



CITY OF ELY

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

ELY CITY COUNCIL MEETING

April 12, 2018 5:00 p.m. – Ely Volunteer Fire Hall - 499 Mill Street-Ely, Nevada.

1. Mayor Van Camp called the Ely City Council to order at **5:02 p.m.**, led in the Pledge of Allegiance 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 Staff present:

City Administrator Robert Switzer
City Attorney Charles Odgers
City Treasurer Janette Trask
City Engineer B.J. Almberg
City Fire Chief Ross Rivera
City Police Chief Scott Henriod
Deputy City Clerk Jennifer Lee

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

Ely City Council attendance list. April 12, 2018

Christopher Miller	STEVE MARQUEZ
Jaclyn Miller	Mitch Melroarts
MAUREEN UTZELBERGER	George Chachas
HARRY FUNK	
Alexa Mergen	
Tatiana Salazar	
Bob Sander	
Kathy Van Camp	
Kenne Smith	
Jodi Gorkowski	
Cheryl Noriega	
Wanda Allen	
Scott Henriod	
Robert Noel	
Ray Sempoc	
Ray McMillan	
Andrea Hayes	
Ray Rivera	
Annelle Marshall	

2. PUBLIC COMMENT

Kerri Pintar stated Kerri Pintar, 1417 Mill Street. NRS 266.285(2) Provision of Utilities: The City Council may any charges due for services, facilities or commodities furnished by any utility owned by the city is a lien upon the property to which the service is rendered and must be perfected by recording with the county recorder a statement by the city clerk of the amount due and unpaid describing the property subject to the lien. I would call your attention to the first statement following Provision of Utilities: The City Council may. I random sampled three proposed liens and one lien release in the City Attorney's Lien report on today's agenda and would like to share my findings. Proposed \$1,876.30 for Michael Venturino, 1035 Avenue I; a lien was filed against *1st Nationwide Mortgage* for utilities owed by Bruce Hendrix, deceased. The bank subsequently repossessed its property. The bank then sold that property to Dave Weaver. The lien was not filed against Bruce Hendrix's first lien and the parcel number the City referenced was wrong; therefore, it was not caught in the title search. Mr. Weaver then subdivided the parcel and built two new homes; one was given a new address. Now you're coming forth trying to attach a lien for Bruce Hendrix, again deceased, utility services against only one of the two new current owners. However, neither owner should be responsible. This is wrong, period. Just because you may, doesn't mean you should. Where does common sense enter in? Proposed lien for \$883.23 for George Chachas at 490 High Street; again, I'm dumbfounded. Mr. Chachas purchased this property from a County Trustee under tax sale on May 19, 2017. Subsequently, a lien was filed on June 13, 2017 for \$523.49. Again, the previous owner, Ms. Birmingham, incurred the charges and yet, now you're choosing to place an additional lien against Mr. Chachas; this is wrong, period. Just because you may doesn't mean you should. Where does common sense enter in? This one's my personal favorite: Proposed liens for John and Catherine Muller at 309 Aultman Street totaling \$1,322.49. What's of particular interest to me is this is a four-plex with two units showing a credit balance, totaling \$535.92 and two units owing monies totaling \$1,858.42. How in good conscience can you place a lien on four units when monies are only owed on two. Can't credits be transferred for the money owed? Again, I can't be the only one who thinks this is wrong on so many levels. Under liens released for Mark Mottar on 14 6th Street, the original lien was placed on February 15, 2015 against owners Reed and Jimmy Sue for Boyer for unpaid utility services. Mr. Mottar purchased that property from the County Trustee on May 19, 2017.

Councilman Carson asked may I have that NRS number?

Kerri Pintar stated it's 266.285.

City Attorney Odgers stated which is augmented by NRS 444.520.

Julie Gianoli stated Julie Gianoli, citizen of Ely. I'm here today to address the animal cruelty currently happening in our community. I cannot stand here before you today telling you I read the most recent article in the *Ely Times*; I did not. I could not. I read the headlines and then turned the page to see a picture of 'the box' and found it so horrifying and disturbing that I could not bring myself to read the article. I even questioned my ability to make a public comment today for fear that I wouldn't be able to maintain my composure. However, this issue is too important to ignore. I cannot simply put my head in the sand and pretend it is not happening. Please, please do something to stop this cruel and inhumane treatment of the homeless and unwanted animals in our community. Take PETA up on their offer to help. Please, look carefully in your budget and your hearts and find a way to stop this unbelievably cruel process. To quote Gandhi: The greatness of a nation and its moral progress can be judged by the way its animals are treated. Don't let the City of Ely be judged as a cruel and inhumane community.

Alice Souza stated I am proud to say I am the grandmother of Marco Palczewski. What he did maybe wasn't right, but then what the City is doing is not right either. Marco is a disabled veteran and helps old people like me with their garbage, who can't haul their own trash anymore. I need help lifting stuff. This last year I have been crippled up and taken a lot of help from people. He shouldn't have dumped his garbage there, but I'm proud that he objected to the way he was treated. What are you going to do about people that are too old to pay for it? Are you going to make them pay unpaid water bills? This lady spoke about cruelty to animals. I have pictures to prove it. Some years ago, there was a dog in the pound with her mouth taped shut; that dog could barely get her tongue out of her mouth. I complained about it.

Jaclyn Miller stated my name is Jaclyn Miller and I'm here to show my support for our animal shelter in having the gas chamber removed and humane euthanasia take its place. Death by the gas chamber is cruel and barbaric; it is a horrible way to end an innocent animal's life. How people treat animals and allow them to be treated is an example of their character. Our animals deserve better and us as a community are better than this. Thank you.

Pat Robison stated Pat Robison, citizen of Ely. Of course you know I'm all about the animals. I would like to add something that I just thought of. A lot of times animals are impounded that belong to the elderly and they can't always afford to pay to get them back out. When it's a senior citizen - if they could have some kind of a discount - it would help them get their beloved pets back. The little dog - it's name is Crazy - on the front page of the paper, the lady is in McGill and she's a senior citizen; it would cost her \$140.00, so she couldn't afford to do it. If we look into what their problem is or if they can make payments because sometimes they do just escape. I'm assuming this dog's name is Crazy for a reason.

Councilman DeFelice asked do you have a way to get in touch with her?

Pat Robison stated I don't, but I'm sure Andrew, the Animal Control Officer, would know who she is. I know that she called, but couldn't pay the money.

Alexa Mergen stated I'm Alexa Mergen, a citizen of Ely. I see there are a number of animal related issues on the agenda tonight. I want to urge the Council to consider the creation of a volunteer core that could support the City workers in Animal Control. I did some research and Yerington has a program we could emulate and we have permission from the City of Yerington to copy their forms; they have a liability release form, an outline for how to recruit volunteers, a volunteer agreement and it's all good to go. A volunteer core like that could support Animal Services and free up City employees to do the work they need to do by supporting administration, answering phones, training animals, and socializing animals. Such a volunteer core could be applied throughout the City in other places as well. Next week is national volunteer week, so it would be cool to have volunteers all throughout Ely helping out.

George Chachas stated I'm here to talk about the City's inhumane treatment of the local human population. On your agenda Item 9B-1, you're to consider requiring the Nevada Northern Railway Foundation to pay for its annual audit; they have plenty of money to pay for their audit and they need to comply with the Nevada Open Meeting Law, since they receive \$250,000.00 or more from tax money. The Foundation has yet to provide information that I asked for back in October of 2015. The Foundation has yet to address the nepotism violation in regards to Mr. Bassett as manager and his wife as bookkeeper. On your agenda Item 9C-4, you're to consider creating an animal control advisory board; that type of board is not needed and the City Council needs to do its job. On your agenda Item 9C-8 you're to consider eliminating the annual dog license, extending it to the three-year rabies vaccination period which will cause a loss of revenue and a three-fold increase in the fee. Within that three year period, the dog may run away, may be given away or may pass away. You need to leave the ordinance as is. In the news article in the newspaper dated April 6th, the City fined a veteran \$355.00 for taking his trash to the landfill, for not having his paid receipt or something to that effect. I was under the impression the names would be checked on the computer at the landfill gate from various previous discussions that you folks had here at the meetings. Give that person his money back. I've not seen his name on any delinquent list at all. You are selectively enforcing the law. Did you ask *Ely Disposal* for verification for each address that they picked up trash on each entry? Has the City Attorney returned 490 linear feet of sixteen-inch steel pipe taken from the Murry Street project.

Mayor Van Camp stated we've already discussed that. Go forward.

George Chachas stated Councilman Carson, I've yet to receive any information regarding my public information request for the remodeling at 825 Avenue I; Sean Scott was working there.

City Administrator Switzer stated Mayor, Mr. Chachas did receive that information as a public information request.

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

Harry Franke
581 Campton Street,
Ely, Nevada 89301

121

April 12, 2018

775 293-5866

Please read at the City Council Meeting on April 12, 2018

In regards to Animal Control, I want to thank the Mayor and the City Council for taking the time to examine this issue. It is unfortunate that the City has to bear the brunt of problem with strays and unwanted animals. Strays are not an indigenous part of the natural wildlife in this area. They are in large part, the result of irresponsible citizens. In a perfect world, Animal Shelters, City Pounds, and euthanizing wouldn't exist.

I photographed a lot of animals for adoption through the Zoo. I can only recall one person who had a legitimate reason for getting his pet adopted. He was a heart attack victim who couldn't handle his Great Dane anymore. Aside from that case, it was sickening to hear the excuses from owners as to why they needed to get rid of their pets. Animal Control and the Zoo made it convenient to make a lifestyle change. In other words, pass on the responsibility to someone else, or dump the animal!

This is a public issue. I do not want to distract attention from the current agenda being addressed today. However, there is a lot more that can be done to reduce the number of animals coming to the Pound. For example, the availability of a low cost spay/neuter program and animals for adoption could be announced daily on **FM** radio.

Last, I want to thank Andrew for the great job he's doing in Animal Control. I've never met the guy but his reputation is fairly well known around town regarding his efforts to get these animals adopted. My neighbor in Las Vegas was the head of Animal Control. Listening to his stories over 5 years I have concluded it takes an individual with a unique personality to do this job.

Mayor VanCamp and City council, do the right thing! Thank you.

H.Franke



DRY

RECEIVED
4-12-18

TO THE CITY COUNCIL:

We all know that the City uses a carbon monoxide chamber to kill pets. As to the argument that only two pets have been killed in this manner over the past few months, A SINGLE ANIMAL IS TOO MANY!! The effects upon a pet that is placed into this chamber are well-established. The Japanese conducted experiments with CO chambers on dogs in 1969. They concluded that something would need to be done about dogs howling when inside the chamber. Clearly, nothing was done, because animals still vomit and struggle in the chamber as their lungs burn. *It can take more than 30 minutes for an animal to die in this manner.* This method of killing pets is barbaric, and Ely is the only city in the state that uses it.

When Bobby Miller was mayor, no animals were killed using the carbon monoxide contraption. Animal control officers were trained, and all euthanasias were performed using the needle method, for which Andrew is now qualified. The city then cooperated and coordinated with The Zoo in order to place unwanted pets in good homes.

There is no excuse whatsoever for keeping this torture chamber at all. Regarding the argument that some pets cannot be euthanized using the stick method, I have been told that animals are "heavily sedated" prior to being put in the chamber. If you can heavily sedate an animal, you can euthanize the animal at the same time. This is a feeble, calloused excuse for not acting in the best interests of unwanted pets in this community.

I understand that the city recently contacted Brad Christensen in order to determine the cost of a CO monitor at the pound. This doesn't indicate to me that they have any intention whatsoever of getting rid of this monstrosity. Furthermore, apparently, the estimated cost of a CO monitor was \$1600.

As to the argument that the death box is needed for a "backup", the city Council should immediately establish a contract with the White Pine Veterinary Clinic and Eureka Vet Services, which was proposed by PETA weeks ago! That will be your back up. Furthermore, I have offered to pay the vets to do euthanasias until the contracts are in place.

As to the argument that the city does not have funds to install a small camera and a lock box for the euthanasia drug, this does not hold water. If the council is considering sending Andrew to some fandango in Kansas to the tune of \$1600, and a CO monitor at the pound for a comparable amount, surely they have the funds to comply with the State Veterinary Board requirements for storage and monitoring of the drug.

The goal should be a complete and irrevocable policy that ALL discarded pets are euthanized humanely, just as it was when Bobby Miller was mayor.

Leslie Sears

was finally encouraged by the agenda items being discussed/voted on at the meeting tonight that this City Council will finally be progressing toward something positive regarding the last moments of an animal's life that have to die at the city pound. But that was too good to be true as usual. I have since found out that "The Box" is still being considered for use (or back-up use) at the pound, but yet you have these positive agenda item(s) up for discussion??; another Ely City Council fabrication. Which brings up a question I'm pretty sure I've asked before: if these animals are "sedated" before they are put into "The Box", who pays for that sedative and where do you get it? I can only believe that is fabricated as well just to keep misleading the public and why do you keep doing that? Really and seriously, I just don't get it. And how many animals are put down at the pound these days? Not as many since awareness was brought to this community. So the cost to you should be very minimal. Along with PETA, a citizen came forward to help with some of the initial expense for the injection method. There are now (and have been) many people behind the scenes doing their best for these animals and will find homes for them. I do not always agree with the method of finding homes only. Re-homing these animals MUST include assurance of spay and neuter to finally stop the rapid reproduction of unwanted cats and dogs in this community. This by the way (another reminder to you City Council) is in the city ordinance that all animals adopted from the pound must be spayed and neutered and **proof shown within 30 days**.

The City Council can give the Mayor authorization tonight to destroy "The Box", then set a date when to destroy it so it can be witnessed by the public and that will perhaps insure you will not store it somewhere for use at a later date. A vote MUST be taken by the City Council tonight. I can't even believe I am or others are still on this topic.

Finally, to the people of WPCO, you really must consider privatizing an animal welfare organization and get behind it! That would get these governments out of the picture. There will always be a need for a "pound", but only for law enforcement and when necessary, humane euthanasia. The Zoo, Inc. is dissolving very soon and the spay/neuter program will be handed over to "WPCO Critter Fix", managed by Hal and CrisAnn Bybee, so that part of what The Zoo, Inc. has accomplished in this community over the last 11 years will continue.

I do pray for your wisdom,

Brenda Alexander

12:44 PM
JHE

April 12, 2018

Mayor, City Council Members, I would like the following read into the minutes during public comment period at the April 12th City Council Meeting.

During your budget workshop on March 30th when you started discussing the landfill budget you hit on chipping the tree pile. Your Road Leadman said you could chip the tree pile using the chipper the County has stored at their shop. This chipper was bought by a grant through NDEP in approximately 1998 naming the County & City as owners. It was originally set up that the County would do the maintenance on the machine as needed and the chipper would be stored at the landfill with the landfill employees being trained to run it. If the County needed to use it to chip trees in the county a landfill employee had to go with the chipper to run it. In 2002 we had a heavy snow fall the first week of October, which knocked down a tremendous amount of tree branches and we hired the honor camp to come chip the tree branches, they also brought their chipper to help. So we decided in the future we would use them to chip for us when needed. In approximately 2005 we had a tree pile which was smaller than your current pile and after about a month of chipping an inmate decided he didn't want to chip anymore so he through a t-post into the chipper totally destroying the machine. It took over \$20,000 in parts and approximately 130 hours for the County's mechanic to rebuild it. It was then the city decided to use Country Constructions commercial tub grinder to chip the trees. In 2007 the County had the honor camp chip trees for them at the Boy Scout Camp where once again an inmate through a Pulaski into the chipper destroying it again. It cost the County a little over \$15,000 in parts and 104 hours to rebuild it. It would take you forever to chip the trees as you can't count on the honor camp during the summer months because if there are wild land fires or the State of NEVADA or BLM has projects they will get done first because they pay the honor camp between \$250 & \$500 per day verses you paying them \$100 per day. You also have to change the cutting blades about every 4 days at a cost of \$400 per set, plus the cost of fuel. In the long run it is going to cost you more to use the chipper versus using Country Construction.

It will probably cost between \$10,000-\$12,000 to chip the current tree pile as it hasn't been chipped since approximately 2013.

If you are hurting for money to pay for chipping take the owner of the Town & Country Motel and the old Ely Grade School to court and make him pay his bill which is \$13,623.13 between the two properties. Make your Attorney get off his butt and start prosecuting these delinquent accounts in district court, as the courts will get your money for you now and not having to wait to see if the property ever goes up for sale before you can try to collect tour money from a lien. That is if the new owners don't go before the Council to have the back landfill fees fore given.

Rick Stork



April 12, 2018

Ely City Council

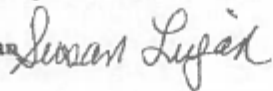
To Whom It May Concern:

I should like you to seriously consider removing the gas chamber for animals. It is very inhumane. I wonder how many states still use those for human beings, and how many have ceased doing that in favor of a more humane method of execution?

For execution it is. I won't beleaguer the issue of how people need to take care of their animals by neutering/spaying when they are young; many don't care, most probably don't want to spend the expense. There are options in our community that do provide that service at very little or no cost, I'm sure. Nonetheless, there are NO EXCUSES for not spending a pittance to send our Animal Control Officer to be certified in this more humane method of service for these animals. No excuses. Period. Find the money. Just do it. Yes, I am passionate about this issue but I've hereby registered my feelings and hope you can find the compassion in your membership to do the right thing. Thank you.

Just fyi, there's no greater love we can show than to adopt animals from the pounds and shelters!

Susan Lujan



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

City Attorney Odgers stated I received an email from Chris Stanko, the attorney for the Nevada Northern Railway Foundation, requesting to remove Item 9B-1.

Council Hanson moved to strike Item 9B-1.

Councilman Carson asked why did he want that removed?

Councilman Hanson stated the reason I was given is we've got the Development Agreement coming up for renewal in July and there's additional items in there besides this one, so we'd just do it all at once.

Councilman Carson seconded the motion. The motion carried unanimously.

4. CITY DEPARTMENT REPORTS

- FIRE CHIEF

Councilman Carson asked are you going to start advertising to fill a vacant spot?

City Fire Chief Rivera stated I hope so.

- POLICE CHIEF

Police Chief Henriod gave the City of Ely's quarterly report appearing below.



Sheriff Scott Henriod
Deputy Jailme Swetich

WHITE PINE COUNTY SHERIFF'S OFFICE

1785 Great Basin Blvd.

Ely, NV 89301

Phone: (775)289-8808

Fax: (775)289-1468

STATISTICS FOR THE CITY OF ELY JANUARY 2018-MARCH 2018

INCIDENTS: 2022

TRAFFIC STOPS: 458

CITATIONS: 139

FELONY ARRESTS: 12

GROSS MISD ARRESTS: 2

MISDEMEANOR ARRESTS: 39

NEW BOOKINGS: 82

BOOKINGS FOR PREVIOUS ARRESTS: 20

TOTAL DAYS SERVED IN JAIL: 690

Mayor Van Camp stated thank you.

Councilman Flangas stated it was brought to my attention from some people, how many deputies do you have on your staff?

Police Chief Henriod stated twelve.

Councilman Flangas stated this came from some people in McGill; they would like to know approximately how many hours a week do your deputies spend in Ruth, McGill, Lund and Baker.

Police Chief Henriod stated we have no mechanism to track that. I could do it by calls.

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. Councilman DeFelice – Public Hearing – Discussion Only – Approval of Second 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.

Alexa Mergen stated my name's Alexa Mergen. I'd like to urge the Council to vote against this. Not all non-profits are charities. Some are hobby groups and can pay the additional \$8.00. What do other cities charge? I'm reading weekly about how tight the budget is. You would be foregoing \$1,000.00 in revenue and sending the wrong message around the State and beyond, what kind of a place Ely is that it's not a place to go cheap. Less isn't always better when you're talking about just an \$8.00 difference. When people come here for their events, they're getting an amazing city that's clean, with beautiful parks and lots of free parking.

Annette Marshall stated I'm from the Bristlecone Arts Council. It's important to understand that Arts in the Park is a two day event; when we do that, the Bristlecone Arts Council pays that fee and we have been doing that for thirty-four years. When you have a hundred and something vendors, your cost for the weekend becomes very high, \$1,500.00. We recently raised that rate for vendors up to \$90.00 to \$75.00; if we turn around and do that to them again, we're going to lose vendors. Saw this happen in Elko; they raised their rates two times in a row and lost almost fifty percent (50%) of their vendors. The bottom line for the City, tax revenue goes down. We have people who travel in to the City specifically for this event

as vendors and also those that come on a yearly basis to the event; that means motel rooms, gas, restaurants, and all the things related to that. I would encourage the Council to proceed with the \$2.00. One of the things that was mentioned to me was 'You're asking for an 80% decrease'. We've received an eighty percent (80%) increase. We are just asking for that to come back down. We were not prepared for it and when it happened, it's a huge amount of money, from \$500.00 one year to over \$2,000.00 the next year.

Ray Rivera stated I'm Ray Rivera, the treasurer for Bristlecone Arts. I've been working some numbers over our accounts five years regarding the income we've had come in and expenses. Over the past five years, we've had \$81,815.03 in income come in; as far as expenses, we've had \$79,963.83 go out. That gives us a net profit over five years of \$1,851.20 or approximately \$370.00 a year. I understand that the City is having budget problems, but I do think it would be fair to go to that decrease, to \$2.00 per vendor per day from \$10.00 per vendor per day, because if this continues with what we're bringing in, as Councilman DeFelice said, we are going to run out of money and through attrition, Bristlecone Arts will cease to continue. You have to look at it as: Would you rather have some money come in or no money coming in at all? We'll lose the vendors and won't be able to have the event.

George Chachas stated I'm not a big fan of cutting any fees you've set in the past. I support Bristlecone Arts in the Park; they do a great job, but they also compete against local businesses. They have a way to mitigate their costs which they haven't done yet. I told you the Fair and Rec. Board has monies available to those that bring events in and no one has gone before that board. We pay \$385,000.00 in salaries at that structure and we're not helping our local businesses and organizations. That fee needs to stay there. You need to go to the Tour and Rec. and ask for some mitigation fees to help them with their advertising and other costs they may incur like landfill charges. You can help them out that way. The taxpayer is paying that money, it's sitting there; don't squander it on staff that aren't doing their job.

Annette Marshall stated for clarification, Bristlecone Arts has shouldered the cost of landfill fees, security and all costs related with the event, so that's not coming out of anybody else's pocket but ours.

Ray Rivera stated to echo Annette, she's absolutely correct. The cost to the City and County for holding this event: I can't see any. We have to pay for our own dumpsters, sanitary septic service for additional restrooms, handwashing stations, security. There's not any additional costs that I can see that would be shouldered by City or the County. We also have to pay the County for use of the park for those two days.

George Chachas stated those costs that those folks are talking about are not passed on. They have a way to mitigate them. Everybody pays the same. They can go to Fair and Rec. Board, ask for additional help; they haven't done that. You have fees that you've set in place; either you adjust them all for everybody or we live with what we've got. I don't want to see that event go.

Pat Robison stated this event is so important to our community. These costs were sprung on everybody this year. It would be more fair to go back this year with the \$2.00 and next year, how about if we go an in-between price, and let them know ahead of time they're going to have this extra cost so they can prepare for it. From what I understand, this was a total surprise to them. I hope the Council will vote for the two dollars. I've been a citizen for a long time and this event brings in a lot of people and helps our whole community, plus the families that come out for it.

Mayor Van Camp passed the gavel to Mayor Pro Tem Hanson and stated I'm a vendor with Bristlecone Arts and as a result of this, I will be abstaining.

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

1. Councilman DeFelice – Discussion/For Possible Action – Approval of Second 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.

Councilman DeFelice moved to approve Ordinance 711. Councilman Flangas seconded the motion.

City Attorney Odgers asked are you moving to approve the Second Reading?

Councilman DeFelice stated yes.

Councilman Flangas stated yes.

Councilman DeFelice's motion passed 3 to 1, with Councilwoman Gardner voting Nay.

4. CITY DEPARTMENT REPORTS

- CITY ADMINISTRATOR

City Administrator Switzer stated B.J. and I attended the Board of Directors meeting with the Museum last night and B.J. made the proposal for the re-routing of the storm drainage to a different location that was less of a problem for *Mt. Wheeler* and looks like it will be less of an issue with the Museum itself; they approved that and B.J. contacted NDOT to let them know of their decision. The change in our landfill policy has resulted in more transactions being completed. We ran an analysis for a fourteen-day period before we enacted the change in the policy and then a fourteen day period after we enacted the policy. Our customer count, number of transactions, increased 112 over the previous one before we started the new policy. Primarily those were individuals paying on their past due accounts and in several cases, it was also individuals coming into City Hall who have never had a landfill bill and they wanted to open one up, so they could have access to the Landfill; we gained \$3,841.00 in revenue.

Councilman DeFelice stated B.J., could you explain what the changes were?

City Engineer Almberg stated the existing display of the Depot was put over the top of the existing storm drain, so NDOT has to re-route it around that facility. The Museum is private property, so they had to get an easement from the museum to go through the property in a different location. Five months ago, we met with the Museum with a proposed location; they agreed to it and requested to keep it as close as possible to the Depot display building, but that location conflicted with some *Mt. Wheeler Power* facilities that would have to be moved. *Mt. Wheeler* could move those facilities, but it would be a cost to the project. So, NDOT and *Mt. Wheeler Power* worked together for another route through there. The Museum wanted to keep as much of their yard as possible to build another exhibit building. What NDOT proposed last night was to build it within the same easement as *Mt. Wheeler Power*, so as not to affect any Museum property. The power company was also at the Museum last night and they were very supportive.

City Administrator Switzer stated *Mt. Wheeler* may have spent an extra year to re-locate three poles. This keeps us on schedule for starting construction next spring.

- CITY ATTORNEY

City Attorney Odgers stated with the changes made to the landfill program, we've also had a lot of people paying off their liens. The Liens report in your packet shows the liens resolved in the last month. Today I had four people in my office talking about liens on their properties.

- CITY ENGINEER

City Engineer Almberg stated we completed right-of-way exhibits for Chuck. We're working on the small lined pond at the Landfill and will get a contractor on board the first meeting in May; that pond was approved as part of the expansion of the Class III area. I had a meeting with the Governor's office on broadband. We've been doing a lot of coordination with NDOT on our Aultman project and are working to update our water model for the community.

City Attorney Odgers stated I'd like to have a litigation session after the meeting on two items.

5. NNRy FOUNDATION REPORT

Councilman Hanson stated Mark has asked to be excused; his report (appears below) is in our packets.

NEVADA NORTHERN RAILWAY

A NATIONAL HISTORIC LANDMARK



Nevada Northern Railway Foundation

Depot: 1100 Avenue A, Ely, Nevada 89301

Mailing Address: PO Box 150040, Ely, Nevada 89315

Voice: (775) 289-2085 • Web: www.nnry.com • E-mail: info@nnry.com

Monthly Operations Report for March 2018

1. Locomotive Status – Updated
 - a. Locomotives in service: #40, #93, #105, #109, #204, #310, Wrecking Crane A & Rotary B.
 - b. Locomotives out of service needing moderate repairs: #45 – We have started repairs on this locomotive.
 - c. Locomotives waiting funding for restoration: Steptoe Valley Smelting and Mining #309, #81 and Rotary Snowplow B (for boiler overhaul.)
 - d. Locomotives out of service needing heavy repairs #801, #802, #81, #80 and the military locomotives
2. Rolling Stock Status – No change
 - a. Passenger equipment in service: #07, #08, #09, Flatcar #23, Coach #5, Baggage Car/RPO #20, Outfit Car #06.
 - b. Passenger equipment out of service: #10, #2 and #05 needing heavy repairs.
 - c. Cabooses in service: #3, #6 and #22 are operational.
 - d. Cabooses out service: #5
3. Track Status – No change
 - a. Keystone Branch is open
 - b. Adverse Branch is open.
 - d. The Foundation received a \$347,670.22 grant to replace the signals at the US 93 crossing. The parts for the crossing have finally shown up. We will do the construction in the spring.
4. Building Status – No change
 - a. We're working on the Carpenter Shop.
 - b. McGill Depot - Our next step is to do the electrical work, outlets, switches and lights.
 - c. The garage that was hit by a car is repaired. This project is complete.

Award Winning Destination

Best Tour in Rural Nevada – 2017
Nevada State Treasure – 2013 & 2012
Trip Advisor Certificate of Excellence – 2017, 2016, 2015, 2014
Best Preservation Effort in the West • Attraction of the Year – 2012
Best Museum in Rural Nevada – 2017, 2016, 2014, 2013, 2010, 2009, 2008
Best Museum - Special Recognition – 2010 • Favorite Nevada Attraction – 2008
Best Event in Rural Nevada – The Polar Express – 2017, 2016, 2015, 2014 & 2013
Best Place to Take the Kids in Rural Nevada – 2015, 2014, 2013, 2012, 2011, 2010, 2009, 2008, 2007

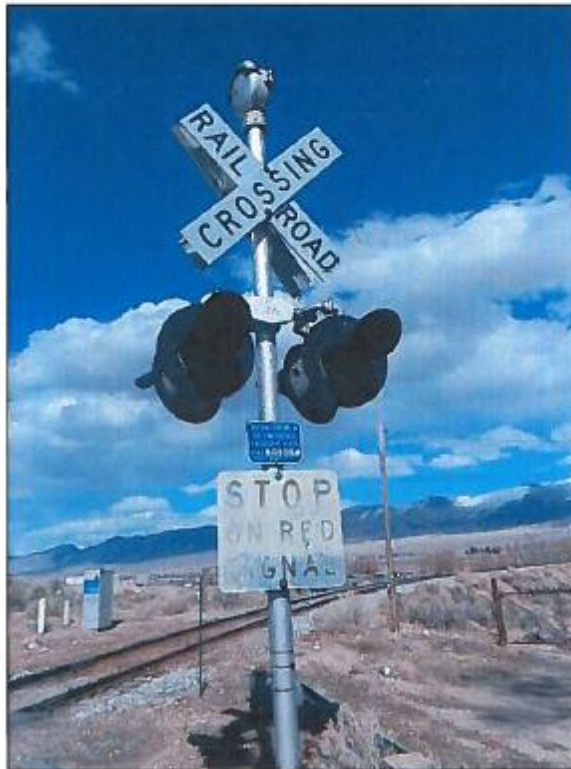
5. Ridership and Ticket Sales – Updated

- a. In March we carried 223 passengers. We usually don't operate in March. We ran a single train last March and it was well attended. Based on that success we added three trains to March this year. The results justified adding the trains. Based on this year's success we will be adding additional trains to March in 2019.
- b. Our annual ridership stands at 745. This is an increase of 308 passengers or 70% over last year. 2017 was the largest year we have ever had, our challenge will be to top it, early indications are that we will.
- c. Since operations began in 1987, we have carried 274,072 passengers.

6. Stolen Railroad Signs

We have experienced three robberies of railroad signs. The first were a set of cross bucks at Lackawanna crossing. The second was a Stop Sign at the Avenue C crossing and the third was a Railroad Crossing Warning Sign also from the Avenue C crossing. The Sheriff's Department have been notified each time and a report was filed. A reward press release was sent to the paper.

We have replaced all of the stolen signs except the Railroad Crossing Warning Sign. The photo below is the Lackawanna Crossing signals. The signs that were stolen were a set of the signs that say RAILROAD CROSSING.



6. REPORTS

CITY COUNCIL

Councilman Flangas stated I've had several people call me and ask if 1425 Aultman Street is part of the City of Ely's beautification program.

Mayor Van Camp stated that's the firewood place.

Councilman Flangas stated yeah. I was quite disappointed to see such a mess, and something should be done about it.

City Attorney Odgers stated I'm aware of the issue. We can put it on the agenda to have a conversation about it.

Councilman Flangas stated thank you. I've had several calls and they didn't think it was appropriate on a main street.

MAYOR

Mayor Van Camp reviewed her report appearing below and stated we have the Recycled Art contest on display at the Museum; the prison has joined in and Warden Filson will give a talk on the recycled contraband from the inmates.

MAYOR'S REPORT **April 12, 2018**

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

- Randy & Lori Long for the Rocky Mountain Elk Foundation banquet at the Convention Center on April 14, 2018.

2. I approved road closures to:

- Silver State Classic Challenge for Clark Street from 8th Street to 10th Street AND 8th Street from Aultman to Clark Street for Technical Inspections on May 18, 2018 and September 14, 2018 from 8:00 a.m. to 1:00 p.m.
- Silver State Classic Challenge for the Parade of Cars on designated City streets May 18, 2018 from 5:30 p.m. to 6:30 p.m.

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

A. CONSENT AGENDA

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

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

1. Discussion/For Possible Action –Minutes.

- March 8, 2018

2. Discussion/For Possible Action –Bills.

- March 21, 2018
- March 29, 2018

Councilman Flangas stated I'll have to abstain from the March 8, 2018 Minutes as I was not present, except for speaking on the telephone on Item 9B-1, which I approve.

C. NEW BUSINESS

1. Mayor Van Camp – White Pine County Wildlife Advisory Board Members – Discussion//For Possible Action – Approval of letter in support of the Comins Lake Project.

Ray Sawyer stated Nevada Department of Wildlife has proposed major upgrades to the Comins Lake area of a boat dock, boat ramp, and four different picnic areas. The estimated cost of this is \$703,000.00. The Department has secured \$100,000.00. Our game board has received in donations \$15, 500.00 as of right now, which are all available for a 3 to 1 match. We've written a grant through the Heritage Grant Fund and they've requested that we get community involvement; that's why we're here asking for a support letter. There's no cost to the City.

Councilman Flangas asked do you have landscaping plans to plant trees?

City Engineer Almberg stated there's no landscaping.

Councilman Flangas stated it needs it.

Councilman Carson moved to approve a letter in support of the Comins Lake Project. Councilwoman Gardner seconded the motion. The motion carried unanimously.

2. Mayor Van Camp – Ely City Tree Board Representative – Discussion/For Possible Action – Approval of Proclamation declaring May 12, 2018 as Arbor Day in the City of Ely.

Mayor Van Camp read the 2018 Arbor Day Proclamation appearing below.

Whereas, In 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees, and

Whereas, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska, and

Whereas, Arbor Day is now observed throughout the nation and the world, and

Whereas, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce life-giving oxygen, and provide habitat for wildlife, and

Whereas, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products, and

Whereas, trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community, and

Whereas, trees, wherever they are planted, are a source of joy and spiritual renewal.

Now, Therefore, I, Melody Van Camp, Mayor of the City of Ely, do hereby proclaim May 12, 2018 as



In the City of Ely, and I urge all citizens to celebrate Arbor Day and to support efforts to protect our trees and woodlands, and

Further, I urge all citizens to plant trees to gladden the heart and promote the well-being of this and future generations.

Dated this 12th day of April, 2018
Mayor _____

Councilman Hanson moved to approve the proclamation declaring May 12, 2018 as Arbor Day in the City of Ely. Councilwoman Gardner seconded the motion. The motion carried unanimously.

3. Council Members – City Attorney Odgers – Discussion/For Possible Action – Presentation and Acceptance of Maddie's Pet'Project grant in the amount of \$1,600.00 for the City of Ely's Animal Control Officer to attend the Humane Society of the United States'(HSUS) Animal Care Expo in Kansas City, Missouri May 15-17, 2018; the grant covers Conference Registration, Lodging, Airfare, and other travel expenses.

City Attorney Odgers stated I received this offer of a grant - it was unsolicited - from a Humane Society member in Vegas; they're wanting to send Andrew to train him better on placement of animals on their dime; he would be gone for an entire week. Other staff would have to supplement while the Animal Control officer is gone. Andrew is excited at the prospect, but understands if the answer is no. I've likewise been in touch with these folks on some other potential grants.

Councilman Hanson moved to accept Maddie's Pet Project grant in the amount of \$1,600.00 for the City of Ely's Animal Control Officer to attend the Humane Society of the United States' Animal Care Expo in Kansas City, Missouri May 15-17, 2018. Councilman Carson seconded the motion. The motion carried unanimously.

4. Mayor Van Camp – Councilwoman Gardner – Discussion/For Possible Action – Approval of First Reading of Ordinance 712, Bill No. 2018-05, An ordinance creating the Animal Control Advisory Board, City Code Title 2, Chapter 4, setting membership requirements, terms of office, appointment procedures and authority of the newly created Advisory Board, establishing procedures for conducting of business and establishing the meeting dates.

City Attorney Odgers stated I was asked to create this. Obviously, there's a lot of push on Animal Control issues at this point in time. We have an opportunity to create a Humane Society, but I was told 'we can't do it, it won't survive'. As an alternative for a Humane Society and because we have a lot of issues . . . When we start talking about euthanasia by injection, there's a lot of things that haven't been brought out to the public, what the requirements are going to be. For example, a sanitized table, straps to strap the animal down, a safe, and video on the safe because you have lethal injection medications. The training Andrew went through allows him to euthanize dogs because the medication he was trained on can't be used with cats, so we still have a lot of road to go. It takes an inordinate amount of time for the City alone to go through all these types of things and having a board of this nature would provide additional resources to look for grants to help with the processes and make recommendations to the City Council. It would be my request, based on the people that contacted me, to create this board.

Councilman Hanson moved to approve the First Reading of Ordinance 712.

Councilman Carson stated six months ago we looked at getting rid of the Utility Board and the Planning Commission because they're non-voting boards and take up our staff time. Does the staff have time to take care of another board?

City Attorney Odgers stated it's not the board activity that takes the time relative to this. Ms. Mergen came up earlier and talked about Yerington having a program for volunteers. Our staff is stretched as it is; we can't research or develop those types of programs because we're just trying to get everything done that we have to get done. This board would allow us, at least for the time being, to have a focused group that would be held in public, making recommendations to the Council members. Mr. DeFelice, who is the current liaison now, would be a non-voting board member. It allows us to deal with a large issue by segregating it off with an advisory board.

Deputy City Clerk Lee stated I would be able to do it.

Councilman DeFelice stated I would want the board to do their own minutes.

City Attorney Odgers stated my preference would be that we meet Open Meeting Law requirements.

Alexa Mergen stated I would love to have a picture of what a board would actually do. In my research the boards haven't been very successful. Volunteers can do research and volunteers can write grants.

City Attorney Odgers stated we have never got a volunteer group moving forward with the basics in place. The Animal Control board would do those types of things and take some of the stress away from myself and Bob. We still have a lot to do relative to euthanasia by injection. We're not going to be ready to go by July. The board will be driving policy decisions.

Councilwoman Gardner stated if we approved this board, maybe we could bring in the Humane Society.

Bill Sanford asked what's the cost to the City to develop this board? The Attorney has to be the lawyer for it. My taxes are high enough.

City Treasurer Trask stated give my vote for what he just said.

George Chachas stated volunteers want to do it and it was tried once before. You don't have to have another committee.

Alexa Mergen stated I want to make it clear that I'm not advocating another 501(C)3. If you're going to help animals in this city, it's going to cost you either way.

KayLynn McMurray stated I came before the Council two years ago and the huge issue was the liability. Creating an animal control advisory board will put volunteers to use, calling for grants and donations. If you have a board coming back monthly, it will be effective.

Councilman DeFelice stated the volunteers can go and look for grants, similar to the board.

Kaylynn McMurray stated it's easier to get volunteers through your board.

Richard Lee Wade stated the problem isn't that the dogs are bad. The dog owners are bad. You know Sam Johnson; I got his dog now because both of them died. It is not how you euthanize. This is a nationwide epidemic.

Councilwoman Gardner seconded Councilman Hanson's motion to approve the First Reading of Ordinance 712.

Councilman Flangas stated I recommend tabling this.

Councilman Hanson's motion carried 4 to 1, with Councilman Flangas voting Nay.

5. Mayor Van Camp – Discussion/For Possible Action – Acknowledgment that the Animal Control Officer attended the April 5, 2018 Euthanasia Technician training with the State Veterinary Board due to the generous donation of a private citizen, who wishes not to disclose their name.

City Attorney Odgers stated we are asking for after-the-fact approval and following that, I will be sending off his certification to the State.

Councilman Hanson moved to acknowledge the Animal Control Officer attended the April 5, 2018 Euthanasia Technician training with the State Veterinary Board due to the generous donation of a private citizen. Councilwoman Gardner seconded the motion. The motion carried unanimously.

6. Councilman DeFelice – Discussion/For Possible Action – Direction to the City Attorney to prepare a contract between PETA and Dr. Sanders, with the City of Ely as a third party beneficiary, for the payment of euthanasia procedures until the City has completed the budgetary process.

Councilman DeFelice stated I had given Chuck direction earlier this month to put together an agreement with Doc. Sanders.

Councilman Hanson moved to direct the City Attorney to prepare a contract between PETA and Dr. Sanders, with the City of Ely as a third party beneficiary, for the payment of euthanasia procedures until the City has completed the budgetary process. Councilman DeFelice seconded the motion.

City Attorney Odgers stated I've always prepared contracts when directed by the Council. We have an unenforceable email from PETA, which is not a contract.

Councilman DeFelice stated I think the direction should be that we have multiple backups.

City Attorney Odgers stated that's outside the scope of this item.

Councilman Hanson's motion passed 4 to 1, with Councilwoman Gardner voting Nay.

7. Councilman DeFelice – Discussion/For Possible Action – Direction to the City Attorney to negotiate a contract for Fiscal Year 2018-2019 with Dr. Sanders for purposes of euthanasia by injection until all requirements can be met by the City of Ely for euthanasia by injection, negotiate the fee and other processes for euthanizing an animal in the control and custody of the Animal Control Officer, with the draft contract coming back before the City Council for approval.

City Attorney Odgers stated I need your approval to negotiate on behalf of the City. I would float any contract recommendation I have by the City Treasurer, so she can do a fiscal analysis.

Councilman DeFelice stated I would like to modify this to add Eureka.

City Attorney Odgers stated you'll have to have a separate agenda item.

Councilman Hanson moved to direct the City Attorney to negotiate a contract for Fiscal Year 2018-2019 with Dr. Sanders for purposes of euthanasia by injection until all requirements can be met by the City of Ely for euthanasia by injection. Councilman DeFelice seconded the motion. The motion carried unanimously.

8. Mayor Van Camp – Councilwoman Gardner – Discussion/For Possible Action – Approval of First Reading of Ordinance 713, Bill No. 2018-06, An ordinance amending City Code Title 5, Chapter 3B, Section 5 License Required changing dog licenses to be effective for the period of the rabies vaccination and eliminating the annual dog license and requirement that all dogs be licensed until their rabies vaccination becomes due, approximately three years.

City Attorney Odgers stated I was asked to do this by the Treasurer.

Councilman Hanson moved to approve the First Reading of Ordinance 713. Councilwoman Gardner seconded the motion. The motion carried unanimously.

9. Council Members – City Treasurer Trask – Discussion/For Possible Action – Approval of the City of Ely's Fiscal Year 2019 Tentative Budget, to be filed with the Department of Taxation pursuant to NRS 354.596.

City Treasurer Trask stated I made the changes from the budget hearing, but if you go to page 7 on the first line "General Fund" I am projecting for a beginning fund balance \$354,802.00. Jump to page 8: With all the revenues and expenses, we have an ending fund balance of \$234,722.00, so we are still losing \$120,000.00 that we have not even begun to address. We don't have the money right now to euthanize the animals. I'm not even sure we've got the money to deal with another board, that Jennifer's going to have to do; we're going to be supplying the paper, all the supplies for. So far I've been asked to put money back into the budget for fertilizer. I have also received a request that you guys need to decide on from one of your firemen that would like us to purchase some years in PERS, that's a buyback from him of \$14,431.85; he figured by doing this and retiring, we would bring in a lower paid fireman. Of course, we're already doing it with one fireman that's retiring that we will be buying out his vacation and sick leave, but he doesn't have a lot. On top of that \$14,000.00, there'd be approximately another \$16,000.00 that would be vacation and sick leave buyout. If it was done at a certain point, we could hire a fireman at a starting wage; it would pay for itself within a year and if not, the second year.

Councilwoman Gardner asked can we buy light bulbs yet?

City Treasurer Trask stated getting to them.

Councilwoman Gardner stated street lights, I should say.

City Treasurer Trask stated Animal Control has had a request to increase their supplies by \$428.00 for euthanasia and there will be a possible increase for vet services once we find out what the contract is. I've been asked to give suggestions. One I put together today was the possible increase to the employees' portion of their insurance; I've got that information for you. The budget message has some grammar errors that will be corrected. I'm upset because if we keep going the way that we're going, we will go into default. This has to be approved tonight, so I will need you to be available to sign it.

Councilman Hanson moved to approve the City of Ely's Fiscal Year 19 Tentative Budget to be filed with the Department of Taxation. Councilwoman Gardner seconded the motion. The motion carried unanimously.

10. Council Members – City Treasurer Trask – Discussion/For Possible Action – Presentation and possible acceptance of Major Federal Program audit for the City of Ely, prepared by *Keddington & Christensen, CPA's*.

City Treasurer Trask reviewed the auditor's Opinion appearing below and stated this audit was required by law because of the grant that was administered by the City; it was federal funds over \$750,000.00. They did have a couple findings.

Opinion on the Major Federal Program

In our opinion, the City of Ely, Nevada complied, in all material respects, with the types of compliance requirements referred to above that could have a direct and material effect on the major federal program for the year ended June 30, 2017.

City Attorney Odgers stated Madam Mayor, I suggest you open 11.

11. Council Members – City Treasurer Trask – Discussion/For Possible Action – Presentation and Acceptance of Corrective Action Plan for Findings noted in City’s Major Federal Award Programs Audit.

City Treasurer Trask reviewed the Corrective Action Plan (appears below) for Findings noted in the City’s Major Federal Award Programs Audit.

**CORRECTIVE ACTION PLAN:
MAJOR FEDERAL AWARD PROGRAMS AUDIT FINDINGS**

2017-003: HIGHWAY PLANNING AND CONSTRUCTIONS (Federal-Aid Highway Program) (CFDA 20.205) PROCUREMENT (Significant Deficiency)

Finding

The City does not have a procurement policy in place.

Recommendation

We recommend the City enacts a written procurement policy.

Response

The City has had an undocumented policy that has followed the statutory requirements. The City agrees it should have a written policy and will officially document its procurement policy.

2017-004: HIGHWAY PLANNING AND CONSTRUCTIONS (Federal-Aid Highway Program) (CFDA 20.205) REIMBURSEMENTS (Material Weakness)

Finding

The City did not expend the money related the grant before reimbursement is requested. During our audit we tested four (4) draws on the grant totaling \$1,013,674. All four draws included payments which were not dated until after the date of the draw, totaling \$960,827.

Recommendation

We recommend the City only requests reimbursements for moneys that have been spent and not before.

Response

The City mistakenly requested funds after the costs were incurred, and due, but before payments were made. The City will review and improve its internal policies and procedures related to request timing on grants to prevent this from happening again.

Councilman Hanson moved to accept the Major Federal Program Audit for the City of Ely prepared by *Keddington and Christensen, CPA’s*. Councilwoman Gardner seconded the motion. The motion carried unanimously.

Councilman Hanson moved to accept the Corrective Action Plan for Findings noted in the City’s Major Federal Award Programs Audit. Councilman Carson seconded the motion. The motion carried unanimously.

12. Mayor Van Camp – Discussion/For Possible Action – Approval to appropriate 5% each fiscal year of marijuana revenues to be placed in the Beautification Special Revenue Fund, not to exceed \$5,000.00 each fiscal year.

Councilman Flangas stated I’d like to table this because we have no idea of what kind of revenue we’re talking about or when that revenue may start coming in.

Mayor Van Camp stated we’re asking for \$5,000.00. The revenue was projected at \$160,000.00 plus.

City Attorney Odgers stated the compact between the Ely Shoshone Tribe and the City of Ely relative to the cultivation facility has a six percent (6%) fee that will be coming to the City as an excise fee; at this point, we don’t know what that is going to be. Rough estimates, for every pound that they produce it sells for \$1,650.00 based on the January sales report. The Mayor is seeing if there’s an appetite from the Council to set aside five percent (5%), not to exceed \$5,000.00, for the Beautification Fund.

Mayor Van Camp stated it would be used for spring flowers, bench maintenance, banners, trash receptacles and bike racks. NDOT is coming in with new lighting. There’s no money for the flowers this year, so Jolene and I are picking up that tab. Cap it at \$5,000.00 and let that fund build.

City Attorney Odgers stated we have several funds of this nature; the Railroad Enterprise Fund is one. The next step is to create the actual resolution.

Mayor Van Camp stated we have no money to maintain benches and we also agreed to maintain the trees NDOT is putting in. This would pay for any trees we need to put in.

Councilman Hanson moved to grant approval to appropriate 5% each fiscal year of marijuana revenues to be placed in the Beautification Special Revenue Fund, not to exceed \$5,000.00 each fiscal year. Councilwoman Gardner seconded the motion.

Councilman Carson stated I'd like to see what money we have coming in and what financial shape we're in.

Councilman DeFelice stated a resident told me to have five percent (5%) to go towards the streets.

Councilman Hanson's motion carried 3 to 2, with Council Members Carson and Flangas voting Nay.

10. PUBLIC COMMENT

Kerri Pinter stated Kerri Pinter, 1417 Mill Street. I love to hear you guys say you're responsible for the maintenance and the beautification on main street, but you're also responsible for the budget. Your Treasurer just told you this document you're signing, you're going down and spending the rest of the ending balance of the General Fund next year and you're going to rubber stamp it and send it out; that's wrong. Back to this lien issue, the lien release for Mark Mottar: Originally that lien was placed on February '15 against owners Reed and Jimmy Sue Boyer for those unpaid services. Mr. Mottar purchased that property from the County Trustee on May 19, 2017. The original lien was in the amount of \$4,855.29, yet settled for pennies on the dollar negotiated by whom? The NRS says it's the City Clerk, so was it the City Clerk, the City Attorney? It was settled for \$2,075.80. The lien settled was filed on February 8, 2018 and what's troubling to me about the original lien is it was placed against the Boyers and it's still going to show up on their credit report because your lien release was filed in the name of Mark Mottar. So, where's the justice in that scenario? Madam Mayor, under NRS 266 you're responsible for the City. I would respectfully ask that you step up and do your job. Please do not rubber stamp that lien report and let it be filed without careful review with Mr. Odgers' interpretation. Just because you may do something doesn't mean you should. I'm not against the City placing liens against any individual who receives benefits and incurs said charges, but there has to be some common sense applied to many of these findings. Just because the NRS says you can place a lien against someone because they own that property for a deceased person's bill, that's unfair. The public perception of that amounts to bullying and intimidation from the City Attorney, the City Clerk, yourself Madam Mayor and the City Council. Let's apply some common sense and correct the problem before it goes any further. If the Utility Board has the option to review these, vote and get some common sense applied, I'll throw my name in the hat to sit on that board.

Maureen Otzelberger stated I was on the train and the flag on the hill is tattered.

Mayor Van Camp stated it's been reported.

Maureen Otzelberger stated the lot next to Jack Caylor Park is full of weeds and you know who owns it.

Alice Souza asked does the income from the marijuana compensate for the cost of ruining lives? I asked for the freedom of information act to tell me what became of those dogs. I got a sickening sweet letter of nothing from Switzer; he did not fulfill what was required under the information act. Before you pass a law, all facets of the ramifications should be considered. I pay \$13.00 a month and seldom use that landfill. If you don't have \$5.00, you're not going to get to the dump. Why did you give up on the dog park?

Councilwoman Gardner stated we couldn't get it approved from the public.

Councilman Carson stated nobody wanted it in their neighborhood.

City Attorney Odgers stated it was brought up in '16 and early '17 on two occasions; the comment from the public was they were against it.

Alice Souza asked do I have permission to run my dog at Broadbent?

Councilwoman Gardner stated yes. You just have to bring something to pick up the dog feces.

Bill Sanford stated because of your debut in White Pine Living, you quoted \$300,000.00 and some odd thousand dollars in dump bills; who's responsible for that?

Mayor Van Camp stated it's back landfill County fees.

Bill Sanford asked who didn't do their job?

City Attorney Odgers stated the issue of the landfill fees go back long before anybody on this Council, any of the employees that are here and when I got to the City in January of 2015, it was over \$450,000.00. Since that time, we've been working hard. We've gotten it down to under \$350,000.00.

Bill Sanford stated if I was the CEO of a company and it comes in \$390,000.00 in debt, who's ass is going to go out the door? How many liens did you file in the last two years to get all that money back? How did you settle on three and a half percent (3.5%) of the profits on the marijuana? You want five percent (5%).

City Attorney Odgers stated the law says you can collect a minimum of the bulk sales from a retail sale. Retail sales, the maximum the law will allow under NRS 453D is three percent (3%) of total sales.

Bill Sanford stated as a City you can't put an ordinance in saying that if you want to sell \$100,000.00 worth of dope in the City, you don't have to grow some of it so we get revenue off of that too?

City Attorney Odgers stated no, you cannot.

Bill Sanford stated so I could grow dope in my backyard?

Councilwoman Gardner stated no.

City Attorney Odgers stated you could, but then the Sheriff might pay you a visit. We have a grow facility, so you can't grow within twenty-five miles.

Bill Sanford stated to a certain poundage.

City Attorney Odgers stated no. Not even one.

Police Chief Henriod stated as soon as there is a facility that grows and becomes fully legal - so as soon as the Colony is up and running - you can't grow within twenty-five miles of that.

Bill Sanford stated there's no ordinance if they sell \$100,000.00, are they going to put money into the city in other ways. Where's this 3% going to go?

City Attorney Odgers stated we can't make them donate money to the Boys and Girls Club. By law, that three percent (3%) goes to the General Fund. All we can get is \$30,000.00.

George Chachas stated where I left off on Scott, in addition to not putting a building permit in the window, he has yet to finish the repairs on my roof at 570 Aultman; the State Contractors' inspector signed the roof was finished by *Elko Roofing*. Yet, I was never contacted by *Elko Roofing*. Your staff is selectively enforcing the law and needs to go. There still exists the problem caused by the new installation of a drain under the Railroad track on 7th Street, along my property line near 622 High Street; rip rap along my fence line does not allow ADA access and I cannot do maintenance along my fence line. The project was done under a federal grant and does not meet ADA requirements. Have you brought the utility billing back to City Hall? You've yet to correct billing errors.

Mayor Van Camp stated we've already discussed this.

George Chachas asked why are you paying a CPA accountant in addition to Treasurer Trask?

Mayor Van Camp stated we've already discussed this. Move on.

George Chachas stated I just got another bill and it sucks. The property is inactive, uninhabitable and yet now, last month it was \$766.00 with no past due. I got another bill for \$883.00. NRS 266, Mayor. You are to do a careful supervision and you're not doing it. On August 21, 2017, I presented a request for reimbursement for the expense I incurred for curing a sewer problem at 681 Parker; that was the City's responsibility and an interest rate of two percent (2%) a month is accruing. Federal law prohibits discrimination in any federally funded or assisted utilities. I want my money back. The City needs to retain all four lanes in the downtown area. When there is no traffic, there is no business. You people may not have businesses along there. You're ruining the tax base. You're ruining property values. Madam Mayor, you've yet to give me a response on the condition of the valley gutter by Keith Carson on the corner of Ruby and Orson.

Mayor Van Camp stated we've already discussed that. Move forward.

George Chachas stated there's no action on lack of ADA access on the sidewalks on the encroachment at 790 Avenue K.

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

Councilman Carson moved to adjourn the regular meeting of the Ely City Council at **7:24 p.m.**
Councilman Flangas seconded the motion. The motion carried unanimously.

MAYOR

ATTEST

DRAFT