

City of Elko )  
County of Elko )  
State of Nevada )

SS April 23, 2019

The City Council of the City of Elko, State of Nevada met for a regular meeting beginning at 4:00 p.m., Tuesday, April 23, 2019.

This meeting was called to order by Mayor Reece Keener.

## CALL TO ORDER

## ROLL CALL

**Mayor Present:** Reece Keener

**Council Present:** Councilwoman Mandy Simons  
Councilman Robert Schmidlein  
Councilman Chip Stone  
Councilman Bill Hance

**City Staff Present:** Curtis Calder, City Manager  
Scott Wilkinson, Assistant City Manager  
Ryan Limberg, Utilities Director  
Kelly Wooldridge, City Clerk  
Michele Rambo, Development Manager  
Jeff Ford, Building Official  
Bob Thibault, Civil Engineer  
Dale Johnson, Water/Sewer Superintendent  
Candi Quilici, Accounting Manager  
Dennis Strickland, Public Works Director  
Ben Reed Jr., Police Chief  
Pete Nielson, Police Corporal Advanced  
James Wiley, Parks and Recreation Director  
Jim Foster, Airport Manager  
Matt Griego, Fire Chief  
Jack Snyder, Deputy Fire Chief  
John Holmes, Fire Marshal  
Dave Stanton, City Attorney  
Diann Byington, Recording Secretary

## 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**

Laura Oslund, PACE Coalition, 1645 Sewel Drive, spoke about the Take Pride event that is happening on Saturday. They are also doing a drug take back. Please come to the Main City Park, get your gear and show your pride in our community. Come enjoy a BBQ afterwards.

Mayor Keener said everyone that participates gets a t-shirt. There is a picnic at 11:30 in the Main City Park for the participants. If someone doesn't have a team they will be given gear and work to do. Mayor Keener also stated in February, it was National Radon Month. He ordered one of the test kits and just received the test results. He was surprised with the results. His home was above the allowable average and he needs to fix his home. RadonNV.com has more information.

Councilwoman Simons said her house is older than his house but her radon came back much lower.

**APPROVAL OF MINUTES**

**March 26, 2019  
April 9, 2019**

**Special Session  
Regular Session**

*The minutes were approved by general consent.*

**I. PRESENTATIONS**

- A. Presentation of a proclamation in recognition of National Arbor Day, and matters related thereto. **INFORMATION ITEM ONLY- NON ACTION ITEM**

Mayor Keener read the proclamation and presented a copy of it to James Wiley.

James Wiley, Parks and Recreation Director, said he is proud of this recognition from the Arbor Day Society. Elko has been a Tree City USA for going on ten years. The Arbor Day Association recognizes the City's efforts in regards to the benefits of trees in our community. The work we do to care for the trees allows us to be a member of Tree City USA.

- B. Presentation of the Year in Review, by Public Works Director, Dennis Strickland, and matters related thereto. **INFORMATION ITEM ONLY-NON ACTION ITEM**

Dennis Strickland, Public works Director, gave a presentation (included in packet).

**II. APPROPRIATIONS**

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

Councilman Schmidlein asked Jeff Ford, regarding a payment to West Coast Consultants for a recommended adoption of a report. Did that also include the Fire Code portion of it or was it strictly just the Building side.

Jeff Ford, Building Official, answered that was for Fire as well.

Councilman Schmidlein asked why the Fire didn't pick up their portion of the plan review?

John Holmes, Fire Marshal, said with the agreement, both Fire and Building are all-together but it falls under the Building Department.

Councilman Stone asked what repairs were done on the boots.

Catherine Wines, Arts and Culture Advisory Board, answered Simone Turner came up with an anchor that goes through the boot so it isn't as easy to tip them over. They were filled with foam insulation and they used that to replace the broken pieces.

Councilman Stone said there was a payment for Martin Creek Golf Pro for \$9,000. What was that?

Curtis Calder, City Manager, answered we have a concession agreement with the golf pro at the Golf Course to run the Golf Course.

Candi Quilici answered some of the payment was the golf pro's (Brad Martin) fees and the smaller amount was for the assistant golf pro.

Mayor Keener asked about a \$1,514 to Silver State Barricade and Sign for a five-gallon pail of traffic paint.

Jim Foster, Airport Manager, said there are multiple five-gallon buckets associated with that fee.

**\*\* A motion was made by Councilwoman Simons, seconded by Councilman Stone, to approve the general warrants.**

*The motion passed unanimously. (5-0)*

- B. Review and authorization to solicit bids from qualified vendors to provide the custodial services at the airport terminal, and matters related thereto. **FOR POSSIBLE ACTION**

The current Custodial Service Contract with Royal Pane Janitorial will expire on June 13, 2019, and per the Contract the one year extension has already been exhausted. JF

Jim Foster, Airport Manager, explained he is looking for authorization to go out to bid. They cannot extend the Royal Pane Janitorial contract again. It is budgeted with the price in the packet. They currently pay around \$1,500 a month.

Mayor Keener asked if IT pays some for their building.

Mr. Foster answered the original contract did not have IT included. IT pays a small amount for their building to be cleaned each month. The new contract will include both areas.

**\*\* A motion was made by Councilman Schmidlein, seconded by Councilwoman Simons, to authorize staff to solicit bids from qualified vendors to provide the custodial services at the Airport Terminal.**

*The motion passed unanimously. (5-0)*

- C. Review, consideration, and possible approval from Art Spot Reno to participate in funding for the Elko Mural Expo 2019 up to an amount of \$10,000, and matters related thereto. **FOR POSSIBLE ACTION**

Council took action at its meeting on May 11, 2018 authorizing the Arts and Culture Advisory Board to collaborate with Art Spot Reno for a mural festival in 2019.

Art Spot Reno is organizing the Elko Mural Expo 2019 event. The event is scheduled to occur during September 26 through September 29, 2019. Art Spot Reno has submitted a sponsorship (funding) request in the amount of \$10,000. The estimated cost of the event is approximately \$82,000.

The City's Arts and Culture Advisory Board has taken action in support of the funding request from Art Spot Reno. SAW

Eric Brooks, Curator Art Spot Reno, and Geralda Miller, Curator Art Spot Reno, spoke about their organization and the proposed mural project for Elko. They showed a video and gave a presentation (Exhibit "A").

Councilman Stone asked where the money is coming from for the project.

Mr. Brooks answered they are talking with the mines and other donors. They raise all the money for the projects. Stockmen's is giving them rooms in-kind. The DBA is helping them immensely.

Councilman Stone asked how is it decided if the content is appropriate. He was concerned about offensive murals.

Mr. Brooks said they choose the walls, and then talk to the building owner and then the business owner. Sometimes the business decides what to put there. It is often decided by the wall texture and the selected artist. They ask for a theme. Capriola's wanted a western theme. Nothing vulgar, racist or violent is allowed in the contract. The building or business owner can veto the work.

Mayor Keener thought it was very exciting. He liked the idea.

Mr. Brooks explained which buildings they are looking at painting murals on. One of the buildings is a business owned by Councilman Hance.

Councilman Hance felt that often times the focus is just the Downtown Corridor and we don't give Silver Street the consideration it needs. There is a lot of vehicle traffic on Silver Street.

Ms. Miller said their focus was creating an outside gallery space that visitors and the community can enjoy. They also wanted to make it walkable for tours. Their hope is that the excitement will grow with more interest.

Councilman Schmidlein asked if they have approached RAC or RDA yet.

Mr. Brooks answered not yet.

Simone Turner, local artist, thought this would be good for the community. She is a native Nevadan and looks forward for this.

Dave Stanton, City Attorney, said it sounds that if mural are going to be painted on the side of businesses, it will be a significant economic advantage for those businesses. Under NRS 281A, if you are a business owner that will have a mural painted on it, and it will be partially funded with money that the City will give to this project, there is a risk that the board member voting on that might be violating the ethics in government act. There is a significant pecuniary advantage that results from this.

Councilman Hance said he will sponsor his own wall including the paint and the artist as part of the donation. He will still recuse himself from voting.

Curtis Calder, City Manager, asked about the timing of the payment. He can modify the final budget under community donations.

Scott Wilkinson, Assistant City Manager, asked Council to provide specific direction on the funding amount, the funding source and the timing of the funding.

Councilman Schmidlein said he talked to the DBA. We are all members of the RDA but the RAC would have to bring a recommendation to them. He wanted each of these entities (DBA, Council and RAC) to make equal match donations to this project. He wants RAC and DBA to match the Council's donation.

Mr. Wilkinson said they wanted to let the fundraising to play out. The actual request will go to the RDA. The RDA governs the expenditures. Their thoughts were to present it to Council first, see how the fundraising went, ensuring the estimated costs stay about where they are projected to be and then possibly putting something on an RDA agenda to sponsor also.

Katherine Wines, Arts and Culture Advisory Board, explained they have asked the DBA for double what they are asking the City for because it is so centralized in the downtown. It will benefit mainly that area. The DBA has not responded yet because they only made the request yesterday.

Councilwoman Simons felt the amount being requested from the City Council was an appropriate amount.

**\*\* A motion was made by Councilwoman Simons, seconded by Councilman Stone, to approve the request for \$10,000 for the Elko Mural Expo 2019, in the Fiscal Year 2019-2020, from the Community Donation Fund, which is a general fund.**

*The motion passed. (4-0 Councilman Hance abstained.)*

#### **IV. NEW BUSINESS**

- A Review, consideration, and possible approval of a request from Russell Mistretta, dba Ruby Mountain Hot Dogs for concession space at the Elko City Main Parks, and matters related thereto. **FOR POSSIBLE ACTION**

Mistretta would like to utilize Area 4 as a space of approximately 10' x 10' for his hot dog business. He holds an Elko City Business License and has provided the required insurance. KW

Kelly Wooldridge, City Clerk, explained this will be the 5<sup>th</sup> and final concessionaire agreement for the summer. The applicant was present to answer questions.

**\*\* A motion was made by Councilwoman Simons, seconded by Councilman Stone, to approve the request from Russell Mistretta dba Ruby Mountain Hot Dogs, for the concession space No. 4 at the Elko City Main Park, and authorize the City to enter into a lease agreement.**

*The motion passed unanimously. (5-0)*

#### **VI. 5:30 P.M. PUBLIC HEARINGS**

- A. Reconsideration and possible action to adopt Resolution No. 33-18, a resolution and order vacating approximately 751.83 feet of the westerly portion of P & H Drive Right-of-Way, filed and processed as Vacation No. 3-18 filed by Joy Global Surface Mining Inc., and matters related thereto. **FOR POSSIBLE ACTION**

Council accepted a petition for the subject vacation by Joy Global Surface Mining Inc., the then-current abutting property owner of APN 001-679-014, at its regular meeting of November 27, 2018 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 December 4, 2018 and took action to forward a recommendation to Council to adopt a resolution which conditionally approved Vacation No. 3-18 with findings in support of its recommendation. Council adopted Resolution No. 33-18 at its regular meeting January 8, 2019, directing the vacation of the property to Komatsu Equipment Co. However, prior to Council's adoption of the resolution, the abutting properties were transferred by deed to Joy Global Surface Mining Inc. Nevertheless, the approved resolution stated that the property was vacated to Komatsu Equipment Co. which, by virtue of the prior conveyance, was no longer the abutting property owner. Joy Global Surface Mining Inc. has provided a request for reconsideration

of the resolution solely for the purpose of changing the name to reflect the current abutting property owner. CL

Scott Wilkinson, Assistant City Manager, explained this is clarifying the name should reflect Joy Global.

Mayor Keener called for public comment without a response.

**\*\* A motion was made by Councilman Schmidlein, seconded by Councilman Hance, to adopt Resolution No. 33-18, which contains conditions as recommended by the Planning Commission, with the corrected name of Joy Global Surface Mining Inc.**

*The motion passed unanimously. (5-0)*

#### **IV. NEW BUSINESS (Cont.)**

- B. Review, consideration, and possible approval of a Grant of Easement with Stephen P. Dorsa and Susan E. Sandoz, and matters related thereto. **FOR POSSIBLE ACTION**

A twenty foot wide easement currently exists at 6553 E. Idaho Street. However, the existing water line is located outside of this easement. The owner is willing to provide the city with an additional ten feet of easement to encompass the water line. RL

Ryan Limberg, Utilities Director, showed the location on the overhead screen. We had an easement there but the waterline was located just outside of that easement. The property owners were gracious enough to provide an additional ten feet for us. There are no financial considerations for this.

**\*\* A motion was made by Councilman Hance, seconded by Councilwoman Simons, to approve the Grant of Easement from Stephen P. Dorsa and Susan E. Sandoz, for the additional property at 6553 E. Idaho Street for a waterline easement.**

*The motion passed unanimously. (5-0)*

- E. Review, consideration, and possible authorization for the Elko Relay for Life Organizers to accommodate the use of sleeping/resting tents for team participants, and matters related thereto. **FOR POSSIBLE ACTION**

The Elko Relay for Life Event is an overnight event spanning 18 hours on May 18–19, 2019 taking place in Area #10 of the Main City Park. As various teams and individuals participate in the event, some will take time to periodically sleep and rest. Organizers are requesting permission to allow the use of tents for this purpose. JW

James Wiley, Parks and Recreation Director, explained Relay for Life had representation present. Included in the packet was a copy of a drawing of the event area. They had gotten

authorization to hold the event previously. They also got permission to have one RV on the site. They are now asking for permission for tents for sleeping and resting.

Councilman Stone stated he needed to abstain because he is involved in the event.

**\*\* A motion was made by Councilwoman Simons, seconded by Councilman Schmidlein, to authorize the Elko Relay for Life organizers to accommodate the use of tents for the purpose of sleeping and resting throughout the event.**

*The motion passed. (4-0 Councilman Stone abstained.)*

## **V. PETITIONS, APPEALS, AND COMMUNICATIONS**

**B** Review and consideration of a request from Mr. Scott MacRitchie to address Council regarding Business License Code, and matters related thereto. **FOR POSSIBLE ACTION**

On March 1, 2019, Mr. Wilkinson and I corresponded with Dave Stanton, City Attorney regarding business licenses for Development Companies and/or Subdividers. Mr. Stanton stated: The Code says: "It shall be unlawful for any person or persons, either directly or indirectly, to conduct or commence any business, trade, calling, profession or occupation or to use in connection therewith any vehicle, premises, machine or device, in whole or in part, in the City without first procuring a business license and keeping said license in effect at all times in compliance with this chapter." Each limited-liability company is a "person" and if it is conducting business in the City, it needs a business license. It doesn't matter whether the LLC's are somehow interconnected or have common ownership -- a separate license is still required.

On March 7, 2019, the City Clerk's Office sent certified letters to four Developers/Subdividers regarding the need to obtain a business license per City Code 4-1. On April 1, 2109, Mr. MacRitchie sent an email to City Manager Curtis Calder stating "I have no objection to the fee, but the code is something we cannot meet. I cannot and will not discuss those issues until before Council." The City of Elko Code on Business Licensing is attached. KW

Kelly Wooldridge, City Clerk, explained she didn't know what Mr. MacRitchie's concerns were because he had not communicated those to her. She suggested Mr. MacRitchie speak first and then she can go over some research she had done if needed.

Scott MacRitchie, 312 4-Mile Trail, explained his problem is in complying with the code. He handed out paperwork (Exhibit "B") and went over each of the highlighted sections of code that he had concerns with. He said he was perfectly happy with turning over his check for the fee that he owed but stated he could not sign the application for a business license because he would then be in violation and could face fines.

Katie McConnell, Attorney, said she had looked over the City business license application and had an issue with the Department of Taxation requirement and listing the owners of the business.

Mayor Keener said Mr. MacRitchie's concerns were duly noted. He met with Mr. MacRitchie and went over some of his concerns. He felt there are some conflicts as it relates in this case.

Dave Stanton, City Attorney, said the way this was agenzized we cannot get into the merits of what was just discussed. He didn't think the City Council needed to take any action on this.

After a lengthy discussion, staff will be looking at these issues internally. There may be some Business License Code changes proposed at a later date. Mr. MacRitchie gave a check to the City Clerk for the business license fees without a completed business license application.

## **NO ACTION**

### **V. PETITIONS, APPEALS, AND COMMUNICATIONS (Cont.)**

- A. Review, consideration, and possible action to rename the segment of 15<sup>th</sup> Street, south of Silver Street to the cul-de-sac, to Walters Court, and matters related thereto. **FOR POSSIBLE ACTION**

This request is from the City of Elko Police Department Honor Guard. The name "Walters" is referencing the Elko Police Department's only line of duty death to this date, Officer Clyde "Rusty" Walters. If the Council elects to move forward with the name change, the matter will be set for a public hearing on a future agenda. BT

Bob Thibault, Civil Engineer, explained Pete Nielson was present to provide background on the subject.

Pete Nielson, Police Corporal Advanced, 1448 Silver Street, told the story of how Officer Clyde "Rusty" Walters was killed in the line of duty. The Honor Guard would like to rename the south segment of 15<sup>th</sup> Street to Walters Court. It is barren land and there should be no impact to the area other than the Police Department.

**\*\* A motion was made by Councilman Hance, seconded by Councilman Stone, to accept a petition to change the name of 15<sup>th</sup> Street to Walters Court, and direct staff to set the matter for a public hearing.**

*The motion passed unanimously. (5-0)*

## **BREAK**

### **IV. NEW BUSINESS (Cont.)**

- C. Review, consideration, and possible authorization to Amend No. One (1) to Contract Dated February 26, 2019 Between Aviation, Inc., and The City of Elko, Nevada, and matters related thereto. **FOR POSSIBLE ACTION**

This item is to amend the current contract between The City of Elko and Jviation, Inc. Jviation contract amendment #1 will cover fees associated with Airport

Improvement project AIP 50 Pavement Preservation and Rehabilitation of Runway 6/24, Taxiway A, B and GA Ramp. JF

Jim Foster, Airport Manager, explained this is the first of many amendments he will bring for AIP projects.

**\*\* A motion was made by Councilman Hance, seconded by Councilman Stone, to accept Amendment No. 1 to the contract between the City of Elko and Aviation.**

*The motion passed unanimously. (5-0)*

- D. Review, consideration, and possible authorization for the Gold Diggers Motorcycle Club to host an off-road motorcycle race at the Elko Snobowl, and matters related thereto. **FOR POSSIBLE ACTION**

Gold Diggers M/C is requesting authorization to host an off-road motorcycle race at the Elko SnoBowl on June 29–30, 2019. In year's past, the club has hosted successful race events at SnoBowl when it was owned by Elko County. Most participants travel in RV's and stay at the race site throughout the event, overnight camping will need approval from the Council. The Club will conform with requirements listed within the Elko City Public Events in City Parks Application. JW

James Wiley, Parks and Recreation Director, explained now that the City operates and manages the Snobowl, Council need to approve overnight camping and that the event be hosted at the Snobowl. This event has been hosted there before. They are well-ran events.

Mayor Keener asked how many campers.

Mr. Wiley answered there will be quite a few and most of the parking lot will be filled up. They will show up Friday night and leave Sunday. Participants are also likely to get motel rooms throughout town.

Curtis Calder, City Manager, thought we should restrict fires, contained or otherwise.

**\*\* A motion was made by Councilman Stone, seconded by Councilman Hance, to authorize the Gold Diggers MC to host an off-road motorcycle race at the Elko SnoBowl, June 29 and 30, 2019, conforming with the requirements found within the Elko City Public Events and City Parks application, allowing participants to use self-contained RVs and tents for overnight camping with the exclusion of no open-fire allowed and the overnight curfew is waived.**

*The motion passed unanimously. (5-0)*

- F. Review, discussion, and possible approval of the sale of drug disposal unit for \$500.00 to Utah Department of Parole and Probation with a non-warranty bill of sale, and matters related thereto. **FOR POSSIBLE ACTION**

In 2009 the Police Department purchased a Drug Terminator to dispose of seized drugs. It was used at least twice a year for drug destruction. The Drug Terminator has not been used for several years because the amount of drugs we dispose of per year has increased significantly. Utah Parole and Probation has inquired about the possibility of acquiring the Drug Terminator. The Police Department is asking to sell the Drug Terminator to Utah Department of Parole and Probation. BR

Chief Reed explained they are looking for approval to dispose of City equipment. It is a portable incinerator. It has some life left in it but they do not use it anymore. City Attorney Stanton prepared a non-warranty bill of sale.

**\*\* A motion was made by Councilman Stone, seconded by Councilman Hance, to approve to approve the sale of the Drug Terminator.**

*The motion passed unanimously. (5-0)*

### **III. 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

Michelle Rambo, Development Manager, asked that this item be tabled. She will be reaching out to Mr. Capps to find out why there hasn't been any forward movement on this.

**\*\* A motion was made by Councilwoman Simons, seconded by Councilman Hance, to table.**

*The motion passed unanimously. (5-0)*

### **VII. REPORTS**

- A. Mayor and City Council

*Councilman Hance reported he evicted some squatters from houses held by mortgage companies in Spring Creek. The management company he works for has some properties in town too but they are not interested in doing anything about squatters. If management companies are not going to do anything to get people out of these properties, then we need to move forward*

*with a code change, and make it a separate section in the code. Mayor Keener thought Council should go and tour the sites. Scott Wilkinson explained they did some investigations and they are working with legal at this time on a couple of properties at this time.*

*Councilman Schmidlein asked where we were at with the Armstrong property. Matt Griego said the property has been red-tagged and no one should be going there. They are investigating the fire and evidence has been turned over to the DA's office.*

*Councilman Stone said he has been down to look at the river. There are some campers and people sleeping along the river. We was concerned about people starting to camp along the river again. Underdog Ministries will be feeding people at the Train Park. The ECVA meeting scheduled for this morning was canceled.*

*Mayor Keener is making a trip to Idaho with Troy Poncin from IT to see what they are doing to deliver broadband to their community. Regarding the business license issue, if there is any kind of action against the applicant, he wants to be the first one to know about it before anything is taken to the applicant.*

B. City Manager

*Curtis Calder reported AB242 is still alive but has been significantly amended. All of the funding has been redacted from the legislation. Even if it gets approved it will not have any funding. It doesn't look good but it isn't dead yet.*

C. Assistant City Manager

D. Utilities Director

*Ryan Limberg reported he emailed the architect (Pat Walsh) for the combined water/sewer shop and asked for a reduced estimate. He was supposed to have something from the architect today but it had not arrived yet. The Exit 298 sewer design is moving along well. Regarding Parrado Partners, he called Mr. Capps and asked for an update. Mr. Capps mentioned some displeasure with his engineering firm. He had no update for the VA cemetery.*

E. Public Works

F. Airport Manager

*Jim Foster reported the Airport Advisory Board meeting is on Friday at noon at the Airport. Last week he went to Phoenix to meet with the FAA about the Capital Improvement Plan for the next five years. Everything is good. He was informed that AIP 48 was being closed out on their end. We are still working on the Modification of Standard for AIP 46, which is the Master Plan. That is the last step to get done in order for the FAA to approve it.*

G. City Attorney

H. Fire Chief

I. Police Chief

*Chief Reed reported last week, the US Marshals were in town to round up offenders. The total count in Elko County was 27 arrests.*

J. City Clerk

*Kelly Wooldridge reported today was the deadline for bills to be out of first house. She added there are two hotels that are significantly behind in room taxes and she is working with the City Attorney to assist the hotels in getting approved payment plans.*

- K. City Planner
- L. Development Manager
- M. Administrative Services Director
- N. Parks and Recreation Director

*James Wiley reported on the Pool Project. It is on schedule as of today. He went to the Sports Complex and noticed some sub-contractors working on the concession stand. They are keeping an eye on the river at the Sports Complex.*

- O. Civil Engineer
- P. Building Official

### **COMMENTS BY THE GENERAL PUBLIC**

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Councilman Stone informed the room that he would not be able to attend the Council Meeting scheduled for May 14.

There being no further business, Mayor Reece Keener adjourned the meeting.

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Mayor Reece Keener

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Kelly Wooldridge, City Clerk

# Elko Mural Festival

Sept. 26 - 29, 2019

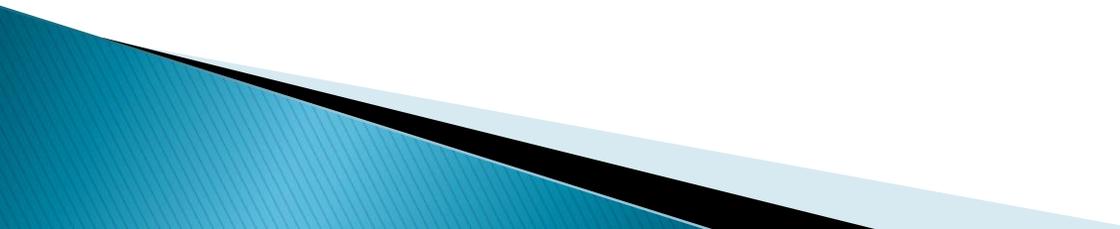
# **26 Walls in Downtown Elko!**

**26 Artists – International, Regional and Local**

**Art in the Alley – Community Mural Wall**

**Digital Mapping Art from Peter Whittenberger**

**Featured exhibition artist – Russell Butler**



# Sebas Velasco – San Sebastian, Spain



# Dr. Chip Thomas – Navajo Nation, AZ



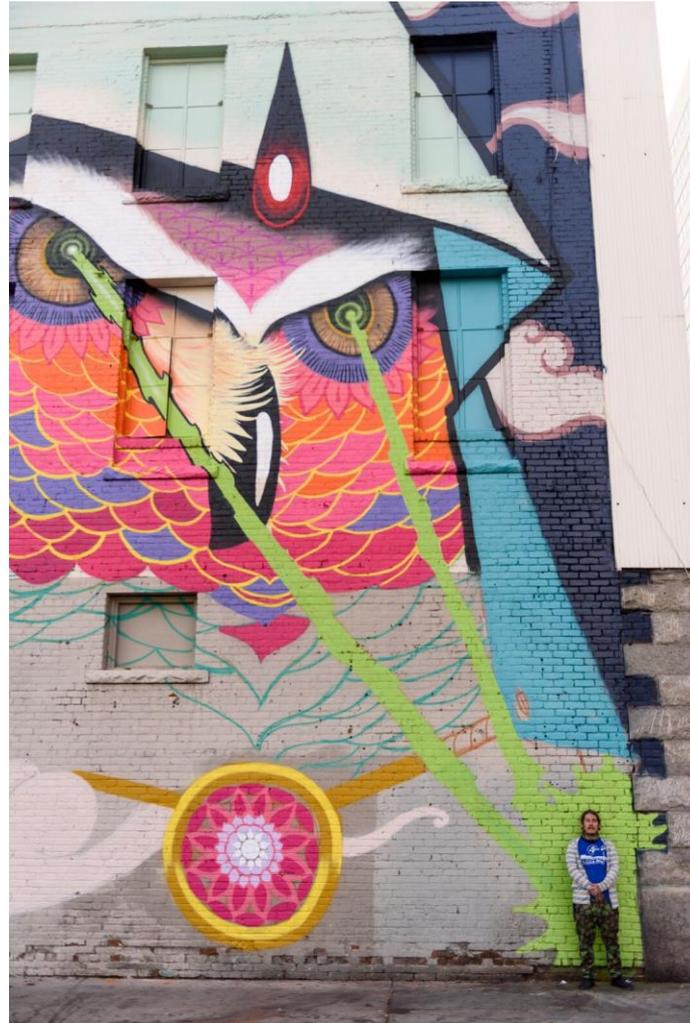
# Joe C. Rock – Reno, NV



# Bryce Chisholm, Reno, NV



# Anthony Ortega – Reno, NV



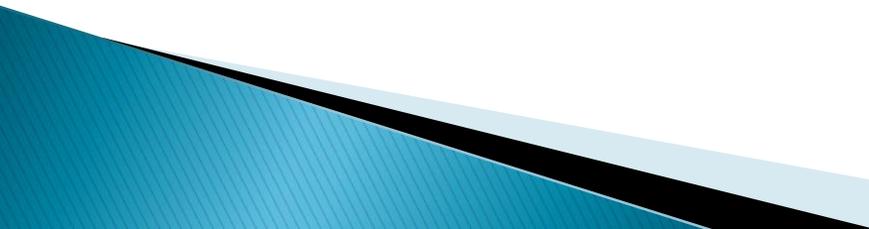
# Erik Burke – Reno, NV



# Expo Events

- ▶ Artist Lectures
- ▶ Film Screening
- ▶ Docent-led tours
- ▶ Art Exhibition at Western Folklife Center
  - ▶ Musical entertainment

# Why Murals?

- Strengthen Downtown
  - Build a Sense of Ownership
  - Spur Confidence in a Neighborhood's Future
    - Create Civic Pride
    - Create Collective Identity
    - Downtown Revitalization
  - Reason to Stop and Experience Elko
- 



ArtSpotReno.com



## Elko Mural Expo 2019

**Projected Date:** Sept. 26-29, 2019

**What:** A four-day mural Expo, featuring local, national and international artists.

**Where:** 26 walls in downtown Elko.

**Why:** Elko is a destination for the annual National Cowboy Poetry Gathering, the National Basque Festival, and is home to The Western Folklife Center and the Northeastern Nevada Museum. The city has a unique and authentic culture that is ready for a walkable, contemporary, downtown outdoor art gallery.

As Art Spot Reno nears its sixth year of operation, we see how the more than 200 murals in Reno have created community pride and made our streets cleaner and safer. Art Spot Reno has championed the vibrant street art scene and it's attraction for locals and tourists alike. By providing three monthly art tours around Reno, we have fostered community engagement and appreciation. The Elko Mural Expo will continue our determination to devise and carry out creative neighborhood-building programs.

We recognize the importance of public spaces being an agent for people coming together in creation and celebration of culture. The Elko Mural Expo will allow us to collaborate with local business owners and private residents to locate walls that once muraled will strengthen downtown. It has been shown in cities across the country that adding large-scale public art increases the sense of ownership, can spur confidence in a neighborhood's future, and encourage property investment. This, in turn, creates civic pride, resulting in a safer, more economically productive, and a healthy civic community.

This inaugural four-day event will bring beautiful art to public places. But more importantly, it will create collective identity and serve as a catalyst for continued revitalization, crossing economic, social and cultural boundaries. Along with community events such as the National Cowboy Gathering, this Expo adds another arts event to the season, providing opportunity to bring tourists to Elko both during and after the event.

**Added Features:** Along with the curated experience of painting 26 murals, this event will also allow:

- educational benefits through artist lectures/film screening
- design and technique workshops
- docent-led mural tours
- entertainment scheduled in local art, music and theater venues

##

**How:**

**Estimated event budget - \$81,850**

**Artist Stipend: \$36,000**

15 walls @ \$1000: \$15,000

10 walls @ \$1500: \$15,000

1 wall @ \$6000 (Featured artist Sebas Velasco, Bilbao, Spain, <http://sebasvelasco.com>)

**Paint: \$12,000**

10 walls @ \$300: \$3,000

16 walls @ \$600: \$9,000

**Scissor lift and scaffold rentals: \$5,000**

Entire project, all walls where applicable

**Insurance: \$2,500**

**Advertising/Marketing: \$3,000**

Print and digital ads for Northern and Eastern Nevada

**Merchandise: \$1,700**

- 200 T-shirts: \$1,200
- 200 tote bags: \$500

**Collateral: \$1,650**

- 100 posters: \$50
- 10,000 postcards: \$250
- 1000 stickers: \$275
- 1000 buttons: \$225
- 100 lanyards and badges for artists, volunteers & VIP: \$350
- Mural Signage - Artist, Title, Primary Sponsors: \$500
- Thank you cards to sponsors and donors: \$100

**Housing for traveling artists: \$5,000**

**Transport for traveling artists: \$4,500**

**Web & design and management: \$1,500**

**Logo design: \$1,000**

**Administration: \$5,000**

**Documentation: Videographer, Photographer: \$3,000**

**Estimated Income:**

2 Gold Sponsors at \$20,000: \$40,000

2 Silver Sponsors at \$10,000: \$20,000

2 Copper Sponsors at \$5,000: \$10,000

6 Community Supporters at \$1,000: \$6,000

Event Fundraising and Merchandise Revenue: \$5,850

#### 4-1-1: SHORT TITLE:

This chapter shall be known and may be cited as the *ELKO BUSINESS LICENSE CODE*. (Ord. 507, 5-26-1998)

#### 4-1-2: DEFINITIONS:

For the purpose of this chapter, unless the context otherwise requires, the following words shall have the meanings set forth in this chapter:

**AUCTION SALE:** A sale of property by public outcry to the highest bidder.

**AUCTIONEERS:** Any person who shall by public outcry, sell or offer to sell to the highest bidder at public offering, any goods, merchandise, livestock, real estate or interest in real estate, security or any personal property at any place within the City where any and all persons who choose to do so are permitted to attend and offer bids; or any person who shall advertise or in any other manner hold himself out as an auctioneer for public patronage.

**BUSINESS:** Any commercial enterprise, trade, occupation, calling, profession, vocation or activity conducted by any person, or the person's agent or employee, for the purpose of gain, benefit or advantage, either direct or indirect.

**CITY:** City of Elko.

**CITY COUNCIL:** Elko City Council.

**COMMERCIAL RENTAL PROPERTY:** Any rented or leased nonresidential unit or units of commercial or industrial property.

**COMMERCIAL TRAVELER:** Any person traveling either by foot, motor vehicle, or any other type of conveyance, from business to business, taking or attempting to take orders for the sale of goods for future delivery to said business for their use or resale by them in the normal course of their business.

**COMMUNICATION/UTILITY COMPANY:** Any business that provides gas, geothermal and/or electric power, telecommunication services, broadband access and/or services, cable television communication services or telephone/telegraph communication services.

**EMPLOYEE:** A person in the service of another under any appointment or contract of hire, express or implied, oral or written, where the employer has the power or right to control and direct the employee in the material details of how the work is to be performed.

**ESTABLISHMENT:** Any business conducted in or upon any premises, including any buildings, improvements, equipment and facilities used or maintained in connection with such business.

**FARMER'S MARKET:** A special event that primarily features booths, tables or stands where vendors sell unprocessed fruits, vegetables, meats, dairy products and non-alcoholic beverages.

**FARMER'S MARKET VENDOR:** A business that operates a physical retail market featuring foods sold directly to consumers at a farmer's market.

**FIXED PLACE OF BUSINESS:** The premises within the City limits where a business is conducted

# Exhibit B

from day to day and regularly kept open for the purpose of conducting business. The term "regular place of business", as used in this chapter, has the same meaning as "fixed place of business".

GOODS: Personal property that can be sold, including merchandise and wares.

GROSS REVENUES: The total amount of revenues received in the business of offering any service.

GROSS SALES RECEIPTS: A. The total amount received from the sale of goods within the Municipal boundaries of the City, regardless of the destination of the goods; and

B. The total amount charged or received for the performance of any act, service or employment of any nature, whether or not such service, act or employment is performed as part of or in connection with the sale of goods.

HOME OCCUPATION: A business customarily carried on in a business establishment that is permitted to be carried out in a residence as long as the use as a business is incidental to the primary residential purpose and the residential character of the property is not changed.

HOME SALES PARTY: A party or social gathering held at a residence for the purpose of selling merchandise to the attendees.

INDEPENDENT CONTRACTOR: A person who provides service to another for remuneration, is conclusively presumed to be an "independent contractor" for State wage and hour purposes pursuant to Nevada Revised Statutes 608.0155 and is not an "employee" as that term is defined in this section.

LICENSE FEE: Any monies required by law to be paid to obtain or renew a business license.

PERSON: Except where otherwise indicated, a natural person, any form of business or social organization and any other nongovernmental legal entity including, but not limited to, a sole proprietorship, limited liability company, corporation, partnership, association, trust or unincorporated organization, or a government, governmental agency or political subdivision of a government.

RESIDENTIAL RENTAL PROPERTY: Any rented or leased residential unit or units, excluding commercial or industrial property. Residential rental houses, duplexes, triplexes, apartment houses, hotels, boarding and rooming houses are all included within this definition.

RETAIL BUSINESS: Every business conducted for the purpose of selling or offering for sale any goods, other than as a part of a "wholesale business", as defined in this section.

SOLICITOR OR PEDDLER: Any person traveling either by foot, motor vehicle, or any other type of conveyance, from place to place, or from house to house, or from street to street, taking or attempting to take orders for the sale of goods of any nature whatsoever for future delivery, or for services to be furnished or performed in the future; or carrying, conveying or transporting goods, offering and exposing the same for sale.

SPECIAL EVENT: An organized event, whether indoor or outdoor: a) that is held on public property or streets, non-profit organization property, or non-residential private property; b) that can reasonably be expected to cause a public gathering; c) where two (2) or more vendors are present or where the public is charged admission for entry; and d) that is not part of the normal course of business at the location.

TEMPORARY MERCHANT: Any person who engages in a temporary business of selling and

delivering goods or providing services; and who may, in furtherance of such purposes, hire, lease, use or occupy any building, structure, tent, room in a hotel, shop or other place for the exhibition and sale of such goods or the provision of such services, either privately or at public auction.

TRAVELING SHOW: Any circus, carnival, concert, exhibition or any show intending to exhibit in the open air or under a tent, in a public or private hall, club room, assembly hall or theater where moveable scenery, theatrical equipment or props are used in a performance or exhibition.

UNIT: A unit of commercial or residential rental property is any separate rental space (whether within a building or ground space) of commercial, industrial or residential property.

VENDOR: Any person offering goods and/or services for sale to the public.

WHOLESALE BUSINESS: Every business conducted solely for the purpose of selling goods in wholesale lots to retail merchants for resale. (Ord. 831, 6-26-2018)

#### 4-1-3: LICENSE REQUIRED:

A. Required: It shall be unlawful for any person or persons, either directly or indirectly, to conduct or commence any business, trade, calling, profession or occupation or to use in connection therewith any vehicle, premises, machine or device, in whole or in part, in the City without first procuring a business license and keeping said license in effect at all times in compliance with this chapter.

B. Fixed Place Of Business Required; Exception: A business license shall be issued only if the applicant has a fixed place of business from which the business will be conducted, unless specifically stated otherwise in this title. Once the license is issued, the licensee shall not engage in business from any other premises other than the one for which the license was issued, excluding "service oriented" professionals.

C. Responsibility For Compliance: The agents or other representatives of any absentee person who is doing business in the City shall be personally responsible for the compliance of their principals and of the business they represent within this chapter, without relieving their principal of such responsibility.

#### D. Business License Types:

1. Regular Business License: All businesses not defined below shall require a regular business license.
2. Apartment Business License: Every person in the business of conducting an apartment house shall obtain a business license.
3. Hotel, Motel, Boarding And Rooming House Business License: Every person in the business of conducting the business of renting rooms shall obtain an annual business license.
4. Mobile Home Park, Trailer Park Business License: Every person in the business of conducting the business of renting spaces for mobile homes and/or trailers shall obtain an annual business license.

5. Childcare License: Every person in the business of providing childcare services, including, but not limited to, those operating a childcare facility, childcare center or childcare group home as defined by Nevada Revised Statutes, shall obtain an annual business license.
6. Residential Facility For Groups License: Every person in the business of providing a residential facility that furnishes food, shelter, assistance and limited supervision to any aged, infirm, mentally retarded or handicapped person as defined in Nevada Revised Statutes section 449.017 shall obtain an annual business license.
7. Communication/Utility Company Business License: Every person in the business of selling gas and/or electric power, cable television services or telephone communication services shall obtain an annual business license. (Ord. 517, 9-8-1998)
8. Residential Rentals Property: Every person, firm, corporation, or association in the business of renting or leasing of three (3) or more residential rental units shall obtain an annual business license.
9. Commercial Rentals Property: Every person, firm, company, corporation or association in the business of renting or leasing of two (2) or more commercial rental units shall obtain an annual business license. (Ord. 531, 8-24-1999)

#### **4-1-4: LICENSE APPLICATION:**

Every person required to procure a business license under the provisions of this chapter shall submit an application to the City Clerk or his/her designee.

A. Information Required: The application shall require, at least, the following information:

1. The name of the person to whom the license is to be issued.
2. The location for which the license is sought.
3. The type or kind of business to be conducted under this license.
4. The dates when the license is proposed to become effective.
5. The signature of the owner of the property, if other than the applicant.
6. Supplemental child support information as required by the State.
7. Proof of licensing and/or certification of the state permitting the business, where applicable.
8. Proof of an approved inspection by the State Health Department, where applicable.
9. Proof of approval to conduct business by the State Department of Taxation.

10. Verification by the following City departments that the fixed place of business has met all applicable Building and Fire Codes and has met all applicable zoning requirements:

a. Building Department;

b. Fire Marshal;

c. Planning Department.

B. State License Required: No license to conduct any business or occupation in the City which is regulated and/or licensed under any provision of the Nevada Revised Statutes shall be issued unless and until the appropriate State licenses have been obtained.

C. Confidentiality: All business license applications filed pursuant to the provisions of this section shall be confidential and shall not be subject to public inspection. It shall be the duty of the City Clerk to preserve and keep the applications so that the contents thereof may not become known except to the person charged with the administration of this chapter. (Ord. 507, 5-26-1998)

#### **4-1-5: APPROVAL, DENIAL OF APPLICATION; ISSUANCE OF LICENSE BY CITY CLERK:**

The City Clerk shall have the right and power to approve or deny all applications for a business license.

A. Conditions For Denial: An application for a business license shall be denied if the City Clerk determines that any one or more of the following exists:

1. The application contains false, fraudulent or misleading material statement or information; or
2. The business for which the license is applied for is unlawful under any ordinance, code, rule or law of the City, State or Federal government; or
3. The business for which the license is applied for involves any act, the commission of which is made unlawful or is prohibited by any ordinance, rule, code or law of the City, State or Federal government; or
4. The applicant is indebted to the City for any unpaid license fee.

B. Notification Of Denial: Upon any denial of an application for a business license, the City Clerk or his/her designee shall notify the applicant in writing and state the reason(s) for the denial. Such notification shall be delivered to the applicant personally or by mail at the address indicated on the application.

C. Approval; Fee, Issuance: Upon approval of an application for a business license, the City Clerk or his/her designee shall collect the appropriate business license fee and issue the business license.

D. Appeal: Every applicant denied a business license by the City Clerk shall have the right to appeal the decision to the City Council. (Ord. 517, 9-8-1998)

#### **4-1-6: TRANSFER OF LICENSE:**

A. **Validity: No license shall be valid except for the location and owner for which the original application therefor was made and the license issued.**

B. New Business Location: In such cases that a business changes location, however does not change the ownership or character of the business, the licensee may apply to transfer the existing business license to the new location. Verification by the following City departments that the new place of business has met all applicable Building and Fire Codes and has met all applicable zoning requirements is required prior to approval:

1. Building Department;
2. Fire Marshal;
3. Planning Department.

C. New Business Owner: In such cases that a business is sold to or assumed by a new owner, the new owner must make application for a business license. (Ord. 517, 9-8-1998)

#### **4-1-7: EXEMPTIONS FROM LICENSES AND LICENSE FEES:**

- A. Charitable Organization: No business license fee shall be required of any institution, corporation, organization or association organized for charitable civic purposes.
- B. Nonprofit Organization: No business license fee shall be required of any nonprofit organization so registered with the Secretary of State of the State of Nevada.
- C. Commercial Traveler: No business license shall be required of any "commercial traveler", as defined in section [4-1-2](#) of this chapter.
- D. Home Sales Parties: No business license shall be required of any person hosting a "home sales party", as defined in section [4-1-2](#) of this chapter.

E. Residential And Commercial Rentals: No business license is required for a person who owns a residential or commercial rental if the rental is managed by a person who holds a City business license as a State licensed property manager.

F. Farmer's Market Vendors: No business license fee shall be required for a farmer's market vendor at a farmer's market. (Ord. 831, 6-26-2018)

#### **4-1-8: ESTABLISHMENT OF LICENSE FEES:**

A. Regular Business License Fees; Examples:

1. Rates Established: Unless exempted by the provisions of section [4-1-7](#) of this chapter, the rates or amounts of business license fees for all businesses and professions shall be established by resolution of the City Council. The rates shall be established based on the yearly gross sales receipts or revenues of the business or profession, unless the rate is established by some other method as set forth in this chapter. In the case of businesses making sales and rendering services, the gross revenue from both sales and services shall be considered the equivalent of gross sales.

2. Examples: The following are examples of businesses and professions whose business license fees shall be established based on yearly gross sales or revenues; however, the list is for elaboration purposes only and is not intended to be an all inclusive list. The list of examples is as follows:

Accountant  
Amusement machines  
Amusement park  
Animal kennels  
Appraisers  
Architects  
Arts  
Attorneys  
Automobile, bicycles sales and repairs/rentals  
Bail bond broker  
Barbershops  
Beauty parlors  
Bond securities  
Bookstores  
Bricks and adobe sale and manufacturing  
Building and loan associations  
Building maintenance  
Building supplies  
Buses  
Business machines and supplies  
Cabinet or carpentry shops  
Car wash  
Childcare  
Chiropodist  
Chiropractor  
Clothing stores  
Coin operated amusement machines  
Collection, finance and insurance agencies

Computer sales and services  
Concrete and cement products  
Consultants  
Contractors  
Convalescent homes  
Cosmetologist  
Crafts/hobby shops  
Dairies and ice cream parlors  
Dance teachers  
Dealer in gasoline, motor fuel and/or oil  
Delivering  
Dental laboratories  
Dentist  
Department stores  
Detective service  
Diesel/motor vehicle fuel sales  
Doctor  
Drive-up  
Eating establishments  
Engineer  
Engineers, civil  
Engineers, mining  
Entrepreneur  
Equipment leasing  
Equipment rentals  
Express companies  
Exterminator  
Fabric shops  
Finance companies  
Florist  
Fuel oil sales  
Funeral homes and cemeteries  
Furniture stores  
Garage (auto repair and supplies)  
General repair shop  
Gift and novelty shop  
Grocery store/food products  
Grooming shops (animal)  
Hardware stores  
Health studios  
Hospital supplies and clinics  
Hospitals  
Hotel dining rooms  
Hypnotist  
Ironworks  
Janitorial service  
Jewelry stores  
Jukeboxes  
Junk dealers  
Laundries and laundromats  
Leather goods and services  
Linen rental services  
Loan agent

Machine shops  
Massage parlors  
Medical facilities  
Medical labs  
Microfilming  
Mobile food vendors  
Mortician  
Motion picture production  
Music machines  
Music teachers  
New/used shops  
Newspapers/publishers  
Nonresident  
Paint store  
Pawnshops  
Pest control  
Pet shops  
Petroleum products  
Photographers and studios  
Physicians  
Public transportation  
Recycling companies  
Residential facility for groups  
Restaurants  
Sales  
Sales of musical instruments  
Sales, repairs and rental  
Service machines  
Service stations (auto)  
Shoe stores and repair shops  
Skating rink  
Slot machines sales and repairs  
Soft drink sales and bottling plants  
Spas  
Sporting goods store  
Stage lines  
Stockbroker  
Subcontractors  
Surgeons  
Tailoring and dressmaking  
Taxis  
Teachers  
Television sales and services  
Upholstery shops  
Vending machines  
Veterinarians  
Wedding chapels  
Welding shops  
Yard maintenance

- B. New Business; No Gross Established: If, at the time of filing an application for a business license, no sales or services have been made or performed by the applicants, the applicant shall pay the minimum fee established by resolution of the city council.
- C. Apartment Business License Fees: The business license fee shall be established by resolution of the city council and shall be based upon the number of apartment units, whether or not the person conducting such business is a resident of the city.
- D. Hotel, Motel, Boarding And Rooming House Business License Fees: The business license fee shall be established by resolution of the city council and shall be based upon the number of rooms.
- E. Mobile Home Park, Trailer Park Business License Fees: The business license fee shall be established by resolution of the city council and shall be based upon the number of spaces.
- F. Utility Business License Fees: The business license fee shall be established by resolution of the city council and shall be based on gross sales, but shall include a maximum fee. (Ord. 517, 9-8-1998)
- G. Residential Rental Property License Fee: The business license fee for residential rental property shall be established by resolution of the city council and shall be based upon the number of residential rental units.
- H. Commercial Rental Property License Fee: The business license fee for commercial rental property shall be established by resolution of the city council and shall be based upon the yearly gross receipts or revenues of the commercial rental property units. (Ord. 531, 8-24-1999)

#### **4-1-9: PAYMENT OF LICENSE FEES:**

- A. When Payable: All regular business license fees shall be paid in full in advance upon the original issuance of the business license and annually thereafter at the office of the city clerk in legal currency of the United States.
- B. Daily License: Daily licenses provided in this chapter shall be due and payable in advance. The daily license shall cover a period of twelve o'clock (12:00) midnight to twelve o'clock (12:00) midnight of the next day.
- C. Penalty:
  1. If any license provided for by this chapter is unpaid for more than thirty (30) days after the due date, a penalty of twenty five percent (25%) of the annual fee shall be added and collected by the city clerk or his/her designee.

2. If any license provided for by this chapter is unpaid for more than sixty (60) days after the due date, a penalty of fifty percent (50%) of the annual fee shall be added and collected by the city clerk or his/her designee.

**D. City Attorney To Bring Suit For Delinquent License:** The city council may at any time direct the city attorney to bring a civil action in the name of the city for the recovery of the applicable business license fee against any person who engages in, conducts or carries on any business, game, profession or exhibition for which a license is required by the provisions of this chapter without procuring such license and paying the prescribed license tax.

**E. Refunds:** All licenses shall be issued for the period of time set forth in this chapter and no licensee shall be entitled to a refund of any portion of the fee paid by reason of the termination of the licensed activity prior to the expiration of the time for which the license was issued. (Ord. 540, 10-5-2000)

#### **4-1-10: RENEWAL OF LICENSE:**

**A. Application For Renewal:** One month before the expiration date of any business license, the city clerk or his/her designee shall send a business license renewal application to all businesses licensed in the city. The application and appropriate business license fee must be returned to the city clerk's office prior to the expiration date of the business license. Failure to notify any licensed business shall not be held to waive the requirement to file a renewal application or pay the license fee, and the actual receipt of such notice is in no way required.

**B. Second Notice:** One month after the expiration date of any license, the city clerk or his/her designee shall send a second notice and include an assessment of the twenty five percent (25%) penalty on the reported gross revenues.

**C. Third, Final Notice:** Two (2) months after the expiration date of any license, the city clerk or his/her designee shall send a third and final notice and include an assessment of the fifty percent (50%) penalty.

**D. Expiration Beyond Sixty Days:** All expired licenses in excess of sixty (60) days' delinquency shall be served with a notice of such penalty and intent of city to publish in the local newspaper as operating without a business license in accordance with the provisions set forth in this chapter.

**E. Service Of Notice:** A notice of delinquency shall be served upon a licensee by delivery to the person at the business premises licensed, if the person is present. If the person is not present, service may be made by delivery to the person in actual charge of the premises at the time of service. If the business is closed, service may be made by mailing by certified mail with return receipt requested, the same to the person at the mailing address for the business as the same is shown on the current business license and by posting upon the front door. Delivery is effective upon a date of delivery or posting and mailing, as the case may be.

#### F. Report Of Gross Revenues Of The Business Required:

1. Where the license fee for a renewed business license is calculated upon the gross revenues of the business, the applicant must state, under oath, the amount of business in terms of gross revenues which he did in the preceding year.
2. In the case of business making sales and rendering services, the gross revenue from both sales and services shall be considered the equivalent of gross sales.
3. The city clerk or his/her designee may examine or cause to be examined, the books and accounts of any business required to file a renewal application for the purpose of verifying the amount of gross receipts reported for such business.
4. Any person who wilfully files a false statement of gross sales/receipts shall be guilty of a misdemeanor and punishable as hereinafter in this code provided.

G. Issuance Of Business License By City Clerk: Upon approval of the application for renewal of a business license, and upon collection of the appropriate business license fee, the city clerk or his/her designee shall issue the business license to the applicant. (Ord. 540, 10-5-2000)

#### 4-1-11: RECORD OF LICENSE:

The city clerk shall keep in his/her office, a record of all licenses issued with the name or names of all parties to whom the license was issued, the business name, the type, trade or profession license, the date for which said license was issued, the date of its expiration, and the amount of license fee received. (Ord. 540, 10-5-2000)

#### 4-1-12: DUTIES OF LICENSEE AND INSPECTION AUTHORITY OF CITY

##### PERSONNEL:

A. Duties Of Licensee: Every licensee under this chapter shall:

1. Ascertain and at all times comply with all federal, state, county and/or municipal laws, ordinances and regulations applicable to such licensed business.
2. Prominently display the business license in licensee's place of business.
3. Permit all reasonable inspections of his business and examination of his books by public authorities so authorized by law.
4. Avoid all unlawful, improper or unnecessary acts, practices or conditions in the conduct of his business which do or may affect the public health, morals or welfare or constitute a public nuisance.
5. Refrain from operating the licensed business in the city after expiration of the license or in such cases where the license is revoked, canceled or suspended.

B. Enforcement Duties: The city clerk, chief of police, city attorney, and the regularly appointed police officers of the city shall enforce compliance with this chapter.

1. Chief Of Police Additional Duties: In addition to any other duties set out herein, the chief of police and his authorized representative may enter any place of business, trucks, vehicles or other conveyances used for any business purpose to ascertain whether or not the proper license has been issued and paid for allowing the person to engage in business in the city.

2. City Clerk Additional Duties: In addition to any other duties prescribed in this chapter, the city clerk or his/her designee shall:

a. Make diligent inquiry and examination as to all person required to obtain a business license and pay a fee therefor; and

b. Maintain a city license register, in which shall be entered the names of all persons to whom licenses are issued, the business, trade or profession licensed, the time for which the license is valid, the date of its issue, the date of its expiration, and the fee therefor; and

c. Request city council permission for an audit of any person or business in the city, said audit to be performed by a qualified certified public accountant to be appointed by the city; and

d. Make a written report of all persons who have failed to obtain a license and pay the fee prescribed therefor, as provided in this chapter, and issue a delinquency notice for a penalty; and

e. Report to the city attorney the name of the delinquent person or persons if the fee and penalty are not paid within thirty (30) days from the date of the notice.

3. City Attorney Additional Duties: In addition to any other duties prescribed in this chapter, the city attorney may institute an action against all persons operating without a valid business license under [title 1, chapter 3](#) of this code.

B. Inspection Authority Of City Personnel: The city clerk, building official, fire marshal, city planner and the chief of police, and their respective designees, are authorized to make all investigations reasonably necessary for the enforcement of this chapter and shall have the authority to inspect licensees, their business records or premises to determine and enforce compliance with this chapter. All persons authorized herein to inspect licensees and businesses shall have the authority to enter, with or without a search warrant, at all reasonable times, the following premises:

1. Those for which a license is required.

2. Those for which a license was issued and which, at the time of inspections, are operating under said license.

3. Those for which the license has been revoked, canceled or suspended. (Ord. 540, 10-5-2000)

#### **4-1-13: GROUNDS FOR SUSPENSION, CANCELLATION OR REVOCATION OF LICENSE:**

A. Authority: Any business license issued pursuant to the provisions of this chapter may be suspended, canceled or revoked for good cause by the city council.

B. Included Cause: Good cause for such suspension, cancellation or revocation shall include, but is not limited to:

1. The existence of unsanitary conditions, noise, disturbances or other conditions at, near or in the premises which causes or tends to create a public nuisance or which may injuriously affect the public health, safety or welfare.

2. The commission of, or permitting or causing the commission of, any act in the operation of the business which is prohibited by any ordinances, rule or law of the city, state or federal government.

3. Fraudulent practices and misrepresentation in the operation of the business.

#### **4. Concealment or misrepresentation in procuring the business license.**

5. The business for which the license has been issued is unlawful or is prohibited by any ordinance, code, rule or law of the city, state or federal government.

6. The license was issued by mistake or is in violation of any of the provisions of this chapter.

7. The premises used to conduct said business has been condemned, declared a fire hazard or declared unsafe for business occupancy pursuant to applicable building and fire codes.

8. The use of the premises for the business license violates the zoning ordinances or regulations of the city. (Ord. 507, 5-26-1998)

#### **4-1-14: PROCEDURE FOR SUSPENSION, CANCELLATION OR REVOCATION OF LICENSE:**

Any business license issued pursuant to the provisions of this chapter may be suspended, canceled or revoked in the manner provided in this section.

A. Authority: The city clerk may reject any application or cancel or, after notice to the licensee, may revoke any license of a person who operates or maintains a place of business in violation of any ordinance of the city or violation of any state or federal law, or who does not first secure any required federal state or city license.

B. Notice: Notice of the proposed suspension, revocation or cancellation shall be made to the licensee not less than five (5) days prior to the effective date of the suspension, revocation or cancellation. Such notice shall be served as provided in subsection [4-1-10E](#) of this chapter, and shall include the reason for the action and shall provide for a hearing before the city manager, at which time, the proposed action to suspend, revoke or cancel shall be approved or denied.

C. Appeal Hearing: The licensee may submit a letter of appeal of the city manager's action to suspend, revoke or cancel a business license to the city council within ten (10) days of the action at which time the city council shall proceed as follows:

1. The city council may, on its own motion or initiative, or upon complaint of any person, institute proceedings to suspend, cancel or revoke a business license.
2. Notice of intent to suspend, cancel or revoke said license shall be mailed to the person holding the business license at the last address as shown on the application or on any supplemental application.
3. Such notice shall set forth the alleged reasons for the proposed suspension, cancellation or revocation.
4. The licensee shall, within ten (10) days of the date of mailing of the notice of intent, or within ten (10) days of a decision by the city manager to suspend, revoke or cancel a license, file with the city clerk a written answer to the notice or a written notice of appeal.
5. After receipt of the written answer from the licensee, or written notice of appeal, the city council shall fix a day and time for a hearing at which the licensee shall be given an opportunity to be heard. (Ord. 540, 10-5-2000)

#### **4-1-14-1: PENALTY:**

A. A criminal action shall be governed by [title 1, chapter 3](#) of this code.

B. Each day a business is operated without a license shall constitute a separate offense for which criminal liability may be imposed. Notwithstanding any grace periods or notice requirements of this chapter, the city may prosecute an action for violation of this chapter at any time if a business owner is operating without properly paid for and issued business license. (Ord. 540, 10-5-2000)

#### **4-1-15: SOLICITORS, TEMPORARY MERCHANTS AND PEDDLERS LICENSE:**



A. Application: Every person conducting the business of a solicitor, temporary merchant and/or peddler in the city shall make application in writing for a business license.

B. Contents Of Application: Such application shall contain and set forth the following:

1. The name of the business.
2. The kind or type of sales.
3. The place where the sales are to occur.
4. The number of days for which the license should be issued.

5. The names of the persons owning or operating said business.
6. Written permission from the private property owner where the business is to be conducted, if applicable.
7. Make of vehicles to be used, a description of same, together with the license plate number or other means of identification, if applicable.
8. Proof of approval to conduct business by the state department of sales tax.
9. Proof of an approved inspection by the state health department, where applicable.
10. Approval by the police department.
11. Approval by the planning department.

C. Police Department Approval:

1. An applicant for a license under this section must file with the chief of police, at the same time as filing the above referenced application with the city clerk, a sworn application in writing on a form to be furnished by the chief of police. In addition to the application, fingerprinting of the applicant may be required.
2. At time of filing the application with the chief of police, an investigation fee shall be paid by the applicant to the chief of police. Such fee shall be set by resolution of the city council.
3. The police department shall perform a background investigation of the applicant's criminal history and moral character as they deem necessary for the protection of the public good. Such investigation may include, but is not limited to, employment history, criminal record and any other pertinent information or documents required by the police department or city clerk.
4. If, as a result of such investigation, the applicant's character or business responsibility is found to be unsatisfactory, the chief of police shall deny approval of the application and shall notify the applicant that his application is denied.
5. In such case where the applicant is denied a business license, the investigation fee shall not be refunded.

D. Planning Department Approval: Outdoor sales shall not interfere with circulation or parking of vehicles in any required parking area.

An applicant for a license under this section must file a detailed site plan of the property with the city planning department for review prior to obtaining a license. The site plan must include the following:

1. All existing buildings and/or structures.
2. Location and configuration of existing parking area(s).

3. Size and location of the proposed display area.

4. Number of parking spaces displaced by the display area.

E. Idaho Street Restriction: Solicitors, temporary merchants and/or peddlers shall not be allowed to display, sell or solicit merchandise for sale within the Idaho Street right of way or within one hundred feet (100'), measured from the centerline of the Idaho Street right of way, on either side where there are no curb and gutter improvements.

1. Exception: An applicant may request a reduction of the required setback of one hundred feet (100') from the centerline of Idaho Street subject to the following:

a. Applicant must demonstrate the means and method(s) to control ingress/egress to the property; and

b. Applicant must demonstrate the means and methods to provide that all parking and backing movements will be conducted on the property; and

In no case shall the reduction of the required setback encroach within the Idaho Street right of way.

F. Advertising: The applicant shall not use off premise or directional signage.

G. Removal Upon Vacation: Any space occupied by a temporary merchant must be completely cleared of all paraphernalia associated with the use as well as all dirt or litter upon termination or vacation.

H. Conditional Use Permit: Temporary merchants who intend on displaying merchandise for sale within the City for a period in excess of thirty (30) days within any calendar year must first secure a conditional use permit pursuant to the provisions of section [3-2-18](#) of this Code.

I. Business License Fee: Each solicitor, temporary merchant and/or peddler, upon issuance of a business license, shall pay a license fee as established by a resolution of the City Council. The business license fee shall be based on the number of days the business is to be conducted. Solicitors, temporary merchants and/or peddlers shall display at all times of operation, all applicable permits, approved site plan and City business license.

J. City Park Restriction: No business license shall be issued for business to be conducted within any City owned park and/or adjoining rights-of-way, including, but not exclusively, streets, curbs, gutters or parks unless allowable under the special events license provisions, sections [5-12-1](#) and [5-12-3](#) of this Code, or operating with a City concessionaire agreement.

K. Revocation: Failure to comply with any of the provisions of this Code shall be cause for the immediate revocation of the license and shall be cause for a twelve (12) month waiting period prior to reapplication. (Ord. 704, 3-24-2009)

#### **4-1-16: SPECIAL EVENT VENDOR BUSINESS LICENSE:**

A. Application: Every organizer/sponsor of a special event must apply to the City Clerk's Office for a special event vendor business license. In the event there are two (2) or more organizers/sponsors of a single special event, the organizers/sponsors shall jointly apply for the special event vendor business license.

B. Issuance: The City Clerk shall issue a special event vendor business license to the organizer/sponsor of a special event on behalf of the participating vendors upon approval of the application. The special event vendors business license may only be issued after the following criteria have been met:

1. No special event vendor business license shall be issued for any special event held on City-owned property, including public rights-of-way, unless approved by the City Council pursuant to section [8-11-2](#) of this Code.
2. A special event vendor business license will be issued only after the organizer/sponsor has provided a list of all participating vendors to the City Clerk's Office, which list shall be appended to and incorporated into the license.

C. No Fee Required For Certain Vendors: A vendor listed on a special event vendors business license shall not be required to pay a license fee if the vendor: 1) operates a place of business that is physically located within the City or 2) normally conducts peddling operations or sales as a normal or seasonal part of the vendor's business; provided, vendors that are subject to either of the foregoing exceptions must obtain all other required business licenses and pay all other required license fees for their operations or sales prior to the special event. Vendors that are entitled to the foregoing exceptions shall be so identified on the license application.

D. Discretion Of Organizer/Sponsor Of Event: This section shall not be interpreted as restricting the lawful discretion of the organizer/sponsor of any special event to determine which vendors may or may not participate.

E. Special Event Vendor Business License Fee: Except as otherwise provided in this chapter, each vendor participating in a special event that is required to obtain a special event vendor business license shall pay a fee to the City in an amount established by resolution of the City Council. All fees required pursuant to this subsection shall be collected from the vendors by the organizer/sponsor(s) of the special event and shall thereafter be paid to the Office of the City Clerk at the time the license application is submitted. No additional business license fee shall be charged to the organizer/sponsor in connection with the special event.

F. Transferability: A special event vendor business license is nontransferable.

G. Investigation: The City Clerk may require a police investigation prior to issuing a special event vendors business license if it appears: 1) that the organizer/sponsor or a vendor failed to truthfully provide all information required by this chapter or 2) that the proposed special event or

a vendor's proposed business activity at the special event violates any City ordinance, or any Federal or State law. (Ord. 831, 6-26-2018)

#### **4-1-17: AUCTION:**

A. License Required: Every person or firm acting as an auctioneer or holding or carrying on any auction within the City must obtain an auction business license from the City Clerk.

B. Application: Every person conducting the business of an auction shall make application in writing for a business license to the City Clerk.

C. Contents Of Application: Such application shall contain and set forth at least the following:

1. The name and address of the applicant.
2. The place where the auction will be conducted, including signature approval from the property owner for the auction event.
3. The length of time for which the license is desired and the dates when the auction will be conducted.
4. The name and address of the owner of the property to be sold at the auction.
5. A short description of the items to be auctioned.
6. Proof of approval to conduct business from the State Department of Taxation.

D. Business License Fee: Each person conducting an auction shall pay a license fee as established by a resolution of the City Council.

E. Limitation On Location: No auction may be conducted upon any street within the City, public right-of-way within the City or public property owned by the City without prior permission of the City. (Ord. 507, 5-26-1998)

#### **4-1-18: BANKS, SAVINGS AND LOAN ASSOCIATIONS AND OTHER BANKING:**

A. License Required: Every person or firm engaged in the banking business or savings and loan association business must obtain a business license from the City Clerk.

B. Application: The application must be made on a form provided by the City Clerk.

C. Business License Fee:

1. Every bank, savings and loan institution and each branch thereof shall pay a license fee as established by a resolution of the City Council.
2. At the beginning of each annual licensing period, each bank, savings and loan institution, and each branch thereof, will submit with their application a tabulation setting forth total deposits in the particular bank, association or branch on the last day of each of the previous four (4) calendar year quarters. The license fee will be based on the average of these quarterly totals. (Ord. 507, 5-26-1998)

#### **4-1-19: TRAVELING SHOW:**

- A. License Required: Every organizer/sponsor of a "traveling show", as defined in section [4-1-2](#) of this chapter, shall obtain a traveling show business license from the City Clerk. The City Clerk may require proof of inspection and approval by Federal, State, County and/or Municipal authorities where required.
- B. Business License Fee: Each person conducting a traveling show shall pay a license fee as established by a resolution of the City Council. If the performance is given in aid of any local educational or charitable purpose with fifty percent (50%) or more of the proceeds going to charity, no license shall be required.
- C. Limitation On Locations: No traveling show may conduct business upon any street, public right-of-way within the City or public property owned by the City without prior permission, and where necessary, execution of an agreement to conduct the business with the City. (Ord. 507, 5-26-1998)

#### **4-1-20: HOME OCCUPATIONS:**

- A. Home Occupation Defined: A home occupation is a business customarily carried on in a business establishment, that is permitted to be carried out in a residence as long as the use as a business is incidental to the primary residential purpose and the residential character of the property is not changed. Every person permitted to carry on a home occupation shall obtain an annual business license.
- B. License Required: Every person having a "home occupation", as defined in section [4-1-2](#) of this chapter, shall obtain a business license from the City Clerk.
- C. Approval Required: The City Clerk shall require approval by the Planning Department prior to issuance of a home occupation business license.
- D. License Fees: The business license fee shall be established by resolution of the City Council. The rates shall be established based on the yearly gross sales receipts or revenues of the business or profession unless the rate is established by some other method as set forth in this chapter. In the case of business making sales and rendering services, the gross revenue from both sales and services shall be considered the equivalent of gross sales.

E. Limitation On Service Locations: No home occupation may conduct business upon any street, public right-of-way within the City or public property owned by the City without prior permission from the City. (Ord. 818, 4-25-2017)