



CITY OF ELY

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

ELY CITY COUNCIL REGULAR MEETING AGENDA

March 22, 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 **5:02 p.m.**, led in the Pledge of Allegiance, Doug Fullmer offered the Invocation and Mayor Van Camp asked for Roll Call.

Members present:

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

Members absent:

Councilman Ernie Flangas

City Staff present:

City Attorney Charles Odgers
City Treasurer Janette Trask
City Engineer B.J. Almberg
City Fire Chief Ross Rivera
City Police Captain Jaime Swetich
Municipal Court Judge Mike Coster
City Building Official Brad Christiansen
Deputy City Clerk Jennifer Lee

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

Ely City Council attendance list. 3-22-18

Robert VanCamp	Leon Phillips
Mandy Valdez	Chai Korman
Chuck Myn	DeVitt
Toni Edmo	George Chuchas
Fat Robison	
Sam Saverioff	
Max Bassett	
Sean Pitts	
PK Wade	
Jed A. Peeler	
McLoster	
Hank Dument	
Doug Fullmer	
Kay McMuray	
Trent Griffiths	
Diana Buckner	
Doug Mcintosh	High Desert Trail Blazers
Gregory Eldridge	
Walt Buckner	High Desert Trail Blazers

2. PUBLIC COMMENT

Doug Salisbury stated Doug Salisbury. I own *D & S Repair*. I'm wondering about the 11th Street and the Roundabouts; I've heard they're going to put one by the Coffee Shop and one by *All Aboard*. Does anybody know anything about it and if they do, why isn't it public? Why isn't it in the paper? There's a lot of questions I've got and all the people on that street have those same questions.

City Attorney Odgers stated if Mr. Salisbury wants additional information, he can speak with B.J. Almberg, as he is engineering it with NDOT. No final plans have been done at this point. We're still trying to get the funding to do the project. I only know about one potential roundabout at this point.

Mayor Van Camp stated you can also get on the email list for Caroline McIntosh; she sends out additional information.

Pat Robison stated I'm here to thank the Council for having the Animal Control report and ask that you include what dogs are sent out, how many and a brief description of the animal. Andrew has been doing a great job of adopting these dogs out. I have my dear friend who donates \$500.00 yearly, but no one seems to know where the checks have gone, for the Animal Control officer to designate what he needs. Why haven't you moved forward on the euthanasia? When I talked to Andrew he said he was going to be taking a class. This is important to the community.

Richard Lee Waide stated I'm here to chew you out. This thing with the dump! Are you having a sheriff's deputy there? I'm not showing my driver's license. When I get a receipt, I put it in my files not my truck. People will dump it in the desert. This is either the most inept group of people or the most corrupt.

Linda Davis stated my name is Linda Davis and I'm reading this for somebody else. "To the City of Ely and Mayor Van Camp: I am writing this letter in regards to your continued use of the gas chamber to kill animals at the pound; this is an absolutely cruel, inhumane and barbaric act, which you continue to support the use of and be a part of even though other more humane options have been presented to you at little or no cost to the City. I know that PETA has stepped up to offer to pay the cost of having the City's Animal Control Officer sent to be certified to do humane euthanasia by injection, to help with the dismantling of the gas chamber, and to pay a local veterinarian to perform humane euthanasia by injection when needed on the Pound animals, until everything else can be put into place. Yet, on March 2, 2018 an injured cat was brought to the Animal Control and killed in the gas chamber, even though there were other resources available to have the cat humanely euthanized by a veterinarian. I am not, nor have I ever been a fan of PETA, but If you are willing to do something that will help the unfortunate animals in our community, then I'm all for it, as are many of the local people. Euthanasia of animals is never a happy or joyous act and although it is sometimes necessary, that doesn't mean it should be a cruel and inhumane act; it should be a gentle and compassionate act. I have to wonder how many of you who are pet owners would choose to use the gas chamber to euthanize your own animals when their time comes; I'm betting not a single one of you would do so because you would want your animals to have a kinder and less painful death. Just because an animal is currently without an owner or maybe has never known the love and compassion of having an owner, doesn't mean that their life matters any less and that they feel any less pain and suffering than your own animals would. I simply do not understand why you all continue to ignore this issue and keep trying to sweep it under the rug, especially when you have so many of your constituents do not support your decision to do so and your excuse of 'We're working on it' is becoming a little old and outdated at this point. You can tell a lot about a community by how they treat their animals. I find it quite concerning that the cruel, inhumane, barbaric decisions that the few of you make in regards to the Pound animals reflect back on the rest of the community, especially when the majority of us do not support and agree with your decision. You should all be ashamed of yourselves for your actions or lack thereof, for you have failed your constituents, the animals and your entire community in this matter. Monte Lynn Liebsack, not a City resident, thankfully, but still a member of this community."

George Chachas stated on March 6th I received a certified letter from Mr. Switzer in regards to a property I bought from the County at a tax sale on May 12th; the letter basically states that the property I bought - 490 High Street - had a lien on it filed on May 8th. I bought the property on May 12th. The lien was filed with the County Recorder on June 13th. The property was listed as "Tootsie Lala" and I'm not using the name that's on there. I am not "Tootsie Lala". You filed a lien against "Tootsie Lala". You folks have a problem in your office; I've told you more than once. Also in regards to that property, I gave a copy of a bill that I just got now. I'm being charged for inside water, the sewer, so on and so forth; outside water 45 cents. However, the capital improvement for that outside water is \$746.65, for a total of \$766.99; that's contrary to your rules. Why are you harassing me? I'm not going to pay that kind of money. If you look on the backside, I gave you folks a letter. I'm staying at property on Parker and the outside water capital improvements is \$0. You've got to bring your billing back to City Hall where you can have your hands on it. This last time my brother paid the different fees – normally I'm paying \$317.00 – the girl at the Ely office says 'No, we've adjusted. You're paying a property that shouldn't have been charged at all.' We asked for a refund: 'Oh, we don't refund past six months.' I've been telling you for years there's a problem! I want every doggone dime back! On your agenda item 8B-3, you're to consider requiring the Nevada Northern Railway Foundation to pay for their annual audit and you should; they need to comply with the NRS regarding nepotism and the Railroad needs to be brought back under the direction of the City Council. I've yet to see the promised millions donated to the Railroad if the supervision was taken away; that didn't happen. I've yet to receive any information to the request for public information dated October of 2015. On your agenda item 8B-6 regrading elections, if the City is looking for direction from those that they serve, put it on the ballot on the next election; only the voters should make the change, not some self-serving politicians.

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

Mayor Van Camp stated I need to remove Items 8B-8 and 8B-9, as Councilman Flangas is not here and he asked these to be removed.

Councilman Hanson moved to approve the agenda, minus Items 8B-8 and 8B-9. Councilman Carson seconded the motion. The motion carried unanimously.

4. CITY DEPARTMENT REPORTS

- FIRE CHIEF

Fire Chief Rivera stated last Thursday EMS and the Volunteers assisted at a mock drill at the DEN; the City Street crews assisted with traffic control.

- MUNICIPAL COURT JUDGE

Judge Coster stated the report was submitted to the State. Our vacancy for the senior court clerk has been applied for as an internal hire.

Councilman Carson asked so are you going to run with two part-time clerks then?

Judge Coster stated yes. The window would be closed Fridays, and that's gone forward without a hitch, which would save \$6,000.00 plus benefits.

- CITY TREASURER

City Treasurer Trask reviewed her budget statement appearing below.

Date: March 22, 2018

To: Mayor VanCamp
Council Members

From: Janette Trask, City Treasurer

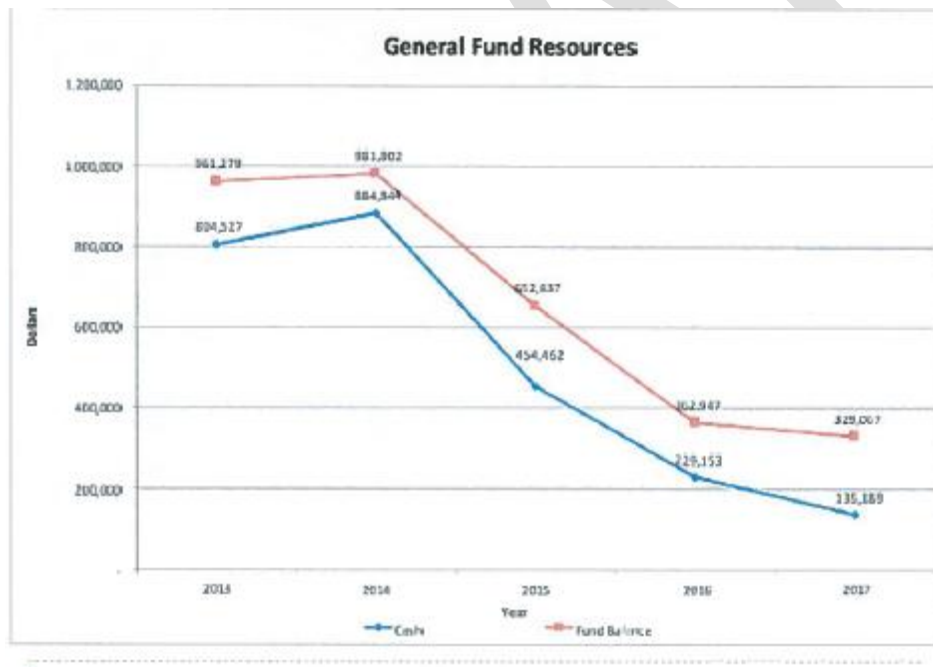
RE: Treasurer's Report

The work on the budget for fiscal year 2019 is progressing slowly. Work on keeping the budgeted expenses under the budgeted revenue is an ongoing challenge. The tentative budget will have to be approved at the first meeting in April as it is due to the state by April 15, 2018. A lot of work from the council and staff still needs to be done to accomplish this goal.

It was brought to my attention that some people in the public think that the City of Ely is going to be in default by the end of this fiscal year. We are a long way from defaulting this fiscal year. To be in default, the City would have to have a General Fund ending fund balance below \$86,500.00. This is calculated by taking the last audited fiscal year, in this case fiscal year 2017, General Fund's actual expenditures multiplied by 4%. The projected fund balance for this fiscal year (FY18) is estimated to be around \$302,000.00. It would be alarming to ever end a fiscal year at that low of balance, as that means you have nothing left for a cushion and you are using your Budget Stabilization Fund (rainy day fund).

The problem is that the City of Ely has reduced the General Fund balance over the last four years by \$632,212.00. Please see the attached graph that was prepared by MaKay Hall, Hinton Burdick. If this trend continues, eventually the City of Ely could be in default.

If there are any questions, please contact me.



- CITY ENGINEER

City Engineer Almborg stated we staked for the lined pond at the Landfill that needs to be constructed, so that the City crews would be able to build it; we do need a contractor to line it. We've been working on the Aultman Street project; NDOT is getting close to being at sixty percent (60%) submittal on it. I was contacted by a man by the name of Girard of the Governor's Office of Science, Innovation and Technology; he's working on bringing broadband to the community, so he wanted some assistance on mapping. At the request of Chuck, we've begun verifying some right-of-way issues on Avenue C. Carl provided us a list of water leaks the last few years, so you can visually see where he's been working. We heard back from the screw pump bearing manufacturer and they're going to warranty it.

5. REPORTS

CITY COUNCIL

Councilman Hanson stated last week I attended the Board of Directors meeting at the Railroad. Tuesday of this week I attended the County Water Advisory Board meeting where reports were given indicating that the flows into our local aquifers are not doing well, about twenty-five percent (25%) of where they should be at this time; Spring Valley is not expecting it to exceed forty percent (40%) of normal the whole year. The community has generated \$280,000.00 so far to complete a 3 to 1 matching grant to the total of \$700,000.00 for a boat ramp at Comins.

MAYOR

Mayor Van Camp reviewed her report appearing below and stated I attended a tour of the *Robinson Mine* with Councilwoman Gardner and Tony and his wife; they were very accommodating. I attended the Downtown Beautification meeting last night at *Wicked Rein*; we're working on signage, window painting, and cleaning. I've been utilizing quite a few community service workers; they helping with recycling, cleaning at Animal Control, and picking up trash.

March 22, 2018

MAYOR'S REPORT

1. I approved a Special Event license to:

- Jordan Michelle Herrick for a wedding at the Convention Center on May 5, 2018.

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

B. NEW BUSINESS

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.

NNRY President Bassett stated this came up at our last director's meeting. On the agenda was our 2016 audit; this is 2018. This has been going on forever and a day because the City of Ely's fiscal year is July 1st through June 30th. Our fiscal year is January 1st through December 31st, so there's that six months lag time and by the time the auditors do your audit and get to ours, it's become almost not useful. What was suggested by the Directors, and I spoke to our Counsel, is just to remove paragraph 3(b) (2), which talks about the payment of the audit. The Foundation is going to continue auditing our books and we have two members on the Board that will be receiving that copy of the audit. Also, our Counsel contacted the City Attorney and he said that once our audit was done, he would provide it to the City.

City Attorney Odgers stated I've got a couple of concerns. Based on what Mr. Stanko submitted to me, the audit would not be a public document. The first problem with that is the jointly owned assets require you to have that audit in public. While the two appointed members would have access to it, it would be sent to me. I'm not the person that should be receiving it; it should go to the Treasurer and the Treasurer should be using that for the Council to review. Again, you have a fiduciary responsibility as it relates to those assets. I don't have a problem with changing because two years ago we talked about trying to get them on the same cycle we were on. If we keep it the way it is and they're using a separate auditor, you still have to be able to approve that auditor under Chapter 354 and we have to notify the State on who that auditor's going to be because again, we have public assets that are being managed by the Foundation. I did not get an opportunity to communicate with Mr. Stanko past the email response I received at 1:37 p.m. when I was at the Planning Commission today. So, I'd ask that you to table this, to allow me to work out those issues with Mr. Stanko.

Councilman Hanson moved to table this item. Councilman Carson seconded the motion. The motion carried unanimously.

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).

Lloyd Phillips stated I live at 1298 Ely Street, immediately adjacent to the property being discussed. I'm here to speak in favor of that variance. My only concern would be that you place a restriction on the boarding of animals outside the structure.

George Chachas stated I'm in favor of this. That property has always been commercial. You're supposed to be business friendly; you're not. That person needs to be 'grandfathered in'; he shouldn't have to pay another \$100.00 or \$1,000.00. We've got forty-six businesses closed.

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.

Deputy City Clerk Lee read the letter appearing below into the record.

Scott and Darcy Evers
125 J.V. Walker St.
Ely, NV. 89301
(775) 296-3709
makinflames@hotmail.com

Tony DeFelice
1407 Ave. K
Ely, NV. 89301

Dear Councilman DeFelice,

We are writing to express our concerns over the proposed marijuana grow facility directly across from our home of 18 years.

1. Water. Water is White Pine County's most precious resource. It takes a lot of water to grow cannabis. According to research done by Casey O'Neill, the average water usage will be 1 gallon of water per pound of processed flower. Most plants average between 2-4 lbs. but can reach 10lbs. Doing the math at 2 gallons per day x 240 days x 50 plants or 480 gallons of water per plant (if the plant is 2lbs. and this equation does NOT account for waste or poor management. It is an average from California which has a moister climate than we have here. Please consider the enclosed article.

In our neighborhood, we are regularly placed on water restriction during the hot, dry summer months. Where is the water for these plants coming from? How will that affect the entire city of Ely?

When the mine draws down the water in the summer, many city corral wells dry up. Do we have the water to consider allowing this operation? Who will oversee the usage of water?

2. **City Water and Sewer System.** Our city pipes are old and in some places in need of replacement. Concentrated chemicals like pesticides and fertilizers are needed to grow cannabis plants. How much of this will end up going down the drain and into our water system? How much of this will end up leaking into our soil and contaminating our water table? Who is responsible for the clean up costs when this occurs?
3. **Air Quality.** We LOVE the fact that our air here is so pure and clean. Many places near cannabis grow farms experience a “skunk like stench.” We all know how windy Ely is, so we are sure this stench will not be contained to just our neighborhood. We are an active family and we enjoy being outside several months of the year. We do not have air conditioning and during the summer we open our windows in the evening to cool our home. What can be done to contain the stench? What kind of ventilation system will this building have?

The chemicals creating the stench also have been documented to cause headaches, respiratory difficulties (it is recommended that first responders going into these facilities wear respirators and the employees should wear them as well) and increased problems with asthma.

The chemicals are also HUGE fire hazards; a potential explosion begging to happen. How will they be stored? How will they be disposed of?

4. **Crime.** Most statistics I have read have come to the conclusion that violent crime does not go up near a cannabis grow facilities. However, property crime tends to rise sharply. Is the city willing to hire more police officers to protect the citizens and their property? Who is guarding the facility? Will they be armed? What kind of training will they have? What happens if they fire a gun and it goes through our living room window, or worse, strikes an innocent child playing outside?



5. Electrical Hazards. Who is overseeing the wiring of the building? Cannabis plants take a LOT of electricity. Will local residents be expected to suffer outages because of the grow facility? What inspection standards will this building be held to? Who will oversee this?
6. Personal Concerns. What about our property value? We have lived in our home almost 19 years. What if the noise, smell, additional traffic, safety, and lights affect our quality of life? Will we be able to sell the home we raised our children in for what it is worth?

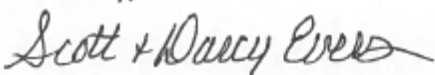
What is the message we are sending our children? We used to play in that gym. Many people have rented it for family functions. There has been a daycare and church held in that gym; all gone now. If a grow facility takes over the gym, even the beautiful green park directly across the street from it will have to be removed as it would not be right (legal?) to have children playing outside a cannabis facility.

FINALLY, it is really still ILLEGAL on a Federal level. Who is investing in this? A Federally insured bank would be unable to invest in a marijuana grow operation. Where is the money coming from? Who is invested? Upstanding, average citizens generally do not have the cash to fund such a costly operation. What will the city lose if the Federal government chooses to come and close the facility?

Just for the record, we are not against people growing cannabis. We are also not against people using marijuana, as we personally know people who use it successfully for pain management. We are just against having a grow facility in town where it affects everyone and benefits only a handful of people. The proper place for a cannabis farm is outside of the city limits with its own well.

Thank you for reading this letter and considering our concerns.

Sincerely,



Chris Kaamasee stated my name's Chris Kaamasee. I live on JV Walker. I'm not opposed to their Grow. The only thing I'm opposed against is if they touch the park. For thirty plus years, that's been considered Tribal property, so I don't know where it got mixed up. The Tribe has done everything on that property; the City's never done nothing, but I know with other properties, you guys have let people work with that and the Tribe's consultant has done everything to stay up with City Codes. So, I don't know why it can't get passed, for them to keep doing what they're doing, as long as the park is left alone because from my understanding, it's supposed to go back into Trust and then the City and the State have nothing to do with it. Everyone's going to look at it as a win if it's through money wise.

Karen Hewko stated I also live on JV Walker Street. I have the same concerns as were addressed in this letter. My main concern is whether property values will be affected. Also, residents there were never asked if we would be opposed to that sort of thing. There are so many children in the area, riding bikes up and down our street. It's been a peaceful neighborhood to live in and I would hope that would not be affected. Mold will happen in that building and it's not built for that.

George Chachas stated I'd like to speak in favor of this variance. There was some concern regarding different issues, but all of those issues are covered by State NRS, State Health, State Safety, and local ordinances. I don't think there's a problem. All of those requirements have to be met before they can do anything. In attending the Planning Commission earlier, there was a concern about the Park and they want the park made unusable and the zoning changed also. If you're going to allow this, pass this variance with a condition that the park is zoned commercial or whatever you need to meet the minimum requirements, so these people aren't held out another ninety days or so. In business time is money. If you're going to allow it, they need to be given due consideration.

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).

Kaye Kirkeby stated I applied for the Variance because I was told it was no longer under the Grandfather clause, which I accepted. I paid my fees, which is \$630.00, for the Variance. I handed you people ample paperwork to support my clause. I am in the process of either selling, renting or leasing the store. Mr. Phillips stated his concern during the Planning Commission whether there would be barking dogs in the backyard; no. If I sell it, I'll put that in the contract. That was the only argument against it. It was passed unanimous. So, I plan on opening it. If I do it myself, probably again park feed - I do leather work – and possibly going into the upholstery business. The one person considering it was looking at dog grooming; there wouldn't be any dogs boarded there.

Councilman Carson moved to approve the Variance with the condition of no boarding of outside animals. Councilman Hanson seconded the motion.

City Attorney Odgers stated the Planning Commission recommended approval with that same condition. Pursuant to Title 12, Chapter 16, you have to make a finding that this does not endanger the public welfare.

Councilman Hanson moved to find that granting a variance to the Kaye A. Kirkeby Family Trust on 1234 High Street for business purposes does not endanger the public safety. Councilman Carson seconded the motion. The motion carried unanimously.

Councilman Carson's motion to approve the Kaye A. Kirkeby Family Trust Variance application passed unanimously.

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.

City Attorney Odgers stated I'd like to address Mr. Kaamasee's issue with the Park. The compact between the Ely Shoshone Tribe and the State requires the Tribe to comply with the Ely Shoshone Tribe's Administrative Code, which mirrors NRS 453(A). The problem with the park is NRS 453A.322, paragraph 3(A)(2)(II), last sentence says you can't have a marijuana facility within 300 feet of a community facility that existed on the date on which the application for the proposed medical marijuana establishment was submitted to the division. The documentation we have established that park around 1993 as a park, long before the introduction of this. So while I understand Mr. Kaamasee's concerns, we have to deal with the park. If you go to the last page of the Nevada Revised Statute portion, it defines what a community facility is under paragraph 7; "D" is a public park, "C" is a playground, "E" A center or facility, the primary purpose of which is to provide recreational opportunities or services to children or adolescents. Brad clarified for me it's currently zoned a R-1-75; this is the same zoning as the remainder of the subdivision. The County in '93 classified it as a park; it still has park like features, including a cabana with some

benches and picnic tables and that falls under this definition of a community facility. To address Ms. Hewko's concerns, the reason we're having the public hearing today is to address the concerns of the citizens of the City of Ely. Mr. Kaamasee said it's always belonged to the Tribe; he is correct. It's always belonged to the Tribe; the problem is it's not held in trust, so it falls under the guidelines of the City and the State. Back in October, everyone proceeded under the impression that the property was held in trust. We received that letter in November, a copy of which has been provided to each of you previously and in the minutes of the City Council, establishing by the BIA that it's not held in trust, it's held in fee status.

Councilman Carson asked is there a chance that in the future it's going to revert back to the Trust?

City Attorney Odgers stated that's an incorrect term. It's never been in the trust. So until it becomes part of the trust, which from all my investigation takes about eight years, . . . It's my understanding the Tribe is contemplating placing it in trust.

Mayor Van Camp stated I received Mrs. Evers' letter – we all did - and I contacted here; she asked me all kinds of questions. I also contacted Mr. Dice and he was able to help me with some of the particulars. I was up at the Grow facility - Jolene, Bob and myself took a tour; it's very high tech and well done.

Councilwoman Gardner stated everything's computerized. They've got new plumbing.

Mayor Van Camp stated they've got new plumbing. It's a state of the art facility and we should be proud to have it. I talked to her for over an hour and twenty minutes on the phone and she was reassured this was a good operation for the neighborhood and no impact. I understand you folks are going to paint the building and do some beautification too.

City Attorney Odgers stated the Tribe has installed a commercial meter and the required backflow prevention device, so there's no possibility that any of the water that's being used in marijuana growth would ever be entered into our water system. They're not doing hydroponics, so the issue of chemicals getting in our sewer system and killing the bugs at the sewer ponds is not an issue. There's very specific guidelines relative to how you dispose of the soil once it's expired; NDEP requires a very specific process. We received a copy of the standard operating procedures for how the Tribe would handle that waste, as well as the waste from the marijuana plants that are not usable; we're working with our Landfill department to make sure that they're up to speed and have a designated location on how we're going to do it. The concerns about penetrating into the ground water seem to be overstated based on the theory that it was going to be hydroponics, but now that we know that it's soil, there's a specific disposal mechanism that's in place by Nevada Administrative Code. So, those safety issues that have been expressed are addressed both in Code and through our interlocal compact with the Tribe.

Cassandra Dittus stated a lot of these concerns are misconceptions. Between the State compact and the City compact, the rezoning and the temporary business license, a lot of these concerns have been addressed. We've put a lot of money into addressing these concerns as quickly as we can. One of the bigger concerns is smell mitigation; we've been building marijuana facilities for almost a decade and have worked in communities that issue citations. The crime concern: There's so much security in that facility – cameras, alarms, sensors – and within five minutes of three different law enforcement agencies. We want to make sure it's something that's not a threat to the community.

City Attorney Odgers stated the Planning Commission's recommendation was to table this agenda item because Brad and I still haven't figured out whether we're going to have to go through a full-blown classification, rezoning like we're doing today, or if we have to deal with the County Assessor's office in re-designating what that facility is. Irrespective of how it goes forward, the canopy and park benches that are there will have to go away; it cannot be used as a community facility and still be able to issue a license. We're six weeks into the Tribe's temporary license.

Diana Buckner stated I'm Diana Buckner. I'm Chairwoman of the Ely Shoshone Tribe. We addressed that issue with the park some time ago. It is now Tribal Gardens. There are two hoop houses and we're going to put in a third. There's not many children up there anymore. We

haven't utilized it as a park for quite some time. We're trying to work with whatever we need to do to accommodate what the City, County and our community needs to go forward with this. We would like to see you approve this, pending resolution of the park.

Councilman Hanson asked you've addressed all of the concerns except for property values.

Cassandra Dittus stated that building doesn't look any different as a cultivation than it did as offices.

Councilman Hanson asked based off your experience in Colorado.

Cassandra Dittus stated my father is in the real estate industry and he's watched values go up and up. Discretion is the name of the game.

City Attorney Odgers stated Brad did indicate that the park at the Highlands was 260 feet or 280 feet.

City Building Official Christiansen stated I used Google Earth and Pictometry

City Engineer Almberg stated Pictometry has much better pictures.

City Building Official Christiansen stated I called the Attorney General's office; they are supposed to be sending me something responding to 'how do we come up with the 300 feet'. Is it as the crow flies or around the building?

City Attorney Odgers stated we did receive new regulations that I forwarded on to the Tribe's attorney.

Councilwoman Gardner stated I think we should move forward with the zone change with the contingency of re-classifying the park.

Mayor Van Camp asked is that a motion?

Councilwoman Gardner stated I make a motion to that.

City Attorney Odgers stated you could approve the zoning and table the Special Use permit.

Councilwoman Gardner amended her motion to reclassify 16 Shoshone Circle's zoning to C-2 and table the Special Use permit. Councilman Hanson seconded the motion. The motion carried unanimously.

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

A. CONSENT AGENDA

MOTION: Move to approve the Consent Agenda items 8A-1 Minutes & 8A-2 Bills.

Moved by Councilman Hanson Second by: Councilman Carson Vote: Unanimous

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

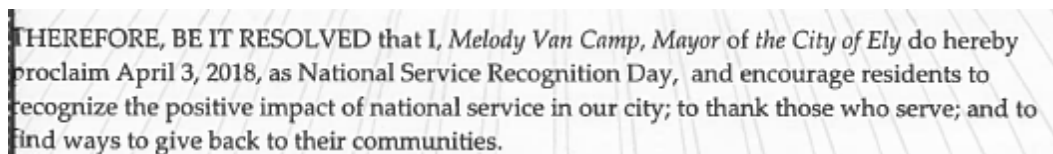
B. NEW BUSINESS

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.

WPC RSVP Representative Cozette Eldridge read the National Service Recognition Day proclamation appearing below and stated RSVP is a non-profit organization to help the elderly stay in their homes for as long as possible.



Mayor Van Camp read the final paragraph of the National Service Recognition Day proclamation (appears below).



Councilman Hanson moved to approve the proclamation declaring April 3, 2018 National Service Recognition Day in the City of Ely. Councilwoman Gardner seconded the motion. The motion carried unanimously.

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.

Councilman Hanson moved to direct the 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. Councilman Carson seconded the motion.

High Desert Trail Blazers President Terry McIntosh stated my last name is “McIntosh”. We’re in alignment with designating these streets. We don’t have a problem except with the helmet restriction.

City Attorney Odgers stated there are statutory provisions that require the helmets.

Terry McIntosh stated I would like you to help us lobby against that. Utah and Arizona have no helmet restrictions on OHV; we should align ourselves with neighboring states so visitors don’t have problems when they come to ride here. We would like our club to be involved with the writing of the ordinance. It would be beneficial to Ely for recreational and economic programs.

Councilman Hanson’s motion carried unanimously.

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.

Mayor Van Camp stated I’m a vendor in Arts in the Park and will abstain.

Mayor Van Camp passed the gavel to Mayor Pro Tem Hanson.

Councilman DeFelice moved to approve the First Reading of Ordinance 711. Councilman Carson seconded the motion.

Councilman Carson asked are you going to price yourself out of competition? We need to save in different areas. From \$2.00 to \$10.00 is a drastic jump.

City Treasurer Trask stated I’m not for giving up money.

Councilman Carson stated I don’t think Arts in the Park should be a money generator for us. It’s a nice thing for the community.

George Chachas stated the \$10.00 may seem like a lot. The Fair and Rec. Board gives out money to Aid to Organizations. Arts in the Park can get help for advertising. A lot of those people coming in are competing against people here struggling day in and day out. I was surprised when I saw the list of those who applied for assistance and they weren’t on there.

Pat Robison stated I think Arts in the Park has been here for years and years. I run into people there from other communities. Don’t make it hard. They didn’t know about what the City Council was planning to do. For the future, give them some notice. This helps Ely. Councilman DeFelice’s motion passed 2 to 1, with Councilwoman Gardner voting Nay.

Councilwoman Gardner stated it has nothing to do with Arts in the Park. I’m thinking about our budget.

Mayor Pro Tem Hanson passed the gavel back to Mayor Van Camp.

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.

City Fire Chief Rivera stated our City Attorney looked over the contract. I will need to upgrade the wage scale to what we currently use.

Councilman Hanson moved to approve the 2018 Operating Plan for the 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, with the changes in wages. Councilman Carson seconded the motion. The motion carried unanimously.

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.**

Councilman DeFelice asked what about not extending anyone's seat? So, anyone who's currently sitting on the City Council board agrees to resign at their voted term and then those seats will be appointed?

City Attorney Odgers asked how do you enforce that?

Councilman DeFelice stated you have an agreement that's notarized and signed.

City Attorney Odgers stated that doesn't make it enforceable because the law allows them to stay in their position until someone is qualified to replace them. We can request an Attorney General's opinion on that. I suggest we table this.

Councilman Carson moved to table this item. Councilman Hanson seconded the motion. The motion carried unanimously.

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.

Councilman Hanson moved to table this item. Councilwoman Gardner seconded the motion. The motion carried unanimously.

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.

City Attorney Odgers stated in the three years I've been here, I've had an opportunity to review minutes from the '70s, '80s and '90s. Prior to the mid-1990s, we made an interlocal agreement with the County for the long-term care of Cemetery plots. In the mid-1990s, we'd get about \$22,000.00 a year and then all of a sudden, it fell off; there's no discussion of events and I've never been able to find anything about it. I've given the DA a 'heads up' that I was going to bring this forward. I would need your permission for Janette and myself to start that conversation with the County. The County is legally required to have a Cemetery; they can assist us or bury people in Preston. I think our Cemetery expenses are somewhere close to \$100,000.00 a year.

City Trask asked do we have to do our negotiations with the County in an open meeting?

City Attorney Odgers stated no, we're not elected.

Councilman Hanson moved to direct the City Attorney and City Treasurer to initiate negotiations with White Pine County regarding the establishment of an interlocal agreement for City of Ely Cemetery services. Councilwoman Gardner seconded the motion. The motion carried unanimously.

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).

City Treasurer Trask stated this is something that we'll probably do every year. I wouldn't be surprised if I don't come back before fiscal year end.

Councilman Hanson moved to approve the transfer of 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. Councilman Carson seconded the motion. The motion carried unanimously.

9. PUBLIC COMMENT

George Chachas stated I have a great concern in regards to the need to keep the lanes on Aultman. You're not doing much of anything to promote the downtown area. You shrink us down to one lane one way . . . A couple days ago, three mine trucks in a row; if you get behind them, you're not going anywhere for at least a mile. We need to stay 'as is'. Beautify whatever you want, but not allowing four lanes is a problem. You're sending the message 'we're going backward'. In the past I've asked you with concerns to the new *Holiday Inn Express* coming in; we have two junk yards located near where it's going to be located and they do not meet City Code. If you're sincere about improving this area, you better start on main street; that hasn't happened. Councilman Flangas complained about the old Texaco station up here. Again, if it doesn't matter, stay out of Central Ely. Stay out of the poor areas. To date, I've not received any information regarding the return of the 490 linear feet of sixteen-inch steel pipe taken from the Murry Street project by the City Attorney. All City property that is to be disposed must be available to everyone, even me. 825 Avenue I does not have a building permit.

City Attorney Odgers asked Madam Mayor, can I address the 490 linear feet that keeps coming back in front of you?

Mayor Van Camp stated yes.

City Attorney Odgers stated apparently, Mr. Chachas wasn't present or doesn't care that the City Council has already addressed this. It is a moot issue. It came in front of the Council. The Council's addressed this.

10. 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 **7:13 p.m.** Councilwoman Gardner seconded the motion. The motion carried unanimously.

MAYOR

ATTEST