



# CITY OF ELY

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

## ELY CITY COUNCIL MEETING

**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.**

***October 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 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. Council Members – City Administrator Switzer – City Engineer Almberg – Public Hearing – [Discussion Only](#) – Discussion of the following CDBG projects:
  - Downtown Renovation Revolving Loan Fund - \$50,000;
  - 11<sup>th</sup> Street Beautification - \$350,000;
  - Downtown Commercial Blight Abatement - \$150,000;
  - Downtown Plaza Planning - \$100,000;
  - Low-Income Housing Rehabilitation - \$100,000;
  - Parker Avenue sewer line replacement – \_\_\_\_\_; AND
  - CDBG project ideas proposed during this Public Hearing.
2. Mayor Van Camp – [Discussion Only](#) – Approval of Second Reading of Ordinance 715, Bill No. 2018-08, an ordinance establishing the City of Ely’s recreational marijuana rules, setting fees and zoning requirements.

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

1. Mayor Van Camp – [Discussion/For Possible Action](#) – Approval of Second Reading of Ordinance 715, Bill No. 2018-08, an ordinance establishing the City of Ely’s recreational marijuana rules, setting fees and zoning requirements.

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

1. Chairman Peeler – [Discussion/For Possible Action](#) – Approval of Home Occupation permit to James Woolsey to conduct a handyman business, d.b.a. *James Woolsey* located at 932 Lyons Avenue, Ely, Nevada.

**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 item 9A-1 Minutes and 9A-2 Bills.

Moved by: \_\_\_\_\_ Second by: \_\_\_\_\_ Vote: \_\_\_\_\_

1. Discussion/For Possible Action –Minutes.
  - September 27, 2018
2. Discussion/For Possible Action –Bills.
  - [October 18, 2018](#)

**B. NEW BUSINESS**

1. Council Members – City Administrator Switzer – Lindsey Wanlass of *Leavitt Group Insurance* – [Discussion/For Possible Action](#) –Reversal of September 27, 2018 City Council group health insurance selection AND selection of *Cigna* as the 2018-2019 group health insurance for City employees.
2. Council Members – City Administrator Switzer –Nevada League of Cities Executive Director Wes Henderson – Discussion Only – Presentation on Nevada League of Cities legislative activities.

3. Council Members – City Engineer AlMBERG – [Discussion/For Possible Action](#) – Concurrence with proposed Avenue F extension modification, located at E. 15<sup>th</sup> Street (across from the *Sage Brush Texaco*) as part of the NDOT project to increase the safety at the intersection at Aultman/E. 15<sup>th</sup> Street.
4. Councilman Hanson – [Discussion/For Possible Action](#) – Approval of Resolution 2018-05: A Resolution instituting a moratorium on mobile vending units, mobile kitchens, or other mobile food vending mediums, and recalling business licenses for the same, absent a Special Event license issued pursuant to City Code 3-9-2.
5. Council Members – City Administrator Robert Switzer – [Discussion/For Possible Action](#) – Presentation of FY19 1<sup>st</sup> Quarter Financial Statement.
6. Mayor Van Camp – White Pine County Commissioner Steve Stork – [Discussion/For Possible Action](#) – Approval for City of Ely to assist in the establishment of a local Main Street organization by: 1. Contributing \$10,000.00 from the General Fund OR the Capital Projects Fund, in addition to providing office space and legal expertise.
7. Mayor Van Camp – [Discussion/ For Possible Action](#) – Approval to issue payment in the amount of \$8,753.04 to *Outwest Excavation* for overpayment on the 2014 and 2016 recycled metal payment received by the City of Ely; repayment will be issued with no interest from the City’s portion of the proceeds earned from the April 2018 shipment of metal from the metal pile.
8. Mayor Van Camp – [Discussion/ For Possible Action](#) – Approval to reimburse John Chachas fifty percent (50%) of his expenses incurred to unclog the sewer line at 681 Parker Avenue in July 2017, in the amount of \$1,591.99.
9. Councilman Hanson – Discussion/For Possible Action – Approval to pay up to half the estimated replacement cost of the hazardous sidewalk at 166 Ely Avenue, not to exceed \$13,000.00, to be expensed from the Capital Projects Fund.
10. Mayor Van Camp – White Pine County Clerk Nichole Baldwin – [Discussion/For Possible Action](#) – Approval of **First Reading** of Ordinance 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 to remain in effect so long as there exists an Inter-local Agreement for Elections and to provide for the removal of the new version and reinstatement of the original version upon termination of the Inter-Local Agreement. **If enacted, Ordinance 708 will extend the terms of City Council Seats 2 and 4 and Mayor elected in 2019; and the terms of City Council Seats 1, 3 and 5, elected in 2021. The first City of Ely election held in conjunction with White Pine County elections would take place in 2024.**
11. Mayor Van Camp – Discussion/For Possible Action – Approval to direct City Attorney to draft an amendment to City Code 2-2-7 and 2-2-10 changing the Municipal Utilities Board to a decision making body and not an advisory board, and identifying the City Council to be the Board of Appeal on any decision of the Municipal Utilities Board.

12. Councilwoman Gardner – [Discussion/For Possible Action](#) – Approval of First Reading of Ordinance 718, Bill No. 2018-11, An Ordinance amending the title to City Code Title 3, Chapter 3 in name only and amending the definition of Rental Business to Transient Lodging in Title 3, Chapter 3, Section 1.

13. Mayor Van Camp – Discussion/For Possible Action – Approval to hire a part-time administrative assistant for the City Attorney, to be expensed out of the General, Water, Sewer, and Landfill Funds.


**10. 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”.

#### **11. 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](mailto: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 **October 22, 2018 at 8:00 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>.

  
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