



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.

March 22, 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 an Application for a Variance. The applicant, Kaye A. Kirkeby Family Trust, by and through Kaye A. Kirkeby, Trustee, wishes to use the location for business purposes, which is not supported by the current zoning of R-2-50. The location is 1234 High Street, Ely, NV (APN 001-202-07) .
2. Chairman Peeler – Public Hearing – [Discussion Only](#) – Consideration of an application for Reclassification of Property Zoning, as well as an application for a Conditional Special Use Permit. The applicant wishes to re-zone the property from the current R-1-75 Zone (Residential District) to a C-2 Zone (General Commercial District). The desire is to use the location for a Cannabis Cultivation Facility. The property address is 16 Shoshone Circle, Ely, NV. The Assessor Parcel number is 001-501-16. The applicant is the Ely Shoshone Tribe.

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

1. Chairman Peeler – [Discussion /For Possible Action](#) – Consideration of an Application for a Variance. The applicant, Kaye A. Kirkeby Family Trust, by and through Kaye A. Kirkeby, Trustee, wishes to use the location for business purposes, which is not supported by the current zoning of R-2-50. The location is 1234 High Street, Ely, NV (APN 001-202-07).
2. Chairman Peeler – [Discussion/For Possible Action](#) – Consideration of an application for Reclassification of Property Zoning, as well as an application for a Conditional Special Use Permit. The applicant wishes to re-zone the property from the current R-1-75 Zone (Residential District) to a C-2 Zone (General Commercial District). The desire is to use the location for a Cannabis Cultivation Facility. The property address is 16 Shoshone Circle, Ely, NV. The Assessor Parcel number is 001-501-16. The applicant is the Ely Shoshone Tribe.

8. 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 8A-1 Minutes & 8A-2 Bills.

Moved by: _____ Second by: _____ Vote: _____

1. Discussion/For Possible Action –Minutes.
 - February 8, 2018
 - February 22, 2018
2. Discussion/For Possible Action –Bills.
 - [February 6, 2018](#)
 - [February 13, 2018](#)
 - [March 10, 2018](#)

B. NEW BUSINESS

1. Mayor Van Camp – Cozette Eldridge, RSVP White Pine County Field Representative – [Discussion/For Possible Action](#) – Approval of Proclamation declaring April 3, 2018 National Service Recognition Day in the City of Ely.
2. Mayor Van Camp – Terry Metcalf of High Desert Trail Blazers – Discussion/For Possible Action – Approval to direct City Attorney to prepare an ordinance designating access routes within the City of Ely as OHV trails and setting the speed limit on said routes at 15 MPH, and other requirements, including, but not limited to requiring a person who is less than 16 years of age and who is operating the off-highway vehicle on a designated highway to be under the direct visual supervision of a person who is at least 18 years of age pursuant to NRS 490.100; and setting forth the requirements provided in NRS 490.130 which includes obeying all traffic laws, required registration of the OHV and requirement to wear a helmet.
3. Councilman Hanson – [Discussion/For Possible Action](#) – Approval to amend the Development Agreement paragraph 3, (b), (ii), to pay all or a portion of the annual audit of the Nevada Northern Railway Foundation and/or amend the Development Agreement adding a new paragraph 3, (a), (vii), requiring the Nevada Northern Railway Foundation to pay all or a portion of the annual audit.
4. Councilman DeFelice – [Discussion/For Possible Action](#) – Approval of First Reading of Ordinance 711, Bill No. 2018-04, an ordinance amending City Code Title 3, Chapter 9, Section 4 Temporary Business Licenses, Fees by changing the fees paid for spaces by Nonprofit Organizations from \$10.00 per space to \$2.00 per space.
5. Council Members – City Fire Chief Rivera – [Discussion/For Possible Action](#) – Approval of 2018 Operating Plan for Cooperative Fire Protection Agreement between the Ely Fire Department and USDA, Forest Service Humboldt-Toiyabe National Forest and USDI, Bureau of Land Management Ely District.
6. Councilman Carson – [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.**

7. Councilman Carson – [Discussion/For Possible Action](#) – Approval to direct City Staff to seek confirmation from White Pine County that if Ordinance 708 is enacted, White Pine County will comply with the Cooperative Agreement for Election Services between White Pine County and the City of Ely, with the first City of Ely election held in conjunction with White Pine County elections to take place in 2024.
8. Councilman Flangas – Discussion/For Possible Action – Approval to direct City Attorney to prepare an ordinance requiring vaults for all internments in the Ely City Cemetery effective upon the passing of the ordinance; AND/OR requiring a minimum four inch (4”) wide concrete border around the base of all headstones, not to exceed the width of the grave site or the length of the grave site, installed in the Ely City Cemetery upon passing of the ordinance, and requiring all grave decorations be confined to the headstone area.
9. Councilman Flangas – Discussion/For Possible Action – Approval to direct City Attorney to prepare a resolution establishing a \$500.00 fee for all burials performed on a holiday in the Ely City Cemetery.
10. Mayor Van Camp – Discussion/For Possible Action – Approval to direct the City Attorney and the City Treasurer to initiate negotiations with White Pine County regarding the establishment of an Interlocal Agreement for City of Ely Cemetery services.
11. Council Members – City Treasurer Trask – [Discussion/For Possible Action](#) – Approval to transfer Fiscal Year 2018 budget appropriations within the General Fund **from:** Animal Control in the amount of \$11,500.00; Cemetery in the amount of \$8,000.00; and Parks in the amount of \$56,000.00 **to** Administration in the amount of \$29,200.00; Finance in the amount of \$6,500.00; Fire Department in the amount of \$17,000.00; Building Department in the amount of \$20,500.00; and Public Works in the amount of \$2,300.00, **for a total amount of \$75,500.00**, pursuant to NRS 354.598005(5).

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10. 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 **March 19, 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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