



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, June 11, 2019
 Elko City Hall, 1751 College Avenue, Elko, NV 89801, at 4:00 P.M., P.D.S.T.

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

In accordance with NRS 241.020, the public notice and agenda was posted on the City of Elko
 Website, <http://www.elkocity.com>, the State of Nevada's Public Notice Website,

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

ELKO CITY HALL
 1751 College Avenue, Elko, NV 89801
 Date/Time Posted: June 6, 2019 at 8:30 a.m.

ELKO COUNTY COURTHOUSE
 571 Idaho Street, Elko, NV 89801
 Date/Time Posted: June 6, 2019 at 8:40 a.m.

ELKO POLICE DEPARTMENT
 1448 Silver, Elko NV 89801
 Date/Time Posted: June 6, 2019 at 8:50 a.m.

ELKO COUNTY LIBRARY
 720 Court Street, Elko, NV 89801
 Date/Time Posted: June 6, 2019 at 9:00 a.m.

Posted by:	<u>Kim Wilkinson</u>	<u>Administrative Assistant</u>	<u><i>Kim Wilkinson</i></u>
	Name	Title	Signature

The public may contact Kim Wilkinson by phone at (775)777-7110 or email at kwilkinson@elkocitynv.gov to request supporting material for the meeting described herein. The agenda and supporting material is available at Elko City Hall, 1751 College Avenue, Elko, NV or on the City website at <http://www.elkocity.com>

Dated this 6th day of June, 2019

NOTICE TO PERSONS WITH DISABILITIES

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

Curtis Calder
 Curtis Calder, City Manager

CITY OF ELKO
CITY COUNCIL AGENDA
REGULAR MEETING
4:00 P.M., P.D.S.T., TUESDAY, JUNE 11, 2019
ELKO CITY HALL, 1751 COLLEGE AVENUE, ELKO, NEVADA

CALL TO ORDER

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

ROLL CALL

PLEDGE OF ALLEGIANCE

COMMENTS BY THE GENERAL PUBLIC

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

APPROVAL OF MINUTES: May 28, 2019 **Regular Session**

I. PRESENTATIONS

- A. Brief presentation and possible acceptance of a renewal proposal from Nevada Public Agency Insurance Pool (POOL), and approval of invoice for payment from FY2019/2020 Funds in the amount of \$464,971.41, and matters related thereto.
FOR POSSIBLE ACTION

As a member of the Insurance Pool, the City of Elko owns a share of the equity that forms the basis for its financial strength.

Your agenda packet includes an overview of coverage offered for the following fiscal year. The City of Elko's total program costs for FY 2019/2020 are \$464,971.41, representing a 9.09% increase over FY 2018/2019. CC

- B. Presentation by the Nevada Rural Housing Authority, and matters related thereto.
INFORMATION ITEM ONLY – NON ACTION ITEM

II. PERSONNEL

- A. Employee Introductions:
 - 1.) Aaron Gallegos, Golf Course Laborer, Parks and Recreation Department

III. APPROPRIATIONS

- A. Review and possible approval of Warrants, and matters related thereto. **FOR POSSIBLE ACTION**
- B. Review and possible approval of Print 'n Copy Warrants, and matters related thereto. **FOR POSSIBLE ACTION**
- C. Review, consideration, and possible award of the Public Works Department Preventive Maintenance Project 2019, to apply Micro Slurry Seal to select City streets, and matters related thereto. **FOR POSSIBLE ACTION**

At their April 9, 2019, meeting, Council authorized Staff to solicit bids for the Preventive Maintenance Project 2019. Bids were received until 3:00 p.m., on May 30, 2019. DS

- D. Review and possible award for the custodial services at the airport terminal, and matters related thereto. **FOR POSSIBLE ACTION**

Bids for the Terminal Custodial Services were opened on Friday, May 31, 2019. Staff received one (1) bid from Royal Pane Janitorial who is the current Custodian at the airport terminal. Staff would recommend signing a Two (2) Year Contract with the provision of a One (1) Year Contract Extension should both parties agree for a total of Three (3) Years. JF

IV. UNFINISHED BUSINESS

- A. Review, consideration, and possible action to conditionally approve Final Plat No. 11-18, filed by Parrado Partners LP., for the development of a subdivision entitled Great Basin Estates, Phase 3 involving the proposed division of approximately 9.650 acres of property into 38 lots for residential development within the R (Single Family and Multiple Family Residential) Zoning District, and matters related thereto. **FOR POSSIBLE ACTION**

Subject property is located generally northeast of Flagstone Drive between Opal Drive and Clarkson Drive (APN 001-633-030). Preliminary Plat was recommended to Council to conditionally approve by Planning Commission May 3, 2016 and conditionally approved by Council May 24, 2016. The Planning Commission considered this item on September 6, 2018, and took action to forward a recommendation to Council to conditionally approve Final Plat 11-18. MR

V. NEW BUSINESS

- A. Review, consideration, and possible initiation to amend Title 2, Chapter 13 of the Elko City Code entitled "Sidewalks, Curbs, Gutters" and to recodify it as Title 8, Chapter 21, and matters related thereto. **FOR POSSIBLE ACTION**

The section of the City Municipal Code regulating the installation of curb, gutter, and sidewalk is currently located within the City's Building code. With the replacement of the current code with the adoption of the 2018 IBC, this curb, gutter, and sidewalk section needs to be placed elsewhere in the City Code to continue to be enforced.

Concurrently with this change in location, some updates to the language are proposed. The most significant change is the addition of standard enforcement language located in other sections of the City Code. Smaller changes include rewording existing language and correcting typos. MR

- B. Review, consideration, and possible action to initiate the deletion of Title 2, Chapter 1, Section 15 of the Elko City Code entitled "Exemptions for Existing Buildings, Structures and Building Service Equipment Systems", and matters related thereto **FOR POSSIBLE ACTION**

This chapter needs to be deleted as the City will be adopting the 2018 International Building Codes that includes the exemptions for existing buildings in ordinance 839. KW

- C. Discussion and direction from Council on legal options regarding delinquent transient lodging tax payments for the Shilo Inn, and matters related thereto. **FOR POSSIBLE ACTION**

The Shilo Inn is routinely delinquent in its payment of transient lodging taxes. On March 28, 2019, the City Attorney recorded a Notice of Tax Lien for August, October and November 2018 unpaid transient lodging taxes. At the time of recordation, these unpaid taxes, including penalties and interest, totaled \$30,983.65. Shilo Inn subsequently paid \$12,282.28 for the August 2018 delinquent taxes and that portion of the lien was released. However, \$18,701.37, together with penalties and interest, remains unpaid for October 2018 and November 2018 taxes. On May 9, 2019, the City Attorney recorded another Notice of Tax Lien in the amount of \$5,548.07 for unpaid transient lodging taxes for January 2019, including penalty and interest. That amount has not been paid. Transient lodging taxes for April 2019 are also delinquent, but a lien has not yet been recorded for that month. The City has several options, to include commencing a civil action to foreclose on the property pursuant to NRS 268.095(7)(b) for the amounts stated in the recorded liens; commencing a proceeding before the City Council to terminate, suspend or revoke the Shilo Inn's business license pursuant to Elko City Code Section 4-6-12; and/or commencing a criminal prosecution in municipal court pursuant to Elko City Code 4-6-16. Staff seeks direction from the Council as to which option or options to pursue. KW

- D. Discussion and direction from Council on legal options regarding delinquent transient lodging tax payments for the Thunderbird Inn, owned by Elko 345, LLC., and matters related thereto. **FOR POSSIBLE ACTION**

Elko 345, LLC, the owner of the Thunderbird Inn, owes for delinquent transient lodging taxes for February, March and April 2019. On May 13, 2019, the City Attorney recorded a Notice of Tax Lien for December 2018 and January 2019 unpaid transient lodging taxes. At the time of recordation, these unpaid taxes, including penalties and interest, totaled \$6,289.10. Elko 345, LLC has also failed to provide a number of Transient Lodging Tax Returns, which are required under Elko City Code Section 4-6-9 and 4-6-15(B). Elko 345, LLC does not own the property on which the Thunderbird Inn is located, but instead has only a leasehold interest. Therefore, a foreclosure action may not be cost-effective, since the leasehold interest is unlikely to have value. The City may also commence a proceeding before the City Council to terminate, suspend or revoke the Thunderbird Inn's business license pursuant to Elko City Code Section 4-6-12; and/or commence a criminal prosecution in municipal court pursuant to Elko City Code 4-6-16. Staff seeks direction from the Council as to which option or options to pursue.
KW

VI. RESOLUTIONS AND ORDINANCES

- A. Review, consideration, and possible approval of Resolution No. 9-19, a Resolution providing for the transfer of the City's 2019 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. 9-19 have been enclosed in the agenda packet for review. CC

VII. PETITIONS, APPEALS, AND COMMUNICATIONS

- A. Review, consideration, and possible action to accept a petition for the vacation of approximately 900 square feet of the northeasterly portion of 3rd Street, filed by David and Juliane Ernst and processed as Vacation No. 3-19, and matters related thereto. **FOR POSSIBLE ACTION**

Third Street, as it exists today, is an 80' wide Right-of-Way. The applicant is asking for a vacation of the excess right-of-way. CL

- B. Review, consideration, and possible action concerning an appeal from AM Engineering to not require a full forensic and structural analysis as a condition for the tenant improvement to the old terminal building and the City allow the appellant to mitigate any remaining issues concerning the additional roof structure under 2009 IBC, Chapter 34, Section 3412, and matters related thereto. **FOR POSSIBLE ACTION**

The City entered into a lease agreement with Elko Leasing Company. AM Engineering is managing the tenant improvement for Elko Leasing Company. Recent activities associated with the tenant improvements have resulted in the discovery that an additional roof structure was constructed over the original roof by the City. The additional roof structure was not considered in the tenant improvement design and submittals to the City. The appellant is in the process of finalizing permitting to address revisions to the initial tenant improvement and is requesting relief from a possible requirement to complete a forensic and structural analysis on this portion of the structure. SAW

VIII. 5:30 P.M. PUBLIC HEARINGS

- A. Second reading and possible adoption of Ordinance No. 839, an ordinance amending Title 2, Chapters 2, 3, 4, 5, 6, 7, 8 & 13 of the Elko City Code entitled “Building Regulations” by adding 2018 International Code, and corresponding amendments, and matters related thereto. **FOR POSSIBLE ACTION**

On January 9, 2018, Council directed Staff to initiate the adoptions of the 2018 International Building Codes and initiate a Business Impact Statement. On May 14, 2019 Council found that Ordinance No. 839 does not impose a direct and significant economic burden on a business or directly restrict the formation, operation or expansion of a business. On May 28, 2019, Council approved first reading of Ordinance No. 839. KW

- B. Second reading and possible adoption of Ordinance No. 840, an ordinance amending Title 6, Chapter 1, of the Elko City Code entitled “Fire Code”, and other matters related thereto. **FOR POSSIBLE ACTION**

On February 26, 2019, Council approved the initiation on Ordinance No. 840 and directed Staff to complete a Business Impact Statement. On May 14, 2019, Council found that Ordinance No. 840 does not impose a direct and significant economic burden on a business or directly restrict the formation, operation or expansion of a business. On May 28, 2019 Council approved first reading of Ordinance No. 840. KW

IX. REPORTS

- A. Mayor and City Council
- B. City Manager
- C. Assistant City Manager
- D. Utilities Director
- E. Public Works
- F. Airport Manager
- G. City Attorney
- H. Fire Chief
- I. Police Chief
- J. City Clerk
- K. City Planner

- L. Development Manager
- M. Administrative Services Director
- N. Parks and Recreation Director
- O. Civil Engineer
- P. Building Official

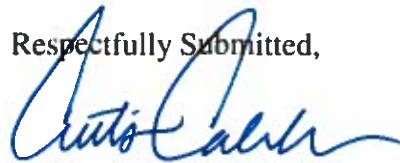
COMMENTS BY THE GENERAL PUBLIC

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

ADJOURNMENT

Respectfully Submitted,



Curtis Calder
City Manager