



# CITY OF ELY

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

## ELY CITY COUNCIL REGULAR MEETING

December 13, 2018 5:00 p.m. – Ely Volunteer Fire Hall - 499 Mill Street-Ely, Nevada.

1. Mayor Van Camp called the regular meeting of the Ely City Council to order at **5:03 p.m.**, led in the Pledge of Allegiance, Larry Dunton offered the Invocation and Mayor Van Camp asked for Roll Call.

Members present:

- Mayor Melody Van Camp
- Councilman Ernie Flangas
- Councilman Kurt Carson
- Councilman Tony DeFelice
- Councilwoman Jolene Gardner
- Councilman Sam Hanson

City Officials and Staff present:

- City Attorney Charles Odgers
- City Engineer B.J. Almberg
- City Fire Chief Ross Rivera
- Police Chief Scott Henriod
- City Building Official Brad Christiansen
- Deputy City Clerk Jennifer Lee

City Officials absent:

- City Administrator Robert Switzer

Also in attendance: Members of the public signed in (appears below).

City Council ATTENDANCE LIST

DATE: 12-13-18

<u>Print name below</u>	<u>Print name below</u>
<u>Kent Lyngby</u>	<u>Carl Borchoff</u>
<u>Larry Dunton</u>	<u>Billie Sue Hecker-Thorn</u>
<u>Rick Waple</u>	<u>Heidi Hanson</u>
<u>Pat Robinson</u>	<u>Steve Skov WPC</u>
<u>Lia's TRISTAN</u>	
<u>George Macchias</u>	
<u>John Dunton</u>	
<u>John Chubb</u>	
<u>Teri Borchoff</u>	
<u>Leah Brown</u>	
<u>Glenn Howard</u>	
<u>JEREMY LILLY</u>	
<u>Mike Babin</u>	
<u>Kurt Koerker</u>	
<u>John Mueller</u>	
<u>Kay McMurran</u>	

## 2. PUBLIC COMMENT

Kerri Pintar stated Kerri Pintar, 1417 Mill Street. Item No. 9, Approval of Resolution 2018-06 approving a medium-term obligation in the amount of \$150,000.00 from the Landfill fund to line item of the City Attorney's Services and Supplies in the General fund. I am wholeheartedly against this resolution. How can you in good conscience approve this medium-term financing affecting multiple councils after all of you leave office, asking for a five-year re-payment plan. Your Promissory Note indicates you're going to use CTX funds to secure the payment. What currently are CTX funds used to pay in the General Fund? Isn't that taking \$30,000.00 a year away from that for the next five years, which can negatively affect the General Fund? Bob identified in his September budget report numerous funds that were out of balance, including a projected fund deficit of almost \$80,000.00; what's been done to mitigate those projected shortfalls? I asked him to do that prior to May and June when it became critical. Was the City Attorney's Services and Supplies what was projected to be causing the deficit or is this an additional encumbrance now you're facing, since you turned down not one, but two settlement offers pertaining to this lawsuit. You cannot keep borrowing from Peter to pay Paul. What happens if this doesn't go to trial in June? Can we afford to go into next fiscal year? Where do we get more funding when this continually drags on, if we're borrowing from the fund this year? Are we going to borrow another \$150,000.00 or more next year? You're opening a can of worms. Additionally, you're not only using the City residents' funds, but County residents' funds as well now to fund this lawsuit. Do they have a say in how you spend and borrow the surplus that you're obviously collecting in these enterprise funds? If there's such a surplus that you can afford to loan money, why not lower the landfill fees because it's not your rainy-day fund? Let's go the last resolution that died on running your terms concurrently with County-wide elections; Mr. Odgers' explanation for that was he have to get a new Council on board behind him with this lawsuit. Who's guiding you to pursue this lawsuit? Have you considered that you may not be cutting a fat hog, but bankrupting the City in the event a future Council withdraws or God forbid, you bankrupt the City on bad legal advice if you don't win this lawsuit? I would urge this Council to wake up and not continue to jeopardize what is the City of Ely because the decisions you make have long lasting effects on the residents of the City of Ely and now the residents of White Pine County.

Richard Wade stated we have a new governor coming in. He is determined that we're going to dedicate something to Harry Reid. I say we should dedicate our sewage treatment plant to Harry Reid. If the State takes us over again, there isn't going to be a City. There will be a conglomeration between City, County and two more counties. Goicoechea has already said that he wants these counties put together. So, watch your Ps and Qs and I'm with her. I don't believe that you should be allowed to put the next administration in debt.

Jay Cazier stated Jay Cazier, *Wilson Bates Furniture*. It was brought to my attention on your guys' New Business about Item No. 2, a loading zone on Clark Street behind my store. There's a couple things about this. It says it's for the Ely Food Bank; I walked over and looked at their sign and they're open two days a week, one day for an hour and another day for two hours. There's already a loading zone, all the down side of the street. My help has several times offered to help them. I'll help them myself if they need to unload or load. I want people to know that the background for this has nothing to do with the Food Bank. It has everything to do with Kim Hunt having issues with Jay Cazier; he bought property from Robertsons, found out that part of the property that he thought was his was *Wilson Bates* and ever since that time it's been a 'push and shove' with him and I. I've been there for twenty-six years and never had grief with anybody on my street, including you. I've talked to Christi. I've talked with Nichole. I've talked with Jaimie. Nobody has grief with it. We've parked cars for Christi for people that she's cutting hair for.

Luis Tristan stated Luis Tristan, 321 Aultman. I'm against this agenda item also under New Business, No. 2. We have the gift shop. When my wife goes there, if the street is full, she parks around the corner, but we shouldn't close that off. The hair salon has some older people that come in and can barely walk; they need to be able to get to the business and we should be able to get to our business also. To dedicate a loading/unloading only for something that's there twice a week is unreasonable.

City Fire Chief Rivera stated I don't think the City has ever been taken over by the State for financial reasons. Fifteen years ago, the Clark Street loading zone was hashed out and that's when you decided to have one side a loading zone and the other side City parking for the customers because you have a lot of businesses in the front block and the block behind also and they need parking. So, someone is going to have to park further away. If they need a loading zone for that Food Bank, you do have it across the street.

George Chachas stated ongoing concerns regarding the 490' Murry Street project pipe. Now that I know who owns the old Robertson property; tell Mr. Hunt to put in ADA access. On your agenda item 11B-1, you're to consider leasing the Ely City Corrals. The Corrals are a revenue source and should be kept; your staff is not managing the property properly. On Item 11B-4, you're to consider submitting a letter of support for the Silver State Trail. I ask that you put that off until you see what the County does, in light of testimony given at the last County Commission by several County residents, ranchers and so on; some designations may affect them negatively.

Mayor Van Camp stated we've discussed the Murry Street project pipe.

George Chachas stated ongoing concerns regarding reimbursement for his work on the sewer at 681 Parker Avenue; the City paying for a \$60,000.00 water line upgrade; having the utility billing done 'in house; mis-billing him; and the City hiring someone with a Bachelor's Degree in accounting.

Mayor Van Camp stated go see Bob on your bills.

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

Mayor Van Camp stated since Bob is not here, I'd like to remove B-11.

Councilman Hanson moved to approve the agenda minus Item 11B-11. Councilwoman Gardner seconded the motion. The motion carried unanimously.

### **4. CITY DEPARTMENT REPORTS**

- FIRE CHIEF

City Fire Chief Rivera stated LEPC has been working on a threat analysis for the County; it makes it hard that the interlocal agreement between the City and the County isn't there. I met the County fire chief and emergency manager.

- CITY ATTORNEY

City Attorney Odgers stated we have, in the last two weeks, filed and/or responded to a total of nine motions on the *S & S* litigation and it's currently scheduled for January 15<sup>th</sup> of next year. When we did the budget, you recall that I requested more than the \$50,000.00 to take this matter to trial and we forecast it to right about where we felt we'd be. So, that's the reason for the resolution. As far as Ms. Pintar believing that the City is being given bad legal advice, we've learned this that we are owed, at a minimum, \$360,000.00 and upwards of 1.4 million dollars and what's at risk is about \$277,000.00 a year that would come to the City and the Foundation. So, it's not as simple as selling a piece of ground for 1.5 million dollars because you paid 1.5 million dollars for it back in 2007. So contrary to what Ms. Pintar may believe, we have a legal and rational basis for moving this litigation forward. I will ask for a litigation session after tonight.

- CITY ENGINEER

City Engineer Almberg stated we prepared an As Built for the Landfill pond and the State accepted it. We're continuing to work on the Aultman sewer/water project. There have been some questions on the Georgetown Ranch and Horse Corral area. If you talk to the County Assessor, it shows a portion of the horse corrals being owned by the County; I don't believe that's the case, but it takes time to determine whose property that is. We've been processing some improvements on Animal Control.

## 6. REPORTS

### CITY COUNCIL

Councilman Hanson stated I attended the County Water Advisory Board meeting. I would note that in addition to what our Attorney has said, part of the reason why we have a lawsuit is because we got a bill for \$457,000.00 from *S & S Shortline* and as he has pointed out, we are owed in the hundreds of thousands of dollars, if not millions; unfortunately, the nature of the beast is such that the only way to be able to collect on that is to pursue a lawsuit.

Councilman Flangas stated I was reading in the local newspaper about events to do in Nevada and one was to ride the Polar Express in Carson City; advertising that in our local paper is a slap in the face.

### MAYOR

Mayor Van Camp reviewed her report appearing below and stated I attended the Veterans Day memorial and Ruth Miners Veterans Day memorial. Also, I attended the seminar on finance - RNDC put that on - and GOED and several vendors were present and they were discussing money available for small business startups and housing. I also attended the meeting on the Silver State Trail; that was more of public comment. On the Main Street project, a few years ago the City started the Tourism Committee, which turned in a grant to get Roger Brooks; all that morphed into the steering committee and we've met for over a year. Now we're moving forward with the White Pine Main Street committee and we met last Tuesday; we have a big group and Patty Herzog came from GOED. We talked about long range plans and we've got money from the County, the City, and the Great Basin Heritage, when we put out two grants. We have submitted an application to get that ball rolling.

### MAYOR'S REPORT

**1. I approved a 24-Hour Liquor License to:**

- *The Copper Queen* for Festival of Trees at Convention Ctr. 11-30-18.

**2. I approved a Special Event License to:**

- The Great Basin Service Club for Festival of Trees at Convention Ctr. 11-30-18.
- The Great Basin Service Club for Christmas Crafters Festival at Convention Ctr. 12-01-18.

**3. I approved a Special Events/24-Hour Liquor License to:**

- *Salt & Sucre, LLC* for Christmas Party catering at Convention Ctr. 12-06-18 and 12-07-18.

## 9. ITEMS FOR DISCUSSION/POSSIBLE ACTION OF THE ELY CITY COUNCIL AS RECOMMENDED BY THE MUNICIPAL UTILITIES BOARD.

1. Board Members – City Administrator Switzer – Discussion/For Possible Action – Approval of Resolution 2018-06 approving a medium-term obligation in the amount of \$150,000.00 from the Landfill fund to line item 10-46-300 City Attorney Services and Supplies in the General fund.

City Attorney Odgers stated Madam Mayor and City Council, I've placed in front of you an amended resolution. We received notification on Tuesday from the Department of Taxation that we needed to include a three percent (3%) rate on the resolution, identify what the payment was going to be, so that has been amended and placed on there. As I indicated earlier, this is referred to continuing the lawsuit that is currently scheduled to go to trial. As you can tell, in your backup material bill we have one bill for \$60,000.00. As you recall during budgeting, I indicated to you that it was going to cost us between \$150,000.00 and \$200,000.00 to take it to trial.

Councilman Carson stated we have recently done this in the past, borrow funds from the Landfill and I assume we've paid that note back?

City Attorney Odgers stated we did. It was paid back as identified. What may be being missed by people in the public and maybe it's because they don't know is if the City wins on even one of the allegations – there are three allegations - that our Attorneys' fees and costs come back to us. So in your resolution, as well as in the Promissory Note, is the intent that upon receiving revenues and receiving the attorneys' fees and costs that this would be paid off immediately.

Councilman Hanson moved to approve Resolution 2018-06. Councilwoman Gardner seconded the motion. The motion carried unanimously.

2. Board Members – City Administrator Switzer – Discussion/For Possible Action – Approval for the Mayor to sign the Promissory Note in the amount of \$150,000.00 from the Landfill fund to line item 10-46-300 City Attorney Services and Supplies in the General fund, to be repaid within five years.

City Attorney Odgers stated Madam Mayor and City Council, you have an amended Promissory Note, which also reflects the three percent (3%), as well as the annualized payment of \$30,000.00 and some change, to be paid by June 30<sup>th</sup> in the fiscal year starting fiscal year 2019.

Councilman Hanson moved to grant approval for the Mayor to sign the Promissory Note in the amount of \$150,000.00 from the Landfill fund to line item 10-46-300 City Attorney Services and Supplies in the General Fund. Councilman Carson seconded the motion. The motion carried unanimously.

**7. 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 – Discussion Only – Consideration of an application for a Conditional Special Use Permit. The intent is to open a medical marijuana establishment. The property address is 940 East Aultman Street, Ely, NV. The Assessor Parcel number is 002-058-06. The applicant is Acres Dispensary, LLC.

Heidi Hanson stated I'm Heidi Hanson. I live at 1008 E Aultman Street, right next door to Joker's Wild. Some of you may know me by my maiden name, Heidi Walker. I grew up next door to Jack Van Camp and I'm Sam Hanson's favorite daughter-in-law. Some of you may know me as the former band director and teacher at the high school who took our band down and won the Governor's Award. I'm very proud of this community and I defend it most of the time, but it's getting harder for me to do so when people ask me it true that you have legalized prostitution and a high teen pregnancy rate? Yes. Is it true that you have X amount of bars everywhere and you have an under-age drinking problem in this community? Yes. Is it true that you guys have more meth per capita than the entire U.S. and you have an underage influence problem and suicide? Yes. I have lost two former students of mine from suicide and seen the effects drugs have on underage kids. And now we are embracing marijuana as a social norm. I understand that it's legal. I understand that it is within the legal bounds of 1,000 feet away from an elementary school and three hundred feet away from any public place where there will be children. I have three small children in my home, two boys ages 5 and 2 and a little girl nine months. The law does not say anything about residential housing. It does not say anything about my three children and how far this establishment needs to be away from my three children and the children of the neighbors I have around me. It does not say anything about the school bus coming by, stopping at that STOP sign every day and youth getting to look at that as the social norm. When they see that as a social norm and see adults modeling this, that's exactly what they think is okay to do. Judith Grisel in the Washington Post May 25, 2008 said about underage smoking and marijuana: "It is not surprising that heavy smoking teens show evidence of reduced brain activity circuits critical for flagging newsworthy experiences, sixty percent (60%) are less likely to graduate from high school and are at a substantially increased risk of heroin addiction and alcoholism. They show altercation and portal structures associated with impulsivity and negative moods. They are seven times more likely to commit suicide. I have a hundred and forty people who signed this petition, who said you guys wouldn't listen to us. I hope you do.

Deputy City Clerk Lee read the two letters appearing below into the record.

Howard and Connie Bunn  
909 Avenue G  
Ely, NV 89301  
12/11/2018

To: Ely City Council  
Title

I am writing this letter to object to opening a medical marijuana store at the end of our alley.

We already have issues with troubling activity in the alley and surrounding our home. Cars speeding down the alley at all hours and people being loud and disruptive, drunk and belligerent. If the medical marijuana store is in our back yard, the traffic of cars and people will be intolerable. We have had gunshots in the alley and break-ins where someone stole guns and fishing equipment. My neighbor is a single woman with two small children living with her. She doesn't need additional activity in the alley. Children also walk to and from school, up and down the avenues. The proposed location of this store will only further the sense of unease for these children and their families, for personal property and the safety of our area, if only because of the increase in traffic and the location of the alley behind family homes.

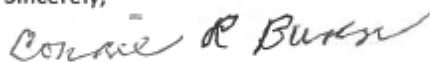
We built our house hoping to have an investment. We are now considering selling because of poor health. The close proximity of the marijuana store to our home will bring the property value down to nothing if it ever sold. Who in their right mind would buy a house with a marijuana store right in their back yard?

There is already a marijuana store on the edge of town. If you have your mind set on having another, please consider a different location. This location is too close to a residential area and I have already mentioned how close we are to a school. We are all for medical marijuana but recreational use and the fact that it can't be regulated is putting everyone in the neighborhood in possible danger. Again, the location is setting up possible safety issues for the numerous families living within a stone's throw.


I do have to ask the council - would any of you want this in your back yard? Would the Mayor want it next door to her house? Would Tony DeFelice want it next to his place of business? Would Jolene Gardner or Ernie Flangas object to having it across the street from their homes? Would Kurt Carson or Sam Hanson want it next to their families?

Please re-think this location. Think about the families that live in the area and their safety. Think about those that will be selling their properties and the negative impact this will have on them all.

Sincerely,



Howard and Connie Bunn



From: Elevation SignWorks [elysignworx@sbcglobal.net]  
Sent: Thursday, December 13, 2018 3:30 PM  
To: JenniferLee  
Subject: Marijuana Dispensary

Hi Jennifer,

Please read this letter at the City Council Meeting tonight.

Dear Mayor and City Council Members,

We would like to express our opposition to the marijuana dispensary location at 940 East Aultman Street. This location is only three blocks from an elementary school (David E. Norman).

This location is not acceptable, there are plenty of other locations where this dispensary could locate.

We are asking you to not allow this to happen!!

Thank you,  
Rob and Michelle Gelskey

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

1. Chairman Peeler – Discussion/For Possible Action – Consideration of an application for a Conditional Special Use Permit. The intent is to open a medical marijuana establishment. The property address is 940 East Aultman Street, Ely, NV. The Assessor Parcel number is 002-058-06. The applicant is Acres Dispensary, LLC.

Councilman Hanson stated there is an interest that I have in this, due to the fact that my daughter-in-law, son and grandchildren live directly across the street from this proposed location. I've resolutely opposed this because it's always been my position that we should have gone with the Tribe to begin with. However that being water under the bridge, my only opposition now would be simply the location.

City Attorney Odgers stated so you'll be abstaining.

Councilman Hanson stated I'm afraid so.

John Mueller, owner of *Acres Dispensary, LLC*, stated you were kind enough to give us a business license. We're doing studies as you look at the opioid crisis across the country. Dr. Speratus is a good friend of mine; they did a clinical trial, which is as big as you can get – like twenty-five people – and over a four week period, we saw a seventy-five percent (75%) drop in your opioid use. There's been no definitive thing that this leads to illicit drugs. We're very cognizant of where our place is in this community. One, we're taking a vacant location and I promise you it's going to be gorgeous. The other thing is we do this for a living. We do it down there. We scan your ID. There will not be a human being that walks in that building that's less than twenty-five years old. I can assure you of that. I'd lose my license if they do; it's pretty straightforward from the standpoint of how the law's written. I've got three kids at home too. One of the studies she mentioned was underage use of this can have brain developmental issues; we are a hundred percent focused on this. You look at vehicle accidents, things like that drop in every market that you have medical marijuana. We promise to be good stewards for this city.

City Attorney Odgers stated the Planning Commission recommended approval.

Councilwoman Gardner moved to approve a Conditional Special Use Permit to *Acres Dispensary, LLC* to open a medical marijuana establishment at 940 East Aultman Street, Ely, Nevada. Councilman DeFelice seconded the motion. The motion carried 3 to 1, with Councilman Flangas voting Nay and Councilman Hanson abstaining.

**10. 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 Ellwood Howard to conduct a tax preparation business, d.b.a. *Great Basin Tax Service, LLC* located at 38 Elysium Drive, Ely, Nevada.

City Attorney Odgers stated the Planning Commission recommended approval.

Councilman Hanson moved to approve a Home Occupation permit to Ellwood Howard to conduct a tax preparation business, d.b.a. *Great Basin Tax Service, LLC* located at 38 Elysium Drive, Ely. Councilman Carson seconded the motion.

Mayor Van Camp stated my parents live down the street on Elysium.

Councilman Hanson's motion carried unanimously.

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

**A. CONSENT AGENDA**

**MOTION:** Move to approve the Consent Agenda item 11A-1 Minutes and 11A-2 Bills.

Moved by: Councilman Hanson Second by: Councilwoman Gardner Vote: Unanimous

1. Discussion/For Possible Action –Minutes.
  - October 25, 2018
  - November 8, 2018
  - November 15, 2018
2. Discussion/For Possible Action –Bills.
  - December 3, 2018
  - December 7, 2018

Councilman Hanson stated on page 14 of the October 25<sup>th</sup> Minutes, in the fifth paragraph fourth line down, it should read “I have been pursuing keeping the water rights”.

City Attorney Odgers stated my son received subpoena checks.

**B. NEW BUSINESS**

1. Councilman DeFelice – Discussion/For Possible Action – Possible approval for the White Pine Corral Association to rent the real property known as the Ely City Corrals.

Kent Lynskey reviewed the White Pine Corral Association proposal appearing below.

Darwin Kent Lynskey  
P.O. Box 150604  
Ely, Nevada 89315

December 5, 2018

City of Ely Mayor and City Council  
501 Mill Street  
Ely, Nevada 89301

Dear Mayor VanCamp, Council Members Mr. Flangas, Mr. DeFelice, Mr. Hanson, Mrs. Gardner, and Mr. Carson,

We would like to rent the property of The Ely City Corrals. The rent is to stay current until August 2019. New rents would be due August 1 of every year. We are asking for a 25-year lease from the city, and the new association, White Pine Corral Association, would take over all rental agreements and management. We are looking to take over immediately, so we can address cleanup of the property.

After current research of the surrounding leases, we propose to pay \$4,000.00 per year. The association would collect all rents due from current lessees, relieving the city of this duty. All clean up such as roads, arena, manure removal, snow removal etc. will be the associations responsibility. Arena would still be open to the public and maintained by the association.

As a 501(c)3 non profit organization, as we intend to form, all lease payments would be invested back into the property to improve the safety and aesthetics of the corral area.

Mr. Jason Woywod from Prospector Hotel and Casino has generously offered \$1,000.00 a month for one year, enabling us to start cleanup. He has contacted Kent Lynskey to speak on his behalf, and will pay the White Pine Corral Association directly, which will in turn pay for the first-year contract.

The Association will provide 4-H two to three corrals, dependent on need, for children who are in need and have no place for an animal project. The arena will be kept up so 4-H can do Horsemanship there, and possibly future young Horsemanship Club to teach pre-4-H Horsemanship.

Outhouses at the corrals are illegal due to groundwater issues. We are looking into getting a grant to replace outhouses for up to code bathrooms. Another grant we are looking into is for weed control for the property.

I would like to present to you the new White Pine Corral Associations plans for the future. We want to improve the area, as well as the current corrals that are in place. We are looking to have a picnic area and barbeque pit next to the creek, improve crows nest and bleachers so we can hold events at our arena, have possible trails for horseback riding above the steam engine (can be very desirable to guests on the train), ten year new fencing in plan for the corrals to have a more presentable appeal, and to provide a environment for our animals and guests.



We also propose the common area of the cat rehabilitation grounds at the rear of the corrals to be maintained by the association and cleaned up at no charge to maintain same look throughout the property.

We would ask the city to provide two fire hydrants to the corrals to be installed by the Association, and allow us access to the City Landfill to provide the corral manure removal.

The Association is in contact with American Income Insurance and looking into options for a million-dollar liability insurance to cover the corrals.

I look forward to hearing your opinions regarding our plan in our future. We would like any suggestions to help improve this plan to make this a more successful transition. I am ready at the City Council's convenience to begin these services. Thank you for your time and consideration in this matter.

Respectfully,

Kent Lynskey

Phone: 775-293-5076

Email: doofus2017ely@gmail.com

City Attorney Odgers stated I know Mr. Lynskey through the high school Rodeo Club. This reduces the City's responsibility. I have a map from 1999 when we annexed in the Georgetown; part of this includes the City Corrals; when you go to the Assessor's website, the majority is in the County. So, we have some conflicts and Burton and I have been working three years to fix it. Before we do anything, I have a list of the deeds I have to get from the Recorder's Office. I have a map approved by the County Commission in 1999, but it does not coincide with the map on the Assessor's website. We can't lease ground we don't own. Going back to the 50's, we've leased the ground as if it's ours. I'm asking the Council to conceptually discuss the idea.

Councilman Hanson moved to grant approval for the White Pine Corral Association to rent the Ely City Corrals, in order to discuss it. Councilman DeFelice seconded the motion.

Councilwoman Gardner stated I'm against it because that money goes into our general fund.

Councilman Carson stated that should be funneling to Corral maintenance. We should entertain this idea, but I want a contract with stringent rules because we might get people who don't care.

City Attorney Odgers asked have you done a 501 C 3?

Kent Lynskey stated we're working on that.

Councilwoman Gardner stated I spent twenty years working at the City and the Corrals were always a mess.

City Attorney Odgers stated they're not going to be able to transfer the lease. We'd have to get fair market value or decide to lease for less because they're non-profit. They're going to have to meet building codes because some of the vacant ones need to be torn down.

Councilman DeFelice stated the City doesn't have the infrastructure to support that area and it's better to find someone. Up until now, the Corrals have been neglected.

Kent Lynskey stated we're on the agenda for the White Pine County Commission meeting January 9<sup>th</sup> to Quit Claim the Corrals to the Association. Would that help?

City Attorney Odgers stated it means nothing if they own nothing.

City Engineer Almborg stated I don't believe they can because they would be deeding a much larger parcel than just the horse corrals. They could not do it without a parcel map.

Kent Lynskey stated Mr. Woywood offered \$1,000 a month to start cleaning the Corrals up.

City Attorney Odgers stated that's not on the agenda. If Mr. Woywood wants to do that, that's between you and him; it wouldn't go through the City.

2. Council Members – City Administrator Switzer – Discussion/For Possible Action – Establishment of loading zone on Clark Street for the Ely Food Bank.

Councilman Carson stated I own the two buildings on the corner, so I will abstain.

Mayor Van Camp stated I was there for sixteen years on the corner and the food bank was only a couple hours. I had more of a problem with people parking in front of my shop all day.

Councilman DeFelice stated I had a few residents come to me and say that area has never been a problem for anybody. One of the residents told me it's a personal squabble.

Councilman Gardner stated there are loading zone signs at the top and the end.

Councilman Flangas stated if you make it a loading zone, it will affect the mortuary. You can't add a loading zone to a loading zone.

3. Mayor Van Camp – Discussion/For Possible Action – Approval of First Reading of Ordinance 718, Bill No. 2018-13 , An Ordinance amending City Code Title 6, Chapter 12 Off Highway Vehicles, revising the OHV routes authorized for use as ingress and egress from the City of Ely to public and private lands.

City Attorney Odgers stated I have a significant issue of liability.

Mayor Van Camp stated Mr. Baer likes this access better than others.

Councilman Hanson moved to approve the First Reading of Ordinance 718. Councilman Carson seconded the motion. The motion carried unanimously.

4. Mayor Van Camp – Discussion/For Possible Action – Approval to submit support letter for a Silver State Trail in White Pine County to the Bureau of Land Management during their environmental assessment public comment period ending December 24, 2018.

Mayor Van Camp stated I attended that meeting for public comment only. They're not going to blaze any new trails. It was to show support as we have access trails in the City.

Councilman Hanson moved to submit a support letter for a Silver State Trail in White Pine County. Councilwoman Gardner seconded the motion. The motion carried unanimously.

5. Council Members – City Administrator Switzer – Discussion/For Possible Action – Approval of the creation of a new line item for a local Main Street organization in the Capital Projects Fund.

Mayor Van Camp stated the County approved their contribution to the Main Street program.

Councilman Hanson moved to approve a new line item for a local Main Street organization in the Capital Projects Fund. Councilman Carson seconded the motion. The motion carried unanimously.

6. Council Members – City Administrator Switzer – Discussion/For Possible Action – Approval to deactivate the traffic light located at Aultman Street and Nevada Northern Rail Way; the City would remove the apparatus and the Nevada Department of Transportation would provide and install STOP signs on Nevada Northern Rail Way.

Councilman Carson moved to deactivate the traffic light located at Aultman Street and Nevada Northern Rail Way. Councilman Hanson seconded the motion.

City Attorney Odgers asked could NDOT install a flashing STOP sign?

City Engineer AlMBERG stated I assume they could.

Councilman Carson amended his motion for NDOT to install flashing STOP signs. Councilman Hanson amended his second. The motion carried 4 to 1, with Councilman Flangas voting Nay.

7. Mayor Van Camp – Discussion/For Possible Action – Acceptance of Roman Mariani's resignation as a member of the City Planning Commission, effective January 1, 2019.

Councilman Hanson moved to accept Roman Mariani's resignation as a member of the City Planning Commission. Councilman Flangas seconded the motion. The motion carried unanimously.

8. Mayor Van Camp – Discussion/For Possible Action – Mayoral Appointment of two (2) City Planning Commission Members, with the consent of the Ely City Council, from the following applicants: Leah Brown, Vera Fairall, and Jeremy Lilly. One member will receive an appointment through December 31, 2020 and one member will receive an appointment through December 31, 2022.

**LEAH BROWN**

Mayor Van Camp stated Leah came to us and wanted to serve on a committee.

Leah Brown stated I am interested in the Planning Commission.

**VERA FAIRALL**

Vera Fairall stated I am a business owner with thirty years in hospitality.

Mayor Van Camp stated tell us some of your background.

**JEREMY LILLY**

Jeremy Lilly stated I'm fairly new to this town. I've been vacationing here for two years and I decided to make it my home. I travel a lot for work. I own several retail stores in Nevada and Arizona and that requires me to travel at least two to three weeks a month, but during my off time I plan on spending it up here and I have been spending it up here the past few months and I see a lot of improvement that this town can use and I have a lot of time available that I'm willing to help out. So, I'm hoping you guys would consider me for the position.

City Attorney Odgers asked do you hold a contractor's license?

Jeremy Lilly stated I do not, no. I do own a drafting firm, so we do drafting for new construction, but I'm not licensed in the State of Nevada.

City Attorney Odgers stated so, you have an architectural background.

Jeremy Lilly stated I do. I do drafting for aquatic structures. We deal with engineers, architects and builders across the country. So, that's my main business.

Mayor Van Camp asked would this a good candidate for the . . .

City Attorney Odgers stated I'm thinking he'd be a good candidate for the . . .

Mayor Van Camp stated the Utility Board.

City Attorney Odgers stated the Utility Board. That meets at eight o'clock in the morning, as opposed to two o'clock in the afternoon.

Mayor Van Camp asked you'd be up for that one?

Jeremy Lilly stated I'm willing to help the City out, so whatever you guys think my fit would be best for, absolutely.

Mayor Van Camp stated we're going to put that on the agenda next month.

Jeremy Lilly stated okay.

Mayor Van Camp stated we have one position up for the Utility Board and as the rules, we can only have three contractors, but people with knowledge of building and infrastructure would work out just right for you.

City Attorney Odgers stated and with your background in business management.

Mayor Van Camp asked so, you would be willing to do that?

Jeremy Lilly stated absolutely, yes.

Mayor Van Camp stated I would like to appoint Leah Brown to serve through December 31, 2020 and Vera Fairall to serve through December 31, 2022.

Councilman Hanson moved to appoint Leah Brown to serve on the City Planning Commission through December 31, 2020 and Vera Fairall to serve on the City Planning Commission through December 31, 2022. Councilman Carson seconded the motion. The motion carried unanimously.

Councilman Hanson moved to transfer Jeremy Lilly's application to the Utility Board applicant pool. Councilwoman Gardner seconded the motion.

Deputy City Clerk Lee stated that legal did appear in the paper for the 10<sup>th</sup>, that we're accepting applications for that position.

Councilman Hanson's motion carried unanimously.

9. Mayor Van Camp – Discussion/For Possible Action – Mayoral Re-Appointment of City Planning Commission Members John Charchalis and Maureen Otzelberger through December 31, 2022, with the consent of the Ely City Council.

Councilman Hanson moved to re-appoint John Charchalis and Maureen Otzelberger to the City Planning Commission through December 31, 2022. Councilwoman Gardner seconded the motion. The motion carried unanimously.

10. Mayor Van Camp – City Attorney Odgers – Discussion/For Possible Action – Ratification of the Mayor's acceptance of Nevada Division of Environmental Protection Nevada Recycles grant in the amount of \$8,296.50, the agreement for which needed to be signed and returned to the Nevada Division of Environmental Protection on or before December 3, 2018, for purposes of purchasing and erecting a canopy over the cardboard recycling deposit area AND purchasing and installing directional signage at the Recycling Center.

Councilman Hanson moved to ratify the Mayor's acceptance of Nevada Division of Environmental Protection Nevada Recycles grant in the amount of \$8,296.50 for purposes of purchasing and erecting a canopy over the cardboard recycling deposit area and the purchase/installation of directional signage at the Recycling Center. Councilwoman Gardner seconded the motion. The motion carried unanimously.

12. Mayor Van Camp – City Attorney Odgers – Discussion/For Possible Action – Acceptance of the Nevada Division of State Lands' intent to terminate the lease agreement with the City of Ely for the Army National Guard building located at 125 Mill Street, pursuant to Condition 18 Termination in the lease agreement, due to the withdrawal of State funding.

Councilman Hanson moved to accept the Nevada Division of State Lands' intent to terminate the lease agreement with the City of Ely for the Army National Guard building located at 125 Mill Street and authorize the Mayor to sign the termination agreement. Councilwoman Gardner seconded the motion. The motion carried unanimously.

13. Mayor Van Camp – Discussion/For Possible Action – Mayoral re-appointment of Councilwoman Jolene Gardner as the City of Ely's representative on the White Pine County Regional Transportation Committee.

Councilman Carson moved to re-appoint Councilwoman Gardner to the White Pine County Regional Transportation Committee. Councilman Hanson seconded the motion. The motion carried unanimously.

14. Mayor Van Camp – Discussion/For Possible Action – Mayoral re-appointment of Councilwoman Jolene Gardner as the City of Ely's representative on the White Pine County Debt Management Commission.

Councilman Carson moved to re-appoint Councilwoman Gardner to the White Pine County Debt Management Commission. Councilman Hanson seconded the motion. The motion carried unanimously.

## 12. PUBLIC COMMENT

Kerri Pintar stated Kerri Pintar, 1417 Mill Street. Back to this railroad thing, I'm still disappointed that you all agreed to the loan. If you think you're owed up to 1.4 million, then why did you decline the 1.5 million dollar settlement? As far as the loading zone issue and another Council bringing that back before future Councils, hopefully they do that for the debt that you just saddled them with for your \$150,000.00 loan. Mr. Odgers' clarification that if – if, if, two little letters that form a really big word - if you win those, even one of those three counts, you'll be reimbursed for your legal fees, well that's a big "IF". You better hope that you know exactly what you're doing because are you going to get reimbursed if you only win one count? Do you get one third 1/3 of your fees? Do you get all your fees? It's a big "IF". Back to the bus route and the STOP sign on 11<sup>th</sup> Street, I would prefer that you left the light going, however the School District bus route uses 10<sup>th</sup> Street, next to the *Acres* medical marijuana; they come out 11<sup>th</sup> Street. Bob asked me to give an update on our road. We are very happy we have a little bit of oil. It's been down now almost three months; it is starting to fail, which we knew was going to happen. The one thing we would say to the RTC if they're going to try this on another road is perhaps they would want to start that process in the spring. Right now, that road is starting to deteriorate and we have oil everywhere, in our driveway and up our steps. It's failing through the middle.

George Chachas stated ongoing concerns regarding the signs on a fence on Avenue D.

City Attorney Odgers stated Mr. Chachas fails to understand the First Amendment. You cannot regulate speech.

George Chachas stated you're spending money on beautification and you're allowing that? Two months ago plus I reported Sean Scott working on a home on 15<sup>th</sup> Street East. I haven't seen anything done on the two junk yards next to the new two million dollar facility. The Centennial Building downtown had no contractor or permit and yet, Harwood Singh was stopped from doing work on his motel.

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

Councilman Hanson moved to adjourn the regular meeting of the Ely City Council at **6:58 p.m.** Councilwoman Gardner seconded the motion. The motion carried unanimously.

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**MAYOR**

\_\_\_\_\_  
**ATTEST**