, LTD.

Attorneys at Law
530 Idaho Street, P.O. Box 1358
Elko, Nevada 89801 - (775) 738-8091

STATE OF NEVADA)
 : ss.
COUNTY OF ELKO)

This instrument was acknowledged before me on this _____ day of _____, 2021, by Reece Keener, as City of Elko Mayor, on behalf of said entity, as therein named.

NOTARY PUBLIC

STATE OF NEVADA)
 : ss.
COUNTY OF ELKO)

This instrument was acknowledged before me on this 18th day of May, 2021, by Michael C. Stankas member of The Igloo, Inc., on behalf of said entity, as therein named.

Susan M. Meade

NOTARY PUBLIC

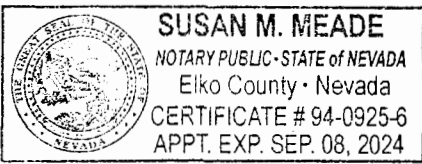


Exhibit A

LEGAL DESCRIPTION OF A PUBLIC UTILITY AND DRAINAGE EASEMENT

A strip of land, being 30 feet wide, lying adjacent to and northeasterly of the centerline of Vanderbilt Street as shown on the map of Ballou's Addition to the Town (now City) of Elko, Nevada, recorded in the office of the Elko County Recorder as file no. 2. The limits of this easement are along the portion of said centerline of Vanderbilt Street lying southeasterly of the Union Pacific Railroad right-of-way and northwesterly of the Silver Street right-of-way, and is 170 feet long, more or less. This easement is located within the northwest quarter of Section 14, Township 34 North, Range 55 East, M.D.B.&M.

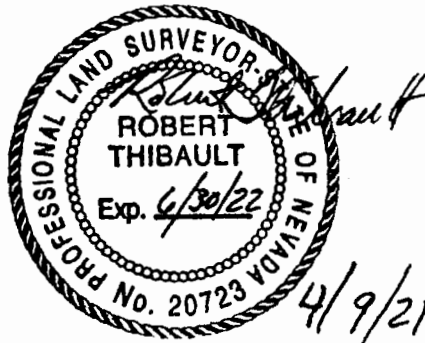
The total area of this easement contains $\pm 5,100$ square feet.

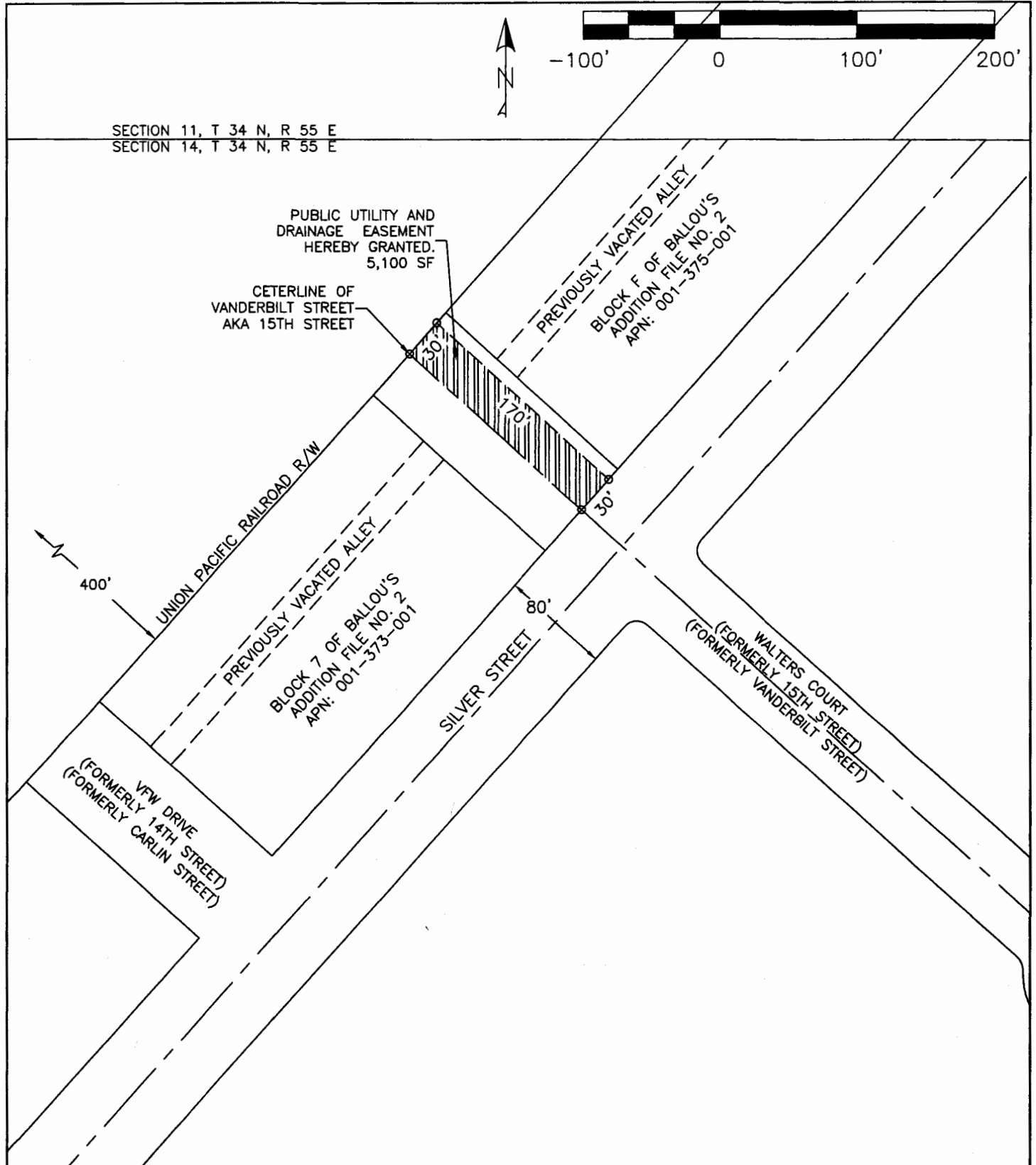
The Basis of Bearings for this description is the map of Ballou's Addition to the Town (now City) of Elko, Nevada, recorded in the office of the Elko County Recorder as file no. 2, in January of 1900.

Description prepared by:

Robert Thibault, PE, PLS

Civil Engineer for the City of Elko





SECTION 11, T 34 N, R 55 E
 SECTION 14, T 34 N, R 55 E

PUBLIC UTILITY AND
 DRAINAGE EASEMENT
 HEREBY GRANTED.
 5,100 SF

CETERLINE OF
 VANDERBILT STREET
 AKA 15TH STREET

PREVIOUSLY VACATED ALLEY

BLOCK F OF BALLOU'S
 ADDITION FILE NO. 2
 APN: 001-375-001

PREVIOUSLY VACATED ALLEY

BLOCK 7 OF BALLOU'S
 ADDITION FILE NO. 2
 APN: 001-373-001

VFW DRIVE STREET
 (FORMERLY 14TH STREET)
 (FORMERLY CARLIN STREET)

SILVER STREET

WALTERS COURT
 STREET
 (FORMERLY 15TH STREET)
 (FORMERLY VANDERBILT STREET)



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

EXHIBIT B

DISPLAY MAP OF

IGLOO EASEMENT PROPERTY

**Elko City Council
Agenda Action Sheet**

1. Title: **Review, consideration, and possible approval of a Grant of Easement for Public Utilities and Drainage adjacent to APN 001-373-001 (Flyers Energy, LLC.), and matters related thereto. FOR POSSIBLE ACTION**
2. Meeting Date: **July 27, 2021**
3. Agenda Category: **NEW BUSINESS**
4. Time Required: **10 Minutes**
5. Background Information: **Council initiated the vacation of a portion of 15th Street at their June 22, 2021 meeting. If/When the vacation is approved, the former public street will be used as a shared driveway by the abutting property owners (The Igloo Inc. and Flyers Energy, LLC). Existing City of Elko utilities will remain under the vacated street and drainage will continue to flow through this area. The proposed easement will provide the City of Elko with the ability to properly maintain the existing utilities and drainage. This is item 3 of 5 related to the possible vacation of a portion of 15th Street. 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: **Proposed Grant of Easement with Exhibits**
9. Recommended Motion: **Approve the Grant of Easement for Public Utilities and Drainage as presented.**
10. Prepared by: **Michele Rambo, AICP, Development Manager**
11. Committee/Other Agency Review: **David Stanton, City Attorney**
12. Council Action:
13. Council Agenda Distribution: **Flyers Energy, LLC
Attn: David Dwelle
dmdwelle@4flyers.com**

APN: 001-373-001

After Recordation Return To:

City of Elko
City Planner
1751 College Avenue
Elko, Nevada 89801

GRANT OF EASEMENT
(Public Utilities and Drainage)

THIS GRANT OF EASEMENT is entered into this 27th day of ~~June~~ ^{July}, 2021 by and between **FLYERS ENERGY LLC**, a California limited-liability company ("Grantor"), and the **CITY OF ELKO**, a municipal corporation and political subdivision of the State of Nevada ("Grantee").

WITNESSETH:

WHEREAS, Grantor is the owner of certain real property situate in the County of Elko, State of Nevada, more particularly described in the following exhibits:

EXHIBIT A - LEGAL DESCRIPTION OF PUBLIC UTILITY AND DRAINAGE EASEMENT TO THE CITY OF ELKO, NEVADA FROM FLYERS ENERGY LLC

and shown on the following map:

EXHIBIT B - MAP OF PUBLIC UTILITY AND DRAINAGE EASEMENT

Exhibits A and B, being attached hereto and by this reference made a part hereof, the foregoing property collectively referred to as the "Easement Property;" and

WHEREAS, Grantor desires to grant a permanent public drainage and utility easement to Grantee and its successors and assigns over the Easement Property for the purposes of and on the terms and conditions set forth herein.

NOW THEREFORE, Grantor, for good and valuable consideration, receipt of which is hereby acknowledged, does here by agree as follows:

1. **Grant of Utility Easement.** Grantor hereby grants to Grantee and its successors, assigns, licensees, contractors, invitees and agents, a permanent non-exclusive easement and right-of-way, over, across, upon, under and through that portion of

GOICOECHEA, DI GRAZIA, COYLE & STANTON, LTD.
Attorneys at Law
530 Idaho Street, P.O. Box 1358
Elko, Nevada 89801 - (775) 738-8091

the Easement Property delineated on the description attached hereto at **Exhibit A** and depicted on the map attached hereto at **Exhibit B** and made a part hereof, for ingress and egress for the purpose of installation, construction, grading, excavation, operation, repair and maintenance of public utilities, to include, without limitation, water and sewer lines.

2. **Grant of Drainage Easement.** Grantor hereby grants to Grantee and its successors, assigns, licensees, contractors, invitees and agents, a permanent non-exclusive easement and right-of-way, over, across, upon, under and through that portion of the Grantor's Property described as the Easement Property delineated on the description attached hereto at **Exhibit A** and depicted on the map attached hereto at **Exhibit B** and made a part hereof, for the purpose of providing drainage of surface water, and for ingress and egress for the purpose of installation, construction, grading, excavation, operation, repair and maintenance of drainage facilities.

THIS GRANT OF EASEMENT and the terms contained herein shall run with the land and become and be a burden on the Grantor's Property and shall be binding upon and shall inure to the benefit of Grantor and Grantee, and the successors, agents and assigns of Grantor and Grantee, and all the rights herein granted may be assigned.

TO HAVE AND TO HOLD all the singular the said premises, granted together with the appurtenances, unto said Grantee their successors, agents, contractors, licensees and assigns forever.

IN WITNESS WHEREOF, Grantor and Grantee have caused these presents duly to be executed the day and year first above written.

GRANTOR:

**FLYERS ENERGY LLC, a California
limited-liability company**

By: 

Its: Thomas DiMercurio, CEO

GRANTEE:

**CITY OF ELKO, a municipal
corporation and political subdivision of
the State of Nevada**

By: _____

**REECE KEENER
Mayor, City of Elko**

CALIFORNIA CERTIFICATE OF ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)

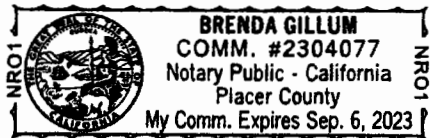
County of Placer)

On June 7, 2021 before me, Brenda Gillum, Notary Public
(here insert name and title of the officer)

personally appeared Thomas DiMercurro

who proved to me on the basis of satisfactory evidence to be the person(s) whose name (s) is subscribed to the within instrument and acknowledged to me that (he) she/they executed the same in (his) her/their authorized capacity (ies), and that by (his) her/their signature (s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.



WITNESS my hand and official seal.

Signature [Handwritten Signature]

(Seal)

Optional Information

Although the information in this section is not required by law, it could prevent fraudulent removal and reattachment of this acknowledgment to an unauthorized document and may prove useful to persons relying on the attached document.

Description of Attached Document

The preceding Certificate of Acknowledgment is attached to a document titled/for the purpose of Grant of Easement
City of EIRO
 containing _____ pages, and dated _____

The signer(s) capacity or authority is/are as:

- Individual(s)
- Attorney-in-Fact
- Corporate Officer(s) _____
Title(s)

- Guardian/Conservator
- Partner - Limited/General
- Trustee(s)
- Other: _____

representing: _____
Name(s) of Person(s) or Entity(ies) Signer is Representing

Method of Signer Identification	
Proved to me on the basis of satisfactory evidence:	
<input type="radio"/> form(s) of identification	<input type="radio"/> credible witness(es)
Notarial event is detailed in notary journal on:	
Page # <u>21</u>	Entry # <u>8</u>
Notary contact: <u>209-765-9320</u>	
Other	
<input type="checkbox"/> Additional Signer(s)	<input type="checkbox"/> Signer(s) Thumbprint(s)
<input type="checkbox"/>	

STATE OF NEVADA)
 : ss.
COUNTY OF ELKO)

This instrument was acknowledged before me on this _____ day of _____,
2021, by Reece Keener, as City of Elko Mayor, on behalf of said entity, as therein named.

NOTARY PUBLIC

STATE OF NEVADA)
 : ss.
COUNTY OF ELKO)

This instrument was acknowledged before me on this _____ day of _____,
2021, by _____ as _____ of Flyers Energy LLC, on behalf of
said entity, as therein named.

NOTARY PUBLIC

Exhibit A
LEGAL DESCRIPTION OF A PUBLIC UTILITY AND DRAINAGE EASEMENT

A strip of land, being 30 feet wide, lying adjacent to and southwesterly of the centerline of Vanderbilt Street as shown on the map of Ballou's Addition to the Town (now City) of Elko, Nevada, recorded in the office of the Elko County Recorder as file no. 2. The limits of this easement are along the portion of said centerline of Vanderbilt Street lying southeasterly of the Union Pacific Railroad right-of-way and northwesterly of the Silver Street right-of-way, and is 170 feet long, more or less. This easement is located within the northwest quarter of Section 14, Township 34 North, Range 55 East, M.D.B.&M.

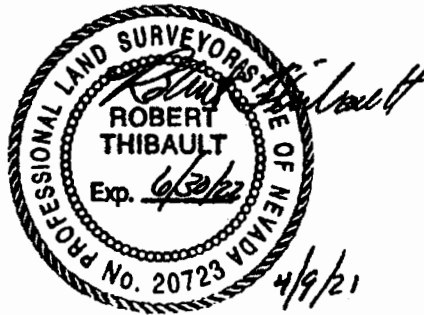
The total area of this easement contains $\pm 5,100$ square feet.

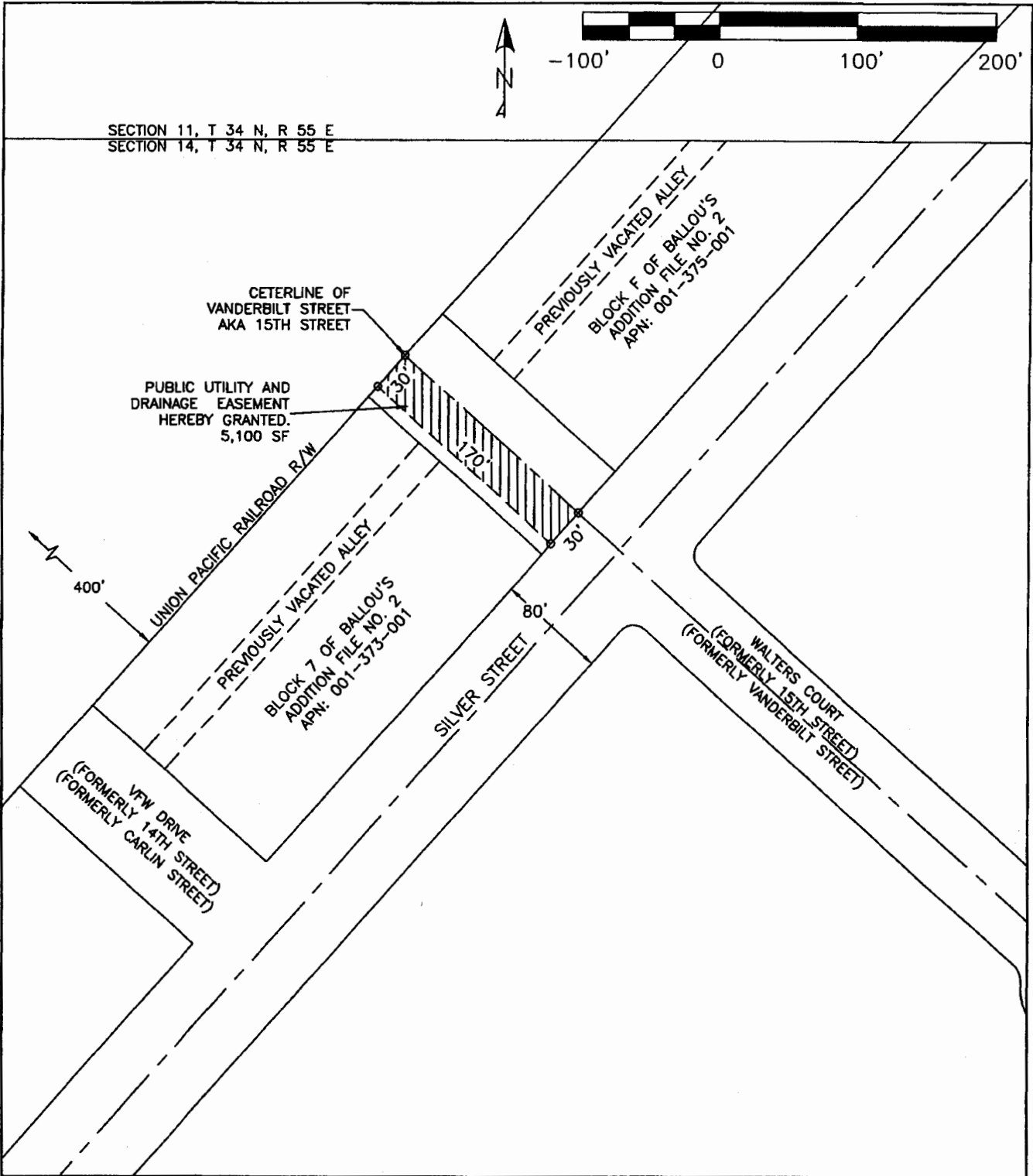
The Basis of Bearings for this description is the map of Ballou's Addition to the Town (now City) of Elko, Nevada, recorded in the office of the Elko County Recorder as file no. 2, in January of 1900.

Description prepared by:

Robert Thibault, PE, PLS

Civil Engineer for the City of Elko





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

EXHIBIT B
DISPLAY MAP OF
FLYERS EASEMENT PROPERTY

**Elko City Council
Agenda Action Sheet**

1. **Title: Review, consideration, and possible approval of the Second Addendum to the School Resource Officer Cooperative Agreement between the Elko County School District, the County of Elko, and the City of Elko, and matters related thereto. FOR POSSIBLE ACTION**
2. Meeting Date: **July 27, 2021**
3. Agenda Category: **NEW BUSINESS**
4. Time Required: **5 Minutes**
5. Background Information: **The original Cooperative Agreement was entered into by all three parties in January 2015, and the Program has been very successful. The Elko County School District has agreed to provide 100% funding of salary and benefits for two SRO positions for the 2021/22 school year. All parties have met, conferred, and agreed to the conditions set forth in the Second Addendum to the Cooperative Agreement. TT**
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: **Second Addendum to the School Resource Officer Cooperative Agreement – 2021.**
9. Recommended Motion: **Recommend approval for the Elko Police Department to enter into a Second Addendum Agreement to the School Resource Officer Cooperative Agreement, between the Elko County School District, the County of Elko, and the City of Elko.**
10. Prepared by: **Police Chief Ty Trouten**
11. Committee/Other Agency Review: **N/A**
12. Council Action:
13. Agenda Distribution: **N/A**

SECOND ADDENDUM
to the
SCHOOL RESOURCE OFFICER COOPERATIVE AGREEMENT
between
THE ELKO COUNTY SCHOOL DISTRICT,
THE COUNTY OF ELKO
and
THE CITY OF ELKO,

THIS SECOND ADDENDUM TO THE SCHOOL RESOURCE OFFICER COOPERATIVE AGREEMENT dated July 1, 2018 (the "Agreement"), as amended by the First Addendum, is made and entered into this ___ day of _____, 2021 (the "Effective Date") by and between the Elko County School District (the "District"), the County of Elko (the "County") and the City of Elko (the "City").

R E C I T A L S

- A. The District, the County and the City are political subdivisions of the State of Nevada;
- B. Pursuant to the First Addendum, the County and City agreed to furnish two additional full-time School Resource Officers (SROs), respectively, together with their supplies and equipment;
- C. The two additional SRO positions described in the First Addendum were funded by the SB 551 school safety block grant for fiscal years 2020 and 2021;
- D. The SB 551 school safety block grant funding will expire on June 30, 2021;
- E. The District desires to fund the two additional SRO positions after June 30, 2021, either through grant funding or the general fund;
- F. This Addendum is entered into pursuant NRS 277.100 and .180 of the Nevada Interlocal Cooperation Act.

NOW, THEREFORE, in consideration of the mutual covenants and agreements herein contained, the Parties agree to amend the original Agreement and First Addendum as follows:

- 1. Paragraph 7 of the First Addendum is hereby deleted in its entirety and replaced with the following:
 - 7. **Commencing July 1, 2021 and continuing thereafter for the remainder of the term of the Agreement, the District will independently fund the two SRO positions created by the First Addendum.**
- 2. All other terms and provisions of the Agreement and First Addendum shall remain

in full force and effect.

IN WITNESS WHEREOF, this instrument has been executed on the date and year first above written and has heretofore been duly and legally adopted by each of the parties.

THE BOARD OF TRUSTEES OF THE ELKO COUNTY SCHOOL DISTRICT

By: *[Signature]*

Title: *Board President*

Dated: *6/30/21*

ATTEST:

[Signature]
Clerk

COUNTY OF ELKO BOARD OF COMMISSIONERS

By: _____

Title: _____

Dated: _____

ATTEST:

Kristine Jakeman, Elko County Clerk

Deputy Clerk _____

ELKO COUNTY SHERIFF

Aitor Narvaiza, Sheriff

Dated: _____

CITY OF ELKO

By: _____
Reece Keener, Mayor

Dated: _____

ATTEST:

Kelly Wooldridge, City Clerk

CITY OF ELKO POLICE DEPARTMENT

Tyler Trouten, Chief

Dated: _____

**Elko City Council
Agenda Action Sheet**

1. Title: **Review, consideration, and possible action to approve a Revocable Agreement with Bird Rides, Inc. for a stand up electric scooter business throughout the community, and matters related thereto. FOR POSSIBLE ACTION**
2. Meeting Date: **July 27, 2021**
3. Agenda Category: **NEW BUSINESS**
4. Time Required: **10 Minutes**
5. Background Information: **City Council approved the concept of scooter service in Elko and authorized staff to come back with a revocable license agreement at their July 13, 2021 meeting. CL**
6. Budget Information:
 Appropriation Required: **N/A**
 Budget amount available: **N/A**
 Fund name: **N/A**
7. Business Impact Statement: **Not Required**
8. Supplemental Agenda Information: **Revocable license agreement**
9. Recommended Motion: **Approve the revocable license agreement with Bird Rides, Inc. for a trial period of eighteen months.**
10. Prepared by: **Cathy Laughlin, City Planner**
11. Committee/Other Agency Review:
12. Council Action:
13. Council Agenda Distribution: **Mike Butler**
Mike.butler@bird.co

**REVOCABLE LICENSE AGREEMENT FOR USE AND OCCUPANCY OF CITY
PROPERTY FOR ELECTRIC SCOOTER RENTAL SERVICE**

THIS REVOCABLE LICENSE AGREEMENT FOR USE AND OCCUPANCY OF CITY PROPERTY FOR ELECTRIC SCOOTER RENTAL SERVICE (hereinafter the “License Agreement”) is made this __ day of _____, 2021 (hereinafter the “Effective Date”), by and between the **CITY OF ELKO**, a municipal corporation and political subdivision of the State of Nevada, hereinafter called the “**City of Elko**,” and **BIRD RIDES, INC.**, a Delaware corporation, hereinafter called the “**Licensee**.”

RECITALS

1. **Licensee** operates an electric scooter rental service involving the following Elements:
- A. The scooters only operate in the areas designated on the map attached hereto at **Exhibit A**, hereinafter referred to as the “Operating Zone;”
 - B. Users install the Bird app, which then displays all the scooters available nearby; first-time users must follow an in-app tutorial teaching riders how and where to park;
 - C. Before starting a trip, the user supplies payment information;
 - D. The user then scans the QR code on the scooter, beginning the trip;
 - E. To end the trip, the user takes a photo of the parked scooter;
 - F. The price of the trip is immediately withdrawn from the user’s credit card;
 - G. If any problems were encountered with the trip (like a malfunctioning vehicle) the user can report it through the app;
 - H. **Licensee** utilizes a local independent contractor, referred to as a “Fleet Manager,” to address issues related to the scooters, to include charging, repairs, removing scooters from locations where they present a hazard or nuisance, and other tasks;
 - I. Scooters are parked in a designated “Furniture Zone” following prompts on the Bird app;
 - J. When a rider enters an area where safety considerations require a slower speed, such as a crowded area, the user is notified by a vehicle sound and in-app notification, after which the scooter safely reduces speed;

K. When a rider enters a designed area where scooters are not permitted, such as outside the Operating Zone (hereinafter a “No-Ride Zone”), the scooter will safely slow to a complete stop, at which time the rider is notified by a vehicle sound and an in-app notification; and

L. **Licensee** intends to operate an undetermined number of scooters within the Operating Zone, estimated to be approximately 100 scooters.

2. **Licensee** seeks from the **City of Elko** a revocable license to use the Operating Zone for the purpose of operating its electric scooter rental service.

NOW, THEREFORE, in consideration of the rights and obligations contained herein, it is agreed as follows:

The **City of Elko** shall, subject to the terms and conditions contained herein, permit **Licensee** to use the Operating Zone for the purposes set forth in this License Agreement.

The parties hereto further covenant and agree as follows:

1. **TERM:**

A. The Term of this License Agreement shall be eighteen (18) months, commencing on the Effective Date, which shall be the date of execution by the **City of Elko**. The **City of Elko** may, upon request by the **Licensee** and in the sole discretion of the **City of Elko**, extend the term of this License Agreement from month-to-month thereafter.

B. In the event of the termination of the license granted hereunder by the expiration of the Term or an extension thereof, or upon notice for any other reason permitted hereunder, **Licensee** shall promptly, peaceably and quietly leave, surrender and yield to the **City of Elko** the Operating Area and shall cease operating its electric scooter rental business on **City of Elko** property.

2. **WAIVER:** Waiver by the **City of Elko** of any breach of any term, covenant or condition herein contained shall not be deemed to be a waiver of such term, condition or covenant or any subsequent breach of the same, or any other term, condition or covenant herein contained.

3. **NOTICE:** Any and all notices or demands by or from the **City of Elko** to **Licensee**, or from the **Licensee** to the **City of Elko** shall be in writing. They shall be served either personally or by certified mail, return receipt requested. If served by certified mail, return

receipt requested, the service shall be conclusively deemed made three (3) business days after the deposit thereof in the United States mail, postage prepaid, addressed to the party to whom such notice or demand is to be given and the issuance of a receipt thereof. Any notice or demand to the **City of Elko** may be given to the City of Elko at 1751 College Avenue, Elko, Nevada 89801, or at such other place or places as shall be designated by the **City of Elko** from time to time. Any notice or demand to **Licensee** shall be given to: Bird Rides, Inc., 406 Broadway #369, Santa Monica, California 90401.

4. **USE OF THE OPERATING ZONE:**

A. **Licensee** shall have the license to enter upon and occupy the Operating Zone for operating of its electric scooter rental service; provided, **Licensee** must thereafter act in accordance with directions from the **City of Elko** and the following requirements:

- (1) **Licensee** shall monitor the locations of scooters and promptly remove scooters from the No-Ride Zone and locations where they present a hazard or nuisance, to include walking paths and sidewalks (with the exception of marked Furniture Zones).
- (2) **Licensee** may utilize Furniture Zones for the temporary storage of scooters between rentals.
- (3) **Licensee** shall monitor the Furniture Zones and maintain them in a clean and orderly manner at all times.
- (4) **Licensee** may stencil and otherwise mark Furnitures Zones in a manner and in locations pre-approved by the **City of Elko**.
- (5) **Licensee** shall instruct users on the safe, responsible and courteous operation of the scooters, to include instruction on applicable traffic laws.
- (6) **Licensee** shall instruct users not to operate scooters on tennis courts, basketball courts, handball courts, skate park or sidewalks.
- (7) **Licensee** shall require users to wear appropriate helmets.
- (8) **Licensee** shall promptly remove skid marks left by scooters on sidewalks and other surfaces where the operation of scooters is not permitted.
- (9) **Licensee** shall ensure that all users are age 18 or older.
- (10) **Licensee** shall provide its contact information and the contact information for the Fleet Manager to all users for purposes of addressing mechanical problems,

reporting accidents and addressing removal of scooters from locations where they present a hazard or nuisance.

(11) **Licensee** shall provide usage data to the **City of Elko** at least quarterly, unless otherwise requested by the **City of Elko**.

(12) **Licensee** shall provide between 50 and 100 scooters available for rental throughout the Term.

(13) **Licensee's** hours of operation shall be from 4:00 a.m. to midnight, Pacific time.

(14) **Licensee** shall secure any permits required in connection with the activities authorized hereunder and shall comply with all applicable federal, state and local laws, ordinances, resolutions or regulations.

B. The failure of the **Licensee** to comply with any directions given by the **City of Elko** in relation to this License Agreement, or the failure of the **Licensee** to comply with all federal, state and local laws, ordinances, resolutions or regulations, or the **Licensee's** failure to comply with this License Agreement, shall be grounds for termination of this License Agreement by the **City of Elko**. Any improvements which have been installed by the **Licensee** in the Operating Zone shall be promptly removed by **Licensee**, at its own expense and in a workmanlike manner, upon request by the **City of Elko** following revocation or termination hereof.

5. **RIGHT OF ENTRY**: The **City of Elko** specifically reserves the right of entry in all areas within the Operating Zone at any time and for any and all purposes.

6. **INDEMNIFICATION**: Notwithstanding any other provision contained herein, **Licensee** hereby agrees to hold harmless, indemnify and defend the **City of Elko**, including, without limitation, the **City of Elko's** agents, employees and contractors, against any and all claims, demands, actions, suits, liability, cost and expense, including defense expenses, (to include, without limitation, suits for damages and injuries to persons or property) arising out of **Licensee's** acts or omissions, or the acts or omissions of the Fleet Manager, or the acts or omissions of persons who rent scooters from **Licensee**, in connection with the activities contemplated by this License Agreement, except that **Licensee's** indemnification obligation shall not extend to claims based on the negligence or willful misconduct of the **City of Elko** or its

employees, agents or affiliates. 7. **TERMINATION**: Either party may terminate this License Agreement at any time for any reason upon reasonable notice, which shall not be required to exceed thirty (30) calendar days.

8. **GENERAL COVENANTS**:

A. This License Agreement shall constitute the entire contract between the parties hereto concerning the subject matter hereof.

B. All covenants and agreements herein contained shall extend to and be obligatory upon the heirs, executors, administrators, and assigns, as the case may be, of the respective parties; provided, under no circumstances shall **Licensee** assign its rights or obligations hereunder without the prior written consent of the **City of Elko**.

C. As used herein, the terms the **City of Elko** and **Licensee** shall include the plural as well as the singular, and the feminine as well as the masculine and the neuter.

D. The provisions of this License Agreement may only be altered, changed or amended by mutual written consent of the parties hereto, in accordance with the provisions and procedures herein contained.

E. Any claim made by **Licensee** arising out of any act or omission by any officer, agent or employee of the **City of Elko** in the execution or performance of this License Agreement will be made against **City of Elko** and not against the officer, agent or employee.

F. **Licensee** shall require each contractor or subcontractor retained to perform work in the Operating Zone to agree in its individual contract with **Licensee** not to make any claim against the **City of Elko**, its agents or employees by reason of that contract.

G. Nothing in this License Agreement shall be construed to give any person, other than the **City of Elko** and **Licensee**, any legal or equitable right, remedy or claim under this License Agreement, but it shall be held to be for the sole and exclusive benefit of the **Licensee** and the **City of Elko**.

H. This License Agreement shall be governed by the laws of the State of Nevada and jurisdiction and venue for any legal action shall be the Fourth Judicial District Court in and for Elko County, Nevada.

I. In the event of any litigation between the parties hereto arising out of this License Agreement, or if one party seeks to judicially enforce the terms of this License

Agreement, the prevailing party shall be entitled to an award of all reasonable fees and costs, including, but not limited to, reasonable attorney's fees.

J. In the event that any date specified in this License Agreements falls on a Saturday, Sunday or a public holiday, such date shall be deemed to be the succeeding day on which the public agencies and major banks are open for business.

K. Time is of the essence.

IN WITNESS WHEREOF, the parties hereto have executed this license the day and year first above written.

BIRD RIDES, INC.

CITY OF ELKO, NEVADA

By: _____

By: _____

REECE KEENER, Mayor

Title: _____

ATTEST:

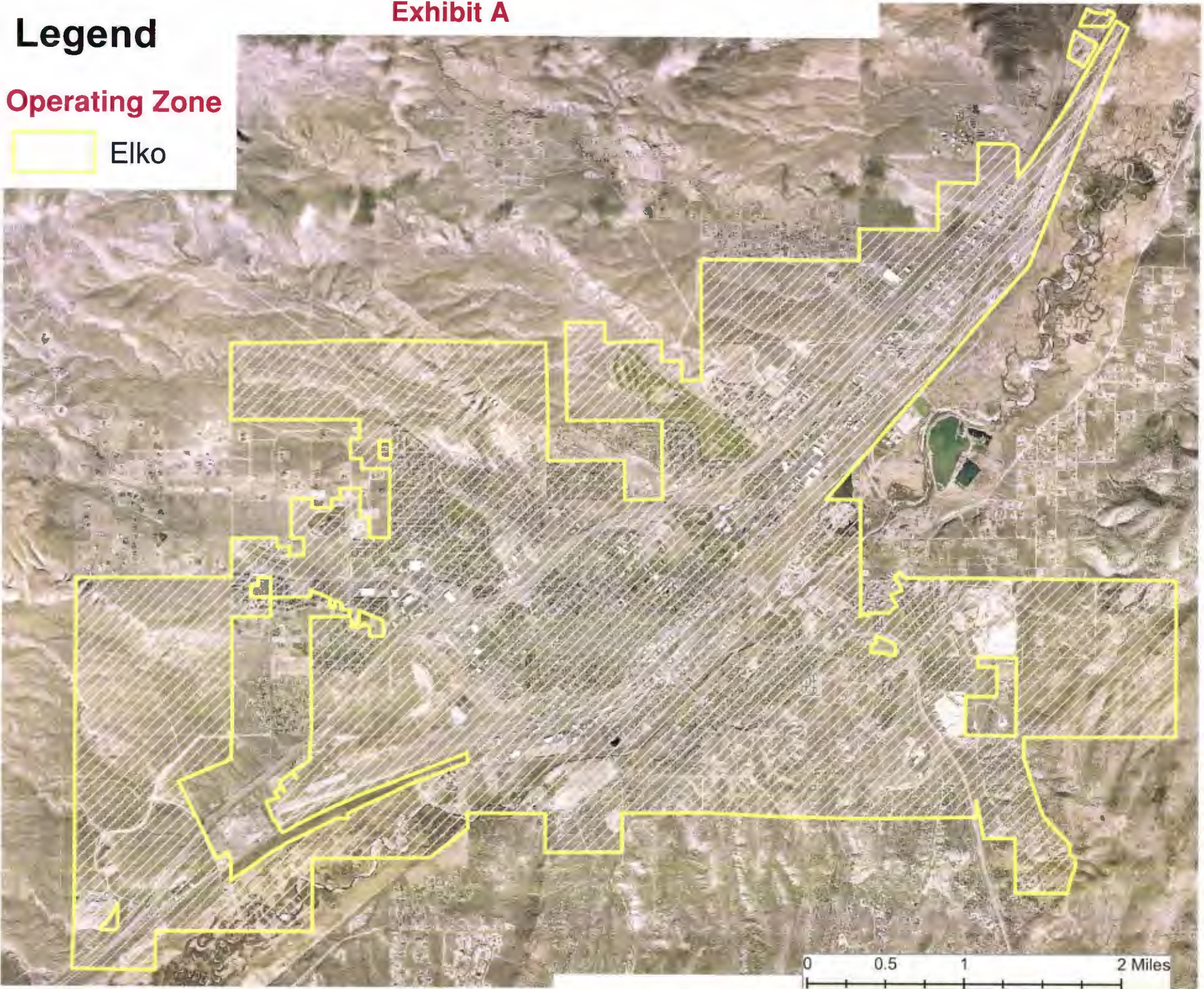
KELLY WOOLDRIDGE, City Clerk

Exhibit A

Legend

Operating Zone

 Elko



0 0.5 1 2 Miles



**Elko City Council
Agenda Action Sheet**

1. Title: **Review, consideration, and discussion for the appointment of (3) three new members to the Parks and Recreation Advisory Board and matters related thereto. FOR POSSIBLE ACTION**
2. Meeting Date: **July 27, 2021**
3. Agenda Category: **NEW BUSINESS**
4. Time Required: **5 Minutes**
5. Background Information: **Council authorized Staff to advertise for open positions on the Parks and Recreation Advisory Board at a previous meeting on June 22, 2021. Since then, Staff has received five (5) letters of interest from Katie Neddenriep, Spring Robinson, Leslie Creel, Nick Claerbout, and Ashlyn Greener expressing a desire to serve as members on the Board. Two (2) appointments will be for the remainder of the term through June 30, 2023. One (1) appointment will be for a four (4) term through June 30, 2025. JW**
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: **Letters of Interest from the candidates**
9. Recommended Motion: **Pleasure of the Council, appointing two (2) candidates to serve on the Parks and Recreation Advisory Board for the remainder of the terms through June 30, 2023, and one candidate for a four (4) year term through June 30, 2025.**
10. Prepared by: **James Wiley, Parks and Recreation Director**
11. Committee/Other Agency Review:
12. Council Action:
13. Agenda Distribution:



July 8, 2021

City of Elko
Attn: Kelly Wooldridge, City Clerk
1751 College Avenue
Elko, NV 89801
cityclerk@elkocitynv.gov

To Whom It May Concern:

I am submitting this letter to indicate my interest in serving as a volunteer member of the Elko City Parks and Recreation Advisory Board. The development of parks, trails and open spaces plays an essential role in developing our community as an attractive destination for people to live, work and visit. I welcome the opportunity to participate on the board which informs and advises on the development of outdoor recreation resources to serve Elko's citizens as well as visitors.

As for my personal qualifications to serve in this capacity, I've lived and worked in the Elko area for 21 years. My professional experience has focused on human resources, sustainability, social & environmental responsibility, economic development, marketing and tourism promotion. I have Bachelor's and Master's degrees in business management and administration. I have served on the Boards of the Boys & Girls Clubs of Elko, Nevada Mining Association Education Committee, Elko Area Chamber of Commerce, Rotary Club of Elko, P.E.O. and Community Foundation of Elko County.

The Elko Convention & Visitors Authority has identified a core value of partnerships and its mission is "For our tourists, visitors and our community's residents and businesses, the ECVA, as a public asset, provides quality facilities, marketing of the community and area, and supports events and activities which improve the community's overall quality of life and adds to economic development and vitality." As the Executive Director of the ECVA, I feel this is an optimal opportunity for identification of partnership opportunities to further enhance and promote the amenities Elko has to offer.

I can be reached via email to katie@elkocva.com or on my cell phone (775) 934-6499 to answer any questions you may have or discuss my interest further.

Regards,


Katie Neddneriep

Elko Convention & Visitors Authority
700 Moren Way • Elko, NV 89801 • (775) 738-4091 • (800) 248-3556 • Fax (775) 738-2420
www.ExploreElko.com

James Wiley

From: Kelly C. Wooldridge
Sent: Friday, July 9, 2021 12:11 PM
To: James Wiley
Subject: Fw: Parks and Recreation Advisory Board Application

FYI

Kelly Wooldridge
Elko City Clerk
1751 College Avenue
Elko, NV 89801
775-777-7126 (office)
775-777-7129 (fax)

From: spring robinson <springrobinson@yahoo.com>
Sent: Thursday, July 8, 2021 6:56 PM
To: City Clerk <cityclerk@elkocitynv.gov>
Subject: Parks and Recreation Advisory Board Application

Attention: Kelly Wooldridge

I have been a resident of Elko for over two and a half years, and I am interested in being more involved in the community. I am mother of five children and I enjoy the outdoors and all that it offers. I would love to learn more about what opportunities, programs, and facilities the city of Elko can provide for our children and families. This would be my first experience as a volunteer in a city position; but I have always been passionate about government and helping others. I have spent much of my college experience studying political science and aim to stay knowledgeable about local and national current affairs. Since moving to Elko I have been lucky to help children as a crossing guard for the school district and have included my children in many of the local sports, activities, and community events. I work well with others and am ready to dig in and help assist in any area needed. I am able to commit to a four year term and I look forward to learning, serving, and working in this capacity. Thank you for your consideration.

Regards,
Spring Robinson

James Wiley

From: Kelly C. Wooldridge
Sent: Thursday, July 8, 2021 12:50 PM
To: James Wiley
Subject: Fw: Elko Parks & Rec Advisory Council board member applicaton

FYI

Kelly Wooldridge
Elko City Clerk
1751 College Avenue
Elko, NV 89801
775-777-7126 (office)
775-777-7129 (fax)

From: Leslie Creel <leslie.kuiper@gmail.com>
Sent: Thursday, July 8, 2021 12:35 PM
To: City Clerk <cityclerk@elkocitynv.gov>
Subject: Elko Parks & Rec Advisory Council board member applicaton

As a resident of Elko since 1996, I have well-developed familiarity with Elko's resources and community organizations. I served in the early days of the Elko Institute for Academic Achievement charter school board, and currently serve on Elko County's Natural Resource Advisory Commission, the Family Resource Center board, Elko Summit Estates water board, and Wild Iris Yoga Studio board. I have worked for Nemont, Placer Dome, and Barrick and various junior mining companies as a geologist. I am familiar with Open Meeting Law, approach projects with a long-term perspective and can work with people from varying interests.

My children have grown up enjoying Elko's resources and my interest in the board is in helping to maximize our potential to maintain and grow those resources. Most recently and more specifically, I am an active trail advocate working to advance trails between Lamoille and the California Trail Center.

Elko Trail System is a fast-growing initiative that has engaged Elko County, the BLM, National Forest Service, Nevada State Parks, Nevada Division of Transportation in productive discussion on trail development. The initiative is currently facilitating agency partnership to advance trail construction with local organizations such as Northern Nevada Stewardship Group, Nevada Outdoor School and Elko Velo. Elko City should be robustly involved in this initiative and I would love to aid in that engagement.

Thank you for your consideration.

Leslie Creel
775-388-4247



Nick Claerbout
986 Benti Way
Elko, NV 89801

Greetings,

My name is Nick Claerbout and I am interested in becoming a volunteer member of the Elko City Parks and Recreation Advisory Board. I am currently running a small business out of our home doing remote geologic consulting. Our family has been established in Elko since 2007, we have two children and are residents of Elko County.

I have a BSc in Geology Earth Sciences (2007) from Minnesota State University Moorhead and I love the outdoors. I am a safety oriented individual with experience in mapping, route finding, CAD, budgets proposals, budget implementation, budget tracking and management as well as contract management. My software skills include the Microsoft Office Suite.

I have been a geologist for 14 years and have a passion for the outdoors which is what lead me to pursue geology in college and continue spending time outdoors. Through my career experience I've learned the importance of collaborating with a team and considering others and their perspectives when decisions need to be made for the collective good.

I love the community we live in and will aid and support it to the best of my abilities as we continue to grow and strive to be as healthy as possible and set a precedence for our children.

Please consider choosing me for a volunteer member of the Elko City Parks and Recreation Advisory Board.

Sincerely,

Nick Claerbout
Geology Consultant
(775)388-0833
nick.claerbout@gmail.com
www.cgsgeo.com



James Wiley

From: Kelly C. Wooldridge
Sent: Wednesday, July 7, 2021 9:39 AM
To: James Wiley
Subject: Fw: Parks Advisory Board

FYI

Kelly Wooldridge
Elko City Clerk
1751 College Avenue
Elko, NV 89801
775-777-7126 (office)
775-777-7129 (fax)

From: FRC Director <director@elkofrc.org>
Sent: Tuesday, July 6, 2021 2:10 PM
To: City Clerk <cityclerk@elkocitynv.gov>
Subject: Parks Advisory Board

Attention: Kelly Woodridge, City Clerk

Hello Kelly,

My name is Ashlyn Greener, I am the current Executive Director at the Family Resource Centers of Northeastern Nevada. I saw the notice seeking Elko City Parks and Recreation Advisory Board members, and am very interested in serving on the board and feel that the skills I have could be highly advantageous to the board.

I have been an Elko County resident nearly my entire life, I am currently and Elko City resident. I have been serving in the Elko nonprofit community for the past 7 years. First, with the Boys and Girls Clubs of Elko as a Program/Sports/Financial Development Director from 2014-2020, where I managed basketball and volleyball sports leagues, youth programs, oversaw grants management, and help coordinate special events. Second, with the Family Resource Centers of Northeastern Nevada as the Executive Director where I oversee all grants management (including the local WIC program, 2 teen health programs, free parenting classes, grandparent respite services, and case management services), day to day operations, meet with community stakeholders, organize special events, and coordinate with the FRCNN Board of Directors.

Aside from these professional roles I also am a mother to a young son, who gives me another reason to vested in the Elko community. The Elko community is a great place to live filled with wonderful community members who I have had the pleasure to serve for the past seven years. I would love to continue to serve the community in this enhanced capacity to ensure that the kids growing up in Elko and the surrounding areas, as well as adults, have the best quality of life possible.

Thank you

Ashlyn Greener, Executive Director



Family Resource Center
331 7th St., Elko, NV 89801
775-753-7352, Fax: 775-777-9102
director@elkofrc.org | www.elkofrc.org

**Elko City Council
Agenda Action Sheet**

1. Title: **Review, consideration, and discussion for the re-appointment of (4) four members to the Parks and Recreation Advisory Board, and matters related thereto. FOR POSSIBLE ACTION**
2. Meeting Date: **July 27, 2021**
3. Agenda Category: **NEW BUSINESS**
4. Time Required: **5 Minutes**
5. Background Information: **The terms for five (5) members serving on the Parks and Recreation Advisory Board expired on June 30, 2021. Colby Curtis, Harmony Stahl, Jim Conner, and Andrew Storla are seeking reappointment for another four (4) year term. Fred Beitia is not seeking another term on the Board. JW**
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: **Letters of interest in serving another four (4) year term on the PRAB Board. (Jim Conner provided verbal)**
9. Recommended Motion: **Re-appoint members Colby Curtis, Harmony Stahl, Jim Conner, and Andrew Storla to a new four (4) year term to the Parks and Recreation Advisory Board.**
10. Prepared by: **James Wiley, Parks and Recreation Director**
11. Committee/Other Agency Review:
12. Council Action:
13. Agenda Distribution:

Colby Curtis
3720 Wright Way
Elko NV 89801

May 22, 2021

James Wiley
Elko Parks and Recreation

To Whom It May Concern:

The purpose of this letter is to inform the Elko City Council that I would like to be re-appointed to serve on the City of Elko Parks and Recreation Advisory Board. I have served as the chairman of this advisory board for about the past 10 years. The opportunity to be involved in expanding and improving recreation for the residents of Elko has been challenging and enjoyable.

I have gained valuable insight about how the recreation department operates, budget constraints, and various potential projects to expand recreation in the City of Elko. During the past few years, I also oversaw the construction of a new office building for my business. I gained experience regarding potential obstacles for capital projects and the flexibility needed to effectively navigate them.

I originally joined the Parks and Recreation Advisory Board over 10 years ago to help expand and improve recreation opportunities for my children and the residents of Elko. I'm still passionate about this and would ask the City Council to reappoint me to serve on the Parks and Recreation Advisory Board for another term.

Thank you for your time and consideration in this matter.

Colby Curtis

James Wiley

From: Harmony Stahl <hstahl@ecsdnv.net>
Sent: Wednesday, June 30, 2021 7:17 AM
To: James Wiley
Subject: Re: Term expiration

James Wiley
Elko Parks Department

Dear James,

This email is to express my interest in remaining on the Elko Parks and Recreation Advisory Committee. Having served on it for a length of time, I believe I have some historical perspective that is important. I also want to work to improve our city.

Please let me know if you need any additional information.

Harmony Stahl
102 Court Street

On Wed, Jun 23, 2021 at 11:09 AM James Wiley <jwiley@elkocitynv.gov> wrote:

Hello all, I am letting everyone know that your term on the PRAB expires on June 30th 2021. You are all eligible for reappointment to another 4 year term if you so desire. I Just need to know either way as we opened up a recruitment for vacancies this week. I will need written notice from you no later than July 9th 2021 and reappointments will be conducted at the July 27th Council meeting. If you would prefer you can email me stating your desire to serve another 4 year term or resign your position and give an opportunity for someone else to serve. I could possibly have two vacancies to finish out a two year term for Michelle Smith and Amber Fox, if you know anyone out there that would like to serve have them submit in writing to the city clerk.

We may need to postpone our scheduled meeting in July so that everyone can participate. Thank you all for your service, hope to see you all for another 4 years.

James Wiley

City of Elko

Parks and Recreation Director

(O) 775 777 7266

(C) 775 397 2012

James Wiley

From: Andrew Storla <andystorla@gmail.com>
Sent: Thursday, June 24, 2021 9:17 PM
To: James Wiley
Subject: RE: Term expiration

Mr. Wiley,

I Andrew John Storla would like to stay on the board for another four years. Thank you sir, let me know if there is anything you need from me.

Sent from Mail for Windows 10

From: James Wiley
Sent: Wednesday, June 23, 2021 11:09 AM
To: Colby Curtis; hstahl@ecsdnv.net; Harmony Stahl; fredbeitia@gmail.com; jimconner@outlook.com; andystorla@gmail.com
Subject: Term expiration

Hello all, I am letting everyone know that your term on the PRAB expires on June 30th 2021. You are all eligible for reappointment to another 4 year term if you so desire. I just need to know either way as we opened up a recruitment for vacancies this week. I will need written notice from you no later than July 9th 2021 and reappointments will be conducted at the July 27th Council meeting. If you would prefer you can email me stating your desire to serve another 4 year term or resign your position and give an opportunity for someone else to serve. I could possibly have two vacancies to finish out a two year term for Michelle Smith and Amber Fox, if you know anyone out there that would like to serve have them submit in writing to the city clerk.

We may need to postpone our scheduled meeting in July so that everyone can participate. Thank you all for your service, hope to see you all for another 4 years.

James Wiley
City of Elko
Parks and Recreation Director
(O) 775 777 7266
(C) 775 397 2012

James Wiley

From: Jim Conner <jimconner@outlook.com>
Sent: Wednesday, June 23, 2021 11:17 AM
To: James Wiley
Subject: PRAB

James,
I would like to continue to serve another 4 year term on the Parks and Recreation advisory board
Thank you for the opportunity.

Jim Conner

Get [Outlook for iOS](#)

**Elko City Council
Agenda Action Sheet**

1. Title: **Review, consideration, and possible selection of a provider or providers of fixed broadband service to apply, in partnership with the City, for grant funding from the National Telecommunication and Information Administration (NTIA), and matters related thereto. FOR POSSIBLE ACTION**
2. Meeting Date: **July 27, 2021**
3. Agenda Category: **NEW BUSINESS**
4. Time Required: **20 Minutes**
5. Background information: **The City Council took action at its meeting on July 13, 2021 directing Staff to solicit proposals from fixed broadband service providers for consideration in partnering with the City in applying for grant funding from the National Telecommunication and Information Administration (NTIA) for development of broadband service in the City. 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. Proposals were required to be submitted by the end of the business day on July 20, 2021. Two proposals were submitted, one from CC Communications and the other from Anthem. SAW**
6. Budget Information:
 Appropriation Required: **NA**
 Budget amount available: **NA**
 Fund name: **NA**
7. Business Impact Statement: **Not Required**
8. Supplemental Agenda Information: **Proposal Request, NTIA Notice of Funding Opportunity, Application for Federal Assistance SF-424, Assurances – Construction Program, Budget Information – Construction Programs, Anthem Proposal, CC Communications Proposal, Proposal Submittal Checklist, AirBand Letter of Support dated July 21, 2021, Anthem Information Received on July 21, 2021 and Lockie McFarland, LTD dated July 21, 2021**
9. Recommended Motion: **Pleasure of the Council**
10. Prepared by: **Scott A. Wilkinson, City of Elko Assistant City Manager**
11. Committee/Other Agency Review: **Legal**
12. Council Action:
13. Agenda Distribution:

City of Elko
National Telecommunications and Information Administration
(NTIA)
Broadband Infrastructure Program (BIP)
Internet Service Provider Proposal
Proposal due 7/20/21

The NTIA BIP program provides an opportunity for one or more providers of fixed broadband service to receive funding in the near future to support broadband infrastructure deployment through one or more partnerships with the City of Elko. The grant application for the NTIA BIP is due August 17, 2021. The City is acutely aware of the immediacy of this timeline. Please refer to the attached Notice of Funding Opportunity (NOFO), Application for Federal Assistance SF-424, Assurances –Construction Programs; Budget Information – Construction Programs to assist your company in providing a detailed proposal. Please answer the following questions and provide the following requested information with your proposal. Incomplete and/or incorrect proposals will be rejected.

Name of Internet Service Provider:

Key contact:

Contact information:

PROPOSAL REQUIREMENTS (REFERENCE THE ATTACHED NOFO FOR DETAILED INFORMATION):

1. Provide a detailed project narrative, including the following elements:
 - a. An Executive Summary;
 - b. Qualifications and experience of all key personnel responsible for implementing the proposed project, including;
 - i. Table of Funded Project Participants and Unfunded Informal Collaborators
 - ii. Resumes of Key Personnel ;
 - c. A description of the covered broadband project proposed to be funded by the grant;
 - d. A description of the service area covered by the project The City requests (1) that the proposed service area be an area that is not currently served by 25Mbps/3Mbps and (2) that there be no plans by the current Internet Service Provider or competitive providers of fixed broadband service to serve the proposed service area with 25Mbps/3Mbps service by December 31, 2022. The proposal should not include the areas where CC Communications has begun to deploy service. It is anticipated that during the grant curing process, the NTIA will disqualify these areas;
 - e. A description of which statutory funding priority(ies) (as set forth in Section 1.A of the referenced NOFO) the proposed project would address and how the proposed project would address such funding priority(ies);
 - f. A description of how the proposed project addresses the evaluation criteria identified in Section V.A of the referenced NOFO, including a description of project beneficiaries, service area level of need, project sustainability, and expected outcomes;
 - g. A description of how the deployment will have the ability to scale over time for greater capability;
 - h. A project plan describing all major project activities and timelines for implementation, including key deployment milestones;
 - i. A brief description of the physical project area and its surroundings. The description should also describe how the provider of fixed broadband service intends to comply with environmental and historic preservation requirements in connection with the project The provider of fixed broadband service should acknowledge in this section that it bears sole responsibility for the administration of and the costs related to all local, state and Federal permitting (including historic preservation) requirements, and NEPA compliance (to include environmental assessments, where required);
 - j. A description of any support the provider of fixed broadband service expects to receive in connection with deployment of the project in the proposed service area through:
 - i. Any grant, loan, or loan guarantee provided by a State; and
 - ii. Any grant, loan, or loan guarantee subject to or provided under the referenced acts or programs listed in the NOFO. In responding to the preceding sentence, list each act or program separately and for each, either indicate the funding or state that there is no funding;
 - k. A description of whether and, if so, how the project will incorporate strong labor standards, including project labor agreements and community benefit agreements that offer wages at or above the prevailing rate, local hire provisions, and a description of the applicant's workforce plans and practices.

2. Provide a Detailed Budget Justification in the form of an Excel spreadsheet, as well as a Budget Narrative in the form of an MS Word document. All budget information must support the requirements detailed in the NOFO.
3. If indirect costs are included in the proposed budget, provide a copy of the approved negotiated agreement if the rate was negotiated with a cognizant federal agency.
4. Is your company willing to include a letter of commitment to the project for inclusion in the application?
5. Is your company able to provide maps of the proposed service area in shapefiles, .kmz, or kml format (required for application)?
6. Is your company willing to provide pro forma financial information and analyses, such as balance sheets, income statements, and statements of cash flows (required for application)?
7. Is your company willing to provide network diagrams and system design information (required for application)?
8. While the grant does not require a match, the Notice of Funding Opportunity (NOFO) does suggest a 10% match will raise the chances of winning the competitive grant and implies that the greater the match the greater the chance of funding. The match can include costs related to broadband infrastructure investments in areas adjacent to the proposed grant areas.
 - a. Is your company able to meet the 10% or preferably greater match requirement?
9. Has your company completed broadband projects utilizing federal funding sources? If so, list project(s), funding source and budget amounts.
10. Include answers to the following questions:
 - a. Do you have an engineered last mile broadband solution for the City of Elko? If so, what type of solution is your last mile solution?
 - b. Is financing in place for your last mile broadband solution? If so, please describe the financing.
 - c. Have you begun to interface with the City on permitting, engineering review and other administrative issues?
 - d. Are local partnerships part of your solution? If so, please describe your local partnership, particularly local financing.
11. What Service Level Agreement would you propose for residential service? Include standards for uptime, jitter, latency, packet loss and a guaranteed upstream oversubscription rate that you would not exceed.
12. Will you have a low income plan?
13. Is your company able to guarantee that the level of service proposed will meet all the requirements of NTIA as specified in the NOFO are other requirements of the NTIA?
14. Is your company willing to enter into a contract with the City concerning management of the grant, to include the following?

- a. Grant Assurances;
- b. Reimbursement to the City for any grant funding reimbursement in the event of the provider of fixed broadband service's failure to comply with all grant assurances and requirements or provide the City with proper documentation to ensure the City's compliance with all grant assurance and requirements;

15. Is there a connection fee? If so provide relevant information, to include the amount of the fee and exceptions to the fee requirement; and

16. Does your company intend to utilize local contractors to complete the project? If so, indicate how your company will go about selecting local contractors, to include any bidding preferences your company will include in requests for proposals or invitations to bid.

NOTICE OF FUNDING OPPORTUNITY
BROADBAND INFRASTRUCTURE PROGRAM

EXECUTIVE SUMMARY

A. Federal Agency Name

National Telecommunications and Information Administration (NTIA), U.S. Department of Commerce

B. Funding Opportunity Title

Broadband Infrastructure Program

C. Announcement Type

Initial

D. Funding Opportunity Number

NTIA-Broadband-Infrastructure-Program-21

E. Assistance Listing (CFDA Number)

11.031, Broadband Infrastructure Program

F. Key Dates

Complete applications must be received by www.grants.gov no later than 11:59 p.m. Eastern Daylight Time (EDT) on **August 17, 2021**.

Applicants should be aware, and factor in their application submission planning, that the Grants.gov system periodically closes for routine maintenance. Applicants should visit Grants.gov for information about any scheduled closures.

NTIA expects to complete its review, selection of successful applicants, and award processing by **November 15, 2021**. NTIA expects the earliest start date for awards under this Notice of Funding Opportunity (NOFO) to be **November 29, 2021**.

Applicants are strongly urged to read Section IV.D, Attachment of Required Documents, with great attention. Applicants should carefully follow the instructions and recommendations regarding attachments and use the Download Submitted Forms and Applications feature on www.grants.gov to check that all required attachments were contained in their submission. Applications submitted without the required documents will not pass the Initial Administrative Review.

When developing the submission timeline, please keep in mind that: (1) all applicants are required to have current registrations in the electronic System for Award Management (SAM.gov) and Grants.gov; (2) the free annual registration process in SAM.gov generally takes between three (3) and five (5) business days but can take more than three weeks; and (3) applicants will receive e-mail notifications over a period of up to two (2) business days as the application moves through intermediate systems before the applicant learns via a validation or rejection notification whether a federal agency's electronic system has received the application. (See Grants.gov for full information on application and notification through Grants.gov). Please note that a federal assistance award cannot be issued if the designated recipient's registration in SAM.gov is not current at the time of the award.

G. Application Submission Address

Complete application packets must be submitted electronically through www.grants.gov. Complete applications or portions thereof submitted by postal mail, courier, email, or by facsimile will not be accepted. See Section IV of this NOFO for detailed information concerning application submission requirements.

H. Funding Opportunity Description

NTIA issues this NOFO to describe the requirements under which it will award grants for the Broadband Infrastructure Program, authorized by the Consolidated Appropriations Act, 2021, Division N, Title IX, Section 905, Public Law 116-260, 134 Stat. 1182 (Dec. 27, 2020) (Act). The Broadband Infrastructure Program provides new federal funding for the Assistant Secretary to make grants on a competitive basis for the deployment of broadband infrastructure. The Act authorizes grants to covered partnerships for covered broadband projects, defined as competitively and technologically neutral projects for the deployment of fixed broadband service that provides qualifying broadband service in an eligible service area. See Section I of this NOFO for the full Program Description.

I. Funding Instrument

Grant.

J. Eligibility

A covered partnership is eligible for a grant under the Broadband Infrastructure Program. The Act defines a covered partnership as a partnership between: (A) a State, or one or more political subdivisions of a State; and (B) a provider of fixed broadband service. A covered partnership may include more than one provider of fixed broadband service as part of its application. Additionally, a provider of fixed broadband service may participate in more than one covered partnership. See Section III of this NOFO for additional information concerning the eligibility requirements for this program.

K. Anticipated Amounts

NTIA will make up to \$288,000,000 available for federal assistance under the Broadband Infrastructure Program. NTIA expects to make awards under this program within the following funding range: \$5,000,000 to \$30,000,000. This range is not a required minimum or maximum, but covered partnerships requesting amounts for projects outside of this range must provide a reasonable explanation for the variance in their project size. The period of performance for grants issued pursuant to this program is one year, unless such period is otherwise extended in writing by the Grants Officer. Given the limited amount of funding available for broadband infrastructure deployment awards and the potentially large number of covered partnerships that may submit applications for this grant program, NTIA will consider applications based on the priorities enumerated in Section 905(d)(4) of the Act (and set forth in Section I.A. of this NOFO) in their statutory order of priority. *See* Section II of this NOFO for additional information pertaining to award amounts and to the period of performance for grants issued pursuant to this NOFO.

L. Cost Sharing/Matching

The Act authorizing the establishment of the Broadband Infrastructure Program does not contain a statutory cost sharing or matching funds requirement for this grant program. NTIA will not require a covered partnership applying for a grant under the Broadband Infrastructure Program to provide a cost match; however, NTIA will favorably consider applications that propose to contribute a non-federal cost share of at least 10 percent of the total eligible costs of a project. Applicants proposing a cost share amount must document their capacity to provide matching funds in their applications. Matching funds may be in the form of either cash or in-kind contributions consistent with the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards at 2 C.F.R. Part 200.¹ *See* Section III.B of this NOFO for more information pertaining to the cost sharing requirements for this program, Section IV of this NOFO for the application requirements for this program, and Section V of this NOFO for the Evaluation Criteria and Selection Factors for this program.

FULL ANNOUNCEMENT TEXT

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¹ 2 C.F.R. Part 200, available at <http://go.usa.gov/SBYh>.

I. Program Description

NTIA issues this NOFO to describe the requirements under which it will award grants for the Broadband Infrastructure Program, authorized by the Consolidated Appropriations Act, 2021, Division N, Title IX, Section 905, Public Law 116-260, 134 Stat. 1182 (Dec. 27, 2020) (Act). The purpose of the Broadband Infrastructure Program is to provide federal funding to deploy broadband infrastructure to eligible service areas of the country.

A. Overview of the Broadband Infrastructure Program: The Broadband Infrastructure Program makes grants on a competitive basis to covered partnerships for covered broadband projects. The term “covered partnership” means a partnership between: (A) a State, or one or more political subdivisions of a State; and (B) a provider of fixed broadband service. A covered partnership may include more than one provider of fixed broadband service as part of its application. Additionally, a provider of fixed broadband service may participate in more than one covered partnership. A provider of broadband service that is part of a covered partnership is not required to be designated as an eligible telecommunications carrier pursuant to section 214(e) of the Communications Act of 1934 (47 U.S.C. 214(e)). NTIA encourages municipalities, non-profits, or cooperatives that own and/or operate broadband networks to participate in this program as part of a covered partnership.

The term “covered broadband project” means a competitively and technologically neutral project for the deployment of fixed broadband service that provides qualifying broadband service in an eligible service area. The term “qualifying broadband service” means broadband service with: (A) a download speed of not less than 25 megabits per second; (B) an upload speed of not less than 3 megabits per second; and (C) a latency sufficient to support real time, interactive applications. For purposes of this program, NTIA will interpret the 25/3 standard to mean the ability to provide 25 Mbps downstream and 3 Mbps upstream simultaneously to every household in the eligible service area. NTIA will interpret latency to mean 95 percent or more of all peak period measurements of network round trip latency [*i.e.*, the total round-trip latency between the customer premises and the closest designated Internet core peering interconnection point] are at or below 100 milliseconds. Including these particulars in the definition will help ensure that applicants can realistically provide service that meets NTIA’s “qualifying broadband service” standard reliably on the ground while also recognizing the Act’s requirement for technologically neutral projects. Using these standards also maintains consistency with how other federal support programs apply these terms.²

The term “eligible service area” means a census block in which broadband service is not available at one or more households or businesses in the census block, as determined by the Assistant Secretary on the basis of: (A) the maps created under section 802(c)(1) of the Communications Act of 1934 (47 U.S.C. 642(c)(1)); or (B) if the maps described in subparagraph (A) are not available, the most recent information available to the Assistant Secretary, including information provided by the Federal Communications Commission (FCC).

² See Rural Utilities Service, Department of Agriculture, *Funding Opportunity Announcement and Solicitation of Application for Second Round of the Reconnect Program*, 84 Fed. Reg. 67913, 67918 (Dec. 12, 2019); *In the Matter of Rural Digital Opportunity Fund*, WC Docket No. 19-126; *In the Matter of Connect America Fund*, WC Docket No. 10-90, FCC 20-5, at ¶ 32 (Feb. 7, 2020), <https://docs.fcc.gov/public/attachments/FCC-20-5A1.pdf> at paragraph 36.

To be eligible for a grant under the Broadband Infrastructure Program, Section 905(d)(3) of the Act requires that the covered partnership submit an application that describes the covered partnership, the covered broadband project proposed for funding, including the cost of the project and the speed of the broadband service offerings, and the proposed service area of the project. Additionally, the Act requires the applicant to disclose any other federal or state support that the broadband service provider that is part of the covered partnership has received to deploy broadband service in the proposed service area. NTIA will factor such information as it considers applications eligible for award, but the receipt of other federal or state funds does not necessarily preclude the covered partnership from receiving a grant under the Broadband Infrastructure Program. NTIA will also ensure that necessary investments are designed to provide an adequate minimum level of service and are unlikely to be made using private sources of funds.

In awarding grants under this program, the Assistant Secretary will give priority to applications for covered broadband projects as follows, in decreasing order of priority, as set forth in Section 905(d)(4) of the Act:

- (1) Covered broadband projects designed to provide broadband service to the greatest number of households in an eligible service area;
- (2) Covered broadband projects designed to provide broadband service in an eligible service area that is wholly within any area other than:
 - (i) a county, city, or town that has a population of more than 50,000 inhabitants; and
 - (ii) the urbanized area contiguous and adjacent to a city or town of more than 50,000 inhabitants;
- (3) Covered broadband projects that are the most cost-effective, prioritizing such projects in areas that are the most rural;
- (4) Covered broadband projects designed to provide broadband service with a download speed of not less than 100 megabits per second and an upload speed of not less than 20 megabits per second; and
- (5) Any other covered broadband project that meets the requirements of this NOFO.

Additionally, NTIA is interested in ensuring that any broadband infrastructure deployed under this grant program will have the ability to evolve, sustain, and scale for future advanced services that will also be important to the U.S. economy. In the years ahead, emerging technologies such as cloud technologies, artificial intelligence, health IoT and telemedicine, smart grid, and 5G, will all require broadband networks capable of delivering much faster speeds, lower latency, and higher reliability than those now codified by various federal agencies. Thus, NTIA encourages the submission of project proposals that deploy future-proof infrastructure, *e.g.*, fiber.

It is important that necessary investments in broadband infrastructure be carried out in ways that produce high-quality infrastructure, avert disruptive and costly delays, and promote efficiency. NTIA understands the importance of promoting workforce development and encourages recipients to ensure that broadband projects use strong labor standards, including project labor agreements and community benefit agreements that offer wages at or above the prevailing rate and include local hire provisions, not only to promote effective and efficient delivery of high-quality infrastructure projects but also to support the economic recovery through strong employment opportunities for workers. Using these practices in construction projects may help to ensure a reliable supply of skilled labor that would minimize disruptions, such as those associated with labor disputes or workplace injuries.

The Act requires covered partnerships to complete their covered broadband projects within one year of their receipt of grant funds. The Assistant Secretary, however, may extend the award period for broadband infrastructure construction projects if the covered partnership certifies that: (1) it has a plan for the use of the grant funds, (2) the construction project is underway, or (3) extenuating circumstances require an extension of time to allow the project to be completed.

NTIA issues this NOFO to invite covered partnerships to submit applications for the Broadband Infrastructure Program, provide information on the amount of funding available for award, discuss how it will allocate funds to qualifying applicants, give instructions on the application process, and describe the evaluation criteria for application review and the factors for award selection. The definitions applicable to this NOFO are set forth below.

B. Definitions.—The following definitions are applicable to the Broadband Infrastructure Program:

(a) Assistant Secretary—The term “Assistant Secretary” means the Assistant Secretary of Commerce for Communications and Information.

(b) Broadband or Broadband Service—The term “broadband” or “broadband service” has the meaning given the term “broadband internet access service” in 47 C.F.R. § 8.1(b), or any successor regulation.

(c) Commission—The term “Commission” means the Federal Communications Commission.

(d) Community Anchor Institutions—means schools, libraries, medical and healthcare providers, public safety entities, public housing authorities, institutes of higher education and other community support organizations that provide outreach, access, equipment and support services to facilitate greater use of broadband service by the entire population and local governments.

(e) Covered Broadband Project—The term “covered broadband project” means a competitively and technologically neutral project for the deployment of fixed broadband service that provides qualifying broadband service in an eligible service area.

(f) Covered Partnership— The term “covered partnership” means a partnership between: (A) a State, or one or more political subdivisions of a State; and (B) a provider of fixed broadband

service. A provider of broadband service that is part of a covered partnership is not required to be designated as an eligible telecommunications carrier pursuant to section 214(e) of the Communications Act of 1934 (47 U.S.C. 214(e)).

(g) Department—The term “Department” means the Department of Commerce.

(h) Eligible Service Area—The term “eligible service area” means a census block in which broadband service is not available at one or more households or businesses in the census block, as determined by the Assistant Secretary on the basis of: (i) the maps created under section 802(c)(1) of the Communications Act of 1934 (47 U.S.C. 642(c)(1)); or (ii) if the maps described in subparagraph (i) are not available, the most recent information available to the Assistant Secretary, including information provided by the Commission.

(i) Qualifying Broadband Service—The term “qualifying broadband service” means broadband service with: (i) a download speed of not less than 25 megabits per second; (ii) an upload speed of not less than 3 megabits per second; and (iii) a latency sufficient to support real-time, interactive applications. For purposes of this program, NTIA will interpret the 25/3 standard to mean the ability to provide 25 Mbps downstream and 3 Mbps upstream simultaneously to every household in the eligible service area. NTIA will interpret latency to mean 95 percent or more of all peak period measurements of network round trip latency [*i.e.*, the total round-trip latency between the customer premises and the closest designated Internet core peering interconnection point] are at or below 100 milliseconds.

(j) State—Any State of the United States, the District of Columbia, Puerto Rico, American Samoa, Guam, the United States Virgin Islands, the Northern Mariana Islands, and any other territory or possession of the United States.

(k) Unserved.—The term “unserved,” with respect to a household, means: (A) the household lacks access to qualifying broadband service; and (B) no broadband provider has been selected to receive, or is otherwise receiving, Federal or State funding subject to enforceable build out commitments to deploy qualifying broadband service in the specific area where the household is located by dates certain, even if such service is not yet available, provided that the Federal or State agency providing the funding has not deemed the service provider to be in default of its buildout obligations under the applicable Federal or State program.

II. Federal Award Information

A. Funding Availability

NTIA will make up to \$288,000,000 available for federal assistance under the Broadband Infrastructure Program.

B. Project/Award Period

As established in Section 905(d)(5)(A) of the Act, the award period for the Broadband Infrastructure Program is one year from the initial receipt of grant funds.

1. Extensions: The Assistant Secretary may extend the one-year award period for a covered partnership that proposes to use the grant funds for construction of broadband infrastructure if the covered partnership certifies that:

- (i) the covered partnership has a plan for use of the grant funds;
- (ii) the construction project is underway; or
- (iii) extenuating circumstances require an extension of time to allow the project to be completed.

2. Petition for Extension: The covered partnership may submit a request for an extension of the one-year award period with its application or not later than ninety (90) calendar days before the end of the award period.

3. Reversion of Funds: NTIA will make any grant funds not expended by a covered partnership by the end of the one-year award period set forth in the Act available to other covered partnerships for the purposes provided in the Broadband Infrastructure Program, unless the Assistant Secretary has granted the covered partnership an extension of time to complete its project.

C. Award Amount

NTIA will make the amounts appropriated under the Broadband Infrastructure Program available on a competitive basis to covered partnerships, as defined in Section I.B.f of this NOFO, to implement covered broadband projects, as defined in Section I.B.e of this NOFO.

NTIA expects to make awards under this program within the following funding range: \$5,000,000 to \$30,000,000. This range is not a required minimum or maximum, but covered partnerships requesting amounts for projects outside of this range must provide a reasonable explanation for the variance in their project size.

Given the limited amount of funding available to award for broadband infrastructure deployment and the potentially large number of covered partnerships that may submit applications for this grant program, NTIA will consider applications based on the priorities enumerated in Section 905(d)(4) (and set forth in Section I.A. of this NOFO) in their statutory order of priority. Thus, NTIA will sequence all applications that address priority one and propose a covered broadband project designed to provide broadband service to the greatest number of (unserved) households in an eligible service area and evaluate them against the objective criteria set forth in Section V.A of the NOFO to determine their eligibility for award. To the extent that funding remains available after NTIA completes its review of priority one applications, NTIA will then sequence applications that address priority two. NTIA will continue this priority sequencing process until it has awarded all available funding.

In addition, NTIA retains discretion to make supplemental awards to a covered partnership to the extent that another covered partnership does not expend some or all of its grant funds during the other covered partnership's period of performance.

D. Treatment of Unallocated Funds

1. In General: In accordance with Section 905(e)(2)(F) of the Act, if a covered partnership does not submit an application by the deadline established under this NOFO, or the Assistant Secretary does not approve an application submitted by a covered partnership under this NOFO, the Assistant Secretary will make the amounts allocated for the covered partnership available to other covered partnerships applying to the Broadband Infrastructure Program.

2. Second Process: The Assistant Secretary will initiate a second notice and application process to reallocate any funds that remain available after awarding grants to covered partnerships that submitted approved applications during the initial round of funding for the Broadband Infrastructure Program.

E. Type of Funding Instrument

The funding instrument for awards made pursuant to the NOFO will be a grant.

III. Eligibility Information

A. Eligible Applicants

1. An applicant must be a covered partnership as defined in Section I.B.f of this NOFO. Specifically, the term “covered partnership” means a partnership between: (A) a State, or one or more political subdivisions of a State; and (B) a provider of fixed broadband service. The partnership does not need to be documented in a formal legal agreement at the time of application submission but should be expressed in the application as a general intent to cooperate in implementing the covered broadband project proposed for an award. A covered partnership may include more than one provider of fixed broadband service as part of its application. Additionally, a fixed broadband service provider may participate in more than one covered partnership.

Furthermore, the Assistant Secretary will not require a provider of broadband service that is part of a covered partnership to be designated as an eligible telecommunications carrier pursuant to section 214(e) of the Communications Act of 1934 (47 U.S.C. 214(e)) to be eligible to receive a grant under this NOFO or as a condition of receiving a grant under this NOFO.

2. Designation of Lead Applicant—The governmental entity (either a State or a political subdivision of a State that must be included in a covered partnership) must serve as the lead applicant for the covered partnership and would enter into the grant agreement with NTIA and assume primary operational and financial responsibility for completing the project should an award be made.

B. Cost Sharing or Matching

The Act authorizing the establishment of the Broadband Infrastructure Program does not contain a statutory cost sharing or matching funds requirement. NTIA will not require a covered partnership applying for a grant under the Broadband Infrastructure Program to provide a cost

match; however, NTIA will favorably consider applications that propose to contribute a non-federal cost match of at least 10 percent of the total eligible costs of the project. *See* Section V of this NOFO for the Evaluation Criteria and the Selection Factors for this program. Applicants proposing a cost share amount must document their capacity to provide matching funds in their applications. Matching funds may be in the form of either cash or in-kind contributions consistent with the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards at 2 C.F.R. Part 200.³ Non-federal cost share committed to an award by a covered partnership will be treated as voluntary committed cost sharing (as defined in 2 C.F.R. § 200.1) and will be a binding commitment under the award. The failure of a covered partnership to meet its voluntary committed cost share may result in a decrease in federal grant funds.

In-kind contributions, which include third party in-kind contributions, are non-cash donations of property, goods or services, which benefit a federally assisted project, and which may count toward satisfying the non-federal matching requirement of a project's total budgeted costs when such contributions meet certain criteria.⁴ In-kind contributions must be allowable and allocable project expenses. The rules governing allowable in-kind contributions are very detailed and encompass a wide range of properties and services. NTIA encourages applicants to thoroughly consider potential sources of in-kind contributions that, depending on the particular property or service and the applicable federal cost principles, could include: employee or volunteer services; equipment; supplies; indirect costs; computer hardware and software; and use of facilities. It is important to note that federal funds may not be used as non-federal match, except as expressly provided by federal statute.⁵

C. Other

1. Eligible and Ineligible Uses of Project Funds – *See* Section IV.J of this NOFO for information concerning the eligible and ineligible uses of project funding (including non-federal cost share) under the Broadband Infrastructure Program.

2. Single Application — Section 905(e)(2)(C) of the Act states that a covered partnership may submit only one application for the Broadband Infrastructure Program.

3. State Coordination on Covered Broadband Projects — Given the Act's requirement that a covered partnership submit only one application and the limited amount of federal funds available for award, NTIA encourages political subdivisions of a State that are contemplating forming a covered partnership with one or more providers of fixed broadband service to coordinate and consult with the State's Broadband Office or other coordinating body to ensure that the proposal is consistent with a State's broadband plan or priorities. Such coordination enables the State to evaluate the proposed covered broadband projects presented for consideration and ensure the submission of top priority projects for funding under the Broadband

³ *See id.* and 2 C.F.R. § 200.306.

⁴ *See* 2 C.F.R. § 200.306.

⁵ *See id.*

Infrastructure Program. Additionally, the applicant must identify on Line 19 of the SF-424 application form whether the application is subject to State review pursuant to Executive Order 12372 and whether the application was selected for review by the State.

IV. Application and Submission Information

A. Address to Request Application Package

Application forms and instructions are available on the Grants.gov website (www.grants.gov). To access these materials, go to <http://www.grants.gov>, select “How to Apply for Grants,” and then select “Search for Opportunity Package.” Enter the CFDA number (11.031) and/or the funding opportunity number (NTIA-Broadband-Infrastructure-Program-21). Select “Grant Opportunity Package,” and then follow the prompts. To download the instructions, go to “Preview Opportunity Package” and select “Download Instructions.” NTIA recommends that applicants visit Grants.gov prior to filing their applications so that they fully understand the process and requirements. Failure to properly register and apply for funds under the Broadband Infrastructure Program by the deadline established in this NOFO may result in a covered partnership losing this grant opportunity. Applications are accepted until the deadline and are processed as received. Application packages, or portions thereof, submitted by email, paper, or facsimile will not be accepted.

With respect to electronic methods for providing information about funding opportunities or accepting applicants’ submissions of information, NTIA is responsible for compliance with Section 508 of the Rehabilitation Act of 1973, as amended by the Workforce Act of 1998.

B. Content and Form of Applications

Applications for the Broadband Infrastructure Program must be complete and follow the format described in this NOFO. Complete applications must be received by www.grants.gov no later than 11:59 p.m. Eastern Daylight Time (EDT) on **August 17, 2021**. Pre-applications are not being accepted for this program.

A complete application packet consists of the following forms and required submissions, which are discussed in more detail below.

1. Standard Form 424: Application for Federal Assistance

This is the title page (SF-424). This form (and all additional forms requiring a signature) must be signed by the applicant’s authorized organization representative (AOR). Electronic signatures submitted through www.grants.gov satisfy this requirement.

- SF-424, Item 8.d Zip/Postal Code field, should reflect the Zip code + 4 (#####-####) format.
- SF-424, Item 12, should list the NOFO number as NTIA-Broadband-Infrastructure-Program-21.
- SF-424, Item 18, should list the total federal budget amount requested for the entire project.

- SF-424, Item 19, Applications under this program are subject to Executive Order 12372, “Intergovernmental Review of Federal Programs,” which requires intergovernmental consultation with state and local officials. Applicants are required to submit a copy of their applications to their designated state Single Point of Contact (SPOC) offices, which should be reflected in Item 19 on the SF-424.
- For SF-424, Item 21, the list of certifications and assurances that are referenced is contained in the Federal Financial Assistance Certifications and Representations (Certs and Reps) as part of the SAM.gov entity registration, as well as the Certifications Regarding Debarment and Suspension, as described in section IV.F of this NOFO below.

2. Standard Form 424C: Budget Information for Construction Programs (SF-424C)

Applicants must complete this form and, as indicated in section IV.B.7 below, provide a detailed budget narrative that adequately describes all proposed activities and costs for their grant-funded project(s).

3. Standard Form 424D: Assurances for Construction Programs (SF-424D)

The SF-424D is required for all applicants that have not updated their System for Award Management (SAM.gov) entity registration since February 2, 2019 to include the federal financial assistance Certifications and Representations (Certs and Reps). If an applicant has updated their SAM.gov entity registration since February 2, 2019 to include the certifications and representations, then the SF-424D is not required.

4. CD-511 Certification Regarding Lobbying

Enter “NTIA-Broadband-Infrastructure-Program-21” in the Award Number field. Enter the title of the application used in field 15 of the SF-424, or an abbreviation of that title, in the Project Name field.

5. Standard Form LLL, Disclosure of Lobbying Activities (if applicable)

6. Project Narrative

The Project Narrative is a word-processed document of not more than twenty (20) single-spaced pages (40 double-spaced pages) responsive to the program description, statutory purposes, funding priorities, and the evaluation criteria set forth in this NOFO. The Project Narrative shall include:

- a. An executive summary of the project not to exceed two (2) pages. Please note, if an applicant’s proposal is selected for funding, NTIA may use all or a portion of the Executive Summary as part of a press release issued by NTIA, or for other public information and outreach purposes. Applicants are advised not to incorporate information that concerns business trade secrets or other confidential commercial or financial information as part of the Executive Summary. *See also* 15 C.F.R. § 4.9(c) concerning the designation of business information by the applicant;

- b. A description of the covered partnership, including a description of the organizations involved and the qualifications and experience of key personnel responsible for implementing the proposed project, including;
- i. **Table of Funded Project Participants and Unfunded Informal Collaborators.** (Does not count toward the page limit). Provide a table that identifies all organizations that will participate in and contribute to the proposed activities, if funded, known at the time of the application submission. The table should consist of an alphabetically ordered list, by organization, of all Funded Project Participants and all Unfunded Informal Collaborators. The table should include the organization's name, address, administrative role, scope of work (funded participants only) and proposed funding amount (funded participants only). Administrative roles are: applicant, subrecipient, or contractor for funded participants; or collaborator if they will not receive funding.
 - ii. **Resumes of Key Personnel.** (Does not count toward page limit but are limited to one-page each). One-page resumes of no more than five key personnel from the participants in the covered partnership (not subrecipients) may be included. Any information beyond one page for each resume and any additional resumes submitted will not be considered.
- c. A description of the covered broadband project to be funded by the grant, including the services, speed or tiers of speeds at which the covered partnership plans to offer broadband service, the proposed prices of the broadband service offerings, the technical details of the project, including the type of technology to be deployed, and the cost details of the project, including financial analyses and revenue and expense projections, and a description of why federal financial assistance is needed to implement the covered broadband project;
- d. A description of the area to be served by the covered broadband project (referred to as the proposed service area) including a list of the census blocks to be served, or portions thereof, the percentage of the total unserved (lack of infrastructure) population to be served by the project, and the number of unserved households, businesses, and community anchor institutions the project plans to connect;
- e. A description of which statutory funding priority(ies) (as set forth in Section I.A of this NOFO) the proposed project would address and how the proposed project would address such funding priority(ies);
- f. A description of how the project addresses the evaluation criteria identified in Section V.A of this NOFO, including a description of project beneficiaries, service area level of need, project sustainability, and expected outcomes;

- g. A description of how their deployment will have the ability to scale over time for greater capability (*e.g.*, using integrated advanced services such as 5G or fiber);
- h. A project plan describing all major project activities and timelines for implementation, including key deployment milestones;
- i. A brief description of the physical project area and its surroundings (*e.g.*, disturbed or developed land vs. open space; adjacent natural resources, such as rivers, wetlands, or forestlands; and any protected lands or resources in or near the project area), including site photographs and aerial (*e.g.*, Google Earth or Google Maps images) photographs, if the project includes construction and/or ground disturbing activities. This description should also describe how the covered partnership intends to comply with the environmental and historic preservation requirements applicable to an award received under the Broadband Infrastructure Program (including, but not limited to, the National Environmental Policy Act and the National Historic Preservation Act), and if applicable, provide a copy of any environmental and historic preservation review documentation that has been prepared in connection with obtaining permits or approvals from State, local or other federal entities. It is the applicant's responsibility to obtain all necessary federal, State, and local governmental permits and approvals necessary for the proposed work to be conducted. Applicants are expected to design their projects so that they minimize the potential for adverse impacts on the environment. Applicants also will be required to cooperate with NTIA in identifying feasible measures to reduce or avoid any identified adverse environmental impacts of their proposed projects. The failure to do so may be grounds for not making an award. Environmental and historic preservation review documentation, if provided, is not included in the 20-page limit of the project narrative; and
- j. A description of any support provided to the provider of broadband service that is part of the covered partnership through:
 - i. Any grant, loan, or loan guarantee provided by a State to the provider of broadband service for the deployment of broadband service in the proposed service area;
 - ii. Any grant, loan, or loan guarantee with respect to the proposed service area provided by the Secretary of Agriculture under:
 - 1. Title VI of the Rural Electrification Act of 1936 (7 U.S.C. 950bb *et seq.*), including: any program to provide grants, loans, or loan guarantees under sections 601 through 603 of that Act (7 U.S.C. 950bb *et seq.*); and the Community Connect Grant Program established under section 604 of that Act (7 U.S.C. 950bb-3); or
 - 2. The broadband loan and grant pilot program known as the "Rural eConnectivity Pilot Program" or the "ReConnect

Program” authorized under section 779 of division A of the Consolidated Appropriations Act, 2018 (Public Law 115–141; 132 Stat. 348);

- iii. Any high-cost universal service support provided under section 254 of the Communications Act of 1934 (47 U.S.C. 254);
- iv. Any grant provided under section 6001 of the American Recovery and Reinvestment Act of 2009 (47 U.S.C. 1305);
- v. Amounts made available for the Education Stabilization Fund under the heading “DEPARTMENT OF EDUCATION” in title VIII of division B of the CARES Act (Public Law 116–136; 134 Stat. 564);
or
- vi. Any other grant, loan, or loan guarantee provided by the Federal Government for the provision of broadband service.

k. A description of whether and, if so, how the project will incorporate strong labor standards, including project labor agreements and community benefit agreements that offer wages at or above the prevailing rate and include local hire provisions, and a description of the applicant’s workforce plans and practices.

7. Budget Narrative and Detailed Budget Justification

Applicants must submit a Detailed Budget Justification in the form of a spreadsheet, as well as a Budget Narrative in the form of a word document. All budget information must support the dollar amounts identified in the SF-424 and SF-424C and demonstrate that the project or activity meets the eligible use requirements in the Act and this NOFO.

The Detailed Budget Justification spreadsheet must reflect the cost categories that appear on the SF-424C (*e.g.*, administrative and legal expenses; land; structures; rights-of-way; appraisals; construction, etc.) and include itemized calculations for each cost placed under those categories. The spreadsheet must be formatted to fit letter-sized paper (8.5” x 11”).

The Budget Narrative must explain the necessity and basis for all costs, clearly correspond to the information included in the Detailed Budget Justification spreadsheet, and reflect only allowable costs that are consistent with the project scope. Information on cost allowability is available in the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards at 2 C.F.R. § 200, which apply to awards in this program.

If cost sharing or matching funds are included in the budget, the applicant must identify the non-federal source (*e.g.*, state funding) and distinguish the non-federal and federal portions of the budget in the Detailed Budget Justification and Budget Narrative. Information regarding cost sharing or matching funds is available in 2 C.F.R. § 200.306.

8. Indirect Cost Rate Agreement (as applicable)

If indirect costs are included in the proposed budget, provide a copy of the approved negotiated agreement if this rate was negotiated with a cognizant federal agency. If the rate was not established by a cognizant federal agency, provide a statement to this effect. If the successful applicant includes indirect costs in the budget and has not established an indirect cost rate with a cognizant federal agency, the applicant will be required to obtain such a rate in accordance with Section B.06 of the Department of Commerce Financial Assistance Standard Terms and Conditions, dated November 12, 2020.

Alternatively, in accordance with 2 C.F.R. § 200.414(f), applicants, other than entities described in Section D.1.b. of Appendix VII to 2 C.F.R. Part 200, that do not have a current negotiated indirect cost rate (including a provisional rate) may elect to charge indirect costs to the award pursuant to a de minimis rate of 10 percent of modified total direct costs, in which case a negotiated indirect cost rate agreement is not required. As described in 2 C.F.R. § 200.403, costs must be consistently charged as either indirect or direct costs, but may not be double charged or inconsistently charged as both. Once chosen, this methodology must be used consistently for all federal awards until such time as a non-federal entity chooses to negotiate for a rate, which the non-federal entity may apply to do at any time. Applicants proposing a 10 percent de minimis rate pursuant to 2 C.F.R. § 200.414(f) must note this election as part of the budget portion of the application.

9. Letters of Commitment

Each application must include a Letter of Commitment from an authorized representative of each member of the covered partnership. The Letter of Commitment will discuss the scope of work to be undertaken by the member of the covered partnership and its relevance to the covered broadband project.

10. Maps of proposed service areas (preferably in shapefiles, .kmz, or .kml formats).

11. Pro forma financial information and analyses, such as balance sheets, income statements, and statements of cash flows; and

12. Network diagram(s) and system design(s).

C. Additional Application Materials

No additional application materials are required, beyond what is enumerated above.

D. Attachment of Required Documents

Items in Section IV.B.1 through IV.B.5 above are part of the standard application package in Grants.gov and can be completed through the download application process.

Items in Section IV.B.6 through IV.B.12 above must be completed and attached by clicking on “Add Attachments” found in item 15 of the SF-424, Application for Federal Assistance. This will create a zip file that allows for transmittal of the documents electronically via Grants.gov.

Applicants should carefully follow specific Grants.gov instructions at www.Grants.gov to ensure the attachments will be accepted by the Grants.gov system. A receipt from Grants.gov indicates only that an application was transferred to a system. It does not provide details concerning whether all attachments (or how many attachments) transferred successfully. Applicants will receive a series of e-mail messages over a period of up to two business days before learning whether a federal agency’s electronic system has received its application.

E. Application Format

1. Paper, Emailed and Facsimile (fax) submissions

Paper, email and facsimile submissions will not be accepted.

2. Figures, graphs, images, and pictures

Should be of a size that is easily readable or viewable and may be landscape orientation.

3. Font

Easy to read font (10-point minimum). Smaller type may be used in figures and tables but must be clearly legible.

4. Line spacing

Applicants may use single spacing or double spacing.

5. Margins

One inch top, bottom, left, and right.

6. Page layout

Portrait orientation except for figures, graphs, images, and pictures. Paragraphs are to be clearly separated from each other by double spacing, paragraph formatting or equivalent.

7. Page limit

The Project Narrative is limited to 20 pages single spaced (40 pages double spaced), noting the limit of two (2) pages for the Executive Summary. Resumes, environmental and historic preservation review documentation, the table of funded project participants, and unfunded informal collaborators are not included in the page count of the Project Narrative. However, if resumes are included, resumes must be a maximum of one (1) page each.

8. Page numbering

Number pages sequentially.

9. Page size

8½ inches by 11 inches, excluding maps of proposed service areas or network or system diagrams.

10. Application language

English.

11. Typed document

All applications, including forms, must be typed.

F. Certifications Regarding Debarment and Suspension (applies to all members of a covered partnership and to all subrecipients)

By signing and submitting an application for funding pursuant to the Broadband Infrastructure Program, the applicant is making the following certifications (*see* Line 21 on the SF-424):

1. Instructions for Primary Tier Participant Certification (covered partnerships):
 - a. By signing and submitting this proposal, the prospective primary tier participant is providing the certification set out below and agrees to comply with the requirements of 2 C.F.R. Parts 180, 1200 and 1326.
 - b. The inability of a person to provide the certification required below will not necessarily result in denial of participation in this covered transaction. The prospective primary tier participant shall submit an explanation of why it cannot provide the certification set out below. The certification or explanation will be considered in connection with the department or agency's determination whether to enter into this transaction. However, failure of the prospective primary tier participant to furnish a certification or an explanation shall disqualify such person from participation in this transaction.
 - c. The certification in this clause is a material representation of fact upon which reliance was placed when the department or agency determined to enter into this transaction. If it is later determined that the prospective primary tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the federal government, the department or agency may terminate this transaction for cause or default or may pursue suspension or debarment.
 - d. The prospective primary tier participant shall provide immediate written notice to the department or agency to which this proposal is submitted if at any time the prospective primary tier participant learns its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

- e. The terms *covered transaction, civil judgment, debarment, suspension, ineligible, participant, person, principal, and voluntarily excluded*, as used in this clause, are defined in 2 C.F.R. Parts 180, 1200 and 1326. You may contact the department or agency to which this proposal is being submitted for assistance in obtaining a copy of those regulations.
 - f. The prospective primary tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 C.F.R. Part 9, Subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency entering into this transaction.
 - g. The prospective primary tier participant further agrees by submitting this proposal that it will include the clause titled "Instructions for Lower Tier Participant Certification" including the "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transaction," provided by the department or agency entering into this covered transaction, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions and will require lower tier participants to comply with 2 C.F.R. Parts 180, 1200 and 1326.
 - h. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under 48 C.F.R. Part 9, Subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant is responsible for ensuring that its principals are not suspended, debarred, or otherwise ineligible to participate in covered transactions. To verify the eligibility of its principals, as well as the eligibility of any prospective lower tier participants, each participant may, but is not required to, check the System for Award Management Exclusions website (<https://www.sam.gov/>).
 - i. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
 - j. Except for transactions authorized under paragraph 6 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 C.F.R. Part 9, Subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the federal government, the department or agency may terminate the transaction for cause or default.
2. Certification Regarding Debarment, Suspension, and Other Responsibility Matters - Primary Tier Covered Transactions:

- a. The prospective primary tier participant certifies to the best of its knowledge and belief, that it and its principals:
- b. Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participating in covered transactions by any federal department or agency;
- c. Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (federal, state or local) transaction or contract under a public transaction; violation of federal or state antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
- d. Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (federal, state or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and
- e. Have not within a three-year period preceding this application/proposal had one or more public transactions (federal, state, or local) terminated for cause or default.
- f. Where the prospective primary tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

3. Instructions for Lower Tier Participant Certification (applies to subrecipients):

- a. By submitting this proposal and accepting federal funding, the prospective lower tier participant is providing the certification set out below and agrees to comply with the requirements of 2 C.F.R. Parts 180, 1200 and 1326.
- b. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the federal government, the department or agency with which this transaction originated may pursue available remedies, including suspension or debarment.
- c. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
- d. The terms *covered transaction*, *civil judgment*, *debarment*, *suspension*, *ineligible*, *participant*, *person*, *principal*, and *voluntarily excluded*, as used in this clause, are defined in 2 C.F.R. Parts 180, 1200 and 1326. You may contact the person to whom this proposal is submitted for assistance in obtaining a copy of those regulations.
- e. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 C.F.R. Part 9, Subpart 9.4, debarred, suspended, declared

ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.

- f. The prospective lower tier participant further agrees by submitting this proposal that it will include the clause titled "Instructions for Lower Tier Participant Certification" including the "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion- Lower Tier Covered Transaction," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions and will require lower tier participants to comply with 2 C.F.R. Parts 180 and 1200.
 - g. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under 48 C.F.R. Part 9, Subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant is responsible for ensuring that its principals are not suspended, debarred, or otherwise ineligible to participate in covered transactions. To verify the eligibility of its principals, as well as the eligibility of any prospective lower tier participants, each participant may, but is not required to, check the System for Award Management Exclusions website (<https://www.sam.gov>).
 - h. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
 - i. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 C.F.R. Part 9, Subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the federal government, the department or agency with which this transaction originated may pursue available remedies, including suspension or debarment.
4. Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion - Lower Tier Covered Transactions:
- a. The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participating in covered transactions by any federal department or agency.
 - b. Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

G. Dun & Bradstreet Number and System for Award Management

Pursuant to 2 C.F.R. Part 25, an applicant or recipient (as the case may be) is required to: (i) be registered in the System for Award Management (SAM) before submitting its complete application packet; (ii) provide a valid unique entity identifier in its application; and (iii) continue to maintain an active SAM registration with current information at all times during which it has an active federal award or an application or plan under consideration by a federal awarding agency, unless otherwise excepted from these requirements pursuant to 2 C.F.R. § 25.110. NTIA will not make a federal award to an applicant until the applicant has complied with all applicable unique entity identifier and SAM requirements and, if an applicant has not fully complied with the requirements by the time that NTIA is ready to make a federal award pursuant to this NOFO, NTIA may determine that the applicant is not qualified to receive a federal award.

1. DUNS Number

All applicants must supply a Dun and Bradstreet Data Universal Numbering System (DUNS) number. Applicants can receive a DUNS number at no cost by calling the dedicated toll-free DUNS number request line at 1-866-705-5711 or via the Internet at <http://fedgov.dnb.com/webform>.

2. System for Award Management

All applicants must register in the SAM before submitting a complete application packet. Additionally, the applicant must maintain an active SAM registration with current information at all times during which it has an active federal award or an application or plan under consideration by a federal awarding agency. Applicants can register for the SAM at <https://www.sam.gov/>.

H. Submission Dates and Times

Complete applications must be received by www.grants.gov no later than 11:59 p.m. Eastern Daylight Time (EDT) on **August 17, 2021**. Complete applications or portions thereof submitted by postal mail, courier, email, or by facsimile will not be accepted. All application forms and documents must be included with an applicant's complete application packet submission via www.grants.gov. Applicants should be aware, and factor in their application submission planning, that the Grants.gov system periodically closes for routine maintenance. Applicants should visit Grants.gov for information about any scheduled closures.

When developing the submission timeline, please keep in mind that: (1) all applicants are required to have current registrations in the electronic System for Award Management (SAM.gov) and Grants.gov; (2) the free annual registration process in SAM.gov generally takes between three (3) and five (5) business days but can take more than three weeks; and (3) applicants will receive e-mail notifications over a period of up to two (2) business days as the application moves through intermediate systems before the applicant learns via a validation or rejection notification whether a federal agency's electronic system has received the application. (See Grants.gov for full information on application and notification through Grants.gov). Please

note that a federal assistance award cannot be issued if the designated recipient's registration in SAM.gov is not current at the time of the award.

NTIA expects to complete its review, selection of successful applicants, and award processing by **November 15, 2021**. NTIA expects the earliest start date for awards under this NOFO to be **November 29, 2021**.

I. Intergovernmental Review

Applications from a State or a political subdivision of the State under this program are subject to Executive Order 12372, "Intergovernmental Review of Federal Programs," which requires intergovernmental consultation with state and local officials. All applicants are required to submit a copy of their applications to their designated state Single Point of Contact (SPOC) offices.⁶

J. Funding Restrictions

1. Eligible Uses of Funds for the Broadband Infrastructure Program

Grant recipients may only use federal award funds and any non-federal cost share committed to an award to pay for allowable costs under the Broadband Infrastructure Program. Allowable costs are determined in accordance with the cost principles identified in 2 C.F.R. Part 200, including Subpart E of such regulations for States and non-profit organizations, and in 48 C.F.R. Part 31 for commercial organizations,⁷ as well as in the grant program's authorizing legislation. Federal and non-federal funds committed to an award may only be used to cover allowable costs incurred during the period of performance and for allowable closeout costs incurred during the grant closeout process.

Based on the scope of the Broadband Infrastructure Program, below are non-exclusive examples of how a covered partnership may generally leverage grant funds:

- a. fund the costs of construction, improvement, and/or acquisition of facilities and telecommunications equipment required to provide qualifying broadband service, including infrastructure for backhaul, middle and last mile networks;
- b. fund the cost of long-term leases (for terms greater than one year) of facilities required to provide qualifying broadband service, including indefeasible right-of-use (IRU) agreements;

⁶ See 7 C.F.R. Part 3015, Subpart V.

⁷ The government has established a set of principles for determining eligible or allowable costs. Allowable costs are determined in accordance with the cost principles applicable to the entity incurring the costs. For example, the allowability of costs incurred by State, local or Federally-Recognized Indian tribal governments is determined in accordance with the provisions of 2 C.F.R. Part 200, Subpart E and the allowability of costs for commercial organizations is determined in accordance with the provisions of 48 C.F.R. Part 31, unless the Grants Officer decides in writing to apply the cost principles in 2 C.F.R. Part 200, Subpart E, to commercial organizations pursuant to 2 C.F.R. § 200.101(a)(2).

- c. fund the costs of engineering design, permitting and work related to environmental, historical and cultural reviews;
- d. fund personnel costs, including salaries and fringe benefits for staff and consultants required for the implementation of the Broadband Infrastructure Program (such as project managers, program directors, subject matter experts, grant administrators, financial analysts, accountants, and attorneys);
- e. fund reasonable pre-application expenses in an amount not to exceed \$50,000. Pre-application expenses, which include expenses related to preparing an application, may be reimbursed if they are incurred after the publication date of this NOFO and prior to the date of issuance of the grant award from NTIA, except that lobbying costs and contingency fees are not reimbursable from grant funds. Pre-application costs should be clearly identified in the proposed project budget. Additionally, pre-application costs are incurred at the sole risk of the applicant and will not be reimbursed by NTIA if the proposed project does not receive an award pursuant to this program; and
- f. fund other allowable costs necessary to carrying out programmatic activities of an award, not to include ineligible costs described below in Section IV.J.2 of this NOFO.

2. Ineligible Costs for the Broadband Infrastructure Program

Ineligible costs include those costs that are unallowable under the applicable federal cost principles. Please note that costs ineligible for the Broadband Infrastructure Program may not be paid for with non-federal cost share committed to an award. In addition, the following costs are specifically identified as prohibited under the Broadband Infrastructure Program:

a. Covered Partnership – The following costs prohibitions apply to all members of a covered partnership:

i. Prohibition On Use of Grant Funds For Covered Communications Equipment Or Services.—A covered partnership may not use grant funds received under the Broadband Infrastructure Program to purchase or support any covered communications equipment or service (as defined in section 9 of the Secure and Trusted Communications Networks Act of 2019 (47 U.S.C. 1608)).

ii. Prohibition on Profit and Fees.—A profit, fee, or other incremental charge above actual cost is not an allowable cost under this program.

iii. Prohibition on Use of Grant Funds to Support or Oppose Collective Bargaining.—A covered partnership may not use grant funds, whether directly or indirectly as an offset for other funds, to support or oppose collective bargaining.

b. Provider of Broadband Services – The following cost prohibitions apply to a provider of broadband services that is a member of a covered partnership:

As a condition of receiving a grant under the Broadband Infrastructure Program, a provider of broadband service that is part of a covered partnership receiving the grant is prohibited:

i. from using the grant amounts to repay, or make any other payment relating to, a loan made by any public or private lender;

ii. from using grant amounts as collateral for a loan made by any public or private lender;

iii. from using more than \$50,000 of the grant amounts to pay for the preparation of the grant;

iv. from using grant funds to pay for previously incurred administrative costs or previously purchased equipment or construction activities undertaken prior to the award; and

v. from using grant funds to pay for the costs of providing broadband service to any locations that are used to meet an FCC Universal Service Fund (USF) deployment obligation.

3. Impact On Other Federal Broadband Programs.—As stated in Section 905(g) of the Act, the use of grant funds received under the Broadband Infrastructure Program by a covered partnership or subrecipient shall not impact the eligibility of, or otherwise disadvantage, the covered partnership or subrecipient with respect to participation in any other federal broadband program.

K. Material Representations and Public Disclosure of Applications

All forms and supporting documents submitted as part of the complete application packet will be treated as a material representation of fact upon which NTIA will rely in awarding grants. Applicants should be aware that NTIA may make all or portions of their applications for grants under the Broadband Infrastructure Program publicly available as required under applicable federal laws. See Section VIII.A of this NOFO for additional information concerning the confidentiality of information contained in an application.

L. Other Submission Requirements

Complete applications for the Broadband Infrastructure Program must be electronically submitted through www.grants.gov. Late or incomplete applications and applications submitted by mail, courier, or by facsimile will not be accepted.

1. How to Register to Apply through Grants.gov

Read the instructions below about registering to apply for the funds available under the Broadband Infrastructure Program. Applicants should read the registration instructions carefully and prepare the information requested before beginning the registration process. Reviewing and assembling the required information before beginning the registration process will alleviate last-minute searches for required information.

Organizations must have a Data Universal Numbering System (DUNS) Number, active System for Award Management (SAM) registration, and Grants.gov account to apply for grants. If individual applicants are eligible to apply for this funding opportunity, then you may begin with step 3, Create a Grants.gov Account, listed below.

Creating a Grants.gov account can be completed online in minutes, but DUNS and SAM registrations may take several weeks. Therefore, an organization's registration should be done in sufficient time to ensure it does not impact the entity's ability to meet required application submission deadlines.

Complete organization instructions can be found on Grants.gov here:

<https://www.grants.gov/web/grants/applicants/organization-registration.html>

1) *Obtain a DUNS Number*: All entities applying for funding, including renewal funding, must have a DUNS Number from Dun & Bradstreet (D&B). Applicants must enter the DUNS Number in the data entry field labeled "Organizational DUNS" on the SF-424 form. For more detailed instructions for obtaining a DUNS Number, refer to: <https://www.grants.gov/web/grants/applicants/organization-registration/step-1-obtain-duns-number.html>

2) *Register with SAM*: All organizations applying online through Grants.gov must register with the System for Award Management (SAM). Failure to register with SAM will prevent your organization from applying through Grants.gov. SAM registration must be renewed annually. For more detailed instructions for registering with SAM, refer to: <https://www.grants.gov/web/grants/applicants/organization-registration/step-2-register-with-sam.html>

3) *Create a Grants.gov Account*: The next step is to register an account with Grants.gov. Follow the on-screen instructions or refer to the detailed instructions here: <https://www.grants.gov/web/grants/applicants/registration.html>

4) *Add a Profile to a Grants.gov Account*: A profile in Grants.gov corresponds to a single applicant organization the user represents (*i.e.*, an applicant) or an individual applicant. If you work for or consult with multiple organizations and have a profile for each, you may log in to one Grants.gov account to access all of your grant applications. To add an organizational profile to your Grants.gov account, enter the DUNS Number for the organization in the DUNS field while adding a profile. For more detailed instructions

about creating a profile on Grants.gov, refer to:

<https://www.grants.gov/web/grants/applicants/registration/add-profile.html>

5) *EBiz POC Authorized Profile Roles*: After you register with Grants.gov and create an Organization Applicant Profile, the organization applicant's request for Grants.gov roles and access is sent to the EBiz POC. The EBiz POC will then log in to Grants.gov and authorize the appropriate roles, which may include the AOR role, thereby giving you permission to complete and submit applications on behalf of the organization. You will be able to submit your application online any time after you have been assigned the AOR role. For more detailed instructions about creating a profile on Grants.gov, refer to:

<https://www.grants.gov/web/grants/applicants/registration/authorize-roles.html>

6) *Track Role Status*: To track your role request, refer to:

<https://www.grants.gov/web/grants/applicants/registration/track-role-status.html>

Electronic Signature: When the complete application packet is submitted through Grants.gov, the name of the organization applicant with the AOR role that submitted the application is inserted into the signature line of the application, serving as the electronic signature. The EBiz POC **must** authorize people who are able to make legally binding commitments on behalf of the organization as a user with the AOR role; **this step is often missed and it is crucial for valid and timely submissions.**

2. How to Submit an Application for the Broadband Infrastructure Program via Grants.gov

Grants.gov applicants can apply online using Workspace. Workspace is a shared, online environment where members of a grant team may simultaneously access and edit different webforms within an application.

Below is an overview of applying on Grants.gov. For access to complete instructions on how to apply for opportunities, refer to:

<https://www.grants.gov/web/grants/applicants/workspace-overview.html>

1) *Create a Workspace*: Creating a workspace allows you to complete it online and route it through your organization for review before submitting.

2) *Complete a Workspace*: Add participants to the workspace to work on the application together, complete all the required forms online or by downloading PDF versions, and check for errors before submission. The Workspace progress bar will display the state of your application process as you apply. As you apply using Workspace, you may click the blue question mark icon near the upper-right corner of each page to access context-sensitive help.

a. *Adobe Reader*: If you decide not to apply by filling out webforms, you can download individual PDF forms in Workspace. The individual PDF forms can be

downloaded and saved to your local device storage, network drive(s), or external drives, then accessed through Adobe Reader.

NOTE: Visit the Adobe Software Compatibility page on Grants.gov to download the appropriate version of the software at:

<https://www.grants.gov/web/grants/applicants/adobe-software-compatibility.html>

b. *Mandatory Fields in Forms:* In the forms, you will note fields marked with an asterisk and a different background color. These fields are mandatory fields that must be completed to successfully submit your application.

c. *Complete SF-424 Fields First:* The forms are designed to fill in common required fields across other forms, such as the applicant name, address, and DUNS Number. Once it is completed, the information will transfer to the other forms.

3) *Submit a Workspace:* An application may be submitted through workspace by clicking the Sign and Submit button on the Manage Workspace page, under the Forms tab. Grants.gov recommends submitting your application package at least 24-48 hours prior to the close date to provide you with time to correct any potential technical issues that may disrupt the application submission.

4) *Track a Workspace Submission:* After successfully submitting a workspace application, a Grants.gov Tracking Number (GRANTXXXXXXXX) is automatically assigned to the application. The number will be listed on the Confirmation page that is generated after submission. Using the tracking number, access the Track My Application page under the Applicants tab or the Details tab in the submitted workspace.

For additional training resources, including video tutorials, refer to:

<https://www.grants.gov/web/grants/applicants/applicant-training.html>.

Applicant Support: Grants.gov provides applicants 24/7 support via the toll-free number 1-800-518-4726 and email at support@grants.gov. For questions related to the specific grant opportunity, contact the number listed in the application package of the grant you are applying for.

If you are experiencing difficulties with your submission, it is best to call the Grants.gov Support Center and get a ticket number. The Support Center ticket number will assist NTIA with tracking your issue and understanding background information on the issue.

3. Timely Receipt Requirements and Proof of Timely Submission

Online Submission. Proof of timely submission is automatically recorded by Grants.gov. An electronic date/time stamp is generated within the system when the application is successfully received by Grants.gov. The applicant with the AOR role who submitted the application will receive an acknowledgement of receipt and a tracking number (GRANTXXXXXXXX) from Grants.gov with the successful transmission of their application. This applicant with the AOR

role will also receive the official date/time stamp and Grants.gov Tracking number in an email serving as proof of their timely submission.

When NTIA successfully retrieves the application from Grants.gov, and acknowledges the download of submissions, Grants.gov will provide an electronic acknowledgment of receipt of the application to the email address of the applicant with the AOR role who submitted the application. Again, proof of timely submission shall be the official date and time that Grants.gov receives your application. Applications received by Grants.gov after the established due date for the program will be considered late and will not be considered for funding by NTIA.

Applicants using slow internet, such as dial-up connections, should be aware that transmission can take some time before Grants.gov receives your application. Again, Grants.gov will provide either an error or a successfully received transmission in the form of an email sent to the applicant with the AOR role attempting to submit the application. The Grants.gov Support Center reports that some applicants end the transmission because they think that nothing is occurring during the transmission process. Please be patient and give the system time to process the application.

4. Amendments

Any amendments to this NOFO will be announced through Grants.gov. Applicants may sign up on Grants.gov to receive amendments by email or may request copies by e-mail from broadbandusa@ntia.gov.

V. Application Review Information

A. Evaluation Criteria for the Broadband Infrastructure Program

NTIA will evaluate those eligible applications that satisfy the statutory purposes and funding priorities set forth in the Act and in this NOFO against objective evaluation criteria to determine whether an application merits an award. Applications that satisfy the funding priorities of the Broadband Infrastructure Program and score highly when evaluated against the objective evaluation criteria during the Merit Review will advance to the Programmatic Review. From this pool of applications, NTIA will select awardees based on the results of the Merit and Programmatic Reviews, and by applying the Selection Factors listed in this NOFO.

The evaluation criteria that will be used by the Merit Reviewers to review and analyze Broadband Infrastructure Program applications are grouped into three categories: (1) Project Purpose and Benefits; (2) Project Viability; and (3) Project Budget and Sustainability. Each application will be evaluated against the following objective criteria.

1. Project Purpose and Benefits (30 points)

a. Level of Impact in the Proposed Service Area (20 points). Reviewers will consider the number of total households, businesses and community anchor institutions that the project will connect in the proposed service area; the total number of unserved households, as

defined in Section I.B.10 of the NOFO, that the project will connect in the proposed service area; the total number of households, businesses, and community anchor institutions that will receive qualifying broadband service; and the total number of households, businesses, and community anchor institutions that will receive broadband service at speeds greater than qualifying broadband service.

Reviewers will consider the extent to which the provider(s) of broadband service comprising the covered partnership has received support from other federal or state sources to deploy broadband service in the proposed service area. Reviewers will also consider whether there are service providers already present in all or part of the area, as well as the pricing, coverage, and available capacity of those providers. Reviewers will consider what proportion of the end users projected to be served are located in unserved areas and may take into account any comments submitted by existing broadband service providers in response to the announcement described in Section VIII.B of this NOFO in making this evaluation.

Applications that propose a Last Mile project must connect 100 percent of total unserved households, as defined in Section I.B.(k) of this NOFO, in the proposed service area to receive the full 20 points in this category. Projects to deploy middle mile networks must prioritize connecting with last mile networks serving unserved households and substantiate the incremental value to the last mile connection to the middle mile network, including, increased network capacity for last mile circuits, increased network performance, and lower costs that are passed onto end users, as well as identify potential or partnered last mile networks that could or would leverage the middle mile network, in the proposed service area to receive points in this category.

b. Affordability of Services Offered (10 points). Applications will be evaluated on the pricing of the broadband services offered compared to existing broadband services in the proposed service area or based on nationwide averages. Applicants should demonstrate that this pricing is competitive and affordable to their target markets.

To receive a full score in this category, the applicant must address all of the criteria in the category with distinction as well as all of the factors for which an applicant may receive additional consideration.

2. Project Viability (40 points)

a. Technical Approach and Related Network Capacity and Performance (20 points). Applications will be scored on the comprehensiveness and appropriateness of the technical solution for the community need and related benefits (capacity and performance). Applications will be evaluated on the proposed technological solution and the ability of the proposed network to provide sufficient capacity, as well as scalability, to meet the needs of the households, businesses, and community anchor institutions in the proposed service area. Networks with higher end-user speeds and the potential for incremental future capacity/bandwidth increases to offer higher broadband speeds in the future, will receive greater consideration. Proposed networks that deliver broadband service with 95 percent or more of all peak period measurements of network round-trip latency at or below 80 milliseconds will receive 10 points.

Reviewers will give additional consideration for construction projects that are “shovel ready” and capable of completion within a one-year award period.

b. Applicant’s Organizational Capability (20 points). Reviewers will assess whether the applicant has the organizational capability necessary to undertake and complete the project. Reviewers will consider the experience and expertise of the project management team and the past track record of the organization with projects of a similar size and scope, as well as the organization’s capacity and readiness. Reviewers will also assess the applicant's partnership and/or subrecipient strategy, including how it complements the applicant's organizational capacity, as well as the project approach, feasibility, and timely completion of proposed project. NTIA will only fund proposals where it determines that the applicant has the organizational capability necessary to carry out the project to completion.

3. Project Budget and Sustainability (30 points)

a. Reasonableness of the Budget (10 points). Reviewers will evaluate the reasonableness of the budget based on its clarity, level of detail, comprehensiveness, appropriateness to the proposed technical and programmatic solutions, the reasonableness of its costs, and whether the allocation of funds is sufficient to complete the tasks outlined in the project plan.

b. Sustainability of the Project (15 points). Applicants must convincingly demonstrate the ability of the project to be sustained beyond the award period. Reviewers will consider business plans, market projections, third-party funding commitments, and other data as may be appropriate to the nature of the applicant and the proposed project. Reviewers will consider demonstrations of community commitments or anchor tenant commitments that would help promote sustainability. Project plans that describe the ability to scale and integrate evolving advanced services over time (such as interoperable interfaces for fifth generation fixed wireless capability or by deploying fiber) will receive up to 8 points.

c. Leverage of Non-Federal Resources (5 points). Reviewers will give additional consideration to those applications that propose to contribute a non-federal cost share of at least 10 percent of the total eligible project costs as reflected in the proposed project budget.

To receive a full score in this category, the applicant must address all of the criteria in the category with distinction as well as all of the factors for which an applicant may receive additional consideration.

B. Review Process for the Broadband Infrastructure Program

The review process will be divided into three stages as outlined below:

1. Initial Administrative and Eligibility Review of Complete Application Packets

NTIA will conduct an initial review of timely received applications submitted in response to this NOFO to determine eligibility, completeness and responsiveness to the programmatic

requirements of the Broadband Infrastructure Program, including a review of the project narrative and budget justification. Applications submitted by other than an eligible applicant will be eliminated from further review. NTIA may continue the initial administrative review process for an application that is timely submitted by an eligible applicant, but that is missing certain information or documentation required by this NOFO, and will request missing or incomplete information from the applicant as needed. The applicant will have seven (7) calendar days to submit materials responsive to the feedback provided by NTIA, unless this period is extended by NTIA. Pursuant to Section 905(e)(2)(B) of the Act, an eligible applicant's failure to remedy deficiencies in a timely manner may result in NTIA's denial of the application.

Given the limited amount of funding available for broadband infrastructure deployment awards and the potentially large number of covered partnerships that may submit applications for this grant program, NTIA will review applications based on the priorities enumerated in Section 905(d)(4) of the Act (and set forth in Section I.A of this NOFO) in their statutory order of priority. Thus, NTIA will first sequence all applications that address priority one by proposing a covered broadband project designed to provide broadband service to the greatest number of households in an eligible service area and evaluate them against the objective criteria set forth in Section V.A of the NOFO to determine their eligibility for award. To the extent that funding remains available after NTIA completes its review of priority one applications, NTIA will then review applications that address priority two. NTIA will continue this priority sequencing process until it has awarded all available funding.

2. Merit Review

Applications satisfying the Initial Administrative and Eligibility Review will be evaluated by at least two objective reviewers who have demonstrated expertise in the programmatic aspects of the Broadband Infrastructure Program. They may be federal employees or non-federal persons. During the review process, the reviewers may discuss the applications with each other, but scores will be determined on an individual basis. As applicable, reviewers will be required to sign and submit a nondisclosure and confidentiality form pertaining to the dissemination of confidential information and to potential financial and other conflicts of interest.

NTIA Program Staff will prioritize applications for Merit Review based on the priorities set forth in Section 905(d)(4) of the Act (*see* Section I.A of this NOFO). Reviewers will evaluate applications according to the evaluation criteria provided in Section V.A of this NOFO and independently score each application based on a scale of 0-100. In response to reviewer feedback, NTIA may seek additional clarifying information or corroborating documentation from an applicant during the course of a merit review and may suggest revisions be made to an application to resolve perceived material programmatic or financial weaknesses or deficiencies. In such cases, NTIA will review the feedback from the Merit Reviewers, and will contact the applicant and provide the applicant with an opportunity to respond to the Merit Review feedback. The applicant will have ten (10) calendar days to respond to the reviewer feedback, unless this time period is extended by NTIA. Pursuant to Section 905(e)(2)(B) of the Act, an eligible applicant's failure to remedy application deficiencies in a timely and constructive manner may result in NTIA's denial of the application.

Based on an average of the reviewers' scores, applications will be assigned adjectival ratings for each priority group in accordance with the following scale:

Qualified for Funding – (70-100 points)
Unqualified for Funding – (0-69 points)

NTIA may use its sole discretion to terminate the Merit Review revision process for an applicant if, after multiple opportunities to respond to Merit Review feedback, NTIA determines that the applicant is not sufficiently responding to requests for additional information or remedying application deficiencies.

3. Programmatic Review

NTIA Program Staff will review applications determined to be qualified for funding during the Merit Review process for conformity with programmatic objectives, requirements and priorities. NTIA Program Staff will prioritize applications for Programmatic Review based on the priorities for the Broadband Infrastructure Program set forth in Section 905(d)(4) of the Act (*see* Section I.A of this NOFO).

During Programmatic Review, NTIA may ask applicants to submit additional information, as appropriate, to clarify or to further substantiate the representations made in their applications. NTIA Program Staff will review the supplemental information, along with all information submitted with the application, to confirm eligibility and evaluate the applications with respect to the requirements and priorities of the Broadband Infrastructure Program. NTIA Program Staff will use available data from the FCC, as required in the Act, to validate eligible service areas. The FCC Form 477 data is a data layer in NTIA's National Broadband Availability Map (NBAM), and NTIA will rely on the FCC's data, along with other datasets contained in the NBAM and other available information, to validate applicants' proposed service areas as meeting the Act's definition of eligible service area.⁸

Applicants whose supporting documents are not complete, accurate and timely submitted or that do not adequately substantiate the representations in their applications may be denied. NTIA will request supplemental documentation before deciding to deny such applications and will re-evaluate the application package based on all of the information presented. Applicants will have ten (10) calendar days to submit information responsive to the feedback provided by NTIA, unless this time period is extended by NTIA.

NTIA reserves the right at any time during the Merit and Programmatic Review processes to negotiate with the applicant relative to specific modifications to the application, including but not limited to the resolution of any differences that may exist between the applicant's original

⁸ The NBAM is a geographic information system platform that allows for visualization and analysis of federal, state, and commercially available data sets. This includes data from the Federal Communications Commission, U.S. Census Bureau, Universal Service Administrative Company, U.S. Department of Agriculture, Ookla, Measurement Lab, and the state governments. The mapping platform provides users, including administrators from 29 participating states, with access to the NBAM and its data to better inform broadband projects and funding decisions in their states.

request and NTIA's determination of eligible service areas, eligible costs, and Broadband Infrastructure Program funding priorities. Upon completion of the Programmatic Review, NTIA Program Staff will summarize their analysis for each application reviewed.

C. Selection Factors and Selection Process

At the conclusion of the Programmatic Review, the Associate Administrator for the Office of Telecommunications and Information Applications (OTIA Associate Administrator) will prepare a rank order of applications within a particular priority grouping and present a package or packages of recommended grant awards to the Selecting Official for review and approval. The OTIA Associate Administrator's recommendations to the Selecting Official will consider the following selection factors:

1. The scores and technical comments of the objective expert reviewers during Merit Review;
2. The analysis of NTIA Program Staff during Programmatic Review;
3. Satisfaction of multiple Broadband Infrastructure Program priorities set forth in Section 905(d)(4) of the Act;
4. The extent to which the applicant proposes to contribute non-federal cost share to fund a portion of the total eligible costs of the project;
5. The equitable geographic distribution of the proposed grant awards;
6. The extent to which the infrastructure investment is necessary to provide qualifying broadband service in the proposed service area and is unlikely to be made using private sources of funds;
7. Whether, and the extent to which, the applicant proposes to incorporate strong labor protections into the performance of the construction project, including paying prevailing wages;⁹
8. Avoidance of duplication with the initiatives of other federal agencies, including Department of Agriculture loan and grant programs for broadband services, applicable universal service programs authorized by the Federal Communications Commission; and
9. The availability of funds.

⁹ This means that all laborers and mechanics employed by contractors and subcontractors in the performance of such project are paid wages at rates not less than those prevailing, as determined by the U.S. Secretary of Labor in accordance with subchapter IV of chapter 31 of title 40, United States Code (commonly known as the "Davis-Bacon Act") or, for the corresponding classes of laborers and mechanics employed on projects of a character similar to the contract work in the civil subdivision of the State (or the District of Columbia) in which the work is to be performed, or by the appropriate state entity pursuant to a corollary state prevailing-wage-in-construction law (commonly known as "baby Davis-Bacon Acts").

The Assistant Secretary, or their designee, will serve as the Selecting Official for the Broadband Infrastructure Program. The Assistant Secretary will generally select and recommend applications for funding based on the rank order within each priority grouping prepared by the OTIA Associate Administrator. As the Selecting Official, the Assistant Secretary retains discretion to select and recommend an application for funding that was not recommended by the OTIA Associate Administrator based on one or more of the selection factors enumerated above, or not to select an application that was recommended for funding by the OTIA Associate Administrator. The Assistant Secretary will submit the applications recommended for funding, along with the bases for the selection decisions, to the National Institute of Standards and Technology (NIST) Grants Officer, who serves as the Grants Officer for the Broadband Infrastructure Program. The final approval of selected applications and the issuance of awards will be made by the NIST Grants Officer. The award decisions of the NIST Grants Officer are final.

Awards will be made for each priority grouping (as set forth in Section I.A of this NOFO) once NTIA completes its review and evaluation of all applications within a particular priority group. All awards are subject to the availability of federal award funds at the time of award. Unsuccessful applicants will be notified in writing.

As set forth in Section 905(e)(2)(B)(ii) of the Act, the Assistant Secretary may deny an application submitted under the Broadband Infrastructure Program only if the Assistant Secretary provides the applicant an opportunity to cure any defects in the application; and, after receiving the opportunity to cure any defects in the application, the applicant still fails to meet the requirements of this grant program. The multiple opportunities described in Section V.B of this NOFO for an applicant to remedy any deficiencies with its application satisfy this requirement.

D. Federal Awarding Agency Review of Risk Posed by Applicants

After applications are proposed for funding by the Selecting Official, the NIST Grants Management Division (GMD) will perform pre-award risk assessments in accordance with 2 C.F.R. § 200.206, which may include a review of the financial stability of an applicant, the quality of the applicant's management systems, the history of performance, reports and findings from audits, and/or the applicant's ability to effectively implement statutory, regulatory, or other requirements imposed on non-federal entities. In addition, prior to making an award where the total federal share is expected to exceed the simplified acquisition threshold (currently \$250,000), NIST GMD will review and consider the non-publicly available information about that applicant in the Federal Awardee Performance and Integrity Information System (FAPIIS). Upon completion of the pre-award risk assessment, NIST GMD will determine whether the applicant is qualified to receive the award and, if so, whether appropriate specific award conditions that correspond to the degree of risk posed by the applicant should be applied to the award.

E. Anticipated Announcement and Award Dates

NTIA expects to complete its review, selection of successful applicants, and award processing by **November 15, 2021**. NTIA expects the earliest start date for awards under this NOFO to be

November 29, 2021. NTIA anticipates announcing awards made under the Broadband Infrastructure Program on a rolling basis during calendar year 2021.

VI. Federal Award Administration Information

A. Federal Award Notices

A grants officer from the NIST Grants Office will serve as the Grants Officer for awards issued pursuant to this NOFO. Applicants will be notified in writing by the NIST Grants Officer if their application is selected for an award. If the application is selected for funding, the NIST Grants Officer will issue the grant award (Form CD-450), which is the authorizing financial assistance award document. By signing the Form CD-450, the recipient agrees to comply with all award provisions, terms, and conditions.

If an applicant is awarded funding, neither NTIA nor NIST is under any obligation to provide any additional future funding in connection with that award or to make any future award(s). Amendment of an award to extend the period of performance is at the discretion of NTIA and the NIST Grants Officer.

B. Notification to Unsuccessful Applicants.

Unsuccessful applicants will be notified by e-mail and will have the opportunity to receive a debriefing after the opportunity is officially closed. Applicants must make a request within 10 business days of the email notification to receive a debrief from NTIA. NTIA will then work with the unsuccessful applicant in arranging a date and time of the debrief.

C. Retention of Unsuccessful Applications.

Unsuccessful applications will be retained in accordance with NTIA recordkeeping requirements.

D. Administrative and National Policy Requirements

Grant recipients will comply with applicable statutes and regulations, including but not limited to:

- 1. Uniform Administrative Requirements, Cost Principles and Audit Requirements.** Through 2 C.F.R. § 1327.101, the Department of Commerce adopted Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards at 2 C.F.R. Part 200, which apply to awards in this program. Refer to <http://go.usa.gov/SBYh> and <http://go.usa.gov/SBg4>.
- 2. Department of Commerce Financial Assistance Standard Terms and Conditions.** The Department of Commerce will apply to each award in this program, the Financial Assistance Standard Terms and Conditions in effect on the date of award. The current version, dated November 12, 2020, is accessible at [Department of Commerce](#)

Financial Assistance Standard Terms and Conditions. Refer to Section VII of this NOFO, Federal Awarding Agency Contacts, Grant Rules and Regulations, if you need more information.

- 3. Pre-Award Notification Requirements.** The Department of Commerce will apply the Pre-Award Notification Requirements for Grants and Cooperative Agreements dated December 30, 2014 (79 FR 78390), accessible at <http://go.usa.gov/hKkR>. Refer to Section VII of this NOFO, Federal Awarding Agency Contacts, Grant Rules and Regulations, for more information.
- 4. Environmental and National Historical Preservation Requirements.** Awarding agencies are required to analyze the potential environmental impacts, as required by the National Environmental Policy Act (NEPA) (42 U.S.C. 4321 *et seq.*) and the National Historic Preservation Act (NHPA) (54 U.S.C. 300101 *et seq.*) for applicant proposals and awardee projects seeking funding under the Broadband Infrastructure Program. Applicants with projects containing construction and/or ground disturbing activities are required to submit all required environmental documentation with their application package or describe in their project narrative the physical project location and included photographs, as described above, and how they will comply with applicable environmental and national historical preservation requirements. It is the applicant's responsibility to obtain all necessary federal, state, and local governmental permits and approvals necessary for the proposed work to be conducted. Applicants are expected to design their projects so that they minimize the potential for adverse impacts on the environment. Applicants also will be required to cooperate with NTIA in identifying feasible measures to reduce or avoid any identified adverse environmental impacts of their proposed projects. The failure to do so may be grounds for not making an award. Applications will be reviewed to ensure that they contain sufficient information to allow agency staff to conduct a NEPA analysis so that appropriate NEPA documentation can be submitted to NTIA, along with the recommendation for funding of the selected applications. If additional information is required after an application is accepted for funding, funds can be withheld by NTIA under a specific award condition requiring the awardee to submit additional environmental compliance information sufficient for the agency to make an assessment of any impacts that a project may have on the environment.
- 5. Property Trust Relationship and Public Notice Filings for Grant-Acquired Property.** In accordance with 2 C.F.R. § 200.316, real property, equipment, and intangible property, that are acquired or improved with a Federal award must be held in trust by the recipient or subrecipient as trustee for the beneficiaries of the project or program under which the property was acquired or improved. In this connection, NTIA may require the non-Federal entity to record liens or other appropriate notices of record to indicate that personal or real property has been acquired or improved with a Federal award and that use and disposition conditions apply to the property. Awards issued pursuant to this NOFO may contain specific award conditions pertaining to the use and disposition of grant-acquired property and to a requirement

that the recipient or subrecipient file certain public notices (*e.g.*, UCC-1, Covenant of Purpose, Use and Ownership, etc.) with respect to grant-acquired property.

6. **Open Network Requirements.** NTIA will require a recipient receiving funds to deploy broadband infrastructure under this grant program to make the network open for interconnection with other broadband service providers. The requirement to interconnect will apply to applicants that deploy middle mile networks and not last mile networks. Awards issued pursuant to this NOFO may contain a specific award condition imposing a requirement to comply with NTIA's open network requirements, which allows all other carriers to interconnect with these networks on fair and non-discriminatory terms and conditions. Such specific award condition may include the following:
 - **Interconnection:** Recipients shall allow interconnection to grant-funded facilities at any technically feasible point along the network (without exceeding current or reasonably anticipated capacity limitations). This duty includes, at a minimum, the physical interconnection of the recipient's facilities to a requesting party's facilities for the exchange of traffic. In addition, recipients shall connect to the public Internet directly or indirectly and provide requesting parties with an ability to connect to the Internet. Rates and terms for interconnection shall be reasonable and nondiscriminatory.
 - **Negotiate in Good Faith:** Recipients shall negotiate in good faith with all requesting parties (*i.e.*, public, private, non-profit, or other parties) making a bona fide request for interconnection or wholesale services.
 - **Wholesale Broadband Services:** NTIA encourages recipients to offer wholesale broadband services at rates and terms that are reasonable and nondiscriminatory.
7. **Domestic Preference for Procurements (Buy American).** Pursuant to 2 C.F.R. 200.322, a non-federal entity should, to the greatest extent practicable under a federal award, provide a preference for the purchase, acquisition, or use of goods, products, or materials produced in the United States (including, but not limited to, iron, aluminum, steel, cement, and other manufactured products). The requirements of this section must be included in all subawards, including all contracts and purchase orders for work or products pursuant to this program.
8. **Contracting with Small and Minority Businesses, Women's Business Enterprises, and Labor Surplus Area Firms.** Pursuant to 2 C.F.R. 200.321, a non-federal entity must take all necessary affirmative steps (as described in 2 C.F.R. 200.321) to assure that minority businesses, women's business enterprises, and labor surplus area firms are used when possible.

E. Reporting

1. Reporting Requirements. The following reporting requirements described in Sections A.01, Reporting Requirements, of the Department of Commerce Financial Assistance Standard Terms and Conditions (dated November 12, 2020), apply to awards in this program:

- a. Financial Reports.** Each award recipient will be required to submit an SF-425, Federal Financial Report on a semi-annual basis for the periods ending March 31 and September 30 of each year. Reports will be due within 30 days after the end of the reporting period to the NTIA Federal Program Officer, Grants Officer and Grants Specialist named in the award documents. A final financial report is due within 120 days after the end of the project period.
- b. Performance (Technical) Reports.** Each award recipient will be required to submit a technical progress report to the NTIA Federal Program Officer, Grants Officer and Grants Specialist named in the award documents on a semi-annual basis for the periods ending March 31 and September 30 of each year. Reports will be due within 30 days after the end of the reporting period. Technical progress reports shall contain information as prescribed in 2 C.F.R. § 200.329 (<http://go.usa.gov/xkVgP>) and Department of Commerce Financial Assistance Standard Terms and Conditions (dated November 12, 2020), Section A.01.

2. Annual Report.—Not later than one year after receiving grant funds under the Broadband Infrastructure Program, and annually thereafter until the funds have been expended, a covered partnership shall submit to the Assistant Secretary (via email to the NTIA Federal Program Officer listed in the recipient's award documents) a report, with respect to the one-year period immediately preceding the report date, that:

- (a) describes how the covered partnership expended the funds;
- (b) certifies that the covered partnership complied with the requirements of the Act and the Broadband Infrastructure Program, including:
 - (i) a description of each service provided with the grant funds; and
 - (ii) the number of locations or geographic areas at which broadband service was provided using the grant funds; and
- (c) identifies each subrecipient that received a subgrant from the covered partnership and a description of the specific project for which grant funds were provided.

3. Provision Of Information To FCC and USDA.—The Assistant Secretary will provide the information collected under Section VI.E.2 of this NOFO to the Commission and to the Department of Agriculture to be used when determining whether to award funds for the deployment of broadband under any program administered by those agencies. *See* Section 905(f)(1)(B) of the Act.

F. Recipient Integrity and Performance Matters

In accordance with section 872 of Public Law 110-417 (as amended; see 41 U.S.C. 2313), if the total value of a recipient's currently active grants, cooperative agreements, and procurement contracts from all federal awarding agencies exceeds \$10,000,000 for any period of time during the period of performance of an award made under this NOFO, then the recipient shall be subject to the requirements specified in Appendix XII to 2 C.F.R. Part 200,¹⁰ for maintaining the currency of information reported to SAM that is made available in the Federal Awardee Performance and Integrity Information System (FAPIIS) about certain civil, criminal, or administrative proceedings involving the recipient.

G. Audit Requirements

2 C.F.R. Part 200, Subpart F, adopted by the Department of Commerce through 2 C.F.R. § 1327.101 requires any non-federal entity that expends federal awards of \$750,000 or more in the recipient's fiscal year to conduct a single or program-specific audit in accordance with the requirements set out in the Subpart. Additionally, unless otherwise specified in the terms and conditions of the award, entities that are not subject to Subpart F of 2 C.F.R. Part 200 (e.g., commercial entities) that expend \$750,000 or more in grant funds during their fiscal year must submit to the Grants Officer either: (i) a financial related audit of each DOC award or subaward in accordance with Generally Accepted Government Auditing Standards; or (ii) a project specific audit for each award or subaward in accordance with the requirements contained in 2 C.F.R. § 200.507. Applicants are reminded that NTIA, the Department of Commerce Office of Inspector General, or another authorized federal agency may conduct an audit of an award at any time.

H. Federal Funding Accountability and Transparency Act of 2006

In accordance with 2 C.F.R. Part 170, all recipients of a federal award made on or after October 1, 2010, are required to comply with reporting requirements under the Federal Funding Accountability and Transparency Act of 2006 (Pub. L. No. 109-282). In general, all recipients are responsible for reporting sub-awards of \$25,000 or more. In addition, recipients that meet certain criteria are responsible for reporting executive compensation. Applicants must ensure they have the necessary processes and systems in place to comply with the reporting requirements should they receive funding.¹¹

VII. Federal Awarding Agency Contact(s)

A. Please direct programmatic inquiries to:

¹⁰ See 2 C.F.R. Part 200, Appendix XII, available at <http://go.usa.gov/cTBwC>.

¹¹ See OMB, Requirements for Federal Funding Accountability and Transparency Act Implementation, Interim final guidance to agencies with opportunity to comment, 75 FR 55663 (Sept. 14, 2010), available at <http://go.usa.gov/hKnQ>.

Jennifer Duane
Senior Broadband Program Specialist
Office of Telecommunications and Information Applications
National Telecommunications and Information Administration
U.S. Department of Commerce
1401 Constitution Avenue, NW, Room 4874
Washington, DC 20230
Phone: (202) 482-2048
Email: jduane@ntia.gov

B. Please direct grant management inquiries to:

Dean Iwasaki
NIST Grants Officer
Grants Management Division
National Institute of Standards and Technology
100 Bureau Drive, MS 1650
Gaithersburg, MD 20899-1650
Phone: (301) 975-8449
Email: dean.iwasaki@nist.gov

C. Please direct media inquiries to:

Stephen F. Yusko
Public Affairs Specialist
Office of Public Affairs
National Telecommunications and Information Administration
U.S. Department of Commerce
1401 Constitution Avenue NW, Room 4897
Washington, DC 20230
Phone: (202) 482-7002
Email: press@ntia.doc.gov

VIII. Other Information

A. Protected and Proprietary Information. The applicant acknowledges and understands that information and data contained in applications for financial assistance, as well as information and data contained in financial, performance, and other reports submitted by applicants, may be used by NTIA in conducting reviews and evaluations of its financial assistance programs. For this purpose, applicant information and data may be accessed, reviewed, and evaluated by NTIA employees, other federal employees, federal agents and contractors, and/or by non-federal personnel, all of whom enter into appropriate confidentiality and nondisclosure agreements covering the use of such information. As may be provided in the terms and conditions of a specific financial assistance award, applicants are expected to support program reviews and evaluations by submitting required financial and performance information and data in an accurate and timely manner, and by cooperation with NTIA and external program evaluators. In accordance with 2 C.F.R. § 200.303(e), applicants are reminded that they must

take reasonable measures to safeguard protected personally identifiable information and other confidential or sensitive personal or business information created or obtained in connection with a Department of Commerce financial assistance award.

NTIA will protect confidential and proprietary information from public disclosure to the extent authorized by applicable law, including the Freedom of Information Act (FOIA), as amended (5 U.S.C. 552), the Trade Secrets Act, as amended (18 U.S.C. 1905), and the Economic Espionage Act of 1996 (18 U.S.C. 1831 *et seq.*). Applications submitted in response to this NOFO may be subject to requests for release under the FOIA. In the event that an application contains information or data that the applicant deems to be confidential commercial information that is exempt from disclosure under FOIA, that information should be identified, bracketed, and marked as Privileged, Confidential, Commercial or Financial Information. Based on these markings, the confidentiality of the contents of those pages will be protected to the extent permitted by law.

Additionally, some of the information submitted in the course of applying for funding under this program, or provided in the course of its grant management activities, may be considered law enforcement sensitive or otherwise important to national security interests. This may include threat, risk, and needs assessment information, and discussions of demographics, transportation, public works, and industrial and public health infrastructures. While this information under federal control is subject to request made pursuant to the FOIA, 5 U.S.C. 552, all determinations concerning the release of information of this nature are made on a case-by-case basis and may fall within one or more of the available exemptions under the FOIA. The applicant is encouraged to consult its own state and local laws and regulations regarding the release of information, which should be considered when reporting sensitive matters in the grant application. The applicant may consult with NTIA regarding concerns or questions about the release of information under state and local laws. The applicant should be familiar with the regulations governing Protected Critical Infrastructure Information (6 C.F.R. Part 29) and Sensitive Security Information (49 C.F.R. Part 1520), as these designations may provide additional protection to certain classes of homeland security information.

B. Announcement of Proposed Service Areas. To ensure that NTIA targets federal funds appropriately to areas lacking qualifying broadband service, NTIA will post an announcement identifying each application from a covered partnership that is currently undergoing NTIA review for funding, along with a description of the eligible service area it proposes to serve through its project, including a list of the census blocks, at <https://www.broadbandusa.ntia.doc.gov>. The posting of this announcement will provide existing broadband service providers with a 15-day window to voluntarily submit to NTIA information about the broadband services they offer in any of the proposed service areas a covered partnership designates for funding. NTIA will consider the comments of existing broadband service providers as a factor in its evaluation of a covered partnership's project proposal provided that they include the following information, some of which will be made public: (1) the name of the company providing information on its broadband service offerings; (2) a summary describing the information the provider has submitted to NTIA; (3) the number of households and businesses that have access to broadband service in that portion of the provider's service territory that overlaps with the applicants' proposed service area by census block and the number

lacking access to qualified broadband service as defined in this NOFO; (4) the type of broadband services the provider offers in its service territory by census block and the technology used to provide those services, including, for wireless carriers, the spectrum that is used; (5) the speed of the broadband services that are offered; (6) the number of subscribers that the provider currently has for each of the broadband services it offers in its service territory by census block; (7) a list of the provider's Points of Presence (POPs) in or near the census blocks listed by the announcement; and (8) such other information that NTIA may request after reviewing the data that the existing broadband service provider submitted. Existing broadband service providers may provide maps indicating where they provide broadband service in an applicants' proposed service area, preferably in shapefiles, .kmz, or .kml formats.

NTIA will treat information submitted by an existing broadband service provider designated as proprietary and confidential consistent with applicable federal law. If any of these responses do contain information or data that the submitter deems to be confidential commercial information that should be exempt from disclosure under FOIA, that information should be identified, bracketed, and marked as Privileged, Confidential, Commercial or Financial Information. Otherwise, the responses will be made publicly available. The information described in items (1) and (2), which includes the identity of the company submitting information and a summary of its response, will be made publicly available. NTIA will post at <https://www.broadbandusa.ntia.doc.gov> a list of the census blocks in which existing broadband service providers have indicated that they provide broadband service. NTIA may consider any information submitted by existing broadband service providers as relevant to its prioritization and review of the eligible service areas proposed for funding in applications from covered partnerships.

C. Funding Availability and Limitation of Liability. Funding for the program listed in this NOFO is contingent upon the availability of appropriations. In no event will NTIA, NIST or the Department of Commerce be responsible for application preparation costs, including, but not limited to, if the program fails to receive funding or is cancelled because of agency priorities. Publication of this NOFO does not oblige NTIA, NIST or the Department of Commerce to award any specific project or to obligate any available funds. NTIA will fund only projects that are deemed likely to achieve the Broadband Infrastructure Program's goals and for which funds are available.

D. Third Party Beneficiaries. The Broadband Infrastructure Program is a discretionary grant program that is not intended to and does not create any rights enforceable by third party beneficiaries.

E. Waiver Authority. It is the general intent of NTIA not to waive any of the provisions set forth in this NOFO. However, under extraordinary circumstances and when it is in the best interest of the federal government, NTIA, upon its own initiative or when requested, may waive the provisions in this NOFO. Waivers may only be granted for requirements that are discretionary and not mandated by statute or other applicable law. Any request for a waiver must set forth the extraordinary circumstances for the request.

F. Paperwork Reduction Act. This NOFO contains an information collection requirement subject to the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*). The PRA requires each federal agency to seek and obtain OMB approval before collecting information from the public. Federal agencies may not collect information unless it displays a currently valid OMB control number. For purposes of the Broadband Infrastructure Program, NTIA will use Standard Forms 424 (Application for Federal Assistance), 424C (Budget Information for Construction Programs), 424D (Assurances for Construction Programs), 425 (Federal Financial Report), and SF-LLL (Disclosure for Lobbying Activities) under the respective control numbers 4040-0004, 4040-0008, 4040-0009, 4040-0014, and 4040-0013.

G. Transparency, Accountability, And Oversight Required.—The Assistant Secretary has adopted measures, including audit requirements, to implement the Broadband Infrastructure Program that:

- a. ensure sufficient transparency, accountability, and oversight to provide the public with information regarding the award and use of grant funds under the Broadband Infrastructure Program;
- b. ensure that a recipient of a grant under the Broadband Infrastructure Program uses the grant funds in compliance with the requirements of Section 905 of the Act, this NOFO, and the overall purpose of the Broadband Infrastructure Program; and
- c. deter waste, fraud, and abuse of grant funds.

H. Unauthorized Use of Funds.—To the extent that the Assistant Secretary or the Inspector General of the Department determines that a covered partnership has expended grant funds received under the Broadband Infrastructure Program in violation of the requirements set forth in Section 905 of the Act, the Assistant Secretary will recover the amount of funds that were so expended. *See* Section 905(e)(5) of the Act.

Application for Federal Assistance SF-424

*** 1. Type of Submission:**

- Preapplication
- Application
- Changed/Corrected Application

*** 2. Type of Application:**

- New
- Continuation
- Revision

* If Revision, select appropriate letter(s):

* Other (Specify):

* 3. Date Received:

Completed by Grants.gov upon submission.

4. Applicant Identifier:

5a. Federal Entity Identifier:

5b. Federal Award Identifier:

State Use Only:

6. Date Received by State:

7. State Application Identifier:

8. APPLICANT INFORMATION:

* a. Legal Name:

* b. Employer/Taxpayer Identification Number (EIN/TIN):

* c. Organizational DUNS:

d. Address:

* Street1:

Street2:

* City:

County/Parish:

* State:

Province:

* Country:

USA: UNITED STATES

* Zip / Postal Code:

e. Organizational Unit:

Department Name:

Division Name:

f. Name and contact information of person to be contacted on matters involving this application:

Prefix:

* First Name:

Middle Name:

* Last Name:

Suffix:

Title:

Organizational Affiliation:

* Telephone Number:

Fax Number:

* Email:

Application for Federal Assistance SF-424

*** 9. Type of Applicant 1: Select Applicant Type:**

Type of Applicant 2: Select Applicant Type:

Type of Applicant 3: Select Applicant Type:

* Other (specify):

*** 10. Name of Federal Agency:**

11. Catalog of Federal Domestic Assistance Number:

CFDA Title:

*** 12. Funding Opportunity Number:**

* Title:

13. Competition Identification Number:

Title:

14. Areas Affected by Project (Cities, Counties, States, etc.):

Add Attachment

Delete Attachment

View Attachment

*** 15. Descriptive Title of Applicant's Project:**

Attach supporting documents as specified in agency instructions.

Add Attachments

Delete Attachments

View Attachments

Application for Federal Assistance SF-424

16. Congressional Districts Of:

* a. Applicant

* b. Program/Project

Attach an additional list of Program/Project Congressional Districts if needed.

Add Attachment

Delete Attachment

View Attachment

17. Proposed Project:

* a. Start Date:

* b. End Date:

18. Estimated Funding (\$):

* a. Federal
* b. Applicant
* c. State
* d. Local
* e. Other
* f. Program Income
* g. TOTAL

*** 19. Is Application Subject to Review By State Under Executive Order 12372 Process?**

- a. This application was made available to the State under the Executive Order 12372 Process for review on .
 b. Program is subject to E.O. 12372 but has not been selected by the State for review.
 c. Program is not covered by E.O. 12372.

*** 20. Is the Applicant Delinquent On Any Federal Debt? (If "Yes," provide explanation in attachment.)**

Yes No

If "Yes", provide explanation and attach

Add Attachment

Delete Attachment

View Attachment

21. *By signing this application, I certify (1) to the statements contained in the list of certifications and (2) that the statements herein are true, complete and accurate to the best of my knowledge. I also provide the required assurances** and agree to comply with any resulting terms if I accept an award. I am aware that any false, fictitious, or fraudulent statements or claims may subject me to criminal, civil, or administrative penalties. (U.S. Code, Title 218, Section 1001)**

**** I AGREE**

** The list of certifications and assurances, or an internet site where you may obtain this list, is contained in the announcement or agency specific instructions.

Authorized Representative:

Prefix: * First Name:

Middle Name:

* Last Name:

Suffix:

* Title:

* Telephone Number: Fax Number:

* Email:

* Signature of Authorized Representative:

* Date Signed:

Public reporting burden for this collection of information is estimated to average 15 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0042), Washington, DC 20503.

PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET. SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.

NOTE: Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the Awarding Agency. Further, certain Federal assistance awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant, I certify that the applicant:

1. Has the legal authority to apply for Federal assistance, and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project costs) to ensure proper planning, management and completion of project described in this application.
2. Will give the awarding agency, the Comptroller General of the United States and, if appropriate, the State, the right to examine all records, books, papers, or documents related to the assistance; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
3. Will not dispose of, modify the use of, or change the terms of the real property title or other interest in the site and facilities without permission and instructions from the awarding agency. Will record the Federal awarding agency directives and will include a covenant in the title of real property acquired in whole or in part with Federal assistance funds to assure non-discrimination during the useful life of the project.
4. Will comply with the requirements of the assistance awarding agency with regard to the drafting, review and approval of construction plans and specifications.
5. Will provide and maintain competent and adequate engineering supervision at the construction site to ensure that the complete work conforms with the approved plans and specifications and will furnish progressive reports and such other information as may be required by the assistance awarding agency or State.
6. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
7. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
8. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§4728-4763) relating to prescribed standards of merit systems for programs funded under one of the 19 statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).
9. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§4801 et seq.) which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.
10. Will comply with all Federal statutes relating to non-discrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§1681 1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. §794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§290 dd-3 and 290 ee 3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.

11. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal and federally-assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.
12. Will comply with the provisions of the Hatch Act (5 U.S.C. §§1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.
13. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§276a to 276a-7), the Copeland Act (40 U.S.C. §276c and 18 U.S.C. §874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§327-333) regarding labor standards for federally-assisted construction subagreements.
14. Will comply with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.
15. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§1451 et seq.); (f) conformity of Federal actions to State (Clean Air) implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. §§7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended (P.L. 93-523); and, (h) protection of endangered species under the Endangered Species Act of 1973, as amended (P.L. 93-205).
16. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.
17. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. §470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. §§469a-1 et seq).
18. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and OMB Circular No. A-133, "Audits of States, Local Governments, and Non-Profit Organizations."
19. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations, and policies governing this program.
20. Will comply with the requirements of Section 106(g) of the Trafficking Victims Protection Act (TVPA) of 2000, as amended (22 U.S.C. 7104) which prohibits grant award recipients or a sub-recipient from (1) Engaging in severe forms of trafficking in persons during the period of time that the award is in effect (2) Procuring a commercial sex act during the period of time that the award is in effect or (3) Using forced labor in the performance of the award or subawards under the award.

SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL Completed on submission to Grants.gov	TITLE
APPLICANT ORGANIZATION 	DATE SUBMITTED Completed on submission to Grants.gov

BUDGET INFORMATION - Construction Programs

NOTE: Certain Federal assistance programs require additional computations to arrive at the Federal share of project costs eligible for participation. If such is the case, you will be notified.

COST CLASSIFICATION	a. Total Cost	b. Costs Not Allowable for Participation	c. Total Allowable Costs (Columns a-b)
1. Administrative and legal expenses	\$ <input type="text"/>	\$ <input type="text"/>	\$ <input type="text"/>
2. Land, structures, rights-of-way, appraisals, etc.	\$ <input type="text"/>	\$ <input type="text"/>	\$ <input type="text"/>
3. Relocation expenses and payments	\$ <input type="text"/>	\$ <input type="text"/>	\$ <input type="text"/>
4. Architectural and engineering fees	\$ <input type="text"/>	\$ <input type="text"/>	\$ <input type="text"/>
5. Other architectural and engineering fees	\$ <input type="text"/>	\$ <input type="text"/>	\$ <input type="text"/>
6. Project inspection fees	\$ <input type="text"/>	\$ <input type="text"/>	\$ <input type="text"/>
7. Site work	\$ <input type="text"/>	\$ <input type="text"/>	\$ <input type="text"/>
8. Demolition and removal	\$ <input type="text"/>	\$ <input type="text"/>	\$ <input type="text"/>
9. Construction	\$ <input type="text"/>	\$ <input type="text"/>	\$ <input type="text"/>
10. Equipment	\$ <input type="text"/>	\$ <input type="text"/>	\$ <input type="text"/>
11. Miscellaneous	\$ <input type="text"/>	\$ <input type="text"/>	\$ <input type="text"/>
12. SUBTOTAL (sum of lines 1-11)	\$ <input type="text"/>	\$ <input type="text"/>	\$ <input type="text"/>
13. Contingencies	\$ <input type="text"/>	\$ <input type="text"/>	\$ <input type="text"/>
14. SUBTOTAL	\$ <input type="text"/>	\$ <input type="text"/>	\$ <input type="text"/>
15. Project (program) income	\$ <input type="text"/>	\$ <input type="text"/>	\$ <input type="text"/>
16. TOTAL PROJECT COSTS (subtract #15 from #14)	\$ <input type="text"/>	\$ <input type="text"/>	\$ <input type="text"/>
FEDERAL FUNDING			
17. Federal assistance requested, calculate as follows: (Consult Federal agency for Federal percentage share.) Enter eligible costs from line 16c Multiply X <input type="text"/> % Enter the resulting Federal share.			\$ <input type="text"/>

Anthem Proposal July 20, 2021

NTIA City Grant

Name of Internet Service Provider: Anthem Broadband of Nevada, LLC

Key Contact: Jasen Herr

Contact Information: jasenh@anthebbb.com, Mobile – 208-431-6560, Office – 208-431-6560

1) Project Narrative –

a) Executive Summary –

Anthem Broadband is a Fiber and Wireless Internet Service Provider headquartered out of Rupert, Idaho. Every employee here at Anthem Broadband has a passion to connect the community to the world through technology. Anthem Broadband, previously known as Safelink Internet, has been providing quality internet services since 1997, and is consistently on the frontline with new technology to bridge the digital divide for our communities. The City of Elko and surrounding areas have been struggling without adequate broadband internet access. In 2018, The Governor's Office of Science, Innovation and Technology performed a survey in which over 75% of the 1,186 people who took the survey about their internet connection indicated that they were dissatisfied with their service (Please see attached power point and spreadsheet). Two years later, a poll was taken by the Elko Daily Free Press which showed that only 1.3% of the people polled were "Very happy..." Please see https://elkodaily.com/opinion/editorial/poll-elko-area-residents-unhappy-with-internet-options/article_46cfaac8-cacb-5bf2-80df-fb9db5ff4a31.html. Finally, in June of 2021, <https://broadbandnow.com/Nevada> showed only 11.2% of Elko and the surrounding areas of the county have access to the FCC's minimum 25Mbps. It is amazing that over time, the problem has only worsened.

Anthem Broadband will be bringing an end to this problem once and for all by bringing state-of-the-art active ethernet fiber internet to every single home and business in Elko, Spring Creek, and the surrounding areas through a variety of funding initiatives.

Figure 2 Proposed Funded Service Area – City of Elko



Figure 1 Proposed Regional Buildout



This project proposes to build 52.8 miles of fiber to serve 3,901 locations, which is approximately 9,000 residents in the City of Elko. This project is estimated to cost \$15,449,095.27 and is part of a larger endeavor to bring broadband connectivity to multiple counties in the region, including unserved tribal communities. The total grant request is for \$13,904,185.74. Anthem Broadband will cover the remaining cost of the project. The larger project is

estimated to cost over \$100 million for the entire regional build. The counties we intend to cover as part of the larger regional build are Humboldt County, Lander County, Eureka County and Elko County. Our service will give the community the internet access they deserve and desperately need to participate in the economic recovery effort in light of the pandemic. Every home and business with our fiber internet service will have the ability to get up to 10G service plans with the option

to go to up to 100G. Access to such high internet speeds will ensure seamless service delivery for distance learning, telehealth, remote work, and e-commerce. Our service will even be scalable beyond that!

We have "shovel ready" projects to build out this infrastructure as soon as possible, within the requisite timeframe. In addition, Anthem Broadband, in partnership with Microsoft, intends to supplement our broadband connectivity efforts with no cost digital skills training programs led by Microsoft staff, along with a free technical hotline for our subscribers, as well as actively marketing the FCC's EBB program for qualifying members of the community to ensure community connectivity, affordability, and adoption. (City of Elko please add your information)

b) Description of Covered Partnership

i) A description of the covered partnership, including a description of the organizations involved and the qualifications and experience of key personnel responsible for implementing the proposed project, including;

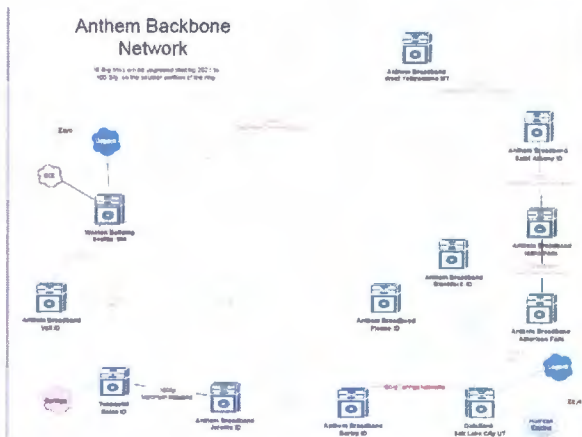
(1) Table of Funded Project Participants and Unfunded Informal Collaborators. (Does not count toward the page limit). Provide a table that identifies all organizations that will

participate in and contribute to the proposed activities, if funded, known at the time of the application submission. The table should consist of an alphabetically ordered list, by organization, of all Funded Project Participants and all Unfunded Informal Collaborators. The table should include the organization's name, address, administrative role, scope of work (funded participants only) and proposed funding amount (funded participants only). Administrative roles are: applicant, subrecipient, or contractor for funded participants; or collaborator if they will not receive funding.

Name	Address	Role	Scope	Funding Amount
Anthem Broadband of Nevada, LLC	906 S Oneida #8, Rupert, ID 83350	Applicant	Service Provider	1,544,909.53
Sorensen Construction	918 South 2000 West, Syracuse, UT 84075	Contractor	Construction, Testing	0
Horrocks Engineers	2162 West Grove Pkwy, Suite 400, Pleasant Grove, UT 84062	Contractor	Engineering, Project Management, Permitting	0
City of Elko	1751 College Ave, Elko, NV 89801	Applicant	Grant Administration	0

Anthem Broadband makes internet accessible in unserved and underserved areas in Idaho, Eastern Oregon, Northern Nevada, and Montana, proudly serving over 19,750 subscribers. Anthem Broadband is the largest, locally owned internet provider in Idaho, with over 300 towers and five locations to better serve our communities. We build fiber internet infrastructure differently. Instead of using a GPON, light splitting method, we use Active Ethernet. With Active Ethernet, every subscriber gets their own strand of fiber for a direct, point-to-point connection! It is a more costly infrastructure, but we believe in building for scalability in the future. Having your own strand of fiber allows us to upgrade services quickly and easily as new technology arises without needing to tear up existing lines or damaging private property. In addition, Anthem Broadband connects all its fiber networks to a completely redundant ring (See Figure 3 Anthem Broadband Redundant Backbone) with access

Figure 3 Anthem Broadband Redundant Backbone



Broadband Redundant Backbone) with access points in both Salt Lake and Seattle, making it one of the most robust and redundant systems available, ensuring the most uptime and reliable speeds. We will also be adding Elko and Reno to this ring very shortly.

Anthem Broadband is also extremely skilled in the fixed wireless industry! We have over 23 years of experience and provide the greatest service and reliability by connecting all our wireless towers to the same, redundant fiber backbone. The Anthem Broadband network is also managed very closely to certify that no access point reaches more than 80 percent utilization, which means you do not slow down just

because a neighbor gets online.

Anthem Broadband has been serving local communities since the turn of the century and we plan on being around for years to come. Taking care of our friends and

neighbors is what drives us to keep growing, innovating, and ensuring our communities receive the connectivity they need to compete in today's society.

(2) **Resumes of Key Personnel.** (Does not count toward page limit but are limited to one-page each). One-page resumes of no more than five key personnel from the participants in the covered partnership (not subrecipients) may be included. Any information beyond one page for each resume and any additional resumes submitted will not be considered.

c) **A description of the covered broadband project to be funded by the grant, including the services, speed or tiers of speeds at which the covered partnership plans to offer broadband service, the proposed prices of the broadband service offerings, the technical details of the project, including the type of technology to be deployed, and the cost details of the project, including financial analyses and revenue and expense projections, and a description of why federal financial assistance is needed to implement the covered broadband project;**

i) The project for which we are requesting funding is a small piece of a much larger project which includes many rural towns along the Interstate 80 corridor which are all struggling to receive basic internet connectivity. (See Figure 3 of Regional Buildout)

Figure 4 Regional Buildout



ii)
iii) The locations requested for this grant funding are rural and largely underserved and require connectivity upgrades to enable distance learning, remote work, and e-commerce.

Figure 5 Proposed Funded Service Area



iv)

Figure 6 Proposed Funded Service Area



v)

Figure 7 Proposed Funded Service Area



vi)

Figure 8 Proposed Funded Service Area



vii)

Figure 9 Proposed Funded Service Area



viii) Figure 10 Proposed Funded Service Area



ix)

Figure 11 Proposed Funded Service Area



x) Figure 12 Proposed Funded Service Area



xi)

Figure 13 Proposed Funded Service Area



xii)

Figure 14 Proposed Funded Service Area



xiii)

- xiv) All service plans offered are symmetrical and include unlimited data and no throttling. Customers also have the option of adding on VoIP phone solutions and home security and automation plans. We have also partnered with Microsoft to provide discount programs and free training for schools, businesses, and individuals in the community. During construction, any customer who takes our service WILL NOT be charged a connection fee. We also DO NOT have any activation or rental fees. We DO NOT require credit checks or contracts to get our broadband internet.
- xv) Speed and pricing for our standard plans are as follows. Custom plans are also scalable up to 100 Gbps.
 - (1) 2Gbps up and down - \$299/mo
 - (2) 1Gbps up and down - \$119/mo
 - (3) 500 Mbps up and down - \$99/mo
 - (4) 250 Mbps up and down - \$79/mo

d) A description of which statutory funding priority(ies) (as set forth in Section I.A of this NOFO) the proposed project would address and how the proposed project would address such funding priority(ies);

- i) The entire project will connect 3,901 underserved locations in the rural city of Elko and will provide up to 100G symmetrical service. Anthem Broadband will enable multi-gigabit fiber internet service to every residence and business in the indicated grant areas.
- ii) The grant request areas are considered entirely rural as the City of Elko has a population of 20,304 (US Census Bureau, American Community Survey 2009-2019)
- iii) Anthem Broadband has designed the project to maximize capabilities while minimizing costs. This includes minimizing the number of handholes required by leveraging direct bury splice cases, protective covers and locate ball markers. This method has allowed a savings of over 5% to the total project cost.
 - (1) 2Gbps up and down - \$299/mo - Not available - N/A
 - (2) 1Gbps up and down - \$119/mo - \$120.26/mo - 0.1% below
 - (3) 500Mbps up and down - \$99/mo - \$119.63/mo - 17.2% below
 - (4) 250Mbps up and down - \$79/mo - \$113.04/mo - 30% below
- iv) The entire area is underserved with no areas indicated on the "Indicators of Broadband Need Map" showing Ookla speed tests of greater than 16.38Mbps download and 3.68Mbps upload. Our lowest package is 250Mbps symmetrical, easily crossing the hurdle of 100Mbps download and 20Mbps upload.
- v) The designed network is built as an Active Ethernet access network. Each service location would be capable of 10Gbps at this time with only optics and CPE changes. Where each service location would have dark fiber to the local fiber cabinet, customers could easily be upgraded to 100Gbps or higher by adding additional electronics in the cabinet, or, by patching through the local fiber cabinet and utilizing DWDM to the central office. The network design is also highly redundant with diverse paths between each cabinet and the central office.

e) A description of how the project addresses the evaluation criteria identified in Section V.A of this NOFO, including a description of project beneficiaries, service area level of need, project sustainability, and expected outcomes.

i) Project Purpose and Benefits

(1) Level of Impact in the Proposed Service Area:

(a) Currently, the situation is so bad, schools are unable to offer distance learning because households do not have access to 25/3Mbps, the minimum required for video-based services. This problem was exacerbated during the ongoing pandemic impacting thousands of school-aged children. Per the NTIA Broadband Availability Map, Elko County only has access to a median of 7.63 Mbps download and 1.23 Mbps upload (M-Lab). Ookla speed tests indicate 17.38 Mbps download and 4.66 Mbps upload based on the NTIA broadband availability map. Maximum speeds such as this are limiting residents' access to remote work and telehealth services during this pandemic and the ability of businesses to conduct e-commerce. Anthem Broadband will bridge the divide by bringing cutting edge fiber internet services to allow distance learning, telehealth services, remote work and e-commerce to become a reality for this community.

(2) Affordability of Services Offered:

(a) The services offered are at a rate that is competitive with urban areas per the US Benchmark (2021 Broadband Benchmark Rate Calculator). Below is the discount percentage below the benchmark for each service offered by Anthem Broadband

- (i) 2Gbps up and down - \$299/mo - Not available - N/A
- (ii) 1Gbps up and down - \$119/mo - \$120.26/mo - 0.1% below
- (iii) 500Mbps up and down - \$99/mo - \$119.63/mo - 17.2% below
- (iv) 250Mbps up and down - \$79/mo - \$113.04/mo - 30% below
- (v) 50Mbps up and down - \$49/mo - \$105.57/mo - 54% below

(3) Project Viability

(a) Technical Approach and Related Network Capacity and Performance:

- (i) Anthem Broadband will install an Active Ethernet Fiber to the Home system utilizing redundant and diverse middle mile paths to Reno and Salt Lake City. Redundant and diverse distribution paths between the central office and the local fiber cabinets and dark fiber for the last mile will support any potentially new technology for future upgrades. There will be at least one extra duct placed at initial construction, and lateral/backbone paths are designed to have a maximum utilization of 80%. This will leave extra fiber for future community connectivity needs.
- (ii) The central office will initially be fed with two 100Gbps middle mile circuits. This will enable residential or business packages of 10Gbps initially. The paths from the central office to each cabinet will initially be capable of 20Gbps (2 x diverse 10Gbps uplinks) with the ability to upgrade a cabinet to 80Gbps of uplink capacity by transitioning to 40Gbps uplinks. If additional capacity is needed there are a total of eight dedicated backhaul strands to the central office. Customers subscribing to 1Gbps service or below will be activated with a 1Gbps uplink and an ONT capable of delivering 1Gbps. Customers subscribing to 2Gbps or above will have appropriate ONTs installed.
- (iii) The active ethernet switches are specifically designed with a low latency PHYless architecture that shaves off 80-100 nanoseconds for each switch. To keep latency as low as possible, each cabinet will have fiber paths back to the central office and will aggregate with high port count non-blocking capacity to the core BNG router.

- (iv) Anthem's rule of thumb, for Access/Distribution and Core layers, is to start planning an upgrade when a link sustains 60%+ utilization more than twice in one week, unless there is a redundant link failure that has caused this to happen. For the Interconnection/Internet layer this would change to 50% so that either SLC or Seattle could go offline and the other can handle all traffic.
- (v) Last Mile or Premises has no oversubscription ratio as a customer has a dedicated connection between the Active Ethernet switch and the Customer Premise Equipment. Each switch has a capacity of 48 1 or 10Gbps connections. Assuming 100% utilization at this level there is at least two 40Gbps connections connecting either to another switch or the head-end. Where both links can be active (due to Per VLAN Spanning Tree Protocol) this makes the switch non-blocking and no oversubscription ratio at 1Gbps speeds.
- (vi) Each cabinet has a capacity of about 500 customers, with a 70% utilization this would account for 350 customers. 350 customers at 1Gbps with an upstream from each cabinet of 2 x 40Gbps connections would be $(350/80) 4.375:1$
- (vii) Anthem Broadband's latency goal is to be less than 25ms (Elko to Seattle is estimated to be 23ms) and under 2ms latency for last mile connectivity.

(b) Applicants Organizational Capability:

- (i) Anthem Broadband is also an Internet Service Provider in Idaho, Oregon and Montana operating Wireless and Fiber networks since 1997. Anthem Broadband has just over 130 employees who are highly skilled at managing the company's operations. These employees range from Management/Office/Sales Staff to Field Installation, Engineers, Fiber and Tower Construction. Our technical crew is positioned to deploy projects rapidly. Additionally, in the 3rd quarter of 2020, Anthem Broadband was awarded CARES Grant funding to build a fiber to the home project. We were given three months to complete the project and completed it one week ahead of schedule. Along with the fiber to the home project was two Public Safety projects which were completed ahead of schedule as well.
- (ii) Anthem Broadband has selected Sorensen Construction Inc (SCI) as the master contractor. SCI has extensive experience in building fiber networks. They have built fiber networks in Salt Lake City and Park City, UT as well as Jackson Hole, WY. They are a preferred provider for a large international telecom provider in Utah and across the nation. SCI has done extensive work in the Interstate 80 corridor with an emphasis in the Elko area. They have a very strong relationship with the Union Pacific Railroad. SCI is experienced in all fiber construction methods. Anthem Broadband will utilize micro-trenching within City limits to speed up deployment timelines as well as minimize disruptions and restoration costs in those areas. SCI has the relationships to handle all construction areas with their own crews as well as augment production with local subcontractors.
- (iii) Anthem Broadband has selected Horrocks Engineering to take high level designs to permit and construction ready prints. Horrocks has extensive engineering in all aspects of a fiber to the home project including design, engineering, scheduling, quality assurance, project management and documentation.

(c) Project Budget and Sustainability

- (i) Reasonableness of the Budget:**

1. Anthem Broadband has designed the project to maximize capabilities while minimizing costs. This includes minimizing the number of handholes required by leveraging direct bury splice cases, protective covers and locate ball markers. This method has allowed a savings of over 5% to a total project cost.

(ii) Sustainability of the Project:

1. **Applicants must convincingly demonstrate the ability of the project to be sustained beyond the award period. Reviewers will consider business plans, market projections, third-party funding commitments, and other data as may be appropriate to the nature of the applicant and the proposed project. Reviewers will consider demonstrations of community commitments or anchor tenant commitments that would help promote sustainability. Project plans that describe the ability to scale and integrate evolving advanced services over time (such as interoperable interfaces for fifth generation fixed wireless capability or by deploying fiber) will receive up to 8 points.**
2. A set of proforma financial statements for this project is attached, which covers a ten-year period and demonstrates that the construction period, in year one, ends with 1,511 active users, and at that number of customers, the Company is both EBITDA positive and Cash Flow positive. The year-two forecast ends with 1,653 active users with increased EBITDA and Cash Flow, and the Company also turns Operating Income positive. Throughout the ten-year proforma forecast, all four measurements—active users, EBITDA, Cash Flow, and Operating Income—continue to grow, making this network commercially sustainable.

(iii) Leverage of Non-Federal Resources

1. **Reviewers will give additional consideration to those applications that propose to contribute a non-federal cost share of at least 10 percent of the total eligible project costs as reflected in the proposed project budget. To receive a full score in this category, the applicant must address all of the criteria in the category with distinction as well as all of the factors for which an applicant may receive additional consideration.**
 - a. Anthem Broadband is requesting \$13,904,185.70 to fund the PFSA in the City of Elko. Anthem Broadband will be providing matching funds in the amount of \$1,544,909.53.

f) A description of how their deployment will have the ability to scale over time for greater capability (e.g., using integrated advanced services such as 5G or fiber);

- i) This deployment is designed around being able to support multiple network topologies including Active Ethernet and Passive Optical Network designs. Each fiber cabinet could be filled with PON equipment and splitters to reduce the power/heat loads. We also have the option to utilize spare duct to run additional backbone cabling to a few centralized locations, and then have passive splitters, only in the cabinets aggregating customers back to fewer locations.

- ii) Advanced services such as dark fiber, metro ethernet or DWDM products are possible with small adjustments to leverage the extra fiber and duct that is installed.
- iii) This deployment also utilizes microduct and microfiber. This allows much faster upgrades as the duct can be filled with higher count microfiber later without requiring additional groundwork.

g) A project plan describing all major project activities and timelines for implementation, including key deployment milestones;

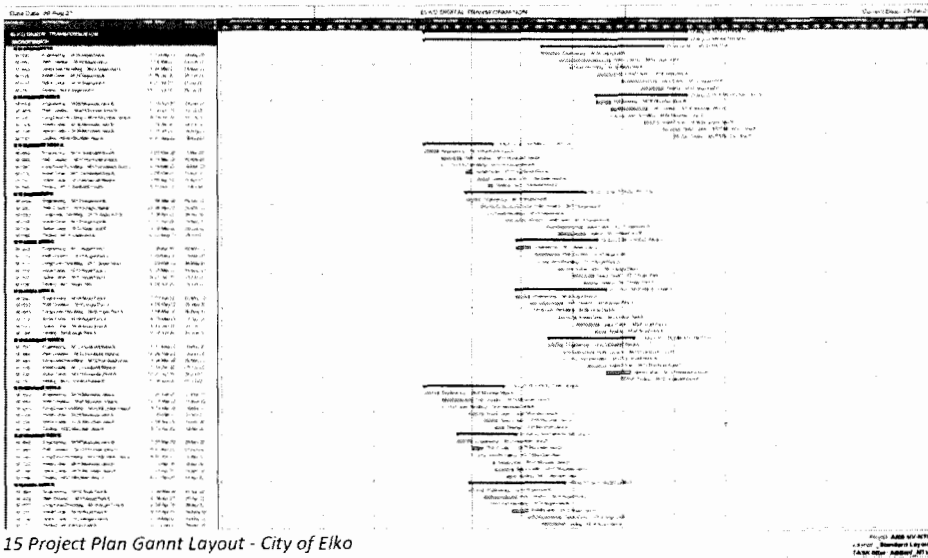


Figure 15 Project Plan Gantt Layout - City of Elko

- h) A brief description of the physical project area and its surroundings (e.g., disturbed or developed land vs. open space; adjacent natural resources, such as rivers, wetlands, or forestlands; and any protected lands or resources in or near the project area), including site photographs and aerial (e.g., Google Earth or Google Maps images) photographs, if the project includes construction and/or ground disturbing activities. This description should also describe how the covered partnership intends to comply with the environmental and historic preservation requirements applicable to an award received under the Broadband Infrastructure Program (including, but not limited to, the National Environmental Policy Act and the National Historic Preservation Act), and if applicable, provide a copy of any environmental and historic preservation review documentation that has been prepared in connection with obtaining permits or approvals from State, local or other federal entities. It is the applicant's responsibility to obtain all necessary federal, State, and local governmental permits and approvals necessary for the proposed work to be conducted. Applicants are expected to design their projects so that they minimize the potential for adverse impacts on the environment. Applicants also will be required to cooperate with NTIA in identifying feasible measures to reduce or avoid any identified adverse environmental impacts of their proposed projects. The failure to do so may be grounds for not making an award. Environmental and historic preservation review documentation, if provided, is not included in the 20-page limit of the project narrative; and
- i) The project is located within city limits. The project is also near the Humboldt River, the Elko Regional Airport and the Te-Moak Tribal lands. (Please see figure 1 on page 2)

Anthem Broadband will comply with all environmental and historic preservation requirements in the planning, design, and construction of the proposed project. During the scoping phase, Anthem Broadband will identify and coordinate with all applicable local, State, and Federal agencies and entities, including Native American tribes, that have jurisdiction over lands within the proposed project area or that would be responsible for permitting any of the components of the work (i.e., United States Army Corps. of Engineers, United States Fish and Wildlife Service), if applicable, to prepare appropriate environmental documentation (likely an Environmental Assessment) to comply with the requirements of the National Environmental Policy Act (NEPA). As part of the NEPA process, the existing natural and human conditions of the affected environment for the proposed project area will be identified. This would include the collection of existing data from state and federal databases concerning threatened and endangered species, historic and cultural sites, wetlands, and prime and unique farmlands. Field surveys will be utilized, but this is anticipated to be a minimal effort due to the project area consisting mainly of existing roadway rights-of-way and other utility easements. Anthem Broadband will identify biological resources (including threatened and endangered and special status species and critical habitat for said species) that may be present in the project area and will identify potential impacts that would result from the project. If adverse impacts are identified, Anthem Broadband will coordinate with USFWS and state wildlife offices regarding appropriate mitigation measures. Anthem Broadband will also identify any impacts to waters of the U.S., including wetlands that would occur and recommend avoidance measures to prevent said impacts. In regard to historic preservation requirements under the National Historic Preservation Act (NHPA), Anthem Broadband will conduct a literature search of previously recorded sites and a pedestrian survey in areas where ground-disturbance would occur to identify historic resources. Anthem Broadband will coordinate with NTIA and the Nevada State Historic Preservation Office (SHPO) regarding eligibility of said resources for the National Register of Historic Places (NRHP), any avoidance measures to prevent impacts to historic resources, and if avoidance measures are not feasible, what potential mitigation measures would be implemented to address adverse impacts. Anthem Broadband will identify and obtain all relevant permits that would be needed to construct the proposed project."

i) A description of any support provided to the provider of broadband service that is part of the covered partnership through:

i) Any grant, loan, or loan guarantee provided by a State to the provider of broadband service for the deployment of broadband service in the proposed service area;

(1) Anthem Broadband has won RDOF funding for northern Nevada.

Commented [KN1]: This was not awarded by the State of Nevada

ii) Any grant, loan, or loan guarantee with respect to the proposed service area provided by the Secretary of Agriculture under:

(1) Title VI of the Rural Electrification Act of 1936 (7 U.S.C. 950bb et seq.), including: any program to provide grants, loans, or loan guarantees under sections 601 through 603 of that Act (7 U.S.C. 950bb et seq.); and the Community Connect Grant Program established under section 604 of that Act (7 U.S.C. 950bb-3); or

(a) Anthem Broadband does not have any grant, loans or loan guarantees from the Secretary of Agriculture.

(2) The broadband loan and grant pilot program known as the “Rural eConnectivity Pilot Program” or the “ReConnect Notice of Funding Opportunity – 15 Program” authorized under section 779 of division A of the Consolidated Appropriations Act, 2018 (Public Law 115–141; 132 Stat. 348);

(a) Anthem Broadband has not received any broadband loans or grant pilot programs.

iii) Any high-cost universal service support provided under section 254 of the Communications Act of 1934 (47 U.S.C. 254);

(1) Anthem Broadband has won RDOF funding in Northern Nevada, but at this time not received anything for the locations won.

iv) Any grant provided under section 6001 of the American Recovery and Reinvestment Act of 2009 (47 U.S.C. 1305);

(1) Anthem Broadband did not participate in any funding nor receive any funding from the NTIA or USDA.

v) Amounts made available for the Education Stabilization Fund under the heading “DEPARTMENT OF EDUCATION” in title VIII of division B of the CARES Act (Public Law 116–136; 134 Stat. 564); or

(1) Anthem Broadband did not receive any of this funding.

vi) Any other grant, loan, or loan guarantee provided by the Federal Government for the provision of broadband service.

(1) Anthem Broadband has won a small amount of Rural Development Opportunity Fund in Northern Nevada.

(2) Anthem Broadband won C.A.R.E.S. funding in the third quarter of 2020.

j) A description of whether and, if so, how the project will incorporate strong labor standards, including project labor agreements and community benefit agreements that offer wages at or above the prevailing rate and include local hire provisions, and a description of the applicant’s workforce plans and practices.

i) We have no project labor agreement or community benefit agreements in place, our contractors will offer wages at or above the prevailing rate and is experienced at complying with Prevailing Wage provisions. Our contractor will be seeking to hire as much talent locally for this project but does not have an established requirement as the buildout timeline for this project is aggressive and exceeds the local labor pool’s capacity.

2) Provide a Detailed Budget Justification in the form of an Excel spreadsheet, as well as a Budget Narrative in the form of an MS Word document. All budget information must support the requirements detailed in the NOFO.

a) The Detailed Budget Justification spreadsheet must reflect the cost categories that appear on the SF-424C (e.g., administrative and legal expenses; land; structures; rights-of-way; appraisals; construction, etc.) and include itemized calculations for each cost placed under those categories. The spreadsheet must be formatted to fit letter-sized paper (8.5” x 11”).

- b) **The Budget Narrative must explain the necessity and basis for all costs, clearly correspond to the information included in the Detailed Budget Justification spreadsheet, and reflect only allowable costs that are consistent with the project scope. Information on cost allowability is available in the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards at 2 C.F.R. § 200, which apply to awards in this program. If cost sharing or matching funds are included in the budget, the applicant must identify the nonfederal source (e.g., state funding) and distinguish the non-federal and federal portions of the budget in the Detailed Budget Justification and Budget Narrative. Information regarding cost sharing or matching funds is available in 2 C.F.R. § 200.306.**

The total budget to complete this project is \$15,449,095.27, which is driven by construction labor costs of \$8,236,920.01 and equipment and materials costs of \$5,813,662.64. Additional costs include (a) Engineering fees of \$278,564.28, which is a cost of \$1.00 per linear foot of conduit/fiber laid, (b) Project inspection and QC fees of the same amount, \$278,564.28, also at a cost of \$1.00 per linear foot, (c) Rights of way and permits of \$55,712.86, (d) Administrative and legal costs of \$50,000, and (d) Contingencies of \$735,671.20, which is calculated at 5% of the line item detailed costs.

- 3) **If indirect costs are included in the proposed budget, provide a copy of the approved negotiated agreement if the rate was negotiated with a cognizant federal agency.**
- a) Anthem Broadband does not have any indirect costs.
- 4) **Letters of Commitment –**
- a) Anthem Broadband will provide letters of commitment for this project after selection.
- 5) **Is your company able to provide maps of the proposed service areas in shapefiles, .kmz, or .kml format (required for application)?**
- a) Once selected, Anthem Broadband will provide the .kmz files for this grant project.
- 6) **Is your company willing to provide pro forma financial information and analyses, such as balance sheets, income statements, and statements of cash flows (required for application)?**
- a) Yes, Anthem Broadband will provide pro forma financial information and financial analysis.
- 7) **Is your company willing to provide network diagrams and system design information (required for application)?**
- a) Anthem Broadband will absolutely provide these items as they are part of the grant application. We will provide these proprietary items when selected.
- 8) **While the grant does not require a match, the Notice of Funding Opportunity (NOFO) does suggest a 10% match will raise the chances of winning the competitive grant and implies that the greater the match the greater the chance of funding. The match can include costs related to broadband infrastructure investments in areas adjacent to the proposed grant areas.**
- a) **Is your company able to meet the 10% or preferably greater match requirement?**
- i) Anthem Broadband will be providing a 10% match towards the cost of the project.

9) **Has your company completed broadband projects utilizing federal funding sources? If so, list project(s), funding sources and budget amounts.**

- i) 2020 Q3 Blaine County Households Grant, CARES act \$419,995
- ii) 2020 Q3 Blaine County Public Safety/Local Government Grant, CARES Act \$657,359

10) **Include answers to the following questions:**

a) **Do you have an engineered last mile broadband solution for the City of Elko? If so, what type of solution is your last mile solution?**

- i) Yes, the engineered last mile broadband solution is Active Ethernet with redundant and diverse paths in the distribution and middle mile layers.

b) **Is financing in place for your last mile broadband solution? If so, please describe the financing.**

- i) Anthem Broadband will leverage private commercial funding, and this financing is in place.

c) **Have you begun to interface with the City on permitting, engineering review and other administrative issues?**

- i) Yes

d) **Are local partnerships part of your solution? If so, please describe your local partnership, particularly local financing.**

- i) Anthem Broadband has partnered with Microsoft Airband Initiative to provide the community with digital equity programming such as, but not limited to, digital skills training, a free technical hotline, as well as access to distance learning and help scale telehealth services for the community.
- ii) Anthem Broadband has partnered with Nevada Gold Mine for co-management and financial backing to ensure the project's success.
- iii) Anthem Broadband will be partnering with city, county, and state officials to ensure project success.

11) **What Service Level Agreement would you propose for residential service? Include standards for uptime, jitter, latency, packet loss and a guaranteed upstream oversubscription rate that you would not exceed.**

a) **SERVICE LEVEL AGREEMENT:**

- Anthem Broadband Service Level Agreement (SLA):
 - Anthem Broadband acknowledges the requested SLA, but we already have an SLA committed to all our customers in place. We would be keeping this SLA the same across the board for all customers.
 -
 - 24/48 – Our 24hours/48hours guarantee is very different from every other provider out there.
 -

- The 24 hours, this is regarding customers needing a truck roll. If our customer needs a truck roll, we will be out there within 24 hours (excluding Sunday's).
-
- The 48 hours, this is regarding customers requesting to have new service set up. Once a customer calls in, we will be out within 48 hours to install the service (excluding Sunday's)
-
- Commercial Customers typically have a 12-hour response time

NETWORK AVAILABILITY – Anthem Broadband's target for Network Availability is 99.9% for any given month. Network Availability will be determined as an average of actual circuit availability as a percent of total potential circuit availability measured on a monthly basis.

LATENCY – Anthem Broadband's target for Latency is 50ms or less for one-way network transit delay for a standard 64-byte ping from the customer premise equipment (CPE) to Anthem Broadband's edge router.

CREDITS – Anthem Broadband calculates network outages commencing on the date and time of the opening of a Trouble Ticket and ending at the close of the same Trouble Ticket by Anthem Broadband's Technical Support. Customer must contact Technical Support to report outages or performance issues and must work with Technical Support to resolve such issues in a timely manner. Upon resolutions of the problem and close of the Trouble Ticket, Customer must contact Customer Service within 5 business days to request an SLA credit and reference the Trouble Ticket assigned. Any credits determined to be due by Customer Service will be credited towards the next month's charges and may not be deducted from any current outstanding charges. The amount of credit to be issued will be determined as follows:

NETWORK AVAILABILITY – Should network availability fall below 99.9% in any given month, a credit equal to 1/30th of the monthly rate will be issued for each 4-hour increment of the outage, to a maximum of 50% of the monthly billing rate in any given month.

LATENCY or PACKET DELIVERY – A credit equal to 1/30th of the monthly rate will be issued for any documented Latency or Packet Delivery issues.

In the event that a Customer is entitled to multiple credits under this SLA arising from the same event, such credits shall not be cumulative, and the Customer shall be entitled to receive only the maximum single credit available for such event. The maximum credit that may be issued during any month is 50% of the monthly rate. The maximum accumulated credit that may be issued during any contract year is 20% of the total annual billing for the Service. In the event the Customer would receive credits in any given month equal to 50% of the monthly rate, or an individual credit that would put the accumulated credit for a contract year over the 20% annual threshold, the Customer shall have the option to cancel service at that time without penalty.

EXCLUSIONS & LIMITATIONS – Credits will not be issued for a) Network downtime that is not reported by Customer or requests for credit not made by Customer within 5 business days of the event; b) Service outages or performance issues not documented by a Anthem Broadband Trouble Ticket; c) Anthem Broadband network maintenance performed during the standard maintenance window (12:01am to 6:00am MST); d) Anthem Broadband emergency maintenance; e) Failure of customer equipment; f) Carrier outages affecting an entire area or region; g) Unauthorized acts, use of service, or omissions by the customer that affects Anthem Broadband's ability to provide service,

by the customer or user of the service authorized by the customer; h) Any interruption of service due to a violation of Anthem Broadband's standard terms and conditions or acceptable use policies; i) Any reasons of Force Majeure such as natural disasters or Acts of God.; j) Any outage caused by events beyond Anthem Broadband's reasonable control.

12) Will you have a low-income plan?

- i) For those on a limited income, we offer a 50x50Mbps plan for \$49. Not only will we be offering this package for low-income families, we will be promoting the FCC's Emergency Broadband Benefit Program (EBB). We currently exploring the ability to offer the Lifeline Program.

13) Is your company able to guarantee that the level of service proposed will meet all the requirements of the NTIA as specified in the NOFO and other requirements of the NTIA?

- a) Anthem Broadband will be able to meet and far exceed the level of service requirements by the NTIA.

14) Is your company willing to enter into a contract with the City concerning management of the grant to include the following?

a) Grant Assurances

- i) Anthem Broadband, upon being selected, will enter into contractual obligations.

b) Reimbursement to the City for any grant funding reimbursements in the event of the provider of fixed broadband service's failure to comply with all grant assurances and requirements or provide the City with proper documentation to ensure the City's compliance with all grant assurances and requirements?

- i) Anthem Broadband, upon being selected, will enter into these conditions with reasonable expectations.

15) Is there a connection fee? If so provide relevant information, to include the amount of the fee and exceptions to the fee requirement.

- a) Anthem Broadband will not be charging a connection fee.

16) Does your company intend to utilize local contractors to complete the project? If so, indicate how your company will go about selecting local contractors, to include any bidding preferences your company will include in requests for proposals or invitations to bid.

- a) Anthem Broadband is a local company, based in Elko, with local employees. Anthem Broadband has chosen Sorensen Construction Inc. for overall project build out. The timelines we have for not only this grant, but for the entire project will rely on them selecting and utilizing local contractors. SCI will use their own selection method for these contractors. SCI currently has local employees.

NTIA City Grant

Name of Internet Service Provider: Anthem Broadband of Nevada, LLC

Key Contact: Jasen Herr

Contact Information: jasenh@anthembb.com, Mobile – 208-431-6560, Office – 208-431-6560

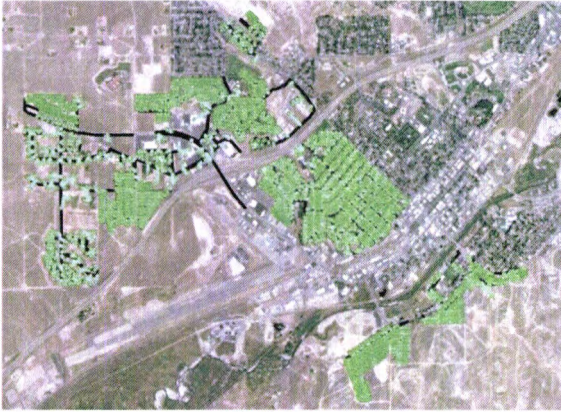
1) Project Narrative –

a) Executive Summary –

Anthem Broadband is a Fiber and Wireless Internet Service Provider headquartered out of Rupert, Idaho. Every employee here at Anthem Broadband has a passion to connect the community to the world through technology. Anthem Broadband, previously known as Safelink Internet, has been providing quality internet services since 1997, and is consistently on the frontline with new technology to bridge the digital divide for our communities. The City of Elko and surrounding areas have been struggling without adequate broadband internet access. In 2018, The Governor's Office of Science, Innovation and Technology performed a survey in which over 75% of the 1,186 people who took the survey about their internet connection indicated that they were dissatisfied with their service (Please see attached power point and spreadsheet). Two years later, a poll was taken by the Elko Daily Free Press which showed that only 1.3% of the people polled were "Very happy..." Please see https://elkodaily.com/opinion/editorial/poll-elko-area-residents-unhappy-with-internet-options/article_46cfaac8-cacb-5bf2-80df-fb9db5ff4a31.html. Finally, in June of 2021, <https://broadbandnow.com/Nevada> showed only 11.2% of Elko and the surrounding areas of the county have access to the FCC's minimum 25Mbps. It is amazing that over time, the problem has only worsened.

Anthem Broadband will be bringing an end to this problem once and for all by bringing state-of-the-art active ethernet fiber internet to every single home and business in Elko, Spring Creek, and the surrounding areas through a variety of funding initiatives.

Figure 2 Proposed Funded Service Area – City of Elko



This project proposes to build 52.8 miles of fiber to serve 3,901 locations, which is approximately 9,000 residents in the City of Elko. This project is estimated to cost \$15,449,095.27 and is part of a larger endeavor to bring broadband connectivity to multiple counties in the region, including unserved tribal communities. The total grant request is for \$13,904,185.74. Anthem Broadband will cover the remaining cost of the project. The larger project is

estimated to cost over \$100 million for the entire regional build. The counties we intend to cover as part of the larger regional build are



Humboldt County, Lander County, Eureka County and Elko County. Our service will give the community the internet access they deserve and desperately need to participate in the economic recovery effort in light of the pandemic. Every home and business with our fiber internet service will have the ability to get up to 10G service plans with the option

to go to up to 100G. Access to such high internet speeds will ensure seamless service delivery for distance learning, telehealth, remote work, and e-commerce. Our service will even be scalable beyond that!

We have “shovel ready” projects to build out this infrastructure as soon as possible, within the requisite timeframe. In addition, Anthem Broadband, in partnership with Microsoft, intends to supplement our broadband connectivity efforts with no cost digital skills training programs led by Microsoft staff, along with a free technical hotline for our subscribers, as well as actively marketing the FCC’s EBB program for qualifying members of the community to ensure community connectivity, affordability, and adoption. (City of Elko please add your information)

b) Description of Covered Partnership

i) **A description of the covered partnership, including a description of the organizations involved and the qualifications and experience of key personnel responsible for implementing the proposed project, including;**

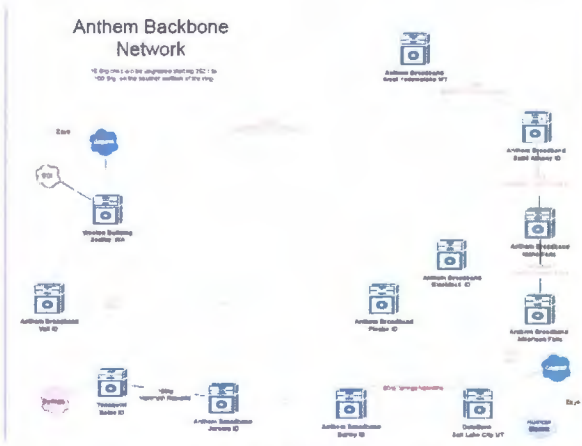
(1) Table of Funded Project Participants and Unfunded Informal Collaborators. (Does not count toward the page limit). Provide a table that identifies all organizations that will

participate in and contribute to the proposed activities, if funded, known at the time of the application submission. The table should consist of an alphabetically ordered list, by organization, of all Funded Project Participants and all Unfunded Informal Collaborators. The table should include the organization's name, address, administrative role, scope of work (funded participants only) and proposed funding amount (funded participants only). Administrative roles are: applicant, subrecipient, or contractor for funded participants; or collaborator if they will not receive funding.

Name	Address	Role	Scope	Funding Amount
Anthem Broadband of Nevada, LLC	906 S Oneida #8, Rupert, ID 83350	Applicant	Service Provider	1,544,909.53
Sorensen Construction	918 South 2000 West, Syracuse, UT 84075	Contractor	Construction, Testing	0
Horrocks Engineers	2162 West Grove Pkwy, Suite 400, Pleasant Grove, UT 84062	Contractor	Engineering, Project Management, Permitting	0
City of Elko	1751 College Ave, Elko, NV 89801	Applicant	Grant Administration	0

Anthem Broadband makes internet accessible in unserved and underserved areas in Idaho, Eastern Oregon, Northern Nevada, and Montana, proudly serving over 19,750 subscribers. Anthem Broadband is the largest, locally owned internet provider in Idaho, with over 300 towers and five locations to better serve our communities. We build fiber internet infrastructure differently. Instead of using a GPON, light splitting method, we use Active Ethernet. With Active Ethernet, every subscriber gets their own strand of fiber for a direct, point-to-point connection! It is a more costly infrastructure, but we believe in building for scalability in the future. Having your own strand of fiber allows us to upgrade services quickly and easily as new technology arises without needing to tear up existing lines or damaging private property. In addition, Anthem Broadband connects all its fiber networks to a completely redundant ring (See Figure 3 Anthem Broadband Redundant Backbone) with access

Figure 3 Anthem Broadband Redundant Backbone



points in both Salt Lake and Seattle, making it one of the most robust and redundant systems available, ensuring the most uptime and reliable speeds. We will also be adding Elko and Reno to this ring very shortly.

Anthem Broadband is also extremely skilled in the fixed wireless industry! We have over 23 years of experience and provide the greatest service and reliability by connecting all our wireless towers to the same, redundant fiber backbone. The Anthem Broadband network is also managed very closely to certify that no access point reaches more than 80 percent utilization, which means you do not slow down just

because a neighbor gets online.

Anthem Broadband has been serving local communities since the turn of the century and we plan on being around for years to come. Taking care of our friends and

neighbors is what drives us to keep growing, innovating, and ensuring our communities receive the connectivity they need to compete in today's society.

(2) **Resumes of Key Personnel.** (Does not count toward page limit but are limited to one-page each). One-page resumes of no more than five key personnel from the participants in the covered partnership (not subrecipients) may be included. Any information beyond one page for each resume and any additional resumes submitted will not be considered.

c) **A description of the covered broadband project to be funded by the grant, including the services, speed or tiers of speeds at which the covered partnership plans to offer broadband service, the proposed prices of the broadband service offerings, the technical details of the project, including the type of technology to be deployed, and the cost details of the project, including financial analyses and revenue and expense projections, and a description of why federal financial assistance is needed to implement the covered broadband project;**

i) The project for which we are requesting funding is a small piece of a much larger project which includes many rural towns along the Interstate 80 corridor which are all struggling to receive basic internet connectivity. (See Figure 3 of Regional Buildout)

Figure 4 Regional Buildout



ii)
iii) The locations requested for this grant funding are rural and largely underserved and require connectivity upgrades to enable distance learning, remote work, and e-commerce.

Figure 5 Proposed Funded Service Area



iv)

Figure 6 Proposed Funded Service Area



v)

Figure 7 Proposed Funded Service Area



vi)

Figure 8 Proposed Funded Service Area



vii)

Figure 9 Proposed Funded Service Area



viii)

Figure 10 Proposed Funded Service Area



ix)

Figure 11 Proposed Funded Service Area



x) Figure 12 Proposed Funded Service Area



xi)

Figure 13 Proposed Funded Service Area



xii)

Figure 14 Proposed Funded Service Area



xiii)

- xiv) All service plans offered are symmetrical and include unlimited data and no throttling. Customers also have the option of adding on VoIP phone solutions and home security and automation plans. We have also partnered with Microsoft to provide discount programs and free training for schools, businesses, and individuals in the community. During construction, any customer who takes our service WILL NOT be charged a connection fee. We also DO NOT have any activation or rental fees. We DO NOT require credit checks or contracts to get our broadband internet.
- xv) Speed and pricing for our standard plans are as follows. Custom plans are also scalable up to 100 Gbps.
 - (1) 2Gbps up and down - \$299/mo
 - (2) 1Gbps up and down - \$119/mo
 - (3) 500 Mbps up and down - \$99/mo
 - (4) 250 Mbps up and down - \$79/mo

d) A description of which statutory funding priority(ies) (as set forth in Section I.A of this NOFO) the proposed project would address and how the proposed project would address such funding priority(ies);

- i) The entire project will connect 3,901 underserved locations in the rural city of Elko and will provide up to 100G symmetrical service. Anthem Broadband will enable multi-gigabit fiber internet service to every residence and business in the indicated grant areas.
- ii) The grant request areas are considered entirely rural as the City of Elko has a population of 20,304 (US Census Bureau, American Community Survey 2009-2019)
- iii) Anthem Broadband has designed the project to maximize capabilities while minimizing costs. This includes minimizing the number of handholes required by leveraging direct bury splice cases, protective covers and locate ball markers. This method has allowed a savings of over 5% to the total project cost.
 - (1) 2Gbps up and down – \$299/mo – Not available – N/A
 - (2) 1Gbps up and down - \$119/mo - \$120.26/mo – 0.1% below
 - (3) 500Mbps up and down - \$99/mo - \$119.63/mo – 17.2% below
 - (4) 250Mbps up and down - \$79/mo - \$113.04/mo – 30% below
- iv) The entire area is underserved with no areas indicated on the "Indicators of Broadband Need Map" showing Ookla speed tests of greater than 16.38Mbps download and 3.68Mbps upload. Our lowest package is 250Mbps symmetrical, easily crossing the hurdle of 100Mbps download and 20Mbps upload.
- v) The designed network is built as an Active Ethernet access network. Each service location would be capable of 10Gbps at this time with only optics and CPE changes. Where each service location would have dark fiber to the local fiber cabinet, customers could easily be upgraded to 100Gbps or higher by adding additional electronics in the cabinet, or, by patching through the local fiber cabinet and utilizing DWDM to the central office. The network design is also highly redundant with diverse paths between each cabinet and the central office.

e) A description of how the project addresses the evaluation criteria identified in Section V.A of this NOFO, including a description of project beneficiaries, service area level of need, project sustainability, and expected outcomes.

i) Project Purpose and Benefits

(1) Level of Impact in the Proposed Service Area:

(a) Currently, the situation is so bad, schools are unable to offer distance learning because households do not have access to 25/3Mbps, the minimum required for video-based services. This problem was exacerbated during the ongoing pandemic impacting thousands of school-aged children. Per the NTIA Broadband Availability Map, Elko County only has access to a median of 7.63 Mbps download and 1.23 Mbps upload (M-Lab). Ookla speed tests indicate 17.38 Mbps download and 4.66 Mbps upload based on the NTIA broadband availability map. Maximum speeds such as this are limiting residents' access to remote work and telehealth services during this pandemic and the ability of businesses to conduct e-commerce. Anthem Broadband will bridge the divide by bringing cutting edge fiber internet services to allow distance learning, telehealth services, remote work and e-commerce to become a reality for this community.

(2) Affordability of Services Offered:

(a) The services offered are at a rate that is competitive with urban areas per the US Benchmark (2021 Broadband Benchmark Rate Calculator). Below is the discount percentage below the benchmark for each service offered by Anthem Broadband

- (i) 2Gbps up and down - \$299/mo - Not available - N/A
- (ii) 1Gbps up and down - \$119/mo - \$120.26/mo - 0.1% below
- (iii) 500Mbps up and down - \$99/mo - \$119.63/mo - 17.2% below
- (iv) 250Mbps up and down - \$79/mo - \$113.04/mo - 30% below
- (v) 50Mbps up and down - \$49/mo - \$105.57/mo - 54% below

(3) Project Viability

(a) Technical Approach and Related Network Capacity and Performance:

- (i) Anthem Broadband will install an Active Ethernet Fiber to the Home system utilizing redundant and diverse middle mile paths to Reno and Salt Lake City. Redundant and diverse distribution paths between the central office and the local fiber cabinets and dark fiber for the last mile will support any potentially new technology for future upgrades. There will be at least one extra duct placed at initial construction, and lateral/backbone paths are designed to have a maximum utilization of 80%. This will leave extra fiber for future community connectivity needs.
- (ii) The central office will initially be fed with two 100Gbps middle mile circuits. This will enable residential or business packages of 10Gbps initially. The paths from the central office to each cabinet will initially be capable of 20Gbps (2 x diverse 10Gbps uplinks) with the ability to upgrade a cabinet to 80Gbps of uplink capacity by transitioning to 40Gbps uplinks. If additional capacity is needed there are a total of eight dedicated backhaul strands to the central office. Customers subscribing to 1Gbps service or below will be activated with a 1Gbps uplink and an ONT capable of delivering 1Gbps. Customers subscribing to 2Gbps or above will have appropriate ONTs installed.
- (iii) The active ethernet switches are specifically designed with a low latency PHYless architecture that shaves off 80-100 nanoseconds for each switch. To keep latency as low as possible, each cabinet will have fiber paths back to the central office and will aggregate with high port count non-blocking capacity to the core BNG router.

- (iv) Anthem's rule of thumb, for Access/Distribution and Core layers, is to start planning an upgrade when a link sustains 60%+ utilization more than twice in one week, unless there is a redundant link failure that has caused this to happen. For the Interconnection/Internet layer this would change to 50% so that either SLC or Seattle could go offline and the other can handle all traffic.
- (v) Last Mile or Premises has no oversubscription ratio as a customer has a dedicated connection between the Active Ethernet switch and the Customer Premise Equipment. Each switch has a capacity of 48 1 or 10Gbps connections. Assuming 100% utilization at this level there is at least two 40Gbps connections connecting either to another switch or the head-end. Where both links can be active (due to Per VLAN Spanning Tree Protocol) this makes the switch non-blocking and no oversubscription ratio at 1Gbps speeds.
- (vi) Each cabinet has a capacity of about 500 customers, with a 70% utilization this would account for 350 customers. 350 customers at 1Gbps with an upstream from each cabinet of 2 x 40Gbps connections would be $(350/80) 4.375:1$
- (vii) Anthem Broadband's latency goal is to be less than 25ms (Elko to Seattle is estimated to be 23ms) and under 2ms latency for last mile connectivity.

(b) Applicants Organizational Capability:

- (i) Anthem Broadband is also an Internet Service Provider in Idaho, Oregon and Montana operating Wireless and Fiber networks since 1997. Anthem Broadband has just over 130 employees who are highly skilled at managing the company's operations. These employees range from Management/Office/Sales Staff to Field Installation, Engineers, Fiber and Tower Construction. Our technical crew is positioned to deploy projects rapidly. Additionally, in the 3rd quarter of 2020, Anthem Broadband was awarded CARES Grant funding to build a fiber to the home project. We were given three months to complete the project and completed it one week ahead of schedule. Along with the fiber to the home project was two Public Safety projects which were completed ahead of schedule as well.
- (ii) Anthem Broadband has selected Sorensen Construction Inc (SCI) as the master contractor. SCI has extensive experience in building fiber networks. They have built fiber networks in Salt Lake City and Park City, UT as well as Jackson Hole, WY. They are a preferred provider for a large international telecom provider in Utah and across the nation. SCI has done extensive work in the Interstate 80 corridor with an emphasis in the Elko area. They have a very strong relationship with the Union Pacific Railroad. SCI is experienced in all fiber construction methods. Anthem Broadband will utilize micro-trenching within City limits to speed up deployment timelines as well as minimize disruptions and restoration costs in those areas. SCI has the relationships to handle all construction areas with their own crews as well as augment production with local subcontractors.
- (iii) Anthem Broadband has selected Horrocks Engineering to take high level designs to permit and construction ready prints. Horrocks has extensive engineering in all aspects of a fiber to the home project including design, engineering, scheduling, quality assurance, project management and documentation.

(c) Project Budget and Sustainability

- (i) Reasonableness of the Budget:

1. Anthem Broadband has designed the project to maximize capabilities while minimizing costs. This includes minimizing the number of handholes required by leveraging direct bury splice cases, protective covers and locate ball markers. This method has allowed a savings of over 5% to a total project cost.

(ii) Sustainability of the Project:

1. **Applicants must convincingly demonstrate the ability of the project to be sustained beyond the award period. Reviewers will consider business plans, market projections, third-party funding commitments, and other data as may be appropriate to the nature of the applicant and the proposed project. Reviewers will consider demonstrations of community commitments or anchor tenant commitments that would help promote sustainability. Project plans that describe the ability to scale and integrate evolving advanced services over time (such as interoperable interfaces for fifth generation fixed wireless capability or by deploying fiber) will receive up to 8 points.**
2. A set of proforma financial statements for this project is attached, which covers a ten-year period and demonstrates that the construction period, in year one, ends with 1,511 active users, and at that number of customers, the Company is both EBITDA positive and Cash Flow positive. The year-two forecast ends with 1,653 active users with increased EBITDA and Cash Flow, and the Company also turns Operating Income positive. Throughout the ten-year proforma forecast, all four measurements—active users, EBITDA, Cash Flow, and Operating Income—continue to grow, making this network commercially sustainable.

(iii) Leverage of Non-Federal Resources

1. **Reviewers will give additional consideration to those applications that propose to contribute a non-federal cost share of at least 10 percent of the total eligible project costs as reflected in the proposed project budget. To receive a full score in this category, the applicant must address all of the criteria in the category with distinction as well as all of the factors for which an applicant may receive additional consideration.**
 - a. Anthem Broadband is requesting \$13,904,185.70 to fund the PFSA in the City of Elko. Anthem Broadband will be providing matching funds in the amount of \$1,544,909.53.
- f) A description of how their deployment will have the ability to scale over time for greater capability (e.g., using integrated advanced services such as 5G or fiber);**
- i) This deployment is designed around being able to support multiple network topologies including Active Ethernet and Passive Optical Network designs. Each fiber cabinet could be filled with PON equipment and splitters to reduce the power/heat loads. We also have the option to utilize spare duct to run additional backbone cabling to a few centralized locations, and then have passive splitters, only in the cabinets aggregating customers back to fewer locations.

- ii) Advanced services such as dark fiber, metro ethernet or DWDM products are possible with small adjustments to leverage the extra fiber and duct that is installed.
- iii) This deployment also utilizes microduct and microfiber. This allows much faster upgrades as the duct can be filled with higher count microfiber later without requiring additional groundwork.

g) A project plan describing all major project activities and timelines for implementation, including key deployment milestones;

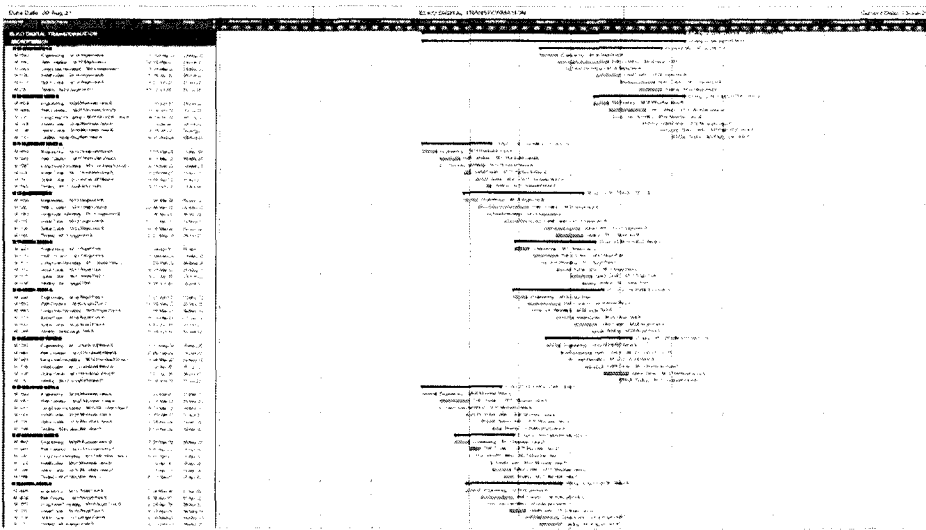


Figure 15 Project Plan Gantt Layout - City of Elko

- h) A brief description of the physical project area and its surroundings (e.g., disturbed or developed land vs. open space; adjacent natural resources, such as rivers, wetlands, or forestlands; and any protected lands or resources in or near the project area), including site photographs and aerial (e.g., Google Earth or Google Maps images) photographs, if the project includes construction and/or ground disturbing activities. This description should also describe how the covered partnership intends to comply with the environmental and historic preservation requirements applicable to an award received under the Broadband Infrastructure Program (including, but not limited to, the National Environmental Policy Act and the National Historic Preservation Act), and if applicable, provide a copy of any environmental and historic preservation review documentation that has been prepared in connection with obtaining permits or approvals from State, local or other federal entities. It is the applicant's responsibility to obtain all necessary federal, State, and local governmental permits and approvals necessary for the proposed work to be conducted. Applicants are expected to design their projects so that they minimize the potential for adverse impacts on the environment. Applicants also will be required to cooperate with NTIA in identifying feasible measures to reduce or avoid any identified adverse environmental impacts of their proposed projects. The failure to do so may be grounds for not making an award. Environmental and historic preservation review documentation, if provided, is not included in the 20-page limit of the project narrative; and
- i) The project is located within city limits. The project is also near the Humboldt River, the Elko Regional Airport and the Te-Moak Tribal lands. (Please see figure 1 on page 2)

Anthem Broadband will comply with all environmental and historic preservation requirements in the planning, design, and construction of the proposed project. During the scoping phase, Anthem Broadband will identify and coordinate with all applicable local, State, and Federal agencies and entities, including Native American tribes, that have jurisdiction over lands within the proposed project area or that would be responsible for permitting any of the components of the work (i.e., United States Army Corps. of Engineers, United States Fish and Wildlife Service), if applicable, to prepare appropriate environmental documentation (likely an Environmental Assessment) to comply with the requirements of the National Environmental Policy Act (NEPA). As part of the NEPA process, the existing natural and human conditions of the affected environment for the proposed project area will be identified. This would include the collection of existing data from state and federal databases concerning threatened and endangered species, historic and cultural sites, wetlands, and prime and unique farmlands. Field surveys will be utilized, but this is anticipated to be a minimal effort due to the project area consisting mainly of existing roadway rights-of-way and other utility easements. Anthem Broadband will identify biological resources (including threatened and endangered and special status species and critical habitat for said species) that may be present in the project area and will identify potential impacts that would result from the project. If adverse impacts are identified, Anthem Broadband will coordinate with USFWS and state wildlife offices regarding appropriate mitigation measures. Anthem Broadband will also identify any impacts to waters of the U.S., including wetlands that would occur and recommend avoidance measures to prevent said impacts. In regard to historic preservation requirements under the National Historic Preservation Act (NHPA), Anthem Broadband will conduct a literature search of previously recorded sites and a pedestrian survey in areas where ground-disturbance would occur to identify historic resources. Anthem Broadband will coordinate with NTIA and the Nevada State Historic Preservation Office (SHPO) regarding eligibility of said resources for the National Register of Historic Places (NRHP), any avoidance measures to prevent impacts to historic resources, and if avoidance measures are not feasible, what potential mitigation measures would be implemented to address adverse impacts. Anthem Broadband will identify and obtain all relevant permits that would be needed to construct the proposed project."

i) A description of any support provided to the provider of broadband service that is part of the covered partnership through:

i) Any grant, loan, or loan guarantee provided by a State to the provider of broadband service for the deployment of broadband service in the proposed service area;

(1) Anthem Broadband has won RDOF funding for northern Nevada.

Commented [KN1]: This was not awarded by the State of Nevada

ii) Any grant, loan, or loan guarantee with respect to the proposed service area provided by the Secretary of Agriculture under:

(1) Title VI of the Rural Electrification Act of 1936 (7 U.S.C. 950bb et seq.), including: any program to provide grants, loans, or loan guarantees under sections 601 through 603 of that Act (7 U.S.C. 950bb et seq.); and the Community Connect Grant Program established under section 604 of that Act (7 U.S.C. 950bb-3); or

(a) Anthem Broadband does not have any grant, loans or loan guarantees from the Secretary of Agriculture.

(2) The broadband loan and grant pilot program known as the “Rural eConnectivity Pilot Program” or the “ReConnect Notice of Funding Opportunity – 15 Program” authorized under section 779 of division A of the Consolidated Appropriations Act, 2018 (Public Law 115–141; 132 Stat. 348);

(a) Anthem Broadband has not received any broadband loans or grant pilot programs.

iii) Any high-cost universal service support provided under section 254 of the Communications Act of 1934 (47 U.S.C. 254);

(1) Anthem Broadband has won RDOF funding in Northern Nevada, but at this time not received anything for the locations won.

iv) Any grant provided under section 6001 of the American Recovery and Reinvestment Act of 2009 (47 U.S.C. 1305);

(1) Anthem Broadband did not participate in any funding nor receive any funding from the NTIA or USDA.

v) Amounts made available for the Education Stabilization Fund under the heading “DEPARTMENT OF EDUCATION” in title VIII of division B of the CARES Act (Public Law 116–136; 134 Stat. 564); or

(1) Anthem Broadband did not receive any of this funding.

vi) Any other grant, loan, or loan guarantee provided by the Federal Government for the provision of broadband service.

(1) Anthem Broadband has won a small amount of Rural Development Opportunity Fund in Northern Nevada.

(2) Anthem Broadband won C.A.R.E.S. funding in the third quarter of 2020.

j) A description of whether and, if so, how the project will incorporate strong labor standards, including project labor agreements and community benefit agreements that offer wages at or above the prevailing rate and include local hire provisions, and a description of the applicant’s workforce plans and practices.

i) We have no project labor agreement or community benefit agreements in place, our contractors will offer wages at or above the prevailing rate and is experienced at complying with Prevailing Wage provisions. Our contractor will be seeking to hire as much talent locally for this project but does not have an established requirement as the buildout timeline for this project is aggressive and exceeds the local labor pool’s capacity.

2) Provide a Detailed Budget Justification in the form of an Excel spreadsheet, as well as a Budget Narrative in the form of an MS Word document. All budget information must support the requirements detailed in the NOFO.

a) The Detailed Budget Justification spreadsheet must reflect the cost categories that appear on the SF-424C (e.g., administrative and legal expenses; land; structures; rights-of-way; appraisals; construction, etc.) and include itemized calculations for each cost placed under those categories. The spreadsheet must be formatted to fit letter-sized paper (8.5” x 11”).

- b) **The Budget Narrative must explain the necessity and basis for all costs, clearly correspond to the information included in the Detailed Budget Justification spreadsheet, and reflect only allowable costs that are consistent with the project scope. Information on cost allowability is available in the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards at 2 C.F.R. § 200, which apply to awards in this program. If cost sharing or matching funds are included in the budget, the applicant must identify the nonfederal source (e.g., state funding) and distinguish the non-federal and federal portions of the budget in the Detailed Budget Justification and Budget Narrative. Information regarding cost sharing or matching funds is available in 2 C.F.R. § 200.306.**

The total budget to complete this project is \$15,449,095.27, which is driven by construction labor costs of \$8,236,920.01 and equipment and materials costs of \$5,813,662.64. Additional costs include (a) Engineering fees of \$278,564.28, which is a cost of \$1.00 per linear foot of conduit/fiber laid, (b) Project inspection and QC fees of the same amount, \$278,564.28, also at a cost of \$1.00 per linear foot, (c) Rights of way and permits of \$55,712.86, (d) Administrative and legal costs of \$50,000, and (d) Contingencies of \$735,671.20, which is calculated at 5% of the line item detailed costs.

- 3) **If indirect costs are included in the proposed budget, provide a copy of the approved negotiated agreement if the rate was negotiated with a cognizant federal agency.**
- a) Anthem Broadband does not have any indirect costs.
- 4) **Letters of Commitment –**
- a) Anthem Broadband will provide letters of commitment for this project after selection.
- 5) **Is your company able to provide maps of the proposed service areas in shapefiles, .kmz, or .kml format (required for application)?**
- a) Once selected, Anthem Broadband will provide the .kmz files for this grant project.
- 6) **Is your company willing to provide pro forma financial information and analyses, such as balance sheets, income statements, and statements of cash flows (required for application)?**
- a) Yes, Anthem Broadband will provide pro forma financial information and financial analysis.
- 7) **Is your company willing to provide network diagrams and system design information (required for application)?**
- a) Anthem Broadband will absolutely provide these items as they are part of the grant application. We will provide these proprietary items when selected.
- 8) **While the grant does not require a match, the Notice of Funding Opportunity (NOFO) does suggest a 10% match will raise the chances of winning the competitive grant and implies that the greater the match the greater the chance of funding. The match can include costs related to broadband infrastructure investments in areas adjacent to the proposed grant areas.**
- a) **Is your company able to meet the 10% or preferably greater match requirement?**
- i) Anthem Broadband will be providing a 10% match towards the cost of the project.

9) **Has your company completed broadband projects utilizing federal funding sources? If so, list project(s), funding sources and budget amounts.**

- i) 2020 Q3 Blaine County Households Grant, CARES act \$419,995
- ii) 2020 Q3 Blaine County Public Safety/Local Government Grant, CARES Act \$657,359

10) **Include answers to the following questions:**

a) **Do you have an engineered last mile broadband solution for the City of Elko? If so, what type of solution is your last mile solution?**

- i) Yes, the engineered last mile broadband solution is Active Ethernet with redundant and diverse paths in the distribution and middle mile layers.

b) **Is financing in place for your last mile broadband solution? If so, please describe the financing.**

- i) Anthem Broadband will leverage private commercial funding, and this financing is in place.

c) **Have you begun to interface with the City on permitting, engineering review and other administrative issues?**

- i) Yes

d) **Are local partnerships part of your solution? If so, please describe your local partnership, particularly local financing.**

- i) Anthem Broadband has partnered with Microsoft Airband Initiative to provide the community with digital equity programming such as, but not limited to, digital skills training, a free technical hotline, as well as access to distance learning and help scale telehealth services for the community.
- ii) Anthem Broadband has partnered with Nevada Gold Mine for co-management and financial backing to ensure the project's success.
- iii) Anthem Broadband will be partnering with city, county, and state officials to ensure project success.

11) **What Service Level Agreement would you propose for residential service? Include standards for uptime, jitter, latency, packet loss and a guaranteed upstream oversubscription rate that you would not exceed.**

a) **SERVICE LEVEL AGREEMENT:**

- Anthem Broadband Service Level Agreement (SLA):
 - Anthem Broadband acknowledges the requested SLA, but we already have an SLA committed to all our customers in place. We would be keeping this SLA the same across the board for all customers.
-
- 24/48 – Our 24hours/48hours guarantee is very different from every other provider out there.
-

- The 24 hours, this is regarding customers needing a truck roll. If our customer needs a truck roll, we will be out there within 24 hours (excluding Sunday's).
-
- The 48 hours, this is regarding customers requesting to have new service set up. Once a customer calls in, we will be out within 48 hours to install the service (excluding Sunday's)
-
- Commercial Customers typically have a 12-hour response time

NETWORK AVAILABILITY – Anthem Broadband's target for Network Availability is 99.9% for any given month. Network Availability will be determined as an average of actual circuit availability as a percent of total potential circuit availability measured on a monthly basis.

LATENCY – Anthem Broadband's target for Latency is 50ms or less for one-way network transit delay for a standard 64-byte ping from the customer premise equipment (CPE) to Anthem Broadband's edge router.

CREDITS – Anthem Broadband calculates network outages commencing on the date and time of the opening of a Trouble Ticket and ending at the close of the same Trouble Ticket by Anthem Broadband's Technical Support. Customer must contact Technical Support to report outages or performance issues and must work with Technical Support to resolve such issues in a timely manner. Upon resolutions of the problem and close of the Trouble Ticket, Customer must contact Customer Service within 5 business days to request an SLA credit and reference the Trouble Ticket assigned. Any credits determined to be due by Customer Service will be credited towards the next month's charges and may not be deducted from any current outstanding charges. The amount of credit to be issued will be determined as follows:

NETWORK AVAILABILITY – Should network availability fall below 99.9% in any given month, a credit equal to 1/30th of the monthly rate will be issued for each 4-hour increment of the outage, to a maximum of 50% of the monthly billing rate in any given month.

LATENCY or PACKET DELIVERY – A credit equal to 1/30th of the monthly rate will be issued for any documented Latency or Packet Delivery issues.

In the event that a Customer is entitled to multiple credits under this SLA arising from the same event, such credits shall not be cumulative, and the Customer shall be entitled to receive only the maximum single credit available for such event. The maximum credit that may be issued during any month is 50% of the monthly rate. The maximum accumulated credit that may be issued during any contract year is 20% of the total annual billing for the Service. In the event the Customer would receive credits in any given month equal to 50% of the monthly rate, or an individual credit that would put the accumulated credit for a contract year over the 20% annual threshold, the Customer shall have the option to cancel service at that time without penalty.

EXCLUSIONS & LIMITATIONS – Credits will not be issued for a) Network downtime that is not reported by Customer or requests for credit not made by Customer within 5 business days of the event; b) Service outages or performance issues not documented by a Anthem Broadband Trouble Ticket; c) Anthem Broadband network maintenance performed during the standard maintenance window (12:01am to 6:00am MST); d) Anthem Broadband emergency maintenance; e) Failure of customer equipment; f) Carrier outages affecting an entire area or region; g) Unauthorized acts, use of service, or omissions by the customer that affects Anthem Broadband's ability to provide service,

by the customer or user of the service authorized by the customer; h) Any interruption of service due to a violation of Anthem Broadband's standard terms and conditions or acceptable use policies; i) Any reasons of Force Majeure such as natural disasters or Acts of God.; j) Any outage caused by events beyond Anthem Broadband's reasonable control.

12) Will you have a low-income plan?

- i) For those on a limited income, we offer a 50x50Mbps plan for \$49. Not only will we be offering this package for low-income families, we will be promoting the FCC's Emergency Broadband Benefit Program (EBB). We currently exploring the ability to offer the Lifeline Program.

13) Is your company able to guarantee that the level of service proposed will meet all the requirements of the NTIA as specified in the NOFO and other requirements of the NTIA?

- a) Anthem Broadband will be able to meet and far exceed the level of service requirements by the NTIA.

14) Is your company willing to enter into a contract with the City concerning management of the grant to include the following?

a) Grant Assurances

- i) Anthem Broadband, upon being selected, will enter into contractual obligations.

b) Reimbursement to the City for any grant funding reimbursements in the event of the provider of fixed broadband service's failure to comply with all grant assurances and requirements or provide the City with proper documentation to ensure the City's compliance with all grant assurances and requirements?

- i) Anthem Broadband, upon being selected, will enter into these conditions with reasonable expectations.

15) Is there a connection fee? If so provide relevant information, to include the amount of the fee and exceptions to the fee requirement.

- a) Anthem Broadband will not be charging a connection fee.

16) Does your company intend to utilize local contractors to complete the project? If so, indicate how your company will go about selecting local contractors, to include any bidding preferences your company will include in requests for proposals or invitations to bid.

- a) Anthem Broadband is a local company, based in Elko, with local employees. Anthem Broadband has chosen Sorensen Construction Inc. for overall project build out. The timelines we have for not only this grant, but for the entire project will rely on them selecting and utilizing local contractors. SCI will use their own selection method for these contractors. SCI currently has local employees.

Jacob R. Larsen

2 Granada Place || Burley, ID 83318 || 208-312-3001

jacob@safelinkinternet.com || www.linkedin.com/in/jacobroninlarsen/

Business Visionary and Strategic Leader

As a passionate leader in the Internet Service Provider industry, I take pride in connecting communities, and individuals to the world through technology. As CEO of Safelink Internet Services, I set the vision and direction for the organization. By directing the work of our professional team of over 100 individuals, we have set the standard in providing quality and consistent internet service and customer support to over 13,000 customers in Idaho, Montana, and Oregon. I believe in accomplishing our vision through adhering to our core values of caring, teamwork, being driven and dedicated, innovative, and operating with integrity. Consistently driving greater than 20% growth and profitability increase to the organization for the past nine years has created many opportunities for professional and personal growth. I embrace challenge, and look forward to leading our organization in the accomplishment of its strategic goals, as we provide the essential technology and connection services to additional communities and families.

KEY STRENGTHS

Communication • Adaptability • Building Relationships • Data Analysis
Strategic Planning • Training • Negotiation • Presenting and Influencing
Coalition Building • Leading and Managing Change

KEY ACCOMPLISHMENTS

Leading Change

- Led organizational change at Safelink Internet to grow the organization from a small local WISP with 3300 subscribers and 15 employees, to the multi-location, multi-service organization with over 13,500 subscribers and 100 employees, and over 10 million in annual sales.
- Expanded service offerings from wireless internet distribution only, to include fiber optic distribution, custom networking, and managed services.
- Developed the training and professional development of Safelink Internet workforce to include emphasis on education, industry certification, and EOS business management methodology.

Achieving Organizational Goals

- Creating a solid and clear vision and strategic plan for all levels of the organization, has moved the company to a greater ability to predict and drive success.
 - Consistently leading departmental teams in the achievement of KPI's. Utilize data sources to discover areas of opportunity to improve outcomes, and then message needs to staff.
 - Developed data tracking systems to ensure that just-in-time skills coaching is occurring for all team members, and information can be passed to leadership, and utilized in strategic planning.
-

PROFESSIONAL EXPERIENCE

CEO, Safelink Internet Services • 2016-Present

Responsible for developing and articulating the vision, and strategic plans for the organization. Work in partnership with COO in achievement of all KPI's and quarterly objectives. Collaborate on a national level with other industry leaders in advocating for the wireless services industry.

Director of Operations, Safelink Internet Services • 2011-2016

Responsible for all day to day operations of the organization. Primary accomplishments included the restructuring of the inventory department, standardization of field team processes, and created a dedicated sales and marketing department.

Partner, Drive Now Auto Group • 2004-2008

Managed a multi-store used automotive sales team. Responsible for inventory, personnel and management.

Finance Manager, Young Automotive Group • 1998-2004

Obtained financing for customer car loans. Responsible for building banking relationships and supporting the leadership team. Grew the special finance department for Bonanza Motors to achieving 30% of the profitability of the used car department.

EDUCATION

Master of Business Administration, Western Governors University • 2018

Bachelor of Science, Information Technology, Western Governors University • 2013

INDUSTRY CERTIFICATIONS:

CompTIA

A+

Network +

Security +

Project +

JH**Jasen
Herr****OBJECTIVE**

To be with a company with a strong team environment and be a part of a company that I can use my imagination to help it grow. A company who can use my talents and help me grow as an Employee, Individual and a Father.

**ADDRESS**

474 Canyon Crest Drive
W
Twin Falls, Idaho, 83301
United States

**PHONE**

208-431-6560

**EMAIL**

jasenh@safelinkinternet.com

**WEBSITE**

[linkedin.com/in/jasenherr](https://www.linkedin.com/in/jasenherr)

EXPERIENCE

09/2017– Present

Director of Field Operations • Safelink Internet Services • Rupert, Idaho

04/2017 – 09/2017

Director of Northwest DataCom • Northwest DataCom • Rupert, Idaho

01/2009– 09/2017

Development Manager • Cal.net • Shingle Springs, California

HIGHLIGHTS:

As Director of Field Operations, I have been able to improve operational efficiencies, and provide value to the organization through the reduction of costs, and improvement of quality associated with the deployment of customer premise equipment for our 13,000 + subscriber network. I coach my team and help guide them into greatness. I am responsible for achieving KPI success in my department, the through directing the work in our 25+ team.

EDUCATION

Folsom Lake College, Folsom, California

AGPA of 3.0

Criminal Justice/Administration of Justice

2008-2014

COMMUNICATION

I have been a Tower Climbing Trainer since 2016, and have been able to train over 50 students in a classroom setting as well as classroom settings.

LEADERSHIP

As a Director I take pride in moving a long side of my team and helping them grow to have the ability to replace me.

REFERENCES

Available Upon Request

KEVIN NEAL

158 Aspen Crest Dr. Burley, ID 83318 · 208-312-3026
Kevin@SafelinkInternet.com

Information technology expert with technical and leadership experience, specializing in wireless and fiber internet networks. Adept in leading large teams of tier 1 call center support, as well as network operations specialty teams. Developed policies and process to support standardization of service.

EXPERIENCE

2017 – PRESENT

IT DIRECTOR, SAFELINK INTERNET SERVICES

Major initiatives have included the design and implementation of the organizations 10G Ring connecting our networks together with highly redundant connections to Salt Lake City and Seattle. Currently leading a team of approx. 20 IT professionals in the maintenance and enhancement of our network. Additional focus has been on developing the Agile ISP platform for WISP management as well as supporting the work of the Northwest Datacom team.

2004 – 2017

IT PROJECT MANAGER, SAFELINK INTERNET SERVICES

Focused on the growth and development of the network, as well as the organization through the infancy of the company. As the company grew so did the role and responsibility that was performed. Managed the technical support department, managed IT services, designed and deployed the Eastern Idaho Network in 2013, among other contributions.

1997-2004

TECHNICAL SUPPORT, SAFELINK INTERNET SERVICES

Supported the organization shortly after its organization as a technical support agent. Worked doing office technical support as well as installing high speed wireless internet to residential and commercial customers. Also expanded expertise in system administration, tower construction and server design/configuration/maintenance and troubleshooting.

EDUCATION

OCTOBER 2019 (ANTICIPATED)

**BACHELOR OF SCIENCE, BUSINESS – INFORMATION TECHNOLOGY,
WESTERN GOVERNORS UNIVERSITY**

CERTIFICATIONS

- CompTIA A+ Certification – Feb 2016
- Certified Novell Administrator - 1999

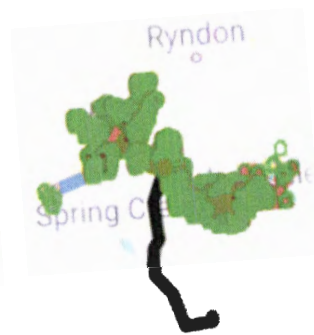
Anthem Backbone Network

© 2014 Anthem, Inc.



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July 20, 2021

U.S. Department of Commerce
National Telecommunications and Information Administration
Herbert C. Hoover Building (HCHB)
1401 Constitution Avenue, N.W.
Washington, D.C. 20230

Subject: Letter of support for Anthem Broadband of Nevada LLC's NTIA BIP grant application

To Whom It May Concern:

Nevada Gold Mines LLC (NGM) is writing in support of Anthem Broadband of Nevada LLC's grant application for funding to provide cost-effective broadband service in rural Nevada.

NGM is committed to the continued development of rural Nevada communities and has chosen to partner with Anthem Broadband in bringing high-speed internet service to Elko, Spring Creek and Lamoille. Our support of Anthem is being backed by a \$30M loan for the Elko Area Digital Transformation Project, which we believe will enhance the quality of living for these communities.

Based on our own internal review and extensive third-party reviews, NGM concluded that Anthem has a strong technical and business plan and is the best partner for this project. Anthem Broadband is committed to providing fiber-based, affordable and scalable internet services to every household in Elko, Spring Creek and Lamoille.

Furthermore, they are actively working to integrate themselves into the community and are continuously looking for opportunities to invest and promote community initiatives and programs. This makes them not only strong business partners, but partners to communities in the long-run as well.

NGM encourages NTIA's support and funding of Anthem Broadband of Nevada LLC's grant application. We believe that Anthem is a strong business partner and a company that can benefit the long-term sustainability of our communities as well.

Your consideration of our support for Anthem and our community is greatly appreciated.

Sincerely,


Greg Walker
Nevada Gold Mines, Executive Managing Director

ctc technology & energy

engineering & business consulting

July 19, 2021

U.S. Department of Commerce
National Telecommunications and Information Administration
Herbert C. Hoover Building (HCHB)
1401 Constitution Avenue, N.W.
Washington, D.C. 20230

Subject: Letter of support for the NTIA BIP grant application of Anthem Broadband of Nevada, LLC, and the City of Elko, Nevada

To Whom It May Concern:

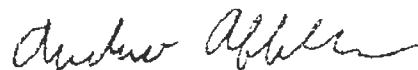
I am writing in support of the Broadband Infrastructure Program grant application submitted by Anthem Broadband of Nevada, LLC, and the City of Elko, Nevada.

I am an engineer who has designed and planned wireless and fiber broadband networks for 25 years.

As an independent technical and financial adviser to Nevada Gold Mines LLC, who are financing in part the Anthem network build, CTC Technology & Energy has reviewed Anthem's broadband buildout plans (e.g., high-level design, engineering assumptions, construction methodology and costs). As part of that analysis, I have also reviewed Anthem's capabilities in terms of their previous fiber and wireless network deployments in other communities.

Based on that technical due diligence, I believe Anthem's plans are technically sound and I encourage NTIA's funding of the grant application.

Sincerely,



Andrew Afflerbach, Ph.D., P.E.
CEO and Chief Technology Officer

Columbia Telecommunications Corporation

10613 Concord Street • Kensington, MD 20895 • Tel: 301 933 1488 • Fax: 301 933 3340 • www.ctcnet.us

CC Communications Proposal July 20, 2021

Name of Internet Service Provider: CC Communications
Key Contact: Mark Feest, CEO
Contact information: 775-389-2013 ext.1401
50 W. Williams Ave
PO Box 1390
Fallon, NV 89407-1390

1. Project Narrative
 - a. Executive Summary

CC Communications proposes to expand on its already deployed XSGPON FTTH network that is serving City of Elko customers and passing hundreds of locations, while bring more residents online each day. The XSGPON system is capable of delivering 2.5Gbps to each location today, with a virtually unlimited ability to scale and expand. Through current ITU standards, 10GBPS speeds can be made available, upgradable to 40GB, as well as electronics that provide for point-to-point services as requested. GPON is the most commonly deployed FTTH solution for new fiber builds, and the focus of current research and development by manufacturers. (CC Communications has deployed Active Ethernet, and continues to support current customers on AE. However, CC Communications has chosen XSGPON for the several advantages it has for customers vs. AE). The system is currently fed by two 10GB redundant fiber routes to Salt Lake City and Las Vegas, with an additional 10GB Link between Reno and the bay area.

CC Communications was the first FTTH provider in rural Nevada, and the first to deploy a GB service in rural Nevada. Our long record of successful FTTH design and deployment has been achieved utilizing a combination of our internal team for outside and inside plant design, and CALIX professional services. The construction side of deployment has been successfully achieved longer than any provider in rural Nevada through use of internal splicers and installers, combined with construction services from Elko founded Northern Nevada Excavation (NNE) since 2003.

It is in the best interest of the City of Elko to partner with CC Communications. First, CC Communications has consistently met and exceeded its commitments with regard to past promises made to the City. Second, CC Communications never attempted to charge a \$1000 hook-up fee, yet the CEO of Nevada Gold had to tell the other applicant that that practice was not going to happen. Until told such, the other applicant sought to charge a \$1000 hook-up fee when the business model did not require such. Third, CC Communications has never charged a "mandatory equipment rental fee". While the other applicant has now dropped that, it should be noted that the FCC barred such practices. Fourth, the grant and other capital costs for labor remain in Elko, as Elko founded NNE employs your County's residents and those funds are recycled throughout the community many times over rather than moving out of state. This is a benefit to taxpayers, local businesses, and all residents. Fifth, CC Communications is the only

provider before you with a proven track record of delivering FTTH to rural Nevada. Sixth, CC Communications has an established middle mile, Central Office, and FTTH customer base adjacent to areas where funds are sought.

The comparison of XGSPON vs. AE is a red herring. Both Fiber-to-the-home platforms provide service well in excess of requirements. You will find “experts” and salespeople with varied opinions. Nevertheless, it is irrefutable that the industry trend is towards R&D of PON technologies, and PON technologies have standards up to 200Gbps, with many more in development. Our deployed network is currently capable of 2.5 Gbps, with 10GPON and 40Gbps available with electronics upgrades. Moreover, our design allows for individual customers to receive point-to-point or AE if required by unique needs. Calix, a leading manufacturer of both AE and PON states when referring to PON, “technology will advance faster than AE . . . “

For this proposal’s purposes we have divided the areas within the City of Elko between North of I80 and South of I80, limited by the City’s boundaries. Both areas will be served from the already established Central Office (CO), which is serving your residents in deployed areas now. CC Communications requests designation as the City’s “partner” for the entirety of the City boundaries, as regardless of whether the City chooses CC Communications, it is our assertion that past performance of the other applicant should exclude that applicant from receiving the support of the City of Elko.

- b. Provide qualifications and experience of all key personnel responsible for implementing the proposed project including:
 - i. Table of funded Project Participants and Unfunded Informal Collaborators
 - 1. Mark Feest, CEO
 - 2. Stewart Nichols, Engineering Manager
 - 3. James Nugent, PM
 - 4. Elizabeth Orozco, Service Delivery Manager, PMO, ITIL
 - 5. Rudy McElvain, Broadband Engineering Manager
 - 6. Jamie Hyde, CPA
 - 7. NNE
 - 8. Calix Professional Services
 - ii. Resumes of Key Personnel
 - 1. Attached
- c. A description of the covered broadband project

CC Communications proposes being designated as the City of Elko’s NTIA BIP partner for the entirety of the City of Elko. Leveraging our existing Central Office, middle mile infrastructure, and existing fiber paths, which are all adjacent to the grant area, CC Communications is best positioned to deploy FTTH to all locations in the City of Elko. The number of locations that are actually eligible is slightly in the air, as the maps used by the NTIA are outdated due to CC

Communications ongoing FTTH project. This is likely to result in objections during the allowable comment period. CC Communications' project is best prepared to address these objections because (1) it is their network that would raise objections, and (2) CC Communications is best positioned to tailor a grant that does not award money for completed work.

Utilizing our established core network, central office and routers, CC Communications will continue to expand using one by sixteen split on an XSGPON system that is capable today of providing a 2.5Gbps connection.

- d. A description of the area to be served by the covered broadband project. The City requests (1) that the proposed service area be an area that is not currently served by 25Mbps/3Mbps and (2) that there are no plans by the current Internet Service Provider or competitive providers of fixed broadband service to serve the proposed service area with 25Mbps/3Mbps service by December 21, 2022. The proposal should not include the areas where CC Communications has begun to deploy service. It is anticipated that during the grant curing process, the NTIA will disqualify these areas.

Plans to serve by December 31, 2022

CC Communications has already deployed service in the downtown Elko area, the Villas at Riverside, locations on Silver, Commercial, Railroad, River, Main, 12th, and Idaho (as well all of Summit Estates). CC Communications has conduit, boxes, and/or fiber in the ground along 12th, Lamoille, Mtn. City Hwy., Clarkson, Opal, Stitzel, and the surrounding streets (as well as conduit from the Summit to SCA Tract 400). These locations will come on-line soon. CC Communications holds permits for various streets where we are simply waiting on crews becoming available, and we are actively working to hire additional labor. CC Communications has drawn all streets South of I80, although we hold submission for permits until crews are within weeks of being available. Approximately 70% of materials for outside plant are in inventory, ordered, or awaiting delivery.

The CO and establishment of middle mile via NDOT routes and third party requirements is the most time consuming aspect. The CO is up and is equipped to deliver all services to customers on both sides of I80. However, we do not believe that it is realistic to complete both sides of I80 by December 31, 2022. CC Communications has built its core network, middle mile, and CO to serve all "eligible" areas (as well as Spring Creek), and we are building out from the downtown corridor. Everything South of I 80 is "planned" to be served by December 31, 2022, subject to labor and materials. Based on the investment in middle mile, CO, and core network, all of the City of Elko is "planned". Selection as the City's "partner" in the NTIA BIP NOFO would potentially expedite this plan, in that we would have the opportunity to offset increased labor costs by offering bonuses and higher wages to attract more crews. This is true of both sides of I80.

Therefore, the area to be served by the NTIA grant is all locations within the boundaries of the City of Elko. CC Communications' preference is to divide that total area into two grant applications. One grant application would be all census blocks within the City of Elko on the South side of I80. The second grant application would be all census blocks within the City of Elko on the North side of I80. This approach reduces the total dollar amount per grant, providing the opportunity to be awarded one while preventing an all or nothing scenario. Further, this approach aligns closer with how CC Communications laid out the project when we started construction.

If the City deems all of the South side of I 80 outside of the grant eligibility, which may be the case by NTIA, CC Communications would seek to partner only on the North side. If the City Council desires to divide their support by selecting two providers, CC Communications would prefer partnering on the Northeast side of I80. The Northeast side aligns with our construction, and thus, would be completed sooner. While it may be likely that the entirety of the Southside of I80 is eliminated from NTIA consideration during the curing period, CC Communications is in the best position to present a "shovel ready" application, as referred to in the NOFO, with funding justified as an assurance the construction is completed, and completed in a timely manner.

- e. A description of which statutory funding priority(ies) (as set forth in Section 1.A of the referenced NOFO) the proposed project would address and how the proposed project would address such funding priorities
 - i. CC Communications proposes serving 100% of the households in the eligible service area. Therefore, our proposal addresses the funding priority found in Section 905(d)(4)(1) 100%.
 - ii. CC Communications proposes to provide broadband service to a city with a population less than 50,000. Therefore, our proposal addresses the funding priority found in Section 905(d)(4)(2) 100%.
 - iii. As with the other applicant, CC Communications cannot control how rural the City of Elko is. Whether the proposal address Section 905(d)(4)(3) with respect to "projects in areas that are the most rural" will only be known when all applicants across the U.S. are received. As for the "cost-effective" factor, I understand this to be a cost per location that the grant covers. CC Communications expects to match 40% - 60% of the grant requested, driving the cost per location down from a grant award perspective. Given that the NOFO does not require any match, and only suggests a 10% match, we believe that our match proposal will create a very cost-effective application. This is an area that the selected "partner" would require input from an expert on grants such as Joe Fredosso.
 - iv. CC Communications has proposed and XSGPON that will deliver 2.5Gbps out of the gate, with immediate capabilities to expand to 10GPON (10Gbps). The 1 to 16 fiber split allows creation of point-to-point and active customers when such services are needed or requested. While

Active Ethernet only supports a 10GB link today, our XGSPON solution already supports a 40Gbps link (NG-PON2). AE is a mature technology that simply allows for SFP changes to add bandwidth. XGSPON is actively being upgraded and developing new standards and technology. Calix, the industry leader in GPON manufacturers both AE and GPON, they state that, "the technology will advance faster than AE." In short, CC Communications has already deployed this technology and architecture in Elko and far exceeded the NOFO 100Mbps requirement.

- v. Section 905(d)(4)(5) "Any other covered broadband project that meets the requirements of this NOFO". Given that CC Communications' proposal meets or exceeds (1) and (2), (3) can only be objectively determined when compared with other applications, CC Communications far exceeds (4) and (5), it is clear that our proposal would be competitive.
- f. A description of how the proposed project addresses the evaluation criteria identified in Section V.A of the referenced NOFO, including a description of project beneficiaries, service area level of need, project sustainability, and expected outcomes.

V.A.1 (30 points) Level of Impact 20 Points, Affordability 10 points

Level of Impact

CC Communications' proposal deploys broadband to 100% of locations within the proposed service area. That includes all households, businesses, and community anchor institutions, each able to receive speeds greater than the qualifying broadband service under the NOFO.

CC Communications has not received support for the proposed service area from any federal or state source.

Given that CC Communications is already building in the City of Elko, passes hundreds of locations and is turning more up each day, combined with the fact that another WISP owns 5g spectrum on top of the proposed service area and is already providing a lower speed service, evaluation of any application may be harmed. The NOFO provides, "[r]eviewers will also consider whether there are service providers already present in all or part of the area, as well as the pricing, coverage, and available capacity of those providers". **Reviewers may "take into account comments submitted by existing broadband service providers in response to the announcement described in VIII.B of this NOFO in making this evaluation."**

Another provider that is already in Elko with customers owns 5G spectrum. This creates an opportunity to comment on the NOFO, especially if the other applicant's proposal has any 5G component.

CC Communications has already deployed FTTH passing hundreds of locations and bringing more customers on each day. The services deployed by CC Communications are well in excess

of that required by the NOFO. The 5G spectrum owned by a local WISP is capable of speeds well in excess of the requirements of the NOFO. Thus, this is a potential weak point in any application, but especially to an applicant that has not placed any facilities adjacent to a covered area, or one that desires use free money to overbuild companies using their own money to build.

CC Communications has already established middle mile facilities capable of transporting all Internet traffic out of the City of Elko and Spring Creek for a period of time well in excess of the NOFO timelines. Thus, the NOFO's limitation on middle mile costs, with the encouragement to "leverage middle mile", and focus on last mile costs, aligns with the stage of construction we are at.

Given that CC Communications meets all the criteria, and holds the advantages of (1) an established middle mile, (2) actual FTTH customers served adjacent to service area proposed, it appears the only place CC Communications could lose points is on the issue of comments submitted by existing providers. While our FTTH network progress puts us in the best position to file comments objecting, there are other providers that could do so.

With respect to project viability, CC Communications has proven track record inside and outside the City of Elko. Page 30 of the NOFO references "shovel ready", since CC Communications is already building, no one is more shovel ready. Given that no one has built more FTTH in rural Nevada than CC Communications, we have the track record, as does our contractor which has put more cable in the ground of Elko than any company.

Affordability

Unlike the other applicant, CC Communications has never advertised or submitted a \$1000 hookup fee as part of its pricing. CC Communications agrees with Nevada Gold's CEO that such a practice is unacceptable. Further, unlike the other applicant, CC Communications has never advertised or charged a mandatory equipment rental fee, which We will note, is a practice now banned by the FCC and TVP Act signed into law in December 2019 Law banning "rental" fees for customer-owned routers takes effect Sunday | Ars Technica. When it comes to pricing, CC Communications has never charged such fees or attempted to make your constituents pay \$1000 hookup fees.

Pricing & Packages

Bandwidth**	Monthly Rate
100/100 MBPS	\$69.99
150/150 MBPS	\$79.99
250/250 MBPS	\$99.99
500/500 MBPS	\$149.99
1GB/1GB	\$199.99

Current providers: \$74.99 / 25Mbps. This was accurate when we received a copy of a new customers bill prior to install. Based on conversations with customers, certain providers have very burdensome long-term contracts that included install fees. This is standard for some providers when they believe the customer has little or no choice. Such as attempting to charge \$1000 hookup fees prior to being told that is not going to happen if you want a community based loan.

Nevada Rural Cities/Counties

	LCTS	Reliance*	MVTel	Humboldt	TrueLeap	CC Comm
6Mbps					\$49.95	
10Mbps	\$123			\$76.99		
12Mbps					\$59.95	
15Mbps	\$146		\$60.95	\$89.85		
25Mbps	\$178					
30Mbps			\$75.95			
50Mbps	\$218	\$57.99	\$90.95			
100Mbps	\$327	\$72.99	\$115.95			
150Mbps						\$79.99
250Mbps		\$97.99				\$99.99

CC Communications pricing and plans a far superior to most rural Nevada broadband prices, and are well below pricing currently in Elko, especially when speeds are compared. In the event CC Communications were selected to partner, and a bid was awarded, pricing would be adjusted accordingly. It is much easier to promise prices when no investment has occurred, or where free money and hookup fees are used to offset the capital expense. When you do not have a product, advertised prices are irrelevant unless you have a history of past performance that meets promises.

- g. A description of how their deployment will have the ability to scale over time for greater capability.

XGSPON has the most scale Fiber-to-the-Home solution over time. AE is a mature technology that lags in R&D. GPON is the overwhelming choice for new deployments due to flexibility and scalability. XGSPON and 10GPON has been selected by Verizon and deployed in all new Verizon deployments such as Boston. The system CC Communications has already deployed is capable of 2.5Gbps with a swap of customer ONT. The system CC Communications has already deployed is capable pursuant to ITU Standard G.9807.1 to deliver 10GBPS/10GBPS speeds to residential and business customers. NG-PON2 can already deliver 40Gbps. G.hsp.TWDM future standard being developed will do 100GB/200GB and is designed as a business service. Scalability and adding capacity is also enhanced by the simple fact that Calix manufactures chassis and cards that are completely integrated with our cabinets, CO, billing, ticketing, and troubleshooting system that are capable of adding AE customers onto the system we have already deployed.

Anticipating that there may be rare cases that a customer is best served by this solution, CC Communications utilizes a 1 to 16 split to ensure that there are plenty of fibers in the ground.

- h. A project plan describing all major project activities and timeline for implementation, including key deployment milestones.

CC Communications has divided the entire City of Elko proper into forty-two (42) substantially equal sections in consideration of locations passed and construction time. In some cases fewer locations passed in a larger area may equal a smaller section with more locations passed due to number of projected installs, drops, etc. Each section represents one month of labor to place conduit, splitters, drops, splicing, and so forth. The forty-two months could be cut down to 21 months given the ability to attract a larger labor force. More likely, it could be reduced by ¼.

Inasmuch as the Central Office is established, and all locations in the City are within the standards for loss budget on XGSPON with a 1 to 16 split, the project essentially comes down to micro-trenching per City standards, setting boxes/splice cases, splicing, and installing customers. All of which we are doing now as we have passed hundreds of new locations in the couple months since we established our CO. Our current pace is around 1.1 times the rate needed to add all locations in the City of Elko within 42 months. The attached map shows the division of sections into 42 smaller areas.

Our Project plan is simplified due to the COVID 19 material delays. Since we were already building and seeing delays long before anyone else in Elko, we have stockpiled and submitted orders with future ship dates. Thus, managing the arrival of materials is unlikely to become an issue. I have provided a high level list of milestones, because at this point we are simply replicating the micro-trenching, setting boxes, blowing fiber, splicing, and installation that we have done on several streets. It is now simply a matter of counting the number of locations and placing the 4-ways and 16-ways in a place agreeable to the City permitting for the next sections. Micro-trench is always edge of curb, and intersection are bores. While unusual issues may arise one-off, these are things that often cannot be foreseen until you are in the ground. For example, NNE found an old bank vault recently, which was of course not expected. On occasion water or other utilities are not where they are supposed to be. However, these are simply contingencies that our 42 month timeline takes into account.

Milestone	Status
Establish initial 10GB Links to Internet	Complete
Establish Central Office capable of serving all City of Elko and Spring Creek locations	Complete
Complete drawings for permitting S. side I80	Complete
Complete drawings for permitting N. Side I80	November 2021
Permits Submitted – 2 sections per month/ Locates/traffic plan	3 weeks prior to crew availability 1-2 weeks prior to crew availability
Section 1 complete construction	Month 0
Section 1 Splice Fiber/Install	Month 1

Section 2 complete construction	Month1
Section 2 Splice Fiber/Install	Month 2
Section 3 Complete construction	Month 2
Section 3 Splice Fiber/Install	Month 3
So on	
Complete	Month 42

Note materials such as ONT's, fiber, conduit, splice trays, boxes are all in inventory six months in advance. Award of the grant would ensure that we maintain inventory beyond our six month requirement.

Also note, that as we have already started adjacent to grant area, we will roll in at month zero. Moreover, dividing the area in 42 sections fails to recognize the sections of the City of Elko we have already, and will, complete prior to the start of the grant. **Thus, 42 months – 42 sections from grant award is a reasonable timeline.**

Finally, the greatest planning is in the deployment of the smart side of the network. CC Communications is the only company to already do this. Furthermore, the electronics side was brought up in the CO with the intent to size for all of Elko and Sprig Creek.

The City of Elko permitting has been great to work with and has turned around both permits and traffic plans in days. Every major deployment challenge; NDOT Permitting, MTN City Hwy, establishing a Central Office, establishing redundant links to the Internet are all behind CC Communications. We have spent our money to get this Elko network up, and are doing more than what we originally said we would do.

- i. A brief description of the physical project area and its surroundings. The description should also describe how project intends to comply with environmental and historic preservation requirements applicable to a possible award.

CC Communications will continue to primarily micro-trench per the standards mandated by the City of Elko. As in the past, we will meet this standard without efforts to lobby for lower standards so that we might perform construction in a manner below the standards required in Utah and Idaho. CC Communications is committed to the premise that your taxpayers should not be left with the bill to fix streets due to a provider's desire to maximize profits and pass the expense on to your constituents. Bores will be used at all intersections when there is no gutter crossing the road, or it is otherwise required by the City of Elko. Bores and trenching will be used for drops depending on terrain. Bores are most common on city lots as to not impact the owner's landscaping. Industrial lots may often get trenched drops.

Utilization of XSGPON has a major advantage over AE with respect to power requirements in the field. As the splitters are passive, as opposed to a field cabinet used in AE that has one fiber

into a chassis and up to 48 fibers out, AE requires the impact of establishing power at cabinets while XGSPON does not.

CC Communications contracts with a PE firm to deliver final prints for all permits. This firm ensures compliance with environmental and historic preservation requirements applicable to a possible award. CC Communications has never been cited for violation of such requirements. CC Communications coordinates with NNE to ensure compliance. Again, as the contractor that has placed more cable in the ground in Elko than anyone, their track record on this is impeccable.

- a. A description of any support provided to the provider of broadband service that is part of the covered partnership through:
 - i. Any grant, loan, or loan guarantee provided by a State to the provider of broadband service for the deployment of broadband service in the proposed service area: **NONE**
 - ii. Any grant, loan, or loan guarantee with respect to the proposed service area provided by the referenced acts or programs listed in the NOFO. List each separately either confirming funding or no funding: **NONE**

- b. The XGSPON solution **ALREADY** deployed in the City of Elko by CC Communications provides up to 2.5Gbps. XGSPON is scalable to speeds up to 10Gbps. XGSPON conforms to the ITU G.984 standard which includes amendments for Extended Reach XGSPON. G.984 was developed to support higher data rates compared to earlier PON technologies like BPON and EPON.
 - iii. STATEMENT FROM CALIX, the manufacturer CC Communications uses, as well as the manufacturer previously proposed by the other applicant. **GPON also provides better QoS and scalability compared to its predecessor technologies. With features such as DBA, GPON has become the solution of choice for Gigabit service providers worldwide.**
 - iv. The other applicant proposed a CALIX Active solution two (2) years ago to Spring Creek Association with a 12–24-month buildout promise. At that time, the other applicant asserted that the Active solution was superior in scalability to our XGSPON solution. We assert that the above statement from the manufacturer is the definitive statement on which solution has better “QoS and scalability”. Managing the customer network through Calix SMx, XGSPON is superior to active ethernet in the following ways:
 1. Voice Status
 2. Light levels on linked ONT's
 3. More statistics on Link status
 4. ONT port status and statistics
 - a. Each of these enhanced functionalities on XGSPON vs. AE allow for proactive management of the customer experience, as well as expedited trouble shooting.

- v. At the most recent Calix user conference, over 75% of training and breakout session were XGSPON sessions, not active. The reason for this is the majority of customers are now utilizing XGSPON going forward. The product roadmap is overwhelmingly XGSPON, due to Calix's largest customers, such as Verizon, deploying XGSPON.
- vi. Prior to the City of Elko, Summit Estates, and Spring Creek, CC Communications had only deployed active fiber solutions. Starting around 2016, Calix user conferences began to overwhelmingly focus on GPON rather than active. The last user conference was held in 2019, at which active was barely visible. Multiple functionality upgrades were only available on GPON. When asked about when those features would be available on active, replies were, "soon", or "it is not on the roadmap".
- vii. Our experience as the first fiber to the home provider in rural Nevada, the first provider to turn up a GB customer in rural Nevada, and the company that has deployed more fiber to the home in rural Nevada, led us to seeing the writing on the wall. Active has taken a backseat to XGSPON when it comes to research and development, and XGSPON technology has solved the major flaw of earlier iterations, which was speed and most noteworthy, upload capability.
- viii. Even in XGSPON Architecture, customers can be converted to point to point service when needed or requested.
- j. NA
- k. CC Communications craft employees are covered by AFL CIO Communications of America Collective bargaining Agreements. NNE employees are local and salaries are commensurate with local wage rates and remain in the community. CC Communications would use NOFO grant money to develop an incentive plan to attract new employees and award them for progress.

2. Detailed budget justification spreadsheet and word narrative

CC Communications estimates deployment costs for the entirety of the City of Elko at approximately \$31,500,000 plus the costs to establish the CO and links for the middle mile. The latter two items would be backed out to extent they are used for service established prior to grant award. It is our contention that costs incurred attributable to future plans (overbuilding to meet grant portion areas) may be attributed to the grant. Even without these costs included within the total cost to deploy, CC Communications is committed to matching funds in excess of 10%.

ISP Costs incurred include one 4-way splitter and four 16-way splitters per 64 customers. With respect to electronics, splitters, chassis, and cards, CC Communications would not seek to include any equipment allowing upgrades to 10GPON, 40GB PON, or pt. to pt. circuits. IN consultation with Joe Fredosso, CC Communications would determine whether CO and

establishment of 10GB middle mile could be included or partially included. If they cannot, or are in a lowered amount, the \$31,900,364 would be reduced. Uplink Optics for each OLT cost a total of \$107,780. Extreme EQ for links back to Fallon costs \$43,000. ONT and NID cost \$385 per location taking service, estimated at \$2,695,000.

Construction costs, which include engineering, conduit, fiber, splice cases, and miscellaneous cable/connectors/trays, placement of conduit, bores, permitting, setting of boxes, splicing, blowing fiber, and installation, are estimated at \$15,084,000.

Other costs such as administrative, other engineering fees, RoW, and contingencies would equal around \$813,900.

Therefore ISP, OSP, and construction is estimated at \$32,276,564. Again, this is using manufacturer equipment sold and supported by Calix, NOT grey market equipment. Moreover, in consultation with Joe Fredosso, we believe that we can refine this to determine the level of inclusion for ISP and OSP already placed for the purpose of service both sides of I80. Additionally, even at this number, CC Communications is willing to discuss a match somewhere between 40% and 60% to make the bid as attractive as possible.

3. If Indirect costs are included in the proposed budget, provide a copy of the approved negotiated agreement if the rate was negotiated with cognizant federal agency.

N/A

4. Is your company willing to include a letter of commitment to the project for inclusion in the application?

Yes

5. Is your company able to provide maps of proposed service area in shapefiles, .kmz, or kml format (required for application)?

Yes

6. Is your company willing to provide pro forma financial information and analysis, such as balance sheets, income statements, and statements of cash flows (required for application)?

Yes

7. Is your company willing to provide network design diagrams and system design information (required for application)?

Yes

8. While the grant does not require a match, the NOFO does suggest a 10% match will raise the chances of winning the competitive grant and implies that the greater the match the greater the chance of funding. The match can include costs related to broadband infrastructure investments in areas adjacent to the proposed grant areas.

a. Is your company able to meet the 10% or preferably greater match requirement?

CC Communications already has met 10% "in areas adjacent to the proposed grant areas. CC Communications would provide at least 20%, and most likely in excess of 40%. Depending upon the "partnered" census blocks, and whether another provider was selected as a "partner" for a different set of census blocks, CC Communications would match up 60%. Due to the fact that CC Communications has already deployed FTTH in the City of Elko to hundreds of locations, and CC Communications continues to deploy, the adjacent areas continues to grow. A final determination with respect to the extent these areas cover entire census blocks will impact the matching percentage.

9. Has your company completed broadband projects utilizing federal funding sources?

a. Yes

b. If so, list project(s), funding sources and budget amounts.

i. MCSD*	\$248,000
ii. MCSD*	\$208,762.40
iii. MCSD*	\$185,000
iv. Mineral County SO*	\$53,151
v. CCSD*	\$141,132.12
vi. Yerington Paiute Tribe*	\$288,281
vii. US Navy*	\$3,622,923.6
viii. Dept VA*	\$20,728.72
ix. Naval Medical Branch*	\$17,264.04
x. Fallon/Churchill County	\$47 million+

• Since 2018

10. Include answers to the following questions:

a. Do you have engineered last mile broadband solution for the City of Elko?

Yes

b. If so, what type of solution is your last mile solution?

Calix XSGPON 1x4x16 split Fiber to the Home. From the Central Office already in place, a fiber is delivered to a four-way splitter, with one fiber thereafter splice to four sixteen –way splitters. ITU standards provides that an FTTH build can take one fiber to a two-way splitter, thereafter splicing to two 64-way splitters. Recommended deployment is a 2-way splitter with two 32-way splitters, or 1 to 32. CC Communications has deployed, and will continue to deploy a 1 to 16-

way splitter to ensure adequate fibers are in the ground for any future scalability needs. ITU standards provide that at proper loss budget, a 1x64 way split will provide 1Gbps services. CC Communications has chosen the 1x16 split to ensure adequate fiber is available for 2.5Gbps services, upgrades to 10GPon, and the ability to create active point-to-point services when customer needs require.

The last mile solution using XSGPON has several advantages over Active Ethernet.

Trouble shooting

Monitoring

Scalability

R&D

Utilizing a known vendor such as Calix, which is the overwhelming leader in XSGPON, as well as our vendor for AE in other markets,

c. Is financing in place for your solution? If so, please describe financing.

CC Communications has been financing this project with cash on hand. In order to preserve one-year operating expenses in cash, CC Communications will seek lending prior to completion of this project in the event a grant is not awarded. As of May 30, 2021, CC Communications had over \$18 million cash on hand.

d. Have you begun to interface with the City on permitting, engineering review and other administrative issues? (Yes)

CC Communications has not only interfaced with the City on permitting, engineering review and other administrative issues, CC Communications has received several permits and completed work bring FTTH to businesses and residents of the City of Elko. CC Communications has also dealt with the City with respect to delivery of fiber assets pursuant to the fiber exchange agreement entered October 2020. CC Communications has completed construction of all but Pinion and is ready to splice the exchanged fiber to the new Water Reclamation Facility. Moreover, CC Communications' construction contractor, NNE, has likely dealt with the City of Elko more than any other contractor.

It should be noted that during these interaction with the City of Elko, CC Communications has not accepted changes in micro-trenching requirements, and has not attempted to persuade the City to lower its standards in exchange for getting started. Rather, we have respected the City's obligation to ensure construction is done in a manner that is neither below what Cities in Utah and Idaho receive nor leaves the taxpayers with the bill for substandard practices.

e. Are local partnerships part of your solution? If so, please describe your local partnership, particularly local financing?

CC Communications has worked with Elko founded NNE since 2003, and there is no greater resource for determining reasonable timelines and past and present City requirements, as well as ensuring that party doing the work has a vested interest in meeting the needs of the community.

While the second question appears quite loaded and wholly irrelevant, the answer is of course no. Given that this appears intended to radiate favorability on the other applicant via their connection to their Nevada Gold Mine financing agreement, it is important to provide the facts surrounding the particular "partnership" for local financing.

The notion that all providers had the opportunity to seek this arrangement is patently false. Of course, as a private business Nevada Gold Mine seemingly has every right to exclude all other providers from meaningful discussion. However, the stories being told in public meetings and to the press simply are not true. CC Communications, along with every other provider I have spoken with did not hear of the potential opportunity to partner with Nevada Gold Mine until after a deal in principal was made with the other applicant. This narrative is clearly intended to frame every other provider as an absent Johnny come lately. The fact is, it was only after I heard a rumor that Nevada Gold Mine was working with SafeLink that I reached out to Mr. Walker via telephone. We had one conversation at which time he stated that he was too far down the road with the other provider. A substantially similar response was received by at least one other provider that reached out after hearing the rumors. After about a year, when SafeLink had again failed to meet their announced start time, I was hearing rumors that the deal with the Mine had fallen through. I reached out to Mr. Walker via email and telephone. Neither effort was acknowledged. Further supporting CC Communications version of the facts is Mr. Walker's own words at the June 13, 2021 meeting. At that meeting Mr. Walker stated that when he came up with the idea to partner with a provider, OSIT sent him to SafeLink. Clearly the opportunity to partner for local financing was not available to anyone but SafeLink. I am left to wonder why a taxpayer funded Nevada State agency delivered this exclusive opportunity to an Idaho WISP rather than even inviting existing Nevada based FTTH providers to the table. I am also left to wonder why a taxpayer funded Nevada State agency failed to invite existing WISPs in Elko and existing cable and Internet providers to the table.

11. What service level agreement would you propose for residential service? Include standards for uptime, jitter, latency, packet loss and guaranteed upstream oversubscription rate that you would not exceed.

No contracts. Performance standards measured at demarcation point. All service except 1GB are provisioned to account for overhead. 24/7 phone support. Truck rolls within 24 hours, same day is the goal. Over 60% of trouble calls are resolved over the phone. The most common single reason for a call is customer owned equipment/customer education. CC Communications utilizes a smartphone app that allows the customers to show our technician the issue (TechSee). Credits provided in 1/30th of a month increments for failure to meet SLA.

- a. Standard Uptime: 99.5%
- b. Jitter: 5 ms
- c. Latency: 25 ms last mile
- d. Packet Loss: .25%
- e. Guaranteed upstream oversubscription rate: 1 to 1

12. Will you have a low-income plan? CC Communications participates in the Lifeline, Link Up, and EBB programs, which provide up to \$84.00 per month qualified customers. Moreover, if awarded an NTIA grant, CC Communications will offer a low-income plan at least within the footprint of the grant. That plan would be available to low-income households that do not otherwise qualify for Lifeline, link up, or EBB.

- a. During the 2020 school year, when students were forced to go virtual, CC Communications provided free home Internet, including waived install charges and Wi-Fi routers, to any student or teacher without home Internet.

13. Is your company able to guarantee that the level of service proposed will meet all the requirements of NTIA as specified in the NOFO or other requirements of the NTIA?

Yes

14. Is your company willing to enter a contractual agreement with the City concerning all relevant aspects of party responsibilities concerning management of the grant?

Yes to all

15. Is there a connection fee?

No

Unlike the other applicant, CC Communications never required or accepted \$1000 hookup fees. CC Communications did not need to be told by a member of the business community that \$1000 hookup fees were not going to happen.

16. Does your company intend to use local contractors to complete the project? If so, indicate how your company will go about selecting local contractors, to include any bidding preferences your company will include in requests for proposals or invitations to bid.

Inasmuch as CC Communications has already started their project adjacent to any areas subject to a potential grant, we have already engaged a local contractor (NNE) through a unit bid contract. NNE and CC Communications have worked together for over 17 years throughout rural Nevada, Washoe County, and down to Nye County.

Project Plan – CC Communications (in conjunction with narrative)

Milestone	Status
Establish initial 10GB Links to Internet	Complete
Establish Central Office capable of serving all City of Elko and Spring Creek locations	Complete
Complete drawings for permitting S. side I80	Complete
Complete drawings for permitting N. Side I80	November 2021
Permits Submitted – 2 sections per month/ Locates/traffic plan	3 weeks prior to crew availability 1-2 weeks prior to crew availability
Section 1 complete construction	Month 0
Section 1 Splice Fiber/Install	Month 1
Section 2 complete construction	Month1
Section 2 Splice Fiber/Install	Month 2
Section 3 Complete construction	Month 2
Section 3 Splice Fiber/Install	Month 3
So on	
Complete	Month 42

Note materials such as ONT's, fiber, conduit, splice trays, boxes are all in inventory six months in advance. Award of the grant would ensure that we maintain inventory beyond our six month requirement.

Also note, that as we have already started adjacent to grant area, we will roll in at month zero. Moreover, dividing the area in 42 sections fails to recognize the sections of the City of Elko we have already, and will, complete prior to the start of the grant.

Finally, the greatest planning is in the deployment of the smart side of the network. CC Communications is the only company to already do this. Furthermore, the electronics side was brought up in the CO with the intent to size for all of Elko and Sprig Creek.

Mark Feest
CC Communications

EDUCATION

MBA

Kelley School of Business, Indiana University.

Master of Science in Telecommunications Management

Oklahoma State University.

Juris Doctor

University of Utah, college of law.

Bachelor of Science, *cum laude*.

Utah State University.

EXPERIENCE

- Increased EBITDA 31% over 3.5 year period after assuming current CEO position.
- Increased ARPU 30.4% over 3.5 year period after assuming current CEO position.
- Decreased salary as % of revenue by 4% over 3.5 year period after assuming current CEO position.
- Increased revenue per employee 33% over 3.5 year period after assuming current CEO position.
- Increased revenue 17% while decreasing expenses 2.5% over 3.5 year period after assuming current CEO position.
- Executed plan to expanded fiber network outside of company's previous ILEC footprint by over 1100%, resulting in increased net income from business connectivity services.
- Developed strategic partnership with Switch SuperNap to sell fiber services into the largest industrial park in the United States (T-RIC), gaining access to over business throughout the 107,000 acre complex East of Reno.
- Developed strategic partnership with Secundo Vita, LLC to bring Gigabit services, Unified Communications, IPTV and smart city telemetry and applications to their \$1.2 billion redevelopment project in downtown Reno.
- Secured fiber, and options, to acquire fiber backhaul facilities adjacent to 8,000 greenfield master planned development lots in Northern Nevada.
- Experienced in developing and implementing annual operating budget, associated work plan, and capital requirements plan; establishing an effective means of gathering and relaying appropriate financial and other control information to a Board.
- Managed all short and long-range planning, including financial and commercial affairs, property management, new and enhanced services, market status and customer demand, operation, personnel, organization, public relations, local economic development efforts and diversification potential.

- Developed productivity measures for the various telecommunications functions and implemented performance goals and behavioral expectations resulting in a 69% increase in installation and trouble ticket productivity.
- Oversaw introduction of managed service provider (MSP) services to local business customers of ILEC.
- Regularly represent Incumbent Local Exchange Carrier, CMRS provider, certificated cable provider, and broadband provider before Nevada's Federal elected delegation, as well as other members and staff of key congressional committees.
- Represented ILEC, CMRS, IPTV provider, and Broadband provider before state legislature through submission of comments, testimony, and serving as a registered lobbyist.
- Effectively managed legal and regulatory aspects of asset purchase agreement divesting rural wireless telephone provider of a significant portion of network assets.
- Drafted, reviewed, and negotiated telecommunications, cable, and public utility contracts for municipality and ILEC, including Interconnection, Franchise Agreements, Pole Attachment, Cellular Joint Space, and Technology Agreements.
- Board of Director – Western Telecommunications Alliance (WTA) (2010-present)
- Panelist – NTIA Broadband Technology Opportunity Program (BTOP) roundtable, Las Vegas Nevada, March 17, 2009.
- Panelist – WTA Economic Development Roundtable, Phoenix, Arizona, Fall 2007.
- Board of Director – Greater Fallon Area Chamber of Commerce (2003-2007)(President 2005-2006, Vice President 2004-2005).
- Board of Director – Churchill Senior Citizens Coalition (2014 – present).
- Board of Director – Churchill Economic Development Authority (2005-2006/2013-2016).

PERTINENT EMPLOYMENT

CEO/General Manager – CC Communications. Fallon, NV. December 2012 – present.

General Counsel and Director of External Affairs – CC Communications. Fallon, NV. May 2006 – December 2012.

General Counsel – CC Communications. Fallon, NV. June, 2001 – May 2006.

Adjunct Professor, Business Law – Western Nevada College. Fallon, NV. August, 2001 – December 2012.

Senior Civil Deputy District Attorney – Churchill County, NV. June, 2001 – October 2003.

Hearing Officer – Salt Lake County Tax Administration. June, 1998 – June, 2001.

US Army. November 1998 – April 2004

Stewart Nichols

1855 Tarzyn Rd.
Fallon, NV 89406
(775) 427-1295
snichols@cccomm.net

CAREER OBJECTIVE

Continue a career in the Telecom/Electronics Engineering field.

HIGHLIGHTS

- Self-starter have the ability to assess a problem or work on a system with no prior knowledge and learn it in a relatively short period of time.

FORMAL EDUCATION

DeVry Institute of Technology

Bachelor of Science in Electronics Engineering
Technology

Phoenix, Arizona

June 2001

- Senior project was awarded Most Marketable at the DeVry senior project fair.

WORK EXPERIENCE

Lead Engineer

CC Communications
Manager: Mark Feest

August 2016 – Present

Fallon, Nevada

(775) 423-7171 x1401 Work

Current manager of all Engineers, Construction, and Splicing. Managed all Engineering and Construction personnel (inside and outside plant) from 2016 to 2018. Coordinated the successful implementation of the long-haul fiber network from Fallon to Las Vegas. Design new and maintain existing copper/fiber telecommunications plant below ground as well as aerial. Work with all parties (internal departments, contractors, property owners, etc.) to provide a quality end product, whether it is a new service or facilities to service new subdivisions. Design plant for brownfield construction using existing facilities where possible to minimize cost and placing new where required. Coordinate the construction and installation of new systems while balancing the quality of service for the maximum subscribers in an area. Work with other utilities to minimize construction efforts in areas where expansion may be necessary. Generate documentation and file paperwork for highway permits, railroad permits and/or private property easements. Regularly use ACAD/MAPCOM in the design process to produce clean, professional documentation to be released to construction crews and maintain plant records. Work with management and accounting to develop and track the budget for all outside plant activities and maintain continuing property records (CPRs). Manage projects both internal and external to ensure all deliverables are met. Assist other departments in troubleshooting plant and systems as needed.

Stewart Nichols

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(775) 427-1295
snichols@cccomm.net

Outside Plant Engineer

CC Communications
Supervisor: Jim Nugent

May 2006 – August 2016
Fallon, Nevada
(775) 423-7654 x1236 Work
(775) 427-3910 Cell

DoD Clearance: SECRET

Design new and maintain existing copper/fiber telecommunications plant below ground as well as aerial. Work with all parties (internal departments, contractors, property owners, etc.) to provide a quality end product, whether it is a new service or facilities to service new subdivisions. Design plant for brownfield construction using existing facilities where possible to minimize cost and placing new where required. Coordinate the construction and installation of new systems while balancing the quality of service for the maximum subscribers in an area. Work with other utilities to minimize construction efforts in areas where expansion may be necessary. Generate documentation and file paperwork for highway permits, railroad permits and/or private property easements. Regularly use ACAD/MAPCOM in the design process to produce clean, professional documentation to be released to construction crews and maintain plant records. Work with management and accounting to develop and track the budget for all outside plant activities and maintain continuing property records (CPRs). Manage projects both internal and external to ensure all deliverables are met. Assist other departments in troubleshooting plant and systems as needed. Fill an administrative role for other supervisors during their absence, as requested.

Electronics Engineer

Northrop Grumman Technical Services
Manager: Patrick Montford

October 2005 – May 2006
Fallon, Nevada
(775) 426-2000 Work

See Lockheed Martin (LM) job description. LM contract expired and the new contract was awarded to Northrop Grumman.

Electronics Engineer

Lockheed Martin Systems Management
Supervisor: Patrick Montford

July 2001– October 2005
Fallon, Nevada
(775) 426-2000 Work

DoD Clearance: SECRET

Provide communications systems design and troubleshooting for NAS Fallon Tactical Training Range. Design, execute, and test upgrades to Line-of Site Microwave Transmission Networks, Optical Transmission Networks, Traditional Data Networks, Fast Ethernet Networks, Video Networks, UHF/VHF/HF and Satellite Radio Networks. All projects are completed with BICSI, ANSI, EIA, TIA, and NEC standards in mind.

Stewart Nichols

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Fallon, NV 89406

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snichols@cccomm.net

Provide all functions of Project Management from start to finish including requirements definition, resource scheduling, procurement, integration, turnover, and completion for assigned communications projects. Create Temporary Equipment Changes (TEC), Engineering Change Proposals (ECP). Conduct Preliminary Design Reviews (PDR) and Critical Design Reviews (CDR) all involving the Lockheed Martin (LM) configuration management, quality assurance, engineering, and NSWC Civil Service representatives.

Provide professionally written technical documents and drawing packages conforming to MIL-SPEC and Contract Document requirements for troubleshooting purposes and facilitate customer relations.

Most recent projects include standing up two replacement microwave links and designing and testing system changes to the video, data and voice networks to accommodate the change and ensure that no capabilities were lost during cut-over. These projects involved coordination between LM, Navy representatives, local Phone Company and various other contractors for support. Also, I am currently working on the ADDS 5.0 upgrade.

Provide sustainment engineering working with technicians and operations personnel to troubleshoot and repair various voice systems, data networks and radar systems critical to the operation of the Electronic Warfare Range while keeping projects within schedule.

Awarded a Bravo Award from Lockheed Martin Systems Management for my contribution of knowledge, time and willingness to go above and beyond during the installation of the Compunetix Context 2000T range communications switch, fall 2002.

SPECIFIC EQUIPMENT EXPERIENCE

Software	Test Equipment	Hardware
MS Project	Oscilloscopes	Tellabs Voice/Data Equipment
Visio	Spectrum Analyzer	Context 2000T Audio Switch
AutoCAD	Power Meter	Telex Vega Audio Equipment
PCAD	OTDR	Alcatel Microwave Radios
MS Excel	Anritsu Site Master	Rockwell Collins VHF Radios
MS Word	Fluke multi-meter	Harris UHF/VHF/SATCOM Radios
MS Powerpoint	Acterna Fireberd Tester	Motorola UHF/VHF Radios
MS Access		SGC HF Radios
PCOM		Lucent DDM Fiber Multiplexers
		NEWBridge Bandwidth Manager
		CISCO Routers/Switches
		Cielo Radios
		CALIX/OCCAM Network Equipment

Stewart Nichols

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snichols@cccomm.net

TRAINING

01/2018 – Passed the PMP (project management professional) exam

06/2016 – Successfully completed the CAPM/PMP course, studying for the certification exam - PM Training online

12/2006 – Successfully completed one semester of AutoCAD - Western Nevada Community College Fallon, NV

07/2005 – Time Sensitive Strike (TSS) Vehicle Operation Training - Naval Air Station Fallon, NV

06/2004 – Lockheed Martin ATV Training - Naval Air Station Fallon, NV

04/2004 – Microwave Symposium - Tessco Facility Reno, NV
Course presented by RFS Microwave Systems

03/2003 – Grounding Essentials for Telecommunications - IWCE Las Vegas, NV
Course presented by David Kim of Lyncole XIT Grounding

03/2003 – Introduction to Microwave Transmission - IWCE Las Vegas, NV
Course presented by George Kizer of Lockard and White

03/2003 – Microwave Propagation and Path Design - IWCE Las Vegas, NV
Course presented by George Kizer of Lockard and White

REFERENCES

Ken Donaldson (775) 224-3730 Cell
772 Keddie St
Fallon, NV 89406

Tom Shay – Owner/Graves Creek Service (406) 291-1859 Cell
920 6th Ave E
Eureka, MT 59917

Justin Roose – Communications Engineer/NAS Fallon PW (775) 426-8260 Cell
1175 Golden Pkwy
Fallon, NV89406

Jamie Hyde, CPA

Education

2019-2021 WGU
Master of Business Administration

1998 - 2001 University of Nevada, Reno Reno, NV
Bachelor of Science in Business Administration, Major in Accounting

1997 – 1998 Western Nevada College Fallon, NV
Accounting

1996 - 1997 University of Nevada, Reno Reno, NV
Accounting

Professional experience

2015 - Current CC Communications Fallon, NV
CFO

- Manage Accounting, HR and Customer Service and Billing and Collections Department.
- Keep updated with industry changes, educate and train my team in understanding those changes.
- Make decisions regarding the financial forecast and future health of the company.
- Assist the General Manager in decision and fill in as necessary in his absence.
- Prepare financial statements for Independent Auditors.
- Maintain deadlines for reports to the County Comptroller and the County Clerk/Treasurer.
- Create, monitor and revise internal controls.
- Create and update procedures for different companies.
- Communicate with government agencies, including FCC, NECA, DTAX, State of Nevada, and Labor Commissioner.
- Monitor and maintain inventory
- Prepare budget and any corresponding augmentations. Continuously review to ensure spending is within budget, investigate any differences.
- Oversee payroll functions.
- Oversee accounts payable functions.

2015 - 2015 CC Communications Fallon, NV
Accountant

- Create journal entries to compile monthly financial statements.

- Prepare reconciliations for selected accounts.
- Help assist other team members in their work.
- Prepare financial statements for Independent Auditors, assist in research and answer questions in regards to those statements.
- Maintain deadlines for reports to the County Comptroller and the County Clerk/Treasurer.
- Assist in maintaining CPR's and Work Order's.
- Review internal controls.
- Create and update procedures for different companies.
- Analyze Labor Rates.

James Nugent
Jim.nugent@cccomm.co
CC Communications
Fallon, Nevada 89406
775-423-7171

Summary

Experienced Telecommunications Supervisor with emphasis on project management, design, and delivery of outside plant projects, broadband networks, terrestrial microwave systems for CC Communications services. Executed the transition of CC Communications from traditional copper to an FTTX platform.

Proficiencies

Monitoring and Management of Broadband Systems, Local and Wide Area Networks • Fiber Design and Installation • BLM, BOR, TRPA, NDOT, Union Pacific Railroad and TCID Permitting Processes • Project Implementation & Management • Knowledge of Telecommunications Concepts Principles, Standards, and Procedures • Management of Technical Engineering, NOC and support Staff • Organizational Skills • Inventory Management and Procurement.

Professional Experience

Churchill County Communications
Project Manager
October 2016 – Present

Position Summary: Responsible for project performances.

Churchill County Communications
Operations Supervisor
January 2006 – October 2016

Position Summary: Responsible for supervising the daily activities and responsibilities of the Network Operations Center, Network Security, Engineering staff, and Business Sales Engineer, providing high-level technical assistance and ensuring service and support is provided to customers at agreed levels.

- Manage and direct Engineering Department inclusive of Outside Plant Engineer, Internet Administrator, Broadband Engineer, Network Engineer, and Sales Engineer
- Manage Network Operations 24/7 Center and staff consisting of Central Office Technicians, Line Assigners, Combination Technicians, Toll Technicians, and Tier 1 / Tier 2 Trouble Desk Clerks
- Develop and manage capital and operational budgets
- Ensure compliance in all applicable policies, codes, and regulations
- Interact with vendors to review and evaluate technical product offerings and develops vendor RFP's and RFQ's.

- Determine staffing requirements and establishing productivity and performance standards and measures for service center team engineering staff and warehouse personnel
- Function as the single point of contact for problem identification and resolution for issues that have been escalated by the team.
- Improve the usage of all support resources and increase productivity of the teams
- Drive problem investigations and resolutions and ensure that risks are identified, communicated and resolved and services and projects are successfully delivered to production status.
- Supervise the remote monitoring and management systems to ensure consistency and accurate reporting of customer devices. Locate and supervise manufacturer and vendor supply relationships taking appropriate steps to determine product availability and terms of sales.
- Coordinate and organize activities with accounting, finance and warehouse personnel to ensure proper product purchasing and receiving processes are in place.
- Ensure consistency and reliability of existing systems by creating maintaining and enforcing standards and procedures for implementing technical solutions
- Prepare reports, provide information and attend all meetings including County Commissioner meetings as directed.
- Keep abreast of advancements in industry technology and changes in government standards, regulations and ordinances.
- Ensuring Network Security.

Area Manager, Orius Telecommunication, Inc.
Sparks, NV
5/2004 – 7/2005

Position Summary: Manage day-to-day operations of two Nevada offices, submit and secure bids in addition to providing project management for telecommunication system builds throughout Nevada and areas of California. Identify and develop areas of revenue sources.

- Manage field supervisors, technical supervisors, office personnel, equipment and financials.
- Establish performance standards and provide guidance.
- Bid and secure contracts.
- Walk out design and build for new projects.
- Review, analyze and approve equipment purchases.
- Provide technical training and guidance necessary for continued growth.
- Ensure compliance in all areas including permit, safety, securing right of way.
- Microwave tower and equipment installation.
- Established and maintained green-field fiber and fiber installation and splicing contract with Sierra Pacific Power Company.
- Established and maintained green-field and brown-field maintenance contracts with Nevada Bell and Pacific Bell.

Other Previous Experience

East Sierra Communications
1993-2004
Installation Manager

Certifications

Competent Person Trench Safety
AT&T Fiber Optic Trained
Emergency Fiber Restoration
Confined Space Entry / Rescue
Union Pacific Railroad Fiber Optic Safety - 009632
CAPM - 2313905

ELIZABETH OROZCO

liz.orozco@live.com
305 Hunter Park Way,
Fallon, NV 89406
(775) 427.0024

Summary

Seeking continual professional growth and advancement that will utilize my business, technical, creative, and soft skills to contribute to the growth of the business interests of CC Communications.

Work Experience

9-11-12 to Present CC Communications

Director of Service Delivery

2020 – Present

Established our Continual Improvement Program and PowerBI Dashboard for business reporting and analytics. Developing additional reporting and KPI indicators for developing operational processes and procedures that align with ITIL. Primary focus on improving customer experience and delivery of service value through the Continual Improvement Program. Administration of SharePoint and Connectwise to improve workflow and management of the Project Management Office and Web Services workgroups.

Interim CTO

2018 – 2020

Managed IT, Managed Services, Web Services, and Engineering Groups. Gained experience and technical knowledge of company network and transport facilities and equipment. Began ITIL training for IT services management and continued to learn company software used to deliver services and obtain reporting. (MapCom, CMS, CSC, CommBI, iCommV, Citrix and MAS500, NRTC Dashboards, and Calix Dashboards.) Established the Project Management Office and Core Values initiative.

Managed Services Supervisor

2017-2018

Transitioned from web services and solutions to a broader focus that included our Computer Repair and Managed Services products.

Web and Media Coordinator

2012 to 2017

Provided administrative and technical delivery of all aspects of web services and solutions to existing and new customers of CC Communications.

2004 to 9-11-12 Pixel Brain Design

As a sole proprietor, performed and managed all design and technical aspects to complete small to large scale web, graphic and media design

SKILLS

Adobe CC

Dreamweaver, Photoshop, Illustrator, Premier, Acrobat, Audition, Flash, Business Catalyst

Microsoft Office 365

Word, Excel, Outlook, Access, OneNote, PowerPoint, Publisher, SharePoint, Project, Planner

WCMS Implementations

Adobe Business Catalyst, Joomla, CMS Made Simple, WordPress, Ektron, Expression Engine, Edline, Contribute and others

Other

Connectwise, Google Analytics, Google Webmaster Tools

- Management and Business Processes
- Data Analysis
- Branding & Identity
- Graphic Design & Animation
- Digital Marketing
- Project Management
- Public Presentation
- Research and Planning
- Sales
- Storyboarding, Script Writing & Voiceovers
- Training Development and Instruction (groups of 40+)
- Information Architecture
- Video & Multimedia Production

Self-Motivated
Team Player

solutions from sale to project completion for clients. Management of small business and contractors as needed.

Education and Certifications

2021 – Current	ITIL 4 Strategist – Direct, Plan and Improve Certification Prep	
2021 – Current	CXXP Training and Certification Prep	
2019-Current	Purdue Global University	110 Credits
Feb. 2020	ITIL Foundation Certification	
Mar. 2018	CAPM Certification	
Apr. 2017	AMA 5 Day MBA Training	3 CEU

2007-2015 Western Nevada College (WNC)
GPA 3.94 | 45 Credits | Course list available upon request
Graphic Communications

2012 Ektron Developer Training Certification
2009 Ektron Developer Training Certification
2007 Graphic & Web Certification | Sessions College for Professional Design

Numerous online certificates through the American Management Association, LinkedIn Learning, Lynda.com, O'Reiley.com, Udemy.com and other online training sources for technical and business-specific related learning.

Rudy McElvain

mcelvain@phonewave.net

(775)427-7839

Career Overview

I have worked for CC Communications since 1995, beginning my career at the entry-level position of Telephone Servicer and have steadily worked my way up to Lead Network Engineer. I am a result driven employee with experience in the development/maintenance of complex and critical systems. I am crucial in developing long range plans for our company taking into account new technology, customer demand, system reliability and financial requirements. By working with vendors, contractors, and others I am able to adapt new technological offerings to services already offered by our company allowing for growth and profitability. I am adept at resolving complex network issues, and a critical thinker who addresses customer support issues quickly and consistently exceeds performance standards.

Qualifications

- Vast Experience in the field of Telephony and Broadband
- Strategic Planning
- Strong Communicator
- Critical thinking
- Budgeting/ Purchasing
- Procedure Development
- Troubleshooting and problem solving
- Cost-benefit analysis
- Coach/lead and instruct other team members
- Engineer/plan
- Strong partner relations with affiliate companies and peers

Technical Skills

Skills	Experience	Total Years	Last Used
Cisco routers/switches	Configure/maintain	13 years	current
Microsoft Office	Apply	20 years	current
Harmonic Encoders	Configure/maintain	6 years	current
Brocade routers/switches	Configure/maintain	4 years	current
Taqua/Broadsoft Switch	Configure/maintain	6 years	current
Calix	Configure/maintain	13 years	current
Extreme VSP routers/switches	Configure/maintain	1 year	current
Linux/Red Hat	Program	4 years	current

Accomplishments

I have been crucial in the introduction of new technologies to our telephone, Internet and television platforms. Including the design, configuration and implementation of our core routing network.

Work Experience

Lead Network Engineer

September 2018 to current

CC Communications - Fallon, NV

Plan, research, configure, maintain, design, engineer equipment and systems for Digital Broadband video, Internet, Competitive Access, Managed Data Services, Central Office, and Telco loop facilities. Provide advanced technical support to users and internal support teams.

Broadband Engineer

March 2005 to current

CC Communications– Fallon, NV

Plan, design and configure systems for Fiber to the home, xDSL. Configure, install and maintain broadband equipment (Calix, Cisco, Brocade, Servers, Broadsoft, and various other types of equipment). Configure and maintain IRD's, encoders for off air and satellite channels. Provide tier three support for NOC. Assume Duty Supervisor roll monthly.

Toll Tech

August 2003 to March 2005

CC Communications– Fallon, NV

Maintain and install toll equipment. Install and maintain broadband equipment (Calix, Cisco, Riverstone, Alcatel, Servers, and other types of equipment). Install and maintain IRD's, encoders for off air satellite channels.

PBX Technician

August 1997 to March 2003

CC Communications– Fallon, NV

Maintain and install PBX/Key systems, residential and business DSL installations.

Telephone Servicer

November 1995 to August 1997

CC Communications– Fallon, NV

Customer Service/ interaction with other departments.

Education and Training

Technology WNCC-Fallon, NV, USA

- Basic Electricity
- Intro to Internet
- Business Communications
- PC Operations Windows 98
- Computer Literacy Software (Microsoft)
- LAN System Management
- Cisco CCNA 120
- Cisco CCNA 121
- Cisco 230 CCNA Security
- PMP Training

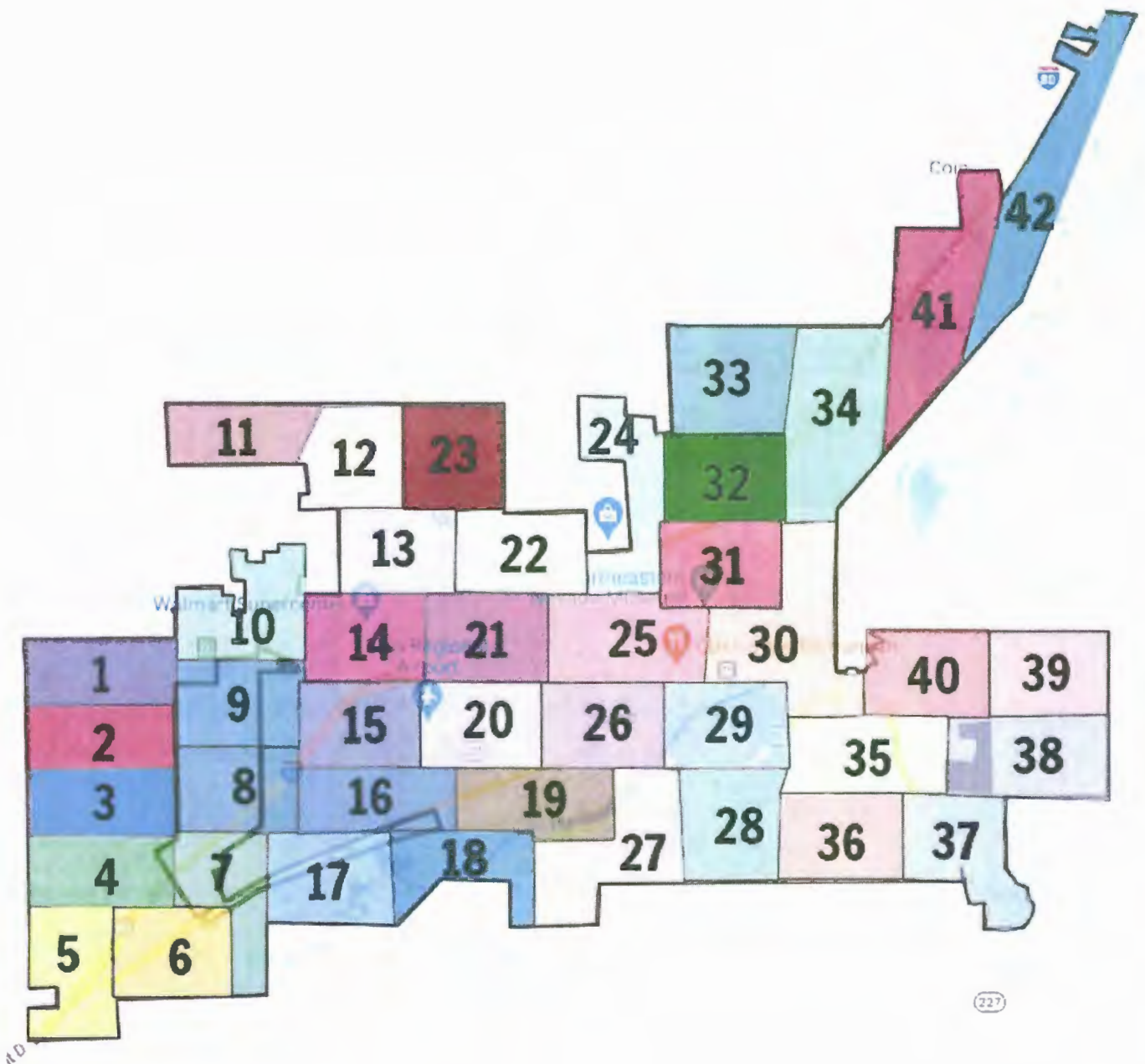
Certificates Acquired:

- CAPM Certification
- CCNA Certification
- Broadworks System Administrations
- Taqua T7000 OAM&P
- Cisco ICND
- Mytel SX-200
- Avaya Definity Basic Administration
- Alcatel 7470 Multiservices Platform Advanced Functions
- Alcatel 7470 Multiservices Platform Core Functions
- Alcatel 6620 Network Management System Administrations
- Alcatel ATM Technology
- Nortel X11 Basic Database Administration
- Northwest Lineman College Basic Climbing
- Telecordia Centrex
- Nortel Meridian Option 1 I and M
- Nortel Norstar voice Mail I and M
- Texas A&M Station Installation and Repair
- Texas A&M Basic Electricity/Telephone
- Calix B6 Fundamentals
- Calix Ethernet Network Specialist
- Calix System Specialist
- ETH 101 Internetworking Fundamentals for Brocade
- VSP Campus Fabric and Switching
- Extreme XMC management Software

BUDGET INFORMATION - Construction Programs

NOTE: Certain Federal assistance programs require additional computations to arrive at the Federal share of project costs eligible for participation. If such is the case, you will be notified.

COST CLASSIFICATION	a. Total Cost	b. Costs Not Allowable for Participation	c. Total Allowable Costs (Columns a-b)
1. Administrative and legal expenses	\$ 31,500.00	\$	\$
2. Land, structures, rights-of-way, appraisals, etc.	\$ 30,000.00	\$	\$
3. Relocation expenses and payments	\$	\$	\$
4. Architectural and engineering fees	\$ 376,200.00	\$	\$
5. Other architectural and engineering fees	\$	\$	\$
6. Project inspection fees	\$	\$	\$
7. Site work	\$	\$	\$
8. Demolition and removal	\$	\$	\$
9. Construction	\$ 15,048,664.00	\$	\$
10. Equipment	\$ 16,414,664.00	\$	\$
11. Miscellaneous	\$	\$	\$
12. SUBTOTAL (sum of lines 1-11)	\$	\$	\$
13. Contingencies	\$ 376,200.00	\$	\$
14. SUBTOTAL	\$ 32,276,564.00	\$	\$
15. Project (program) income	\$	\$	\$
16. TOTAL PROJECT COSTS (subtract #15 from #14)	\$ 32,276,564.00	\$	\$
FEDERAL FUNDING			
17. Federal assistance requested, calculate as follows: (Consult Federal agency for Federal percentage share.) Enter the resulting Federal share.	Enter eligible costs from line 16c Multiply X <input type="text"/> %		\$ <input type="text"/>



Proposal Submittal Requirements

	Anthem	CC Comm
1. Project Narrative		
1a. Executive Summary	X	x
1b. Qualifications and experience of all key personnel responsible for implementing the proposed project, including:	X	x
1b.i Table of Funded Project Participants and Unfunded Informal Collaborators	X	x (10)
1b.ii Resumes of Key Personnel	X	x
1c. A description of the covered broadband project proposed to be funded by the grant	X (1)	x
1d. A description of the service area covered by the project The City requests (1) that the proposed service area be an area that is not currently served by 25Mbps/3Mbps and (2) that there be no plans by the current Internet Service Provider or competitive providers of fixed broadband service to serve the proposed service area with 25Mbps/3Mbps service by December 31, 2022. The proposal should not include the areas where CC Communications has begun to deploy service. It is anticipated that during the grant curing process, the NTIA will disqualify these areas;	X	x
1e. A description of which statutory funding priority(ies) (as set forth in Section 1.A of the referenced NOFO) the proposed project would address and how the proposed project would address such funding priority(ies)	X (2)	x
1f. A description of how the proposed project addresses the evaluation criteria identified in Section V.A of the referenced NOFO, including a description of project beneficiaries, service area level of need, project sustainability, and expected outcomes;	X (3)	x
1g. A description of how the deployment will have the ability to scale over time for greater capability;	X (4)	x
1h..A project plan describing all major project activities and timelines for implementation, including key deployment milestones;	X(5)	x
1i. A brief description of the physical project area and its surroundings. The description should also describe how the provider of fixed broadband service intends to comply with environmental and historic preservation requirements in connection with the project The provider of fixed broadband service should acknowledge in this section that it bears sole responsibility for the administration of and the costs related to all local, state and Federal permitting (including historic preservation) requirements, and NEPA compliance (to include environmental assessments, where required);	X(6)	x
1j. A description of any support the provider of fixed broadband service expects to receive in connection with deployment of the project in the proposed service area through:	X(7)	x
1j.i. Any grant, loan, or loan guarantee provided by a State; and	X(7)	x
1j.ii. Any grant, loan, or loan guarantee subject to or provided under the referenced acts or programs listed in the NOFO. In responding to the preceding sentence, list each act or program separately and for each, either indicate the funding or state that there is no funding;	X(7)	x
1k. A description of whether and, if so, how the project will incorporate strong labor standards, including project labor agreements and community benefit agreements that offer wages at or above the prevailing rate, local hire provisions, and a description of the applicant's workforce plans and practices.	X(8)	x
2. Provide a Detailed Budget Justification in the form of an Excel spreadsheet, as well as a Budget Narrative in the form of an MS Word document. All budget information must support the requirements detailed in the NOFO.	X(9)	x
3. If indirect costs are included in the proposed budget, provide a copy of the approved negotiated agreement if the rate was negotiated with a cognizant federal agency.	X	x
4. Is your company willing to include a letter of commitment to the project for inclusion in the application?	X	x
5. Is your company able to provide maps of the proposed service area in shapefiles, .kmz, or kml format (required for application)?	X	x
6. Is your company willing to provide pro forma financial information and analyses, such as balance sheets, income statements, and statements of cash flows (required for application)?	X	x
7. Is your company willing to provide network diagrams and system design information (required for application)?	X	x
8. While the grant does not require a match, the Notice of Funding Opportunity (NOFO) does suggest a 10% match will raise the chances of winning the competitive grant and implies that the greater the match the greater the chance of funding. The match can include costs related to broadband infrastructure investments in areas adjacent to the proposed grant areas. a. Is your company able to meet the 10% or preferably greater match requirement?	X	x
9. Has your company completed broadband projects utilizing federal funding sources? If so, list project(s), funding source and budget amounts.	X	x
10 Include answers to the following questions:		
10a. Do you have an engineered last mile broadband solution for the City of Elko? If so, what type of solution is your last mile solution?	X	x (11)
10b. Is financing in place for your last mile broadband solution? If so, please describe the financing.	X	x (12)
10c. Have you begun to interface with the City on permitting, engineering review and other administrative issues?	X	x (13)
10d. Are local partnerships part of your solution? If so, please describe your local partnership, particularly local financing.	X	x (14)
11 What Service Level Agreement would you propose for residential service? Include standards for uptime, jitter, latency, packet loss and guaranteed upstream oversubscription rate that you would not exceed.	X	x
12 Will you have a low income plan?	X	x

13. Is your company able to guarantee that the level of service proposed will meet all the requirements of NTIA as specified in the NOFO are other requirements of the NTIA?	X	x
14. Is your company willing to enter into a contract with the City concerning management of the grant, to include the following?	X	x
14a. Grant Assurances;	X	x
14b. Reimbursement to the City for any grant funding reimbursement in the event of the provider of fixed broadband service's failure to comply with all grant assurances and requirements or provide the City with proper documentation to ensure the City's compliance with all grant assurance and requirements;	X	x
15. Is there a connection fee? If so provide relevant information, to include the amount of the fee and exceptions to the fee requirement;	X	x
16. Does your company intend to utilize local contractors to complete the project? If so, indicate how your company will go about selecting local contractors, to include any bidding preferences your company will include in requests for proposals or invitations to bid.	X	x

Notes:

- 1) Anthem proposes connections in some areas outside of the City corporate boundary; it is unclear if an award to the City can be utilized for those areas
- 2) Identified as 1d
- 3) Identified as 1e
- 4) Identified as 1f
- 5) Identified as 1g
- 6) Identified as 1h
- 7) Identified as 1i
- 8) Identified as 1j
- 9) Budget presented in narrative format only
- 10) CC Comm does not include an actual Table of Funded Project Participants and Unfunded Informal Collaborators; it unclear if there are other participants
- 11) identified as 10a and 10 b
- 12) Identified as 10c
- 13) Identified as 10d
- 14) Identified as 10e



July 21, 2021

The Honorable Reece Keener
Mayor of Elko
751 College Avenue
Elko, NV 89801

Dear Mayor Keener:

Please accept this letter in support of Anthem Broadband's proposal to partner with the City of Elko to apply for the NTIA Broadband Infrastructure Grant.

The Microsoft Airband Initiative is a project of Microsoft's Technology and Corporate Responsibility organization, created to close the broadband gap worldwide. We partner with internet service providers, equipment manufacturers, and local entrepreneurs to make affordable broadband access a reality for disconnected communities around the world. Through our partnerships with Internet Service Providers (ISPs), we are well on the way to our goal of bringing broadband connectivity to 3 million unserved rural customers across the US.

Anthem Broadband has been providing telecommunications services to rural communities for over two decades and is an important Airband ISP Partner. Recently, we launched our partnership to bring broadband availability to over 250,000 unserved rural customers in 5 states. Airband lends technical expertise, connects Anthem Broadband to preferential pricing on innovative technological solutions, and works with Anthem Broadband to roll out digital skills training and a free technical hotline through PCs for People, another Airband partner, for customers. Further, we support Anthem Broadband's efforts to drive business impact in broadband-enabled verticals, including small business, education, telemedicine, and precision agriculture. We are working collaboratively to maximize the impact of broadband connectivity in rural communities.

Microsoft Airband is committed to providing support for Anthem Broadband as it seeks to address broadband accessibility, affordability, and adoption in several rural communities in Nevada, including outreach to the four bands of the Te-Moak Tribe. We believe that Anthem Broadband, with its extensive industry experience, is well-positioned to expand broadband connectivity to unserved and underserved communities in Nevada, that also stand to benefit from the digital equity programming offered by Microsoft Airband.

Please accept our wholehearted support for Anthem Broadband as they seek to partner with the City of Elko on the NTIA Broadband Infrastructure Grant application.

Wishing you and the City of Elko much success with your NTIA application.

Sincerely,

A handwritten signature in black ink, appearing to read "Vickie S. Robinson", with a horizontal line extending to the right.

Vickie S. Robinson
General Manager, Microsoft Airband Initiative

Anthem Information July 21, 2021

NTIA City Grant

Name of Internet Service Provider: Anthem Broadband of Nevada, LLC

Key Contact: Jasen Herr

Contact Information: jasenh@anthembb.com, Mobile – 208-431-6560, Office – 208-431-6560

1) Project Narrative –

a) Executive Summary –

Anthem Broadband is a Fiber and Wireless Internet Service Provider headquartered out of Rupert, Idaho. Every employee here at Anthem Broadband has a passion to connect the community to the world through technology. Anthem Broadband, previously known as Safelink Internet, has been providing quality internet services since 1997, and is consistently on the frontline with new technology to bridge the digital divide for our communities. The City of Elko and surrounding areas have been struggling without adequate broadband internet access. In 2018, The Governor's Office of Science, Innovation and Technology performed a survey in which over 75% of the 1,186 people who took the survey about their internet connection indicated that they were dissatisfied with their service (Please see attached power point and spreadsheet). Two years later, a poll was taken by the Elko Daily Free Press which showed that only 1.3% of the people polled were "Very happy..." Please see https://elkodaily.com/opinion/editorial/poll-elko-area-residents-unhappy-with-internet-options/article_46cfaac8-cacb-5bf2-80df-fb9db5ff4a31.html. Finally, in June of 2021, <https://broadbandnow.com/Nevada> showed only 11.2% of Elko and the surrounding areas of the county have access to the FCC's minimum 25Mbps. It is amazing that over time, the problem has only worsened.

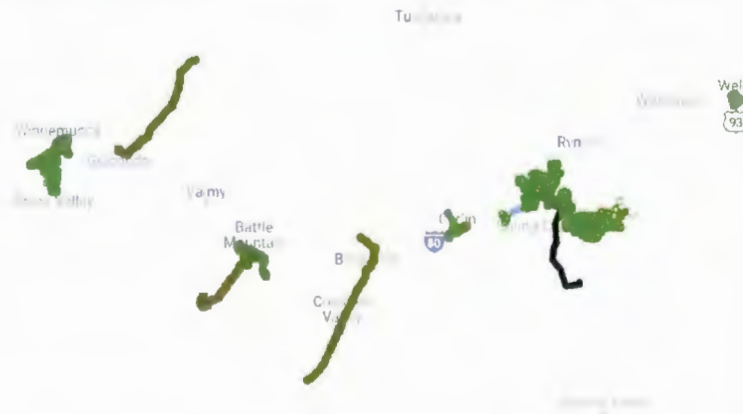
Anthem Broadband will be bringing an end to this problem once and for all by bringing state-of-the-art active ethernet fiber internet to every single home and business in Elko, Spring Creek, and the surrounding areas through a variety of funding initiatives.

Figure 2 Proposed Funded Service Area – City of Elko



estimated to cost over \$100 million for the entire regional build. The counties we intend to cover as part of the larger regional build are Humboldt County, Lander County, Eureka County and Elko County. Our service will give the community the internet access they deserve and desperately need to participate in the economic recovery effort in light of the pandemic. Every home and business with our fiber internet service will have the ability to get up to 10G service plans with the option to go to up to 100G. Access to such high internet speeds will ensure seamless service delivery for distance learning, telehealth, remote work, and e-commerce. Our service will even be scalable beyond that!

Figure 1 Proposed Regional Buildout



This project proposes to build 52.8 miles of fiber to serve 3,901 locations, which is approximately 9,000 residents in the City of Elko. This project is estimated to cost \$15,449,095.27 and is part of a larger endeavor to bring broadband connectivity to multiple counties in the region, including unserved tribal communities. The total grant request is for \$13,904,185.74. Anthem Broadband will cover the remaining cost of the project. The larger project is

We have “shovel ready” projects to build out this infrastructure as soon as possible, within the requisite timeframe. In addition, Anthem Broadband, in partnership with Microsoft, intends to supplement our broadband connectivity efforts with no cost digital skills training programs led by Microsoft staff, along with a free technical hotline for our subscribers, as well as actively marketing the FCC’s EBB program for qualifying members of the community to ensure community connectivity, affordability, and adoption. (City of Elko please add your information)

b) Description of Covered Partnership

- i) A description of the covered partnership, including a description of the organizations involved and the qualifications and experience of key personnel responsible for implementing the proposed project, including;**

(1) Table of Funded Project Participants and Unfunded Informal Collaborators. (Does not count toward the page limit). Provide a table that identifies all organizations that will

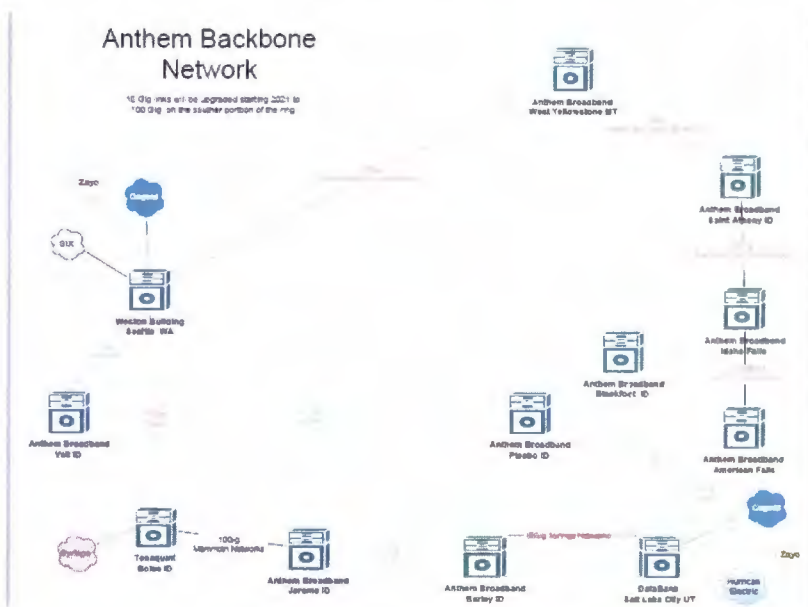
participate in and contribute to the proposed activities, if funded, known at the time of the application submission. The table should consist of an alphabetically ordered list, by organization, of all Funded Project Participants and all Unfunded Informal Collaborators. The table should include the organization's name, address, administrative role, scope of work (funded participants only) and proposed funding amount (funded participants only). Administrative roles are: applicant, subrecipient, or contractor for funded participants; or collaborator if they will not receive funding.

Name	Address	Role	Scope	Funding Amount
Anthem Broadband of Nevada, LLC	906 S Oneida #8, Rupert, ID 83350	Applicant	Service Provider	1,544,909.53
Sorensen Construction	918 South 2000 West, Syracuse, UT 84075	Contractor	Construction, Testing	0
Horrocks Engineers	2162 West Grove Pkwy, Suite 400, Pleasant Grove, UT 84062	Contractor	Engineering, Project Management, Permitting	0
City of Elko	1751 College Ave, Elko, NV 89801	Applicant	Grant Administration	0

Anthem Broadband makes internet accessible in unserved and underserved areas in Idaho, Eastern Oregon, Northern Nevada, and Montana, proudly serving over 19,750 subscribers. Anthem Broadband is the largest, locally owned internet provider in Idaho, with over 300 towers and five locations to better serve our communities. We build fiber internet infrastructure differently. Instead of using a GPON, light splitting method, we use Active Ethernet. With Active Ethernet, every subscriber gets their own strand of fiber for a direct, point-to-point connection! It is a more costly infrastructure, but we believe in building for scalability in the future. Having your own strand of fiber allows us to upgrade services quickly and easily as new technology arises without needing to tear up existing lines or damaging private property. In addition, Anthem Broadband connects all its fiber networks to a completely redundant ring (See Figure 3 Anthem Broadband Redundant Backbone)

Figure 3 Anthem Broadband Redundant Backbone

Broadband Redundant Backbone) with access points in both Salt Lake and Seattle, making it one of the most robust and redundant systems available, ensuring the most uptime and reliable speeds. We will also be adding Elko and Reno to this ring very shortly.



Anthem Broadband is also extremely skilled in the fixed wireless industry! We have over 23 years of experience and provide the greatest service and reliability by connecting all our wireless towers to the same, redundant fiber backbone. The Anthem Broadband network is also managed very closely to certify that no access point reaches more than 80 percent utilization, which means you do not slow down just

because a neighbor gets online.

Anthem Broadband has been serving local communities since the turn of the century and we plan on being around for years to come. Taking care of our friends and

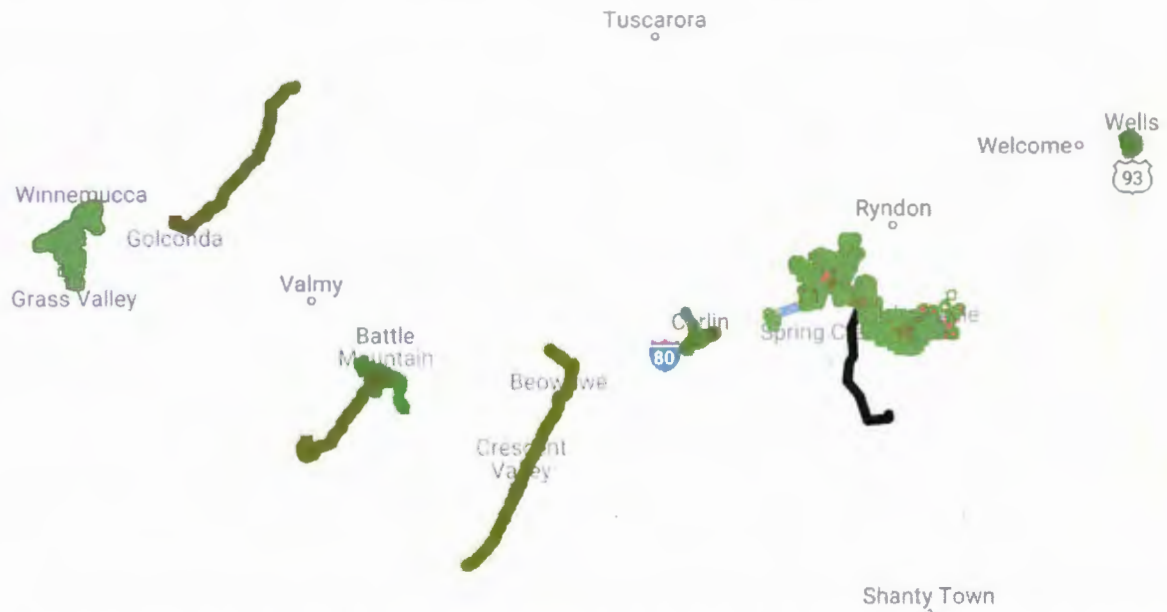
neighbors is what drives us to keep growing, innovating, and ensuring our communities receive the connectivity they need to compete in today's society.

(2) **Resumes of Key Personnel.** (Does not count toward page limit but are limited to one-page each). One-page resumes of no more than five key personnel from the participants in the covered partnership (not subrecipients) may be included. Any information beyond one page for each resume and any additional resumes submitted will not be considered.

c) **A description of the covered broadband project to be funded by the grant, including the services, speed or tiers of speeds at which the covered partnership plans to offer broadband service, the proposed prices of the broadband service offerings, the technical details of the project, including the type of technology to be deployed, and the cost details of the project, including financial analyses and revenue and expense projections, and a description of why federal financial assistance is needed to implement the covered broadband project;**

i) The project for which we are requesting funding is a small piece of a much larger project which includes many rural towns along the Interstate 80 corridor which are all struggling to receive basic internet connectivity. (See Figure 3 of Regional Buildout)

Figure 4 Regional Buildout



ii)
iii) The locations requested for this grant funding are rural and largely underserved and require connectivity upgrades to enable distance learning, remote work, and e-commerce.

Figure 5 Proposed Funded Service Area



iv)

Figure 6 Proposed Funded Service Area



v)

Figure 7 Proposed Funded Service Area



vi)

Figure 8 Proposed Funded Service Area



vii)

Figure 9 Proposed Funded Service Area



viii)

Figure 10 Proposed Funded Service Area



ix)

Figure 11 Proposed Funded Service Area



x) Figure 12 Proposed Funded Service Area



xi)

Figure 13 Proposed Funded Service Area



xii) Figure 14 Proposed Funded Service Area



xiii)

- xiv) All service plans offered are symmetrical and include unlimited data and no throttling. Customers also have the option of adding on VoIP phone solutions and home security and automation plans. We have also partnered with Microsoft to provide discount programs and free training for schools, businesses, and individuals in the community. During construction, any customer who takes our service WILL NOT be charged a connection fee. We also DO NOT have any activation or rental fees. We DO NOT require credit checks or contracts to get our broadband internet.
- xv) Speed and pricing for our standard plans are as follows. Custom plans are also scalable up to 100 Gbps.
 - (1) 2Gbps up and down - \$299/mo
 - (2) 1Gbps up and down - \$119/mo
 - (3) 500 Mbps up and down - \$99/mo
 - (4) 250 Mbps up and down - \$79/mo

d) A description of which statutory funding priority(ies) (as set forth in Section I.A of this NOFO) the proposed project would address and how the proposed project would address such funding priority(ies);

- i) The entire project will connect 3,901 underserved locations in the rural city of Elko and will provide up to 100G symmetrical service. Anthem Broadband will enable multi-gigabit fiber internet service to every residence and business in the indicated grant areas.
- ii) The grant request areas are considered entirely rural as the City of Elko has a population of 20,304 (US Census Bureau, American Community Survey 2009-2019)
- iii) Anthem Broadband has designed the project to maximize capabilities while minimizing costs. This includes minimizing the number of handholes required by leveraging direct bury splice cases, protective covers and locate ball markers. This method has allowed a savings of over 5% to the total project cost.
 - (1) 2Gbps up and down – \$299/mo – Not available – N/A
 - (2) 1Gbps up and down - \$119/mo - \$120.26/mo – 0.1% below
 - (3) 500Mbps up and down - \$99/mo - \$119.63/mo – 17.2% below
 - (4) 250Mbps up and down - \$79/mo - \$113.04/mo – 30% below
- iv) The entire area is underserved with no areas indicated on the “Indicators of Broadband Need Map” showing Ookla speed tests of greater than 16.38Mbps download and 3.68Mbps upload. Our lowest package is 250Mbps symmetrical, easily crossing the hurdle of 100Mbps download and 20Mbps upload.
- v) The designed network is built as an Active Ethernet access network. Each service location would be capable of 10Gbps at this time with only optics and CPE changes. Where each service location would have dark fiber to the local fiber cabinet, customers could easily be upgraded to 100Gbps or higher by adding additional electronics in the cabinet, or, by patching through the local fiber cabinet and utilizing DWDM to the central office. The network design is also highly redundant with diverse paths between each cabinet and the central office.

e) A description of how the project addresses the evaluation criteria identified in Section V.A of this NOFO, including a description of project beneficiaries, service area level of need, project sustainability, and expected outcomes.

i) Project Purpose and Benefits

(1) Level of Impact in the Proposed Service Area:

(a) Currently, the situation is so bad, schools are unable to offer distance learning because households do not have access to 25/3Mbps, the minimum required for video-based services. This problem was exacerbated during the ongoing pandemic impacting thousands of school-aged children. Per the NTIA Broadband Availability Map, Elko County only has access to a median of 7.63 Mbps download and 1.23 Mbps upload (M-Lab). Ookla speed tests indicate 17.38 Mbps download and 4.66 Mbps upload based on the NTIA broadband availability map. Maximum speeds such as this are limiting residents' access to remote work and telehealth services during this pandemic and the ability of businesses to conduct e-commerce. Anthem Broadband will bridge the divide by bringing cutting edge fiber internet services to allow distance learning, telehealth services, remote work and e-commerce to become a reality for this community.

(2) Affordability of Services Offered:

(a) The services offered are at a rate that is competitive with urban areas per the US Benchmark (2021 Broadband Benchmark Rate Calculator). Below is the discount percentage below the benchmark for each service offered by Anthem Broadband

- (i) 2Gpbs up and down – \$299/mo – Not available – N/A
- (ii) 1Gbps up and down - \$119/mo - \$120.26/mo – 0.1% below
- (iii) 500Mbps up and down - \$99/mo - \$119.63/mo – 17.2% below
- (iv) 250Mbps up and down - \$79/mo - \$113.04/mo – 30% below
- (v) 50Mbps up and down - \$49/mo - \$105.57/mo – 54% below

(3) Project Viability

(a) Technical Approach and Related Network Capacity and Performance:

- (i) Anthem Broadband will install an Active Ethernet Fiber to the Home system utilizing redundant and diverse middle mile paths to Reno and Salt Lake City. Redundant and diverse distribution paths between the central office and the local fiber cabinets and dark fiber for the last mile will support any potentially new technology for future upgrades. There will be at least one extra duct placed at initial construction, and lateral/backbone paths are designed to have a maximum utilization of 80%. This will leave extra fiber for future community connectivity needs.
- (ii) The central office will initially be fed with two 100Gbps middle mile circuits. This will enable residential or business packages of 10Gbps initially. The paths from the central office to each cabinet will initially be capable of 20Gbps (2 x diverse 10Gbps uplinks) with the ability to upgrade a cabinet to 80Gbps of uplink capacity by transitioning to 40Gbps uplinks. If additional capacity is needed there are a total of eight dedicated backhaul strands to the central office. Customers subscribing to 1Gbps service or below will be activated with a 1Gbps uplink and an ONT capable of delivering 1Gbps. Customers subscribing to 2Gbps or above will have appropriate ONTs installed.
- (iii) The active ethernet switches are specifically designed with a low latency PHYless architecture that shaves off 80-100 nanoseconds for each switch. To keep latency as low as possible, each cabinet will have fiber paths back to the central office and will aggregate with high port count non-blocking capacity to the core BNG router.

- (iv) Anthem's rule of thumb, for Access/Distribution and Core layers, is to start planning an upgrade when a link sustains 60%+ utilization more than twice in one week, unless there is a redundant link failure that has caused this to happen. For the Interconnection/Internet layer this would change to 50% so that either SLC or Seattle could go offline and the other can handle all traffic.
- (v) Last Mile or Premises has no oversubscription ratio as a customer has a dedicated connection between the Active Ethernet switch and the Customer Premise Equipment. Each switch has a capacity of 48 1 or 10Gbps connections. Assuming 100% utilization at this level there is at least two 40Gbps connections connecting either to another switch or the head-end. Where both links can be active (due to Per VLAN Spanning Tree Protocol) this makes the switch non-blocking and no oversubscription ratio at 1Gbps speeds.
- (vi) Each cabinet has a capacity of about 500 customers, with a 70% utilization this would account for 350 customers. 350 customers at 1Gbps with an upstream from each cabinet of 2 x 40Gbps connections would be (350/80) 4.375:1
- (vii) Anthem Broadbands latency goal is to be less than 25ms (Elko to Seattle is estimated to be 23ms) and under 2ms latency for last mile connectivity.

(b) Applicants Organizational Capability:

- (i) Anthem Broadband is also an Internet Service Provider in Idaho, Oregon and Montana operating Wireless and Fiber networks since 1997. Anthem Broadband has just over 130 employees who are highly skilled at managing the company's operations. These employees range from Management/Office/Sales Staff to Field Installation, Engineers, Fiber and Tower Construction. Our technical crew is positioned to deploy projects rapidly. Additionally, in the 3rd quarter of 2020, Anthem Broadband was awarded CARES Grant funding to build a fiber to the home project. We were given three months to complete the project and completed it one week ahead of schedule. Along with the fiber to the home project was two Public Safety projects which were completed ahead of schedule as well.
- (ii) Anthem Broadband has selected Sorensen Construction Inc (SCI) as the master contractor. SCI has extensive experience in building fiber networks. They have built fiber networks in Salt Lake City and Park City, UT as well as Jackson Hole, WY. They are a preferred provider for a large international telecom provider in Utah and across the nation. SCI has done extensive work in the Interstate 80 corridor with an emphasis in the Elko area. They have a very strong relationship with the Union Pacific Railroad. SCI is experienced in all fiber construction methods. Anthem Broadband will utilize micro-trenching within City limits to speed up deployment timelines as well as minimize disruptions and restoration costs in those areas. SCI has the relationships to handle all construction areas with their own crews as well as augment production with local subcontractors.
- (iii) Anthem Broadband has selected Horrocks Engineering to take high level designs to permit and construction ready prints. Horrocks has extensive engineering in all aspects of a fiber to the home project including design, engineering, scheduling, quality assurance, project management and documentation.

(c) Project Budget and Sustainability

- (i) Reasonableness of the Budget:**

1. Anthem Broadband has designed the project to maximize capabilities while minimizing costs. This includes minimizing the number of handholes required by leveraging direct bury splice cases, protective covers and locate ball markers. This method has allowed a savings of over 5% to a total project cost.

(ii) Sustainability of the Project:

1. **Applicants must convincingly demonstrate the ability of the project to be sustained beyond the award period. Reviewers will consider business plans, market projections, third-party funding commitments, and other data as may be appropriate to the nature of the applicant and the proposed project. Reviewers will consider demonstrations of community commitments or anchor tenant commitments that would help promote sustainability. Project plans that describe the ability to scale and integrate evolving advanced services over time (such as interoperable interfaces for fifth generation fixed wireless capability or by deploying fiber) will receive up to 8 points.**
2. A set of proforma financial statements for this project is attached, which covers a ten-year period and demonstrates that the construction period, in year one, ends with 1,511 active users, and at that number of customers, the Company is both EBITDA positive and Cash Flow positive. The year-two forecast ends with 1,653 active users with increased EBITDA and Cash Flow, and the Company also turns Operating Income positive. Throughout the ten-year proforma forecast, all four measurements—active users, EBITDA, Cash Flow, and Operating Income—continue to grow, making this network commercially sustainable.

(iii) Leverage of Non-Federal Resources

1. **Reviewers will give additional consideration to those applications that propose to contribute a non-federal cost share of at least 10 percent of the total eligible project costs as reflected in the proposed project budget. To receive a full score in this category, the applicant must address all of the criteria in the category with distinction as well as all of the factors for which an applicant may receive additional consideration.**
 - a. Anthem Broadband is requesting \$13,904,185.70 to fund the PFSA in the City of Elko. Anthem Broadband will be providing matching funds in the amount of \$1,544,909.53.

f) A description of how their deployment will have the ability to scale over time for greater capability (e.g., using integrated advanced services such as 5G or fiber);

- i) This deployment is designed around being able to support multiple network topologies including Active Ethernet and Passive Optical Network designs. Each fiber cabinet could be filled with PON equipment and splitters to reduce the power/heat loads. We also have the option to utilize spare duct to run additional backbone cabling to a few centralized locations, and then have passive splitters, only in the cabinets aggregating customers back to fewer locations.

- ii) Advanced services such as dark fiber, metro ethernet or DWDM products are possible with small adjustments to leverage the extra fiber and duct that is installed.
- iii) This deployment also utilizes microduct and microfiber. This allows much faster upgrades as the duct can be filled with higher count microfiber later without requiring additional groundwork.

g) A project plan describing all major project activities and timelines for implementation, including key deployment milestones;

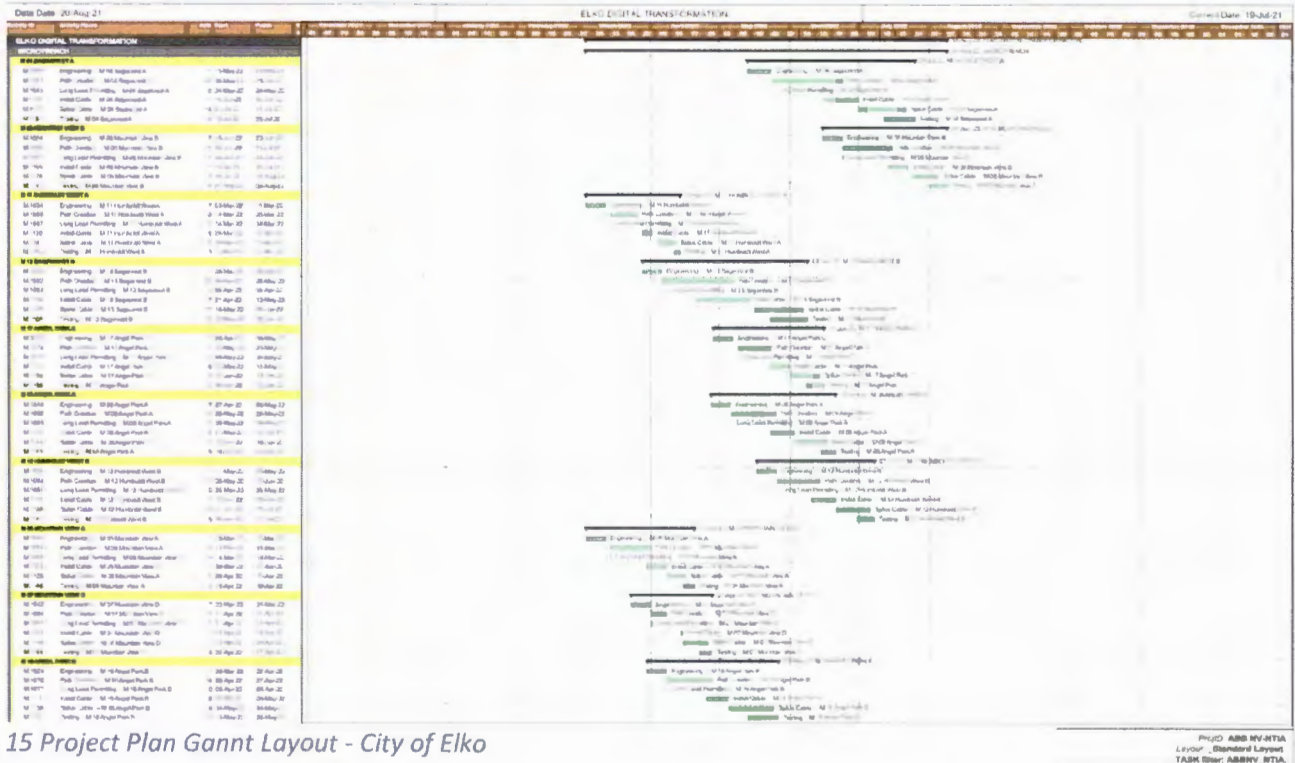


Figure 15 Project Plan Gantt Layout - City of Elko

h) A brief description of the physical project area and its surroundings (e.g., disturbed or developed land vs. open space; adjacent natural resources, such as rivers, wetlands, or forestlands; and any protected lands or resources in or near the project area), including site photographs and aerial (e.g., Google Earth or Google Maps images) photographs, if the project includes construction and/or ground disturbing activities. This description should also describe how the covered partnership intends to comply with the environmental and historic preservation requirements applicable to an award received under the Broadband Infrastructure Program (including, but not limited to, the National Environmental Policy Act and the National Historic Preservation Act), and if applicable, provide a copy of any environmental and historic preservation review documentation that has been prepared in connection with obtaining permits or approvals from State, local or other federal entities. It is the applicant’s responsibility to obtain all necessary federal, State, and local governmental permits and approvals necessary for the proposed work to be conducted. Applicants are expected to design their projects so that they minimize the potential for adverse impacts on the environment. Applicants also will be required to cooperate with NTIA in identifying feasible measures to reduce or avoid any identified adverse environmental impacts of their proposed projects. The failure to do so may be grounds for not making an award. Environmental and historic preservation review documentation, if provided, is not included in the 20-page limit of the project narrative; and

i) The project is located within city limits. The project is also near the Humboldt River, the Elko Regional Airport and the Te-Moak Tribal lands. (Please see figure 1 on page 2)

Anthem Broadband will comply with all environmental and historic preservation requirements in the planning, design, and construction of the proposed project. During the scoping phase, Anthem Broadband will identify and coordinate with all applicable local, State, and Federal agencies and entities, including Native American tribes, that have jurisdiction over lands within the proposed project area or that would be responsible for permitting any of the components of the work (i.e., United States Army Corps. of Engineers, United States Fish and Wildlife Service), if applicable, to prepare appropriate environmental documentation (likely an Environmental Assessment) to comply with the requirements of the National Environmental Policy Act (NEPA). As part of the NEPA process, the existing natural and human conditions of the affected environment for the proposed project area will be identified. This would include the collection of existing data from state and federal databases concerning threatened and endangered species, historic and cultural sites, wetlands, and prime and unique farmlands. Field surveys will be utilized, but this is anticipated to be a minimal effort due to the project area consisting mainly of existing roadway rights-of-way and other utility easements. Anthem Broadband will identify biological resources (including threatened and endangered and special status species and critical habitat for said species) that may be present in the project area and will identify potential impacts that would result from the project. If adverse impacts are identified, Anthem Broadband will coordinate with USFWS and state wildlife offices regarding appropriate mitigation measures. Anthem Broadband will also identify any impacts to waters of the U.S., including wetlands that would occur and recommend avoidance measures to prevent said impacts. In regard to historic preservation requirements under the National Historic Preservation Act (NHPA), Anthem Broadband will conduct a literature search of previously recorded sites and a pedestrian survey in areas where ground-disturbance would occur to identify historic resources. Anthem Broadband will coordinate with NTIA and the Nevada State Historic Preservation Office (SHPO) regarding eligibility of said resources for the National Register of Historic Places (NRHP), any avoidance measures to prevent impacts to historic resources, and if avoidance measures are not feasible, what potential mitigation measures would be implemented to address adverse impacts. Anthem Broadband will identify and obtain all relevant permits that would be needed to construct the proposed project.”

- i) A description of any support provided to the provider of broadband service that is part of the covered partnership through:**
 - i) Any grant, loan, or loan guarantee provided by a State to the provider of broadband service for the deployment of broadband service in the proposed service area;**
 - (1) Anthem Broadband has won RDOF funding for northern Nevada.
 - ii) Any grant, loan, or loan guarantee with respect to the proposed service area provided by the Secretary of Agriculture under:**
 - (1) Title VI of the Rural Electrification Act of 1936 (7 U.S.C. 950bb et seq.), including: any program to provide grants, loans, or loan guarantees under sections 601 through 603 of that Act (7 U.S.C. 950bb et seq.); and the Community Connect Grant Program established under section 604 of that Act (7 U.S.C. 950bb-3); or**
 - (a) Anthem Broadband does not have any grant, loans or loan guarantees from the Secretary of Agriculture.

(2) The broadband loan and grant pilot program known as the “Rural eConnectivity Pilot Program” or the “ReConnect Notice of Funding Opportunity – 15 Program” authorized under section 779 of division A of the Consolidated Appropriations Act, 2018 (Public Law 115–141; 132 Stat. 348);

(a) Anthem Broadband has not received any broadband loans or grant pilot programs.

iii) Any high-cost universal service support provided under section 254 of the Communications Act of 1934 (47 U.S.C. 254);

(1) Anthem Broadband has won RDOF funding in Northern Nevada, but at this time not received anything for the locations won.

iv) Any grant provided under section 6001 of the American Recovery and Reinvestment Act of 2009 (47 U.S.C. 1305);

(1) Anthem Broadband did not participate in any funding nor receive any funding from the NTIA or USDA.

v) Amounts made available for the Education Stabilization Fund under the heading “DEPARTMENT OF EDUCATION” in title VIII of division B of the CARES Act (Public Law 116–136; 134 Stat. 564); or

(1) Anthem Broadband did not receive any of this funding.

vi) Any other grant, loan, or loan guarantee provided by the Federal Government for the provision of broadband service.

(1) Anthem Broadband has won a small amount of Rural Development Opportunity Fund in Northern Nevada.

(2) Anthem Broadband won C.A.R.E.S. funding in the third quarter of 2020.

j) A description of whether and, if so, how the project will incorporate strong labor standards, including project labor agreements and community benefit agreements that offer wages at or above the prevailing rate and include local hire provisions, and a description of the applicant’s workforce plans and practices.

i) We have no project labor agreement or community benefit agreements in place, our contractors will offer wages at or above the prevailing rate and is experienced at complying with Prevailing Wage provisions. Our contractor will be seeking to hire as much talent locally for this project but does not have an established requirement as the buildout timeline for this project is aggressive and exceeds the local labor pool’s capacity.

2) Provide a Detailed Budget Justification in the form of an Excel spreadsheet, as well as a Budget Narrative in the form of an MS Word document. All budget information must support the requirements detailed in the NOFO.

a) The Detailed Budget Justification spreadsheet must reflect the cost categories that appear on the SF-424C (e.g., administrative and legal expenses; land; structures; rights-of-way; appraisals; construction, etc.) and include itemized calculations for each cost placed under those categories. The spreadsheet must be formatted to fit letter-sized paper (8.5” x 11”).

- b) **The Budget Narrative must explain the necessity and basis for all costs, clearly correspond to the information included in the Detailed Budget Justification spreadsheet, and reflect only allowable costs that are consistent with the project scope. Information on cost allowability is available in the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards at 2 C.F.R. § 200, which apply to awards in this program. If cost sharing or matching funds are included in the budget, the applicant must identify the nonfederal source (e.g., state funding) and distinguish the non-federal and federal portions of the budget in the Detailed Budget Justification and Budget Narrative. Information regarding cost sharing or matching funds is available in 2 C.F.R. § 200.306.**

The total budget to complete this project is \$15,449,095.27, which is driven by construction labor costs of \$8,236,920.01 and equipment and materials costs of \$5,813,662.64. Additional costs include (a) Engineering fees of \$278,564.28, which is a cost of \$1.00 per linear foot of conduit/fiber laid, (b) Project inspection and QC fees of the same amount, \$278,564.28, also at a cost of \$1.00 per linear foot, (c) Rights of way and permits of \$55,712.86, (d) Administrative and legal costs of \$50,000, and (d) Contingencies of \$735,671.20, which is calculated at 5% of the line item detailed costs.

- 3) **If indirect costs are included in the proposed budget, provide a copy of the approved negotiated agreement if the rate was negotiated with a cognizant federal agency.**
- a) Anthem Broadband does not have any indirect costs.
- 4) **Letters of Commitment –**
- a) Anthem Broadband will provide letters of commitment for this project after selection.
- 5) **Is your company able to provide maps of the proposed service areas in shapefiles, .kmz, or .kml format (required for application)?**
- a) Once selected, Anthem Broadband will provide the .kmz files for this grant project.
- 6) **Is your company willing to provide pro forma financial information and analyses, such as balance sheets, income statements, and statements of cash flows (required for application)?**
- a) Yes, Anthem Broadband will provide pro forma financial information and financial analysis.
- 7) **Is your company willing to provide network diagrams and system design information (required for application)?**
- a) Anthem Broadband will absolutely provide these items as they are part of the grant application. We will provide these proprietary items when selected.
- 8) **While the grant does not require a match, the Notice of Funding Opportunity (NOFO) does suggest a 10% match will raise the chances of winning the competitive grant and implies that the greater the match the greater the chance of funding. The match can include costs related to broadband infrastructure investments in areas adjacent to the proposed grant areas.**
- a) **Is your company able to meet the 10% or preferably greater match requirement?**
- i) Anthem Broadband will be providing a 10% match towards the cost of the project.

9) Has your company completed broadband projects utilizing federal funding sources? If so, list project(s), funding sources and budget amounts.

- i) 2020 Q3 Blaine County Households Grant, CARES act \$419,995
- ii) 2020 Q3 Blaine County Public Safety/Local Government Grant, CARES Act \$657,359

10) Include answers to the following questions:

a) Do you have an engineered last mile broadband solution for the City of Elko? If so, what type of solution is your last mile solution?

- i) Yes, the engineered last mile broadband solution is Active Ethernet with redundant and diverse paths in the distribution and middle mile layers.

b) Is financing in place for your last mile broadband solution? If so, please describe the financing.

- i) Anthem Broadband will leverage private commercial funding, and this financing is in place.

c) Have you begun to interface with the City on permitting, engineering review and other administrative issues?

- i) Yes

d) Are local partnerships part of your solution? If so, please describe your local partnership, particularly local financing.

- i) Anthem Broadband has partnered with Microsoft Airband Initiative to provide the community with digital equity programming such as, but not limited to, digital skills training, a free technical hotline, as well as access to distance learning and help scale telehealth services for the community.
- ii) Anthem Broadband has partnered with Nevada Gold Mine for co-management and financial backing to ensure the project's success.
- iii) Anthem Broadband will be partnering with city, county, and state officials to ensure project success.

11) What Service Level Agreement would you propose for residential service? Include standards for uptime, jitter, latency, packet loss and a guaranteed upstream oversubscription rate that you would not exceed.

a) **SERVICE LEVEL AGREEMENT:**

- Anthem Broadband Service Level Agreement (SLA):
 - Anthem Broadband acknowledges the requested SLA, but we already have an SLA committed to all our customers in place. We would be keeping this SLA the same across the board for all customers.
 -
 - 24/48 – Our 24hours/48hours guarantee is very different from every other provider out there.
 -

- The 24 hours, this is regarding customers needing a truck roll. If our customer needs a truck roll, we will be out there within 24 hours (excluding Sunday's).
-
- The 48 hours, this is regarding customers requesting to have new service set up. Once a customer calls in, we will be out within 48 hours to install the service (excluding Sunday's)
-
- Commercial Customers typically have a 12-hour response time

NETWORK AVAILABILITY – Anthem Broadband's target for Network Availability is 99.9% for any given month. Network Availability will be determined as an average of actual circuit availability as a percent of total potential circuit availability measured on a monthly basis.

LATENCY – Anthem Broadband's target for Latency is 50ms or less for one-way network transit delay for a standard 64-byte ping from the customer premise equipment (CPE) to Anthem Broadband's edge router.

CREDITS – Anthem Broadband calculates network outages commencing on the date and time of the opening of a Trouble Ticket and ending at the close of the same Trouble Ticket by Anthem Broadband's Technical Support. Customer must contact Technical Support to report outages or performance issues and must work with Technical Support to resolve such issues in a timely manner. Upon resolutions of the problem and close of the Trouble Ticket, Customer must contact Customer Service within 5 business days to request an SLA credit and reference the Trouble Ticket assigned. Any credits determined to be due by Customer Service will be credited towards the next month's charges and may not be deducted from any current outstanding charges. The amount of credit to be issued will be determined as follows:

NETWORK AVAILABILITY – Should network availability fall below 99.9% in any given month, a credit equal to 1/30th of the monthly rate will be issued for each 4-hour increment of the outage, to a maximum of 50% of the monthly billing rate in any given month.

LATENCY or PACKET DELIVERY – A credit equal to 1/30th of the monthly rate will be issued for any documented Latency or Packet Delivery issues.

In the event that a Customer is entitled to multiple credits under this SLA arising from the same event, such credits shall not be cumulative, and the Customer shall be entitled to receive only the maximum single credit available for such event. The maximum credit that may be issued during any month is 50% of the monthly rate. The maximum accumulated credit that may be issued during any contract year is 20% of the total annual billing for the Service. In the event the Customer would receive credits in any given month equal to 50% of the monthly rate, or an individual credit that would put the accumulated credit for a contract year over the 20% annual threshold, the Customer shall have the option to cancel service at that time without penalty.

EXCLUSIONS & LIMITATIONS – Credits will not be issued for a) Network downtime that is not reported by Customer or requests for credit not made by Customer within 5 business days of the event; b) Service outages or performance issues not documented by a Anthem Broadband Trouble Ticket; c) Anthem Broadband network maintenance performed during the standard maintenance window (12:01am to 6:00am MST); d) Anthem Broadband emergency maintenance; e) Failure of customer equipment; f) Carrier outages affecting an entire area or region; g) Unauthorized acts, use of service, or omissions by the customer that affects Anthem Broadband's ability to provide service,

by the customer or user of the service authorized by the customer; h) Any interruption of service due to a violation of Anthem Broadband's standard terms and conditions or acceptable use policies; i) Any reasons of Force Majeure such as natural disasters or Acts of God.; j) Any outage caused by events beyond Anthem Broadband's reasonable control.

12) Will you have a low-income plan?

- i) For those on a limited income, we offer a 50x50Mbps plan for \$49. Not only will we be offering this package for low-income families, we will be promoting the FCC's Emergency Broadband Benefit Program (EBB). We currently exploring the ability to offer the Lifeline Program.

13) Is your company able to guarantee that the level of service proposed will meet all the requirements of the NTIA as specified in the NOFO and other requirements of the NTIA?

- a) Anthem Broadband will be able to meet and far exceed the level of service requirements by the NTIA.

14) Is your company willing to enter into a contract with the City concerning management of the grant to include the following?

a) Grant Assurances

- i) Anthem Broadband, upon being selected, will enter into contractual obligations.

b) Reimbursement to the City for any grant funding reimbursements in the event of the provider of fixed broadband service's failure to comply with all grant assurances and requirements or provide the City with proper documentation to ensure the City's compliance with all grant assurances and requirements?

- i) Anthem Broadband, upon being selected, will enter into these conditions with reasonable expectations.

15) Is there a connection fee? If so provide relevant information, to include the amount of the fee and exceptions to the fee requirement.

- a) Anthem Broadband will not be charging a connection fee.

16) Does your company intend to utilize local contractors to complete the project? If so, indicate how your company will go about selecting local contractors, to include any bidding preferences your company will include in requests for proposals or invitations to bid.

- a) Anthem Broadband is a local company, based in Elko, with local employees. Anthem Broadband has chosen Sorensen Construction Inc. for overall project build out. The timelines we have for not only this grant, but for the entire project will rely on them selecting and utilizing local contractors. SCI will use their own selection method for these contractors. SCI currently has local employees.



City of Elko NTIA Application Budget Narrative

The total budget to complete this project is \$15,449,095.27, which is driven by construction labor costs of \$8,236,920.01 and equipment and materials costs of \$5,813,662.64. Additional costs include (a) Engineering fees of \$278,564.28, which is a cost of \$1.00 per linear foot of conduit/fiber laid, (b) Project inspection and QC fees of the same amount, \$278,564.28, also at a cost of \$1.00 per linear foot, (c) Rights of way and permits of \$55,712.86, (d) Administrative and legal costs of \$50,000, and (d) Contingencies of \$735,671.20, which is calculated at 5% of the line item detailed costs.



1.208.677.8000



www.anthembroadband.com



906 S. Oneida St, Suite 8
Rupert, ID 83350

Elko City				
	NTIA	Locations		Anchor Points
Angel Park A	\$ 1,690,451.51	398	5.70	0
Angel Park B	\$ 1,676,797.62	533	6.01	3
Sagecrest A	\$ 2,093,848.79	540	8.68	1
Sagecrest B	\$ 2,411,313.16	590	12.71	0
Mountain View A	\$ 1,323,250.24	237	5.64	3
Mountain View B	\$ 1,446,971.95	363	5.34	6
Mountain View D	\$ 596,978.25	262	2.01	1
Angel Park C	\$ 1,455,529.85	356	4.76	1
Humboldt West B	\$ 1,605,103.88	372	5.64	0
Humboldt West A	\$ 1,148,850.01	252	3.90	0
	\$ 15,449,095.27	3903	60.40	15
Anthem Broadband	\$ 1,544,909.53			

LOCKIE & MACFARLAN, LTD.

Attorneys at Law

David B. Lockie
Sherburne M. Macfarlan, III

919 Idaho Street
Elko, Nevada 89801
(775) 738-8084
FAX: (775) 738-1928

July 21, 2021

City of Elko
1751 College Ave.
Elko, NV 89801

HAND DELIVERED

Re: White Cloud Communications, Inc. NTIA-BIP Grant Proposal

This firm represents White Cloud Communications, Inc. (WCC) who wants to submit a proposal to the City of Elko under the NTIA, BIP program that provides an opportunity for one or more providers to work with the City to help provide broadband and fixed wireless. WCC is highly qualified to submit a proposal pursuant to the NTIA-BIP guidelines.

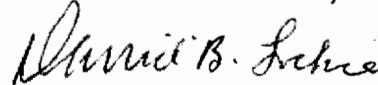
Over the last five years WCC has worked diligently to bring wireless and fixed broadband internet to the City of Elko and Surrounding area. WCC has spent a large amount of its own money and resources to get to this point where we can now provide both fiber to the home and LTE wireless services from multiple towers sites. WCC system provides LTE speeds of over 25/3 to subscribers in the coverage map provided.

WCC, believes that it didn't get a reasonable opportunity from the city to bid on the proposal and to provide a complete and correct grant proposal. We were only given five working days to provide a complete bid document that would normally take weeks to complete. We believe that all bids should be tabled at this time until the next city council meeting to provide a level playing field to all participants.

Accordingly, we respectfully request that this matter be set for consideration at a future date after a fair opportunity has been provided for WCC to submit a proposal.

Sincerely,

LOCKIE & MACFARLAN, LTD.



DAVID B. LOCKIE

DBL:dl

**Elko City Council
Agenda Action Sheet**

1. Title: **Review, consideration, and possible approval of Resolution No. 23-21, a Resolution providing for the transfer of the City's 2021 Private Activity Bond Cap to the Nevada Rural Housing Authority, and matters related thereto. FOR POSSIBLE ACTION**
2. Meeting Date: **July 27, 2021**
3. Agenda Category: **RESOLUTION**
4. Time Required: **5 Minutes**
5. Background Information: **The City of Elko has previously transferred its portion of the tax-exempt private activity bond cap to the Nevada Rural Housing Authority. This year the Nevada Rural Housing Authority is requesting the City's allocation of the bonds for the purpose of providing a means of financing the costs of single family residential housing that will provide decent, safe and sanitary dwellings at affordable prices for persons of low and moderate income. A request letter from Nevada Rural Housing Authority and Resolution No. 23-21 have been enclosed in the agenda packet for review. CC**
6. Budget Information:

Appropriation Required:
Budget amount available:
Fund name:
7. Business Impact Statement: **Not Required**
8. Supplemental Agenda Information: **Resolution No. 23-21**
9. Recommended Motion: **Pleasure of the Council**
10. Prepared by: **Curtis Calder, City Manager**
11. Committee/Other Agency Review:
12. Council Action:
13. Council Agenda Distribution:



July 12, 2021

Reece Keener
Mayor, City of Elko
1751 College Avenue
Elko, NV 89801

Re: Request for Private Activity Bond Cap

Dear Mayor Keener:

Better together – it’s a phrase that rings truer than ever after a year of unprecedented challenges. I’d like to thank the City of Elko for your past, present and future support of Nevada Rural Housing Authority’s mission to promote, provide and finance affordable housing opportunities for all rural Nevadans. Each year, the City of Elko transfers a portion of its unused Private Activity Bond Cap (PABC) to the Nevada Rural Housing Authority (NRHA), resulting in our continued success operating Home At Last™, the award-winning, single-family housing program created exclusively for rural homebuyers.

Transferring PABC to NRHA does not obligate the City in any way – it simply provides us with a financing tool to ensure we can continue offering affordable homeownership programs like the Mortgage Credit Certificate (MCC), offered exclusively through NRHA.

Last year, our Home At Last™ program assisted more than 1,000 rural Nevada families achieve their dreams of affordable homeownership ... despite a global pandemic. This achievement is bittersweet, of course. As we watched hundreds of families move into homes of their own, we also assisted renters who were negatively impacted by COVID-19 and on the brink of losing their homes. But that’s what NRHA does – we look at the entire rural housing picture, always seeking to innovate and operate programs that support our communities in real ways that make a difference. With your support, Home At Last™ not only delivers the financial tools our people need to live the American Dream – we also deliver hope.

Can you measure hope? Well, we like to think so!

Since 2006, over 10,000 families have experienced the giddy feeling of closing day. Home At Last™ has had the privilege of providing over \$2 billion in affordable mortgages, \$59 million in down payment assistance and an estimated \$29 million in tax savings to first-time buyers – with those savings being reinvested in our local communities. Homeownership grows stability. Homeownership grows generational wealth. Homeownership helps our neighbors grow roots in our communities, and when one of us does better, we all do better. Hope is being *home at last*.



3695 Desatoya Drive, Carson City, NV 89701 • P: 775-887-1795 • F: 775-887-1798
TDD: 800-545-1833 ext. 545 • nvrural.org • Diane@nvrural.org
This institution is an equal opportunity provider and employer.



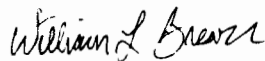
Getting homebuyers in the door isn't where our work ends. Responsible homeownership starts with education, which is why we offer free, easy-to-access homebuyer education through Home At Last™ University (or HAL U, for short). Since launching HAL U in 2019, we've "graduated" more than 9,000 future homebuyers, and in 2020, HAL U snagged a Single-Family Excellence Award from the National Association of Local Housing Finance Agencies.

Please accept this letter as our formal request to schedule this action (or consent) item for the next City Council meeting on July 27, 2021. To simplify the transfer of PABC to NRHA, a draft resolution and corresponding transfer certificate required by the State of Nevada is attached. Within five (5) days of approval, please email a copy of the signed resolution and transfer certificate to Diane@NVRural.org and mail the original documents to:

**Attn: Carrie Foley
State of Nevada, Department of Business & Industry
3300 W. Sahara Ave., Suite 425
Las Vegas, NV 89102**

If you have any questions about the transfer or this request, please consult your counsel or NRHA's bond counsel, Ryan Bowen at (312) 845-3277.

With Sincere Gratitude,



William L. Brewer
Executive Director

Enclosures: 3
Attachment 1: Program Report
Attachment 2: Resolution
Attachment 3: Transfer Certificate



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RESOLUTION NO. _____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELKO, NEVADA PROVIDING FOR THE TRANSFER OF THE CITY'S 2021 PRIVATE ACTIVITY BOND VOLUME CAP TO THE NEVADA RURAL HOUSING AUTHORITY; AND OTHER MATTERS RELATED THERETO

WHEREAS, pursuant to the provisions of Chapter 348A of the Nevada Revised Statutes (“NRS”) and Chapter 348A of the Nevada Administrative Code (“NAC”), there has been allocated to the City of Elko, Elko County, Nevada (the “City,” “County” and “State,” respectively), the amount of \$1,179,456.99 in tax-exempt private activity bond volume cap for year 2021 (the “2021 Bond Cap”); and

WHEREAS, the Nevada Rural Housing Authority (the “NRHA”), has requested that the City transfer its 2021 Bond Cap to the NRHA for the purpose of providing a means of financing the costs of single family residential housing that will provide decent, safe and sanitary dwellings at affordable prices for persons of low and moderate income (“Single Family Programs”); and

WHEREAS, the City is a local government as defined by NAC 348A.070; and

WHEREAS, Section 348A.180 of the NAC provides a procedure whereby the City may, by resolution, transfer to any other local government located within the same county, all or any portion of its 2021 Bond Cap; and

WHEREAS, pursuant to NRS 315.983(1)(a), the NRHA is an instrumentality, local government and political subdivision of the State; and

WHEREAS, the NRHA is located within the County, pursuant to NRS 315.963, which defines the NRHA’s area of operation as “any area of the State which is not included within the corporate limits of a city or town having a population of 150,000 or more.”

NOW, THEREFORE, the City Council of the City does hereby find, resolve, determine and order as follows:

Section 1. Recitals. The recitals set forth herein above are true and correct in all respects.

Section 2. Transfer of Private Activity Bond Volume Cap. Pursuant to NAC 348A.180, the City hereby transfers its 2021 Bond Cap in the amount of \$1,179,456.99 to the NRHA for its Single Family Programs.

Section 3. Use of 2021 Bond Cap. The NRHA will use the 2021 Bond Cap for single family purposes in calendar year 2021 or carry forward any remaining amount according to the Internal Revenue Code of 1986, as amended, for such purposes.

Section 4. Representative of City. Pursuant to NAC 348A.180(1), the Director of the State of Nevada Department of Business and Industry (the “Director”) may contact Curtis Calder, City Manager, City of Elko, regarding this Resolution at (775) 777-7100 or by email at CityManager@ElkoCityNV.Gov or in writing 1751 College Avenue, Elko, Nevada 89801.

Section 5. Additional Action. The Mayor and Clerk of the City are hereby authorized and directed to take all actions as necessary to effectuate the transfer of the 2021 Bond Cap, and carry out the duties of the City hereunder, including the execution of all certificates pertaining to the transfer as required by NAC Ch. 348A.

Section 6. Direction to the NRHA. The NRHA shall notify the Director in writing as soon as practicable of the occurrence or nonoccurrence of any term or condition that would affect the disposition of the 2021 Bond Cap.

Section 7. Representative of the NRHA. Pursuant to NAC 348A.180(3), the Director may contact Diane Arvizo, Director of Homeownership Programs of the NRHA regarding this Resolution at (775) 886-7900 or by email at Diane@NVRural.Org or in writing at Nevada Rural Housing Authority, 3695 Desatoya Drive, Carson City, Nevada 89701.

Section 8. Obligation of the City. This Resolution is not to be construed as a pledge of the faith and credit of or by the City, or of any agency, instrumentality, or subdivision of the City. Nothing in this Resolution obligates or authorizes the City to issue bonds for any project or to grant approvals for a project or constitutes a representation that such bonds will be issued.

Section 9. Enforceability. If any section, paragraph, clause or provision of this Resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Resolution. This Resolution shall go into effect immediately upon its passage.

ADOPTED, SIGNED AND APPROVED this ____ day of _____, 2021.

CITY OF ELKO, NEVADA

By _____
Reece Keener, Mayor

ATTEST:

By _____
Kelly Wooldridge, City Clerk

CERTIFICATE OF TRANSFER OF VOLUME CAP

I, Kelly Wooldridge, am the duly chosen and qualified City Clerk of the City of Elko, Nevada (the "*City*") and in the performance of my duties as City Clerk do hereby certify to the Office of Business Finance and Planning in accordance with Section 348A.260 of the Nevada Administrative Code ("*NAC*"), that the private activity bond volume cap allocated to the City in the amount of \$1,179,456.99 has been transferred as follows:

\$1,179,456.99 has been transferred pursuant to NAC 348A.180 from the City, a local government, located in Elko County to the Nevada Rural Housing Authority, a local government, located within Elko County for the purpose of providing a means of financing the costs of single family residential housing that will provide decent, safe and sanitary dwellings at affordable prices for persons of low and moderate income.

This certificate is being filed within five (5) days of the transfer being made in accordance with NAC 348.260.

CITY OF ELKO, NEVADA

By _____
Kelly Wooldridge, City Clerk

cc: Diane Arvizo, Nevada Rural Housing Authority

**Elko City Council
Agenda Action Sheet**

1. Title: **Review, consideration, and possible approval of a letter addressed to Governor Sisolak concerning COVID related issues, and matters related thereto. FOR POSSIBLE ACTION**
2. Meeting Date: **July 27, 2021**
3. Agenda Category: **PETITIONS, APPEALS, AND COMMUNICATIONS**
4. Time Required: **20 Minutes**
5. Background Information: **The City Council took action at its meeting on July 13, 2021 directing Staff to draft a letter to Governor Sisolak concerning several COVID related issues expressed by members of the community. SAW**
6. Budget Information:

Appropriation Required: **NA**
Budget amount available: **NA**
Fund name: **NA**
7. Business Impact Statement: **Not Required**
8. Supplemental Agenda Information: **Draft Letter to Governor Sisolak**
9. Recommended Motion: **Pleasure of the Council**
10. Prepared by: **Scott A. Wilkinson, City of Elko Assistant City Manager**
11. Committee/Other Agency Review: **Legal**
12. Council Action:
13. Agenda Distribution:

July __, 2021

Governor Steve Sisolak
State of Nevada
State Capitol Building
101 N. Carson Street
Carson City, NV 89701

Dear Governor Sisolak,

As Mayor of the City of Elko, I am writing to you in support of the Elko County School District's recent letter dated _____ regarding COVID Mitigation Efforts in the Elko County School District (attachment 1) and the Elko County Commission's Resolution No. 2021-28, a Resolution Prohibiting the Use of Vaccine Passports by any Elko County Office, Board, or Agent (attachment 2).

During the July 13, 2021 Elko City Council meeting, our Board received ~~ample a~~ substantial number of public comments regarding the above-referenced issues. Citizen concerns ranged from the topics of future vaccine passports, door-to-door solicitations to determine vaccine status, reinstatement of previous mask mandates, and a perceived lack of parental consent for minors receiving vaccinations. While these comments were speculative in nature, our citizens remain extremely concerned of Federal and State Government overreach, especially with regard to COVID mitigation efforts.

While Nevadans may not agree on every issue, the City of Elko believes it is important to ~~speak with one voice when~~ express concerns that are brought forth by members of the community. Based upon the volume of public comment, our citizens are especially opposed to door-to-door solicitations regarding vaccine status, any form of vaccine passport, and/or vaccinations of minor children without parental consent.

The past year has been extremely difficult for all Nevadans, including those living and working in rural Nevada. While we remain hopeful that the worst of the pandemic is behind us, we realize a resurgence could lead to future COVID mitigation efforts in the State of Nevada. It is in that light that we ask you to protect the rights of your fellow Nevadans in the spirit of personal responsibility.

Respectfully,

Reece Keener
Mayor

W/attachments

**Elko City Council
Agenda Action Sheet**

1. Title: **Review, consideration, and possible action to adopt Resolution 19-21, a resolution and order vacating a portion of 15th Street right-of-way consisting of an area approximately 6,800 square feet abutting APN 001-375-001 to the property owner (The Igloo, Inc.), and matters related thereto. FOR POSSIBLE ACTION**
2. Meeting Date: **July 27, 2021**
3. Agenda Category: **PUBLIC HEARING**
4. Time Required: **10 Minutes**
5. Background Information: **Council accepted the petition to vacate this Right-of-Way at its regular meeting of June 22, 2021 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 July 6, 2021 and took action to forward a recommendation to Council to adopt a resolution, which conditionally approves Vacation No. 3-21 with findings in support of its recommendation. This is item 4 of 5 related to the possible vacation of a portion of 15th Street. 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: **Resolution 19-21, P.C. Action Report, Staff Memo, Exhibits, Application, Related Materials**
9. Recommended Motion: **Adopt Resolution No. 19-21 with findings and conditions as recommended by the Planning Commission.**
10. Prepared by: **Michele Rambo, AICP, Development Manager**
11. Committee/Other Agency Review: **City Attorney, Planning Commission, Utility Companies**
12. Council Action:
13. Agenda Distribution: **The Igloo, Inc.
Attn: Mike Shanks
shankseng@gmail.com**

**CITY OF ELKO
RESOLUTION NO. 19 - 21**

**A RESOLUTION AND ORDER VACATING A PORTION OF FIFTEENTH STREET
CONSISTING OF APPROXIMATELY 6,800 SQUARE FEET AND ABUTTING APN
001-375-001, LOCATED WITHIN THE CITY OF ELKO, STATE OF NEVADA, TO THE
ABUTTING PROPERTY OWNER, THE IGLOO, INC., A NEVADA NON-PROFIT
CORPORATION**

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

WHEREAS, the Elko City Council, at a regular meeting held on June 22, 2021,
unanimously voted to accept the submitted petition for vacation and further directed City Staff to
continue with the vacation process by referring the matter to the Planning Commission for a
report of findings and recommendation to be prepared and submitted to the City Council; and,

WHEREAS, the Elko City Planning Commission, at a regular meeting held on July 6,
2021, voted to forward a recommendation of approval for the subject vacation; and

WHEREAS, the Elko City Council finds that a Notice of Intent to vacate a portion of
Fifteen Street was published and mailed by priority mail with confirmation of delivery to all
affected property owners, as required by law, as more fully appears from the Affidavit of
Publication and Mailing Confirmation(s) on file in the Clerk's Office of the City of Elko; and

WHEREAS, at the time and place set in the Notice, to-wit: the hour of 5:30 pm on July
27, 2021 in the City Hall Council Chambers, Elko, Nevada, a hearing before the Elko City
Council was duly held and no persons having appeared to object to the proposed vacation and the
City Council having deemed it in the best interests of the City and the public that the area be
vacated and that no person or persons would be materially injured thereby; and

WHEREAS, it appearing to the satisfaction of the Elko City Council that the portion of
Fifteenth Street consisting of approximately 6,800 square feet situate in the City of Elko, Nevada,
located adjacent to Assessor's Parcel Number 001-375-001 is no longer required for public use
and convenience and that vacation thereof will inure to the benefit of the City of Elko and be in
the best interest of the City and the public, and that neither the public nor any person will be
materially injured thereby; the legal description is set forth in Exhibit A with the map as Exhibit
B, each attached hereto, and incorporated herein by reference and made a part hereof.

///
///
///

NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE ELKO CITY COUNCIL, AS FOLLOWS:

I.

That the portion of Fifteenth Street situate in the City of Elko, Nevada, described at Exhibit A and shown on the map at Exhibit B, each attached hereto, be, and the same hereby is vacated upon fulfillment of the following conditions:

1. Written response(s) from all non-City utilities shall be placed on file with the City of Elko with regard to the vacation in accordance with NRS 278.480(6) before this Resolution and Order is recorded.

That upon fulfillment of the conditions of this Resolution, all right, title, interest and estate of the City of Elko in that portion of Fifteenth Street located in the City of Elko as described and shown on Exhibits A and B shall be vacated and title shall vest in **THE IGLOO, INC., a Nevada non-profit corporation**, as owner of the parcel of the property being vacated, provided further that this vacation and the title of the abutting property owner received pursuant thereto, shall be subject to all poles, lines, cables, pipes, drains, utility installations and easements now existing, to include the public utility and drainage easement referred to in Section I.3 (conditions), above.

II.

That the City of Elko, the Elko City Council, and the officers and employees of the City of Elko, make no warranties, covenants, representations or guarantees as to the validity of this vacation procedure, or as to the right, title, interest or estate, if any, any person or entity may acquire as the result thereof.

III.

That the City Clerk of the City of Elko shall certify the copy of this Resolution and Order, and this Resolution and Order shall be recorded upon fulfillment of the above stated conditions, in the Office of the County Recorder of Elko County, Nevada, and shall be endorsed upon the proper map or plat on file in the Office of said County Recorder, so as to clearly indicate thereon the vacation of the street as described on Exhibit A and shown on the map at Exhibit B, attached hereto, situate in the City of Elko, Elko County, State of Nevada.

IV.

That following recordation of this Resolution and Order in accordance with the requirements herein contained, to include fulfillment of the above stated conditions, Flyers Energy LLC and The Igloo, Inc. shall record the aforementioned Reciprocal Easement Agreement with the County Recorder of Elko County, Nevada.

IT IS FURTHER RESOLVED AND ORDERED that this Resolution shall not be signed and recorded until the conditions are satisfied; provided, the aforementioned public utility and drainage easement (Condition I.3) shall be recorded at the time this Resolution and Order is recorded.

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

PASSED AND ADOPTED this 27th day of July 2021 by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

APPROVED this ___ day of _____, 2021.

CITY OF ELKO

By: _____
REECE KEENER, MAYOR

ATTEST:

KELLY WOOLDRIDGE, CITY CLERK

Exhibit A
LEGAL DESCRIPTION OF 15TH STREET VACATED TO THE IGLOO
(TRANSFERES TO APN: 001-375-001)

The northeasterly half of the remaining right-of-way shown as Vanderbilt Street, between Block 7 and Block F, on the map of Ballou's Addition to the Town (now City) of Elko, Nevada, recorded in the office of the Elko County Recorder as file no. 2, lying southeasterly of the Union Pacific Railroad right-of-way and lying northwesterly of the Silver Street right-of-way, located within the northwest quarter of Section 14, Township 34 North, Range 55 East, M.D.B.&M., and is further described as follows:

Beginning at the southerly most corner of said Block F of the Ballou's Addition;

Thence, southwesterly, along right-of-way of Silver Street, 40 feet, more or less, to the centerline of Vanderbilt Street as shown on said Ballou's Addition, sometimes referred to as 15th Street today;

Thence, northwesterly along the centerline of Vanderbilt Street, 170 feet, more or less, to the southeasterly edge of the right-of-way of the Union Pacific railroad, which has been widened by approximately 50 feet to the southeast since the mapping of Railroad Street as shown on said Ballou's Addition;

Thence, northeasterly along said southeasterly boundary of the right-of-way of the Union Pacific railroad, 40 feet more or less to the southwesterly boundary of said Block F of Ballou's Addition;

Thence, southeasterly along said southwesterly boundary of the Block F of Ballou's Addition, 170 feet, more or less, to the point of beginning.

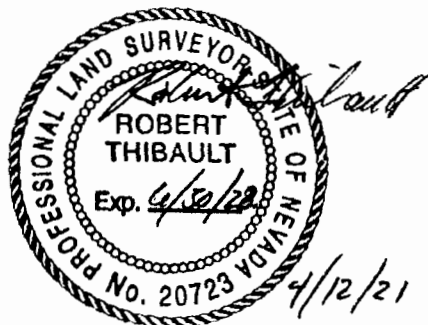
This right-of-way hereby vacated and transferred to Block F (APN: 001-375-001) contains $\pm 6,800$ square feet.

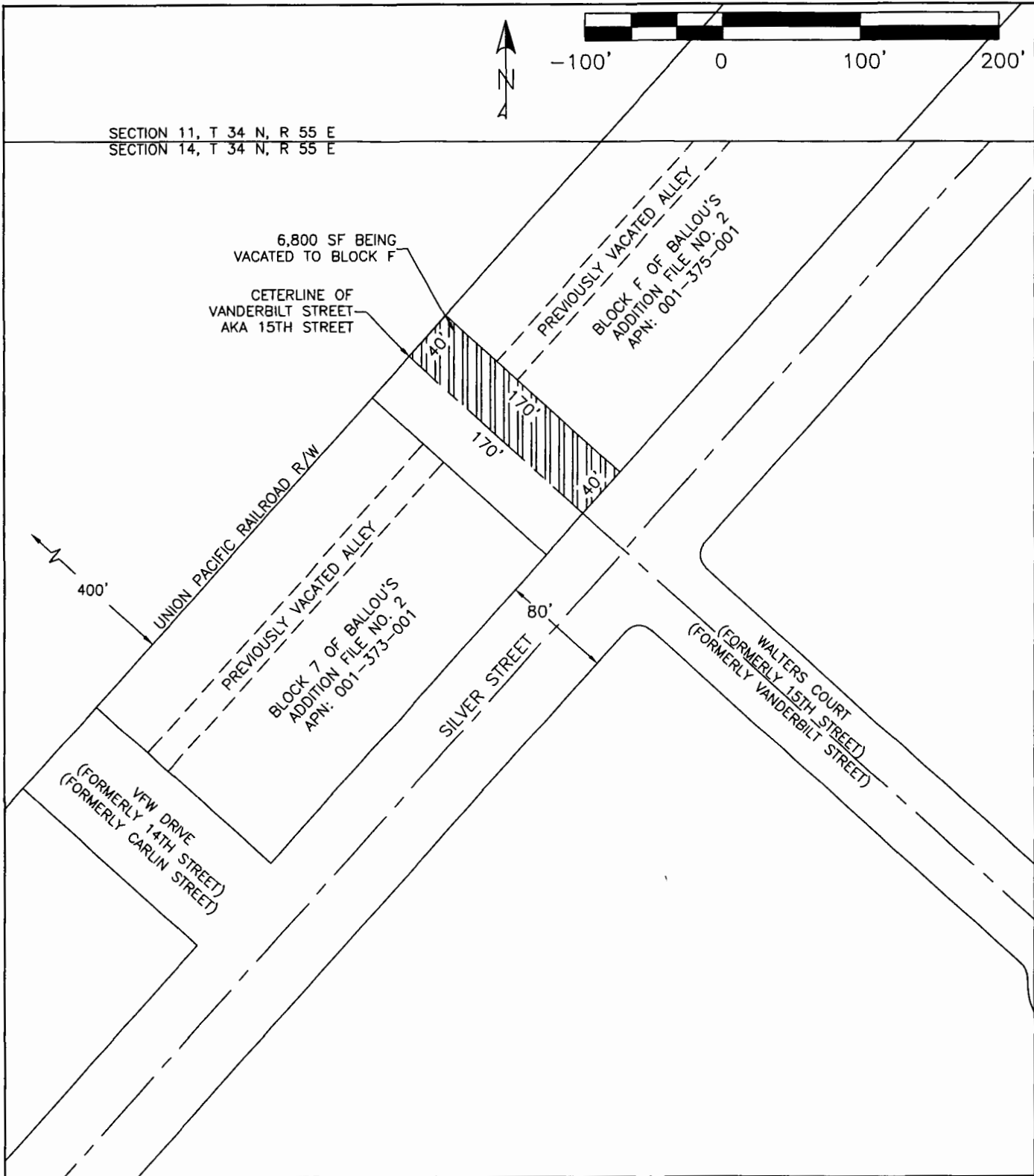
The Basis of Bearings for this description is the map of Ballou's Addition to the Town (now City) of Elko, Nevada, recorded in the office of the Elko County Recorder as file no. 2, in January of 1900.

Description prepared by:

Robert Thibault, PE, PLS

Civil Engineer for the City of Elko





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

EXHIBIT B
DISPLAY MAP OF
IGLOO VACATED PROPERTY



CITY OF ELKO

Planning Department

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

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

CITY OF ELKO PLANNING COMMISSION ACTION REPORT Regular Meeting of July 6, 2021

WHEREAS, the following item was reviewed and considered by the Elko City Planning Commission on July 6, 2021 pursuant to Section 8-7-3 B. of City Code:

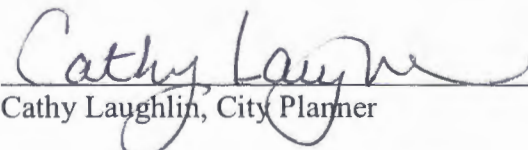
Vacation No. 3-21, filed by the City of Elko, for the vacation of a portion of 15th Street consisting of approximately 13,600 square feet, and matters related thereto.

Staff has determined that keeping the small amount of right-of-way on 15th Street is not in the best interest of the City due to the cost of constructing and maintaining a road that goes nowhere. Half of the street right-of-way (6,800 square feet) will be given back to each of the adjacent property owners (Flyers Energy Inc. and The Igloo, LLC). This agenda item is related to the portion being returned to The Igloo, LLC. City Council accepted the petition for the vacation on June 22, 2021


NOW THEREFORE, upon review and consideration of the application, supporting data, public input and testimony, the Planning Commission forwards a recommendation to City Council to adopt a resolution which conditionally approves Vacation No. 3-21 subject to the conditions listed in the City of Elko Staff Report dated June 17, 2021, listed as follows:

- 1. Written response from all non-City utilities is on file with the City of Elko with regard to the vacation in accordance with NRS 278.480(6) before the order is recorded.**

The Planning Commission's findings to support its recommendation are the proposed vacation is in conformance with the City of Elko Master Plan Land Use Component. The proposed vacation is in conformance with the City of Elko Master Plan Transportation Component. The property proposed for vacation is located within the Redevelopment Area. The proposed vacation is in conformance with NRS 278.479 to 278.480, inclusive. The proposed vacation with the recommended conditions is in conformance with Elko City Code 8-7. The proposed vacation will not materially injure the public and is in the best interest of the City.


Cathy Laughlin, City Planner

Attest:



Shelby Knopp, Planning Technician

CC: Applicant
Kelly Wooldridge, City Clerk
Michele Rambo, Development Manager (email)

STAFF COMMENT FLOW SHEET
PLANNING COMMISSION AGENDA DATE: 7/6

Do not use pencil or red pen, they do not reproduce

Title: Vacation No. 3-21 - The Igloo, LLC

Applicant(s): City of EKO

Site Location: Portion of 15th St. Adj. to APN 001-375-001

Current Zoning: G1 Date Received: 6/15/21 Date Public Notice: N/A

COMMENT: This is to vacate a portion of 15th Street, ≈ 13,600 sq. ft.

If additional space is needed please provide a separate memorandum

Assistant City Manager: Date: 6/25/21

Recommend approval

SAW

Initial

City Manager: Date: 6/30/21

No comments/concerns.

cc

Initial



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

CITY OF ELKO STAFF REPORT

MEMO DATE: June 17, 2021
PLANNING COMMISSION DATE: July 6, 2021
APPLICATION NUMBER: Vacation 3-21
APPLICANT: City of Elko
PROJECT DESCRIPTION: 15th Street north of Silver Street

Vacation of a portion of 15th Street consisting of approximately 13,600 square feet.



STAFF RECOMMENDATION:

RECOMMEND to APPROVE subject to findings of fact and conditions stated in this report.

PROJECT INFORMATION

PARCEL NUMBER: Between APN 001-375-001 and APN 001-373-001

EXISTING ZONING: GI – General Industrial

MASTER PLAN DESIGNATION: N/A

EXISTING LAND USE: Undeveloped street right-of-way

BACKGROUND:

1. The property is an undeveloped street right-of-way that serves only two lots (APNs 001-375-001 and 001-373-001).
2. The area proposed to be vacated is approximately 13,600 square feet to be divided equally between the two adjacent lots mentioned above.
3. The existing right-of-way stretches from Silver Street north 170 feet to the Union Pacific right-of-way and dead ends.
4. Utilities currently exist through this area so utility and drainage easements will need to be approved in conjunction with this vacation.
5. The adjacent properties have, and will continue to use, this area as a driveway. Therefore, a Reciprocal Easement Agreement will also need to be approved in conjunction with this vacation.

NEIGHBORHOOD CHARACTERISTICS:

The property is surrounded by:

North: General Industrial (GI) / Undeveloped
East: General Industrial (GI) / Undeveloped
South: Light Industrial (LI) / Undeveloped
West: General Industrial (GI) / Developed

PROPERTY CHARACTERISTICS:

1. The property is currently undeveloped street right-of-way.
2. The property is slopes to the south towards Silver Street

MASTER PLAN AND CITY CODES:

Applicable Master Plans and City Code Sections are:

NRS 278.479 to 278.480, inclusive
City of Elko Master Plan – Land Use Component
City of Elko Master Plan – Transportation Component
City of Elko Redevelopment Plan
City of Elko Code – Section 8-7 Street Vacation Procedures

NRS 278.479 to 278.480 inclusive

1. 278.480(4) If any right-of-way or easement required for a public purpose that is owned by a city or a county is proposed to be vacated, the governing body, or the planning commission, hearing examiner or other designee, if authorized to take final action by the

- governing body, shall, not less than 10 business days before the public hearing described in subsection 5.
2. NRS 278.480 (5) Except as otherwise provided in subsection 6, if, upon public hearing, the governing body, or the planning commission, hearing examiner or other designee, if authorized to take final action by the governing body, is satisfied that the public will not be materially injured by the proposed vacation, it shall order the street or easement vacated. The governing body, or the planning commission, hearing examiner or other designee, if authorized to take final action by the governing body, may make the order conditional, and the order becomes effective only upon the fulfillment of the conditions prescribed. An applicant or other person aggrieved by the decision of the planning commission, hearing examiner or other designee may appeal the decision in accordance with the ordinance adopted pursuant to NRS 278.31895.
 3. Per NRS 278.480(6) Public utility companies will be notified of the vacation on September 25, 2019 via first class mail.

MASTER PLAN – Land Use:

1. The Master Plan Land Use Atlas shows the surrounding area as Industrial Business Park and Industrial General.
2. The GI (General Industrial) Zoning District is listed as a corresponding zoning district for Industrial General designation.
3. Objective 7: Promote high quality and visually appealing industrial uses, where appropriate, to promote economic sustainability and strengthen the community's image.

The proposed vacation is in conformance with the Master Plan Land Use component.

MASTER PLAN - Transportation:

1. 15th Street is accessed from Silver Street.
2. This section of Silver Street is classified as a Commercial/Industrial Collector street.

The proposed vacation is in conformance with the Master Plan Transportation Component.

REDEVELOPMENT PLAN

- The area is located within the Redevelopment Area.
- The proposed vacation doesn't relate to parking or other elements which are part of the Redevelopment Plan.

The proposed vacation is in conformance with the Redevelopment Plan.

ELKO CITY CODE SECTION 8-7 STREET VACATION PROCEDURES

1. If it is determined by a majority vote of the city council that it is in the best interest of the city and that no person will be materially injured thereby, the city council, by motion, may propose the realignment, change, vacation, adjustment or abandonment of any street or any portion thereof. In addition, any abutting owner desiring the vacation of any street or easement or portion thereof shall file a petition in writing with the city council and the city council shall consider said petition as set forth above.

- The City Council made a motion at their meeting on June 22, 2021 and referred the matter to the Planning Commission for further consideration.
2. Except for a petition for the vacation or abandonment of an easement for a public utility owned or controlled by the city, the petition or motion shall be referred to the planning commission, which shall report its findings and recommendations thereon to the city council. The petitioner shall, prior to the consideration of the petition by the planning commission, pay a filing fee to the city in an amount established by resolution of the city council and included in the appendix to this code.
 - The filing fee was paid by the applicant.
 3. Whenever any street, easement or portion thereof is proposed to be vacated or abandoned, the city council shall notify by certified mail each owner of property abutting the proposed vacation or abandonment and cause a notice to be published at least once in a newspaper of general circulation in the city setting forth the extent of the proposed vacation or abandonment and setting a date for public hearing, which date may be not less than ten (10) days and not more than forty (40) days subsequent to the date the notice is first published.
 4. Order of City Council: Except as provided in subsection E of this section, if, upon public hearing, the City Council is satisfied that the public will not be materially injured by the proposed vacation or abandonment, and that it is in the best interest of the city, it shall order the street vacated or abandoned. The city council may make the order conditional, and the order shall become effective only upon the fulfillment of the conditions prescribed.

The proposed vacation with the recommended conditions is in conformance with Section 8-7 of City code.

FINDINGS

- The proposed vacation is in conformance with the City of Elko Master Plan Land Use Component
- The proposed vacation is in conformance with the City of Elko Master Plan Transportation component.
- The property proposed for vacation is located within the Redevelopment Area.
- The proposed vacation is in conformance with NRS 278.479 to 278.480, inclusive.
- The proposed vacation with the recommended conditions is in conformance with Elko City Code 8-7.
- The proposed vacation will not materially injure the public and is in the best interest of the City.

STAFF RECOMMENDATION:

Staff recommends forward a recommendation to City Council to adopt a resolution which conditionally APPROVES the proposed vacation with the following conditions:

1. Written response from all non-City utilities is on file with the City of Elko with regard to the vacation in accordance with NRS 278.480(6) before the order is recorded.

**NOTICE OF INTENT OF THE CITY OF ELKO
TO VACATE A PORTION OF THE 15th STREET RIGHT-OF-WAY ADJACENT TO
APN 001-373-001, ALL WITHIN THE CITY OF ELKO, STATE OF NEVADA**

NOTICE IS HEREBY GIVEN that the City Council of the City of Elko intends to vacate a portion of the 15th Street right-of-way adjacent to APN 001-373-001, situated in the City of Elko, Nevada, and cause title to revert to the owner of the abutting property; i.e. Flyers, LLC. The portion of 15th Street to be vacated is more particularly described as follows:

The southwesterly half of the remaining right-of-way shown as Vanderbilt Street, between Block 7 and Block F, on the map of Ballou's Addition to the Town (now City) of Elko, Nevada, recorded in the office of the Elko County Recorder as file no. 2, lying southeasterly of the Union Pacific Railroad right-of-way and lying northwesterly of the Silver Street right-of-way, located within the northwest quarter of Section 14, Township 34 North, Range 55 East, M.D.B.&M., and is further described as follows:

Beginning at the easterly most corner of said Block 7 of the Ballou's Addition;

Thence, northwesterly along the northeasterly boundary of said Block 7 of the Ballou's Addition, 170 feet, more or less, to the southeasterly edge of the right-of-way of the Union Pacific railroad, which has been widened by approximately 50 feet to the southeast since the mapping of Railroad Street as shown on said Ballou's Addition;

Thence, northeasterly along said southeasterly boundary of the right-of-way of the Union Pacific railroad, 40 feet more or less to the centerline of Vanderbilt Street as shown on said Ballou's Addition sometimes referred to as 15th Street today;

Thence, southeasterly along said centerline of Vanderbilt Street, 170 feet, more or less, to the northwesterly right-of-way of Silver Street;

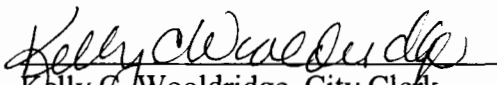
Thence, southwesterly, along said northwesterly right-of-way of Silver Street, 40 feet, more or less, to the point of beginning.

This right-of-way hereby vacated and transferred to Block 7 (APN: 001-373-001) contains $\pm 6,800$ square feet.

The Basis of Bearings for this description is the map of Ballou's Addition to the Town (now City) of Elko, Nevada, recorded in the office of the Elko County Recorder as file no. 2, in January of 1900.

AND that the Elko City Council shall further consider the advisability of the vacation of a portion of the 15th Street right-of-way, and the adoption of a Resolution and Order vacating the same with the reversion of title as above stated at a meeting of said Council at Elko City Hall, 1751 College Avenue, Elko, Nevada, or at such other place as the City Council shall hold its regular meeting, on July 27, 2021 at 5:30 p.m. All interested persons may appear at the meeting of the Council and be heard.

DATED this 8th day of July, 2021.


Kelly C. Wooldridge, City Clerk

PUBLISH: July 10, 2021

Vacation 3-21 City of Elko / The Igloo, Inc.

YPNO	PANAME	PMADD1	PMADD2	PMCTST	PZIP
001590019	CRAWFORD, RICHARD A TR		1490 IDAHO ST	ELKO NV	89801-4020
001630086	ELKO CITY OF		1751 COLLEGE AVE	ELKO NV	89801-3401
001630103	ELKO CITY OF		1751 COLLEGE AVE	ELKO NV	89801-
001373001	FLYERS LLC		2360 LINDBERG ST	AUBURN CA	95602-9562
001370001	IGLOO INC, THE		PO BOX 2532	ELKO NV	89803-2532
001590018	JIAN INVESTMENTS LLC		3183 LA NAE DR	ELKO NV	89801-2425
001630100	PARRADO PARTNERS LP ET AL		12257 BUSINESS PARK DR STE 1	TRUCKEE CA	96161-3334
001590002	RCSJ LLC	C/O DAYS INN	1500 IDAHO ST	ELKO NV	89801-4022
001630098	RETIREMEN LLC		14025 W SADDLEBOW DR	RENO NV	89511-6740
00129ORRL					

} NO P.C.

7



12TH ST

13TH ST

IDAHO ST

VIEW DR

SWEETWATER LN

WALENS ST

SILVER ST

Shelby Knopp

From: Stephen Lifferth <stephen.lifferth@beehive.net>
Sent: Friday, June 18, 2021 10:08 AM
To: Shelby Knopp
Subject: Re: Proposed Vacations 1-21, 2-21, 3-21, & 4-21

Hi Shelby,

Beehive has no interests in the proposed vacation. Let me know if you need anything additional.

Thanks!

From: Shelby Knopp <sknopp@elkocitynv.gov>
Date: Friday, June 18, 2021 at 11:02 AM
To: Stephen Lifferth <stephen.lifferth@beehive.net>
Subject: Proposed Vacations 1-21, 2-21, 3-21, & 4-21

Good Morning,

Please see the attached correspondence regarding the proposed Vacation No. 1-21, 2-21, 3-21, & 4-21, all filed by the City of Elko.

Let me know if you have any questions.

Thank you!

Shelby Knopp
Planning Technician
City of Elko
Planning Department
Ph (775) 777-7160
FX (775) 777-7219



CITY OF ELKO

Planning Department

Website: www.elkocity.com

Email: planning@elkocitynv.gov

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

June 18, 2021

Beehive Broadband
2000 N. Sunset Road
Lake Point, UT 84074

SUBJECT: Proposed Vacation No. 03-21 and 04-21

To Whom It May Concern:

Please be advised that the City of Elko Planning Department is processing a request filed by the City of Elko to vacate a portion of the 15th Street right-of-way located generally along the northeast side of APN 001-373-001 and the southwest side of APN 001-375-001. Please see enclosed map.

The City respectfully requests your assistance in determining whether there are any utility improvements or any other such interests within the area proposed to be vacated.

Please advise the Elko City Planning Department in writing concerning your agency's needs or interests as affected by this requested vacation, or submit a letter or email stating none of your interests are in the area, as **we are required to keep responses from all local utilities per NRS 278.480(6)**. The Planning Commission will consider this item on July 6, 2021. Thank you for your time and effort in this matter!

If you have any questions, please contact our office at 777-7160.

Sincerely,

Shelby Knopp
Planning Technician

Enclosures

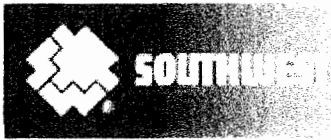
Shelby Knopp

From: Amanda Marcucci <Amanda.Marcucci@swgas.com>
Sent: Monday, June 21, 2021 8:52 AM
To: Shelby Knopp
Subject: RE: EXTERNAL: Proposed Vacations 1-21, 2-21, 3-21, & 4-21

Hi Shelby,

Southwest Gas does not object to Proposed Vacations 1-21, 2-21, 3-21, & 4-21.

Amanda



Amanda Marcucci, PE | Supervisor/Engineering

PO Box 1190 | 24A-580 | Carson City, NV 89702-1190
direct 775.887.2871 | mobile 775.430.0723 | fax 775.882.6072
amanda.marcucci@swgas.com | www.swgas.com

From: Shelby Knopp <sknopp@elkocitynv.gov>
Sent: Friday, June 18, 2021 10:07 AM
To: Amanda Marcucci <Amanda.Marcucci@swgas.com>; NNDEngineering <nndengineering@swgas.com>
Subject: EXTERNAL: Proposed Vacations 1-21, 2-21, 3-21, & 4-21

[WARNING] This message originated outside of Southwest Gas. **DO NOT CLICK** links or attachments unless you recognize the sender and know the content is safe.

Good Morning,

Please see the attached correspondence regarding proposed Vacation No. 1-21, 2-21, 3-21, and 4-21, all filed by the City of Elko.

Let me know if you have any questions.

Thank you!

Shelby Knopp
Planning Technician
City of Elko
Planning Department



CITY OF ELKO

Planning Department

Website: www.elkocity.com

Email: planning@elkocitynv.gov

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

June 18, 2021

Southwest Gas Corporation
Engineering Department
PO Box 1190
Carson City, NV 89702-1190
nndengineering@swgas.com

SUBJECT: Proposed Vacation No. 03-21 and 04-21

To Whom It May Concern:

Please be advised that the City of Elko Planning Department is processing a request filed by the City of Elko to vacate a portion of the 15th Street right-of-way located generally along the northeast side of APN 001-373-001 and the southeast side of APN 001-375-001. Please see enclosed map.

The City respectfully requests your assistance in determining whether there are any utility improvements or any other such interests within the area proposed to be vacated.

Please advise the Elko City Planning Department in writing concerning your agency's needs or interests as affected by this requested vacation, or submit a letter or email stating none of your interests are in the area, as **we are required to keep responses from all local utilities per NRS 278.480(6)**. The Planning Commission will consider this item on July 6, 2021. Thank you for your time and effort in this matter!

If you have any questions, please contact our office at 777-7160.

Sincerely,

Shelby Knopp
Planning Technician

Enclosures



CITY OF ELKO

Planning Department

Website: www.elkocity.com

Email: planning@elkocitynv.gov

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

June 18, 2021

NV Energy

Attn: Katherine Perkins

6100 Neil Road

Reno, NV 89511

SUBJECT: Proposed Vacation No. 03-21 and 04-21

Dear Ms. Perkins:

Please be advised that the City of Elko Planning Department is processing a request filed by the City of Elko to vacate a portion of the 15th Street right-of-way located generally along the northeast side of APN 001-373-002 and the southwest side of APN 001-375-001. Please see enclosed map.

The City respectfully requests your assistance in determining whether there are any utility improvements or any other such interests within the area proposed to be vacated.

Please advise the Elko City Planning Department in writing concerning your agency's needs or interests as affected by this requested vacation, or submit a letter or email stating none of your interests are in the area, as **we are required to keep responses from all local utilities per NRS 278.480(6)**. The Planning Commission will consider this item on July 6, 2021. Thank you for your time and effort in this matter!

If you have any questions, please contact our office at 777-7160.

Sincerely,

Shelby Knopp
Planning Technician

Enclosures



CITY OF ELKO

Planning Department

Website: www.elkocity.com

Email: planning@elkocitynv.gov

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

June 18, 2021

Zito Media

Mr. Dustin Hurd

VIA Email: dustin.hurd@zitomedia.com

SUBJECT: Proposed Vacation No. 03-21 and 04-21

Dear Mr. Hurd:

Please be advised that the City of Elko Planning Department is processing a request filed by the City of Elko to vacate a portion of the 15th Street right-of-way located generally along the northeast side of APN 001-373-001 and the southwest side of APN 001-375-001. Please see enclosed map.

The City respectfully requests your assistance in determining whether there are any utility improvements or any other such interests within the area proposed to be vacated.

Please advise the Elko City Planning Department in writing concerning your agency's needs or interests as affected by this requested vacation, or submit a letter or email stating none of your interests are in the area, as **we are required to keep responses from all local utilities per NRS 278.480(6)**. The Planning Commission will consider this item on July 6, 2021. Thank you for your time and effort in this matter!

If you have any questions, please contact our office at 777-7160.

Sincerely,

Shelby Knopp
Planning Technician

Enclosures



CITY OF ELKO

Planning Department

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

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

June 18, 2021

Frontier Communication
Mr. John Poole
1520 Church Street
Gardnerville, NV 89410

SUBJECT: Proposed Vacation No. 03-21 and 04-21

Dear Mr. Poole:

Please be advised that the City of Elko Planning Department is processing a request filed by the City of Elko to vacate a portion of the 15th Street right-of-way located generally along the northeast side of APN 001-373-001 and the southwest side of APN 001-375-001. Please see enclosed map.

The City respectfully requests your assistance in determining whether there are any utility improvements or any other such interests within the area proposed to be vacated.

Please advise the Elko City Planning Department in writing concerning your agency's needs or interests as affected by this requested vacation, or submit a letter or email stating none of your interests are in the area, as **we are required to keep responses from all local utilities per NRS 278.480(6)**. The Planning Commission will consider this item on July 6, 2021. Thank you for your time and effort in this matter!

If you have any questions, please contact our office at 777-7160.

Sincerely,

Shelby Knopp
Planning Technician

Enclosures

June 23, 2021

City of Elko
Planning Department
Attn: Shelby Archuleta Knopp
Planning Technician
sarchuleta@elkocitynv.gov

Re: Proposed Vacation No. 3-21 and 04-21

Please be advised that Michael W. Lattin, Vice President / Field Operations for Elko Heat Company has reviewed the above vacation and Elko Heat Company has no issues with this vacation.

Please contact us if you have any additional questions or concerns.

Sincerely,

/s/ Pamela Lattin

Pamela Lattin
Secretary/Treasurer



CITY OF ELKO

Planning Department

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

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

June 18, 2021

Elko Heat
P.O. Box 2347
Elko, NV 89803

SUBJECT: Proposed Vacation No. 03-21 and 04-21

To Whom It May Concern:

Please be advised that the City of Elko Planning Department is processing a request filed by the City of Elko to vacate a portion of the 15th Street right-of-way located generally along the northeast side of APN 001-373-001 and the southwest side of APN 001-375-001. Please see enclosed map.

The City respectfully requests your assistance in determining whether there are any utility improvements or any other such interests within the area proposed to be vacated.

Please advise the Elko City Planning Department in writing concerning your agency's needs or interests as affected by this requested vacation, or submit a letter or email stating none of your interests are in the area, as **we are required to keep responses from all local utilities per NRS 278.480(6)**. The Planning Commission will consider this item on July 6, 2021. Thank you for your time and effort in this matter!

If you have any questions, please contact our office at 777-7160.

Sincerely,

Shelby Knopp
Planning Technician

Enclosures



CITY OF ELKO PLANNING DEPARTMENT

1751 College Avenue * Elko * Nevada * 89801 *

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

APPLICATION FOR VACATION OF CITY STREET, EASEMENT OR OTHER PUBLIC RIGHT-OF-WAY

APPLICANT(s): City of Elko
MAILING ADDRESS: 1751 College Avenue
PHONE NO (Home) 775-777-7217 **(Business)** _____
NAME OF PROPERTY OWNER (If different): _____
(Property owner's consent in writing must be provided.)
MAILING ADDRESS: _____
LEGAL DESCRIPTION AND LOCATION OF PROPERTY INVOLVED (Attach if necessary):
ASSESSOR'S PARCEL NO.: 001-375-001 **Address** 15th Street north of Silver Street
Lot(s), Block(s), & Subdivision The Igloo, LLC
Or Parcel(s) & File No. _____

FILING REQUIREMENTS:

Complete Application Form: In order to begin processing the application, an application form must be complete and signed. Applications go before the City Council, Planning Commission, and back to City Council twice.

Fee: A \$600.00 non-refundable fee.

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

Legal Description: A complete legal description of the area proposed for vacation along with an exhibit depicting the area for vacation.

Note: One .pdf of the entire application must be submitted as well as one set of legible, reproducible plans 8 ½" x 11" in size. If the applicant feels the Commission needs to see 24" x 36" plans, 10 sets of pre-folded plans must be submitted.

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

OWNER(S) OF THE PROPERTY ABUTTING THE AREA BEING REQUESTED FOR VACATION:

Flyers Energy, LLC Attn: Contracts 2360 Lindbergh St., Auburn, CA 95602

(Name)

(Address)

OWNER(S) OF THE PROPERTY ABUTTING THE AREA BEING REQUESTED FOR VACATION:

The Igloo, Inc., Attn: Mike Shanks, 982 Wolf Creek Dr., Spring Creek, NV 89815

(Name)

(Address)

1. Describe the nature of the request: Vacation of a portion of 15th Street consisting of approximately 13,600 square feet located north of Silver Street and south of the Union Pacific railroad right-of-way. The vacated right-of-way will be divided evenly to the adjacent parcels (6,800 square feet to The Igloo, Inc. and 6,800 square feet to Flyers Energy, LLC).

2. Describe any utilities currently located in the area proposed for vacation, and if any are present how they will be addressed: Water and sewer lines are currently located within the area proposed for vacation. An easement for public utilities has been prepared to allow the City to access these lines in the future if needed.

Use additional pages if necessary

This area intentionally left blank

By My Signature below:

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

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

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

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

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

Applicant / Agent Michele Rambo, Development Manager
(Please print or type)

Mailing Address 1751 College Avenue
Street Address or P.O. Box
Elko, NV 89801
City, State, Zip Code

Phone Number: 775-777-7217

Email address: mrambo@elkocitynv.gov

SIGNATURE: 

FOR OFFICE USE ONLY

File No.: 3-21 Date Filed: 6/17/21 Fee Paid: N/C

**Elko City Council
Agenda Action Sheet**

1. Title: **Review, consideration, and possible action to adopt Resolution 20-21, a resolution and order vacating a portion of 15th Street Right-of-Way consisting of an area approximately 6,800 square feet abutting APN 001-373-001 to the property owner (Flyers Energy, LLC), and matters related thereto. FOR POSSIBLE ACTION**
2. Meeting Date: **July 27, 2021**
3. Agenda Category: **PUBLIC HEARING**
4. Time Required: **10 Minutes**
5. Background Information: **Council accepted the petition to vacate this Right-of-Way at its regular meeting of June 22, 2021 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 July 6, 2021 and took action to forward a recommendation to Council to adopt a resolution, which conditionally approves Vacation No. 4-21 with findings in support of its recommendation. This is item 5 of 5 related to the possible vacation of a portion of 15th Street. 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: **Resolution 20-21, P.C. Action Report, Staff Memo, Exhibits, Application, Related Materials**
9. Recommended Motion: **Adopt Resolution No. 20-21 with findings and conditions as recommended by the Planning Commission.**
10. Prepared by: **Michele Rambo, AICP, Development Manager**
11. Committee/Other Agency Review: **City Attorney, Planning Commission, Utility Companies**
12. Council Action:
13. Agenda Distribution: **Flyers Energy, LLC
Attn: David Dwelle
dmdwelle@4flyers.com**

**CITY OF ELKO
RESOLUTION NO. 20 - 21**

**A RESOLUTION AND ORDER VACATING A PORTION OF FIFTEENTH STREET
CONSISTING OF APPROXIMATELY 6,800 SQUARE FEET AND ABUTTING APN
001-373-001, LOCATED WITHIN THE CITY OF ELKO, STATE OF NEVADA, TO THE
ABUTTING PROPERTY OWNER, FLYERS ENERGY LLC, A CALIFORNIA
LIMITED-LIABILITY COMPANY**

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

WHEREAS, the Elko City Council, at a regular meeting held on June 22, 2021,
unanimously voted to accept the submitted petition for vacation and further directed City Staff to
continue with the vacation process by referring the matter to the Planning Commission for a
report of findings and recommendation to be prepared and submitted to the City Council; and,

WHEREAS, the Elko City Planning Commission, at a regular meeting held on July 6,
2021, voted to forward a recommendation of approval for the subject vacation; and

WHEREAS, the Elko City Council finds that a Notice of Intent to vacate a portion of
Fifteen Street was published and mailed by priority mail with confirmation of delivery to all
affected property owners, as required by law, as more fully appears from the Affidavit of
Publication and Mailing Confirmation(s) on file in the Clerk's Office of the City of Elko; and

WHEREAS, at the time and place set in the Notice, to-wit: the hour of 5:30 pm on July
27, 2021 in the City Hall Council Chambers, Elko, Nevada, a hearing before the Elko City
Council was duly held and no persons having appeared to object to the proposed vacation and the
City Council having deemed it in the best interests of the City and the public that the area be
vacated and that no person or persons would be materially injured thereby; and

WHEREAS, it appearing to the satisfaction of the Elko City Council that the portion of
Fifteenth Street consisting of approximately 6,800 square feet situate in the City of Elko, Nevada,
located adjacent to Assessor's Parcel Number 001-373-001 is no longer required for public use
and convenience and that vacation thereof will inure to the benefit of the City of Elko and be in
the best interest of the City and the public, and that neither the public nor any person will be
materially injured thereby; the legal description is set forth in Exhibit A with the map as Exhibit
B, each attached hereto, and incorporated herein by reference and made a part hereof.

///
///
///

NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE ELKO CITY COUNCIL, AS FOLLOWS:

I.

That the portion of Fifteenth Street situate in the City of Elko, Nevada, described at Exhibit A and shown on the map at Exhibit B, each attached hereto, be, and the same hereby is vacated upon fulfillment of the following conditions:

1. Written response(s) from all non-City utilities shall be placed on file with the City of Elko with regard to the vacation in accordance with NRS 278.480(6) before this Resolution and Order is recorded.

That upon fulfillment of the conditions of this Resolution, all right, title, interest and estate of the City of Elko in that portion of Fifteenth Street located in the City of Elko as described and shown on Exhibits A and B shall be vacated and title shall vest in **FLYERS ENERGY LLC, a California limited-liability company**, as owner of the parcel of the property being vacated, provided further that this vacation and the title of the abutting property owner received pursuant thereto, shall be subject to all poles, lines, cables, pipes, drains, utility installations and easements now existing, to include the public utility and drainage easement referred to in Section I.3 (conditions), above.

II.

That the City of Elko, the Elko City Council, and the officers and employees of the City of Elko, make no warranties, covenants, representations or guarantees as to the validity of this vacation procedure, or as to the right, title, interest or estate, if any, any person or entity may acquire as the result thereof.

III.

That the City Clerk of the City of Elko shall certify the copy of this Resolution and Order, and this Resolution and Order shall be recorded upon fulfillment of the above stated conditions, in the Office of the County Recorder of Elko County, Nevada, and shall be endorsed upon the proper map or plat on file in the Office of said County Recorder, so as to clearly indicate thereon the vacation of the street as described on Exhibit A and shown on the map at Exhibit B, attached hereto, situate in the City of Elko, Elko County, State of Nevada.

IV.

That following recordation of this Resolution and Order in accordance with the requirements herein contained, to include fulfillment of the above stated conditions, Flyers Energy LLC and The Igloo, Inc. shall record the aforementioned Reciprocal Easement Agreement with the County Recorder of Elko County, Nevada.

IT IS FURTHER RESOLVED AND ORDERED that this Resolution shall not be signed and recorded until the conditions are satisfied; provided, the aforementioned public utility and drainage easement (Condition I.3) shall be recorded at the time this Resolution and Order is recorded.

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

PASSED AND ADOPTED this 27th day of July 2021 by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

APPROVED this ___ day of _____, 2021.

CITY OF ELKO

By: _____
REECE KEENER, MAYOR

ATTEST:

KELLY WOOLDRIDGE, CITY CLERK

Exhibit A
LEGAL DESCRIPTION OF 15TH STREET VACATED TO FLYERS
(TRANSFERES TO APN: 001-373-001)

The southwesterly half of the remaining right-of-way shown as Vanderbilt Street, between Block 7 and Block F, on the map of Ballou's Addition to the Town (now City) of Elko, Nevada, recorded in the office of the Elko County Recorder as file no. 2, lying southeasterly of the Union Pacific Railroad right-of-way and lying northwesterly of the Silver Street right-of-way, located within the northwest quarter of Section 14, Township 34 North, Range 55 East, M.D.B.&M., and is further described as follows:

Beginning at the easterly most corner of said Block 7 of the Ballou's Addition;

Thence, northwesterly along the northeasterly boundary of said Block 7 of the Ballou's Addition, 170 feet, more or less, to the southeasterly edge of the right-of-way of the Union Pacific railroad, which has been widened by approximately 50 feet to the southeast since the mapping of Railroad Street as shown on said Ballou's Addition;

Thence, northeasterly along said southeasterly boundary of the right-of-way of the Union Pacific railroad, 40 feet more or less to the centerline of Vanderbilt Street as shown on said Ballou's Addition, sometimes referred to as 15th Street today;

Thence, southeasterly along said centerline of Vanderbilt Street, 170 feet, more or less, to the northwesterly right-of-way of Silver Street;

Thence, southwesterly, along said northwesterly right-of-way of Silver Street, 40 feet, more or less, to the point of beginning.

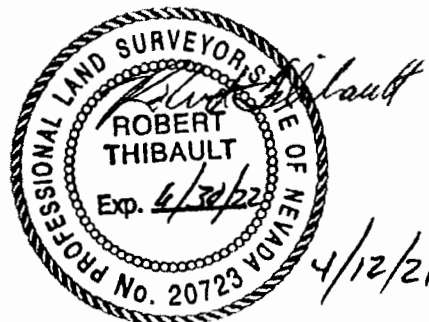
This right-of-way hereby vacated and transferred to Block 7 (APN: 001-373-001) contains $\pm 6,800$ square feet.

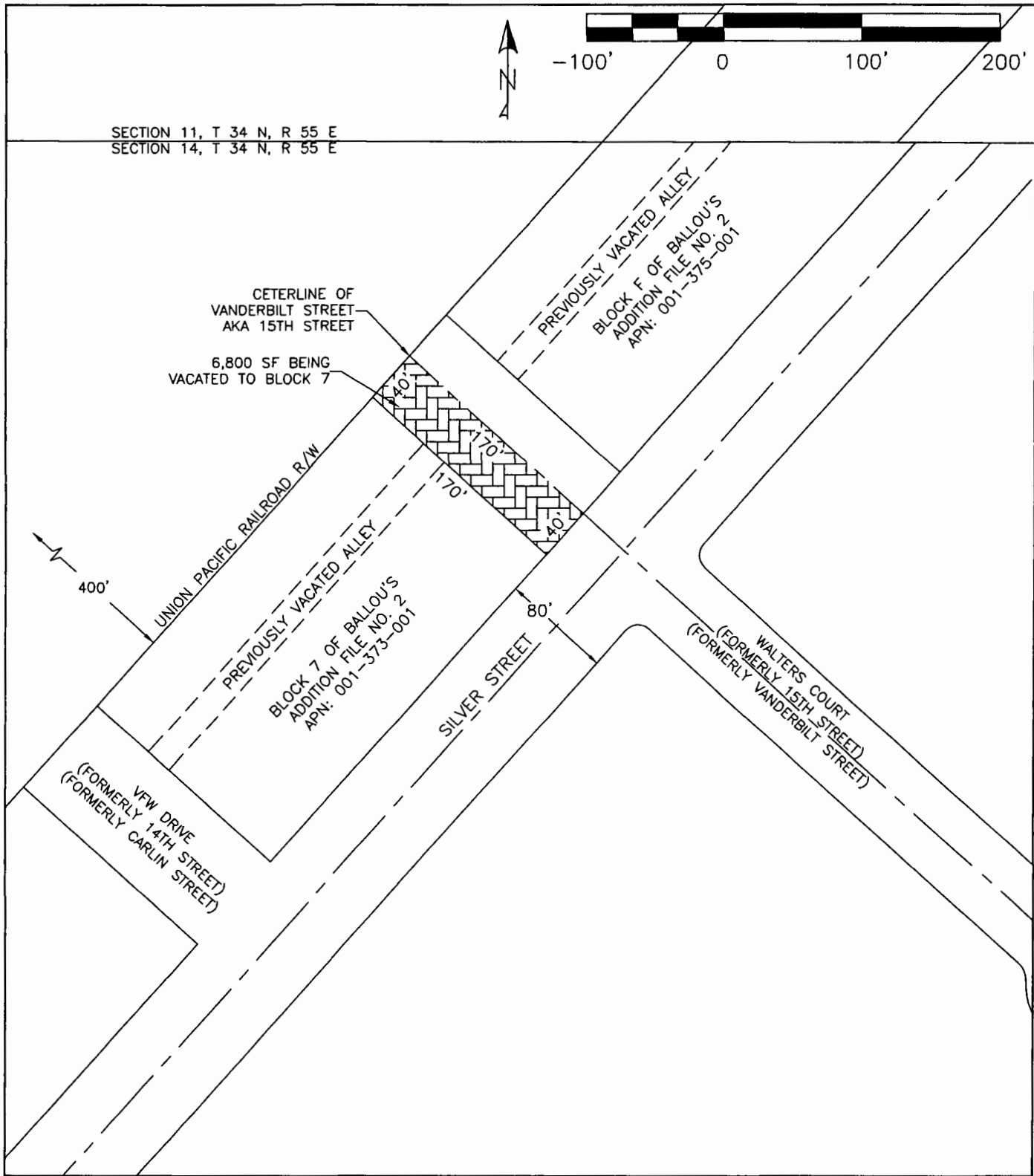
The Basis of Bearings for this description is the map of Ballou's Addition to the Town (now City) of Elko, Nevada, recorded in the office of the Elko County Recorder as file no. 2, in January of 1900.

Description prepared by:

Robert Thibault, PE, PLS

Civil Engineer for the City of Elko





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

EXHIBIT B
DISPLAY MAP OF
FLYERS VACATED PROPERTY



CITY OF ELKO

Planning Department

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

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

CITY OF ELKO PLANNING COMMISSION ACTION REPORT Regular Meeting of July 6, 2021

WHEREAS, the following item was reviewed and considered by the Elko City Planning Commission on July 6, 2021 pursuant to Section 8-7-3 B. of City Code:

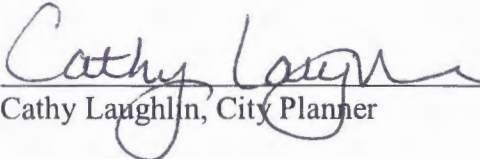
Vacation No. 4-21, filed by the City of Elko, for the vacation of a portion of 15th Street consisting of approximately 13,600 square feet, and matters related thereto.

Staff has determined that keeping the small amount of right-of-way on 15th Street is not in the best interest of the City due to the cost of constructing and maintaining a road that goes nowhere. Half of the street right-of-way (6,800 square feet) will be given back to each of the adjacent property owners (Flyers Energy Inc. and The Igloo, LLC). This agenda item is related to the portion being returned to Flyers Energy, Inc. City Council accepted the petition for the vacation on June 22, 2021.

NOW THEREFORE, upon review and consideration of the application, supporting data, public input and testimony, the Planning Commission forwards a recommendation to City Council to adopt a resolution which conditionally approves Vacation No. 4-21 subject to the conditions listed in the City of Elko Staff Report dated June 17, 2021, listed as follows:

- 1. Written response from all non-City utilities is on file with the City of Elko with regard to the vacation in accordance with NRS 278.480(6) before the order is recorded.**

The Planning Commission's findings to support its recommendation are the proposed vacation is in conformance with the City of Elko Master Plan Land Use Component. The proposed vacation is in conformance with the City of Elko Master Plan Transportation Component. The property proposed for vacation is located within the Redevelopment Area. The proposed vacation is in conformance with NRS 278.479 to 278.480, inclusive. The proposed vacation with the recommended conditions is in conformance with Elko City Code 8-7. The proposed vacation will not materially injure the public and is in the best interest of the City.


Cathy Laughlin, City Planner

Attest:



Shelby Knopp, Planning Technician

CC: Applicant
Kelly Wooldridge, City Clerk
Michele Rambo, Development Manager (email)

STAFF COMMENT FLOW SHEET
PLANNING COMMISSION AGENDA DATE: 7/6

Do not use pencil or red pen, they do not reproduce

Title: Vacation No. 4-21 - Flyers, LLC
Applicant(s): City of EKO
Site Location: Portion of 15th St Adj. to APN 001-373-001
Current Zoning: G1 Date Received: 6/15/21 Date Public Notice: N/A
COMMENT: This is to vacate ≈ 13,600 sq. ft. of 15th St.

If additional space is needed please provide a separate memorandum

Assistant City Manager: Date: 6/25/21
Recommend approval

SAW
Initial

City Manager: Date: 6/30/21
No comments/concerns.

CC
Initial



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

CITY OF ELKO STAFF REPORT

MEMO DATE: June 17, 2021
PLANNING COMMISSION DATE: July 6, 2021
APPLICATION NUMBER: Vacation 4-21
APPLICANT: City of Elko
PROJECT DESCRIPTION: 15th Street north of Silver Street

Vacation of a portion of 15th Street consisting of approximately 13,600 square feet.



STAFF RECOMMENDATION:

RECOMMEND to APPROVE subject to findings of fact and conditions stated in this report.

PROJECT INFORMATION

PARCEL NUMBER: Between APN 001-375-001 and APN 001-373-001

EXISTING ZONING: GI – General Industrial

MASTER PLAN DESIGNATION: N/A

EXISTING LAND USE: Undeveloped street right-of-way

BACKGROUND:

1. The property is an undeveloped street right-of-way that serves only two lots (APNs 001-375-001 and 001-373-001).
2. The area proposed to be vacated is approximately 13,600 square feet to be divided equally between the two adjacent lots mentioned above.
3. The existing right-of-way stretches from Silver Street north 170 feet to the Union Pacific right-of-way and dead ends.
4. Utilities currently exist through this area so utility and drainage easements will need to be approved in conjunction with this vacation.
5. The adjacent properties have, and will continue to use, this area as a driveway. Therefore, a Reciprocal Easement Agreement will also need to be approved in conjunction with this vacation.

NEIGHBORHOOD CHARACTERISTICS:

The property is surrounded by:

North: General Industrial (GI) / Undeveloped
East: General Industrial (GI) / Undeveloped
South: Light Industrial (LI) / Undeveloped
West: General Industrial (GI) / Developed

PROPERTY CHARACTERISTICS:

1. The property is currently undeveloped street right-of-way.
2. The property is slopes to the south towards Silver Street

MASTER PLAN AND CITY CODES:

Applicable Master Plans and City Code Sections are:

NRS 278.479 to 278.480, inclusive
City of Elko Master Plan – Land Use Component
City of Elko Master Plan – Transportation Component
City of Elko Redevelopment Plan
City of Elko Code – Section 8-7 Street Vacation Procedures

NRS 278.479 to 278.480 inclusive

1. 278.480(4) If any right-of-way or easement required for a public purpose that is owned by a city or a county is proposed to be vacated, the governing body, or the planning commission, hearing examiner or other designee, if authorized to take final action by the

- governing body, shall, not less than 10 business days before the public hearing described in subsection 5.
2. NRS 278.480 (5) Except as otherwise provided in subsection 6, if, upon public hearing, the governing body, or the planning commission, hearing examiner or other designee, if authorized to take final action by the governing body, is satisfied that the public will not be materially injured by the proposed vacation, it shall order the street or easement vacated. The governing body, or the planning commission, hearing examiner or other designee, if authorized to take final action by the governing body, may make the order conditional, and the order becomes effective only upon the fulfillment of the conditions prescribed. An applicant or other person aggrieved by the decision of the planning commission, hearing examiner or other designee may appeal the decision in accordance with the ordinance adopted pursuant to NRS 278.31895.
 3. Per NRS 278.480(6) Public utility companies will be notified of the vacation on September 25, 2019 via first class mail.

MASTER PLAN – Land Use:

1. The Master Plan Land Use Atlas shows the surrounding area as Industrial Business Park and Industrial General.
2. The GI (General Industrial) Zoning District is listed as a corresponding zoning district for Industrial General designation.
3. Objective 7: Promote high quality and visually appealing industrial uses, where appropriate, to promote economic sustainability and strengthen the community's image.

The proposed vacation is in conformance with the Master Plan Land Use component.

MASTER PLAN - Transportation:

1. 15th Street is accessed from Silver Street.
2. This section of Silver Street is classified as a Commercial/Industrial Collector street.

The proposed vacation is in conformance with the Master Plan Transportation Component.

REDEVELOPMENT PLAN

- The area is located within the Redevelopment Area.
- The proposed vacation doesn't relate to parking or other elements which are part of the Redevelopment Plan.

The proposed vacation is in conformance with the Redevelopment Plan.

ELKO CITY CODE SECTION 8-7 STREET VACATION PROCEDURES

1. If it is determined by a majority vote of the city council that it is in the best interest of the city and that no person will be materially injured thereby, the city council, by motion, may propose the realignment, change, vacation, adjustment or abandonment of any street or any portion thereof. In addition, any abutting owner desiring the vacation of any street or easement or portion thereof shall file a petition in writing with the city council and the city council shall consider said petition as set forth above.

- The City Council made a motion at their meeting on June 22, 2021 and referred the matter to the Planning Commission for further consideration.
2. Except for a petition for the vacation or abandonment of an easement for a public utility owned or controlled by the city, the petition or motion shall be referred to the planning commission, which shall report its findings and recommendations thereon to the city council. The petitioner shall, prior to the consideration of the petition by the planning commission, pay a filing fee to the city in an amount established by resolution of the city council and included in the appendix to this code.
 - The filing fee was paid by the applicant.
 3. Whenever any street, easement or portion thereof is proposed to be vacated or abandoned, the city council shall notify by certified mail each owner of property abutting the proposed vacation or abandonment and cause a notice to be published at least once in a newspaper of general circulation in the city setting forth the extent of the proposed vacation or abandonment and setting a date for public hearing, which date may be not less than ten (10) days and not more than forty (40) days subsequent to the date the notice is first published.
 4. Order of City Council: Except as provided in subsection E of this section, if, upon public hearing, the City Council is satisfied that the public will not be materially injured by the proposed vacation or abandonment, and that it is in the best interest of the city, it shall order the street vacated or abandoned. The city council may make the order conditional, and the order shall become effective only upon the fulfillment of the conditions prescribed.

The proposed vacation with the recommended conditions is in conformance with Section 8-7 of City code.

FINDINGS

- The proposed vacation is in conformance with the City of Elko Master Plan Land Use Component
- The proposed vacation is in conformance with the City of Elko Master Plan Transportation component.
- The property proposed for vacation is located within the Redevelopment Area.
- The proposed vacation is in conformance with NRS 278.479 to 278.480, inclusive.
- The proposed vacation with the recommended conditions is in conformance with Elko City Code 8-7.
- The proposed vacation will not materially injure the public and is in the best interest of the City.

STAFF RECOMMENDATION:

Staff recommends forward a recommendation to City Council to adopt a resolution which conditionally APPROVES the proposed vacation with the following conditions:

1. Written response from all non-City utilities is on file with the City of Elko with regard to the vacation in accordance with NRS 278.480(6) before the order is recorded.

**NOTICE OF INTENT OF THE CITY OF ELKO
TO VACATE A PORTION OF THE 15th STREET RIGHT-OF-WAY ADJACENT TO
APN 001-375-001, ALL WITHIN THE CITY OF ELKO, STATE OF NEVADA**

NOTICE IS HEREBY GIVEN that the City Council of the City of Elko intends to vacate a portion of the 15th Street right-of-way adjacent to APN 001-375-001, situated in the City of Elko, Nevada, and cause title to revert to the owner of the abutting property; i.e. The Igloo, Inc. The portion of 15th Street to be vacated is more particularly described as follows:

The northeasterly half of the remaining right-of-way shown as Vanderbilt Street, between Block 7 and Block F, on the map of Ballou's Addition to the Town (now City) of Elko, Nevada, recorded in the office of the Elko County Recorder as file no. 2, lying southeasterly of the Union Pacific Railroad right-of-way and lying northwesterly of the Silver Street right-of-way, located within the northwest quarter of Section 14, Township 34 North, Range 55 East, M.D.B.&M., and is further described as follows:

Beginning at the southerly most corner of said Block F of the Ballou's Addition;

Thence, southwesterly, along right-of-way of Silver Street, 40 feet, more or less, to the centerline of Vanderbilt Street as shown on said Ballou's Addition, sometimes referred to as 15th Street today;

Thence, northwesterly along the centerline of Vanderbilt Street, 170 feet, more or less, to the southeasterly edge of the right-of-way of the Union Pacific railroad, which has been widened by approximately 50 feet to the southeast since the mapping of Railroad Street as shown on said Ballou's Addition;

Thence, northeasterly along said southeasterly boundary of the right-of-way of the Union Pacific railroad, 40 feet more or less to the southwesterly boundary of said Block F of Ballou's Addition;

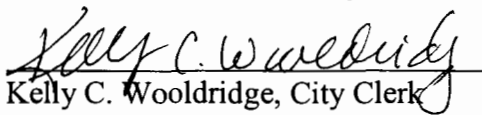
Thence, southeasterly along said southwesterly boundary of the Block F of Ballou's Addition, 170 feet, more or less, to the point of beginning.

This right-of-way hereby vacated and transferred to Block F (APN: 001-375-001) contains $\pm 6,800$ square feet.

The Basis of Bearings for this description is the map of Ballou's Addition to the Town (now City) of Elko, Nevada, recorded in the office of the Elko County Recorder as file no. 2, in January of 1900.

AND that the Elko City Council shall further consider the advisability of the vacation of a portion of the 15th Street right-of-way, and the adoption of a Resolution and Order vacating the same with the reversion of title as above stated at a meeting of said Council at Elko City Hall, 1751 College Avenue, Elko, Nevada, or at such other place as the City Council shall hold its regular meeting, on July 27, 2021 at 5:30 p.m. All interested persons may appear at the meeting of the Council and be heard.

DATED this 8th day of July, 2021.


Kelly C. Wooldridge, City Clerk

PUBLISH: July 10, 2021

Vacation 4-21 - City of Elko / Flyers, LLC

YPNO	PANAME	PMADD1	PMADD2	PMCTST	PZIP
001630086	ELKO CITY OF <i>NO P.C.</i>		1751 COLLEGE AVE	ELKO NV	89801-3401
001372003	FLYERS LLC		2360 LINDBERG ST	AUBURN CA	95602-9562
001372002	FLYERS LLC <i>1 pc</i>		2360 LINDBERG ST	AUBURN CA	95602-9562
001630097	HEAD START OF NORTHEASTERN NEVA		1280 GOLFCOURSE RD	ELKO NV	89801-3465
001375001	IGLOO INC, THE	ATTN: RUSS HOFLAND	PO BOX 2532	ELKO NV	89803-2532
001630098	RETIREMEN LLC		14025 W SADDLEBOW DR	RENO NV	89511-6740
001290RRL					
001290RRL					

4



Shelby Knopp

From: Amanda Marcucci <Amanda.Marcucci@swgas.com>
Sent: Monday, June 21, 2021 8:52 AM
To: Shelby Knopp
Subject: RE: EXTERNAL: Proposed Vacations 1-21, 2-21, 3-21, & 4-21

Hi Shelby,

Southwest Gas does not object to Proposed Vacations 1-21, 2-21, 3-21, & 4-21.

Amanda



Amanda Marcucci, PE | Supervisor/Engineering

PO Box 1190 | 24A-580 | Carson City, NV 89702-1190
direct 775.887.2871 | mobile 775.430.0723 | fax 775.882.6072
amanda.marcucci@swgas.com | www.swgas.com

From: Shelby Knopp <sknopp@elkocitynv.gov>
Sent: Friday, June 18, 2021 10:07 AM
To: Amanda Marcucci <Amanda.Marcucci@swgas.com>; NNDEngineering <nndengineering@swgas.com>
Subject: EXTERNAL: Proposed Vacations 1-21, 2-21, 3-21, & 4-21

[WARNING] This message originated outside of Southwest Gas. **DO NOT CLICK** links or attachments unless you recognize the sender and know the content is safe.

Good Morning,

Please see the attached correspondence regarding proposed Vacation No. 1-21, 2-21, 3-21, and 4-21, all filed by the City of Elko.

Let me know if you have any questions.

Thank you!

Shelby Knopp
Planning Technician
City of Elko
Planning Department



CITY OF ELKO

Planning Department

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

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

June 18, 2021

Southwest Gas Corporation
Engineering Department
PO Box 1190
Carson City, NV 89702-1190
nndengineering@swgas.com

SUBJECT: Proposed Vacation No. 03-21 and 04-21

To Whom It May Concern:

Please be advised that the City of Elko Planning Department is processing a request filed by the City of Elko to vacate a portion of the 15th Street right-of-way located generally along the northeast side of APN 001-373-001 and the southeast side of APN 001-375-001. Please see enclosed map.

The City respectfully requests your assistance in determining whether there are any utility improvements or any other such interests within the area proposed to be vacated.

Please advise the Elko City Planning Department in writing concerning your agency's needs or interests as affected by this requested vacation, or submit a letter or email stating none of your interests are in the area, as **we are required to keep responses from all local utilities per NRS 278.480(6)**. The Planning Commission will consider this item on July 6, 2021. Thank you for your time and effort in this matter!

If you have any questions, please contact our office at 777-7160.

Sincerely,

Shelby Knopp
Planning Technician

Enclosures

Shelby Knopp

From: Stephen Lifferth <stephen.lifferth@beehive.net>
Sent: Friday, June 18, 2021 10:08 AM
To: Shelby Knopp
Subject: Re: Proposed Vacations 1-21, 2-21, 3-21, & 4-21

Hi Shelby,

Beehive has no interests in the proposed vacation. Let me know if you need anything additional.

Thanks!

From: Shelby Knopp <sknopp@elkocitynv.gov>
Date: Friday, June 18, 2021 at 11:02 AM
To: Stephen Lifferth <stephen.lifferth@beehive.net>
Subject: Proposed Vacations 1-21, 2-21, 3-21, & 4-21

Good Morning,

Please see the attached correspondence regarding the proposed Vacation No. 1-21, 2-21, 3-21, & 4-21, all filed by the City of Elko.

Let me know if you have any questions.

Thank you!

Shelby Knopp
Planning Technician
City of Elko
Planning Department
Ph (775) 777-7160
Fax (775) 777-7219



CITY OF ELKO

Planning Department

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

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

June 18, 2021

Beehive Broadband
2000 N. Sunset Road
Lake Point, UT 84074

SUBJECT: Proposed Vacation No. 03-21 and 04-21

To Whom It May Concern:

Please be advised that the City of Elko Planning Department is processing a request filed by the City of Elko to vacate a portion of the 15th Street right-of-way located generally along the northeast side of APN 001-373-001 and the southwest side of APN 001-375-001. Please see enclosed map.

The City respectfully requests your assistance in determining whether there are any utility improvements or any other such interests within the area proposed to be vacated.

Please advise the Elko City Planning Department in writing concerning your agency's needs or interests as affected by this requested vacation, or submit a letter or email stating none of your interests are in the area, as **we are required to keep responses from all local utilities per NRS 278.480(6)**. The Planning Commission will consider this item on July 6, 2021. Thank you for your time and effort in this matter!

If you have any questions, please contact our office at 777-7160.

Sincerely,

Shelby Knopp
Planning Technician

Enclosures

June 23, 2021

City of Elko
Planning Department
Attn: Shelby Archuleta Knopp
Planning Technician
sarchuleta@elkocitynv.gov

Re: Proposed Vacation No. 3-21 and 04-21

Please be advised that Michael W. Lattin, Vice President / Field Operations for Elko Heat Company has reviewed the above vacation and Elko Heat Company has no issues with this vacation.

Please contact us if you have any additional questions or concerns.

Sincerely,

/s/ Pamela Lattin

Pamela Lattin
Secretary/Treasurer



CITY OF ELKO

Planning Department

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

June 18, 2021

Elko Heat
P.O. Box 2347
Elko, NV 89803

SUBJECT: Proposed Vacation No. 03-21 and 04-21

To Whom It May Concern:

Please be advised that the City of Elko Planning Department is processing a request filed by the City of Elko to vacate a portion of the 15th Street right-of-way located generally along the northeast side of APN 001-373-001 and the southwest side of APN 001-375-001. Please see enclosed map.

The City respectfully requests your assistance in determining whether there are any utility improvements or any other such interests within the area proposed to be vacated.

Please advise the Elko City Planning Department in writing concerning your agency's needs or interests as affected by this requested vacation, or submit a letter or email stating none of your interests are in the area, as **we are required to keep responses from all local utilities per NRS 278.480(6)**. The Planning Commission will consider this item on July 6, 2021. Thank you for your time and effort in this matter!

If you have any questions, please contact our office at 777-7160.

Sincerely,

Shelby Knopp
Planning Technician

Enclosures



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June 18, 2021

Frontier Communication
Mr. John Poole
1520 Church Street
Gardnerville, NV 89410

SUBJECT: Proposed Vacation No. 03-21 and 04-21

Dear Mr. Poole:

Please be advised that the City of Elko Planning Department is processing a request filed by the City of Elko to vacate a portion of the 15th Street right-of-way located generally along the northeast side of APN 001-373-001 and the southwest side of APN 001-375-001. Please see enclosed map.

The City respectfully requests your assistance in determining whether there are any utility improvements or any other such interests within the area proposed to be vacated.

Please advise the Elko City Planning Department in writing concerning your agency's needs or interests as affected by this requested vacation, or submit a letter or email stating none of your interests are in the area, as **we are required to keep responses from all local utilities per NRS 278.480(6)**. The Planning Commission will consider this item on July 6, 2021. Thank you for your time and effort in this matter!

If you have any questions, please contact our office at 777-7160.

Sincerely,

Shelby Knopp
Planning Technician

Enclosures



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

June 18, 2021

Zito Media

Mr. Dustin Hurd

VIA Email: dustin.hurd@zitomedia.com

SUBJECT: Proposed Vacation No. 03-21 and 04-21

Dear Mr. Hurd:

Please be advised that the City of Elko Planning Department is processing a request filed by the City of Elko to vacate a portion of the 15th Street right-of-way located generally along the northeast side of APN 001-373-001 and the southwest side of APN 001-375-001. Please see enclosed map.

The City respectfully requests your assistance in determining whether there are any utility improvements or any other such interests within the area proposed to be vacated.

Please advise the Elko City Planning Department in writing concerning your agency's needs or interests as affected by this requested vacation, or submit a letter or email stating none of your interests are in the area, as **we are required to keep responses from all local utilities per NRS 278.480(6)**. The Planning Commission will consider this item on July 6, 2021. Thank you for your time and effort in this matter!

If you have any questions, please contact our office at 777-7160.

Sincerely,

Shelby Knopp
Planning Technician

Enclosures



CITY OF ELKO

Planning Department

Website: www.elkocity.com

Email: planning@elkocitynv.gov

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

June 18, 2021

NV Energy

Attn: Katherine Perkins

6100 Neil Road

Reno, NV 89511

SUBJECT: Proposed Vacation No. 03-21 and 04-21

Dear Ms. Perkins:

Please be advised that the City of Elko Planning Department is processing a request filed by the City of Elko to vacate a portion of the 15th Street right-of-way located generally along the northeast side of APN 001-373-002 and the southwest side of APN 001-375-001. Please see enclosed map.

The City respectfully requests your assistance in determining whether there are any utility improvements or any other such interests within the area proposed to be vacated.

Please advise the Elko City Planning Department in writing concerning your agency's needs or interests as affected by this requested vacation, or submit a letter or email stating none of your interests are in the area, as **we are required to keep responses from all local utilities per NRS 278.480(6)**. The Planning Commission will consider this item on July 6, 2021. Thank you for your time and effort in this matter!

If you have any questions, please contact our office at 777-7160.

Sincerely,

Shelby Knopp
Planning Technician

Enclosures



CITY OF ELKO PLANNING DEPARTMENT

1751 College Avenue * Elko * Nevada * 89801 *

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

APPLICATION FOR VACATION OF CITY STREET, EASEMENT OR OTHER PUBLIC RIGHT-OF-WAY

APPLICANT(s): City of Elko
MAILING ADDRESS: 1751 College Avenue
PHONE NO (Home) 775-777-7217 (Business)
NAME OF PROPERTY OWNER (If different): <i>(Property owner's consent in writing must be provided.)</i>
MAILING ADDRESS:
LEGAL DESCRIPTION AND LOCATION OF PROPERTY INVOLVED (Attach if necessary):
ASSESSOR'S PARCEL NO.: 001-373-001 Address 15th Street north of Silver Street
Lot(s), Block(s), & Subdivision Flyers, LLC
Or Parcel(s) & File No.

FILING REQUIREMENTS:

Complete Application Form: In order to begin processing the application, an application form must be complete and signed. Applications go before the City Council, Planning Commission, and back to City Council twice.

Fee: A \$600.00 non-refundable fee.

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

Legal Description: A complete legal description of the area proposed for vacation along with an exhibit depicting the area for vacation.

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

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

OWNER(S) OF THE PROPERTY ABUTTING THE AREA BEING REQUESTED FOR VACATION:

Flyers Energy, LLC Attn: Contracts 2360 Lindbergh St., Auburn, CA 95602

(Name)

(Address)

OWNER(S) OF THE PROPERTY ABUTTING THE AREA BEING REQUESTED FOR VACATION:

The Igloo, Inc., Attn: Mike Shanks, 982 Wolf Creek Dr., Spring Creek, NV 89815

(Name)

(Address)

1. Describe the nature of the request: Vacation of a portion of 15th Street consisting of approximately 13,600 square feet located north of Silver Street and south of the Union Pacific railroad right-of-way. The vacated right-of-way will be divided evenly to the adjacent parcels (6,800 square feet to The Igloo, Inc. and 6,800 square feet to Flyers Energy, LLC).

2. Describe any utilities currently located in the area proposed for vacation, and if any are present how they will be addressed: Water and sewer lines are currently located within the area proposed for vacation. An easement for public utilities has been prepared to allow the City to access these lines in the future if needed.

Use additional pages if necessary

This area intentionally left blank

By My Signature below:

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

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

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

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

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

Applicant / Agent Michele Rambo, Development Manager
(Please print or type)

Mailing Address 1751 College Avenue
Street Address or P.O. Box

Elko, NV 89801
City, State, Zip Code

Phone Number: 775-777-7217

Email address: mrambo@elkocitynv.gov

SIGNATURE: 

FOR OFFICE USE ONLY

File No.: 4-21 Date Filed: 6/17/21 Fee Paid: N/A

**Elko City Council
Agenda Action Sheet**

1. Title: **Review, consideration, and possible action to adopt Resolution No. 21-21, a resolution and order vacating a portion of Golf Course Road Right-of-Way, consisting of an area approximately 1,842 sq. ft. abutting APN 001-200-002, which is located within the City of Elko, Nevada, to the abutting property owner Elko County, filed and processed as Vacation No. 1-21, and matters related thereto. FOR POSSIBLE ACTION**
2. Meeting Date: **July 27, 2021**
3. Agenda Category: **PUBLIC HEARING**
4. Time Required: **15 Minutes**
5. Background Information: **Council accepted the petition to vacate this Right-of-Way at its regular meeting of June 22, 2021, 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 July 6, 2021, and took action to forward a recommendation to Council to adopt a resolution, which conditionally approves Vacation No. 1-21 with findings in support of its recommendation. CL**
6. Budget Information:
 - Appropriation Required: **N/A**
 - Budget amount available: **N/A**
 - Fund name: **N/A**
7. Business Impact Statement: **Not Required**
8. Supplemental Agenda Information: **Resolution, P.C. action report, Staff report, application and related materials**
9. Recommended Motion: **Adopt Resolution No. 21-21, which contains conditions as recommended by the Planning Commission.**
10. Prepared By: **Cathy Laughlin, City Planner**
11. Committee/Other Agency Review: **Planning Commission and required local utility companies**
12. Council Action:
13. Agenda Distribution: **Tyler Ingram**
tingram@elkocountynv.net

**CITY OF ELKO
RESOLUTION NO. 21-21**

**A RESOLUTION AND ORDER VACATING A PORTION OF THE GOLF COURSE
ROAD RIGHT-OF-WAY ADJACENT TO APN 001-200-002, ALL OF WHICH IS
LOCATED WITHIN THE CITY OF ELKO, NEVADA, TO THE ABUTTING
PROPERTY OWNER, ELKO COUNTY.**

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

WHEREAS, the Elko City Council, at a regular meeting held on June 22, 2021, unanimously voted to accept the submitted petition for vacation and further directed City Staff to continue with the vacation process by referring the matter to the Planning Commission for a report of findings and recommendation to be prepared and submitted to the City Council; and,

WHEREAS, the Elko City Planning Commission, at their regular meeting of July 6, 2021, voted to forward a recommendation of approval for the subject vacation; and,

WHEREAS, the Elko City Council finds that a Notice of Intent to vacate a portion of the Golf Course Road right-of-way was published and mailed by priority mail with confirmation of delivery to all affected property owners, as required by law, as more fully appears from the Affidavit of Publication and Mailing Confirmation(s) on file in the Clerk's Office of the City of Elko; and,

WHEREAS, at the time and place set in the Notice, to-wit: the hour of 5:30 p.m. on July 27, 2021, in the City Hall Council Chambers, Elko, Nevada, a hearing before the Elko City Council was duly held and no persons having appeared to object to the proposed vacation and the City Council having deemed it for the best interests of the City and the public that the area be vacated and that no person or persons would be materially injured thereby; and,

WHEREAS, it appearing to the satisfaction of the Elko City Council that the portion of the Golf Course Road right-of-way, containing approximately 1,842 square feet, situate in the City of Elko, Nevada, adjacent to APN 001-200-002 is no longer required for public use and convenience and that vacation thereof will inure to the benefit of the City of Elko and be for the best interest of the City and the public, and that neither the public nor any person will be materially injured thereby; the legal description is set forth in Exhibit A with the map as Exhibit B attached hereto and made a part hereof.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE ELKO CITY COUNCIL as follows:

I.

That a portion of the Golf Course Road right-of-way situate in the City of Elko, Nevada, described and shown on Exhibits A and B, respectively, attached hereto, be, and the same is hereby vacated upon fulfillment of the following conditions:

- 1. Written response from all non-City utilities is on file with the City of Elko with regard to the vacation in accordance with NRS 278.480(6) before the order is recorded.**
- 2. Record a public utility and drainage easement over the area being vacated.**

That, subject to the conditions set forth in this Resolution, all right, title interest and estate of the City of Elko in that portion of the Golf Course Road right-of-way located in the City of Elko as described and shown on Exhibits A and B shall be vacated and title vested in **Elko County, a Governmental Agency**, as owner of the parcel abutting the property being vacated, provided further that this vacation and the title of the abutting owner received pursuant thereto, shall be subject to all poles, lines, cables, pipes, drains, utility installations and easements existing on the date the vacation is recorded.

II.

That the City of Elko and the Elko City Council, officers and employees thereof, make no warranties, covenants, representations, or guarantees as to the validity of this vacation procedure, or as to the right, title, interest or estate, if any, any person or entity may acquire as the result thereof.

III.

That the City Clerk of the City of Elko shall certify the copy of this Resolution and Order, and this Resolution and Order shall be recorded upon fulfillment of the above noted conditions, in the Office of the County Recorder of Elko County, Nevada, and be endorsed upon the proper map or plat on file in the Office of said County Recorder, so as to clearly indicate thereon the vacation of a portion of the Golf Course Road right-of-way as described and shown on Exhibits A and B attached hereto, situate in the City of Elko, Elko County, Nevada.

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

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

PASSED AND ADOPTED this _____ day of _____, 2021.

CITY OF ELKO

By: _____
REECE KEENER, MAYOR

ATTEST:

KELLY C. WOOLDRIDGE, CITY CLERK

VOTE:

AYES:

NAYS:

ABSENT:

ABSTAIN:

LEGAL DESCRIPTION FOR VACATION OF RIGHT-OF-WAY

A strip of land, being the southwesterly 7 feet of Golf Course Road, adjacent to APN 001-200-002, in the City of Elko, Nevada, lying within Sections 10 and 11, Township 34 North, Range 55 East, which is further described as follows;

Beginning at the easterly most corner of said APN 001-200-002 as described in the deed between the Church of Jesus Christ of Latter-Day Saints and the City of Elko, recorded in the office of the Elko County Recorder as file no. 221822, which bears North $1^{\circ}18'56''$ East, a distance of 804.85 feet from the monument at the intersection of Court Street and 13th Street;

Thence, along the northeasterly boundary of the above referenced parcel, North $48^{\circ}11'00''$ West, a distance of 264.70 feet, more or less, to the northerly most corner of the above referenced parcel;

Thence, North $41^{\circ}49'00''$ East, a distance of 7.00 feet;

Thence, South $48^{\circ}11'00''$ East, a distance of 257.70 feet;

Thence, along a tangent circular curve to the right, with a radius of 7.00 feet, an arc length of 11.00 feet, and a central angle of $90^{\circ}00'00''$, more or less, to the point of beginning.

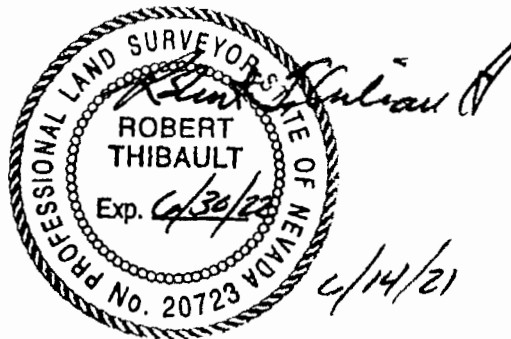
This strip of land being vacated contains a total of $\pm 1,842$ square feet.

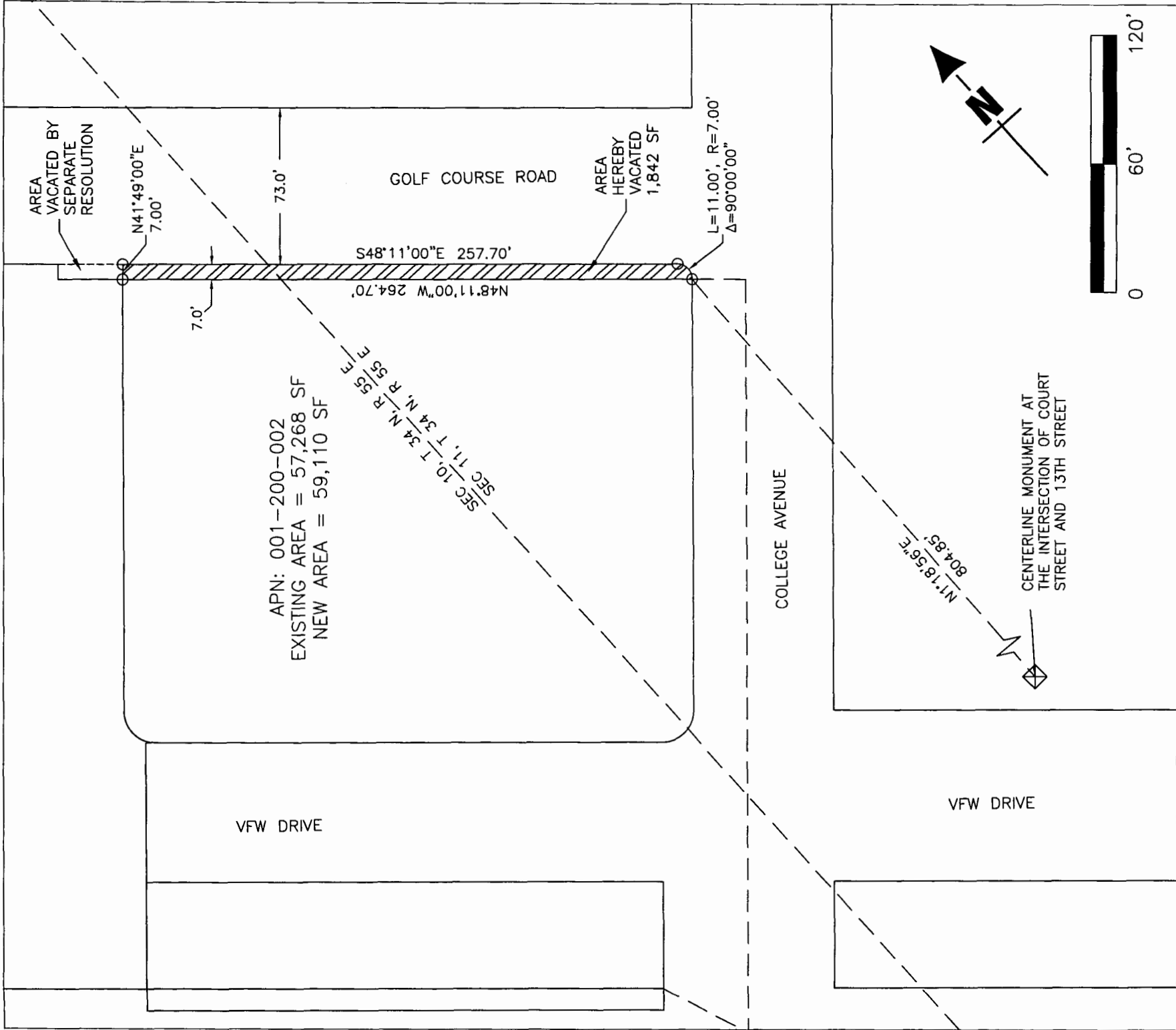
The Basis of bearings for this description is the Map of the Smith's Addition to the City of Elko, recorded in the office of the Elko County Recorder as file no. 43255, on November 5, 1927.

Description prepared by:

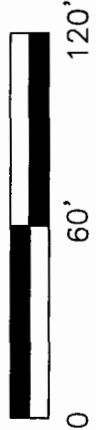
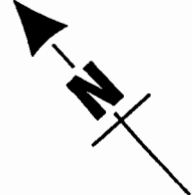
Robert Thibault, PE, PLS

Civil Engineer for the City of Elko





APN: 001-200-002
 EXISTING AREA = 57,268 SF
 NEW AREA = 59,110 SF

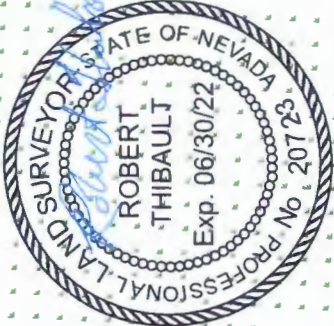
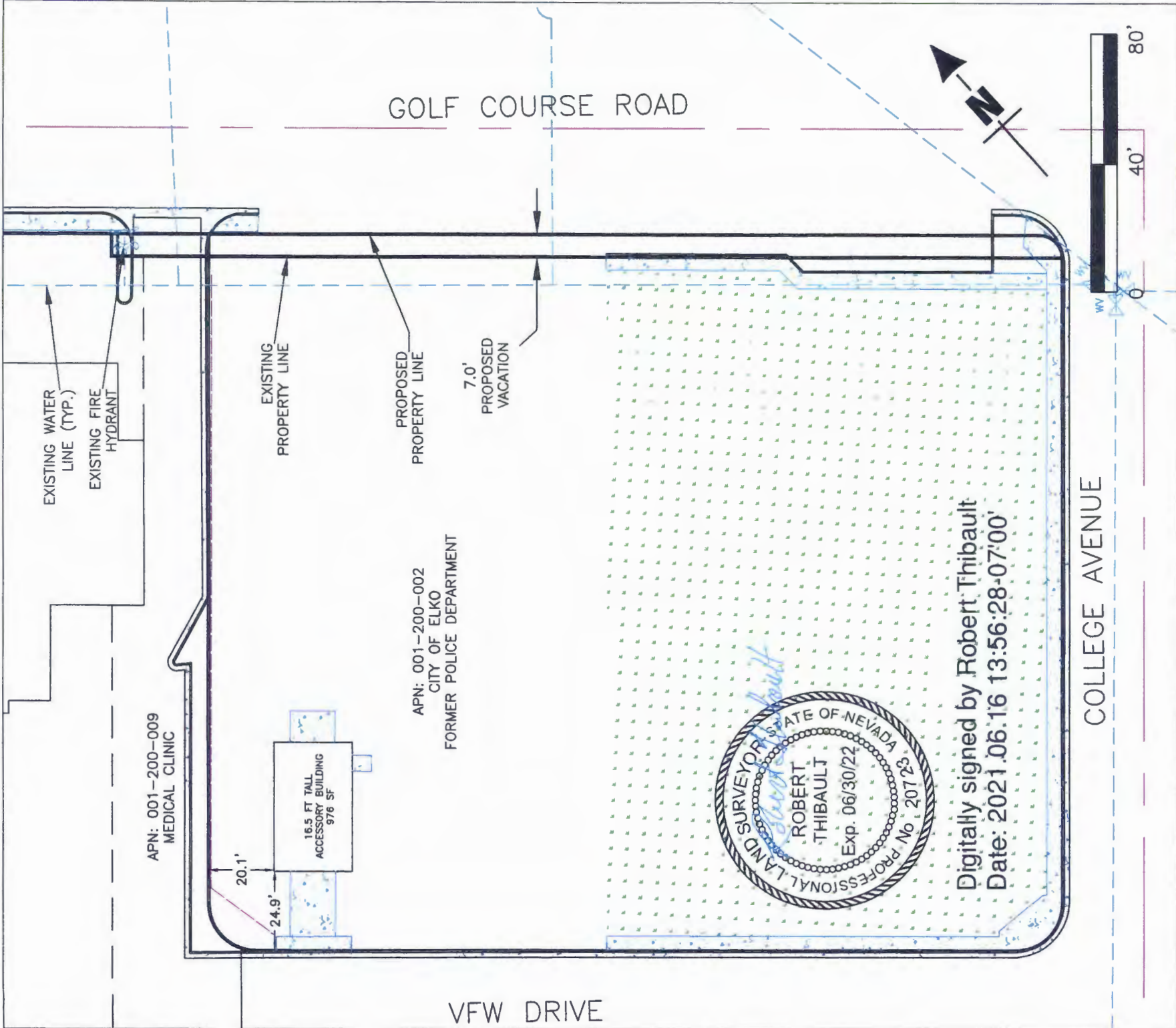


ELCO
 CITY OF ELKO
 1751 COLLEGE AVE
 ELKO, NEVADA 89801
 775-777-7210

SCALE
 HORZ 1" = 60'
 VERT NONE

EXHIBIT B
MAP OF AREA VACATED
TO APN: 001-200-002

DRAWN BY
 BT
 CHECKED BY
 BT
 DATE 6/14/21



Digitally signed by Robert Thibault
Date: 2021.06.16 13:56:28-07'00'



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

SCALE
HORIZ 1" = 40'
VERT NONE

EXISTING IMPROVEMENTS
APN: 001-200-002 &
APN: 001-200-009 VACATION

DRAWN BY BT
CHECKED BY BT
DATE 6/16/21



CITY OF ELKO

Planning Department

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

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

CITY OF ELKO PLANNING COMMISSION ACTION REPORT Regular Meeting of July 6, 2021

WHEREAS, the following item was reviewed and considered by the Elko City Planning Commission on July 6, 2021 pursuant to Section 8-7-3 B. of City Code:

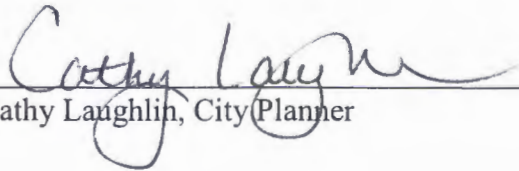
Vacation No. 1-21, filed by The City of Elko on behalf of Elko County, for the vacation of the southwesterly portion of Golf Course Road, consisting of an area approximately 1,842 sq. ft., and matters related thereto.

In discussion with the proposed Great Basin Child Advocacy Center, staff requested that the new curb, gutter and sidewalk line up with existing infrastructure at the intersection of Cedar St. and Golf Course Rd. This vacation will align the Right-of-Way from College Ave. to Cedar Street where it currently is not aligned. City Council accepted the petition for the vacation on June 22, 2021

NOW THEREFORE, upon review and consideration of the application, supporting data, public input and testimony, the Planning Commission forwards a recommendation to City Council to adopt a resolution which conditionally approves Vacation No. 1-21 subject to the conditions listed in the City of Elko Staff Report dated June 23, 2021, listed as follows:

- 1. Written response from all non-City utilities is on file with the City of Elko with regard to the vacation in accordance with NRS 278.480(6) before the order is recorded.**
- 2. Record a public utility and drainage easement over the area being vacated.**

The Planning Commission's findings to support its recommendation are the proposed vacation is in conformance with the City of Elko Master Plan Land Use Component. The proposed vacation is in conformance with the City of Elko Master Plan Transportation Component. The property proposed for vacation is not located within the Redevelopment Area. The proposed vacation is in conformance with NRS 278.479 to 278.480, inclusive. The proposed vacation with the recommended conditions is in conformance with Elko City Code 8-7. The proposed vacation will not materially injure the public and is in the best interest of the City.


Cathy Laughlin, City Planner

Attest:



Shelby Knopp, Planning Technician

CC: Applicant
Kelly Wooldridge, City Clerk
Michele Rambo, Development Manager (email)

STAFF COMMENT FLOW SHEET
PLANNING COMMISSION AGENDA DATE: 7/6

Do not use pencil or red pen, they do not reproduce

Title: Vacation No. 1-21 - Elko County

Applicant(s): City of Elko

Site Location: Portion of Golf Course Rd Adj. to APN - 001-700-002

Current Zoning: PQP Date Received: 6/15/21 Date Public Notice: N/A

COMMENT: This is to vacate the southwesterly portion of Golf Course Rd, ≈ 1,842 sq. ft.

If additional space is needed please provide a separate memorandum

Assistant City Manager: Date: 6/25/21
Recommend approval

SAW

Initial

City Manager: Date: 6/30/2021
No comments/concerns. City is contributing \$60K to offset public improvement cost.

U

Initial



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

CITY OF ELKO STAFF REPORT

MEMO DATE: June 23, 2021
PLANNING COMMISSION DATE: July 6, 2021
APPLICATION NUMBER: Vacation 1-21
APPLICANT: City of Elko on behalf of Elko County
PROJECT DESCRIPTION: APN 001-200-002

Vacation of 7' of the southwesterly portion of Golf Course Road.



STAFF RECOMMENDATION:

RECOMMEND to APPROVE subject to findings of fact and conditions stated in this report.

PROJECT INFORMATION

PROJECT INFORMATION

PARCEL NUMBER: 001-200-002

EXISTING ZONING: PQP- Public, Quasi-Public

MASTER PLAN DESIGNATION: Public

EXISTING LAND USE: Developed, PQP

BACKGROUND:

1. The property has been developed as public, quasi-public land use in the past and was recently demolished. An existing accessory structure remains on the parcel.
2. City Council accepted the petition and made a motion to vacate the 7' of the Golf Course Road at their June 22, 2021 meeting and referred the matter to Planning Commission for their review.
3. The area proposed to be vacated is approximately 1,842 sq. ft.

NEIGHBORHOOD CHARACTERISTICS:

The property is surrounded by:

Northwest: PQP- Public, Quasi-Public / Developed
Northeast: PQP- Public, Quasi-Public / Developed
Southeast: PQP- Public, Quasi-Public / Developed
Southwest: PQP- Public, Quasi-Public / Developed
South: R- Residential / Developed

PROPERTY CHARACTERISTICS:

The property is currently undeveloped.

Golf Course Road is currently a 73' right-of-way at the intersection of Cedar Street and Golf Course Road.

There currently sidewalk adjacent to the property but will be replaced along Golf Course Road during development of the property.

MASTER PLAN AND CITY CODES:

Applicable Master Plans and City Code Sections are:

NRS 278.479 to 278.480, inclusive
City of Elko Master Plan – Land Use Component
City of Elko Master Plan – Transportation Component
City of Elko Redevelopment Plan
City of Elko Code – Section 8-7 Street Vacation Procedures

NRS 278.479 to 278.480 inclusive

1. 278.480(4) If any right-of-way or easement required for a public purpose that is owned by a city or a county is proposed to be vacated, the governing body, or the planning commission, hearing examiner or other designee, if authorized to take final action by the

- governing body, shall, not less than 10 business days before the public hearing described in subsection 5.
2. NRS 278.480 (5) Except as otherwise provided in subsection 6, if, upon public hearing, the governing body, or the planning commission, hearing examiner or other designee, if authorized to take final action by the governing body, is satisfied that the public will not be materially injured by the proposed vacation, it shall order the street or easement vacated. The governing body, or the planning commission, hearing examiner or other designee, if authorized to take final action by the governing body, may make the order conditional, and the order becomes effective only upon the fulfillment of the conditions prescribed. An applicant or other person aggrieved by the decision of the planning commission, hearing examiner or other designee may appeal the decision in accordance with the ordinance adopted pursuant to NRS 278.31895.
 3. Per NRS 278.480(6) Public utility companies were notified of the vacation on June 18, 2021 via first class mail.

MASTER PLAN – Land Use:

1. The Master Plan Land Use Atlas shows the area as Public.
2. PQP- Public, Quasi-Public Zoning District is listed as a corresponding zoning district for Public.
3. Objective 3: Strengthen, preserve, and promote the area around the City Park, City Hall, and Convention Center as the civic heart of the community Encourage multiple scales of commercial development to serve the needs of the region, the community, and individual neighborhoods.

The proposed vacation is in conformance with the Master Plan Land Use component.

MASTER PLAN - Transportation:

1. The area is accessed from College Avenue, Golf Course Road and VFW Drive.

The proposed vacation is in conformance with the Master Plan Transportation Component.

REDEVELOPMENT PLAN

The area is not located within the Redevelopment Area and therefore the redevelopment plan was not part of the consideration of this vacation application.

ELKO CITY CODE SECTION 8-7 STREET VACATION PROCEDURES

1. If it is determined by a majority vote of the city council that it is in the best interest of the city and that no person will be materially injured thereby, the city council, by motion, may propose the realignment, change, vacation, adjustment or abandonment of any street or any portion thereof. In addition, any abutting owner desiring the vacation of any street or easement or portion thereof shall file a petition in writing with the city council and the city council shall consider said petition as set forth above.
 - The City Council made a motion at their meeting on June 22, 2021 and referred the matter to the Planning Commission for further consideration.

2. Except for a petition for the vacation or abandonment of an easement for a public utility owned or controlled by the city, the petition or motion shall be referred to the planning commission, which shall report its findings and recommendations thereon to the city council. The petitioner shall, prior to the consideration of the petition by the planning commission, pay a filing fee to the city in an amount established by resolution of the city council and included in the appendix to this code.
 - The filing fee was paid by the applicant.
3. Whenever any street, easement or portion thereof is proposed to be vacated or abandoned, the city council shall notify by certified mail each owner of property abutting the proposed vacation or abandonment and cause a notice to be published at least once in a newspaper of general circulation in the city setting forth the extent of the proposed vacation or abandonment and setting a date for public hearing, which date may be not less than ten (10) days and not more than forty (40) days subsequent to the date the notice is first published.
4. Order of City Council: Except as provided in subsection E of this section, if, upon public hearing, the City Council is satisfied that the public will not be materially injured by the proposed vacation or abandonment, and that it is in the best interest of the city, it shall order the street vacated or abandoned. The city council may make the order conditional, and the order shall become effective only upon the fulfillment of the conditions prescribed.

The proposed vacation with the recommended conditions is in conformance with Section 8-7 of City code.

FINDINGS

- The proposed vacation is in conformance with the City of Elko Master Plan Land Use Component
- The proposed vacation is in conformance with the City of Elko Master Plan Transportation component.
- The property proposed for vacation is not located within the Redevelopment Area.
- The proposed vacation is in conformance with NRS 278.479 to 278.480, inclusive.
- The proposed vacation with the recommended conditions is in conformance with Elko City Code 8-7.
- The proposed vacation will not materially injure the public and is in the best interest of the City.

STAFF RECOMMENDATION:

Staff recommends forward a recommendation to City Council to adopt a resolution which conditionally APPROVES the proposed vacation with the following conditions:

1. Written response from all non-City utilities is on file with the City of Elko with regard to the vacation in accordance with NRS 278.480(6) before the order is recorded.

2. Record a public utility and drainage easement over the area being vacated.

**NOTICE OF INTENT OF THE CITY OF ELKO
TO VACATE A PORTION OF THE GOLF COURSE ROAD RIGHT-OF-WAY
ADJACENT TO APN 001-200-002, ALL WITHIN THE CITY OF ELKO, STATE OF
NEVADA**

NOTICE IS HEREBY GIVEN that the City Council of the City of Elko intends to vacate a portion of the Golf Course Road right-of-way adjacent to APN 001-200-002, situated in the City of Elko, Nevada, and cause title to revert to the owner of the abutting property; i.e. Elko County. The portion of Golf Course Road to be vacated is more particularly described as follows:

A strip of land, being the southwesterly 7 feet of Golf Course Road, adjacent to APN 001-200-002, in the City of Elko, Nevada, lying within Sections 10 and 11, Township 34 North, Range 55 East, which is further described as follows:

Beginning at the easterly most corner of said APN 001-200-002 as described in the deed between the Church of Jesus Christ of Latter-Day Saints and the City of Elko, recorded in the office of the Elko County Recorder as file no. 221822, which bears North 1°18'56" East, a distance of 804.85 feet from the monument at the intersection of Court Street and 13th Street;

Thence, along the northeasterly boundary of the above referenced parcel, North 48°11'00" West, a distance of 264.70 feet, more or less, to the northerly most corner of the above referenced parcel;

Thence, North 41°49'00" East, a distance of 7.00 feet;

Thence, South 48°11'00" East, a distance of 257.70 feet;

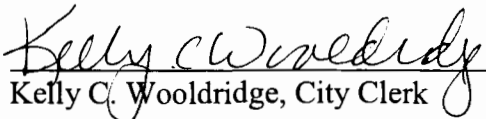
Thence, along a tangent circular curve to the right, with a radius of 7.00 feet, an arc length of 11.00 feet, and a central angle of 90°00'00", more or less, to the point of beginning.

This strip of land being vacated contains a total of ±1,842 square feet.

The Basis of bearings for this description is the Map of the Smith's Addition to the City of Elko, recorded in the office of the Elko County Recorder as file no. 43255, on November 5, 1927.

AND that the Elko City Council shall further consider the advisability of the vacation of a portion of the Golf Course Road right-of-way, and the adoption of a Resolution and Order vacating the same with the reversion of title as above stated at a meeting of said Council at Elko City Hall, 1751 College Avenue, Elko, Nevada, or at such other place as the City Council shall hold its regular meeting, on July 27, 2021 at 5:30 p.m. All interested persons may appear at the meeting of the Council and be heard.

DATED this 8th day of July, 2021.


Kelly C. Wooldridge, City Clerk

PUBLISH: July 10, 2021

Vacation 1-21 City of ELKO / ELKO County

YPNO	PANAME	PMADD1	PMADD2	PMCTST	PZIP
001560001	ELKO CITY OF (PARKS) <i>NOP.C.</i>	C/O PARKS & REC DEPARTMEN	723 RAILROAD ST	ELKO NV	89801-3829
001250001	ELKO LODGE NO 15 OF MASONS		PO BOX 15	ELKO NV	89803-0015
001200009	NEVADA HEALTH CENTERS INC		3325 RESEARCH WAY FL 2	CARSON CITY NV	89706-7913
001200001	VETERANS OF FOREIGN WARS OF THE		PO BOX 1266	ELKO NV	89803-1266

③



925 GOLF COURSE RD

COUNTRY CLUB DR

1601 COLLEGE AVE
BASEBALL FIELD

COLLEGE AVE

CHRIS SHEERIN WAY

1501 COLLEGE AVE
ELKO SWIMMING POOL

762 14TH ST
ELKO FAMILY MEDICAL

GOLF COURSE RD

1401 COLLEGE AVE

CEDAR ST

1376 CEDAR ST

1360 CEDAR ST

1385 OAK ST

1375 OAK ST

1365 OAK ST

1355 OAK ST

646 VFW DR
V.F.W. POST 2350

1380 OAK ST

1345 OAK ST

1364 OAK ST

1335 OAK ST

1387 COLLEGE AVE

575 VFW DR
MASONIC TEMPLE

1435 IDAHO ST
COE PARK SHOP

740 13TH ST

1340 OAK ST

1375 COLLEGE AVE

716 13TH ST

1328 OAK ST

1363 COLLEGE AVE

1376 COLLEGE AVE

1415 IDAHO ST
COE WELL 10-A

1312 OAK ST

567 14TH ST

1306 OAK ST

588 13TH ST

572 13TH ST

537 14TH ST

13TH ST

634 13TH ST

632 13TH ST

591 13TH ST

13TH ST

550 13TH ST

525 14TH ST

VFW DR

COURT ST

1405 IDAHO ST
ELKO CHAMBER OF COMMERCE

IDAHO ST

1450 IDAHO ST

475 VFW DR
CLACK AUTOMOTIVE REPAIR LLC

Shelby Knopp

From: Amanda Marcucci <Amanda.Marcucci@swgas.com>
Sent: Monday, June 21, 2021 8:52 AM
To: Shelby Knopp
Subject: RE: EXTERNAL: Proposed Vacations 1-21, 2-21, 3-21, & 4-21

Hi Shelby,

Southwest Gas does not object to Proposed Vacations 1-21, 2-21, 3-21, & 4-21.

Amanda



Delivering

SOUTHWEST
GAS

Amanda Marcucci, PE | Supervisor/Engineering

PO Box 1190 | 24A-580 | Carson City, NV 89702-1190
direct 775.887.2871 | mobile 775.430.0723 | fax 775.882.6072
amanda.marcucci@swgas.com | www.swgas.com

From: Shelby Knopp <sknopp@elkocitynv.gov>
Sent: Friday, June 18, 2021 10:07 AM
To: Amanda Marcucci <Amanda.Marcucci@swgas.com>; NNDEngineering <nndengineering@swgas.com>
Subject: EXTERNAL: Proposed Vacations 1-21, 2-21, 3-21, & 4-21

[WARNING] This message originated outside of Southwest Gas. **DO NOT CLICK** links or attachments unless you recognize the sender and know the content is safe.

Good Morning,

Please see the attached correspondence regarding proposed Vacation No. 1-21, 2-21, 3-21, and 4-21, all filed by the City of Elko.

Let me know if you have any questions.

Thank you!

Shelby Knopp
Planning Technician
City of Elko
Planning Department



CITY OF ELKO

Planning Department

Website: www.elkocity.com

Email: planning@elkocitynv.gov

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

June 18, 2021

Southwest Gas Corporation
Engineering Department
PO Box 1190
Carson City, NV 89702-1190
nndengineering@swgas.com

SUBJECT: Proposed Vacation No. 01-21 and 02-21

To Whom It May Concern:

Please be advised that the City of Elko Planning Department is processing a request filed by the City of Elko to vacate a portion of the Golf Course Road right-of-way located generally on the northeast side of APN 001-200-002 and 001-200-009. Please see enclosed map.

The City respectfully requests your assistance in determining whether there are any utility improvements or any other such interests within the area proposed to be vacated.

Please advise the Elko City Planning Department in writing concerning your agency's needs or interests as affected by this requested vacation, or submit a letter or email stating none of your interests are in the area, as **we are required to keep responses from all local utilities per NRS 278.480(6)**. The Planning Commission will consider this item on July 6, 2021. Thank you for your time and effort in this matter!

If you have any questions, please contact our office at 777-7160.

Sincerely,

Shelby Knopp
Planning Technician

Enclosures

Shelby Knopp

From: Stephen Lifferth <stephen.lifferth@beehive.net>
Sent: Friday, June 18, 2021 10:08 AM
To: Shelby Knopp
Subject: Re: Proposed Vacations 1-21, 2-21, 3-21, & 4-21

Hi Shelby,

Beehive has no interests in the proposed vacation. Let me know if you need anything additional.

Thanks!

From: Shelby Knopp <sknopp@elkocitynv.gov>
Date: Friday, June 18, 2021 at 11:02 AM
To: Stephen Lifferth <stephen.lifferth@beehive.net>
Subject: Proposed Vacations 1-21, 2-21, 3-21, & 4-21

Good Morning,

Please see the attached correspondence regarding the proposed Vacation No. 1-21, 2-21, 3-21, & 4-21, all filed by the City of Elko.

Let me know if you have any questions.

Thank you!

Shelby Knopp
Planning Technician
City of Elko
Planning Department
Ph (775) 777-7160
FX (775) 777-7219



CITY OF ELKO

Planning Department

Website: www.elkocity.com

Email: planning@elkocitynv.gov

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

June 18, 2021

Beehive Broadband
2000 N. Sunset Road
Lake Point, UT 84074

SUBJECT: Proposed Vacation No. 01-21 and 02-21

To Whom It May Concern:

Please be advised that the City of Elko Planning Department is processing a request filed by the City of Elko to vacate a portion of the Golf Course Road right-of-way located generally on the northeast side of APN 001-200-002 and 001-200-009. Please see enclosed map.

The City respectfully requests your assistance in determining whether there are any utility improvements or any other such interests within the area proposed to be vacated.

Please advise the Elko City Planning Department in writing concerning your agency's needs or interests as affected by this requested vacation, or submit a letter or email stating none of your interests are in the area, as **we are required to keep responses from all local utilities per NRS 278.480(6)**. The Planning Commission will consider this item on July 6, 2021. Thank you for your time and effort in this matter!

If you have any questions, please contact our office at 777-7160.

Sincerely,

Shelby Knopp
Planning Technician

Enclosures

June 23, 2021

City of Elko
Planning Department
Attn: Shelby Archuleta Knopp
Planning Technician
sarchuleta@elkocitynv.gov

Re: Proposed Vacation No. 01-21 and 02-21

Please be advised that Michael W. Lattin, Vice President / Field Operations for Elko Heat Company has reviewed the above vacation and Elko Heat Company has no issues with this vacation.

Please contact us if you have any additional questions or concerns.

Sincerely,

Pamela Lattin

Pamela Lattin
Secretary/Treasurer



CITY OF ELKO

Planning Department

Website: www.elkocity.com

Email: planning@elkocitynv.gov

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

June 18, 2021

Elko Heat
P.O. Box 2347
Elko, NV 89803

SUBJECT: Proposed Vacation No. 01-21 and 02-21

To Whom It May Concern:

Please be advised that the City of Elko Planning Department is processing a request filed by the City of Elko to vacate a portion of the Golf Course Road right-of-way located generally on the northeast side of APN 001-200-002 and 001-200-009. Please see enclosed map.

The City respectfully requests your assistance in determining whether there are any utility improvements or any other such interests within the area proposed to be vacated.

Please advise the Elko City Planning Department in writing concerning your agency's needs or interests as affected by this requested vacation, or submit a letter or email stating none of your interests are in the area, as **we are required to keep responses from all local utilities per NRS 278.480(6)**. The Planning Commission will consider this item on July 6, 2021. Thank you for your time and effort in this matter!

If you have any questions, please contact our office at 777-7160.

Sincerely,

Shelby Knopp
Planning Technician

Enclosures



CITY OF ELKO

Planning Department

Website: www.elkocity.com

Email: planning@elkocitynv.gov

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

June 18, 2021

NV Energy
Attn: Katherine Perkins
6100 Neil Road
Reno, NV 89511

SUBJECT: Proposed Vacation No. 01-21 and 02-21

Dear Ms. Perkins:

Please be advised that the City of Elko Planning Department is processing a request filed by the City of Elko to vacate a portion of the Golf Course Road right-of-way located generally on the northeast side of APN 001-200-002 and 001-200-009. Please see enclosed map.

The City respectfully requests your assistance in determining whether there are any utility improvements or any other such interests within the area proposed to be vacated.

Please advise the Elko City Planning Department in writing concerning your agency's needs or interests as affected by this requested vacation, or submit a letter or email stating none of your interests are in the area, as **we are required to keep responses from all local utilities per NRS 278.480(6)**. The Planning Commission will consider this item on July 6, 2021. Thank you for your time and effort in this matter!

If you have any questions, please contact our office at 777-7160.

Sincerely,

Shelby Knopp
Planning Technician

Enclosures



CITY OF ELKO

Planning Department

Website: www.elkocity.com

Email: planning@elkocitynv.gov

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

June 18, 2021

Zito Media

Mr. Dustin Hurd

VIA Email: dustin.hurd@zitomedia.com

SUBJECT: Proposed Vacation No. 01-21 and 02-21

Dear Mr. Hurd:

Please be advised that the City of Elko Planning Department is processing a request filed by the City of Elko to vacate a portion of the Golf Course Road right-of-way located generally on the northeast side of APN 001-200-002 and 001-200-009. Please see enclosed map.

The City respectfully requests your assistance in determining whether there are any utility improvements or any other such interests within the area proposed to be vacated.

Please advise the Elko City Planning Department in writing concerning your agency's needs or interests as affected by this requested vacation, or submit a letter or email stating none of your interests are in the area, as **we are required to keep responses from all local utilities per NRS 278.480(6)**. The Planning Commission will consider this item on July 6, 2021. Thank you for your time and effort in this matter!

If you have any questions, please contact our office at 777-7160.

Sincerely,

Shelby Knopp
Planning Technician

Enclosures



CITY OF ELKO

Planning Department

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

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

June 18, 2021

Frontier Communication
Mr. John Poole
1520 Church Street
Gardnerville, NV 89410

SUBJECT: Proposed Vacation No. 01-21 and 02-21

Dear Mr. Poole:

Please be advised that the City of Elko Planning Department is processing a request filed by the City of Elko to vacate a portion of the Golf Course Road right-of-way located generally on the northeast side of APN 001-200-001 and 001-200-009. Please see enclosed map.

The City respectfully requests your assistance in determining whether there are any utility improvements or any other such interests within the area proposed to be vacated.

Please advise the Elko City Planning Department in writing concerning your agency's needs or interests as affected by this requested vacation, or submit a letter or email stating none of your interests are in the area, as **we are required to keep responses from all local utilities per NRS 278.480(6)**. The Planning Commission will consider this item on July 6, 2021. Thank you for your time and effort in this matter!

If you have any questions, please contact our office at 777-7160.

Sincerely,

Shelby Knopp
Planning Technician

Enclosures



CITY OF ELKO PLANNING DEPARTMENT

1751 College Avenue * Elko * Nevada * 89801 *

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

APPLICATION FOR VACATION OF CITY STREET, EASEMENT OR OTHER PUBLIC RIGHT-OF-WAY

APPLICANT(s):	City of Elko		
MAILING ADDRESS:	1751 College Ave.		
PHONE NO (Home)	775-777-7160	(Business)	
NAME OF PROPERTY OWNER (If different):	Elko County & Nevada Health Centers Inc.		
	<i>(Property owner's consent in writing must be provided.)</i>		
MAILING ADDRESS:			
LEGAL DESCRIPTION AND LOCATION OF PROPERTY INVOLVED (Attach if necessary):			
ASSESSOR'S PARCEL NO.:	001-200-002 & 009	Address	1401 College Ave. & 762 14th St.
Lot(s), Block(s), & Subdivision			
Or Parcel(s) & File No.			

FILING REQUIREMENTS:

Complete Application Form: In order to begin processing the application, an application form must be complete and signed. Applications go before the City Council, Planning Commission, and back to City Council twice.

Fee: A \$600.00 non-refundable fee.

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

Legal Description: A complete legal description of the area proposed for vacation along with an exhibit depicting the area for vacation.

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

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

OWNER(S) OF THE PROPERTY ABUTTING THE AREA BEING REQUESTED FOR VACATION:

Nevada Health Centers Inc. 3325 Research Way Fl 2 Carson City, NV 89706-7913

(Name)

(Address)

OWNER(S) OF THE PROPERTY ABUTTING THE AREA BEING REQUESTED FOR VACATION:

Elko County 540 Court Street Elko, NV 89801

(Name)

(Address)

1. Describe the nature of the request: City of Elko is the applicant to apply for the vacation to allow for the development of the Great Basin Child Advocacy Center new curb, gutter and sidewalk to align with the existing on the adjacent parcel owned by Nevada Health Centers Inc. There is a small portion of the Nevada Health Centers Inc. parcel which will also require a separate resolution to vacate that excess right-of-way to their parcel.

2. Describe any utilities currently located in the area proposed for vacation, and if any are present how they will be addressed: No known utilities

Use additional pages if necessary

This area intentionally left blank

By My Signature below:

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

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

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

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

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

Applicant / Agent
(Please print or type)

Mailing Address
Street Address or P.O. Box

City, State, Zip Code

Phone Number:

Email address:

SIGNATURE:

FOR OFFICE USE ONLY

File No.: 1-21 Date Filed: 6/15/21 Fee Paid: N/A

**Elko City Council
Agenda Action Sheet**

1. Title: **Review, consideration, and possible action to adopt Resolution No. 22-21, a resolution and order vacating a portion of Golf Course Road Right-of-Way, consisting of an area approximately 210 sq. ft. abutting APN 001-200-009, which is located within the City of Elko, Nevada, to the abutting property owner Nevada Health Centers, filed and processed as Vacation No. 2-21, and matters related thereto. FOR POSSIBLE ACTION**
2. Meeting Date: **July 27, 2021**
3. Agenda Category: **PUBLIC HEARING**
4. Time Required: **15 Minutes**
5. Background Information: **Council accepted the petition to vacate this Right-of-Way at its regular meeting of June 22, 2021, 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 July 6, 2021, and took action to forward a recommendation to Council to adopt a resolution, which conditionally approves Vacation No. 2-21 with findings in support of its recommendation. CL**
6. Budget Information:
 - Appropriation Required: **N/A**
 - Budget amount available: **N/A**
 - Fund name: **N/A**
7. Business Impact Statement: **Not Required**
8. Supplemental Agenda Information: **Resolution, P.C. action report, Staff report, application and related materials**
9. Recommended Motion: **Adopt Resolution No. 22-21, which contains conditions as recommended by the Planning Commission.**
10. Prepared By: **Cathy Laughlin, City Planner**
11. Committee/Other Agency Review: **Planning Commission and required local utility companies**
12. Council Action:
13. Agenda Distribution: **Stacey Giomi**
sgiom@nvhealthcenters.org

**CITY OF ELKO
RESOLUTION NO. 22-21**

**A RESOLUTION AND ORDER VACATING A PORTION OF THE GOLF COURSE
ROAD RIGHT-OF-WAY ADJACENT TO APN 001-200-009, ALL OF WHICH IS
LOCATED WITHIN THE CITY OF ELKO, NEVADA, TO THE ABUTTING
PROPERTY OWNER, NEVADA HEALTH CENTERS, INC.**

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

WHEREAS, the Elko City Council, at a regular meeting held on June 22, 2021, unanimously voted to accept the submitted petition for vacation and further directed City Staff to continue with the vacation process by referring the matter to the Planning Commission for a report of findings and recommendation to be prepared and submitted to the City Council; and,

WHEREAS, the Elko City Planning Commission, at their regular meeting of July 6, 2021, voted to forward a recommendation of approval for the subject vacation; and,

WHEREAS, the Elko City Council finds that a Notice of Intent to vacate a portion of the Golf Course Road right-of-way was published and mailed by priority mail with confirmation of delivery to all affected property owners, as required by law, as more fully appears from the Affidavit of Publication and Mailing Confirmation(s) on file in the Clerk's Office of the City of Elko; and,

WHEREAS, at the time and place set in the Notice, to-wit: the hour of 5:30 p.m. on July 27, 2021, in the City Hall Council Chambers, Elko, Nevada, a hearing before the Elko City Council was duly held and no persons having appeared to object to the proposed vacation and the City Council having deemed it for the best interests of the City and the public that the area be vacated and that no person or persons would be materially injured thereby; and,

WHEREAS, it appearing to the satisfaction of the Elko City Council that the portion of the Golf Course Road right-of-way, containing approximately 210 square feet, situate in the City of Elko, Nevada, adjacent to APN 001-200-009 is no longer required for public use and convenience and that vacation thereof will inure to the benefit of the City of Elko and be for the best interest of the City and the public, and that neither the public nor any person will be materially injured thereby; the legal description is set forth in Exhibit A with the map as Exhibit B attached hereto and made a part hereof.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE ELKO CITY COUNCIL as follows:

I.

That a portion of the Golf Course Road right-of-way situate in the City of Elko, Nevada, described and shown on Exhibits A and B, respectively, attached hereto, be, and the same is hereby vacated upon fulfillment of the following conditions:

- 1. Written response from all non-City utilities is on file with the City of Elko with regard to the vacation in accordance with NRS 278.480(6) before the order is recorded.**
- 2. Record a public utility and drainage easement over the area being vacated.**

That, subject to the conditions set forth in this Resolution, all right, title interest and estate of the City of Elko in that portion of the Golf Course Road right-of-way located in the City of Elko as described and shown on Exhibits A and B shall be vacated and title vested in **Nevada Health Centers, Inc., a Domestic Nonprofit Corporation**, as owner of the parcel abutting the property being vacated, provided further that this vacation and the title of the abutting owner received pursuant thereto, shall be subject to all poles, lines, cables, pipes, drains, utility installations and easements existing on the date the vacation is recorded.

II.

That the City of Elko and the Elko City Council, officers and employees thereof, make no warranties, covenants, representations, or guarantees as to the validity of this vacation procedure, or as to the right, title, interest or estate, if any, any person or entity may acquire as the result thereof.

III.

That the City Clerk of the City of Elko shall certify the copy of this Resolution and Order, and this Resolution and Order shall be recorded upon fulfillment of the above noted conditions, in the Office of the County Recorder of Elko County, Nevada, and be endorsed upon the proper map or plat on file in the Office of said County Recorder, so as to clearly indicate thereon the vacation of a portion of the Golf Course Road right-of-way as described and shown on Exhibits A and B attached hereto, situate in the City of Elko, Elko County, Nevada.

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

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

PASSED AND ADOPTED this _____ day of _____, 2021.

CITY OF ELKO

By: _____
REECE KEENER, MAYOR

ATTEST:

KELLY C. WOOLDRIDGE, CITY CLERK

VOTE:

AYES:

NAYS:

ABSENT:

ABSTAIN:

LEGAL DESCRIPTION FOR VACATION OF RIGHT-OF-WAY

A strip of land, being a portion of the southwesterly 7 feet of Golf Course Road, adjacent to APN 001-200-009, in the City of Elko, Nevada, lying within Section 10, Township 34 North, Range 55 East, which is further described as follows;

Beginning at the easterly most corner of Parcel No. 1, of the Parcel Map for the Nevada Health Centers, Inc., recorded in the office of the Elko County Recorder as file no. 770198, which bears North 10°19'42" West, a distance of 997.28 feet from the monument at the intersection of Court Street and 13th Street;

Thence, along the northeasterly boundary of said Parcel No. 1, North 48°11'00" West, a distance of 30.00 feet;

Thence, continuing along the northeasterly boundary of said Parcel No. 1, North 41°49'00" East, a distance of 7.00 feet;

Thence, South 48°11'00" East, a distance of 30.00 feet;

Thence, South 41°49'00" West, a distance of 7.00 feet, more or less, to the point of beginning.

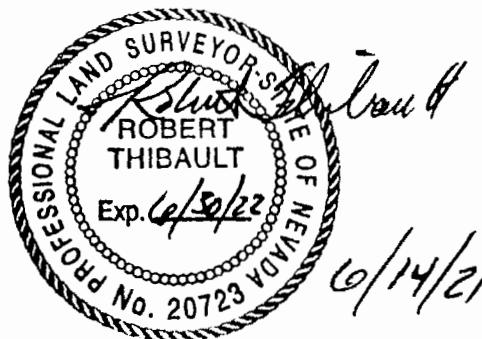
This strip of land being vacated contains a total of ±210 square feet.

The Basis of bearings for this description is the Map of the Smith's Addition to the City of Elko, recorded in the office of the Elko County Recorder as file no. 43255, on November 5, 1927.

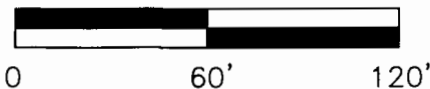
Description prepared by:

Robert Thibault, PE, PLS

Civil Engineer for the City of Elko



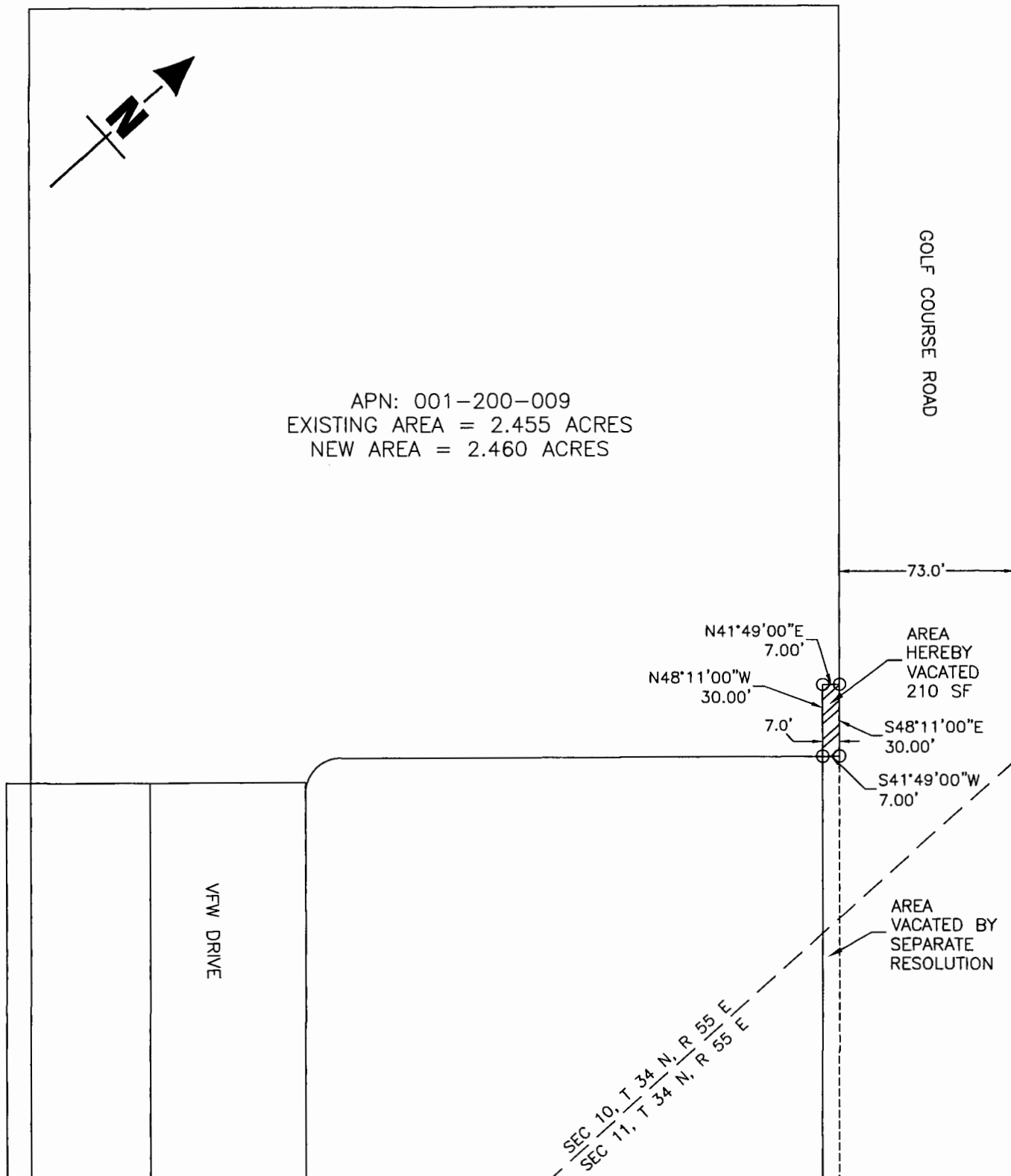
CEDAR STREET



FOURTEENTH STREET

GOLF COURSE ROAD

APN: 001-200-009
 EXISTING AREA = 2.455 ACRES
 NEW AREA = 2.460 ACRES



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

SCALE

HORZ 1" = 60'

VERT NONE

EXHIBIT B

MAP OF AREA VACATED TO APN: 001-200-009

DRAWN BY

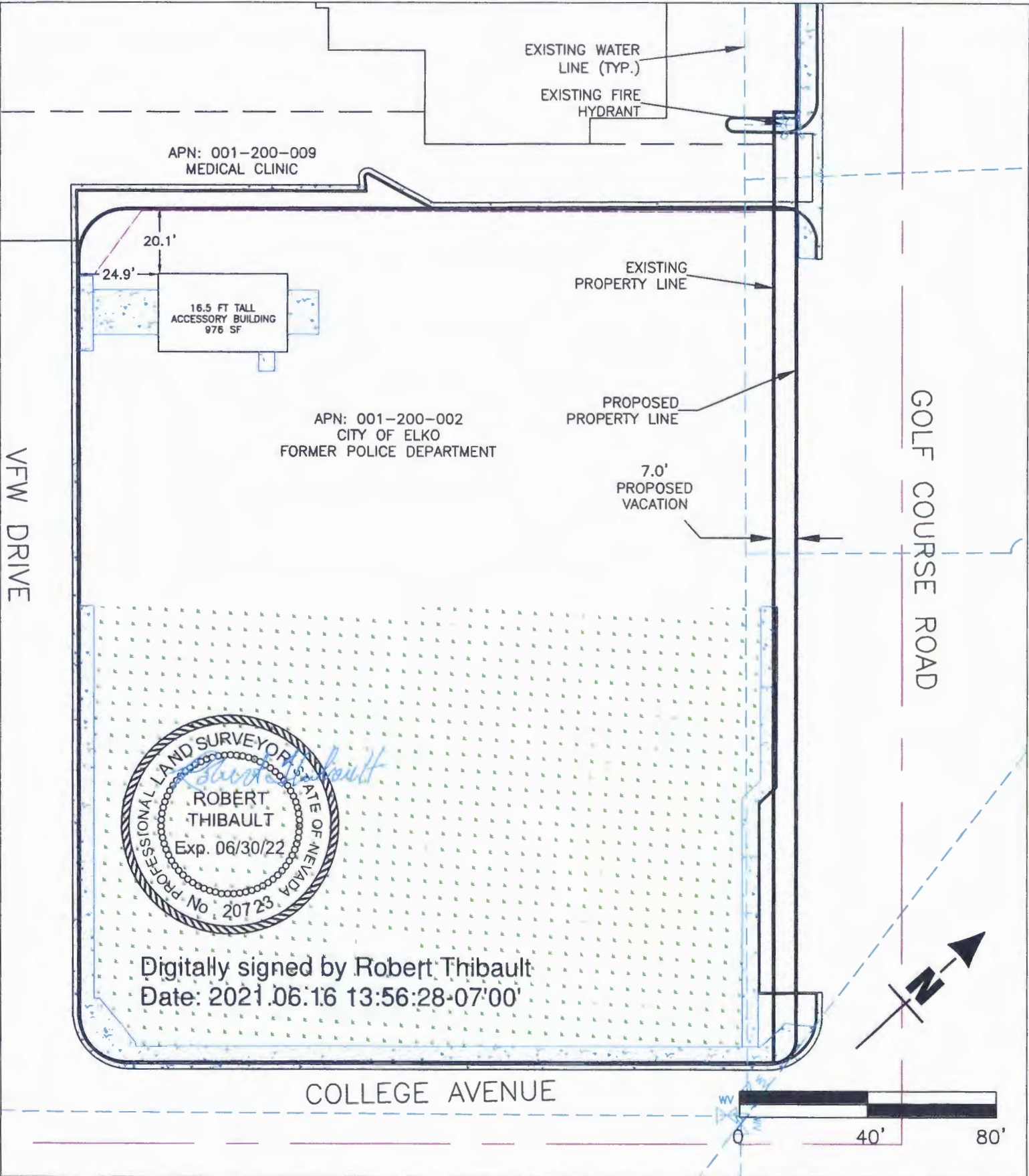
BT

CHECKED BY

BT

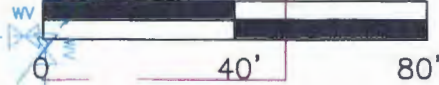
DATE

6/9/21



Digitally signed by Robert Thibault
 Date: 2021.06.16 13:56:28-07'00'

COLLEGE AVENUE



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

SCALE
 HORZ 1"=40'
 VERT NONE

EXISTING IMPROVEMENTS
APN: 001-200-002 &
APN: 001-200-009 VACATION

DRAWN BY
 BT
 CHECKED BY
 BT
 DATE
 6/16/21

U:\Survey\OLD-PO-PARCEL\OLD-PO-PARCEL.dwg



CITY OF ELKO

Planning Department

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

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

CITY OF ELKO PLANNING COMMISSION ACTION REPORT Regular Meeting of July 6, 2021

WHEREAS, the following item was reviewed and considered by the Elko City Planning Commission on July 6, 2021 pursuant to Section 8-7-3 B. of City Code:

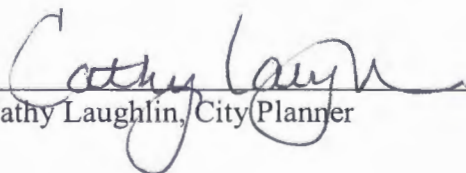
Vacation No. 2-21, filed by The City of Elko on behalf of Nevada Health Centers, for the vacation of the southwesterly portion of Golf Course Road, consisting of an area approximately 210 sq. ft., and matters related thereto.

In discussion with the proposed Great Basin Child Advocacy Center, staff requested that the new curb, gutter and sidewalk line up with existing infrastructure at the intersection of Cedar St. and Golf Course Rd. This vacation will align the Right-of-Way from College Ave. to Cedar Street where it currently is not aligned. City Council accepted the petition for the vacation on June 22, 2021.1

NOW THEREFORE, upon review and consideration of the application, supporting data, public input and testimony, the Planning Commission forwards a recommendation to City Council to adopt a resolution which conditionally approves Vacation No. 2-21 subject to the conditions listed in the City of Elko Staff Report dated June 23, 2021, listed as follows:

- 1. Written response from all non-City utilities is on file with the City of Elko with regard to the vacation in accordance with NRS 278.480(6) before the order is recorded.**
- 2. Record a public utility and drainage easement over the area being vacated.**

The Planning Commission's findings to support its recommendation are the proposed vacation is in conformance with the City of Elko Master Plan Land Use Component. The proposed vacation is in conformance with the City of Elko Master Plan Transportation Component. The property proposed for vacation is not located within the Redevelopment Area. The proposed vacation is in conformance with NRS 278.479 to 278.480, inclusive. The proposed vacation with the recommended conditions is in conformance with Elko City Code 8-7. The proposed vacation will not materially injure the public and is in the best interest of the City.


Cathy Laughlin, City Planner

Attest:



Shelby Knopp, Planning Technician

CC: Applicant
Kelly Wooldridge, City Clerk
Michele Rambo, Development Manager (email)

STAFF COMMENT FLOW SHEET
PLANNING COMMISSION AGENDA DATE: 7/6

Do not use pencil or red pen, they do not reproduce

Title: Vacation No. 2-21 - NV Health Center

Applicant(s): City of Elko

Site Location: Portion of Golf Course Rd. Adj. to APN 001-200-009

Current Zoning: PQP Date Received: 6/15/21 Date Public Notice: N/A

COMMENT: This is to vacate the south westerly portion of Golf Course Rd, ≈ 210 sq. ft.

If additional space is needed please provide a separate memorandum

Assistant City Manager: Date: 6/25/21

Recommend approval

SAW

Initial

City Manager: Date: 6/30/2021

No comments/concerns.

CC

Initial



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

CITY OF ELKO STAFF REPORT

MEMO DATE: June 23, 2021
PLANNING COMMISSION DATE: July 6, 2021
APPLICATION NUMBER: Vacation 2-21
APPLICANT: City of Elko on behalf of Nevada Health Centers
PROJECT DESCRIPTION: APN 001-200-009

Vacation of 7' of the southwesterly portion of Golf Course Road.



STAFF RECOMMENDATION:

RECOMMEND to APPROVE subject to findings of fact and conditions stated in this report.

PROJECT INFORMATION

PARCEL NUMBER: 001-200-009

EXISTING ZONING: PQP- Public, Quasi-Public

MASTER PLAN DESIGNATION: Public

EXISTING LAND USE: Developed, PQP

BACKGROUND:

1. The property has been developed as public, quasi-public land use.
2. City Council accepted the petition and made a motion to vacate the 7' of the Golf Course Road at their June 22, 2021 meeting and referred the matter to Planning Commission for their review.
3. The area proposed to be vacated is approximately 210 sq. ft.

NEIGHBORHOOD CHARACTERISTICS:

The property is surrounded by:

Northwest: PQP- Public, Quasi-Public / Developed
Northeast: PQP- Public, Quasi-Public / Developed
Southeast: PQP- Public, Quasi-Public / Developed
Southwest: R- Residential / Developed

PROPERTY CHARACTERISTICS:

The property is currently developed.
Golf Course Road is currently a 73' right-of-way with the exception of this 30' length of 80' wide right-of-way.
There currently sidewalk adjacent to the property.

MASTER PLAN AND CITY CODES:

Applicable Master Plans and City Code Sections are:

NRS 278.479 to 278.480, inclusive
City of Elko Master Plan – Land Use Component
City of Elko Master Plan – Transportation Component
City of Elko Redevelopment Plan
City of Elko Code – Section 8-7 Street Vacation Procedures

NRS 278.479 to 278.480 inclusive

1. 278.480(4) If any right-of-way or easement required for a public purpose that is owned by a city or a county is proposed to be vacated, the governing body, or the planning commission, hearing examiner or other designee, if authorized to take final action by the governing body, shall, not less than 10 business days before the public hearing described in subsection 5.
2. NRS 278.480 (5) Except as otherwise provided in subsection 6, if, upon public hearing, the governing body, or the planning commission, hearing examiner or other designee, if

authorized to take final action by the governing body, is satisfied that the public will not be materially injured by the proposed vacation, it shall order the street or easement vacated. The governing body, or the planning commission, hearing examiner or other designee, if authorized to take final action by the governing body, may make the order conditional, and the order becomes effective only upon the fulfillment of the conditions prescribed. An applicant or other person aggrieved by the decision of the planning commission, hearing examiner or other designee may appeal the decision in accordance with the ordinance adopted pursuant to NRS 278.31895.

3. Per NRS 278.480(6) Public utility companies were notified of the vacation on June 18, 2021 via first class mail.

MASTER PLAN – Land Use:

1. The Master Plan Land Use Atlas shows the area as Public.
2. PQP- Public, Quasi-Public Zoning District is listed as a corresponding zoning district for Public.
3. Objective 3: Strengthen, preserve, and promote the area around the City Park, City Hall, and Convention Center as the civic heart of the community Encourage multiple scales of commercial development to serve the needs of the region, the community, and individual neighborhoods.

The proposed vacation is in conformance with the Master Plan Land Use component.

MASTER PLAN - Transportation:

1. The area is accessed from Cedar Street, Golf Course Road and 14th Street.

The proposed vacation is in conformance with the Master Plan Transportation Component.

REDEVELOPMENT PLAN

The area is not located within the Redevelopment Area and therefore the redevelopment plan was not part of the consideration of this vacation application.

ELKO CITY CODE SECTION 8-7 STREET VACATION PROCEDURES

1. If it is determined by a majority vote of the city council that it is in the best interest of the city and that no person will be materially injured thereby, the city council, by motion, may propose the realignment, change, vacation, adjustment or abandonment of any street or any portion thereof. In addition, any abutting owner desiring the vacation of any street or easement or portion thereof shall file a petition in writing with the city council and the city council shall consider said petition as set forth above.
 - The City Council made a motion at their meeting on June 22, 2021 and referred the matter to the Planning Commission for further consideration.
2. Except for a petition for the vacation or abandonment of an easement for a public utility owned or controlled by the city, the petition or motion shall be referred to the planning commission, which shall report its findings and recommendations thereon to the city council. The petitioner shall, prior to the consideration of the petition by the planning

commission, pay a filing fee to the city in an amount established by resolution of the city council and included in the appendix to this code.

- The filing fee was paid by the applicant.
3. Whenever any street, easement or portion thereof is proposed to be vacated or abandoned, the city council shall notify by certified mail each owner of property abutting the proposed vacation or abandonment and cause a notice to be published at least once in a newspaper of general circulation in the city setting forth the extent of the proposed vacation or abandonment and setting a date for public hearing, which date may be not less than ten (10) days and not more than forty (40) days subsequent to the date the notice is first published.
 4. Order of City Council: Except as provided in subsection E of this section, if, upon public hearing, the City Council is satisfied that the public will not be materially injured by the proposed vacation or abandonment, and that it is in the best interest of the city, it shall order the street vacated or abandoned. The city council may make the order conditional, and the order shall become effective only upon the fulfillment of the conditions prescribed.

The proposed vacation with the recommended conditions is in conformance with Section 8-7 of City code.

FINDINGS

- The proposed vacation is in conformance with the City of Elko Master Plan Land Use Component
- The proposed vacation is in conformance with the City of Elko Master Plan Transportation component.
- The property proposed for vacation is not located within the Redevelopment Area.
- The proposed vacation is in conformance with NRS 278.479 to 278.480, inclusive.
- The proposed vacation with the recommended conditions is in conformance with Elko City Code 8-7.
- The proposed vacation will not materially injure the public and is in the best interest of the City.

STAFF RECOMMENDATION:

Staff recommends forward a recommendation to City Council to adopt a resolution which conditionally APPROVES the proposed vacation with the following conditions:

1. Written response from all non-City utilities is on file with the City of Elko with regard to the vacation in accordance with NRS 278.480(6) before the order is recorded.
2. Record a public utility and drainage easement over the area being vacated.

**NOTICE OF INTENT OF THE CITY OF ELKO
TO VACATE A PORTION OF THE GOLF COURSE ROAD RIGHT-OF-WAY
ADJACENT TO APN 001-200-009, ALL WITHIN THE CITY OF ELKO, STATE OF
NEVADA**

NOTICE IS HEREBY GIVEN that the City Council of the City of Elko intends to vacate a portion of the Golf Course Road right-of-way adjacent to APN 001-200-009, situated in the City of Elko, Nevada, and cause title to revert to the owner of the abutting property; i.e. Nevada Health Centers Inc. The portion of Golf Course Road to be vacated is more particularly described as follows:

A strip of land, being a portion of the southwesterly 7 feet of Golf Course Road, adjacent to APN 001-200-009, in the City of Elko, Nevada, lying within Section 10, Township 34 North, Range 55 East, which is further described as follows;

Beginning at the easterly most corner of Parcel No. 1, of the Parcel Map for the Nevada Health Centers, Inc., recorded in the office of the Elko County Recorder as file no. 770198, which bears North 10°19'42" West, a distance of 997.28 feet from the monument at the intersection of Court Street and 13th Street;

Thence, along the northeasterly boundary of said Parcel No. 1, North 48°11'00" West, a distance of 30.00 feet;

Thence, continuing along the northeasterly boundary of said Parcel No. 1, North 41°49'00" East, a distance of 7.00 feet;

Thence, South 48°11'00" East, a distance of 30.00 feet;

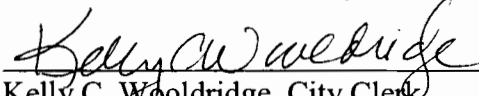
Thence, South 41°49'00" West, a distance of 7.00 feet, more or less, to the point of beginning.

This strip of land being vacated contains a total of ±210 square feet.

The Basis of bearings for this description is the Map of the Smiths Addition to the City of Elko, recorded in the office of the Elko County Recorder as file no. 43255, on November 5, 1927.

AND that the Elko City Council shall further consider the advisability of the vacation of a portion of the Golf Course Road right-of-way, and the adoption of a Resolution and Order vacating the same with the reversion of title as above stated at a meeting of said Council at Elko City Hall, 1751 College Avenue, Elko, Nevada, or at such other place as the City Council shall hold its regular meeting, on July 27, 2021 at 5:30 p.m. All interested persons may appear at the meeting of the Council and be heard.

DATED this 8th day of July, 2021.


Kelly C. Wooldridge, City Clerk

PUBLISH: July 10, 2021

Vacation 2-21 City of Elko / NV Health Center

YPNO	PANAME	PMADD1	PMADD2	PMCTST	PZIP
001200002	ELKO CITY OF		1755 COLLEGE AVE	ELKO NV	89801
001620014	ELKO CITY OF		1755 COLLEGE AVE	ELKO NV	89801
001620018	ELKO CITY OF		1755 COLLEGE AVE	ELKO NV	89801
001620017	ELKO CITY OF		1755 COLLEGE AVE	ELKO NV	89801
001560001	ELKO CITY OF (PARKS)	C/O PARKS & REC DEPARTMENT	723 RAILROAD ST	ELKO NV	89801-3829
001202007	HOUCHIN, KENNETH W		875 14TH ST	ELKO NV	89801-3414
001203007	JACKSON, REN		1380 OAK ST	ELKO NV	89801-3434
001202008	SHURLIFF, RICHARD BRYANT TR ET		1385 OAK ST	ELKO NV	89803-1705
001200001	VETERANS OF FOREIGN WARS OF THE		PO BOX 1266	ELKO NV	89803-1266

} NOP.C.

4



MOREN WAY

1601 COLLEGE AVE
BASEBALL FIELD

COUNTRY CLUB DR

925 GOLF COURSE RD

1501 COLLEGE AVE
ELKO SWIMMING POOL

GOLF COURSE RD

762 14TH ST
ELKO FAMILY MEDICAL

1401 COLLEGE AVE

14TH ST

1375 CEDAR ST

1385 OAK ST

CEDAR ST

1360 CEDAR ST

1375 OAK ST

1342 CEDAR ST

1355 OAK ST

1365 OAK ST

646 VFW DR
V.F.W. POST 2350

1380 OAK ST

770 13TH ST

1345 OAK ST

1335 OAK ST

1364 OAK ST

575 VFW DR
MASONIC TEMPLE

1435 IDAHO ST
COE PARK SHOP

791 13TH ST

740 13TH ST

1350 OAK ST

1340 OAK ST

VFW DR

1415 IDAHO ST
COE WELL 10-A

761 13TH ST

716 13TH ST

1328 OAK ST

1363 COLLEGE AVE

1376 COLLEGE AVE

561 VFW DR
RUBY MOUNTAIN ACTION ACADEMY

739 13TH ST

13TH ST

1312 OAK ST

1351 COLLEGE AVE

Shelby Knopp

From: Amanda Marcucci <Amanda.Marcucci@swgas.com>
Sent: Monday, June 21, 2021 8:52 AM
To: Shelby Knopp
Subject: RE: EXTERNAL: Proposed Vacations 1-21, 2-21, 3-21, & 4-21

Hi Shelby,

Southwest Gas does not object to Proposed Vacations 1-21, 2-21, 3-21, & 4-21.

Amanda



Delivering
SOUTHWEST
GAS

Amanda Marcucci, PE | Supervisor/Engineering

PO Box 1190 | 24A-580 | Carson City, NV 89702-1190
direct 775.887.2871 | mobile 775.430.0723 | fax 775.882.6072
amanda.marcucci@swgas.com | www.swgas.com

From: Shelby Knopp <sknopp@elkocitynv.gov>
Sent: Friday, June 18, 2021 10:07 AM
To: Amanda Marcucci <Amanda.Marcucci@swgas.com>; NNDEngineering <nndengineering@swgas.com>
Subject: EXTERNAL: Proposed Vacations 1-21, 2-21, 3-21, & 4-21

[WARNING] This message originated outside of Southwest Gas. **DO NOT CLICK** links or attachments unless you recognize the sender and know the content is safe.

Good Morning,

Please see the attached correspondence regarding proposed Vacation No. 1-21, 2-21, 3-21, and 4-21, all filed by the City of Elko.

Let me know if you have any questions.

Thank you!

Shelby Knopp
Planning Technician
City of Elko
Planning Department



CITY OF ELKO

Planning Department

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

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

June 18, 2021

Southwest Gas Corporation
Engineering Department
PO Box 1190
Carson City, NV 89702-1190
nndengineering@swgas.com

SUBJECT: Proposed Vacation No. 01-21 and 02-21

To Whom It May Concern:

Please be advised that the City of Elko Planning Department is processing a request filed by the City of Elko to vacate a portion of the Golf Course Road right-of-way located generally on the northeast side of APN 001-200-002 and 001-200-009. Please see enclosed map.

The City respectfully requests your assistance in determining whether there are any utility improvements or any other such interests within the area proposed to be vacated.

Please advise the Elko City Planning Department in writing concerning your agency's needs or interests as affected by this requested vacation, or submit a letter or email stating none of your interests are in the area, as **we are required to keep responses from all local utilities per NRS 278.480(6)**. The Planning Commission will consider this item on July 6, 2021. Thank you for your time and effort in this matter!

If you have any questions, please contact our office at 777-7160.

Sincerely,

Shelby Knopp
Planning Technician

Enclosures

Shelby Knopp

From: Stephen Lifferth <stephen.lifferth@beehive.net>
Sent: Friday, June 18, 2021 10:08 AM
To: Shelby Knopp
Subject: Re: Proposed Vacations 1-21, 2-21, 3-21, & 4-21

Hi Shelby,

Beehive has no interests in the proposed vacation. Let me know if you need anything additional.

Thanks!

From: Shelby Knopp <sknopp@elkocitynv.gov>
Date: Friday, June 18, 2021 at 11:02 AM
To: Stephen Lifferth <stephen.lifferth@beehive.net>
Subject: Proposed Vacations 1-21, 2-21, 3-21, & 4-21

Good Morning,

Please see the attached correspondence regarding the proposed Vacation No. 1-21, 2-21, 3-21, & 4-21, all filed by the City of Elko.

Let me know if you have any questions.

Thank you!

Shelby Knopp
Planning Technician
City of Elko
Planning Department
Ph (775) 777-7160
FA (775) 777-7219



CITY OF ELKO

Planning Department

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

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

June 18, 2021

Beehive Broadband
2000 N. Sunset Road
Lake Point, UT 84074

SUBJECT: Proposed Vacation No. 01-21 and 02-21

To Whom It May Concern:

Please be advised that the City of Elko Planning Department is processing a request filed by the City of Elko to vacate a portion of the Golf Course Road right-of-way located generally on the northeast side of APN 001-200-002 and 001-200-009. Please see enclosed map.

The City respectfully requests your assistance in determining whether there are any utility improvements or any other such interests within the area proposed to be vacated.

Please advise the Elko City Planning Department in writing concerning your agency's needs or interests as affected by this requested vacation, or submit a letter or email stating none of your interests are in the area, as **we are required to keep responses from all local utilities per NRS 278.480(6)**. The Planning Commission will consider this item on July 6, 2021. Thank you for your time and effort in this matter!

If you have any questions, please contact our office at 777-7160.

Sincerely,

Shelby Knopp
Planning Technician

Enclosures

June 23, 2021

City of Elko
Planning Department
Attn: Shelby Archuleta Knopp
Planning Technician
sarchuleta@elkocitynv.gov

Re: Proposed Vacation No. 01-21 and 02-21

Please be advised that Michael W. Lattin, Vice President / Field Operations for Elko Heat Company has reviewed the above vacation and Elko Heat Company has no issues with this vacation.

Please contact us if you have any additional questions or concerns.

Sincerely,

Pamela Lattin

Pamela Lattin
Secretary/Treasurer



CITY OF ELKO

Planning Department

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

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

June 18, 2021

Elko Heat
P.O. Box 2347
Elko, NV 89803

SUBJECT: Proposed Vacation No. 01-21 and 02-21

To Whom It May Concern:

Please be advised that the City of Elko Planning Department is processing a request filed by the City of Elko to vacate a portion of the Golf Course Road right-of-way located generally on the northeast side of APN 001-200-002 and 001-200-009. Please see enclosed map.

The City respectfully requests your assistance in determining whether there are any utility improvements or any other such interests within the area proposed to be vacated.

Please advise the Elko City Planning Department in writing concerning your agency's needs or interests as affected by this requested vacation, or submit a letter or email stating none of your interests are in the area, as **we are required to keep responses from all local utilities per NRS 278.480(6)**. The Planning Commission will consider this item on July 6, 2021. Thank you for your time and effort in this matter!

If you have any questions, please contact our office at 777-7160.

Sincerely,

Shelby Knopp
Planning Technician

Enclosures



CITY OF ELKO

Planning Department

Website: www.elkocity.com

Email: planning@elkocitynv.gov

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

June 18, 2021

NV Energy
Attn: Katherine Perkins
6100 Neil Road
Reno, NV 89511

SUBJECT: Proposed Vacation No. 01-21 and 02-21

Dear Ms. Perkins:

Please be advised that the City of Elko Planning Department is processing a request filed by the City of Elko to vacate a portion of the Golf Course Road right-of-way located generally on the northeast side of APN 001-200-002 and 001-200-009. Please see enclosed map.

The City respectfully requests your assistance in determining whether there are any utility improvements or any other such interests within the area proposed to be vacated.

Please advise the Elko City Planning Department in writing concerning your agency's needs or interests as affected by this requested vacation, or submit a letter or email stating none of your interests are in the area, as **we are required to keep responses from all local utilities per NRS 278.480(6)**. The Planning Commission will consider this item on July 6, 2021. Thank you for your time and effort in this matter!

If you have any questions, please contact our office at 777-7160.

Sincerely,

Shelby Knopp
Planning Technician

Enclosures



CITY OF ELKO

Planning Department

Website: www.elkocity.com

Email: planning@elkocitynv.gov

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

June 18, 2021

Frontier Communication
Mr. John Poole
1520 Church Street
Gardnerville, NV 89410

SUBJECT: Proposed Vacation No. 01-21 and 02-21

Dear Mr. Poole:

Please be advised that the City of Elko Planning Department is processing a request filed by the City of Elko to vacate a portion of the Golf Course Road right-of-way located generally on the northeast side of APN 001-200-001 and 001-200-009. Please see enclosed map.

The City respectfully requests your assistance in determining whether there are any utility improvements or any other such interests within the area proposed to be vacated.

Please advise the Elko City Planning Department in writing concerning your agency's needs or interests as affected by this requested vacation, or submit a letter or email stating none of your interests are in the area, as **we are required to keep responses from all local utilities per NRS 278.480(6)**. The Planning Commission will consider this item on July 6, 2021. Thank you for your time and effort in this matter!

If you have any questions, please contact our office at 777-7160.

Sincerely,

Shelby Knopp
Planning Technician

Enclosures



CITY OF ELKO

Planning Department

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

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

June 18, 2021

Zito Media

Mr. Dustin Hurd

VIA Email: dustin.hurd@zitomedia.com

SUBJECT: Proposed Vacation No. 01-21 and 02-21

Dear Mr. Hurd:

Please be advised that the City of Elko Planning Department is processing a request filed by the City of Elko to vacate a portion of the Golf Course Road right-of-way located generally on the northeast side of APN 001-200-002 and 001-200-009. Please see enclosed map.

The City respectfully requests your assistance in determining whether there are any utility improvements or any other such interests within the area proposed to be vacated.

Please advise the Elko City Planning Department in writing concerning your agency's needs or interests as affected by this requested vacation, or submit a letter or email stating none of your interests are in the area, as **we are required to keep responses from all local utilities per NRS 278.480(6)**. The Planning Commission will consider this item on July 6, 2021. Thank you for your time and effort in this matter!

If you have any questions, please contact our office at 777-7160.

Sincerely,

Shelby Knopp
Planning Technician

Enclosures



CITY OF ELKO PLANNING DEPARTMENT

1751 College Avenue * Elko * Nevada * 89801 *

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

APPLICATION FOR VACATION OF CITY STREET, EASEMENT OR OTHER PUBLIC RIGHT-OF-WAY

APPLICANT(s):	City of Elko		
MAILING ADDRESS:	1751 College Ave.		
PHONE NO (Home)	775-777-7160	(Business)	
NAME OF PROPERTY OWNER (If different):	Elko County & Nevada Health Centers Inc.		
	<i>(Property owner's consent in writing must be provided.)</i>		
MAILING ADDRESS:			
LEGAL DESCRIPTION AND LOCATION OF PROPERTY INVOLVED (Attach if necessary):			
ASSESSOR'S PARCEL NO.:	001-200-002 & 009	Address	1401 College Ave. & 762 14th St.
Lot(s), Block(s), & Subdivision			
Or Parcel(s) & File No.			

FILING REQUIREMENTS:

Complete Application Form: In order to begin processing the application, an application form must be complete and signed. Applications go before the City Council, Planning Commission, and back to City Council twice.

Fee: A \$600.00 non-refundable fee.

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

Legal Description: A complete legal description of the area proposed for vacation along with an exhibit depicting the area for vacation.

Note: One .pdf of the entire application must be submitted as well as one set of legible, reproducible plans 8 ½" x 11" in size. If the applicant feels the Commission needs to see 24" x 36" plans, 10 sets of pre-folded plans must be submitted.

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

OWNER(S) OF THE PROPERTY ABUTTING THE AREA BEING REQUESTED FOR VACATION:

Nevada Health Centers Inc. 3325 Research Way Fl 2 Carson City, NV 89706-7913

(Name)

(Address)

OWNER(S) OF THE PROPERTY ABUTTING THE AREA BEING REQUESTED FOR VACATION:

Elko County 540 Court Street Elko, NV 89801

(Name)

(Address)

1. Describe the nature of the request: City of Elko is the applicant to apply for the vacation to allow for the development of the Great Basin Child Advocacy Center new curb, gutter and sidewalk to align with the existing on the adjacent parcel owned by Nevada Health Centers Inc. There is a small portion of the Nevada Health Centers Inc. parcel which will also require a separate resolution to vacate that excess right-of-way to their parcel.

2. Describe any utilities currently located in the area proposed for vacation, and if any are present how they will be addressed: No known utilities

Use additional pages if necessary

This area intentionally left blank

By My Signature below:

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

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

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

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

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

Applicant / Agent
(Please print or type)

Mailing Address
Street Address or P.O. Box

City, State, Zip Code

Phone Number:

Email address:

SIGNATURE:

FOR OFFICE USE ONLY

File No.: 2-21 Date Filed: 6/15/21 Fee Paid: N/A

**Elko City Council
Agenda Action Sheet**

1. **Title: Review, consideration, and possible action to conditionally approve Tentative Map No. 3-21, filed by Bailey and Associates, LLC, for the development of a subdivision entitled Cedar Estates Phase 3, involving the proposed division of approximately 7.31 acres of property into 34 lots for residential development within the RMH (Residential Mobile Home) Zoning District, and matters related thereto. FOR POSSIBLE ACTION**
2. **Meeting Date: July 27, 2021**
3. **Agenda Category: PUBLIC HEARING**
4. **Time Required: 15 Minutes**
5. **Background Information: The subject property is located at the northern terminus of both Primrose Lane and Daisy Drive (APN 001-926-111). The Planning Commission considered this item on July 6, 2021, and took action to forward a recommendation to conditionally approve Tentative Map 3-21. 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: Maps, P.C. Action Report, Staff Reports, and related correspondence.**
9. **Recommended Motion: Conditionally approve Tentative Map No. 3-21 for the Cedar Estates Phase 3 subdivision, subject to the findings and conditions as recommended by the Planning Commission with a modification of standards to Lots 4, 5, 13, 14, 21, 22, 23, and 25 to allow for shorter-than-required lot widths. The City Council determines that the property can be divided based on the findings required in Section 3-3-5(E)(2) of the Municipal Code.**
10. **Prepared By: Michele Rambo, AICP, Development Manager**
11. **Committee/Other Agency Review: Planning Commission**
12. **Council Action:**
13. **Agenda Distribution: Bailey & Associates, LLC
Attn: Doug Bailey
780 W. Silver Street, #104
Elko, NV 89801

Summit Engineering
Attn: Nitin Bhakta
1150 Lamoille Highway
Elko, NV 89801**



CITY OF ELKO

Planning Department

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

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

CITY OF ELKO PLANNING COMMISSION ACTION REPORT Regular Meeting of July 6, 2021

WHEREAS, the following item was reviewed and considered by the Elko City Planning Commission on July 6, 2021 per City Code Section 3-3-5(D)4.:

Tentative Map 3-21, filed by Bailey and Associates, LLC for the development of a subdivision entitled Cedar Estates Phase 3 involving the proposed division of approximately 7.31 acres of property into 34 lots for residential development within the RMH (Residential Mobile Home) Zoning District, and matters related thereto.

Subject property is located at the northern terminus of both Primrose Lane and Daisy Drive. (APN 001-926-111)

WHEREAS, the Planning Commission, upon review and consideration of the application, supporting data, public input and testimony, forward a recommendation to City Council to conditionally approve Tentative Map No. 3-21 subject to the conditions found in the City of Elko Staff Report dated June 7, 2021, listed as follows:

Development Department:

1. The subdivider is to comply with all provisions of the NAC and NRS pertaining to the proposed subdivision.
2. Tentative Map approval constitutes authorization for the subdivider to proceed with preparation of the Final Map and associated construction plans.
3. The Tentative Map must be approved by the Nevada Department of Environmental Protection prior to submitting for Final Map approval by the City of Elko.
4. Construction plans must be approved by the Nevada Department of Environmental Protection prior to issuance of a grading permit.
5. Tentative Map approval does not constitute authorization to proceed with site improvements.
6. The applicant must submit an application for Final Map within a period of four (4) years in accordance with NRS.360(1)(a). Approval of the Tentative Map will automatically lapse at that time.
7. A soils report is required with Final Map submittal.
8. A hydrology report is required with Final Map submittal.

9. Final Map construction plans are to comply with Chapter 3-3 of City code.
10. The subdivision design and construction shall comply with Title 9, Chapter 8 of City code.
11. The Utility Department will issue an Intent to Serve letter upon approval of the Tentative Map by the City Council.
12. A modification from standards from 3-3-13(A) be approved by City Council for Lots 4, 5, 13, 14, 21, 22, 23, and 25 to allow for shorter-than-required front lots widths.
13. Any slopes greater than 3:1 shall be rip-rapped.

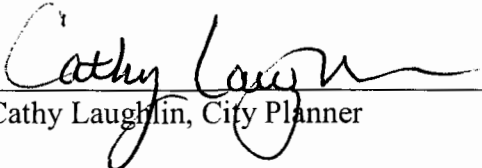
Public Works Department:

14. All public improvements to be installed at time of development per Elko city code. See memo from Community Development.

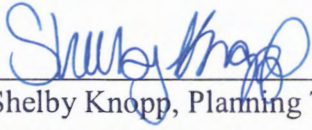
Utilities Department:

15. An isolation valve will need to be installed midway through the development per NAC 445A.6137 which requires that "other areas must be located in such a manner that portions of water mains can be isolated in lengths of 800 or less by the closure of valves". The length of pipe around the loop is well over 1,000 feet. Please show this valve on the plans prior to City Council consideration

The Planning Commission's findings to support its recommendation are the proposed subdivision and development is in conformance with both the Land Use and Transportation Components of the Master Plan as previously discussed in this report. The proposed subdivision and development does not conflict with the Airport Master Plan, the City of Elko Development Feasibility, Land Use, Water Infrastructure, Sanitary Sewer Infrastructure, Transportation Infrastructure, and Annexation Potential Report – November 2012; the Wellhead Protection Program; or applicable sections of the Elko City Code. The proposed subdivision complies with Section 3-3-5(E)(2)(a)-(k) as discussed in this report and as required by Section 278.349(3) of the Nevada Revised Statutes. The proposed subdivision complies with all other relevant sections of City Code with the exception of : a. Lots 4,5,13,14,21,22,23 and 25 are located on curved portions of the streets and have short front lot widths. A modification of standards is required to make these lots conform. The property is not located within the Redevelopment Area. Therefore, there is no conflict with the Redevelopment Plan.


Cathy Laughlin, City Planner

Attest:



Shelby Knopp, Planning Technician

CC: Applicant
Kelly Wooldridge, City Clerk
Michele Rambo, Development Manager (email)

STAFF COMMENT FLOW SHEET
PLANNING COMMISSION AGENDA DATE: 7/6

Do not use pencil or red pen, they do not reproduce

Title: Tentative Map No. 3-21 - Cedar Estates - Phase 3
Applicant(s): Bailey + Associates, LLC
Site Location: APN 001-926-001 - N Terminus of Daisy Dr + Primrose Ln
Current Zoning: BMH Date Received: 5/19/21 Date Public Notice: 6/22/21
COMMENT: This is to divide \approx 7.31 acres of land into 34 lots for residential Development.

If additional space is needed please provide a separate memorandum

Assistant City Manager: Date: 6/25/21

Recommend approval as presented by staff with modification of standard for lots 4, 5, 13, 14, 21, 22, 23, 25 based on locations on curves. Riprap protection is required for storm drain outlet

SAW

Initial

City Manager: Date: 6/30/21

No comments/concerns.

CC

Initial



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

CITY OF ELKO STAFF REPORT

REPORT DATE: June 7, 2021
PLANNING COMMISSION DATE: July 6, 2021
AGENDA ITEM NUMBER: I.A.1.
APPLICATION NUMBER: Tentative Map 3-21
APPLICANT: Bailey and Associates, LLC
PROJECT DESCRIPTION: Cedar Estates Phase 3

A Tentative Map for the division of approximately 7.31 acres into 34 lots for residential development within an RMH (Residential Mobile Home) zoning district.



STAFF RECOMMENDATION:

RECOMMEND CONDITIONAL APPROVAL, subject to findings of fact and conditions as stated in this report.

PROJECT INFORMATION

PARCEL NUMBER:	001-926-111
PARCEL SIZE:	7.31 Acres
EXISTING ZONING:	(RMH) Residential Mobile Home
MASTER PLAN DESIGNATION:	(RES-MD) Residential Medium Density
EXISTING LAND USE:	Vacant

NEIGHBORHOOD CHARACTERISTICS:

The property is surrounded by:

- North: Agricultural-Residential (AR) / Developed (Elko County)
- South: Residential Mobile Home (RMH) / Developed (Cedar Estates Phases 1 and 2)
- East: General Industrial (GI) / Developed
- West: Light Industrial (LI) / Vacant
Residential Mobile Home (RMH) / Developed

PROPERTY CHARACTERISTICS:

- The property is an undeveloped residential parcel.
- The site abuts large-lot residential uses to the north, existing Cedar Estates Phases 1 and 2 to the south, a developed industrial use (Humboldt-Vega) to the east, and an existing mobile home park (Southgate Mobile Home Park) to the west.
- The parcel has many slopes, but generally drains to the existing detention/retention basin on the northeast corner of the site. The slopes have been incorporated into the tentative map design where possible to minimize the amount of grading needed.
- The property will be accessed by both Primrose Lane and Daisy Drive.

APPLICABLE MASTER PLAN AND CITY CODE SECTIONS:

- City of Elko Master Plan – Land Use Component
- City of Elko Master Plan – Transportation Component
- City of Elko Development Feasibility, Land Use, Water Infrastructure, Sanitary Sewer Infrastructure, Transportation Infrastructure, and Annexation Potential Report – November 2012
- City of Elko Redevelopment Plan
- City of Elko Wellhead Protection Plan
- City of Elko Zoning – Section 3-2-3 General Provisions
- City of Elko Zoning – Section 3-2-4 Establishment of Zoning Districts
- City of Elko Zoning – Section 3-5-4 RMH Uses Permitted and Minimum Standards
- City of Elko Zoning – Section 3-2-5(G) Residential Zoning Districts Area, Setback, and Height
- City of Elko Zoning – Section 3-2-17 Traffic, Access, Parking and Loading Regulations
- City of Elko Zoning – Chapter 3 Subdivisions

- City of Elko Zoning – Section 3-8 Flood Plain Management
- City of Elko Public Ways and Property – Title 9, Chapter 8 Post Construction Runoff Control and Water Quality Management

BACKGROUND:

1. The property owner and applicant is Bailey and Associates, LLC.
2. The subdivision is located on APN 001-926-111.
3. The property is undeveloped.
4. The proposed subdivision consists of 34 residential lots.
5. The total subdivided area is approximately 7.31 acres.
6. The proposed density is 4.65 units per acre.
7. No phasing is proposed as part of the Tentative Map.
8. A total of 1.08 acres are dedicated roadways offered as part of the project.
9. The property is located at the northern terminus of both Primrose Lane and Daisy Drive.
10. A Stage 1 meeting for the proposed subdivision was held on September 12, 2019.

MASTER PLAN

Land Use:

1. The land use for the parcel is shown as Residential Medium Density. The proposed density for the subdivision is 4.65 units per acre, which fits the medium density category and is, therefore, in conformance.
2. The zoning for the parcel is shown as Residential Mobile Home (RMH), which is a corresponding zoning for the medium density Master Plan category.
3. The listed Goal of the Land Use Component states: “Promote orderly, sustainable growth and efficient land use to improve quality of life and ensure new development meets the needs of all residents and visitors.”
4. Objective 1 under the Land Use component of the Master Plan states: “Promote a diverse mix of housing options to meet the needs of a variety of lifestyles, incomes, and age groups.”
 - a. Best Practice 1.1 – The proposed subdivision meets several of the methods described to achieve a diverse mix of housing types in the community.
 - b. Best Practice 1.3 – The location of the proposed subdivision appears to support the City striving for a blended community by providing a mix of housing types in the neighborhood and is supported by existing infrastructure.
5. Objective 8 of the Land Use component of the Master Plan states: “Ensure that new development does not negatively impact County-wide natural systems or public/federal lands such as waterways, wetlands, drainages, floodplains, etc. or pose a danger to human health and safety.” Staff believes there will be no negative impacts to natural systems and no issue with regard to human health and safety.

The proposed subdivision and development is in conformance with the Land Use component of the Master Plan.

Transportation:

1. The project will be accessed from both Primrose Lane and Daisy Drive.
2. Primrose Lane and Daisy Drive are classified as a Local streets.
3. The interior circulation of the project will be provided by the extension of Primrose Lane and Daisy Drive.

4. The Master Plan requires Local streets to have 50 feet of right-of-way. The design of the extensions of Primrose Lane and Daisy Drive on the Tentative Map includes this required width.
5. Upon full buildout, the proposed subdivision is expected to generate approximately 324 additional Average Daily Trips based on 9.52 trips/single-family unit (ITE Trip Generation, 10th Edition). This is below the threshold for a traffic study established in the Master Plan.

The proposed subdivision and development is in conformance with the Transportation component of the Master Plan.

ELKO AIRPORT MASTER PLAN:

The proposed subdivision and development does not conflict with the Airport Master Plan.

CITY OF ELKO DEVELOPMENT FEASIBILITY, LAND USE, WATER INFRASTRUCTURE, SANITARY SEWER INFRASTRUCTURE, TRANSPORTATION INFRASTRUCTURE, AND ANNEXATION POTENTIAL REPORT – NOVEMBER 2012:

The proposed subdivision does not conflict with the City of Elko Development Feasibility, Land Use, Water Infrastructure, Sanitary Sewer Infrastructure, Transportation Infrastructure, and Annexation Potential Report – November 2012.

ELKO REDEVELOPMENT PLAN:

The property is not located within the Redevelopment Area.

ELKO WELLHEAD PROTECTION PLAN:

The northwest corner of the property is located within the 30-year capture zone for Well 24. Development of the site is required to be connected to a programmed sewer system and all street drainage will be directed to a detention/retention basin.

SECTION 3-3-5 TENTATIVE MAP STAGE (STAGE II):

- A. Zoning Amendments – No zoning amendment is required for this project. The site is currently zoned for manufactured home subdivisions such as the one proposed.
- B. Water/Sewer/Storm Drain – A water and sewer design report was submitted by the project engineer calculating the water and sewer demand for the proposed subdivision. The table below shows the average demand vs. existing capacity.

	Estimated Demand	Existing Capacity
Water	23.6 gpm	3,081 gpm
Sewer	11,900 gpd	4.5 million gpd

- C. Application Submittal Requirements – The Tentative Map submittal is complete.
- D. Departmental Review – The Tentative Map was distributed according to this section of code and was reviewed by the required departments. Any comments and/or conditions of approval have been incorporated into this report.

Tentative Map Approval 3-3-5(E)(2)(a)-(k) – Requires the following findings:

- a. Environmental and health laws and regulations concerning water and air pollution, the disposal of solid waste, facilities to supply water, community or public sewage disposal, and, where applicable, individual systems for sewage disposal.
 - The proposed subdivision will be connected to the city's water supply system, programmed sewer system, and is required to be in compliance with all applicable federal, state, and local requirements.
 - Based on the estimated demand for sewer shown in Section B (above), the City has adequate capacity to serve the proposed subdivision.
- b. The availability of water which meets applicable health standards and is sufficient in quantity for the reasonably foreseeable needs of the subdivision.
 - Based on the estimated demand for water shown in Section B (above), the City has adequate capacity to serve the proposed subdivision.
 - The City of Elko Engineering Department is required to model the anticipated water consumption of the subdivision. The City of Elko Utility Department will be required to submit a "Tentative Will-Serve Letter" to the State of Nevada. The water modeling requires an update to reflect the increased number of lots. Current City-wide annual water usage is approximately 50% of the total allocated water rights.
 - City of Elko currently has excess pumping capacity of 3,081 gallons per minute. Sufficient infrastructure and pumping capacity exists to provide the required water volume to serve the proposed subdivision and development.
 - The Developer will extend properly sized infrastructure as required for development of the property.
 - The proposed subdivision and development will not create an unreasonable burden on the existing water supply.
- c. The availability and accessibility of utilities.
 - Utilities are available in the immediate area and can be extended for the proposed development.
- d. The availability and accessibility of public services such as schools, police protection, transportation, recreation, and parks.
 - Schools, fire and police, and recreational services are available throughout the community.
- e. Conformity with the zoning ordinance and the City's Master Plan, except that if any existing zoning ordinance is inconsistent with the City's Master Plan, the zoning ordinance takes precedence.
 - The land use for the parcel is shown as Residential Medium Density.
 - The parcel is zoned Residential Mobile Home (RMH), which is a corresponding zoning for the medium density Master Plan category.
 - Residential Medium Density is intended for residential development at a density between four and eight units per acre. The proposed density for the subdivision is

- 4.65 units per acre, which fits the medium density category and is, therefore, in conformance.
- The proposed subdivision is otherwise in conformance with the City's Master Plan as well as the Zoning Ordinance.
- f. General conformity with the City's Master Plan of streets and highways.
- The proposed subdivision is in conformance with the Transportation Component of the Master Plan.
- g. The effect of the proposed subdivision on existing public streets and the need for new streets or highways to serve the subdivision.
- The proposed subdivision and development will add approximately 324 Average Daily Trips to Pinion Road by way of Primrose Lane and Daisy Drive. Based on the threshold of 1,000 ADT referenced in the Master Plan, a traffic study is not required with this subdivision.
 - The proposed subdivision and development will not cause unreasonable traffic congestion or unsafe conditions with respect to existing or proposed streets.
- h. Physical characteristics of the land, such as floodplain, slope, and soil.
- The proposed subdivision and subsequent development of the property is expected to reduce the potential for erosion in the immediate area. Development of the property will not cause unreasonable soil erosion.
 - A hydrology report is required with the Final Map and Construction Plan submittal.
 - The proposed subdivision and development is not expected to result in unreasonable erosion or reduction in the water holding capacity of the land thereby creating a dangerous or unhealthy condition.
 - The proposed grading of the site creates some significant slopes around the north property line. A condition of approval has been added below requiring any slopes of 3:1 or more be stabilized in accordance with the City's BMP manual.
- i. The recommendations and comments and those entities and persons reviewing the Tentative Map pursuant to this Chapter and NRS 278.330 to 278.3485, inclusive.
- Any comments received from other entities and persons reviewing the Tentative Map have been incorporated either as revisions to the Map or as conditions of approval.
- j. The availability and accessibility of fire protection, including, but not limited to, the availability and accessibility of water and services for the prevention and containment of fires, including fires in wild lands.
- Fire protection services are available throughout the community.
 - A sufficient amount of water exists in this area for use in fire containment.
 - The City of Elko Fire Department has reviewed the application materials for compliance with all fire code requirements.
- k. The submission by the subdivider of an affidavit stating that the subdivider will make provision for payment of the tax imposed by Chapter 375 of NRS and for compliance

with the disclosure and recording requirements of Subsection 5 of NRS 598.0923, if applicable, by the subdivider or any successor in interest.

- The subdivider/developer is required to comply with all applicable sections of Chapters 375 and 598 of the NRS.

There are no obvious considerations or concerns which indicate the proposed subdivision would not be in conformance with all applicable provisions.

SECTION 3-3-6 CONTENT AND FORMAT OF TENTATIVE MAP SUBMITTAL:

- A. Form and Scale – The Tentative Map conforms to the required size and form specifications.
- B. Identification Data
1. The subdivision name, location, and section/township/range, with bearing to a section corner or quarter-section corner, is shown.
 2. The name, address, email, and telephone number of the subdivider is shown.
 3. The engineer's name, address, and telephone number are shown.
 4. The scale is shown on all sheets.
 5. The north arrow is shown on all sheets.
 6. The date of initial preparation and dates of any subsequent revisions are shown.
 7. A location map is provided.
 8. A legal description is provided.
- C. Physical Conditions
1. The existing topography of the site is shown.
 2. Existing drainage conditions are shown on the Tentative Map.
 3. There are no Special Flood Hazards within the proposed subdivision.
 4. All roadways, easements, and corporate limits are shown within and adjacent to the subdivision.
 5. Dimensions of all subdivision boundaries are shown on the Tentative Map.
 6. Gross and net acreage of the subdivision is shown.
- D. Recorded Map Information:
1. Any previously recorded maps for adjacent properties are labeled on the Tentative Map.
- E. Existing Zoning:
1. The zoning is shown for the subject property. Zoning classifications for adjacent properties are also shown on the Tentative Map.
- F. Proposed Improvements and Other Features Data:
1. The proposed interior street layout is shown. All of the streets are named and proposed for dedication. The grades of the proposed streets are shown on the grading plan.
 2. The lot layout with consecutively numbered lots is shown. The area and dimensions for each lot are shown, as well as the total number of lots.
 3. Typical easements will be required along all lot lines.
 4. Street dedications are proposed for the extensions of both Primrose Lane and Daisy Drive.
 5. Manufactured homes on permanent foundations are allowed in the Residential Mobile Home zoning.

- G. Proposed Deed Restrictions:
 - 1. No proposed CC&R's for the subdivision have been submitted.
- H. Preliminary Grading Plan:
 - 1. A grading plan has been provided. The cut and fill amounts are shown.
- I. NPDES Permit Compliance:
 - 1. The subdivider will be required to comply with the City of Elko's storm water regulations.
- J. Proposed Utility Methods and Requirements:
 - 1. The proposed sewage disposal infrastructure connecting to the City's infrastructure is shown on the utility plan.
 - 2. The proposed water supply infrastructure connecting to the City's infrastructure is shown on the utility plan.
 - 3. The Tentative Map shows storm water infrastructure. A hydrology report will be required with the Final Map and Construction Plan submittal.
 - 4. Utilities in addition to City utilities must be provided with construction plans required for Final Map submittal.
 - 5. The City will not require a traffic impact study for the proposed subdivision.

SECTION 3-3-9 GENERAL REQUIREMENTS FOR SUBDIVISION DESIGN:

- A. Conformance with Master Plan: The proposed subdivision is in conformance with the Master Plan objectives for density and applicable zoning as discussed in detail above.
- B. Public Facility Sites: No public facility sites are proposed for dedication.
- C. Land Suitability: The area proposed for subdivision is suitable for the proposed development based on the findings in this report.

The proposed subdivision is in conformance with Section 3-3-9 of City code.

SECTION 3-3-10 STREET LOCATION AND ARRANGEMENT:

- A. Conformance with Plan: The proposed subdivision utilizes the extension of Primrose Lane and Daisy Drive for access.
- B. Layout: Street continuation through the proposed subdivision is not required.
- C. Extensions: No additional street extensions are required as part of the proposed subdivision.
- D. Arrangement of Residential Streets: The arrangement of streets within the subdivision prevents outside traffic from utilizing the neighborhood for cut-through traffic.
- E. Protection of Residential Properties: Lots 5-14 include frontage on Owl Road, currently a rural road within Elko County jurisdiction. The subdivision has been designed so that all lots will front onto interior streets running through the site, which promotes the highest and best use of the property.
- F. Parallel Streets: Consideration of street location is not required.
- G. Topography: The proposed streets have been designated to address the topography of the area.
- H. Alleys: No alleys are proposed.
- I. Half-Streets: There are no half-streets proposed.

- J. Dead-End Streets: There are no dead-end streets proposed. The streets are designed to allow for appropriate turning movements for traffic, as well as fire trucks.
- K. Intersection Design: No intersections are proposed.

The proposed subdivision is in conformance with Section 3-3-10 of City code.

SECTION 3-3-11 STREET DESIGN:

- A. Required Right-of-Way Widths: All proposed streets are shown with the required 50 feet of right-of-way.
- B. Street Grades: The proposed street grades are code compliant.
- C. Vertical Curves: Any vertical curves are code compliant.
- D. Horizontal Alignment: The horizontal alignment of the streets and intersections are code compliant.

The proposed subdivision is in conformance with Section 3-3-11 of City code.

SECTION 3-3-12 BLOCK DESIGN:

- A. Maximum Length of Blocks: The block design does not exceed the maximum length of a block and maximizes block length.
- B. Sidewalks or Pedestrian ways: The proposed sidewalks are code compliant. No other pedestrian ways are proposed.

The proposed subdivision is in conformance with Section 3-3-12 of City code.

SECTION 3-3-13 LOT PLANNING:

- A. Lot Width, Depth, and Area: The lots are in conformance with the specifications stipulated for the zoning in Elko City Code 3-2-5 with the exception of Lots 4, 5, 13, 14, 21, 22, 23, and 25. These lots are located on the curved portions of streets and have short front lot widths. A modification of standards is required to make these lots conform.
- B. Building Setback: The proposed subdivision, when developed, can meet setback requirements as stipulated in Elko City Code 3-2-5(G).
- C. Side Lot Lines: The side lot lines are generally at right angles to the proposed streets.
- D. Accessibility: The development abuts a public street. All residents will have access to Pinion Road from both Primrose Lane and Daisy Drive.
- E. Prohibitions: No prohibitions have been identified.

The proposed subdivision is in conformance with Section 3-3-13 of City code with the needed modification of standards.

SECTION 3-3-14 EASEMENT PLANNING:

- A. Utility Easements: The applicant is proposing the typical utility and drainage easements along property lines on individual parcels. Overhead utilities are not allowed within the subdivision.

- B. Underground Utilities: Overhead utilities are not allowed within the subdivision. The utility companies, at their discretion, may request a wider easement where needed.
- C. Lots Facing Curvilinear Streets: Overhead utilities are not allowed within the subdivision.
- D. Public Drainage Easement: The applicant is proposing the typical utility and drainage easements along property lines on individual parcels.
- E. Easement Land Not Considered and Considered in Minimum Lot Area Calculation: All calculations appear to be correct.
- F. Lots Backing Onto Arterial Streets: No lots back onto Arterial streets. Lots 5-14 back onto a County rural road (Owl Road).
- G. Water and Sewer Lines: The utilities are shown in the existing exterior streets, within proposed side or rear easements, and in the proposed interior streets. Sanitary sewer will tie into the existing city infrastructure where the lines currently end on Primrose Lane and Daisy Drive.

The proposed subdivision is in conformance with Section 3-3-14 of City code.

SECTION 3-3-15 STREET NAMING:

The subdivider has not proposed any new street names. Instead, the existing names of Primrose Lane and Daisy Drive will remain. Lots 1-4 and 32-34 will fall onto Daisy Drive, while the rest of the lots will be on Primrose Lane.

The proposed subdivision is in conformance with Section 3-3-15 of City code.

SECTIONS 3-3-16 STREET LIGHT DESIGN STANDARDS:

Conformance is required with the submittal of construction plans.

SECTION 3-3-17 through 3-3-22 (inclusive):

All referenced sections are applicable to Final Map submission, approval, and construction plans.

SECTION 3-3-23 PARK LAND DEDICATIONS:

There is no offer of dedication for park lands.

SECTION 3-2-3 GENERAL PROVISIONS:

Section 3-2-3(C)(1) of City code specifies use restrictions. The following use restrictions shall apply:

Principal Uses: Only those uses and groups of uses specifically designated as “principal uses permitted” in zoning district regulations shall be permitted as principal uses; all other uses shall be prohibited as principal uses.

Accessory Uses: Uses normally accessory and incidental to permitted principal or conditional uses may be permitted as hereinafter specified.

Other uses may apply under certain conditions with application to the City.

Section 3-2-3(D) states that: “No land may be used or structure erected where the land is held by the planning commission to be unsuitable for such use or structure by reason of flooding, concentrated runoff, inadequate drainage, adverse soil or rock formation, extreme topography, low bearing strength, erosion susceptibility, or any other features likely to be harmful to the health, safety, and general welfare of the community. The planning commission, in applying the provisions of this section, shall state in writing the particular facts upon which its conclusions are based. The applicant shall have the right to present evidence contesting such determination to the city council if he or she so desires, whereupon the city council may affirm, modify, or withdraw the determination of unsuitability.”

The proposed subdivision and development is in conformance with Section 3-2-3 of City code.

SECTION 3-2-4 ESTABLISHMENT OF ZONING DISTRICTS:

1. Section 3-2-4(B) Required Conformity to District Regulations: The regulations set forth in this chapter for each zoning district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, except as provided in this subsection.
2. Section 3-2-4(B)(4) stipulates that no yard or lot existing on the effective date hereof shall be reduced in dimension or area below the minimum requirements set forth in this title.

The proposed subdivision is in conformance with Section 3-2-4 of City code.

SECTION 3-5-4 RMH USES PERMITTED AND MINIMUM STANDARDS:

Section 3-5-4(A) Principal Uses Permitted:

1. Accessory buildings.
2. 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.
3. 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.
4. Mobile homes, manufactured homes, RVs. One mobile home, manufactured hom, or RV per space, including doublewide or expandable mobile home units.
5. Residential uses.

The proposed subdivision and development is in conformance with Section 3-5-4(A). Conformance with Section 3-5-4 is required as the subdivision develops.

SECTION 3-2-5(G) RESIDENTIAL ZONING DISTRICTS AREA, SETBACKS, AND HEIGHT:

1. Lot areas are shown.
2. Lot dimensions are shown. The lots are in conformance with the specifications stipulated for the zoning in Elko City Code 3-2-5 with the exception of Lots 4, 5, 13, 14, 21, 22, 23, and 25. These lots are located on the curved sections of the streets and have short front lot widths. A modification of standards is required to make these lots conform.

The proposed subdivision and development is in conformance with Section 3-2-5(G) of City code with the required modification of standards.

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

1. Both Primrose Lane and Daisy Drive are designated as Local streets. The interior circulation of the project will be provided by the extensions of these streets dedicated to the City of Elko.
2. The proposed lots are large enough to develop the required off-street parking. Each unit will include a two parking spaces within the individual lots.

The proposed subdivision and development is in conformance with Section 3-2-17 of City code. Conformance with Section 3-2-17 is required as the subdivision develops.

SECTION 3-8 FLOOD PLAIN MANAGEMENT:

The proposed subdivision and development is not located in a designated special flood hazard area and is in conformance with Section 3-8 of City Code.

TITLE 9, CHAPTER 8 POST CONSTRUCTION RUNOFF CONTROL AND WATER QUALITY MANAGEMENT:

Final design of the subdivision is required to conform to the requirements of this title. The Tentative Map storm drain infrastructure is shown through the area.

OTHER:

The following permits will be required for the project:

1. State stormwater general permit: Required submittals to the City of Elko are a plan view showing the storm water controls, a copy of the Storm Water Pollution Prevention Plan (SWPPP) and a copy of the certified confirmation letter from the Nevada Department of Environmental Protection.
2. A Surface Area Disturbance (SAD) is required if the disturbed area is equal to or greater than five (5) acres. A copy of the SAD permit is required to be submitted to the City of Elko.
3. A street cut permit from the City of Elko.

4. A grading permit from the City of Elko (required for any ground work, including clearing and grubbing).
5. All other applicable permits and fees required by the City of Elko.
6. The City of Elko also requires submittal of the plans to the individual utility companies before permits will be issued for the project.

FINDINGS

1. The proposed subdivision and development is in conformance with both the Land Use and Transportation components of the Master Plan as previously discussed in this report.
2. The proposed subdivision and development does not conflict with the Airport Master Plan; the City of Elko Development Feasibility, Land Use, Water Infrastructure, Sanitary Sewer Infrastructure, Transportation Infrastructure, and Annexation Potential Report – November 2012; the Wellhead Protection Program; or applicable sections of the Elko City Code.
3. The proposed subdivision complies with Section 3-3-5(E)(2)(a)-(k) as discussed in this report and as required by Section 278.349(3) of the Nevada Revised Statutes.
4. The proposed subdivision complies with all other relevant sections of City Code with the exception of:
 - a. Lots 4, 5, 13, 14, 21, 22, 23, and 25 are located on curved portions of the streets and have short front lot widths. A modification of standards is required to make these lots conform.
5. The property is not located within the Redevelopment Area. Therefore, there is no conflict with the Redevelopment Plan.

STAFF RECOMMENDATION:

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

Development Department:

1. The subdivider is to comply with all provisions of the NAC and NRS pertaining to the proposed subdivision.
2. Tentative Map approval constitutes authorization for the subdivider to proceed with preparation of the Final Map and associated construction plans.
3. The Tentative Map must be approved by the Nevada Department of Environmental Protection prior to submitting for Final Map approval by the City of Elko.
4. Construction plans must be approved by the Nevada Department of Environmental Protection prior to issuance of a grading permit.
5. Tentative Map approval does not constitute authorization to proceed with site

improvements.

6. The applicant must submit an application for Final Map within a period of four (4) years in accordance with NRS.360(1)(a). Approval of the Tentative Map will automatically lapse at that time.
7. A soils report is required with Final Map submittal.
8. A hydrology report is required with Final Map submittal.
9. Final Map construction plans are to comply with Chapter 3-3 of City code.
10. The subdivision design and construction shall comply with Title 9, Chapter 8 of City code.
11. The Utility Department will issue an Intent to Serve letter upon approval of the Tentative Map by the City Council.
12. A modification from standards from 3-3-13(A) be approved by City Council for Lots 4, 5, 13, 14, 21, 22, 23, and 25 to allow for shorter-than-required front lots widths.
13. Any slopes greater than 3:1 shall be rip-rapped.

Public Works Department:

14. All public improvements to be installed at time of development per Elko city code. See memo from Community Development.

Utilities Department:

15. An isolation valve will need to be installed midway through the development per NAC 445A.6137 which requires that "other areas must be located in such a manner that portions of water mains can be isolated in lengths of 800 or less by the closure of valves". The length of pipe around the loop is well over 1,000 feet. Please show this valve on the plans prior to City Council consideration.

Tentative Map 3-21 - Cedar Estates Phase 3 - CC

YPNO	PANAME	PMADD1	PMADD2	PMCTST	PZIP
001926090	CASTANEDA-SALAS, ERNESTO		2208 LARKSPUR ST	ELKO NV	89801-8848
001926092	CASTRO, ALEJANDRO ET AL		2220 LARKSPUR ST	ELKO NV	89801-8848
001926093	GONZALEZ, ABEL JR ET AL		2224 LARKSPUR ST	ELKO NV	89801
001926014	HECKETHORN, GUY G		1294 PRIMROSE LN	ELKO NV	89801-4898
001920020	HUMBOLDT-VEGA LLC		4100 IDAHO ST	ELKO NV	89801-4694
001926016	HYDE, DAKOTA		1358 PRIMROSE LN	ELKO NV	89801-8823
001926094	PAYNTER, LINDA		3534 DESERT PLAINS	ELKO NV	89801-
001920039	REMINGTON CONSTRUCTION CO LLC		PO BOX 1616	ELKO NV	89803-1616
032001042	RODRIGUEZ, ISAMAEL N & YOLANDA	} 1 pr.	702 LAST CHANCE RD UNIT 1	ELKO NV	89801-8748
032001041	RODRIGUEZ, ISAMAEL N & YOLANDA		702 LAST CHANCE RD UNIT 1	ELKO NV	89801-8748
032001043	RODRIGUEZ, ISMAEL N & YOLANDA		702 LAST CHANCE RD UNIT 1	ELKO NV	89801-8748
032001040	RODRIGUEZ, MANUEL ETAL		702 LAST CHANCE RD UNIT 1	ELKO NV	89801-8748
001926091	ROLF, CHARLES S		2214 LARKSPUR ST	ELKO NV	89801-8848
001920002	SOUTHGATE MOBILE HOME PARK LLC	WESTATES	618 N EL CAMINO REAL	SAN MATEO CA	94401-3713
	CURRENT RESIDENT		1344 STITZEL RD	ELKO NV	89801-
	CURRENT RESIDENT		1287 STITZEL RD	ELKO NV	89801-
	CURRENT RESIDENT		1399 STITZEL RD	ELKO NV	89801-
	CURRENT RESIDENT		1395 STITZEL RD	ELKO NV	89801-
	CURRENT RESIDENT		1391 STITZEL RD	ELKO NV	89801-
	CURRENT RESIDENT		1389 STITZEL RD	ELKO NV	89801-
	CURRENT RESIDENT		1385 STITZEL RD	ELKO NV	89801-
	CURRENT RESIDENT		1386 STITZEL RD	ELKO NV	89801-
	CURRENT RESIDENT		1381 STITZEL RD	ELKO NV	89801-
	CURRENT RESIDENT		1378 STITZEL RD	ELKO NV	89801-
	CURRENT RESIDENT		1377 STITZEL RD	ELKO NV	89801-
	CURRENT RESIDENT		1374 STITZEL RD	ELKO NV	89801-
	CURRENT RESIDENT		1373 STITZEL RD	ELKO NV	89801-
	CURRENT RESIDENT		1368 STITZEL RD	ELKO NV	89801-
	CURRENT RESIDENT		1369 STITZEL RD	ELKO NV	89801-
	CURRENT RESIDENT		1362 STITZEL RD	ELKO NV	89801-
	CURRENT RESIDENT		1361 STITZEL RD	ELKO NV	89801-
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CURRENT RESIDENT	1329 STITZEL RD	ELKO NV	89801-
CURRENT RESIDENT	1321 STITZEL RD	ELKO NV	89801-
CURRENT RESIDENT	1299 STITZEL RD	ELKO NV	89801-
CURRENT RESIDENT	1296 STITZEL RD	ELKO NV	89801-
CURRENT RESIDENT	1295 STITZEL RD	ELKO NV	89801-
CURRENT RESIDENT	1292 STITZEL RD	ELKO NV	89801-
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CURRENT RESIDENT	1280 STITZEL RD	ELKO NV	89801-
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CURRENT RESIDENT	1258 STITZEL RD	ELKO NV	89801-
CURRENT RESIDENT	1255 STITZEL RD	ELKO NV	89801-
CURRENT RESIDENT	2300 WILDWOOD WAY	ELKO NV	89801-
CURRENT RESIDENT	2280 WILDWOOD WAY	ELKO NV	89801-
CURRENT RESIDENT	2308 WILDWOOD WAY	ELKO NV	89801-
CURRENT RESIDENT	1198 STITZEL RD	ELKO NV	89801-
CURRENT RESIDENT	2310 WILDWOOD WAY	ELKO NV	89801-
CURRENT RESIDENT	2307 WILDWOOD WAY	ELKO NV	89801-

CURRENT RESIDENT	1396 STITZEL RD	ELKO NV	89801-
CURRENT RESIDENT	2311 WILDWOOD WAY	ELKO NV	89801-
CURRENT RESIDENT	1384 ROSEWOOD	ELKO NV	89801-
CURRENT RESIDENT	1382 ROSEWOOD	ELKO NV	89801-
CURRENT RESIDENT	1378 ROSEWOOD	ELKO NV	89801-
CURRENT RESIDENT	1369 ROSEWOOD	ELKO NV	89801-
CURRENT RESIDENT	1376 ROSEWOOD	ELKO NV	89801-
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CURRENT RESIDENT	1372 ROSEWOOD	ELKO NV	89801-
CURRENT RESIDENT	1361 ROSEWOOD	ELKO NV	89801-
CURRENT RESIDENT	1368 ROSEWOOD	ELKO NV	89801-
CURRENT RESIDENT	1357 ROSEWOOD	ELKO NV	89801-
CURRENT RESIDENT	1364 ROSEWOOD	ELKO NV	89801-
CURRENT RESIDENT	1353 ROSEWOOD	ELKO NV	89801-
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CURRENT RESIDENT	1338 ROSEWOOD	ELKO NV	89801-
CURRENT RESIDENT	1334 ROSEWOOD	ELKO NV	89801-
CURRENT RESIDENT	1332 ROSEWOOD	ELKO NV	89801-
CURRENT RESIDENT	1328 ROSEWOOD	ELKO NV	89801-
CURRENT RESIDENT	1367 CHERRYWOOD WAY	ELKO NV	89801-
CURRENT RESIDENT	1363 CHERRYWOOD WAY	ELKO NV	89801-
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CURRENT RESIDENT	1296 CHERRYWOOD WY	ELKO NV	89801-
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CURRENT RESIDENT	2331 WILDWOOD WAY	ELKO NV	89801-
CURRENT RESIDENT	2329 WILDWOOD WAY	ELKO NV	89801-
CURRENT RESIDENT	2325 WILDWOOD WAY	ELKO NV	89801-
CURRENT RESIDENT	2321 WILDWOOD WAY	ELKO NV	89801-
CURRENT RESIDENT	2319 WILDWOOD WAY	ELKO NV	89801-
CURRENT RESIDENT	2317 WILDWOOD WAY	ELKO NV	89801-

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Post Marked 7/16/21

NOTICE OF PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN that the Elko City Council will conduct a series of public hearings on Tuesday, July 27 2021 beginning at 5:30 P.M. P.D.S.T. at Elko City Hall, 1751 College Avenue, Elko, Nevada, and that the public is invited to provide input and testimony on these matters under consideration in person, by writing, or by representative, or via Gotomeeting.com.

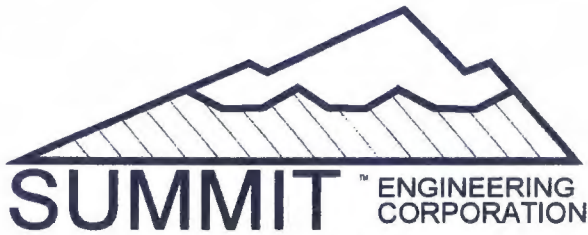
The public can view or participate in the virtual meeting on a computer, laptop, tablet or smart phone at: <https://global.gotomeeting.com/join/413956309>. You can also dial in using your phone at **+1 (646) 749-3122**. The **Access Code** for this meeting is **413-956-309**.

The specific item to be considered under public hearing format is:

- **Tentative Map 3-21, filed by Bailey and Associates, LLC for the development of a subdivision entitled Cedar Estates Phase 3 involving the proposed division of approximately 7.31 acres of property into 34 lots for residential development within the RMH (Residential Mobile Home) Zoning District, and matters related thereto. Subject property is located at the northern terminus of both Primrose Lane and Daisy Drive. (APN 001-926-111)**

Additional information concerning this item may be obtained by contacting the Elko City Planning Department at (775) 777-7160.

ELKO CITY COUNCIL



RECEIVED

JUN 09 2021

1150 Lamoille Highway
Elko, Nevada 89801

Phone (775) 738-8058 Fax (775) 738-8267

Transmittal

Date: 6/9/21
Cedar Estates Phase 3

To: Michele Rambo
City of Elko
1751 College Avenue
Elko, Nevada 89801

From: Nitin I. Bhakta, P.E.
VP/Elko Area Manager

Gentlemen:

- We are sending you the following items:
- Attached
 - Contract
 - Plans
 - Other
 - Under Separate Cover Via _____
 - Copy of Letter
 - Specifications
 - Field Report (s)

These are transmitted as marked below:

- For Approval
- For Your Use
- As Requested
- For Bids Due _____
- For Review and Comment
- Other _____
- Approved as Submitted
- Approved as Noted
- Returned for Corrections
- Resubmit for approval _____ copies
- Submit for distribution _____ copies
- Return Corrected prints _____ copies
- Prints returned after loan to us _____ copies
- For Review and signature

Remarks: Michele, please find attached One (3) sets of revised Tentative Map plans for Cedar Estates Phase 3 per your request

Call me with any questions you may have, thank you.

If enclosures are not as noted, kindly notify us at once.



May 28, 2021

City of Elko
Michele Rambo
Development Manager
1751 College Avenue
Elko, NV 89801

RECEIVED

JUN 01 2021

Re: Cedar Estates Phase 3 Tentative Map submittal revisions

Dear Michele:

Please see below for the revisions to the comments received on 5-21-21

1. During the Stage 1 meeting back in late 2019, we told Jon that the street name could not be something new. Instead, it had to be an extension of Daisy and/or Primrose. Bob and I think the most logical place to make a break between the two is at the northeast curve in the road from the corner of Lot 32 to the detention basin. That would give Lots 1-4 and 32-34 Daisy Drive addresses and Lots 5-31 Primrose Lane addresses.
 - i. The street names have been modified to reflect the name change at the radius on the east side.
2. There are 10 of the 34 lots that have shorter-than-required front lot widths. We can try for a modification of standards approval, but with that many non-conforming lots, you may want to think about reducing the map by 1 lot and making some of the nonconforming lots wider. These lots are: 4, 5, 14, 17, 19, 21, 22, 23, 25, and 34. Lot 34 may just be a labeling error. The rear of the lot is 60 feet, but the front is adding up to only 59.86 feet.
 - i. We were able to revise several lots to conform to standards, but due to the street curvature at the radius points not all lots will conform, we feel that with the revised layout we are achieving the best use of the property.
3. Please clarify how Lots 5-14 are draining along the rear. We are allowing cross-lot drainage for Lots 1-4 because that is the existing situation along Daisy Drive. However, there is no need for cross-lot drainage along the northern boundary line. Are these draining out the rear to Owl Road?
 - i. The back of the lots now drain to Owl Road, and the cross lot grading has been revised. With the revised hydrology 95% of the lots between 5-14 will drain to the front of the street thus reducing the flow entering Owl Road
4. The IRC requires setbacks from buildings to the top of slopes. The grading plan appears to show the proposed units touching the top of the slopes along the northern and western boundaries. Please ensure that the required setbacks can be met.
 - i. Grading has been revised to allow for at least a min. of 3' separation from face of building to top of slope. In addition, with footing depth of 30" or more per figure 1808.7.1 of the IBC, with a slope height of 36' on the west side of the subdivision, a min. of horizontal distance of 12', H/3 slope distance will be maintained from the face to the footing to the slope face.

5. Please label the distance between driveways on Lots 14-15, 18-19, and 23-24. Section 3-2-17(B)(3)(c)(5) requires 10 feet between residential driveways along local roads. If that requirement is not being met, we can do a modification of standards to allow for the proposed driveway placement.
 - i. These distances have been labeled and are more the 10' in width
6. There are no mailboxes shown on the plan. There was a question during the Stage 1 meeting of whether the post office would want the mailboxes for these units out on Pinion where the existing mailboxes for Phase 1 and 2 are located. If this is the case, please make a note on the map. Otherwise, please identify a mailbox location.
 - i. Mailbox Gangbox location is now shown on the plans, with easement on west side of Primrose Lane near a street light.
7. The sewer line in front of Lots 23 and 24 is at a weird angle. Please consider moving the lower manhole north to line up to the upper manhole at a 90-degree angle.
 - i. The angle has been reduced to allow for a 90 deg. Crossing with watermain.
8. There is no cut/fill quantity shown.
 - i. Revised cut / fill quantity is attached.
9. The water lateral to Lot 4 is missing.
 - i. Lateral was on wrong layer; it has been added back in.

Please contact me at our office (775) 787-4391 with any additional question or comments you may have about this project.

Sincerely,

SUMMIT ENGINEERING CORPORATION

Nitin I. Bhakta, PE
VP of Engineering / Elko Area Manager

Shelby Knopp

From: Amanda Marcucci <Amanda.Marcucci@swgas.com>
Sent: Tuesday, June 1, 2021 1:05 PM
To: Shelby Knopp
Subject: RE: EXTERNAL: Tentative Map Review

Hi Shelby,

Southwest Gas does not have any concerns with this tentative map.

Amanda



Amanda Marcucci, PE | Supervisor/Engineering

PO Box 1190 | 24A 580 | Carson City NV 89702 1190
direct 775 887 2871 | mobile 775 430 0723 | fax 775 882 6072
amanda.marcucci@swgas.com | www.swgas.com

From: Shelby Knopp <sknopp@elkocitynv.gov>
Sent: Thursday, May 20, 2021 4:30 PM
To: NNDEngineering <nndengineering@swgas.com>
Subject: EXTERNAL: Tentative Map Review

[WARNING] This message originated outside of Southwest Gas. **DO NOT CLICK** links or attachments unless you recognize the sender and know the content is safe.

Good Afternoon,

Please see attached correspondence regarding Tentative Map No. 03-21 Cedar Estates Phase 3.

Thank you!

Shelby Knopp
Planning Technician
City of Elko
Planning Department
Ph (775) 777 7160
FX (775) 777-7219



CITY OF ELKO

Planning Department

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

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

May 21, 2021

Southwest Gas Corporation
Engineering Department
PO Box 1190
Carson City, NV 89702
nndengineering@swgas.com

SUBJECT: Tentative Map No. 03-21/Cedar Estates – Phase 3 Subdivision

To Whom It May Concern:

Enclosed for your review and information is a copy of the submitted tentative map for the proposed Cedar Estates – Phase 3 subdivision, which is tentatively scheduled for consideration by the Elko City Planning Commission at their July 6, 2021 meeting.

Please submit written comments to the Elko City Planning Department. If we do not receive written comments prior to the scheduled meeting, we will assume you have no concerns regarding this application.

Thank you for your attention to this matter.

Sincerely,

Shelby Knopp
Planning Technician

Enclosures



CITY OF ELKO

Planning Department

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

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

May 21, 2021

Elko County Planning and Zoning
540 Court Street, Suite 104
Elko, NV 89801

Re: Tentative Map No. 03-21 / Cedar Estates – Phase 3 Subdivision

In accordance with the Communication Policy between the City of Elko and Elko County, the City of Elko hereby notices and advises the Board of County Commissioners of the County of Elko of the City's intention to consider a subdivision Tentative Map for division of approximately 7.31 acres of land into 34 lots. Please find enclosed a copy of the Tentative Map for your review and comment.

The subject property is located generally north of the terminus of Daisy Drive and Primrose Lane.

Review by the Elko City Planning Commission is scheduled for their July 6, 2021, regular meeting.

Please submit written comments to the Elko City Planning Department. If we do not receive written comments prior to the scheduled meeting, we will assume you have no concerns regarding this application.

Thank you for your attention to this matter.

Sincerely,

Shelby Knopp
Planning Technician

Enclosures



CITY OF ELKO

Planning Department

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

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

May 21, 2021

NV Energy
Attn: Katherine Perkins
6100 Neil Road
Reno, NV 89511

SUBJECT: Tentative Map No. 03-21/Cedar Estates – Phase 3

Dear Ms. Perkins:

Enclosed for your review and information is a copy of the submitted tentative map for the proposed Cedar Estates – Phase 3 subdivision, which is tentatively scheduled for consideration by the Elko City Planning Commission at their July 6, 2021 meeting.

Please submit written comments to the Elko City Planning Department. If we do not receive written comments prior to the scheduled meeting, we will assume you have no concerns regarding this application.

Thank you for your attention to this matter.

Sincerely,

Shelby Knopp
Planning Technician

Enclosures



CITY OF ELKO

Planning Department

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

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

May 21, 2021

Frontier Communications
John Poole
1520 Church Street
Gardnerville, NV 89410

SUBJECT: Tentative Map No. 03-21/Cedar Estates – Phase 3 Subdivision

Dear Mr. Poole:

Enclosed for your review and information is a copy of the submitted tentative map for the proposed Cedar Estates – Phase 3 subdivision, which is tentatively scheduled for consideration by the Elko City Planning Commission at their July 6, 2021 meeting.

Please submit written comments to the Elko City Planning Department. If we do not receive written comments prior to the scheduled meeting, we will assume you have no concerns regarding this application.

Thank you for your attention to this matter.

Sincerely,

Shelby Knopp
Planning Technician

Enclosures



CITY OF ELKO

Planning Department

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

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

May 21, 2021

Elko County School District
Ms. Michele Robinson
PO Box 1012
Elko, NV 89803

SUBJECT: Tentative Map No. 03-21/Cedar Estates – Phase 3 Subdivision

Dear Ms. Robinson:

Enclosed for your review and information is a copy of the submitted tentative map for the proposed Cedar Estates – Phase 3 subdivision, which is tentatively scheduled for consideration by the Elko City Planning Commission at their July 6, 2021 meeting.

Please submit written comments to the Elko City Planning Department. If we do not receive written comments prior to the scheduled meeting, we will assume you have no concerns regarding this application.

Thank you for your attention to this matter.

Sincerely,

Shelby Knopp
Planning Technician

Enclosures



CITY OF ELKO

Planning Department

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

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

May 21, 2021

Zito Media

Mr. Dustin Hurd

VIA Email: dustin.hurd@zitomedia.com

SUBJECT: Tentative Map No. 03-21/Cedar Estates – Phase 3 Subdivision

Dear Mr. Hurd:

Enclosed for your review and information is a copy of the submitted tentative map for the proposed Cedar Estates – Phase 3 subdivision, which is tentatively scheduled for consideration by the Elko City Planning Commission at their July 6, 2021 meeting.

Please submit written comments to the Elko City Planning Department. If we do not receive written comments prior to the scheduled meeting, we will assume you have no concerns regarding this application.

Thank you for your attention to this matter.

Sincerely,

Shelby Knopp
Planning Technician

Enclosures



City of Elko – Development Department
1755 College Avenue
Elko, NV 89801
Telephone: 775.777.7210
Facsimile: 775.777.7219

May 20, 2021

Summit Engineering
Attn: Nitin Bhakta
1150 Lamoille Highway
Elko, NV 89801

Re: Cedar Estates Phase 3 Tentative Map – Complete Submittal

Dear Mr. Bhakta:

The City of Elko has reviewed your Tentative Map application materials for Cedar Estates Phase 3 (submitted May 19, 2021) and has found them to be complete. We will now begin processing your application by transmitting the materials to other City departments for their review. You may receive further comments or corrections as these reviews progress. Barring any complications, this Tentative Map will be scheduled for Planning Commission on July 6, 2021 and City Council on July 27, 2021.

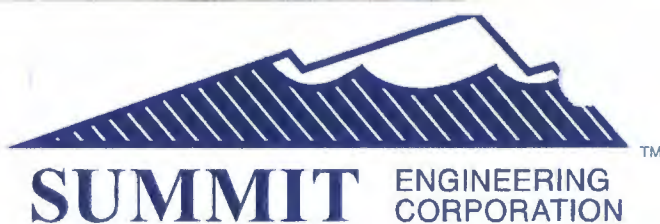
I will keep you updated on the status of your application, but please feel free to contact me at (775) 777-7217 if you have any questions.

Sincerely,

Michele Rambo, AICP
Development Manager
mrambo@elkocitynv.gov

CC: Bailey & Associates
Attn: Sheldon Hetzle
780 W Silver Street, #104
Elko, NV 89801

City of Elko – File



May 19, 2021

City of Elko
Michele Rambo
Development Manager
1751 College Avenue
Elko, NV 89801

RECEIVED

MAY 19 2021

Re: Cedar Estates Phase 3 Tentative Map submittal

Dear Michele:

On behalf of Bailey Homes, please see attached the Tentative Map submittal documents for your review for the Cedar Estates Phase 3 RMH subdivision.

This is a 34-unit RMH subdivision which is an extension off of the Phase 1 and 2 development along Primrose Lane and Daisy Drive. The quality of material to be graded on-site classify predominately as Silty Sand w/Gravel (SM). This material is suitable for direct foundation support with no over excavation required. In addition, we believe that this addition to the existing Phase 1 and Phase 2 development will have minimal impact on traffic and flow to the local residential streets.

Attachments:

- Three sets of Stamped and signed plans.
- Tentative Map application with a check in the amount of \$1,600
- Hydrology Report, earthwork quantities and zoning map
- Stamped legal description of the Phase 3 addition
- 8.5" X 11" plan sets

Please contact me at our office (775) 787-4391 with any additional question or comments you may have about this project.

Sincerely,

SUMMIT ENGINEERING CORPORATION

Nitin I. Bhakta, PE
VP of Engineering / Elko Area Manager



CITY OF ELKO PLANNING DEPARTMENT

1751 College Avenue * Elko * Nevada * 89801

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

APPLICATION FOR TENTATIVE MAP (STAGE II) APPROVAL

****PRIOR TO SUBMITTING THIS APPLICATION, PRE-APPLICATION (STAGE I) MUST BE COMPLETE****

APPLICANT(s): Bailey & Associates LLC

MAILING ADDRESS: 780 W. Silver St., Suite 104, Elko, NV 89801

PHONE NO (Home): 775-351-9582 **(Business):** 775-777-7773

EMAIL: Sheldon.SpringCreek@gmail.com

NAME OF PROPERTY OWNER (If different): Same as above
(Property owner consent in writing must be provided)

MAILING ADDRESS: _____

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

ASSESSOR'S PARCEL NO.: 001926111 **Address** 0 Daisy Dr.

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

Or Parcel(s) & File No. _____

APPLICANT'S REPRESENTATIVE: Sheldon F. Hetzel

MAILING ADDRESS: 780 W. Silver St., Suite 104, Elko, NV 89801

PHONE NO: 775-351-9582 **EMAIL:** Sheldon.SpringCreek@gmail.com

FILING REQUIREMENTS:

Complete Application Form: In order to begin processing the application, an application form must be complete and signed. *Complete* applications are due at least 42 days (6 weeks) prior to the next scheduled meeting of the Elko City Planning Commission (meetings are the 1st Tuesday of every month), and must include the following:

1. One .pdf of the entire application, and three (3) 24" x 36" copies of the tentative map, grading plan, and utility plan folded to a size not to exceed 9"x12" provided by a properly licensed surveyor or civil engineer, and any required supporting data, prepared in accordance with Section 3-3-5(C) and 3-3-6 of the Elko City Code (see attached checklist).
2. A Development Master Plan when, in the opinion of the Planning Commission, the proposed subdivision possesses certain characteristics, such as size, impact on neighborhoods, density, topography, utilities, and/or existing and potential land uses, that necessitate the preparation of a Development Master Plan.
3. Applications/fees for State of Nevada review. (See Page 5)

Fee: \$750.00 + \$25.00 per lot including remainder parcels; non-refundable.

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

RECEIVED

Tentative Map Checklist as per Elko City Code 3-3-6

Date	Name
Identification Data	
✓	Subdivision Name
✓	Location and Section, Township and Range
✓	Reference to a Section Corner or Quarter-Section Corner
✓	Name, address, phone number, and email of subdivider
✓	Name, address, phone number, and email of engineer/surveyor
✓	Scale, North Point and Date of Preparation
✓	Dates of Revisions
✓	Location maps
✓	Legal description of boundaries
Existing Conditions Data	
✓	2' contours on city coordinate system
✓	Location of Water Wells
✓	Location of Streams, private ditches, washes and other features
✓	Location of Designated flood zones
✓	The Location, widths and Names of all platted Streets, ROW
✓	Municipal Corporation Lines
✓	Name, book and page numbers of all recorded plats
✓	Existing Zoning Classifications in conformance with Master Plan Land Use
✓	Zoning of Adjacent Properties
✓	Dimensions of all tract boundaries, gross and net acreage
Proposed Conditions Data	
✓	Street Layout, location, widths, easements
✓	Traffic Impact Analysis
✓	Lot Layout, including dimensions of typical lots
✓	Corner Lot Layout
✓	Lot layout on Street Curves
✓	Each lot numbered consecutively
✓	Total number of lots
✓	Location, Width and proposed use of easements
✓	Location, extent and proposed use of all land to be dedicated
✓	Location and boundary of all proposed zoning districts
N/A	Draft of proposed deed restrictions
✓	Preliminary Grading Plan
✓	Conceptual cut and fill
✓	Estimated quality of material to be graded
Proposed Utilities	
✓	Sewage Disposal, design for sewage disposal
ELKO CITY	Water Supply, Evidence of adequate volume and quality
✓	Storm Drain, Preliminary Calculations and Layout
BY UTILITIES	Telephone, Power, Gas, Television
ELKO CITY	Intent to Serve Letter from Utility Department

By My Signature below:

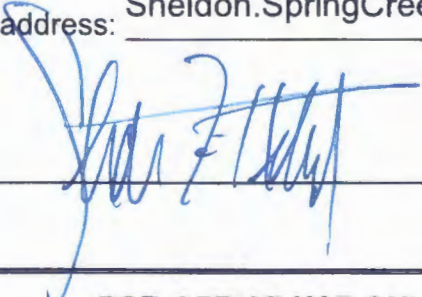
- I consent to having the City of Elko Staff enter on my property for the sole purpose of inspection of said property as part of this application process.
- I object to having the City of Elko Staff enter onto my property as a part of their review of this application. (Your objection will not affect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

Applicant / Agent Sheldon F. Hetzel
(Please print or type)

Mailing Address 780 W. Silver St., Suite 104
Street Address or P.O. Box
Elko, NV 89801
City, State, Zip Code

Phone Number: 775-351-9582

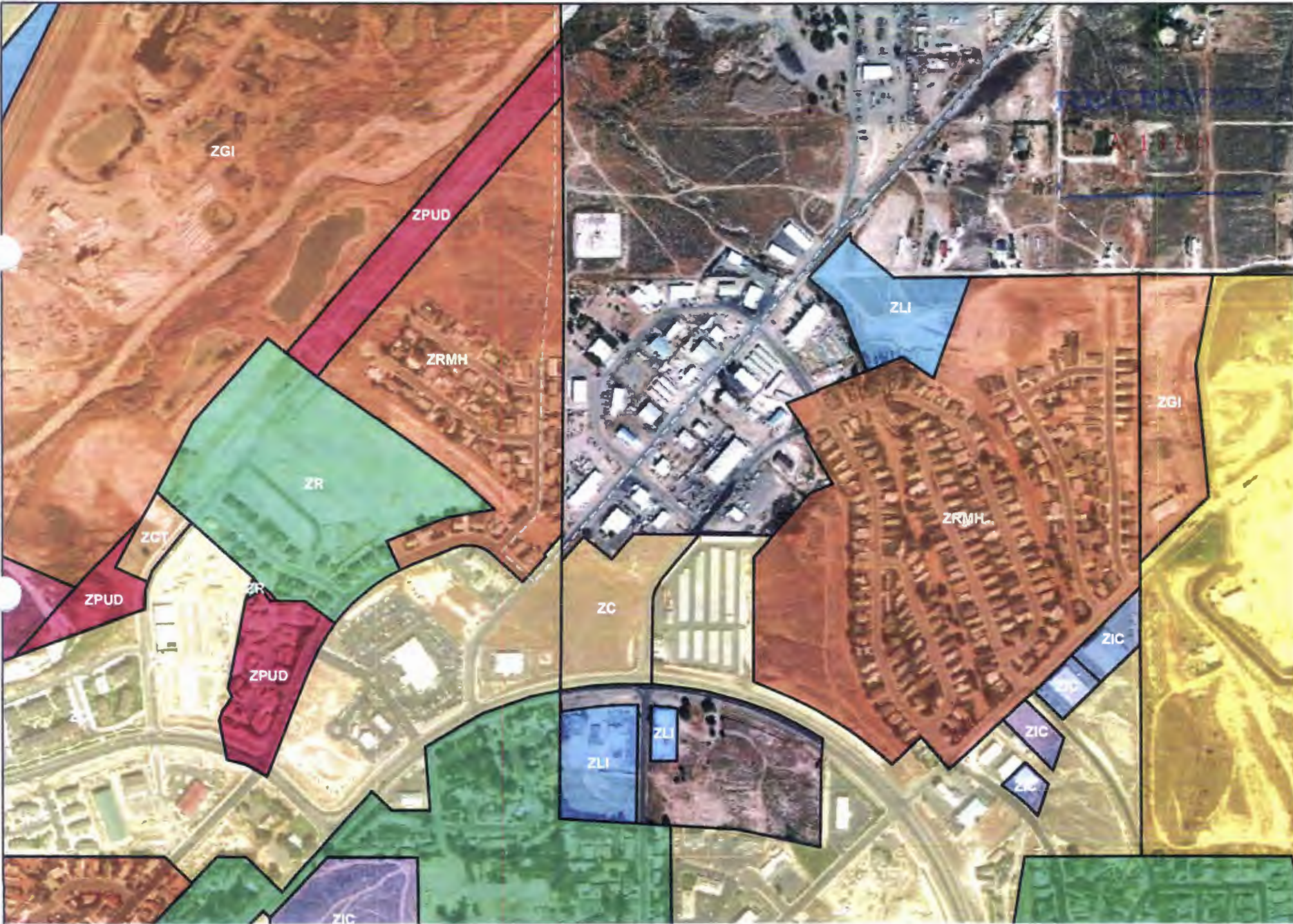
Email address: Sheldon.SpringCreek@gmail.com

SIGNATURE: 

FOR OFFICE USE ONLY

File No.: 3-21 **Date Filed:** 5/19/21 **Fee Paid:** \$11000 **CX#** 36448
Handwritten notes: 34 lots x 25 = \$850, + 750, \$11000

City of Elko Zoning Map



MAY 17 2021

EXHIBIT "A"
APN 001-926-111
LEGAL DESCRIPTION
SUPPORTING THE TENTATIVE MAP OF
CEDAR ESTATES SUBDIVISION UNIT No. 3

A parcel of land being the same as Remainder Parcel A of the Final Map of Cedar Estates Subdivision Unit No. 2 for Bailey & Associates, LLC., recorded October 30, 2014 as File No. 691815, Official Records, Elko County, Nevada, situate within the Northwest Quarter of Section 13, Township 34 North, Range 55 East, MDM, City of Elko, County of Elko, State of Nevada, being more particularly described as follows:

Beginning at the Northwest corner of said Remainder Parcel A from which the North Quarter corner of said Section 13 bears North 89°31'37" East a distance of 772.68 feet;
 thence along the exterior boundary of said Remainder Parcel A North 89°31'37" East a distance of 631.42 feet;
 thence South 00°28'23" East a distance of 103.88 feet;
 thence South 32°31'59" West a distance of 16.30 feet;
 thence from a tangent which bears South 63°37'03" East, along a circular curve to the right with a radius of 70.00 feet and a central angle of 12°18'05" an arc length of 15.03 feet;
 thence with a non-tangent line North 32°31'59" East a distance of 25.94 feet;
 thence North 76°51'10" East a distance of 125.66 feet;
 thence South 00°02'13" West a distance of 266.39 feet;
 thence North 89°57'47" West a distance of 110.00 feet;
 thence North 89°57'47" West a distance of 50.00 feet;
 thence South 00°02'13" West a distance of 8.34 feet;
 thence North 89°57'47" West a distance of 101.00 feet;
 thence North 00°02'13" East a distance of 87.78 feet;
 thence South 89°31'37" West a distance of 178.58 feet;
 thence South 00°28'23" East a distance of 130.89 feet;
 thence South 75°32'45" West a distance of 130.75 feet;
 thence North 00°02'13" East a distance of 5.06 feet;
 thence North 89°57'47" West a distance of 60.00 feet;
 thence South 00°02'13" West a distance of 8.64 feet;
 thence along a tangent circular curve to the left with a radius of 230.00 feet and a central angle of 05°49'56" an arc length of 23.41 feet;
 thence with a non-tangent line South 73°31'07" West a distance of 137.55 feet;
 thence South 33°31'07" West a distance of 84.30 feet;
 thence North 56°40'28" West a distance of 170.96 feet;
 thence North 20°25'00" East a distance of 495.19 feet to the Point of Beginning.

Said parcel contains an area of approximately 7.31± acres.

Basis of Bearings: Identical to those shown on said Final Map of Cedar Estates Subdivision Unit No. 2 being the line between the NW corner and the N1/4 corner of said Section 13, taken as N 89°31'37" E as shown on the parcel map for HI-RITA Development, File No. 378610, said Official Records.

Description Prepared By:
 Ryan G. Cook, PLS 15224
 Summit Engineering Corporation
 5405 Mae Anne Ave.
 Reno, NV 89523
 775-747-8550



OWNER / DEVELOPER

BAILEY AND ASSOCIATES LLC.
780 WEST SILVER STREET, #104
ELKO, NEVADA 89801

ATTN: SHELDON HETZEL
775-777-7773
INFO@NEWHOMESSELKO.COM

**TENTATIVE MAP FOR
CEDAR ESTATES SUBDIVISION
PHASE 3
ELKO, NEVADA**

ELKO ELKO COUNTY NEVADA

ENGINEER



1150 LAMOILLE HIGHWAY
ELKO, NEVADA 89801
(775) 738-8058
WWW.SUMMITNV.COM
NITIN@SUMMITNV.COM



May 15, 2023

PROJECT DATA

TOTAL SUBDIVIDED AREA = 7.31 ACRES
TOTAL RIGHT-OF-WAY AREA = 1.08 ACRES (57,848 SF)
OFFERED FOR DEDICATION
NET AREA ~ (TOTAL AREA - RIGHT-OF-WAY AREA) = 6.23 ACRES
TOTAL UNITS = 34 LOTS
ESTIMATED WATER USAGE = 38.10 ACRE FEET PER YEAR
ESTIMATED SEWER CONTRIBUTIONS = 11,900 GALLONS PER DAY
THIS PROPOSED SUBDIVISION IS LOCATED IN SECTION 13, T 34 N, R 55 E. MDB&M.
THE REQUIRED FIRE FLOW FOR THIS DEVELOPMENT WILL BE A MINIMUM OF 1,500 GPM FOR 2 HOURS, FOR RESIDENTIAL TYPE V-B CONSTRUCTION.

BASIS OF BEARINGS

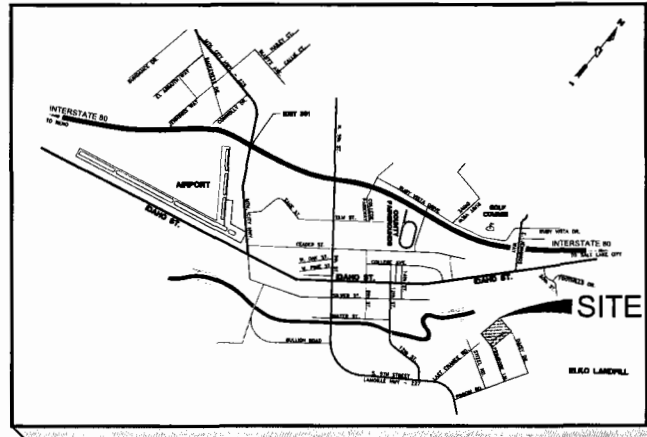
THE BOUNDARY LINE ADJUSTMENT RECORD OF SURVEY FOR CEDAR ESTATES, LLC, AND MARIA TARABINI, RECORDED IN THE OFFICE OF THE ELKO COUNTY RECORDER AS FILE NO. 548514, ON FEBRUARY 9, 2006.

BASIS OF ELEVATION

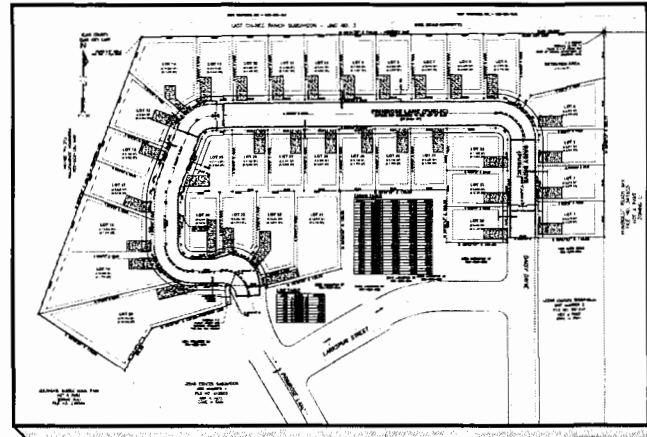
THE NGS BENCHMARK, B-52, SET IN THE WALL OF THE ELKO MAIN POST OFFICE, AT THE NORTHERLY CORNER OF THE BUILDING, TAKEN AS THE NAVD '88 ELEVATION OF 5066.47'.

ABBREVIATIONS

A.C.	ASPHALTIC CONCRETE	M.D.D.	MAXIMUM DRY DENSITY
ADD.	AGGREGATE	LT.	LEFT
B.C.	BEGIN CURVE	L.P.	LOW POINT
B.F.	BOTTOM OF FOOTING	M.H.	MANHOLE
B.V.C.	BEGIN VERTICAL CURVE	P.	PAV ELEVATION
B.W.	BACK OF SIDEWALK	P.C.C.	POINT OF COMPOUND CURV.
C.B.	CATCH BASIN	P.I.	POINT OF INTERSECTION
C.	CENTERLINE	P.A.C.	POINT OF REVERSE CURVATURE
CONC.	CONCRETE	P.V.C.	POLYVINYL CHLORIDE PIPE
CONST.	CONSTRUCT	P.O.	PROPERTY LINE
CLR.	CLEARANCE	P.U.E.	PUBLIC UTILITY EASEMENT
C.P.	CONCRETE PIPE	Q.	10-YEAR STORM FLOW
C.R.	CURB RETURN	Q100	100-YEAR STORM FLOW
D.I.	DROP INLET	(R)	RADIUS
DET.	DETAIL	R	RADIUS
E.	ELECTRICAL	REF.	REFERENCE
ELEV.	ELEVATION	R.C.P.	REINFORCED CONCRETE PIPE
E.C.	END OF CURVE	R.P.	RADIUS POINT
E.V.C.	END OF VERTICAL CURVE	RT.	RIGHT
EXIST.	EXISTING	R/W	RIGHT OF WAY
(H)	HORIZONTAL	S	SLOPE
E.G.	EXISTING GRADE	S.S.	SEWER
F.F.	FINISHED FLOOR	S.S.	SANITARY SEWER
F.F.C.	FRONT FACE OF CURB	S.W.	SIDEWALK
F.G.	FINISHED GRADE	STD.	STANDARD
F.H.	FIRE HYDRANT	SHT.	SHOULDER
L.	LENGTH	STA.	STATION
FLD.	FLANGE	S.D.	STORM DRAIN
G.	GAS	T	TANGENT
G.B.	GRADE BREAK	TELE.	TELEPHONE
GTY.	GATE VALVE	T.C.	TOP OF CURB
H.C.	HANDICAPPED	T.B.	THROAT BLOCK
HORIZ.	HORIZONTAL	T.D.	TOP OF DRAIN
H.P.	HIGH POINT	T.O.S.	TOP OF SLOPE
INT.	INTERSECTION	TOP	TOP OF SLOPE
I.E.	INVERT ELEVATION	TRP.	TYPICAL
L.	LENGTH	V.C.	VERTICAL CURVE
L.F.	LINEAL FEET	V.P.I.	VERT. POINT OF INTERSECTION
L.P.	LOW POINT	W.	WATER
		Δ	CURVE DELTA



VICINITY MAP



SITE PLAN

SHEET INDEX

T-1	.....	TITLE SHEET
N-1	.....	GENERAL NOTES SHEET
S-1	.....	SITE PLAN
G-1	.....	GRADING PLAN
U-1	.....	UTILITY PLAN

LAND USE CLASSIFICATION

RMH (RESIDENTIAL MANUFACTURED HOUSING)

EASEMENTS: ALL LOTS TO CONTAIN A 5' UTILITY AND DRAINAGE EASEMENT ALONG THE REAR AND REAR LOT LINES AND A 7.5' DRAINAGE AND UTILITY EASEMENT ALONG THE CITY RIGHT-OF-WAY

FLOOD PLAIN: BASED ON THE FLOOD INSURANCE RATE MAP FOR THE CITY OF ELKO, 1997 CHANGE, DATED SEPTEMBER 4, 2013 THE ENTIRE SITE LIES OUTSIDE THE 100-YEAR FLOOD PLAIN

SITE INFO: BASED UPON THE CITY OF ELKO AND 2011 HISTORIC DATA THE SUBJECT PROPERTY HAS BEEN EXCLUSIVELY USED AS OPEN RANGE.

LOCATION: THIS SITE IS LOCATED WITHIN SECTION 13, TOWNSHIP 34 NORTH RANGE 55 EAST IN ELKO, NEVADA

ADJACENT ZONING: NORTH - EXISTING RESIDENTIAL - COUNTY LOTS
SOUTH - EXISTING RMH PHASE 1 & 2 OF CEDAR ESTATES
EAST - HANDSLOT READY USE - LIGHT INDUSTRIAL
WEST - EXISTING UNDEVELOPED LIGHT INDUSTRIAL PROPERTY

UTILITIES

- ELECTRIC - NV ENERGY
- TELEVISION - ZITO MEDIA
- TELEPHONE - FRONTIER COMMUNICATION
- GAS - SOUTHWEST GAS CORPORATION
- WATER - CITY OF ELKO
- SANITARY SEWER - CITY OF ELKO
- GARBAGE UTILITIES - ELKO SANITATION (CITY LANDFILL)

SPECIFICATIONS

ALL CONSTRUCTION SHALL CONFORM TO THE STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION (CURRENT EDITION AND ANY APPURTENANT SUPPLEMENT(S)) SPONSORED AND DISTRIBUTED BY REMO, SPARKS, WASHOE COUNTY, AND THE RECOMMENDATIONS ESTABLISHED BY THE SOILS INVESTIGATION FOR THIS SITE.

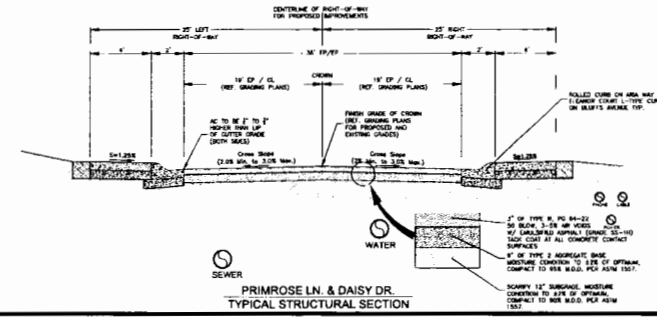
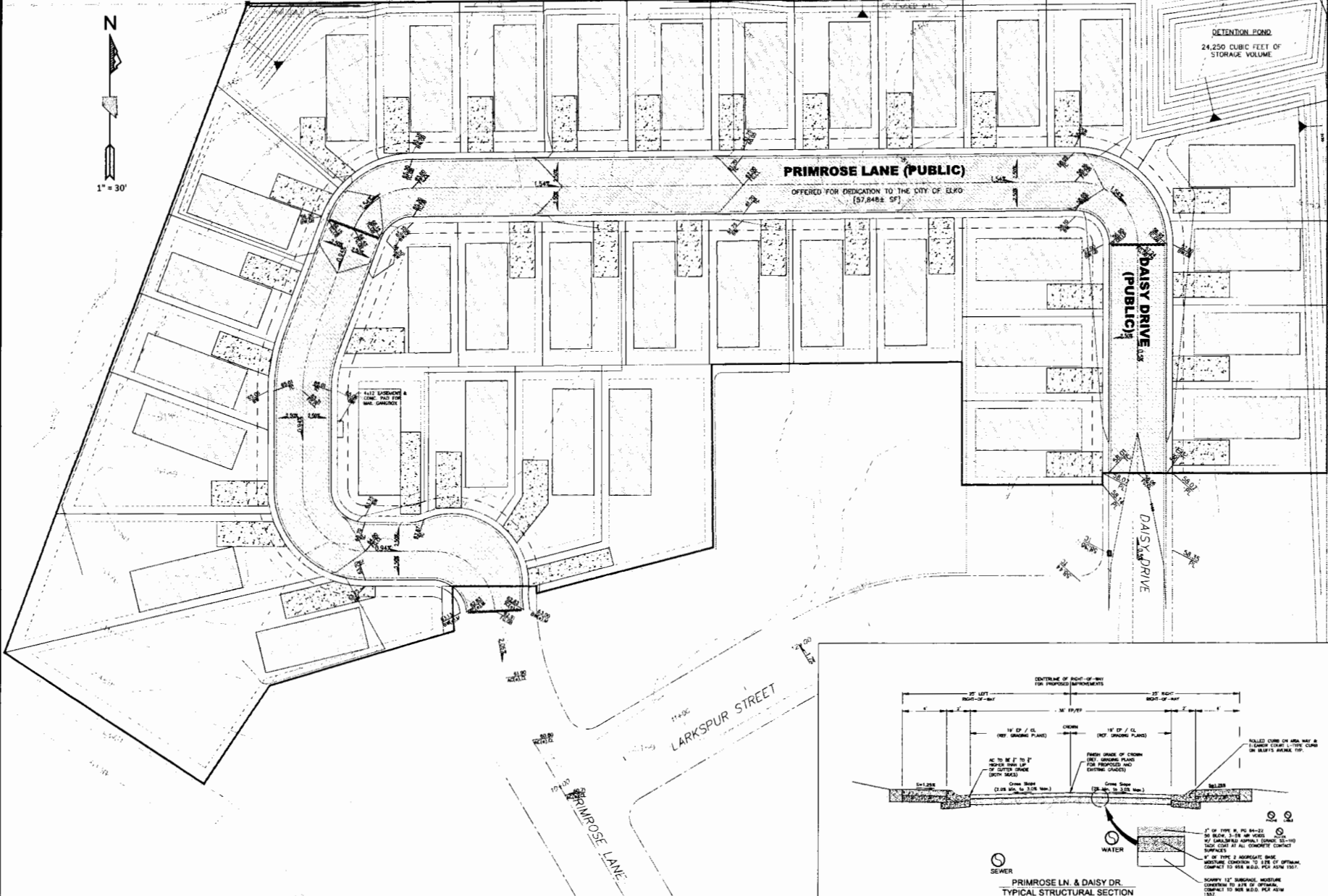
ENGINEER'S STATEMENT

THESE PLANS (SHEETS T-1 OF 5 THROUGH U-1 OF 5) HAVE BEEN PREPARED IN ACCORDANCE WITH ACCEPTED ENGINEERING PROCEDURES AND GUIDELINES, AND ARE IN SUBSTANTIAL COMPLIANCE WITH APPLICABLE STATUTES, CITY ORDINANCES, AND CODES. IN THE EVENT OF CONFLICT BETWEEN ANY PORTION OF THESE PLANS AND CITY CODES, THE CITY CODES SHALL PREVAIL.

BY	APP'D	DESCRIPTION	REV.	DATE

**TENTATIVE MAP FOR
CEDAR ESTATES SUBDIVISION - PHASE 3
TITLE SHEET**
 ELKO COUNTY NEVADA

DESIGNED BY: CIVIL
CHECKED BY: NIB
SCALE
HORIZ: 1"=40'
VERT: NONE
JOB NO: 81968



OWL ROAD (COUNTY)

EXISTING DRAINAGE SWALE

DETENTION POND
24,250 CUBIC FEET OF STORAGE VOLUME

PRIMROSE LANE (PUBLIC)
OFFERED FOR DEDICATION TO THE CITY OF ELKO
(97,848.8 SF)

DAISY DRIVE (PUBLIC)

LARKSPUR STREET

PRIMROSE LANE

PRIMROSE LN. & DAISY DR.
TYPICAL STRUCTURAL SECTION



REV.	DATE	DESCRIPTION	BY	APP'D
1	5/20/21	CITY COMMENTS REVISION	NIB	NIB

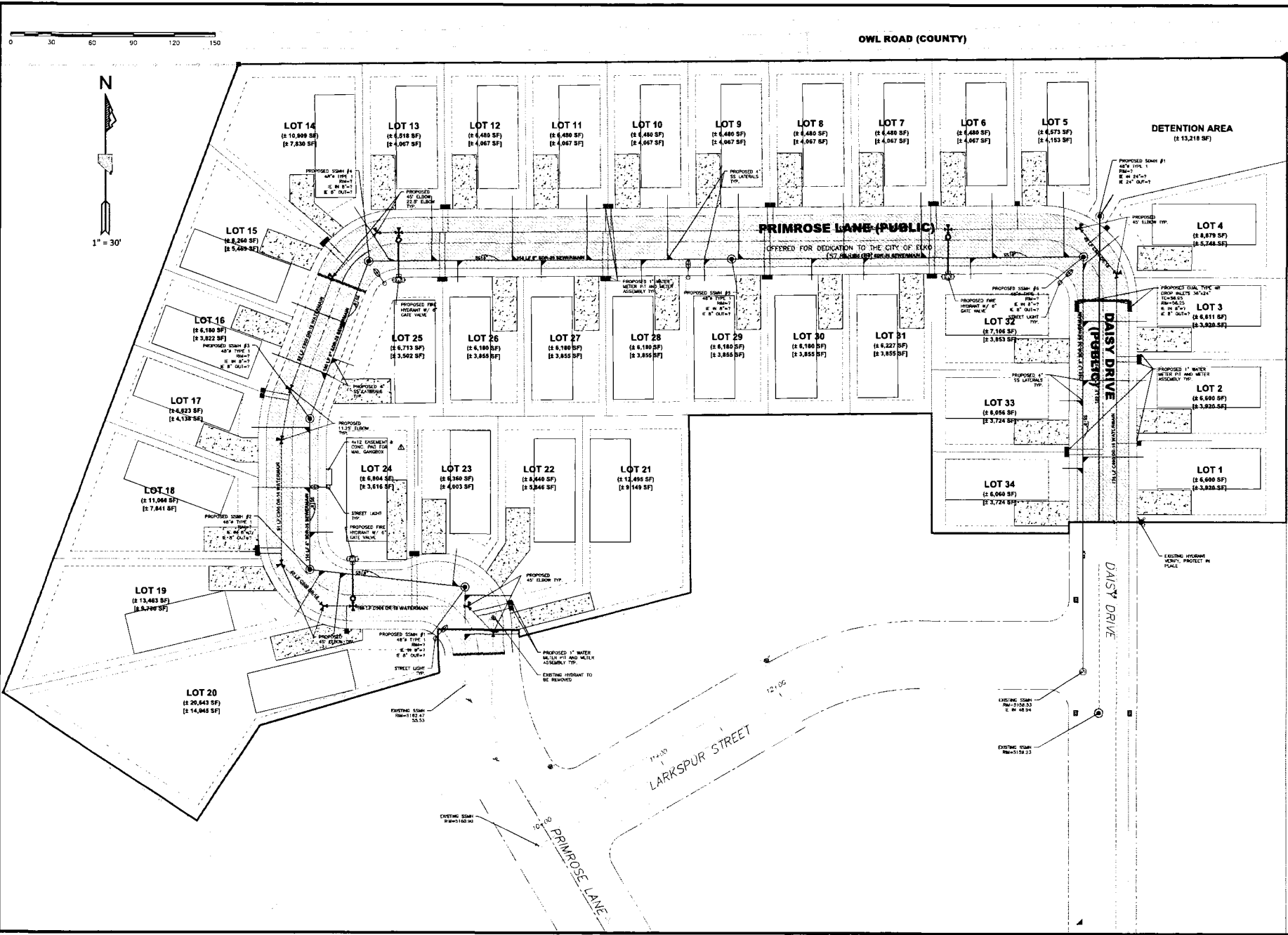
TENTATIVE MAP FOR
CEDAR ESTATES SUBDIVISION - PHASE 3
GRADING PLAN
ELKO COUNTY NEVADA
ELKO

DESIGNED BY: CIVIL
CHECKED BY: NIB
SCALE
HORIZ: 1"=40'
VERT: NONE
JOB NO: 81966



SHEET
G-1 OF 5

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May 18, 2022

REV.	DATE	DESCRIPTION	BY	APP'D

**TENTATIVE MAP FOR
CEDAR ESTATES SUBDIVISION - PHASE 3
UTILITY PLAN**

NEVADA
ELKO COUNTY
ELKO

DESIGNED BY: CIVIL
 CHECKED BY: NIB
 SCALE
 HORIZ: 1"=40'
 VERT: NONE
 JOB NO: 81966



**Elko City Council
Agenda Action Sheet**

1. **Title: Review, consideration, and possible action on an appeal filed pursuant to Elko City Code 3-2-22(H), appealing the Elko City Planning Commission's decision to deny Variance No. 3-21, filed by DAG LLC. on behalf of Sonora LLC, for an increase in the number of allowed freestanding signs per street frontage and increase maximum area of a freestanding sign, located generally on the south corner of the intersection of Idaho Street and 5th Street (397 5th Street), and matters related thereto. FOR POSSIBLE ACTION**
Pursuant to Elko City Code 3-2-25, the Council may affirm, modify or reverse the decision of the Planning Commission.
2. Meeting Date: **July 27, 2021**
3. Agenda Category: **PUBLIC HEARING**
4. Time Required: **15 Minutes**
5. Background Information: **The Planning Commission considered the subject variance on July 6, 2021 and took action to deny the variance. Subsequently, the applicant appealed the Planning Commission's decision. CL**
6. Budget Information:
 Appropriation Required: **N/A**
 Budget amount available: **N/A**
 Fund name: **N/A**
7. Business Impact Statement: **Not Required**
8. Supplemental Agenda Information: **Appeal letter, P.C. Action Report, draft July 6, 2021 P.C. Minutes, Staff Reports, and application**
9. Recommended Motion: **Pleasure of the Council**
10. Prepared by: **Cathy Laughlin, City Planner**
11. Committee/Other Agency Review: **Planning Commission**
12. Council Action:
13. Agenda Distribution: **DAG, LLC
PO Box 505
Elko, NV 89803
Agonzalez@dagnv.com**

Variance 3-21, Filed by DAG LLC , on behalf of Sonora LLC, for 397 5th Street - APN 001-265-006

RECEIVED

Planning Commission Vote Denied on July 6, 2021.

JUL 13 2021

DAG LLC, requesting an appeal of Variance 3-21

We made a mistake by submitting an application we did not understand completely. We are not construction professionals or develop land on a regular basis. The business plan is very unique like the lot in question. The awkwardness of the lot would create a hardship and make it difficult to operate a successful business if developed with a building. Specifically, since the lot does not have alleyway access preventing easy removal of garbage. Large-scale deliveries would be performed on the street median, which would cause traffic congestion with other delivery trucks. If owners would invest in an office space, vacant offices are a common occurrence in the downtown corridor. It would be fiscally irresponsible to build an office space without having tenants. High volume activity on that lot with a building will have sidewalk spillover on one of the busiest intersections of town.

3-2-22 Variance

C. Application Requirements:

1. A building on that lot would not have access to the alley. The access to alley is the special circumstance. Only two lots in that city block from 4th and 5th streets do not have alley access to remove garbage produced by a high-volume retail or dine in restaurant operation. The location of this parcel is so unique that you should consider giving it a variance to be an open space-advertising plaza compatible with the downtown corridor.
2. By not having alleyway access the business owners would create the following conditions for difficult hardships. Large Scale Deliveries, the road median is already used by many of the downtown businesses and we would be adding another delivery truck to perform deliveries on that median. Hauling a big garbage bin cart or grease bin around the block to the alley, 250 feet from the lot, will be difficult to perform because trash and grease attract rodents and pests. Constant removal of garbage will be required for a full dine in restaurant from that lot. Additionally, the lot is too small to store a grease interceptor, storing of old oil, for a dine in restaurant would create a hardship for the owners.
3. The only other business that does not have alleyway access is the property next door to the lot in question and the owner operates a professional optometry medical service. A professional business would not accumulate as much trash as a dine in restaurant or retail business. End of day trash removal is typical for a professional office. The other businesses have alleyway access and the special conditions would not generally apply to other properties in that district.

4. Granting the variances allows the owners to operate an open-air advertising plaza. The advertising plaza would allow the businesses of Elko to promote existing and new products, services, events or a job vacancy in a public medium. The walk-up restaurant will bring a good quality food option for working professionals in the day and stay open late night for the nightlife crowd. The open space will provide pedestrians an option to traverse through the corner and the bollards will provide a safe area for the pedestrians that are in the area lot. The signs are not intended for office, motel guests, retail shoppers or patrons inside other business buildings. The signs are for foot pedestrian traffic and vehicle visibility. All signs will be equipped with automatic dimming technology, which takes readings of ambient light and adjusts the display intensity accordingly.

5. The area is commercial and the business model is a unique commercial plan. The business will erect a 90-degree wall that is 25 feet tall and will be developed in conformance with city code, to hold three off-premise digital signs. We also would like to install five off-premise freestanding signs around the perimeter. By allowing the variances, the downtown business corridor will have a modernization step forward and will have a competitive advantage by having this avenue to advertise their businesses.

6. We are going to be as minimally evasive as possible based on the recommendations of our architect and construction company. The signage mounts and installation will be constructed with all provision of the international building code. Vendors must prove without a reasonable doubt that their technology can endure the Northern Nevada climate. Signage will be well equipped with dimmable sensors; they will be brighter during the day and dimmer during the night. Client contract will contain provision about advertising being displayed and they will not be advertising risqué and vulgar content. Advertising will be tasteful but attractive to capture the advertiser's message. Bollards will be aligned throughout the perimeter to make sure that the lots assets and pedestrians will feel safe of a possible errant vehicles.

Our idea is very unique. If we are granted these variances, our success is directly tied to our client's success. Our location will be there location. Clever marketing attracts business and a better economy. We can strengthen the shop local campaign and bring something very unique to our community.

Jorge Robles
DAG LLC (dba Downtown Advertising Group LLC)
PO BOX 505
Elko NV 89803



CITY OF ELKO

Planning Department

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

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

CITY OF ELKO PLANNING COMMISSION ACTION REPORT Regular Meeting of July 6, 2021

WHEREAS, the following item was reviewed and considered by the Elko City Planning Commission on July 6, 2021 under Public Hearing format, in accordance with notification requirements contained in Section 3-2-22 D.1 of the City Code:


Variance No 3-21, filed by DAG LLC, on behalf of Sonora LLC, for an increase in the number of allowed freestanding signs per street frontage and increase maximum area of a freestanding sign, and matters related thereto.

The applicant is requesting a variance for more than one freestanding sign per street frontage and for an increase in the area of the allowed signage.

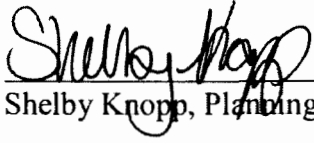
NOW THEREFORE, upon review and consideration of the application, supporting data, public input and testimony, the Planning Commission **DENIED** Variance No. 3-21.

The Planning Commission's findings to support its recommendation are the proposed use is in conformance with the Land Use Component of the Master Plan as well as the Transportation Component of the Master Plan. The property is located within the redevelopment area and is not in conformance with the Redevelopment Plan. The proposed use is in conformance with the development standards of Elko City Code 3-2-10. In accordance with Section 3-2-22, the applicant has not demonstrated any special circumstances or features regarding the parcel. In accordance with Section 3-2-22, the applicant has not demonstrated that there is practical difficulties or exceptional undue hardships, which constitutes an abridgement of property right and deprives the property owner of reasonable use of property. Granting of the variance will result in material damage or prejudice to other properties in the vicinity. Granting of the variance will substantially impair the intent or purpose of the zoning ordinance. Granting of the variance will not impair natural resources. The proposed signs are not in conformance with Elko City Code 3-9.

The applicant is advised of the right to appeal this decision to the City Council within 10 days of the date of approval as stated above.


Cathy Laughlin City Planner

Attest:



Shelby Knopp, Planning Technician

CC: Applicant
Kelly Wooldridge, City Clerk
Michele Rambo, Development Manager (email)

to other properties in the vicinity. Granting of the variance will substantially impair the intent or purpose of the zoning ordinance. Single Family is listed as a principal use in the underlying zone, but the zoning ordinance lists minimum lot size and area. Granting of the variance will not impair natural resources. The parcel is not located within a designated Special Flood Hazard Area.

Moved by Commissioner Tera Hooiman, Seconded by Commissioner Gratton Miller.

**Motion passed unanimously (6-0).*

3. Review, consideration and possible action of Variance No 3-21, filed by DAG LLC. on behalf of Sonora LLC, for an increase in the number of allowed freestanding signs per street frontage and increase maximum area of a freestanding sign, and matters related thereto. **FOR POSSIBLE ACTION**

The applicant is requesting a variance for more than one freestanding sign per street frontage and for an increase in the area of the allowed signage.

Gorge Robles, PO Box 505, Elko, Nevada and Adrian Gonzalez, at the same address, together presented a PowerPoint, included as **Exhibit B**.

Kathy Algerio, 2075 Griswold Drive #1-C, said she has been a resident of this town since 1976. She has seen growth and everything that has happened. She also owned a business across the street from this lot. The unique idea the applicants brought to her, she thought it was stupendous. There is no way to put a building on the lot, because it is very small. The existing wall is being replaced. The present owner of the lot, Jan Pescio, who is selling the lot to the applicants, has made a deal and there will no longer be an encroachment. The applicants will be constructing a new wall in a safe manner. Ms. Algerio further thought the applicants' ideas about putting up "America First" were wonderful. This is a very patriotic community. She thought a new advertising venue would be a great replacement for an unseemly lot that is existing today on one of the busiest intersections in town.

Lina Blohm, 495 Idaho Street, said she was very thankful to be here at the request of the applicants, whom she was so proud that they had the confidence to finally see the potential of downtown, and particularly this small lot. She has been looking at a chain link fence for years. She asked what the chain link fence told those who were new to the community, or just driving through. Certainly not that this is a loving, caring, open, and friendly community that is a good place to settle. She said she was coming from an emotional standpoint, even though she owns the business right across the street. She could see the potential of owning a business in the downtown. She was asking the Commission to consider having activity in the heart of downtown, and working out the details later. She thought it would be a positive, bright, colorful, and inviting environment for everyone, and not a chain link fence.

Catherine Wines, 421 Railroad Street, said she appreciated that something was going to happen on the lot. She stated that she was also on the Redevelopment Advisory Board and the Arts and Culture Advisory Board. There is a mural on the wall of Lipparelli's building that was just put up 2 years ago. Certainly, they knew when they put it there that something could be built on this lot, but it hasn't been there for long. She asked if there was any way to work around the mural. When

she first saw the idea, she didn't realize that they would be building a new wall. She thought they would be going on to the existing wall.

Ms. Laughlin went over the City of Elko Staff Report dated June 24, 2021. Staff recommended denial with the findings listed in the Staff Report.

Ms. Rambo explained that she wrote separate memo that went into a detailed analysis of the variance with the findings. Six findings have to be met. If even one of those cannot be met, the variance cannot be approved. Ms. Laughlin covered most of what Ms. Rambo had in her memo. She did want to point out a couple things. She looked at the surrounding lot sizes for that block, and this lot is larger on average than most of the other lots on that block. It is developable in some fashion, and it is possible to put a building there. Ms. Rambo pointed out that she found an article that says, "Driver inattention and distraction are the biggest risks to traffic safety worldwide. In addition there is an emerging trend in the literature suggesting that roadside advertising can increase crash risk, particularly for those signs that have a capacity to frequently change." Based on the findings there are no hardships. Ms. Rambo also recommended denial. Chairman Dalling asked Ms. Rambo if all six of the requirements have to be met for a variance, and if only one of six were being met with this application.

Ms. Rambo said based on her analysis only one was being met.

Chairman Dalling asked for the code all six had to be met. (Yes)

Mr. Thibault recommended denial.

Ms. Winrod had no comments.

Ms. Laughlin said she had a few more comments. Let's say that the applicants came to the City and just proposed the restaurant, one freestanding sign for Idaho Street and 5th Street advertising the restaurant, and one wall sign that was an off-premise sign. The only approval that they would have to get would be NDOT approval for the off-premise sign. The freestanding signs, as long as they are advertising the business that is on the property and they meet the area requirements, could be approved today with a Building Permit and would be not required a variance. As stated in the email from NDOT, because this intersection is a part of the highway systems, an off premise sign would need approval by NDOT.

Commissioner Tera Hooiman asked if they could do one sign on one wall and keep the mural, and have one additional sign for advertising of the business on the property.

Ms. Laughlin clarified that they could have one off premise sign, as long as NDOT approved it, and it be a wall sign. They would also be allowed one freestanding sign for advertising of the business that is on the property.

Mr. Wilkinson recommended denial as presented by staff. He wanted to emphasize that variances were not the tool to be utilized to try to achieve objective in the Master Plan. He thought there had been some discussion about businesses located on that lot over a period of 60 years. He thought that indicated there were no special circumstances associated with the lot that said that it couldn't support some type of development or business at that location.

Commissioner Hooiman stated that she had a question for the applicants. She asked if they had approached other businesses in the downtown area as to selling advertising space in their kiosks. She asked what their reactions were.

Mr. Robles said they had not, because they can't go to them without telling them the price. The price is dependent upon how many spaces they have. They don't have the numbers yet.

Commissioner Hooiman assumed they wanted to sell advertising to offset the costs of the eatery and the development of the lot. She saw that they had downtown support, because they had downtown business people present. She said it would be important to her to have support in the development from business that they would be approaching for the advertising dollars.

Mr. Robles said they were going to reach out to local businesses. They would reach out to everyone in town. He thought it would be a great benefit for everyone to be involved in this. It's going to put a lot of pressure because they don't pass code. Staff has mentioned that they have to meet all the criteria. He asked when the last time the code was written. The technology has changed. Putting a business there would be beneficial for the downtown corridor, but at the end of the day the town is growing on the east and west side, but nothing is going on in the downtown area. That was why he felt like they had a niche at this location.

Commissioner Gratton Miller asked if they had approached NDOT yet.

Mr. Robles said no, because they were under the impression that this was under complete City jurisdiction. They would be more than happy to reach out to NDOT. This was their first step.

Chairman Dalling asked how long it would take NDOT to review the project.

Commissioner Miller said NDOT permits things monthly.

Chairman Dalling thought the applicants had a great idea that was innovative. He said they wanted to advertise for the East End Mall and everyone else. Ms. Laughlin had mentioned that they wouldn't really be advertising for the downtown, but Chairman Dalling understood that they had to get their advertising dollars where they could get them.

Mr. Robles said that the downtown had so many businesses and that they want to focus on the downtown. They want to focus on the wine walks, the bar association, and everyone that is in the downtown corridor. That is why they are not making a brick and mortar building. They are making an open-air design so that as people wait for their food they can visit the surrounding businesses. As soon as people start talking about the lot, because everyone passes through there, word is going to get around and people are going to ask them about advertising space.

Chairman Dalling asked what they would be selling in the restaurant.

Mr. Gonzalez said they wanted to focus on the night crowd, so it would be street food.

Chairman Dalling said he liked that idea. He thought it would be well used, especially late at night.

Commissioner Mercedes Mendive thought it was a brilliant idea. One of the things they wanted to focus on was the night crowd, and she thought that was great. The only thing she would be concerned about, not for the development, but there are people that don't even respect the boots. One of her biggest concerns for their advertisements would be people causing some type of vandalism to the signs. Commissioner Mendive thought that would be something to think about going forward. She added that there never seemed to be enough places to sit and eat food. She suggested that they consider having a place for the patrons of the restaurant to sit down and be social. She said that was something there wasn't enough of in Elko.

Commissioner Miller said he would have to disagree. He didn't think the advertising would do well there, especially if they would be going for every business in town. He also thought they would be in direct competition with the Chamber Commerce by doing that.

Mr. Robles said that they could advertise with them.

Commissioner Miller said he understood that. He added that the Chamber of Commerce, by definition, is to advertise for the businesses in Elko. That would put the applicants in direct competition with the Chamber.

Mr. Robles said if they were advertising the Maverik or Stockmen's, and they are also with the Chamber of Commerce, they would just be providing the signage. The only direct competition they would have is the three billboard companies. They have exorbitant prices, because they have the markets cornered. Mr. Robles explained that they would be taking business from the big billboard companies and keeping the money in town. He said that the downtown businesses would be their priority, but there was no reason why they couldn't work with the Chamber and be a Co-op.

Commissioner Stefan Beck thought it was a great idea. He explained that they previously denied a single housing in favor of having a tri-plex because he appreciated the City having rules and regulations. He mentioned that Mr. Wilkinson said that a variance wasn't a tool to change the Master Plan. Commissioner Beck said that he agreed with rules and regulations, but this was a great idea. He said his question was if this wasn't the right path if there was a different approach that would work better. As far as distractions, Commissioner Beck said his biggest concern would be people driving down Idaho Street and not looking at the signs because they were too busy looking at their cell phones. There are so many distractions in the world; he didn't think that would be a good reason. He mentioned that there was all sorts of advertising in Downtown Reno and Las Vegas about what is going on in town. He thought there was a lack of focused advertising.

Commissioner John Anderson asked who owned the murals.

Chairman Dalling explained that Matt Lipparelli owned the mural that was on the side of his building.

Commissioner Anderson asked if the applicant bought that lot if they could destroy the mural.

Ms. Laughlin explained that they would have their property rights if they bought the lot. They can construct what they want on the lot. The mural belongs to Matt Lipparelli.

Commissioner Anderson said he was curious on how this would fit when they brought in more artists to do more murals, if they see that one had already been destroyed. He said it was a big step forward, having the artists here.

Chairman Dalling said if the applicants built a new wall in front of Mr. Lipparelli's wall and it would cover up the mural. He added that Ty Trouten, Police Chief, wrote the letter that was included in the packet about the distraction. It says this is the 2nd highest traffic intersection in Elko. On 12th Street, they built that little bank on a lot that is a similar size. Chairman Dalling said that the fact that it was a high traffic intersection and there were a lot of advertisements to look at was a concern, especially if the Police Chief wrote a letter. Mr. Wilkinson brought up a good point, in which Chairman Dalling agreed, that getting a variance wasn't the proper way to skirt the code on this. He thought that they had a great idea, but he felt like it wasn't developed enough. He felt there was more work they could have put in to meet more than one of the six requirements to be granted a variance.

Commissioner Beck asked the applicants if they were denied if they would come back and try another approach.

Mr. Robles said they would go through City Council, meet with staff again and tell them that the lot is an unusual size and that there would be a hardship for them if they try to develop anything. He thought if they built a brick and mortar building from property line to property line that they would fail. What they were proposing was a small walk up restaurant and digital billboards. No, they don't meet code, but maybe the Code should be updated in regards to what there is now. There are walk up digital signs in Las Vegas that the Code allows for. They have built codes to what is available. Every bus stop has a digital sign in it. They have built these Codes to allow for the changing of advertising over time. There is digital advertising throughout the country, and not just in airports. The one place that makes sense to do it is at the 2nd busiest intersection in town. The pedestrian signage is meant for the people that are walking around the downtown corridor.

Chairman Dalling mentioned that they also had the three billboards, which were directed at the vehicles.

Mr. Robles said yes, the three billboards would be geared toward the vehicles.

Chairman Dalling asked if the billboards had to be 600 feet apart by code. (Yes)

Ms. Rambo wanted to remind the Commission that financial viability, whether a business is going make it or not, was not a legal finding for a variance. If the Commission did want to lean toward approving this, they would need to make some very specific findings. She suggested that they work with the City Attorney to come up with some specific legal findings that would stand in court. She said if the Commission were leaning toward approving the application, she would suggest tabling it to work with the City Attorney, and staff would like to throw in some conditions of approval.

Mr. Robles said it had been an empty lot for over 3 years. There hasn't been a business there since the mid-2000s. There are smarter people out there, but nobody has bought the land and developed it. The price has been going down on the lot. They came up with this interesting idea, they don't meet code, and they are try to bring the Code up to par, but at the end of the day it's not going to fit there. The lot will work and the business plan will work.

Mr. Wilkinson explained that if there was a motion to consider an approval, he thought that the motion maker would need to have findings, and he thought that would need to be done tonight. He didn't know that it would be the City Attorney's role to try to make those findings and bring them back to the Planning Commission. Staff responds to an application, and if the Planning Commission disagrees with staff's recommendation then the Planning Commission should have its own findings as it moves forward. He recommended taking the time, if there was a motion, to go through each and every one of the variance requirements and have the motion maker state findings that justify the motion. Then they could consider that motion.

Ms. Wines wanted to address the mural. She explained that the contract with the artists was that the mural would stay intact for 3 years. In 2022, all of the artists can expect that maybe their murals would go away, but we hope they don't. However, you can't tie up a business owner by telling them that they couldn't do anything to the wall for 10 years. The other thing she wanted to address was that there were two comments by staff that a building could easily be built on this lot and that is absolutely not true. Ms. Wines stated that she was an architect and that she had looked at this lot twice with two different clients. It is really not possible. The difference between the Bank on 12th and Idaho and this lot was there was an alley. This lot doesn't have access to an alley. It doesn't have a back, where the back of the building would be. When it was built, a long time ago, they didn't concern themselves with the back of the building, because they didn't have huge traffic flows and deliveries were maybe once a month. There is no place to make deliveries; there is no place to have a grease trap, and no place to take the trash out. It is not desirable, at all, to build on this lot.

Commissioner Miller said the eatery couldn't sustain itself. He thought it was a moot point.

Ms. Wines said the eatery was like a food truck.

Commissioner Miller suggested they make a plan with food trucks instead, something that would be feasible. He thought the advertisement would be destroyed, through either cars or people. He pointed out that Ms. Wines stated that an eatery would not work here, unless they did all the things she mentioned, which was a part of this.

Ms. Wines clarified that she was stating that building a brick and mortar building to cover the lot, which would have to be covered for it to pencil out, and it would need to go up 7 or 8 stories.

Ms. Algerio said these young men came to her and she immediately called Ms. Laughlin, who she calls from time to time. Ms. Laughlin suggested a variance. That is why the applicants went this way. In doing so, they weren't aware of the questions, they were very ignorant about them. They came to Ms. Algerio after they got the letter of denial from staff. Ms. Algerio explained to them that Ms. Laughlin had said they couldn't add onto the application once it was submitted. Therefore, that is why the Planning Commission got what they got. The applicants asked Ms.

Algerio if they could do this within three to four months. The timing was just about right with the Planning Commission dates, but they didn't have time to submit another application.

Ms. Laughlin explained that the applicants set up a meeting with her. She met with them prior to speaking with Ms. Algerio. She told them in the meeting that she had to go by what is in Code, and Code states a 600-foot separation of off premise signs, one per street frontage, and the area requirements. Ms. Laughlin told them that they had the right to apply, but she would be recommending denial, and that it would be up to the applicant to provide the testimony, hardship, and exception circumstances in their application to support their application.

Ms. Blohm wanted clarify something, because she was the victim of most of those accidents that occur at 5th & Idaho Street. She asked if anyone knew why there were accidents there, because of speeding and drunkenness. Two of the cars went into her building. She was always aware. It is speeding. She has had conversations with the Police Chief. The cars are going too fast. There was an incident with a fire truck and another car. Those things are understandable. It is a busy intersection; we like it busy. She thought it was presumptuous to tell someone what kind of business they need to place. As long as it is safe, and it meets health and safety requirements.

Chairman Dalling said they were having safety questions.

Ms. Blohm said the safety question she was hearing was regarding the distraction of billboards to traffic driving by. The safety issue that she saw on a daily basis was speeding and drunkenness. What would Las Vegas have done if their business people had to go before a Board and they said they couldn't have neon lighting because it's a distraction?

Mr. Thibault thought that the applicant could work with staff and have something very similar to the current proposal that was Code compliant.

Commissioner Beck asked if the application was denied if it was a black mark. If they table it, would it give the applicants another change to take a different approach?

Ms. Laughlin explained that if the Commission tabled the application, it would come back as the exact same application. There would not be any changes or additions. If the Commission denied the application, the applicant would have the right to appeal it. There is an appeal process, in which the application would go to City Council.

Commissioner Beck asked if that would open up other avenues. (Yes)

Mr. Wilkinson added that during the appeal process they introduce additional evidence that was not considered at this hearing. In actuality, the appeal needed to be based on additional evidence that was not considered at this hearing.

Commissioner Beck asked if it was denied and they had 10 days, if all that doesn't work, then would they have another opportunity to try another approach and work with the City. (Yes)

Ms. Laughlin said if the applicant came to staff with the walk-up restaurant, the plaza area, one free-standing sign on each street frontage advertising the walkup business, and one off premise sign, the only thing they would have to get approval on would be the off premise sign.

*****Motion: Deny Variance No. 3-21.**

Commissioner Beck's findings to support the motion were the proposed use is in conformance with the Land Use Component of the Master Plan as well as the Transportation Component of the Master Plan. The property is located within the redevelopment area and is not in conformance with the Redevelopment Plan. The proposed use is in conformance with the development standards of Elko City Code 3-2-10. In accordance with Section 3-2-22, the applicant has not demonstrated any special circumstances or features regarding the parcel. In accordance with Section 3-2-22, the applicant has not demonstrated that there is practical difficulties or exceptional undue hardships, which constitutes an abridgement of property right and deprives the property owner of reasonable use of property. Granting of the variance will result in material damage or prejudice to other properties in the vicinity. Granting of the variance will substantially impair the intent or purpose of the zoning ordinance. Granting of the variance will not impair natural resources. The proposed signs are not in conformance with Elko City Code 3-9.

Moved by Commissioner Stefan Beck, Seconded by Commissioner Mercedes Mendive.

****Motion passed unanimously (6-0).***

Chairman Dalling informed the applicants of the appeal process.

B. MISCELLANEOUS ITEMS, PETITIONS, AND COMMUNICATIONS (Cont.)

6. Review, consideration, and possible action to initiate an amendment to the City Zoning Ordinance, specifically Section 3-2-17 (Traffic, Access, Parking, and Loading Regulations), and matters related thereto. **FOR POSSIBLE ACTION**

A long-standing policy of City staff was to require driveways for single-family residences be designed with a slope of 14 percent or less. However, this requirement was never added to the City Code. With more and more housing development moving up into the hills, it has become necessary to codify this 14 percent requirement. During the process of adding this, staff took the opportunity to update and/or modify other portions of this Section.

Ms. Rambo went through the proposed changes to Section 3-2-17 of the Elko City Code as presented in the Agenda Packet.

Sheldon Hetzel, 780 W Silver Street, said that he had not looked at this at all prior to tonight. He said he loved anything that had to do with cleaning up the Code and making more legible and more functional. It gets hard to maneuver through and find a lot of those sections. The only thing that he questioned was codifying the 14% slope. There is topography that they run into that makes that really difficult. He was concerned that the Commission might be setting themselves up for having to do a lot of modification of standards.

Chairman Dalling asked if there were a lot of hills left in Elko.

**Downtown Advertising Group LLC
DAG LLC.**

Managing Partners:

Adrian Gonzalez

Jorge Robles

397 5th Street



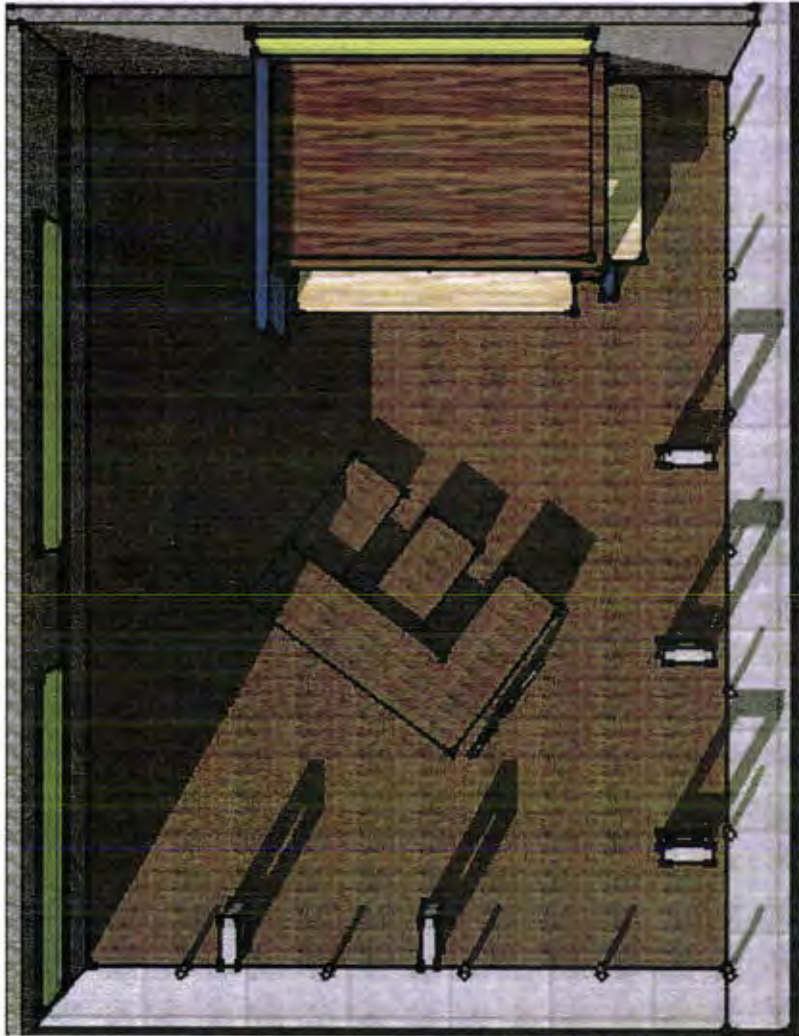
397 5th street

- Hardships of the Lot
 - Retail
 - Dine In Restaurant
 - Bar
 - Office Space
 - Bank
 - Hotel
 - Multi Family Housing Units
 - Drive Thru
 - Gas Station

Advertising Plaza



Advertising Plaza



The advertising plaza is an open space design equipped with digital signage that will allow the businesses of Elko to promote existing and new products, services, events or job vacancies in a public medium.

Advertising Plaza Cont.

Based on Chapter 9 Signage Code we do not pass:

- Purpose of sign code 3-9-3:
 - A. We will ensure that signs erected within said lot are constructed of safe durable material
 - B. We will attract economic and business climate
 - C. We will add curb appeal to the corridor
 - D. We will not distract or obstruct traffic control signs, signals and other traffic control devices
 - E. By having electric billboards, ads that would take innumerable temporary signs and banners to display could be consolidated into one on premise digital sign

Advertising Plaza Cont.

- General Provision 3-9-5
 - A. We will have city building department approval for all items related to construction of the property
 - B. Placement Restrictions
 1. We will comply with all utility and access or drainage easement
 2. Signs will be placed 5 feet inside the lot
 3. Signs will not impede the safe movement of vehicles or pedestrians or obstruct traffic control warnings. We will not obstruct views of fire hydrant.
 4. We are not attaching signs to utility poles or traffic control posts or signs.

Advertising Plaza Cont.

Permitted Freestanding Signs 3-9-7

A. 1 – We are allowed one freestanding sign on each street frontage.

We are requesting eight signs.

Three wall mounted signs

Five pedestrian signs around the perimeter

B. 1 – The maximum height of a freestanding sign is 25' if located on a 25 MPH or less street

We are building a 90° angle wall and the top of the signs is at 25'

C. 1 – The maximum area of a freestanding sign for this lot is two (2) square feet of sign area for every one linear foot of building frontage facing the adjacent street.

Advertising Plaza Cont.

	Maximum allow area	Signage Consideration	Requesting variance
Northwest Wall	96.76 Square Feet	128 Square Feet (8 feet by 16 feet)	31.24 Square Feet
Southwest Wall	147.2 Square Feet	256 Square Feet Two (8 feet by 16 feet)	108.8 Square Feet

- Base on 3-9-7 sign code
 - We are allowed one free standing sign per frontage
 - Requesting Five pedestrian signs
 - 3 feet wide by 5 feet tall in a anti-vandalism casing

Advertising Plaza Cont.

- Safety

- Installing bollards around the perimeter.
- Pedestrian signage is not intended for vehicle attention
- Electronic signs have been studied for over 30 years and have never been found to be hazardous.
 - FHWA: 1980, 2001, 2009, 2012
 - Virginia Tech:2007
 - Tantara Associates: 2007-2010
 - Texas A&M: 2012 Deals specifically with on-premise
 - Copies of these studies are available upon request
 - According to the FHWA study; Longest glance time recorded was 1.35 seconds (well below accepted standard of 2 seconds)
 - Quote from study: “The present data suggest that drivers in this study directed the majority of their visual attention to areas of the roadway that were relevant to the task at hand (i.e., the driving task).”

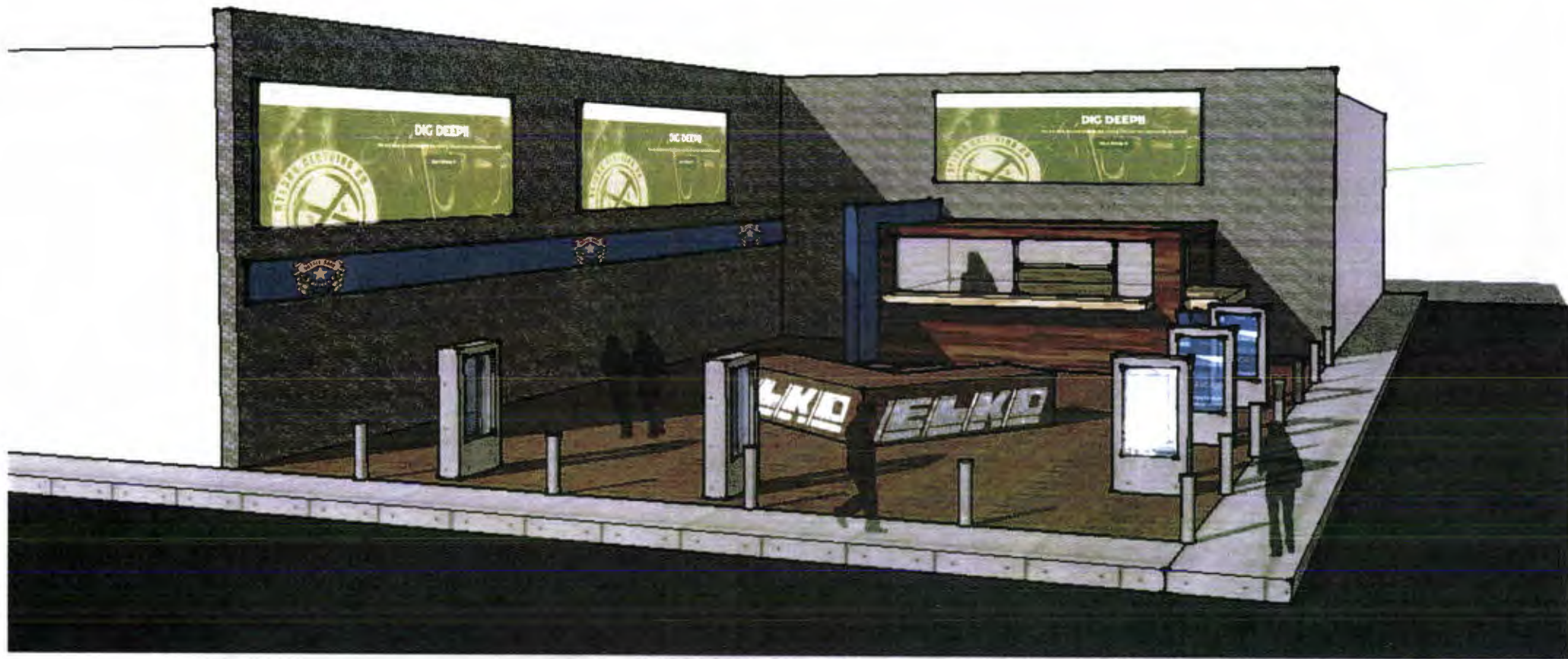
Advertising Plaza Cont.

- Brightness
 - Our digital billboards will be equipped with automatic dimming technology, which takes readings of ambient light and adjusts the display intensity accordingly
- Clutter
 - Information that would take innumerable temporary signs and banners to display could be consolidated into one on premise digital sign, if said signs are permitted
- Redevelopment Plan
 - Downtown Advertising Group LLC locally owned and operated

397 5th Street







CHAPTER 9

SIGN REGULATIONS

SECTION:

3-9-1: Title

3-9-2: Adoption Of International Building Code, Appendix H

3-9-3: Purpose

3-9-4: Definitions

3-9-5: General Provisions

3-9-6: Exempted Signs

3-9-7: Permitted Freestanding Signs

3-9-8: Temporary Signs

3-9-9: Off Premises And On Premises Signs

3-9-10: Abandoned Signs

3-9-11: Modification Of Standards

3-9-12: Illumination

3-9-13: Administration And Enforcement

3-9-1: TITLE:

This chapter shall be known and may be cited as the *CITY OF ELKO SIGN ORDINANCE*. (Ord. 608, 10-28-2003)

3-9-2: ADOPTION OF INTERNATIONAL BUILDING CODE, APPENDIX H:

There is hereby adopted for the purpose of prescribing regulations governing signs, that certain code known as the international building code, appendix H, entitled "Signs", recommended by the International Code Council, Inc., being particularly the latest edition thereof and the whole thereof, save and except such portions as are hereinafter deleted, modified or amended, such to become effective upon the effective date hereof. One copy of the latest edition being adopted shall be approved by the city council and placed on file in the office of the city clerk. From the date on which such filed edition of said code shall take effect, the provisions thereof shall be controlling within the limits of the city. The code is hereby adopted as the rules and regulations for the governing of signs. In the event any of the provisions of the latest edition of the international building code, appendix H, conflict with any of the provisions of this chapter, the provisions of this chapter shall govern and be controlling. (Ord. 639, 9-13-2005)

3-9-3: PURPOSE:

It is the intent of this chapter to promote and protect the health, safety and welfare of the citizens of the city by establishing standards to ensure the placement of safe, effective signage throughout the city. Specific regulations and standards are intended to address the following:

- A. To ensure that signs erected within the city are constructed of safe, durable materials and secured in a manner adequate to withstand physical stresses.
- B. To protect and enhance property values and create an attractive economic and business climate.
- C. To protect and enhance the physical beauty and appearance of the community.
- D. To reduce sign or advertising distractions and obstructions that may adversely affect or conflict with traffic control signs, signals and other traffic control devices.
- E. To reduce visual clutter along streets and roadways thus providing each sign user an opportunity for effective identification and advertising by addressing the quantity, height and area of freestanding signs on all sites. (Ord. 608, 10-28-2003)

3-9-4: DEFINITIONS:

ABANDONED SIGN: A sign which no longer identifies or advertises a bona fide business, service, product or activity and which has been operationally discontinued for a period of two (2) years.

BLANKETING: The partial or complete shutting off of the face of one sign by another sign.

DIRECTIONAL SIGN: A sign designed for the purpose of guiding and directing pedestrians or vehicular traffic to a specific site.

FREESTANDING SIGN: A sign supported permanently upon the ground by footings, poles, pylons and not attached to any building.

OFF PREMISE SIGN: A sign which advertises a business, activity, use, product or service and is located off the property providing the business, activity, use, product or service.

PORTABLE SIGN: A sign not permanently affixed to the ground or to a building or structure that is designed easily to be moved from place to place.

SIGN: Any commercial communication device intended to attract attention to and advertise a business, service, activity or product. Such definition includes any letters, figures, symbols, trademarks or other copy meant to aid in such advertisement.

TEMPORARY SIGN: A sign (including a portable sign), pendant, valance or advertising display constructed of cloth, canvas or other light material (with or without frames), intended to be displayed for a limited period of time only. (Ord. 608, 10-28-2003)

3-9-5: GENERAL PROVISIONS:

A. Permit Required; Application: No sign shall hereafter be erected, reerected, constructed, reconstructed or altered without first having obtained a sign permit from the city building department. Application for a sign permit shall be made upon forms provided by the city and shall be accompanied by such information as may be required to ensure conformance with regulations contained within this chapter.

B. Placement Restrictions:

1. No sign shall be placed within any utility, access or drainage easement.
2. No permanent sign or sign foundation shall be placed within any public street right of way without first having obtained approval of a revocable permit to occupy the right of way from the city council, or authorized city personnel.
3. No sign shall be erected or placed that shall impede the safe movement of vehicles and/or pedestrians, or obstruct any signs for traffic control, direction to public facilities, or for regulatory notice, warning or other public purposes. No sign shall obstruct the view of a fire hydrant.
4. No signs shall be attached to any public utility poles or structures, nor traffic control devices, posts or signs.

C. Airport Restrictions: All sign heights and locations shall be subject to Elko regional airport airspace restrictions as set forth by part 77 of the federal aviation regulations. (Ord. 608, 10-28-2003)

3-9-6: EXEMPTED SIGNS:

The provisions of this chapter shall apply to all signs erected in the city, except for the following, which shall be exempt from conformance with provisions contained within this chapter:

A. Construction signs having an area not in excess of forty eight (48) square feet, 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 completion of construction and prior to occupancy.

B. Government signs for traffic control, for direction to public facilities, or for regulatory notice, warning or other public purposes.

C. Real estate signs, provided they are removed within seven (7) days of the sale, rental or lease of the subject property; and provided, that such signs not exceed more than thirty two (32) square feet of area, shall not be illuminated and shall be set back at least ten feet (10') from all property lines.

D. Permitted special event (election) signs as outlined in Nevada Revised Statutes.

E. Political signs, provided they are located and removed in accordance with Nevada Revised Statutes. (Ord. 608, 10-28-2003)

3-9-7: PERMITTED FREESTANDING SIGNS:

A. Specified: Each property, lot or parcel of record within any commercial or industrial zoning district of the city is permitted the following:

1. One freestanding sign on each street frontage, except that a gasoline service station may have one additional trade name or pricing sign if the premises has only one street frontage and except that an automotive dealership may have one sign for each new car dealership. Frontage along a freeway or interstate highway is not considered street frontage.
2. Directional or instructional signs which do not advertise a business, other than the business logo but which identify restrooms, public telephones, walkways or signs providing direction, such as parking lot entrances and exit signs and those of a similar nature. Directional signs are limited to one sign per driveway approach and shall not exceed an area of six (6) square feet.
3. Off premise signs shall observe a minimum separation distance of six hundred feet (600').

B. Sign Height:

1. The maximum height of a freestanding sign shall be twenty five feet (25') if located on property abutting a street right of way having a twenty five (25) mile per hour or less speed limit.
2. The maximum height of a freestanding sign shall be thirty five feet (35') if located on property abutting a street right of way having a speed limit greater than twenty five (25) miles per hour.
3. The maximum height of a freestanding sign shall be forty five feet (45') if located on property within one hundred feet (100') of the Interstate Route 80 right of way.

C. Sign Area:

1. The maximum area of a freestanding sign shall be two (2) square feet of sign area for every one linear foot of building frontage facing the adjacent street.

D. Nonpermitted Freestanding Signs: Freestanding signs, other than exempted signs and signs authorized as part of an approval of a conditional use permit for a medical office use, professional office use, multi-family residential use or similar conditional use, are not permitted in any residential zoning district. (Ord. 608, 10-28-2003)

3-9-8: TEMPORARY SIGNS:

A. Permitted; Requirements: Temporary signs may be placed in any commercial or industrial zoning district of the city, subject to the following requirements and other applicable provisions stated in this chapter:

1. Each lot or parcel of record may have two (2) temporary signs, each sign not to exceed sixteen (16) square feet in size, or one temporary sign, not to exceed thirty two (32) square feet in size.
2. No temporary sign shall obstruct or impair the use of the public sidewalk by pedestrians or impair the use of public or private streets or driveways, traffic control signs, bus stops, fire hydrants, or any other type of street furniture, or otherwise create a hazard, including a tripping hazard.
3. A temporary sign shall be designed to be stable under all weather conditions, including high winds.
4. A temporary sign may be internally illuminated.
5. A temporary sign shall be placed only with the consent of the property owner.
6. A temporary sign may be placed for a period of time of up to sixty (60) days at which time the sign shall be removed or replaced.
7. No temporary sign shall be placed without first having obtained a sign permit or sign clearance from the city planning or building department.
8. No temporary signs shall be placed within the public street right of way except for areas improved with sidewalk or landscaping, provided the sign is set back a minimum of three feet (3') from the curb face of the roadway and a minimum unobstructed sidewalk area five feet (5') in width is maintained for pedestrian use, and provided the temporary sign is removed from the sidewalk at dusk.

B. Placement In Residential Districts Prohibited: Temporary signs, other than exempted signs, are not permitted in any residential zoning district. (Ord. 608, 10-28-2003)

3-9-9: OFF PREMISES AND ON PREMISES SIGNS:

Off premises and on premises signs are permitted in any commercial or industrial zoning district in accordance with the provisions of this chapter, but are not permitted in any residential zoning district. (Ord. 608, 10-28-2003)

3-9-10: ABANDONED SIGNS:

All abandoned signs and abandoned sign support structures shall be removed by the property owner or owner of the premises within three (3) months after abandonment. (Ord. 608, 10-28-2003)

3-9-11: MODIFICATION OF STANDARDS:

In any zoning district, the planning commission, upon demonstration of just cause, may modify any or all of the provisions contained within this chapter under the variance procedures contained within section 3-2-22 of this title. Additionally, the planning commission may include the following criteria when evaluating and considering a modification of sign regulations contained within this chapter:

- A. Blanketing of the proposed sign by other signs or structures in the area.
- B. Multiple businesses on the same property or multiple tenants within the same building.
- C. Topographic features, such as grade differential between the subject property and the adjacent roadway. (Ord. 608, 10-28-2003)

3-9-12: ILLUMINATION:

All signs shall be designed and installed to direct and shield light away from any residential district and adjacent streets, in accordance with section 3-2-3 of this title. Techniques, such as use of opaque sign backgrounds, may be required to control illumination spillover and meet this objective. (Ord. 608, 10-28-2003)

3-9-13: ADMINISTRATION AND ENFORCEMENT:

- A. The administration and enforcement of this chapter shall be the responsibility of the city building and planning departments.
- B. This chapter is not intended to conflict with or supersede other sections of the city code pertaining to the installation of signs. In the event of a conflict, the most stringent provision shall prevail. (Ord. 608, 10-28-2003)

STAFF COMMENT FLOW SHEET
PLANNING COMMISSION AGENDA DATE: 7/6

Do not use pencil or red pen, they do not reproduce

Title: Variance No. 3-21

Applicant(s): DAG, LLC on behalf of Sonora, LLC

Site Location: 397 5th Street - APN 001-265-006

Current Zoning: C Date Received: 6/15/21 Date Public Notice: 6/22/21

COMMENT: This is to allow for an increase in the number of allowed freestanding signs per street frontage and increase maximum area of a freestanding sign.

****If additional space is needed please provide a separate memorandum****

Assistant City Manager: Date: 6/25/21

Recommend denial of the variance based on the facts & findings presented by staff. Additionally, there is a remainder wall from a demolition project that may or may not present a hazard to persons using the property. This item should be tabled until this issue is resolved.

Initial

City Manager: Date: 6/30/21

Not in conformance w/ Redevelopment Plan or Sign Code.

CV
Initial



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

CITY OF ELKO STAFF REPORT

REPORT DATE: June 24, 2021
PLANNING COMMISSION DATE: July 6, 2021
APPLICATION NUMBER: Variance 3-21
APPLICANT: DAG LLC. on behalf of Sonora LLC
PROJECT DESCRIPTION: APN 001-265-006

A variance request from provisions under Elko City Code 3-9 Sign Regulations for multiple off premise signs to be located on one parcel.



STAFF RECOMMENDATION:

RECOMMEND DENIAL, subject to findings of fact as stated in this report.

PROJECT INFORMATION

PARCEL NUMBER: 001-265-006
PARCEL SIZE: 3,560 square feet
EXISTING ZONING: (C) General Commercial
MASTER PLAN DESIGNATION: (MU-DTWN) Mixed Use Downtown
EXISTING LAND USE: Currently undeveloped

BACKGROUND:

1. The property owner is Sonora LLC. They have provided the applicant permission to apply for the variance as part of their due diligence on purchasing the property.
2. The property was previously developed and demolished a few years ago.
3. Both Idaho Street and 5th Street are under NDOT jurisdiction.
4. Sign area allowance is determined by the lineal footage of the building parallel to the adjacent street frontage. The building orientation is such that the short side of the building is parallel with the longer length of property line adjacent to Idaho Street.

NEIGHBORHOOD CHARACTERISTICS:

The property is surrounded by:

- North, South, East and West: (C) General Commercial / Developed

PROPERTY CHARACTERISTICS:

- The property is currently for sale.
- The property is generally flat.
- The property is located at the intersection of Idaho Street and 5th Street, both under NDOT jurisdiction.

APPLICABLE MASTER PLAN AND CITY CODE SECTIONS:

- City of Elko Master Plan – Land Use Component
- City of Elko Redevelopment Plan
- City of Elko Zoning – Section 3-2-10 Commercial District
- City of Elko Zoning – Section 3-2-22 Variances
- City of Elko Zoning – Section 3-9 Sign Regulations

MASTER PLAN

Land Use

1. The Master Plan Land Use Atlas shows the area as Mixed Use Downtown.
2. C- General Commercial zoning district is listed as a corresponding zoning district for Mixed Use Downtown.
3. Objective 6: Encourage multiple scales of commercial development to serve the needs of the region, the community, and individual neighborhoods.

4. Objective 8: Encourage new development that does not negatively impact County-wide natural systems, or public/federal lands such as waterways, wetlands, drainages, floodplains etc., or pose a danger to human health and safety.

Transportation

1. The Master Plan identifies both Idaho Street and 5th Street as Major Arterials.
2. The site has pedestrian access along both frontages.
3. Best Practice Objective 1; Provide a balanced transportation system that accommodates vehicle, bicycles, and pedestrians, while being sensitive to, and supporting the adjacent land uses.

The proposed variance is in conformance with the Land Use and Transportation Component of the Master Plan.

CITY OF ELKO REDEVELOPMENT PLAN

The property is located within the Redevelopment Area and more specifically the Central Business District.

Redevelopment Plan – Preliminary Plan state this in regards to signage:

Signing – Sensitive signing can play a significant role in Elko’s downtown revitalization. It can communicate a sense of community identity and help unify the city center. Signs also play a role in creating the overall visual character of the business district, enhancing the traveled way for both pedestrians and motorists.

Signs should function to promote individual businesses, enhance their identity, and contribute to the public’s perception of each business. Professional office, service and retail businesses, for example, should establish their own identities separate from hotels, motels and gaming establishments. Good signing expresses a simple, clean message. Flat fixed signs or individual raised letters should be positioned in logical places, on or above storefronts, and may be complemented by small, pedestrian oriented hanging signs. Adequate signing should be visible to the motorist without overwhelming the pedestrian. Attractive window lettering or window graphics can identify and add character to window displays. Signing can also be effectively located on store awnings.

Existing signs in downtown Elko have become a prominent and at times an intrusive architectural feature, with the majority being auto-oriented and illuminated. Competition for space and vistas has seen a proliferation of larger signs competing with one another, creating an impression of visual clutter and visual domination of the streetscape.

Also, numerous billboards or off-premise signs have been constructed within the downtown. Typically, these signs advertise products and services outside of the downtown and community and detract from the desired visual image for the downtown.

Elko Redevelopment Vision Plan states the following for Commercial Signs:

- a. Sign materials and colors must be complementary to the materials, colors and architecture of the related structure.
- b. Signs must be large enough to be visible and read with ease, yet not dominate the structure or streetscape by an overly large scale.
- c. A variety of shapes, sizes, and materials are possible for most signs; these must be selected to complement the architecture and color scheme of the building/development.
- d. Fully backlit signs are not recommended. Individual backlit or neon letters, or front- or side-lit signs are preferred. Lighting fixtures for signs must be consistent with the architecture and lighting scheme for the building/ development.
- e. Signage or wording is not encouraged on the sloped part of awnings. Simple lettering may be used on the hanging valence part of awnings.
- f. Sign materials should be of high quality, durable materials that will maintain their beauty and appearance for many years. Consider the use of materials such as bronze, brass and copper, that patina naturally with age.

The proposed variance is not in conformance with the Redevelopment Plan.

SECTION 3-2-10 COMMERCIAL DISTRICTS

1. The proposed use complies with the principal permitted uses allowed within the Commercial zoning district.
2. Height Restrictions: All structures within the C general commercial zoning district must comply with the height restrictions of the current city airport master plan, to the extent the plan applies to that location.
 - The proposed wall is shown at 25' tall and meets the height restrictions for the City of Elko Airport Master Plan.
3. City code doesn't state a minimum or maximum lot size, lot coverage or setback requirements for development standards.
4. Development of the property is required to be in conformance with City code.

The proposed use is in conformance with the development standards of Elko City Code 3-2-10.

SECTION 3-2-22 VARIANCES:

B. Procedure: Any person requesting a variance by the planning commission shall include:

Application Requirements: Each such application shall be signed by the owner of the land and/or buildings affected by, or by his acknowledged agent. In order for the planning commission to grant a variance, adequate evidence demonstrating conformance to the following criteria shall be presented by the applicant:

1. There are special circumstances or features, i.e., unusual shape, configuration, exceptional topographic conditions or other extraordinary situations or conditions applying to the property under consideration.
 - Applicant states: There are no special circumstances associated with the lot. It meets our specific business model. Nor does the lot have any other extraordinary situations or conditions that would prevent us from putting up signage and a walk up restaurant.
 - Staff comments: The applicant clearly stated that there are NO special circumstances or features related to the site so this requirement has not been met and therefore cannot be in support of a variance approval.

2. The special circumstance or extraordinary situation or condition results in exceptional practical difficulties or exceptional undue hardships, and where the strict application of the provision or requirement constitutes an abridgment of property right and deprives the property owner of reasonable use of property.
 - Applicant states: No Practical difficulty or undue hardship will deprive the property owner of reasonable use of the property will result if no variances are granted. Granting the variance allows the business owners to bring their business plan to fruition. The business model does not pass chapter 9 sign regulation code. Specifically, Clutter, Light Pollution, Height Requirement, and Impeding Flow of Traffic. Reasonable use provisions depend on the variance being granted. If no variances are granted, the property owners will not be entitled nor incentivized to buy or build on the property.
 - Staff comments: The applicant has stated that there is no practical difficulty or undue hardship depriving the applicant of reasonable use of the property. They also state that the plan doesn't comply with ECC 3-9 specifically clutter, light pollution, and impeding flow of traffic. The applicant clearly stated reasons why this variance should not be approved.

3. Such special circumstances or conditions do not apply generally to other properties in the same zoning district.
 - Applicant states: The business model does not pass chapter 9 sign regulation code. No other property is permitted to build our business because it does not pass the code. A variance must be granted to build the business plan. This is a commercial property, we are attempting to put commercial advertising.
 - Staff comments: The applicant has stated that there were no special circumstances or conditions.

4. The granting of the variance will not result in material damage or prejudice to other properties in the vicinity, nor be detrimental to the public interest, health, safety and general welfare.
 - Applicant states: The signage mounts and installation will be constructed with all provision of the international building code. Additionally, vendors must prove

without a reasonable doubt that their technology can endure the Northern Nevada climate. Signage will be well equipped with dimmable sensors, they will be brighter during the day and dimmer during the night. The advertising displayed will not be risqué and vulgar in nature. Advertising will be tasteful but attractive to capture the advertiser's message. Bollards will be aligned throughout the perimeter to make sure that the lots assets and pedestrians will feel safe of a possible errant vehicles.

- Staff comments: We do feel that the multiple signs all flashing different messages at the same time could be detrimental to the public safety. With both streets classified as major arterials, the safety of this intersection is of the utmost concern.
5. The granting of the variance will not substantially impair the intent or purpose of the zoning ordinance or effect a change of land use or zoning classification.
- Applicant states: We will comply with all construction stresses set forth by the international building code. Empty lot will go through a beautification remodel. It enhances every business potential by advertising their business in the busiest intersection of Elko County. It will bring curb appeal to the downtown corridor. Empty lot will go through a physical beautification and plaza has four subliminal dedications to Elko, Elko County, and Nevada. The pedestrian signage will not exceed 7ft from the ground to the top. The digital billboards will be over 25ft from the top of the sign to the ground. No signs will be in the visible eyeline of the 5th street and Idaho street intersection traffic control devices. All signs will be from only one vendor. The three wall digital billboards will be the same size. The five walk up freestanding signs will be the same size. The business plan is a Commercial Plaza. It is not a housing, industrial, or recreational classification.
 - Staff comments: Staff feels that the proposed signs substantially impair the intent of the sign code, specifically items C, D, & E. The variance will have no effect on a change in the land use or zoning classification.
6. The granting of the variance will not substantially impair affected natural resources.
- Applicant states: It's a dirt lot and we are going to be as minimally evasive as possible based on the recommendations of our architect and construction company. Walls erected will be of sound structure following building code.
 - Staff comments: We believe that granting of the variance will not impair affected natural resources.

All six of the above items need to be met in order to grant a variance. The variance request based on the information provided in the application does not conform to Section 3-2-22 of Elko City Code.

SECTION 3-9 SIGN REGULATIONS:

1. It is the intent of this chapter to promote and protect the health, safety and welfare of the citizens of the city by establishing standards to ensure the placement of safe, effective

signage throughout the city. Specific regulations and standards are intended to address the following:

- A. To ensure that signs erected within the city are constructed of safe, durable materials and secured in a manner adequate to withstand physical stresses.
 - B. To protect and enhance property values and create an attractive economic and business climate.
 - C. To protect and enhance the physical beauty and appearance of the community.
 - D. To reduce sign or advertising distractions and obstructions that may adversely affect or conflict with traffic control signs, signals and other traffic control devices.
 - E. To reduce visual clutter along streets and roadways thus providing each sign user an opportunity for effective identification and advertising by addressing the quantity, height and area of freestanding signs on all sites.
2. Each property, lot or parcel of record within any commercial or industrial zoning district of the city is permitted the following:
- *One freestanding sign on each street frontage, except that a gasoline service station may have one additional trade name or pricing sign if the premises has only one street frontage and except that an automotive dealership may have one sign for each new car dealership. Frontage along a freeway or interstate highway is not considered street frontage.*
 - *Off premise signs shall observe a minimum separation distance of six hundred feet (600').*

The applicant is proposing three freestanding signs along Idaho Street with a separation of fifteen feet (15') and two along 5th street with a separation of thirteen feet (13').

3. Sign Height:

- *The maximum height of a freestanding sign shall be twenty five feet (25') if located on property abutting a street right of way having a twenty five (25) mile per hour or less speed limit.*

The proposed signs all comply with the maximum height requirement.

4. Sign Area:

- *The maximum area of a freestanding sign shall be two (2) square feet of sign area for every one linear foot of building frontage facing the adjacent street.*

The applicant is proposing each sign along Idaho Street be twenty eight square feet for a cumulative total of eighty four square feet. The building lineal footage along Idaho Street is twenty feet which would allow a freestanding sign to be a maximum of forty square feet. The applicant is proposing two signs along 5th Street for a total of fifty six square feet and fifty square feet would be allowed.

The proposed signs are not in conformance with Elko City Code 3-9.

FINDINGS

1. The proposed use is in conformance with the Land Use Component of the Master Plan as well as the Transportation Component of the Master Plan.
2. The property is located within the redevelopment area and is not in conformance with the Redevelopment Plan.
3. The proposed use is in conformance with the development standards of Elko City Code 3-2-10.
4. In accordance with Section 3-2-22, the applicant has not demonstrated any special circumstances or features regarding the parcel.
5. In accordance with Section 3-2-22, the applicant has not demonstrated that there is practical difficulties or exceptional undue hardships, which constitutes an abridgment of property right and deprives the property owner of reasonable use of property.
6. Granting of the variance will result in material damage or prejudice to other properties in the vicinity.
7. Granting of the variance will substantially impair the intent or purpose of the zoning ordinance.
8. Granting of the variance will not impair natural resources.
9. The proposed signs are not in conformance with Elko City Code 3-9.

STAFF RECOMMENDATION:

Staff recommends this item be **Denied** based on the findings of fact.



City of Elko Development Department
1751 College Avenue
Elko, NV 89801
(775) 777-7210
FAX (775) 777-7219

Memorandum

To: Planning Commission
From: Michele Rambo, AICP – Development Manager
RE: Variance 3-21
Date: June 16, 2021

RECOMMENDATION: DENIAL

Section 3-2-22(C) states that “in order for the Planning Commission to grant a variance, adequate evidence demonstrating conformance to the following criteria shall be presented by the applicant:

1. There are special circumstances or features, i.e., unusual shape, configuration, exceptional topographic conditions, or other extraordinary situations or conditions applying to the property under consideration.
2. The special circumstance or extraordinary situation or condition results in exceptional practical difficulties or exceptional undue hardships, and where the strict application of the provision or requirement constitutes an abridgment of property right and deprives the property owner of reasonable use of property.
3. Such special circumstances or conditions do not apply generally to other properties in the same zoning district.
4. The granting of the variance will not result in material damage or prejudice to other properties in the vicinity, nor detrimental to the public interest, health, safety, and general welfare.
5. The granting of the variance will not substantially impair the intent or purpose of the zoning ordinance or effect a change of land use or zoning classification.
6. The granting of the variance will not substantially impair affected natural resources.”

Section 3-9-11 further states that the Planning Commission “upon just cause”, may modify any provision contained in the sign regulations under the variance procedures contained within Section 3-2-22, which includes the mandatory findings listed above.

A detailed discussion of all six required findings follows.

1. Special Circumstances or Features:

As described in Finding #1, a special circumstance or feature includes UNUSUAL shape, size, or topographic features or other extraordinary conditions. In analyzing a property to determine if there is one or more of these hardships, several factors are looked at such as minimum lot size, minimum lot dimensions, the shape of the lot, etc.

The Commercial zoning district does not include minimum lot standards to compare the subject property against. In this case, you can compare the size of the lot with the lots in the surrounding area to determine if the subject lot is smaller the average. An analysis of the surrounding block shows that the property lot size of 3,661 square feet is larger than the average lot size on that block of 3,013 square feet. The subject lot is also a normal rectangular shape similar to other lots in the surrounding area. Therefore, there are no unusual circumstances related to size or shape.

Another feature that may allow for a variance approval is topography. Lots with unusual slope or large grade changes would qualify as an unusual topographic feature. However, as seen in the photo below, the subject lot is flat and, therefore, has no unusual topographic features.



In addition to this analysis done by staff, the application provided by the applicant states "there are no special circumstances associated with the lot" and the property does not "have any other extraordinary situations or conditions".

Can this finding be met: NO

2. Difficulties and Hardships:

This finding builds off of Finding #1 by determining if the unusual circumstances found prevent the property owner from using the property. Because there are no unusual circumstances (as discussed above), there can be no denial of property rights which would prevent the reasonable use of the property. The applicant acknowledges this in the application by stating that "no practical difficulty or undue hardship will deprive the property owners of reasonable use".

Can this finding be met: NO

3. Comparison to Other Properties

Like Finding #2, this finding builds off any identified special circumstances identified in Finding #1. Because there are no identified special circumstances, as acknowledged by the property owner in the application materials, there is nothing to compare to other properties within the same zoning district. All properties within the area surrounding this site are flat and compliant with required development standards.

Can this finding be met: NO

4. No Damage to Other Properties or Public Safety

This finding is to determine if the granting of the requested variance will create a hardship for surrounding properties or negatively impact the health, safety, or welfare of the public. An argument could be made that eight (8) large, flashing reader board signs would create an issue with light and glare through the windows of neighboring businesses, especially after sunset. This could impede some ability to conduct normal business, but since there are solutions (window blinds, shades, etc.) the negative impact can be controlled.

A more important issue with having eight (8) large, flashing reader boards at one of the busiest intersections in town is the safety of both residents and visitors. The intersection of Idaho and 5th Street already sees a large amount of traffic collisions. Adding the distraction of multiple eye-catching display boards will only increase the potential for these collisions and endanger drivers and pedestrians utilizing this intersection.

A recent study (<https://www.sciencedirect.com/science/article/pii/S0965856418310632>) found that driver inattention and distraction are the biggest risks to traffic safety worldwide. In addition, "there is an emerging trend in the literature suggesting that roadside advertising can increase crash risk, particularly for those signs that have the capacity to frequently change...". Therefore, the evidence suggests that the granting of this variance will negatively impact the health, safety, and/or welfare of the public.

Can this finding be met: NO

5. Impair the Intent of the Zoning Ordinance

Section 3-9-3 of the City Code discusses the intent of the sign ordinance. Among other items, the sign ordinance is intended to reduce visual clutter, enhance the appearance of the community, and reduce distractions that may adversely affect traffic.

Visual clutter occurs when there are more signs than necessary to convey basic information. In general, this includes both business signs and traffic signs. To implement the intent to reduce visual clutter, the sign ordinance limits the number of signs allowed per property to one per street frontage (with a few stated exceptions not applicable to this parcel). The requirement to reduce visual clutter leads to another intent: enhance the appearance of the community. While appearance is subjective and varies from one person to the next, the general rule is that fewer signs equals a better appearance. The proposal to install eight (8) signs on one parcel substantially conflicts with these two intentions of the sign ordinance.

The other intent relevant to the proposed variance application is that of reducing distractions that may adversely affect traffic. This issue was discussed in Number 4 above in relation to impacts on public health, safety, and welfare. The addition of the proposed signage will create a significant distraction that may adversely affect traffic and pedestrians alike.

Can this finding be met: NO

6. Impair Natural Resources:

There are no natural resources occupying or using this site. Therefore, there will be no impairment to any natural resources.

Can this finding be met: YES

CONCLUSION

The application states that without the proposed variance, “the property owners will not be incentivized to buy or build on the property”. Unfortunately, financial viability is not a legal finding to approve a variance. In fact, the Nevada Planning Guide instructs that variances cannot be granted “to permit uses in zoning districts in which a use is not allowed, vary minimum spacing requirements, or relieve hardships that are solely personal, self-created, or financial in nature”.

City Code Section 3-2-22(C) requires that the Planning Commission determine that all six required findings be met in order to approve any variance application. At this time, the Development Department can only find justification to meet one of the six required findings. Therefore, the Development Department is recommending denial of the proposed variance.



ELKO POLICE DEPARTMENT

Ty Trouten
Police Chief

1448 Silver Street
Elko, Nevada 89801
775.777.7310
775.738.1415 Fax
www.elkocity.com

June 28, 2021

TO: Elko City Planning Commission
FROM: Police Chief Ty Trouten
SUBJECT: Variance Opposition

I would like to express some safety concerns with respect to the requested variance for the 5th and Idaho vacant lot and proposed reader boards on that lot.

My first concern is the safety factor. The intersection of 5th Street and Idaho Street is very busy, and also one of the highest for accidents in the city, exceeded only by 12th Street and Idaho Street. In 2020 there were ten (10) accidents at the 5th Street and Idaho Street Intersection. There were twelve (12) at 12th Street and Idaho Street in the same time period.

When compared to intersections such as 12th Street and Silver Street (3 accidents), Idaho at Mountain City Highway (5 accidents) and Mountain City Highway and Spruce (4 accidents), which are arguably more heavily travelled on a daily basis, the intersection at 5th Street and Idaho Street particularly stands out.

Reasons for the high rate of accidents is likely the reduced visibility due to structures and proximity to the downtown bar area. Although for 2020, only one accident at this intersection was alcohol related. I am concerned that the reader boards will constitute an unnecessary diversion for drivers. If the brightness is similar to the reader board near Idaho Street and 12th Street, this will be particularly true at night. The 5th Street and Idaho Street Intersection is also busy for pedestrian traffic, further exacerbating my concerns.

I also believe that bright flashing lights would not be conducive to some businesses in the area, such as the Esquire Inn. The visual pollution would be likely to disrupt customers at this motel.

While I look forward to this lot being utilized, and the plans, absent the reader boards, would be a supported use, I cannot support the reader board portions and would ask the Planning Commission to deny the variance.



Steve Sisolak
Governor

STATE OF NEVADA
DEPARTMENT OF TRANSPORTATION

DISTRICT III
1951 Idaho St
Elko, Nevada 89801
(775) 777-2700

Kristina Swallow, P.E., Director
In Reply Refer to

June 28, 2021

City of Elko Planning
Attn: Cathy Laughlin
1751 Idaho St
Elko, NV 89801

Dear Cathy:

This letter is in regards to proposed activities at 397 5th Street.

SR 535 also known as Idaho Street is part of NHS (National Highway System) that is governed by NRS and NAC 408 Beautification of Highways. Any sign that is within 660 feet of this route shall be permitted through NDOT if the signage **does not** advertise for any service or product sold on the lot the sign is constructed on.

Bit more of a clarifying summary, the sign(s) on the property can only advertise what is sold on the property. If the owners are looking to advertise anything beyond what is sold on the property, an NDOT billboard permit must be applied for and meet the requirements of NAC/NRS 408.

If you have any questions, please do not hesitate to contact the Right of Way office at (775) 777-2700.

Sincerely,

Rhonda Morfin
ROW/ Utility Supervisor
NDOT District III Elko

RMM

Enclosures

cc: File
Scott Wilkinson, Assistant City Manager, City of Elko
Michele Rambo, Develop Manger, City of Elko

Variance 3-21 DAG, LLC - Appeal

YPNO	PANAME	PMADD1	PMADD2	PMCTST	PZIP
001263007	3L LLC		517 IDAHO ST	ELKO NV	89801-3756
001263006	3L LLC		517 IDAHO ST	ELKO NV	89801-3756
001266008	560 IDAHO ST LLC		560 IDAHO ST	ELKO NV	89801-3716
001266004	560 IDAHO ST LLC		560 IDAHO ST	ELKO NV	89801-3716
	ALGERIO, KATHY		2075 GRISWOLD DR #1-C	ELKO NV	89801-2654
001265011	ANACABE, ANITA T		2000 RUBY VIEW DR	ELKO NV	89801
001262008	API FOR MACLEAN IDAHO STREET PR		15121 MONTE SERENO	LOS GATOS CA	95030
001263005	BHAKTA, BHULABHAI & SADHANA B T	ESQUIRE MOTEL	505 IDAHO ST	ELKO NV	89801-3756
001262007	BLOHM, LINA TR		495 IDAHO ST	ELKO NV	89801-3766
001265014	BROWN, PHILLIP GEORGE ET AL		PO BOX 1660	ELKO NV	89803-1660
001265018	CAVANAUGH & CAVANAUGH LLC		401 RAILROAD ST	ELKO NV	89801-3763
001266001	CITY CENTER ONE LLC	C/O MAYNARD, PATRICIA	2115 SIERRA DR	ELKO NV	89801-4560
001265004	CUCINA INVESTMENTS LLC		3611 AUTUMN COLORS DR	ELKO NV	89801-7801
001266003	DIGRAZIA & GOICOECHEALLC		530 IDAHO ST	ELKO NV	89801-3716
001263010	ELKO COUNTY OF		571 IDAHO ST	ELKO NV	89801-3715
001265002	ELKO GENERAL MERCHANDISE CO INC		416 IDAHO ST	ELKO NV	89801-3714
001262001	FIRST NAT BANK OF NEV	C/O THOMSON PROPERTY TAX SER	PO BOX 2609	CARLSBAD CA	92018-2609
001262012	FIRST NAT BANK OF NEV	C/O THOMSON PROPERTY TAX SER	PO BOX 2609	CARLSBAD CA	92018-2609
001265010	GOLDIE, RONALD ALLEN		182 W BULLION RD UNIT 13	ELKO NV	89801-7617
001265009	GSC PROPERTIES LLC		475 RAILROAD ST	ELKO NV	89801-3717
001262009	HIGLEY, SHIRLEY S TR ET AL		1140 HIGHLAND DR	ELKO NV	89801-2954
001266010	J QUAID INVESTMENTS LLC SERIES2		PO BOX 1892	ELKO NV	89803-1892
001265003	JADEN ENTERPRISES LLC		1705 SEQUOIA DR	ELKO NV	89801-1605
001265013	JENNINGS, MICHAEL R		1122 CALVADOS DR	SPARKS NV	89434-2508
001265007	KNIGHT, DAVID COOPER TR ET AL		109 FIR ST	ELKO NV	89801-3023
001262010	LEMONS, JOSEPH DONALDSUE ADELE		205 WALNUT ST	ELKO NV	89801-2831
001265005	LIPPARELLI, MATTHEW H& TERESA J		462 IDAHO ST	ELKO NV	89801-3714
001265008	NEVADA STATE BANK	C/O NSB PROPERTY MANAGEMENT	PO BOX 54288	LEXINGTON KY	40555-4288
001265015	NYE, MICHAEL B		433 RAILROAD ST	ELKO NV	89801-3717
001262011	O'CONNOR, JERRY D TR ET AL		415 IDAHO ST	ELKO NV	89801-3713
001265019	ORMAZA SERIES(400 IDAHO)LLC		PO BOX 339	ELKO NV	89803-0339
001265001	ORMAZA SERIES(400 IDAHO)LLC		PO BOX 339	ELKO NV	89803-0339
001265012	PUENTES, TEODORA & EUSEBIO		451 RAILROAD ST	ELKO NV	89801-3717

} 1 p.c.

} 1 p.c.

} 1 p.c.

} 1 p.c.

001262003 READ & POWELL INVESTMENTS LLC } 1 p.c.
001262013 READ & POWELL INVESTMENTS LLC }
001265006 SONORA LLC
001265016 WEIGHT, AUTUMN D ET AL C/O AUTUMN JOHANSEN
001266006 WESTERN FOLKLIFE CENTER C/O S } 1 p.c.
001266009 WESTERN FOLKLIFE CENTER THE C }
001266007 WESTERN FOLKLIFE CENTER THE C }
001262002 WILSON BARROWS & SALYER LTD
001265017 WINES, CATHERINE

491 5TH ST ELKO NV 89801-3513
491 5TH ST ELKO NV 89801-3513
PO BOX 1597 ELKO NV 89803-1597
453 SAGE ST ELKO NV 89801-2825
501 RAILROAD ST ELKO NV 89801-3752
501 RAILROAD ST ELKO NV 89801-3752
501 RAILROAD ST ELKO NV 89801-3752
442 COURT ST ELKO NV 89801-3528
421 RAILROAD ST STE 208 ELKO NV 89801-3751

35

Post Marked 7/16/21

NOTICE OF PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN that the Elko City Council will conduct a series of public hearings on Tuesday, July 27, 2021 beginning at 5:30 P.M. P.D.S.T. at Elko City Hall, 1751 College Avenue, Elko, Nevada, and that the public is invited to provide input and testimony on these matters under consideration in person, by writing, or by representative, or via Gotomeeting.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/413956309>. You can also dial in using your phone at **+1 (646) 749-3122**. The **Access Code** for this meeting is **413-956-309**.

The specific item to be considered under public hearing format is:

- **Review, consideration, and possible action on an appeal filed pursuant to Elko City Code 3-2-22(H), appealing the Elko City Planning Commission's decision to deny Variance No. 3-21, filed by DAG, LLC., on behalf of Sonora LLC, for an increase in the number of allowed freestanding signs per street frontage and increase maximum area of a freestanding sign, located generally on the south corner of the intersection of Idaho Street and 5th Street (397 5th Street), and matters related thereto.**

Additional information concerning this item may be obtained by contacting the Elko City Planning Department at (775) 777-7160.

ELKO CITY COUNCIL



CITY OF ELKO PLANNING DEPARTMENT

1751 College Avenue * Elko * Nevada * 89801

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

APPLICATION FOR VARIANCE

APPLICANT(s): DAG LLC (dba Downtown Advertising Group)
MAILING ADDRESS: PO Box 505 Elko NV 89803
PHONE NO (Home) 702 927 8339 (Business) 775 401 4027
NAME OF PROPERTY OWNER (If different): Sonora LLC please see email for
(Property owner's consent in writing must be provided.)
MAILING ADDRESS: consent in writing
LEGAL DESCRIPTION AND LOCATION OF PROPERTY INVOLVED (Attach if necessary):
ASSESSOR'S PARCEL NO.: 001-265-006 Address 397 Sth Street Elko NV 89801
Lot(s), Block(s), & Subdivision _____
Or Parcel(s) & File No. _____

FILING REQUIREMENTS:

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

Fee: A \$500.00 non-refundable fee must be paid. If in conjunction with a Rezone Application a \$250.00 non-refundable fee must be paid.

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

Elevation Plan: Elevation profile of all proposed buildings or alterations in sufficient detail to explain the nature of the request must be provided.

Note: One .pdf of the entire application must be submitted as well as one set of legible, reproducible plans 8 ½" x 11" in size. If the applicant feels the Commission needs to see 24" x 36" plans, 10 sets of pre-folded plans must be submitted.

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

The APPLICANT requests the following variance from the following section of the zoning ordinance:

Chapter 9: Sign Regulations (3-9-7, 3-9-8, 3-9-12)

1. The existing zoning classification of the property Commercial

2. The applicant shall present **adequate** evidence demonstrating the following criteria which are necessary for the Planning Commission to grant a variance:

- a) Identify any special circumstances, features or conditions applying to the property under consideration. i.e., unusual shape, configuration, exceptional topographic conditions or other extraordinary situations or conditions

Please refer to Appendix 2a
response.

- b) Identify how such circumstances, features or conditions result in practical difficulty or undue hardship and deprive the property owner of reasonable use of property.

Please refer to Appendix 2b
response.

- c) Indicate how the granting of the variance is necessary for the applicant or owner to make reasonable use of the property.

Please refer to Appendix 2c
response.

- d) Identify how such circumstances, features or conditions do not apply generally to other properties in the same Land Use District.

Please refer to Appendix 2d response.

- e) Indicate how the granting of the variance will not result in material damage or prejudice to other properties in the vicinity nor be detrimental to the public health, safety and general welfare.

Please refer to Appendix 2e

response

- f) Indicate how the variance will not be in conflict with the purpose or intent of the Code.

Please refer to Appendix 2f

response.

- g) Indicate how the granting of the variance will not result in a change of land use or zoning classification.

Please refer to Appendix 2g

response.

- h) Indicate how granting of the variance will not substantially impair affected natural resources.

Please refer to Appendix 2h

response

3. Describe your ability (i.e. sufficient funds or a loan pre-approval letter on hand) and intent to construct within one year as all variance approvals **must** commence construction within one year and complete construction within 18 months per City Code Section 3-2-22 F.1.: _____

Please refer to Appendix 3 response.

(Use additional pages if necessary to address questions 2a through h)

This area intentionally left blank

By My Signature below:

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

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

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

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

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

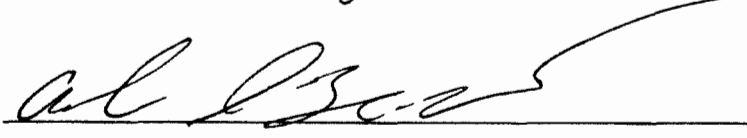
Applicant / Agent Adrian Gonzalez Managing Partner DAG LLC
(Please print or type)

Mailing Address PO Box 505
Street Address or P.O. Box

Elko, NV 89801
City, State, Zip Code

Phone Number: 775-401-4027

Email address: agonzalez@dagnv.com

SIGNATURE: 

FOR OFFICE USE ONLY

File No.: 3-21 **Date Filed:** 10/15/21 **Fee Paid:** \$500 **CV#** 1005

RECEIVED

JUN 16 2021

2(a) Response:

There are no special circumstances associated with the lot. It meets our specific business model. Nor does the property have any other extraordinary situations or conditions that would prevent us from putting up signage and a walk up restaurant.

2(b) Response:

No practical difficulty or undue hardship will deprive the property owners of reasonable use of the property will result if no variances are granted.

2(c) Response:

Granting the variances allows the business owners to bring their business plan to fruition. The business model does not pass chapter 9 sign regulation code. Specifically, clutter, light pollution, height requirement, and impeding flow of traffic. Reasonable use provisions depend on the variance being granted. If no variances are granted, the property owners will not be incentivized to buy or build on the property.

2(d) Response:

The business model does not pass chapter 9 sign regulation code. No other property is permitted to build our business model because it does not pass the code unless they are granted a variance. This is a commercial property and we are constructing a commercial advertising plaza under the same Land Use District of the downtown corridor.

2(e) Response:

The signage mounts and installation will be constructed with all provision of the international building code. Vendors must prove without a reasonable doubt that their technology can endure the Northern Nevada climate. Signage will be well equipped with dimmable sensors, they will be brighter during the day and dimmer during the night. Client contract will contain provision about advertising being displayed and they will not be advertising risqué and vulgar content. Advertising will be tasteful but attractive to capture the advertiser's message. Bollards will be aligned throughout the perimeter to make sure that the lots assets and pedestrians will feel safe of a possible errant vehicles.

2(f) Response in Blue:

The following is the code verbatim;

The chapter 9 sign regulations establish standards to ensure the placement of safe, effective signage throughout the city. Specific regulations and standards are intended to address the following:

- a. To ensure that signs erected within the city are constructed of safe, durable materials and secured in a manner adequate to withstand physical stresses.

We will comply with all construction stresses set forth by the international building code.

- b. To Protect and enhance property values and create an attractive economic and business climate.

Empty lot will go through a beautification remodel. It enhances every local business by advertising their business in the busiest intersection of Elko County. It will bring curb appeal to the downtown corridor.

- c. To protect and enhance the physical beauty and appearance of the community.

Empty lot will go through a physical beautification and plaza has four subliminal dedications to Elko, Elko County, and Nevada.

- d. To reduce sign or advertising distractions and obstructions that may adversely affect or conflict with traffic control signs, signals, and other traffic control devices.

The pedestrian signage will not exceed 7ft from the ground to the top. The digital billboards will be over 25ft from the top of the sign to the ground. No signs will be in the visible eyeline of the 5th street and Idaho street intersection traffic control devices.

- e. To reduce visual clutter along streets and roadways thus providing each sign user an opportunity for effective identification and advertising by addressing the quantity, height, and area of freestanding signs on all sites. (Ord. 608, 10-28-2003)

All signs will be from only one vendor. The three wall digital billboards will be the same size. The five walk up freestanding signs will be the same size and be 12 feet apart from the other freestanding signs.

2(g) Response:

The business plan is a commercial advertising plaza. No land use or zoning classification will be needed for this business plan it is not a housing, industrial, or recreational business concept.

2(h) Response:

It is currently an empty lot. We are going to be as minimally evasive as possible based on the recommendations of our architect and construction company. Walls erected will be of sound structure following building code.

3. Response:

If variances are granted, the LLC partners are immediately contracted to pay on the property note. Immediately after approval, the business plan will be able to factually state how many signages we can operate. Creditors will perform their review of our forecasting trends and financial analysis of the business plan. Construction bids, digital billboards bids, and bollard bids will be requested immediately while we are securing capital. The LLC partners have sufficient cash flows to pay on the property note and when capital is raised for the signage, bollards, and walk up restaurant construction will commence.

Cathy Laughlin

From: Janet Pescio <the_cove09@yahoo.com>
Sent: Friday, June 04, 2021 1:39 PM
To: Cathy Laughlin

I, Janet Pescio, give permission to DAG LLC (dba Downtown Advertising Group) to apply for a variance. This property is currently owned by Sonora.

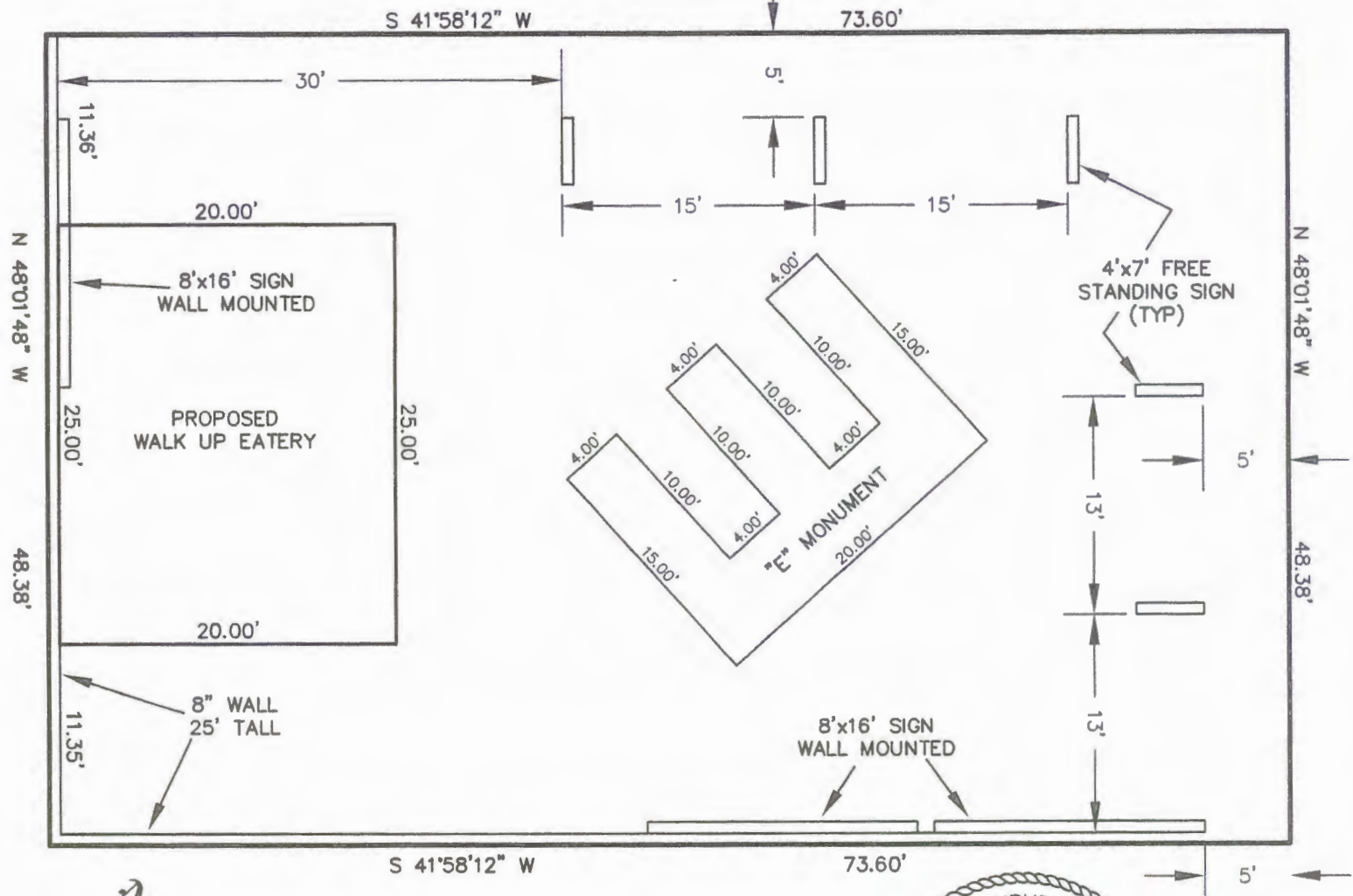
Thank You,

Janet Pescio

Sent from my iPhone



IDAHO STREET



5TH STREET

SITE PLAN
OF
PROPOSED IMPROVEMENTS
FOR
DAG, LLC
ELKO, NEVADA

