



CITY OF ELY

501 Mill Street Ely, Nevada 89301
City Hall (775) 289-2430 - Fax (775) 289-1463

ELY CITY COUNCIL REGULAR MEETING AGENDA

PLEASE NOTE: THE COUNCIL MEMBERS MAY ADDRESS AGENDA ITEMS OUT OF SEQUENCE, COMBINE TWO OR MORE AGENDA ITEMS FOR CONSIDERATION, REMOVE AN ITEM OR DELAY DISCUSSION AT ANY TIME TO ACCOMMODATE PERSONS APPEARING BEFORE THE COUNCIL OR TO AID IN THE EFFICIENCY AND EFFECTIVENESS OF THE MEETINGS.

January 25, 2018 5:00 p.m. – Ely Volunteer Fire Hall - 499 Mill Street-Ely, Nevada.

1. OPENING ACTIVITIES:

MEETING CALLED TO ORDER
PLEDGE OF ALLEGIANCE
INVOCATION
ROLL CALL

2. PUBLIC COMMENT: Comments not exceeding three (3) minutes in length will be accepted from the general public in attendance. If any are made, there may be discussion upon those comments. No vote, decision, or action may be taken upon matters raised under this item until it is formally placed on the agenda. **Comments during Discussion Items will not be accepted from the General public.** “Section 7.05 of the Nevada Open Meeting Law Manual indicates that the Public Body may prohibit comment if the content of the comments is a topic that is not relevant to or within the authority of the Public Body or if the content of the comments is willfully disruptive of the meeting by being irrelevant, repetitious, slanderous, offensive, inflammatory, irrational or amounting to personal attacks or interfering with the rights of other speakers”.

3. Mayor – Discussion/For Possible Action – Approval of Agenda, including removal of agenda items.

4. CITY DEPARTMENT REPORTS

- [FIRE CHIEF](#)
- POLICE CHIEF
- [MUNICIPAL COURT JUDGE](#)
- CITY ADMINISTRATOR
- [CITY TREASURER](#)
- CITY ATTORNEY
- CITY WATER/SEWER LEADMAN
- CITY ENGINEER
- CITY BUILDING OFFICIAL

5. REPORTS

CITY COUNCIL
[MAYOR](#)

6. THE CITY COUNCIL WILL RECESS THE REGULAR CITY COUNCIL MEETING FOR A PUBLIC HEARING AT 5:30 P.M. ON THE FOLLOWING TOPICS.

1. Chairman Peeler – Public Hearing – [Discussion Only](#) – Consideration of two Applications for Variances. The applicants, Wayne and Jana McElroy, wish to construct a Duplex on each of the properties. The locations are 593 Ogden Avenue (APN 001-041-12), AND 595 Ogden Avenue (APN 001-041-11), Ely, NV.

7. DISCUSSION/POSSIBLE ACTION ITEMS PERTAINING TO THE PUBLIC HEARING.

1. Chairman Peeler – [Discussion/For Possible Action](#) – Consideration of two Applications for Variances. The applicants, Wayne and Jana McElroy, wish to construct a Duplex on each of the properties. The locations are 593 Ogden Avenue (APN 001-041-12), AND 595 Ogden Avenue (APN 001-041-11), Ely, NV.

8. ITEMS FOR DISCUSSION/POSSIBLE ACTION OF THE ELY CITY COUNCIL AS RECOMMENDED BY THE CITY PLANNING COMMISSION.

1. Councilman Hanson – [Discussion/For Possible Action](#) – Approval of First Reading of Ordinance 709, Bill No. 2018-02 amending City Code Title 12, Chapter 14, Section 1 titled Home Occupations, to remove the annual home occupancy permit fee and amend the one-time home occupation permit application fee and remove the ability of the City Council to amend these fees by resolution.

9. ITEMS FOR DISCUSSION/POSSIBLE ACTION ONLY OF THE ELY CITY COUNCIL.

A. CONSENT AGENDA (These items may be approved in one motion by the Council as its first action of business under For Discussion/Possible Action items.) Approval of the Consent Agenda approves each of these items. Council Members may remove any item from the Consent Agenda by notifying the Mayor or Mayor pro tem.

MOTION: Move to approve the Consent Agenda items 9A-1 Minutes & 9A-2 Bills.

Moved by: _____ Second by: _____ Vote: _____

1. Discussion/For Possible Action –Minutes.
 - [October 13, 2017](#)
 - [November 8, 2017](#)
 - [November 9, 2017](#)
2. Discussion/For Possible Action –Bills.
 - [January 12, 2018](#)

B. NEW BUSINESS

1. Councilman Hanson – [Discussion/For Possible Action](#) – Re-Consideration of a Petition for a partial Vacation or Abandonment of Road or Easement. The proposed property abandonment is the section of roadway abutting Belfort Avenue and South Avenue, Ely, NV, APN 001-127-01. The Petitioner is Andre H. Bouchard.

2. Council Members – City Attorney Odgers – [Discussion/For Possible Action](#) – Consideration and possible approval of City Planning Commission’s January 26, 2017 decision to ‘grandfather’ in the six or seven recreational vehicles in place at the *Apeceche Trailer Park* on January 26, 2017, as per Judge Maddox’s December 22, 2017 Order in Case No. CV-1707087 requiring that the City Council re-consider this matter.
3. Councilman Carson – City Treasurer Trask – [Discussion/For Possible Action](#) – Approval to issue back pay for duties performed by City of Ely paid Firefighters responding as volunteers on emergency calls and/or participating in required EMT re-certification training directly related to their job classification and/or as training officers conducting Fire/EMS training courses over the last two years, pursuant to the Fair Labor Standards Act.
4. Councilman Carson – City Fire Chief Rivera – [Discussion/For Possible Action](#) – Approval to allow City of Ely paid Firefighters to respond to incidents as directed by the City of Ely Fire Chief, to insure public fire protection and/or life safety, and to receive overtime compensation, pursuant to the Fair Labor Standards Act.
5. Councilman Carson – City Treasurer Trask – [Discussion/For Possible Action](#) – Approval for Ely Volunteers to respond on City of Ely Emergency Medical calls as Emergency Medical Technicians (EMT's) performing as paid intermittent employees, pursuant to the Fair Labor Standards Act.
6. Councilwoman Gardner – City Administrator Switzer – [Discussion/For Possible Action](#) – Review of Business Impact Study regarding adopting the federal Social Security Cost of Living Increase to be applied to Water and Sewer rates, and/or Landfill rates and/or Business License rates, all of which would become effective February 1, 2018 and billed in March 2018, and possible determination by City Council that said rate increases will have a negligible effect upon local businesses pursuant to NRS 237.080(1)(a)(b).
7. Councilwoman Gardner – City Administrator Switzer – [Discussion/For Possible Action](#) – Approval of Amended Resolution 2017-13 to adopt the federal Social Security Cost of Living Increase to be applied to Water and Sewer Rates, which would become effective February 1, 2018 and billed in March 2018; a public hearing was held regarding Resolution 2017-13 on 12-14-17.
8. Councilwoman Gardner – City Administrator Switzer – [Discussion/For Possible Action](#) – Approval of Amended Resolution 2017-14 to adopt the federal Social Security Cost of Living Increase to be applied to Landfill Rates, which would become effective February 1, 2018 and billed in March 2018; a public hearing was held regarding Resolution 2017-14 on 12-14-17.

9. Councilwoman Gardner – City Administrator Switzer – [Discussion/For Possible Action](#) – Approval of Amended Resolution 2017-15 to adopt the federal Social Security Cost of Living Increase to be applied to Business License Rates, which would become effective February 1, 2018 and billed in March 2018; a public hearing was held regarding Resolution 2017-15 on 12-14-17.
10. Councilwoman Gardner – [Discussion/For Possible Action](#) – Approval of First Reading of Ordinance 710, Bill No. 2018-03, an Ordinance amending City Code Title 3, Chapter 1, Section 4 General Business Licenses, to change the due date of all business licenses to July 1 of each year, to allow for the pro-rating of business licenses for businesses starting on a date other than July 1 of each year.
11. Councilwoman Gardner – City Administrator Switzer – [Discussion/For Possible Action](#) – Approval of First Reading of Ordinance No. 708, Bill No. 2018-01, an ordinance amending City Code Title 1, Chapter 8 Elections by replacing the current version of Title 1, Chapter 8 based upon the Inter-Local Agreement for Elections with White Pine County, with a completely new version of Title 1, Chapter 8 Elections and to provide for the removal of the new version and reinstatement of the original version upon termination of the Inter-Local Agreement.
12. Councilman Hanson – City Administrator Switzer – Discussion/For Possible Action – Pursuant to City Code 1-5-5 (A), Approval of Resolution 2018-01 to Change the Day and Time of the Ely City Council regular meetings to 8:30 a.m. on the second and fourth Fridays every month.
13. Council Members – City Administrator Switzer – Discussion/For Possible Action – Direction to City Attorney to amend Title 2, Chapter 2 Utilities Board to grant decision-making authority to the Ely Municipal Utilities Board.
14. Council Members – City Administrator Switzer – Discussion/For Possible Action – Direction to City Attorney to amend Title 2, Chapter 1 City Planning Commission to grant decision-making authority to the City Planning Commission.
15. Councilman Hanson – City Administrator Switzer – Discussion/For Possible Action – Pursuant to Title 3, Chapter 3, Section 5 (D)(4) and (5) direction to City Treasurer to receipt the City’s portion of the room tax, into the General Fund.
16. Council Members – Judge Coster – [Discussion/For Possible Action](#) – Selection and approval of a contract with *Valley Collection Service, LLC* for the collection of fines and fees ordered by the Court, but which have gone to bench warrant.

17. Council Members – City Administrator Switzer – Discussion/For Possible Action – Pursuant to NRS 237.080(1)(a)(b), direction to City Attorney to conduct business impact study regarding increasing house of prostitution quarterly licensing fees, as provided in Title 3 Chapter 6, Section 10 (A).
18. Councilman DeFelice – Discussion/For Possible Action – Discussion pursuant to NRS 281A.420 disclosing the relationship between Councilman DeFelice, Jane Ebberhardy, Esq. and Richard Sears, Esq. who represented the *Prospector Hotel* at the December 14, 2017 meeting of the City Council and whether that relationship affected his decision on whether to participate in the matters before the City Council affecting the *Prospector Hotel*.
19. Councilman Flangas – Discussion/For Possible Action – Action pursuant to NRS 281A.420 disclosing the prior relationship between Councilman Flangas and Bert Woywood, owner of the *Prospector Hotel*, and whether that prior relationship affected his decision on whether to participate in the matters before the City Council and the Planning Commission affecting the *Prospector Hotel* on December 14, 2017.

10. OPEN PERSONNEL SESSION

1. Councilman Carson - [Discussion/For Possible Action](#) – Consideration of character, alleged misconduct, professional competence, or physical or mental health of City Administrator Robert Switzer. Possible action includes, but is not limited to, termination, suspension, demotion, reduction in pay, reprimand, promotion, endorsement, engagement, retention, or “no action.”

11. PUBLIC COMMENT: Comments not exceeding three (3) minutes in length will be accepted from the general public in attendance. If any are made, there may be discussion upon those comments. No vote, decision, or action may be taken upon matters raised under this item until it is formally placed on the agenda. “Section 7.05, of the Nevada Open Meeting Law Manual indicates that the Public Body may prohibit comment if the content of the comments is a topic that is not relevant to or within the authority of the Public Body or if the content of the comments is willfully disruptive of the meeting by being irrelevant, repetitious, slanderous, offensive, inflammatory, irrational or amounting to personal attacks or interfering with the rights of other speakers”.

12. ADJOURNMENT: THE MEETING MAY BE ADJOURNED BY APPROPRIATE MOTION OF THE CITY COUNCIL.

* Open session – Action/Discussion – Personnel**


The meeting may be closed by appropriate motion for the purpose of discussion on any matter allowed under N.R.S. 241.031 and 241.033, (1) nothing contained in this chapter prevents a public body from holding a closed meeting to consider the character, alleged misconduct, professional competence or physical or mental health of a person/employee. (2) A public body may close a meeting upon a motion, which specifies the nature of the business to be considered. (3) This chapter does not: (a) Apply to judicial proceedings. (b) Prevent the removal of any person who willfully disrupts a meeting to the extent that its orderly conduct is made impractical. (c) Prevent the exclusion of witnesses from a public or private meeting during the examination of another witness. (d) Require that any meeting be closed to the public. (e) Permit a closed meeting for the discussion of the appointment of any person to public office or as a member of a public body. (4) The exception provided by this section, and electronic communication, must not be used to circumvent the spirit or letter of this chapter in order to discuss or act upon a matter over which the public body has supervision, control, jurisdiction or advisory powers.

In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident. Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotape, American Sign Language, etc.) should contact the responsible Agency or USDA’s TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in

languages other than English. To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD-3027, found online at <http://www.ascr.usda.gov/complaintfilingcust.html> and at any USDA office or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by: Mail: U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410; Fax: (202) 690-7442; or Email: program.intake@usda.gov .

For access to the public packet, contact the City Administrator at 501 Mill Street, Ely, Nevada 89301 or call (775) 289-2430; all packet material is posted in the agenda's hyperlinks or under "Minutes"/"Other" on the City's website at <http://www.elycity.com/>

I, Jennifer Lee, Deputy City Clerk, did cause to be posted on **January 22, 2018** at 8:30 a.m. five (5) notices of the Ely City Council Agenda in said City of Ely to wit: Posted at the doors or bulletin boards of City Hall located at 501 Mill Street, White Pine County Library located at 950 Campton Street, White Pine County Courthouse located at 801 Clark Street, the U.S. Post Office located at 2600 Bristlecone Avenue and the White Pine County Sheriff's Office located at 1785 Great Basin Boulevard. The meeting notice is also posted on the City of Ely's website at <http://www.elycity.com> and the State of Nevada Public Notices website at <http://notice.nv.gov>.

 _____