

Chairwoman Roberts-McMurray called the regular meeting of the Animal Control Advisory Board to order at **5:38 p.m.**, led in the Pledge of Allegiance and asked for Roll Call.

Members present:

Chairwoman Kaylynn Roberts-Mc-Murray
Member Robin Eldridge
Member Tandy Haslem

Members absent:

Member Tracey Greenwell
Member Ramona Maestes

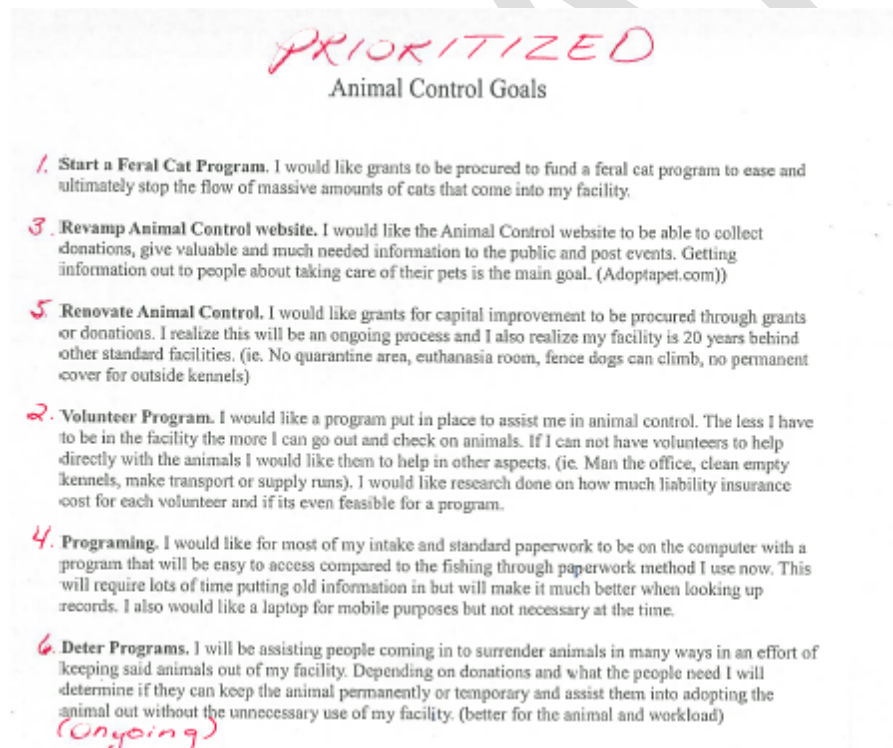
City Staff present:

City Animal Control Officer Andrew Hayes
Deputy City Clerk Jennifer Lee

Also in attendance: Harry Franke

2. Board Members – Animal Control Officer Hayes – Discussion/For Possible Action – Recommendation on Animal Control’s top goals and priorities.

City Animal Control Officer Hayes reviewed his prioritized Animal Control Goals list appearing below.



Member Eldridge asked do you get people that the dog is sick or dying and they can’t afford to go to the vet, so they turn it into you?

City Animal Control Officer Hayes stated yes. If they let their dog out and say 'I'm not going to come get it', then I tell them 'I'm going to cite you for Animal Abandonment, your dog being At Large, and your dog being Unlicensed; 'do you want those or do you want to pick your dog up and take care of it?'

Member Eldridge asked is there more of a fine for a dog that's intact running around than for a spayed/neutered dog running around?

City Animal Control Officer Hayes stated no, the fines are all the same.

Member Eldridge state the shelter software is better; they don't sell it to you. You could approach them if they would give you a break; the one I looked at was \$70.00 a month. The animals need to be micro-chipped before they leave the facility. When I got you guys that scanner, I just had gone to the conference. I didn't need a new scanner, but she said 'if you'll sign up for this many microchips, we'll donate that scanner'. That's a \$700.00 scanner. I got a new scanner and you got a free scanner. So you can work deals with these distributors if you give them a little bit and they like stuff to write off too.

City Animal Control Officer Hayes stated a software program is very important to me because I have several papers on every single animal since January.

Chairwoman Roberts-McMurray stated that's what volunteers would be great for.

Member Eldridge stated that would have no liability, really, if they're not around the animals.

Member Haslem moved to accept City Animal Control Officer Hayes' prioritized Animal Control Goals. Member Eldridge seconded the motion. The motion carried unanimously.

Chairwoman Roberts-McMurray called the regular meeting of the Animal Control Advisory Board to order at **5:38 p.m.**, led in the Pledge of Allegiance and asked for Roll Call.

Members present:

Chairwoman Kaylynn Roberts-Mc-Murray
Member Robin Eldridge
Member Tandy Haslem

Members absent:

Member Tracey Greenwell
Member Ramona Maestes

City Staff present:

City Animal Control Officer Andrew Hayes
Deputy City Clerk Jennifer Lee

Also in attendance: Harry Franke

3. Member Eldridge – Discussion/For Possible Action – Presentation of revenue generating policies for Animal Control, with recommendation to implement any or all of those policies.

Member Eldridge stated in California we printed out a rabies report, handed it over to Animal Control and they would start sending notices out to people that didn't have a license. Since we are required to license our animals, there's no real way to enforce that unless they're picked up. There's all these dogs that aren't licensed that never go out, but they're still supposed to be licensed. Chuck had said our ordinances don't allow for that, but I don't know why those can't be changed. The rabies report has that person's name and address; they never considered it a confidentiality thing. I lived in a rural area. Also, if you had an un-neutered or un-spayed animal, your license was \$100.00 and if your animal was spayed or neutered, it was \$10.00. If an un-neutered or un-spayed animal was out, the fine was way more than if the animal was spayed or neutered.

City Animal Control Officer Hayes stated I'm for that. I think it should be the price of how much it costs to spay or neuter your dog more, so it would be cheaper for them to spay/neuter their dog.

City Animal Control Officer Hayes asked does City Hall send out notices for dog licenses?

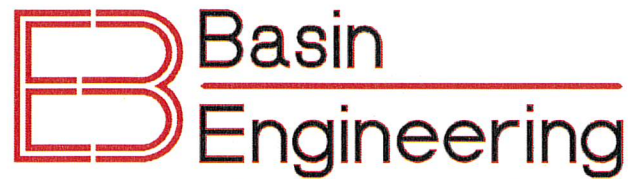
Deputy City Clerk Lee stated I don't know that we do.

Chairwoman Roberts-McMurray stated hence, the volunteer program could help with some of that.

Member Haslem moved to recommend sending out reminders when dog licenses expire. Chairwoman Roberts-McMurray seconded the motion. The motion carried unanimously.

Chairwoman Roberts-McMurray moved to recommend requiring local veterinarians to provide the City of Ely a monthly list of owners who have had their dog(s) vaccinated for rabies. Member Eldridge seconded the motion. The motion carried unanimously.

Member Eldridge moved to recommend a differentiation in licensing cost between altered and unaltered animals. Unaltered animals would cost \$100.00 more to license unless the owner has a Breeders license. Chairwoman Roberts-McMurray seconded the motion. The motion carried unanimously.



Consulting Engineers & Land Surveyors

September 20, 2018

Honorable Mayor VanCamp
City of Ely
501 Mill Street
Ely, Nevada 89301

Re: Ave C and East 15th Street Stop Sign:

Dear Madam Mayor:

At the August 16th City Council meeting the council tasked our office to coordinate with the sheriff to complete a review of the need of a stop sign at the intersection of Ave C and E. 15th Street. For our office to complete an engineering review of the situation we needed traffic counts and five (5) years of accident history for the intersection. The Sheriff's office used their speed trailer to complete traffic counts and also provided us with the accident history.

We have analyzed the information provided and have compared it to the requirements for a stop sign per the MUTCD (Manual on Uniform Traffic Control Devices for Streets and Highways). The MUTCD is recognized as the national standard for all traffic control devices installed on any street, highway, bikeway, or private road open to public travel. Based on the engineering analysis, a stop sign at Avenue C is not warranted.

We have discussed our results with the Sheriff and we both concur that a stop sign is not warranted. If you need additional information regarding this matter, please feel free to call us at your earliest convenience.

Sincerely,

BASIN ENGINEERING CORPORATION

A handwritten signature in black ink, appearing to read 'Emil W. Almberg, Jr.', is written over a thin horizontal line.

Emil W. Almberg, Jr., P.E./P.L.S.
Principal

Report Criteria:

Detail report.

Invoices with totals above \$0 included.

Paid and unpaid invoices included.

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
37	WESTERN ENVIRONMENTAL T	106515	August 2018	08/28/2018	459.56	459.56	09/19/2018
37	WESTERN ENVIRONMENTAL T	107331	TESTING FEES	08/21/2018	182.16	182.16	09/19/2018
Total 37:					641.72	641.72	
42	AIRGAS	9956061186	RRCYLMXS-OX RENT CYL MED	08/31/2018	15.22	15.22	09/20/2018
42	AIRGAS	9956061186	RRCYLMXS-OX RENT CYL MED	08/31/2018	199.04	199.04	09/20/2018
Total 42:					214.26	214.26	
43	NARANJO RAUL	065	SERVICE	09/04/2018	418.18	418.18	09/10/2018
43	NARANJO RAUL	065	SERVICE	09/04/2018	836.36	836.36	09/10/2018
43	NARANJO RAUL	065	SERVICE	09/04/2018	418.18	418.18	09/10/2018
Total 43:					1,672.72	1,672.72	
67	BUSINESS CONTINUITY TECHN	409198	CITY OF ELY	09/01/2018	275.00	275.00	09/13/2018
67	BUSINESS CONTINUITY TECHN	409198	CITY OF ELY	09/01/2018	275.00	275.00	09/13/2018
67	BUSINESS CONTINUITY TECHN	409198	CITY OF ELY	09/01/2018	275.00	275.00	09/13/2018
67	BUSINESS CONTINUITY TECHN	409198	CITY OF ELY	09/01/2018	275.00	275.00	09/13/2018
Total 67:					1,100.00	1,100.00	
105	GALLS INC	010573648	Clothing Allowance	08/20/2018	209.97	209.97	09/13/2018
105	GALLS INC	010662816	ROSS RIVERA-CLOTHING ALLO	08/30/2018	192.44	192.44	09/20/2018
105	GALLS INC	010662816	BODIE GOLLA-CLOTHING ALLO	08/30/2018	220.06	220.06	09/20/2018
Total 105:					622.47	622.47	
260	AQUA ENVIRONMENTAL SERVI	182	FLO-DAR	08/20/2018	500.00	500.00	09/13/2018
Total 260:					500.00	500.00	
350	AT&T	SEPTEMBER 2	77528982259457	08/28/2018	149.83	149.83	09/14/2018
350	AT&T	SEPTEMBER 2	77528921506851	08/28/2018	107.60	107.60	09/14/2018
350	AT&T	SEPTEMBER 2	77528923455933	08/28/2018	24.02	24.02	09/14/2018
350	AT&T	SEPTEMBER 2	77528946023668	08/28/2018	13.81	13.81	09/14/2018
350	AT&T	SEPTEMBER 2	77528967815117	08/28/2018	149.83	149.83	09/14/2018
350	AT&T	SEPTEMBER 2	77528966335935	08/28/2018	51.02	51.02	09/14/2018
350	AT&T	SEPTEMBER 2	77528965005703	08/28/2018	13.81	13.81	09/14/2018
350	AT&T	SEPTEMBER 2	77528961031471	08/28/2018	13.81	13.81	09/14/2018
350	AT&T	SEPTEMBER 2	77528948380207	08/28/2018	138.02	138.02	09/14/2018
350	AT&T	SEPTEMBER 2	77528924304973	08/28/2018	51.06	51.06	09/14/2018
350	AT&T	SEPTEMBER 2	77528924304973	08/28/2018	51.06	51.06	09/14/2018
350	AT&T	SEPTEMBER 2	77528924304973	08/28/2018	51.06	51.06	09/14/2018
350	AT&T	SEPTEMBER 2	77528924304973	08/28/2018	51.07	51.07	09/14/2018
Total 350:					866.00	866.00	
370	AT&T LONG DISTANCE	SEPTEMBER 2	1268764800	09/01/2018	4.50	4.50	09/14/2018
370	AT&T LONG DISTANCE	SEPTEMBER 2	2168231584	09/01/2018	.10	.10	09/14/2018
370	AT&T LONG DISTANCE	SEPTEMBER 2	2168231575	09/01/2018	.05	.05	09/14/2018
370	AT&T LONG DISTANCE	SEPTEMBER 2	2068736246	09/01/2018	1.19	1.19	09/14/2018

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
370	AT&T LONG DISTANCE	SEPTEMBER 2	0269584174	09/01/2018	1.52	1.52	09/14/2018
370	AT&T LONG DISTANCE	SEPTEMBER 2	1268764819	09/01/2018	.25	.25	09/14/2018
370	AT&T LONG DISTANCE	SEPTEMBER 2	1268764798	09/01/2018	11.05	11.05	09/14/2018
370	AT&T LONG DISTANCE	SEPTEMBER 2	1169201644	09/01/2018	2.50	2.50	09/14/2018
Total 370:					21.16	21.16	
440	BATH LUMBER	SEPTEMBER 2	15737	08/28/2018	56.09	56.09	09/18/2018
440	BATH LUMBER	SEPTEMBER 2	15737	08/28/2018	848.78	848.78	09/18/2018
440	BATH LUMBER	SEPTEMBER 2	15737	08/28/2018	26.56	26.56	09/18/2018
440	BATH LUMBER	SEPTEMBER 2	15737	08/28/2018	903.66	903.66	09/18/2018
440	BATH LUMBER	SEPTEMBER 2	15737	08/28/2018	92.30	92.30	09/18/2018
440	BATH LUMBER	SEPTEMBER 2	15737	08/28/2018	56.33	56.33	09/18/2018
440	BATH LUMBER	SEPTEMBER 2	15737	08/28/2018	125.52	125.52	09/18/2018
440	BATH LUMBER	SEPTEMBER 2	15737	08/28/2018	251.65	251.65	09/18/2018
440	BATH LUMBER	SEPTEMBER 2	15737	08/28/2018	28.04	28.04	09/18/2018
440	BATH LUMBER	SEPTEMBER 2	15737	08/28/2018	67.45	67.45	09/18/2018
Total 440:					2,456.38	2,456.38	
615	DIRECTV	34997466109	028159234	08/24/2018	121.94	121.94	09/19/2018
Total 615:					121.94	121.94	
750	C & B AUTO	9/13/2018	STAFF MAINTENANCE	09/13/2018	12.73	12.73	09/20/2018
750	C & B AUTO	SEPTEMBER 2	3350	09/07/2018	566.62	566.62	09/10/2018
750	C & B AUTO	SEPTEMBER 2	3350	09/07/2018	222.49	222.49	09/10/2018
750	C & B AUTO	SEPTEMBER 2	3350	09/07/2018	311.09	311.09	09/10/2018
750	C & B AUTO	SEPTEMBER 2	3350	09/07/2018	85.91	85.91	09/10/2018
750	C & B AUTO	SEPTEMBER 2	3350	09/07/2018	223.37	223.37	09/10/2018
750	C & B AUTO	SEPTEMBER 2	3350	09/07/2018	58.83	58.83	09/10/2018
750	C & B AUTO	SEPTEMBER 2	3350	09/07/2018	347.77	347.77	09/10/2018
750	C & B AUTO	SEPTEMBER 2	3350	09/07/2018	191.57	191.57	09/10/2018
750	C & B AUTO	SEPTEMBER 2	3350	09/07/2018	4.49	4.49	09/10/2018
Total 750:					2,024.87	2,024.87	
842	WHITE PINE COUNTY RECORD	APN 001-461-2	RECORD LIEN 40 CONNORS CT	09/12/2018	35.00	35.00	09/12/2018
842	WHITE PINE COUNTY RECORD	APN 005-591-3	RECORD LIEN 2361 N 21ST WE	09/12/2018	35.00	35.00	09/13/2018
Total 842:					70.00	70.00	
850	CASELLE INC	89924	Caselle monthly invoice	09/01/2018	1,456.00	1,456.00	09/20/2018
Total 850:					1,456.00	1,456.00	
960	CHRIS' SERVICE	2368	DYED DIESEL-DELIVERED	09/04/2018	1,876.95	1,876.95	09/20/2018
960	CHRIS' SERVICE	7968	DYED DIESEL-DELIVERED	09/07/2018	6,051.54	6,051.54	09/10/2018
Total 960:					7,928.49	7,928.49	
990	CITY OF ELY	SEPTEMBER 2	PR DED - UTILITIES	09/11/2018	552.21	552.21	09/12/2018
Total 990:					552.21	552.21	
1085	R & R ROOFING INC	218	CITY OF ELY	08/27/2018	6,965.85	6,965.85	09/13/2018

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
Total 1085:					6,965.85	6,965.85	
1120	NEVADA DEPT OF PUBLIC SAF	47882	CUSTOMER NO 880164	09/04/2018	282.00	282.00	09/10/2018
Total 1120:					282.00	282.00	
1450	ELY VOLUNTEER FIRE DEPART	AUGUST/SEP	7th Paid Firefighter	09/17/2018	1,050.00	1,050.00	09/18/2018
1450	ELY VOLUNTEER FIRE DEPART	AUGUST/SEP	7th Paid Firefighter	09/17/2018	1,050.00	1,050.00	09/18/2018
1450	ELY VOLUNTEER FIRE DEPART	AUGUST/SEP	Fire Hall Rent	09/17/2018	225.00	225.00	09/18/2018
1450	ELY VOLUNTEER FIRE DEPART	AUGUST/SEP	Fire Hall Rent	09/17/2018	225.00	225.00	09/18/2018
1450	ELY VOLUNTEER FIRE DEPART	AUGUST/SEP	Fire Hall Rent	09/17/2018	225.00	225.00	09/18/2018
1450	ELY VOLUNTEER FIRE DEPART	AUGUST/SEP	Fire Hall Rent	09/17/2018	225.00	225.00	09/18/2018
Total 1450:					3,000.00	3,000.00	
1750	GALE OIL	04546	SERVICES	08/01/2018	70.95	70.95	09/19/2018
Total 1750:					70.95	70.95	
2210	IDEXX DISTRIBUTION CORP	3035482508	11512	08/16/2018	21.72	21.72	09/13/2018
Total 2210:					21.72	21.72	
2240	INTERNATIONAL CODE COUNC	3199793	0962935	08/20/2018	135.00	135.00	09/13/2018
Total 2240:					135.00	135.00	
2270	J & M TRUCKING	36275W	SUPPLIES WATER DEPT	08/31/2018	50.00	50.00	09/12/2018
2270	J & M TRUCKING	7/17/18	Valley gutter repair	07/17/2018	215.00	215.00	09/13/2018
Total 2270:					265.00	265.00	
2860	MICHAEL A CLARK TRUCKING I	373347	HYPOCHLORITE	08/14/2018	332.50	332.50	09/10/2018
Total 2860:					332.50	332.50	
3300	NEVADA RURAL WATER ASSO	MR2018-12	VIDEO CONFERENCE CROSS C	08/02/2018	35.00	35.00	09/10/2018
Total 3300:					35.00	35.00	
3570	OFFICE DEPOT	ACCT# 598617	Invoice# 186639988001	08/20/2018	579.99	579.99	09/19/2018
3570	OFFICE DEPOT	ACCT# 598617	Invoice# 186647546001	08/20/2018	49.99	49.99	09/19/2018
3570	OFFICE DEPOT	ACCT# 598617	Invoice# 187749475001	08/20/2018	29.85	29.85	09/19/2018
Total 3570:					659.83	659.83	
3590	O'FLAHERTY PLUMBING & HEA	6743	SUPPLIES	08/23/2018	4.12	4.12	09/13/2018
3590	O'FLAHERTY PLUMBING & HEA	6749	SUPPLIES/SERVICE	08/29/2018	11.00	11.00	09/20/2018
Total 3590:					15.12	15.12	
3930	PUBLIC EMPLOYEES' BENEFIT	SEPTEMBER 2	715	09/17/2018	1,195.14	1,195.14	09/18/2018
3930	PUBLIC EMPLOYEES' BENEFIT	SEPTEMBER 2	715	09/17/2018	725.62	725.62	09/18/2018
3930	PUBLIC EMPLOYEES' BENEFIT	SEPTEMBER 2	715	09/17/2018	682.94	682.94	09/18/2018
3930	PUBLIC EMPLOYEES' BENEFIT	SEPTEMBER 2	715	09/17/2018	682.94	682.94	09/18/2018
3930	PUBLIC EMPLOYEES' BENEFIT	SEPTEMBER 2	715	09/17/2018	640.25	640.25	09/18/2018
3930	PUBLIC EMPLOYEES' BENEFIT	SEPTEMBER 2	715	09/17/2018	341.47	341.47	09/18/2018

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
Total 3930:					4,268.36	4,268.36	
3990	RICE LAKE WEIGHING SYSTEM	4537556	31751	08/31/2018	24.22	24.22	09/10/2018
Total 3990:					24.22	24.22	
4800	THE GREEK, RADIO SHACK	75857	SUPPLY	09/04/2018	42.99	42.99	09/13/2018
Total 4800:					42.99	42.99	
4900	US BANK	SEPTEMBER 2	4798531219108166	08/24/2018	80.79	80.79	09/12/2018
4900	US BANK	SEPTEMBER 2	4798531219108166	08/24/2018	115.65	115.65	09/12/2018
4900	US BANK	SEPTEMBER 2	4798531219108166	08/24/2018	547.48	547.48	09/12/2018
4900	US BANK	SEPTEMBER 2	4798531219108166	08/24/2018	428.39	428.39	09/12/2018
4900	US BANK	SEPTEMBER 2	4798531219108166	08/24/2018	1.94	1.94	09/12/2018
4900	US BANK	SEPTEMBER 2	4798531219108166	08/24/2018	40.75	40.75	09/12/2018
4900	US BANK	SEPTEMBER 2	4798531219108166	08/24/2018	99.00	99.00	09/12/2018
Total 4900:					1,314.00	1,314.00	
4980	USA BLUE BOOK	655446/654237	WATER DEPT SUPPLIES	08/15/2018	111.82	111.82	09/12/2018
4980	USA BLUE BOOK	655446/654237	WATER DEPT SUPPLIES	08/15/2018	120.76	120.76	09/12/2018
Total 4980:					232.58	232.58	
5230	WESTERN NEVADA SUPPLY	SEPTEMBER 2	27545255	09/05/2018	371.33	371.33	09/19/2018
5230	WESTERN NEVADA SUPPLY	SEPTEMBER 2	27562247	09/05/2018	2,688.63	2,688.63	09/19/2018
5230	WESTERN NEVADA SUPPLY	SEPTEMBER 2	27583214	09/05/2018	568.57	568.57	09/19/2018
Total 5230:					3,628.53	3,628.53	
5270	WHEELER MACHINERY CO	SEPTEMBER 2	027405	08/31/2018	800.70	800.70	09/12/2018
5270	WHEELER MACHINERY CO	SEPTEMBER 2	027405	08/31/2018	4,287.96	4,287.96	09/12/2018
5270	WHEELER MACHINERY CO	SEPTEMBER 2	027405	08/31/2018	747.63	747.63	09/12/2018
Total 5270:					5,836.29	5,836.29	
5460	XEROX CORPORATION	094399863	722115813	09/01/2018	109.73	109.73	09/12/2018
5460	XEROX CORPORATION	094399863	722115813	09/01/2018	109.73	109.73	09/12/2018
5460	XEROX CORPORATION	094399863	722115813	09/01/2018	109.73	109.73	09/12/2018
5460	XEROX CORPORATION	094399863	722115813	09/01/2018	109.73	109.73	09/12/2018
Total 5460:					438.92	438.92	
5520	LIBERTY TIRE RECYCLING LLC	1392801/14123	16885	08/03/2018	9,612.60	9,612.60	09/10/2018
Total 5520:					9,612.60	9,612.60	
6010	ECONOMY DRUG	275834	FLEX FABRICTF	09/06/2018	5.38	5.38	09/20/2018
Total 6010:					5.38	5.38	
6590	LIFE-ASSIST INC	873428	89301FD NV-1262	08/24/2018	187.80	187.80	09/10/2018
Total 6590:					187.80	187.80	
8140	HINTON BURDICK PLLC	190638	ELYCI001	08/31/2018	1,025.00	1,025.00	09/12/2018

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
8140	HINTON BURDICK PLLC	190638	ELYCI001	08/31/2018	1,025.00	1,025.00	09/12/2018
8140	HINTON BURDICK PLLC	190638	ELYCI001	08/31/2018	1,025.00	1,025.00	09/12/2018
8140	HINTON BURDICK PLLC	190638	ELYCI001	08/31/2018	1,025.00	1,025.00	09/12/2018
Total 8140:					4,100.00	4,100.00	
8940	DRUG & ALCOHOL TESTING	0818-591	TESTING	08/31/2018	50.00	50.00	09/12/2018
8940	DRUG & ALCOHOL TESTING	0818-591	TESTING	08/31/2018	50.00	50.00	09/12/2018
Total 8940:					100.00	100.00	
9100	SIEMER, CARL	SEPTEMBER 2	BOOT ALLOWANCE	09/19/2018	203.62	203.62	09/20/2018
Total 9100:					203.62	203.62	
9140	NATIONAL BUSINESS FACTOR	AUGUST 2018	GARNISHMENT ARMIJO	09/10/2018	150.00	150.00	09/12/2018
9140	NATIONAL BUSINESS FACTOR	SEPTEMBER 2	COEFD6024C 4	09/10/2018	50.09	50.09	09/19/2018
Total 9140:					200.09	200.09	
9620	INTERSTATE ALL BATTERY CE	RI-26220708-0	420207	08/22/2018	87.77	87.77	09/13/2018
Total 9620:					87.77	87.77	
9740	BASIN ENGINEERING CORPOR	1701002-4	ENGINEERING AERATION BASI	08/23/2018	13,468.50	13,468.50	09/12/2018
9740	BASIN ENGINEERING CORPOR	1701002-4	ENGINEERING LINED POND	08/23/2018	8,901.00	8,901.00	09/12/2018
Total 9740:					22,369.50	22,369.50	
10050	SPORTSWORLD	513877	300250	08/28/2018	5.40	5.40	09/19/2018
Total 10050:					5.40	5.40	
10140	GILES RUSS	SEPTEMBER 2	REIMBURSEMENT FOR FUEL	09/07/2018	76.61	76.61	09/10/2018
Total 10140:					76.61	76.61	
10260	ELKO DAILY FREE PRESS	46010-1	Advertising	08/26/2018	44.00	44.00	09/13/2018
Total 10260:					44.00	44.00	
10730	Berky, David	SEPTEMBER 2	ANNUAL & SICK LEAVE BUYOU	09/10/2018	10,063.82	10,063.82	09/10/2018
Total 10730:					10,063.82	10,063.82	
11714	SIERRA HEALTH AND LIFE	182520001687	HEALTH INSURANCE	09/09/2018	34,345.57	34,345.57	09/20/2018
Total 11714:					34,345.57	34,345.57	
11801	PRAXAIR DISTRIBUTION	84546724/8467	72639310	08/21/2018	24.10	24.10	09/10/2018
11801	PRAXAIR DISTRIBUTION	84546724/8467	72639310	08/21/2018	48.23	48.23	09/10/2018
Total 11801:					72.33	72.33	
12967	FREEDOM MAILING SERVICES,	34361	ELY POSTCARD BILLS	09/11/2018	475.94	475.94	09/20/2018
12967	FREEDOM MAILING SERVICES,	34361	ELY POSTCARD BILLS	09/11/2018	475.94	475.94	09/20/2018
12967	FREEDOM MAILING SERVICES,	34361	ELY POSTCARD BILLS	09/11/2018	475.93	475.93	09/20/2018
12967	FREEDOM MAILING SERVICES,	9/19/2018	ELY POSTCARD BILLS	09/19/2018	190.50	190.50	09/20/2018

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
12967	FREEDOM MAILING SERVICES,	9/19/2018	ELY POSTCARD BILLS	09/19/2018	190.50	190.50	09/20/2018
12967	FREEDOM MAILING SERVICES,	9/19/2018	ELY POSTCARD BILLS	09/19/2018	190.50	190.50	09/20/2018
Total 12967:					1,999.31	1,999.31	
11471	RELX INC DBA LEXISNEXIS	3091620120	ACCT 322368XJP	08/31/2018	120.00	120.00	09/13/2018
Total 114712:					120.00	120.00	
14170	WASHINGTON NATIONAL INSU	61592	EMPLOYEE CONTRIBUTED INS	09/17/2018	549.30	549.30	09/18/2018
Total 141701:					549.30	549.30	
14176	SOUTH FORK HARDWARE-ELY	SEPTEMBER 2	CUST NO 6	09/11/2018	5.99	5.99	09/19/2018
14176	SOUTH FORK HARDWARE-ELY	SEPTEMBER 2	CUST NO 6	09/11/2018	5.56	5.56	09/19/2018
Total 141761:					11.55	11.55	
14269	Hunt & Sons, Inc.	902958	Fuel	08/31/2018	857.86	857.86	09/10/2018
14269	Hunt & Sons, Inc.	902958	Fuel	08/31/2018	95.05	95.05	09/10/2018
14269	Hunt & Sons, Inc.	902958	Fuel	08/31/2018	226.56	226.56	09/10/2018
14269	Hunt & Sons, Inc.	902958	Fuel	08/31/2018	110.48	110.48	09/10/2018
14269	Hunt & Sons, Inc.	902958	Fuel	08/31/2018	716.06	716.06	09/10/2018
14269	Hunt & Sons, Inc.	902958	Fuel	08/31/2018	445.59	445.59	09/10/2018
14269	Hunt & Sons, Inc.	902958	Fuel	08/31/2018	196.91	196.91	09/10/2018
14269	Hunt & Sons, Inc.	902958	Fuel	08/31/2018	162.75	162.75	09/10/2018
14269	Hunt & Sons, Inc.	902958	Fuel	08/31/2018	239.07	239.07	09/10/2018
Total 142691:					3,050.33	3,050.33	
14284	Manuele Law, LLC	111	PUBLIC DEFENDER	06/03/2018	433.50	433.50	09/10/2018
Total 142841:					433.50	433.50	
14286	WestNet	001722834	Internet Service	09/01/2018	69.00	69.00	09/20/2018
Total 142861:					69.00	69.00	
14289	RENO UNIFORMS	1248	Uniforms	08/30/2018	289.95	289.95	09/13/2018
Total 142891:					289.95	289.95	
14290	Andrew John Bollaert	2018-TR-266	Subpoena	08/23/2018	25.00	25.00	09/13/2018
Total 142901:					25.00	25.00	
14291	Daniel & Megan Brown	2.4672.6	Credit Check	08/23/2018	105.62	105.62	09/13/2018
Total 142911:					105.62	105.62	
14292	Jennifer A. Criner	2018-TR-294	Subpoena	09/04/2018	25.00	25.00	09/13/2018
Total 142921:					25.00	25.00	
14293	Deputy C. Sumrall	2018-TR-294	SUBPOENA	09/04/2018	25.00	25.00	09/13/2018
Total 142931:					25.00	25.00	

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
14295	Weston Williams	8/27/18	Deposit Refund	08/27/2018	9,562.50	9,562.50	09/13/2018
Total 142951:					9,562.50	9,562.50	
14296	White Pine Fire Extinguishers	7262	Fire Extinguisher Recharge	08/28/2018	305.00	305.00	09/13/2018
14296	White Pine Fire Extinguishers	7262	Fire Extinguisher Recharge	08/28/2018	51.00	51.00	09/13/2018
14296	White Pine Fire Extinguishers	7265	Fire Extinguisher Recharge	08/28/2018	95.50	95.50	09/13/2018
14296	White Pine Fire Extinguishers	SEPTEMBER 2 7260		08/28/2018	287.00	287.00	09/19/2018
14296	White Pine Fire Extinguishers	SEPTEMBER 2 7259		08/28/2018	50.00	50.00	09/19/2018
14296	White Pine Fire Extinguishers	SEPTEMBER 2 7263		08/28/2018	34.00	34.00	09/19/2018
14296	White Pine Fire Extinguishers	SEPTEMBER 2 7215		08/28/2018	314.50	314.50	09/19/2018
14296	White Pine Fire Extinguishers	SEPTEMBER 2 7261		08/28/2018	211.50	211.50	09/19/2018
14296	White Pine Fire Extinguishers	SEPTEMBER 2 7258		08/28/2018	109.00	109.00	09/19/2018
14296	White Pine Fire Extinguishers	SEPTEMBER 2 7258		08/28/2018	109.00	109.00	09/19/2018
Total 142961:					1,566.50	1,566.50	
14297	Jan Sonerholm	8/30/18	Live Trap Agreement	08/30/2018	20.00	20.00	09/13/2018
Total 142971:					20.00	20.00	
14298	KS Statebank	3341043	2009 Spartan Ladder Truck	08/07/2018	24,839.00	24,839.00	09/13/2018
14298	KS Statebank	3341043	2009 Spartan Ladder Truck	08/07/2018	7,839.58	7,839.58	09/13/2018
Total 142981:					32,678.58	32,678.58	
14299	Chet Rigney	9/7/18	Overpayment of Final Bill	09/07/2018	29.03	29.03	09/13/2018
Total 142991:					29.03	29.03	
14300	Rick Goff	9/7/18	Utility Refund	09/07/2018	13.00	13.00	09/13/2018
Total 143001:					13.00	13.00	
14301	Autumn E. Randall	2018-TR-294	Subpoena	09/13/2018	25.00	25.00	09/13/2018
Total 143011:					25.00	25.00	
14302	HECKER, JOHN & WENDY	UTILITY REFU	UTILITY REFUND	09/20/2018	160.26	160.26	09/20/2018
14302	HECKER, JOHN & WENDY	UTILITY REFU	UTILITY REFUND	09/20/2018	80.87	80.87	09/20/2018
Total 143021:					241.13	241.13	
Grand Totals:					180,130.87	180,130.87	

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
--------	-------------	----------------	-------------	--------------	--------------------	-------------	-----------

Dated: _____

Mayor: _____

City Council: _____

City Recorder: _____

City Clerk: _____

Report Criteria:

Detail report.

Invoices with totals above \$0 included.

Paid and unpaid invoices included.



CITY OF ELY

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

ELY CITY COUNCIL REGULAR MEETING AGENDA

PLEASE NOTE: THE COUNCIL MEMBERS MAY ADDRESS AGENDA ITEMS OUT OF SEQUENCE, COMBINE TWO OR MORE AGENDA ITEMS FOR CONSIDERATION, REMOVE AN ITEM OR DELAY DISCUSSION AT ANY TIME TO ACCOMMODATE PERSONS APPEARING BEFORE THE COUNCIL OR TO AID IN THE EFFICIENCY AND EFFECTIVENESS OF THE MEETINGS.

September 27, 2018 5:00 p.m. – Ely Volunteer Fire Hall - 499 Mill Street-Ely, Nevada.

1. OPENING ACTIVITIES:

MEETING CALLED TO ORDER
PLEDGE OF ALLEGIANCE
INVOCATION
ROLL CALL

2. PUBLIC COMMENT: Comments not exceeding three (3) minutes in length will be accepted from the general public in attendance. If any are made, there may be discussion upon those comments. No vote, decision, or action may be taken upon matters raised under this item until it is formally placed on the agenda. **Comments during Discussion Items will not be accepted from the General public.** “Section 7.05 of the Nevada Open Meeting Law Manual indicates that the Public Body may prohibit comment if the content of the comments is a topic that is not relevant to or within the authority of the Public Body or if the content of the comments is willfully disruptive of the meeting by being irrelevant, repetitious, slanderous, offensive, inflammatory, irrational or amounting to personal attacks or interfering with the rights of other speakers”.

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

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

1. Mayor Van Camp – [Discussion/For Possible Action](#) – Approval of Proclamation declaring the week of October 23-31, 2018 Red Ribbon week in the City of Ely.

5. CITY DEPARTMENT REPORTS

- FIRE CHIEF
- POLICE CHIEF
- [MUNICIPAL COURT JUDGE](#)
- [CITY ADMINISTRATOR](#)
- CITY ATTORNEY
- CITY WATER/SEWER LEADMAN
- CITY ENGINEER
- CITY BUILDING OFFICIAL

6. NNRY FOUNDATION REPORT

7. REPORTS

CITY COUNCIL

MAYOR

8. ITEMS FOR DISCUSSION/POSSIBLE ACTION OF THE ELY CITY COUNCIL AS RECOMMENDED BY THE ANIMAL CONTROL ADVISORY BOARD.

1. Board Members – Animal Control Officer Hayes – [Discussion/For Possible Action](#) – Acceptance of the Animal Control Advisory Board’s prioritized goals and priorities.
2. Member Eldridge – [Discussion/For Possible Action](#) – Approval to implement any or all of the following revenue generating policies for Animal Control: 1) Electronic or paper reminders when dog licenses expire; 2) Requirement that local veterinarians provide to the City of Ely, on a monthly basis, a list of owners who have had their dogs vaccinated for rabies, so that licensing notices can be sent to them; and 3) An increased license fee for un-spayed or un-neutered dogs of \$100.00, unless owner possesses a breeders license.
3. Board Members – Animal Control Officer Hayes – [Discussion/For Possible Action](#) – Approval for Animal Control Officer Hayes to attend Saving Nevada’s Pets conference October 25-26, 2018 in Reno, Nevada as Humane Network’s guest; Humane Network will cover travel expenses and hotel.

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

1. Board Members – City Administrator Switzer – [Discussion/For Possible Action](#) – Authorization for mayor to sign water pipeline Right of Way NVN-059250 BLM Assignor Consent form and BLM application, transferring Mineral Heights water pipeline right of way from *Robinson Nevada Mining Company* to the City of Ely.
2. Councilman Carson – [Discussion/For Possible Action](#) – Approval to allow the property owners of 930 S. Michigan Avenue (APN 010-650-28) to connect to the City of Ely water line abutting the southwest corner of their property, waiving the Ely City Code 10-2-4-F-1 requirement, which is supported by NRS 534.120 (4), that the property owners must install an 8” water main for the full length of their property in order to connect to the City of Ely water system; the property owners are Ed and Debborah Carpenter.
3. Councilman Carson – [Discussion/For Possible Action](#) – Direction to City staff and the Council Landfill liaison to meet with Paul Holdaway of *Outwest Excavation* regarding whether to continue the metal recycling contract or renegotiate the contract terms, pursuant to Article III Section 3.0. “Term” in current contract dated December 22, 2016.

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

A. CONSENT AGENDA (These items may be approved in one motion by the Council as its first action of business under For Discussion/Possible Action items.) Approval of the Consent Agenda approves each of these items. Council Members may remove any item from the Consent Agenda by notifying the Mayor or Mayor pro tem.

MOTION: Move to approve the Consent Agenda items 10A-1 Minutes & 10A-2 Bills.

Moved by: _____ Second by: _____ Vote: _____

1. Discussion/For Possible Action –Minutes.

- [August 22, 2018](#)
- August 23, 2018

2. Discussion/For Possible Action –Bills.

- [September 6, 2018](#)
- [September 21, 2018](#)

B. NEW BUSINESS

1. Councilman Carson – City Attorney Odgers – Discussion/For Possible Action – Approval of Steptoe Valley Trap, Skeet and Target Club’s grant application with Nevada Department of Wildlife for construction of a building for purposes of hunter safety education and other community activity.
2. Council Members – City Administrator Switzer – Lindsey Wanless of *Leavitt Group Insurance* – [Discussion/For Possible Action](#) –Selection of a 2018-2019 Group Health Insurance Plan for City of Ely employees.
3. Council Members – City Engineer Almberg – NDOT Ely District Engineer Steve Baer – [Discussion/For Possible Action](#) – Concurrence with NDOT’s intent to close the Avenue F extension, located at E.15th Street (across from the *Sage Brush Texaco*) as part of the NDOT project to bring the intersection at Aultman/E.15th Streets up to current standards.
4. Mayor Van Camp – [Discussion/For Possible Action](#) – Extension of temporary Conditional Special Use Permit to the Ely Shoshone Tribe to operate a cannabis cultivation facility at 16 Shoshone Circle, Ely, Nevada, pending completion of their transfer to trust land or issuance of license by the Nevada Department of Taxation.
5. Mayor Van Camp – Discussion/For Possible Action – Approval of First Reading of Ordinance 715, Bill No. 2018-08, an ordinance establishing the City of Ely’s recreational marijuana rules, setting fees and zoning requirements.
6. Council Members – City Attorney Odgers – Discussion/For Possible Action – Approval of letter to send to the Nevada Department of Taxation to notify potential applicants of the City of Ely’s intent to pass Ordinance 715, limiting recreational marijuana licensing to those applicants that have a medical marijuana license and limiting the number of recreational dispensaries within the incorporated limits of the City of Ely to one (1) until the population exceeds 20,000 within the incorporated limits of the City of Ely.

7. Mayor Van Camp – [Discussion/For Possible Action](#) – Review recommendations of City Police Chief and City Engineer on the installation of two STOP signs on Avenue C at E. 15th Street, per City Code 6-3-2.
8. Council Members – City Fire Chief Rivera – Discussion/For Possible Action – Approval of Proclamation designating October 7-13, 2018 Fire Prevention Week in the City of Ely.
9. Councilman Hanson – [Discussion/For Possible Action](#) – Approval for City of Ely to assist in the establishment of a local Main Street organization by: 1. Direction to City Attorney to set up a 501c 3 for a local Main Street organization; 2. Direction to City Attorney to work with White Pine County’s District Attorney to draft an Interlocal Agreement for a Main Street organization, which would possibly include City Hall office space as an in-kind contribution for a future Main Street director. The local Main Street 501c 3 Articles of Incorporation/Bylaws and Interlocal Agreement will have to be approved by the Ely City Council and White Pine County Commission.
10. Mayor Van Camp – [Discussion/For Possible Action](#) – Approval of Nevada Division State Lands’ request to terminate the lease of the real property owned by the City of Ely located at 125 Mill Street, pursuant to Section 2. TERMS OF LEASE and Section 18. TERMINATION in the September 27, 2006 lease agreement between the City of Ely and the State of Nevada by the Division of State Lands on behalf of the Nevada Army National Guard.
11. Council Members – City Attorney Odgers – Discussion/For Possible Action – Approval to send offer of settlement to *S & S Shortline*.
12. Mayor Van Camp – Discussion/For Possible Action – Appointment of Melvin Bahls as a volunteer working with the City Administrator as a Compliance Officer for the City.
13. Mayor Van Camp – Discussion/For Possible Action – Appointment of Bruce Setterstrom as a volunteer working with the City Administrator as a Compliance Officer for the City.
14. Council Members – City Administrator Switzer – [Discussion/For Possible Action](#) – Selection of new truck for Water Department, which was budgeted in FY18-19 year.
15. Councilman Carson – Discussion/For Possible Action – Instruct City Administrator to provide financial statement to the City Council at the second meeting of every month.
16. Councilman Carson – Discussion/For Possible Action – Evaluation of contract between the City of Ely and *Hinton Burdick CPAs* for Payroll and Accounts Payable services.
17. Councilman DeFelice – [Discussion/For Possible Action](#) – Direction to City Attorney to draft amendment to Ely City Code 1-6-1(E) to increase City Treasurer salary range.

18. Councilman Hanson – Discussion/For Possible Action – Approval to recruit for a City Treasurer and leave the recruitment open until the position is filled; authorization to advertise in various locations, including, but not limited to INDEED and in other appropriate trade journals or in appropriate trade associations, expenses for advertising not to exceed \$5,000.00 to be charged to the Finance Department’s service and supplies.

19. Councilman Hanson – Discussion/For Possible Action – Authorization to hire a Utility Clerk to support the Treasurer’s function for payroll and accounts payable until such time as the City Treasurer is hired or other action of the City Council is approved terminating the recruitment for a City Treasurer.

11. PUBLIC COMMENT: Comments not exceeding three (3) minutes in length will be accepted from the general public in attendance. If any are made, there may be discussion upon those comments. No vote, decision, or action may be taken upon matters raised under this item until it is formally placed on the agenda. “Section 7.05, of the Nevada Open Meeting Law Manual indicates that the Public Body may prohibit comment if the content of the comments is a topic that is not relevant to or within the authority of the Public Body or if the content of the comments is willfully disruptive of the meeting by being irrelevant, repetitious, slanderous, offensive, inflammatory, irrational or amounting to personal attacks or interfering with the rights of other speakers”.

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

* Open session – Action/Discussion – Personnel**

The meeting may be closed by appropriate motion for the purpose of discussion on any matter allowed under N.R.S. 241.031 and 241.033, (1) nothing contained in this chapter prevents a public body from holding a closed meeting to consider the character, alleged misconduct, professional competence or physical or mental health of a person/employee. (2) A public body may close a meeting upon a motion, which specifies the nature of the business to be considered. (3) This chapter does not: (a) Apply to judicial proceedings. (b) Prevent the removal of any person who willfully disrupts a meeting to the extent that its orderly conduct is made impractical. (c) Prevent the exclusion of witnesses from a public or private meeting during the examination of another witness. (d) Require that any meeting be closed to the public. (e) Permit a closed meeting for the discussion of the appointment of any person to public office or as a member of a public body. (4) The exception provided by this section, and electronic communication, must not be used to circumvent the spirit or letter of this chapter in order to discuss or act upon a matter over which the public body has supervision, control, jurisdiction or advisory powers.

In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident. Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotape, American Sign Language, etc.) should contact the responsible Agency or USDA’s TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English. To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD-3027, found online at http://www.ascr.usda.gov/complaint_filing_cust.html and at any USDA office or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by: Mail: U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410; Fax: (202) 690-7442; or Email: program.intake@usda.gov. USDA is an equal opportunity provider, employer, and lender.

For access to the public packet, contact the City Administrator at 501 Mill Street, Ely, Nevada 89301 or call (775) 289-2430; all packet material is posted in the agenda’s hyperlinks or under “Minutes” / “Other” on the City’s website at <http://www.elycity.com/>

I, Jennifer Lee, Deputy City Clerk, did cause to be posted on **September 21, 2018** at 4:00 p.m. five (5) notices of the Ely City Council Agenda in said City of Ely to wit: Posted at the doors or bulletin boards of City Hall located at 501 Mill Street, White Pine County Library located at 950 Campton Street, White Pine County Courthouse located at 801 Clark Street, the U.S. Post Office located at 2600 Bristlecone Avenue and the White Pine County Sheriff’s Office located at 1785 Great Basin Boulevard. The meeting notice is also posted on the City of Ely’s website at <http://www.elycity.com> and the State of Nevada Public Notices website at <http://notice.nv.gov>.





AMENDED

CITY OF ELY

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

ELY CITY COUNCIL REGULAR MEETING AGENDA

PLEASE NOTE: THE COUNCIL MEMBERS MAY ADDRESS AGENDA ITEMS OUT OF SEQUENCE, COMBINE TWO OR MORE AGENDA ITEMS FOR CONSIDERATION, REMOVE AN ITEM OR DELAY DISCUSSION AT ANY TIME TO ACCOMMODATE PERSONS APPEARING BEFORE THE COUNCIL OR TO AID IN THE EFFICIENCY AND EFFECTIVENESS OF THE MEETINGS.

September 27, 2018 5:00 p.m. – Ely Volunteer Fire Hall - 499 Mill Street-Ely, Nevada.

1. OPENING ACTIVITIES:

MEETING CALLED TO ORDER
PLEDGE OF ALLEGIANCE
INVOCATION
ROLL CALL

2. PUBLIC COMMENT: Comments not exceeding three (3) minutes in length will be accepted from the general public in attendance. If any are made, there may be discussion upon those comments. No vote, decision, or action may be taken upon matters raised under this item until it is formally placed on the agenda. **Comments during Discussion Items will not be accepted from the General public.** “Section 7.05 of the Nevada Open Meeting Law Manual indicates that the Public Body may prohibit comment if the content of the comments is a topic that is not relevant to or within the authority of the Public Body or if the content of the comments is willfully disruptive of the meeting by being irrelevant, repetitious, slanderous, offensive, inflammatory, irrational or amounting to personal attacks or interfering with the rights of other speakers”.

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

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

1. Mayor Van Camp – [Discussion/For Possible Action](#) – Approval of Proclamation declaring the week of October 23-31, 2018 Red Ribbon week in the City of Ely.

5. CITY DEPARTMENT REPORTS

- FIRE CHIEF
- POLICE CHIEF
- [MUNICIPAL COURT JUDGE](#)
- [CITY ADMINISTRATOR](#)
- CITY ATTORNEY
- CITY WATER/SEWER LEADMAN
- CITY ENGINEER
- CITY BUILDING OFFICIAL

AMENDED

6. [NNRY FOUNDATION REPORT](#)

7. REPORTS

CITY COUNCIL

[MAYOR](#)

8. ITEMS FOR DISCUSSION/POSSIBLE ACTION OF THE ELY CITY COUNCIL AS RECOMMENDED BY THE ANIMAL CONTROL ADVISORY BOARD.

1. Board Members – Animal Control Officer Hayes – [Discussion/For Possible Action](#) – Acceptance of the Animal Control Advisory Board’s prioritized goals and priorities.
2. Member Eldridge – [Discussion/For Possible Action](#) – Approval to implement any or all of the following revenue generating policies for Animal Control: 1) Electronic or paper reminders when dog licenses expire; 2) Requirement that local veterinarians provide to the City of Ely, on a monthly basis, a list of owners who have had their dogs vaccinated for rabies, so that licensing notices can be sent to them; and 3) An increased license fee for un-spayed or un-neutered dogs of \$100.00, unless owner possesses a breeders license.
3. Board Members – Animal Control Officer Hayes – [Discussion/For Possible Action](#) – Approval for Animal Control Officer Hayes to attend Saving Nevada’s Pets conference October 25-26, 2018 in Reno, Nevada as Humane Network’s guest; Humane Network will cover travel expenses and hotel.

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

1. Board Members – City Administrator Switzer – [Discussion/For Possible Action](#) – Authorization for mayor to sign water pipeline Right of Way NVN-059250 BLM Assignor Consent form and BLM application, transferring Mineral Heights water pipeline right of way from *Robinson Nevada Mining Company* to the City of Ely.
2. Councilman Carson – [Discussion/For Possible Action](#) – Approval to allow the property owners of 930 S. Michigan Avenue (APN 010-650-28) to connect to the City of Ely water line abutting the southwest corner of their property, waiving the Ely City Code 10-2-4-F-1 requirement, which is supported by NRS 534.120 (4), that the property owners must install an 8” water main for the full length of their property in order to connect to the City of Ely water system; the property owners are Ed and Debborah Carpenter.
3. Councilman Carson – [Discussion/For Possible Action](#) – Direction to City staff and the Council Landfill liaison to meet with Paul Holdaway of *Outwest Excavation* regarding whether to continue the metal recycling contract or renegotiate the contract terms, pursuant to Article III Section 3.0. “Term” in current contract dated December 22, 2016.

AMENDED

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

A. CONSENT AGENDA (These items may be approved in one motion by the Council as its first action of business under For Discussion/Possible Action items.) Approval of the Consent Agenda approves each of these items. Council Members may remove any item from the Consent Agenda by notifying the Mayor or Mayor pro tem.

MOTION: Move to approve the Consent Agenda items 10A-1 Minutes & 10A-2 Bills.

Moved by: _____ Second by: _____ Vote: _____

1. Discussion/For Possible Action –Minutes.

- [August 9, 2018](#)
- [August 22, 2018](#)
- August 23, 2018

2. Discussion/For Possible Action –Bills.

- [September 6, 2018](#)
- [September 21, 2018](#)

B. NEW BUSINESS

1. Councilman Carson – City Attorney Odgers – Discussion/For Possible Action – Approval of Steptoe Valley Trap, Skeet and Target Club’s grant application with Nevada Department of Wildlife for construction of a building for purposes of hunter safety education and other community activity.
2. Council Members – City Administrator Switzer – Lindsey Wanless of *Leavitt Group Insurance* – [Discussion/For Possible Action](#) –Selection of a 2018-2019 Group Health Insurance Plan for City of Ely employees.
3. Council Members – City Engineer Almberg – NDOT Ely District Engineer Steve Baer – [Discussion/For Possible Action](#) – Concurrence with NDOT’s intent to close the Avenue F extension, located at E.15th Street (across from the *Sage Brush Texaco*) as part of the NDOT project to bring the intersection at Aultman/E.15th Streets up to current standards.
4. Mayor Van Camp – [Discussion/For Possible Action](#) – Extension of temporary Conditional Special Use Permit to the Ely Shoshone Tribe to operate a cannabis cultivation facility at 16 Shoshone Circle, Ely, Nevada, pending completion of their transfer to trust land or issuance of license by the Nevada Department of Taxation.
5. Mayor Van Camp – Discussion/For Possible Action – Approval of First Reading of Ordinance 715, Bill No. 2018-08, an ordinance establishing the City of Ely’s recreational marijuana rules, setting fees and zoning requirements.
6. Council Members – City Attorney Odgers – Discussion/For Possible Action – Approval of letter to send to the Nevada Department of Taxation to notify potential applicants of the City of Ely’s intent to pass Ordinance 715, limiting recreational marijuana licensing to those applicants that have a medical marijuana license and limiting the number of recreational dispensaries within the incorporated limits of the City of Ely to one (1) until the population exceeds 20,000 within the incorporated limits of the City of Ely.

AMENDED

7. Mayor Van Camp – [Discussion/For Possible Action](#) – Review recommendations of City Police Chief and City Engineer on the installation of two STOP signs on Avenue C at E. 15th Street, per City Code 6-3-2.
8. Council Members – City Fire Chief Rivera – Discussion/For Possible Action – Approval of Proclamation designating October 7-13, 2018 Fire Prevention Week in the City of Ely.
9. Councilman Hanson – [Discussion/For Possible Action](#) – Approval for City of Ely to assist in the establishment of a local Main Street organization by: 1. Direction to City Attorney to set up a 501c 3 for a local Main Street organization; 2. Direction to City Attorney to work with White Pine County's District Attorney to draft an Interlocal Agreement for a Main Street organization, which would possibly include City Hall office space as an in-kind contribution for a future Main Street director. The local Main Street 501c 3 Articles of Incorporation/Bylaws and Interlocal Agreement will have to be approved by the Ely City Council and White Pine County Commission.
10. Mayor Van Camp – [Discussion/For Possible Action](#) – Approval of Nevada Division State Lands' request to terminate the lease of the real property owned by the City of Ely located at 125 Mill Street, pursuant to Section 2. TERMS OF LEASE and Section 18. TERMINATION in the September 27, 2006 lease agreement between the City of Ely and the State of Nevada by the Division of State Lands on behalf of the Nevada Army National Guard.
11. Council Members – City Attorney Odgers – Discussion/For Possible Action – Approval to send offer of settlement to *S & S Shortline*.
12. Mayor Van Camp – Discussion/For Possible Action – Appointment of Melvin Bahls as a volunteer working with the City Administrator as a Compliance Officer for the City.
13. Mayor Van Camp – Discussion/For Possible Action – Appointment of Bruce Setterstrom as a volunteer working with the City Administrator as a Compliance Officer for the City.
14. Council Members – City Administrator Switzer – [Discussion/For Possible Action](#) – Selection of new truck for Water Department, which was budgeted in FY18-19 year.
15. Councilman Carson – Discussion/For Possible Action – Instruct City Administrator to provide financial statement to the City Council at the second meeting of every month.
16. Councilman Carson – Discussion/For Possible Action – Evaluation of contract between the City of Ely and *Hinton Burdick CPAs* for Payroll and Accounts Payable services.
17. Councilman DeFelice – [Discussion/For Possible Action](#) – Direction to City Attorney to draft amendment to Ely City Code 1-6-1(E) to increase City Treasurer salary range.

AMENDED

18. Councilman Hanson – Discussion/For Possible Action – Approval to recruit for a City Treasurer and leave the recruitment open until the position is filled; authorization to advertise in various locations, including, but not limited to INDEED and in other appropriate trade journals or in appropriate trade associations, expenses for advertising not to exceed \$5,000.00 to be charged to the Finance Department’s service and supplies.

19. Councilman Hanson – Discussion/For Possible Action – Authorization to hire a Utility Clerk to support the Treasurer’s function for payroll and accounts payable until such time as the City Treasurer is hired or other action of the City Council is approved terminating the recruitment for a City Treasurer.

11. PUBLIC COMMENT: Comments not exceeding three (3) minutes in length will be accepted from the general public in attendance. If any are made, there may be discussion upon those comments. No vote, decision, or action may be taken upon matters raised under this item until it is formally placed on the agenda. “Section 7.05, of the Nevada Open Meeting Law Manual indicates that the Public Body may prohibit comment if the content of the comments is a topic that is not relevant to or within the authority of the Public Body or if the content of the comments is willfully disruptive of the meeting by being irrelevant, repetitious, slanderous, offensive, inflammatory, irrational or amounting to personal attacks or interfering with the rights of other speakers”.

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

* Open session – Action/Discussion – Personnel**

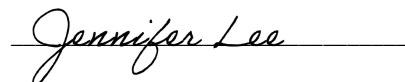
The meeting may be closed by appropriate motion for the purpose of discussion on any matter allowed under N.R.S. 241.031 and 241.033, (1) nothing contained in this chapter prevents a public body from holding a closed meeting to consider the character, alleged misconduct, professional competence or physical or mental health of a person/employee. (2) A public body may close a meeting upon a motion, which specifies the nature of the business to be considered. (3) This chapter does not: (a) Apply to judicial proceedings. (b) Prevent the removal of any person who willfully disrupts a meeting to the extent that its orderly conduct is made impractical. (c) Prevent the exclusion of witnesses from a public or private meeting during the examination of another witness. (d) Require that any meeting be closed to the public. (e) Permit a closed meeting for the discussion of the appointment of any person to public office or as a member of a public body. (4) The exception provided by this section, and electronic communication, must not be used to circumvent the spirit or letter of this chapter in order to discuss or act upon a matter over which the public body has supervision, control, jurisdiction or advisory powers.

In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident. Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotape, American Sign Language, etc.) should contact the responsible Agency or USDA’s TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English. To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD-3027, found online at http://www.ascr.usda.gov/complaint_filing_cust.html and at any USDA office or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by: Mail: U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410; Fax: (202) 690-7442; or Email: program.intake@usda.gov. USDA is an equal opportunity provider, employer, and lender.

For access to the public packet, contact the City Administrator at 501 Mill Street, Ely, Nevada 89301 or call (775) 289-2430; all packet material is posted in the agenda’s hyperlinks or under “Minutes” / “Other” on the City’s website at

<http://www.elycity.com/>

I, Jennifer Lee, Deputy City Clerk, did cause to be posted on **September 24, 2018** at 8:00 a.m. five (5) notices of the AMENDED Ely City Council Agenda in said City of Ely to wit: Posted at the doors or bulletin boards of City Hall located at 501 Mill Street, White Pine County Library located at 950 Campton Street, White Pine County Courthouse located at 801 Clark Street, the U.S. Post Office located at 2600 Bristlecone Avenue and the White Pine County Sheriff’s Office located at 1785 Great Basin Boulevard. The meeting notice is also posted on the City of Ely’s website at <http://www.elycity.com> and the State of Nevada Public Notices website at <http://notice.nv.gov>.



PLEASE PRINT YOUR NAME

Please print your FIRST & LAST name clearly for the

City Council

attendance list.

9-27-18

Mike Gubler

Arrie Juntak

Stan Bullis, Pastor

Maury Kerner

Pat Peterson

Jeff Hyde

Mike Higbee

Alan Wise

George Chachas

Bobby PARKER

John Mueller

Mark Bassett

Terry Just

Kay Mcmurray

Nathan Robertson

Costor M

Ed CARPENTER

DEBBORAH CARPENTER

Trent Griffith

John O'Flaherty
965 Pioche Hwy
Ely, Nevada 89301
775 289 2801
775 289 4256
oflahertyph@sbcglobal.net

9/26/2018

City of Ely
City Council Members

RE: New business item #3

Dear Members,

I am the property owner of 1500 Ave F which is a professional office complex that is occupied by seven different business entities. Three of the seven entities are state offices. I have discussed this proposal by Nevada Department of Transportation with all entities in the business complex and all have agreed to not support this agenda item.

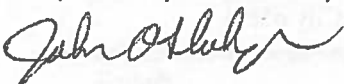
The concern that we have is that the existing parking lot for the office complex will be utilized as a turnaround point or a pass through point to Ave G. This is a major concern for the safety of the office workers, their patients, and/or the consumers of the complex.

I am also concerned that there are two additional intersections that are of similar characteristics that are not being addressed Lyons and Aultman and Fay and Aultman, both next to Sportsworld. I feel this closure is going to make it more cumbersome then it is presently.

I would also hope that the NDOT would have the courtesy to discuss this plan with the affected property owners prior to closure of the intersection which has been in existence for over 70 years.

Please place my opposition to this closure on record.

Respectfully submitted;



John O'Flaherty

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

A. CONSENT AGENDA (These items may be approved in one motion by the Council as its first action of business under For Discussion/Possible Action items.) Approval of the Consent Agenda approves each of these items. Council Members may remove any item from the Consent Agenda by notifying the Mayor or Mayor pro tem.

MOTION: Move to approve the Consent Agenda items 10A-1 Minutes & 10A-2 Bills.

Moved by: _____ Second by: _____ Vote: _____

1. Discussion/For Possible Action –Minutes.

- August 22, 2018
- August 23, 2018

2. Discussion/For Possible Action –Bills.

- September 6, 2018
- September 21, 2018

B. NEW BUSINESS

1. Councilman Carson – City Attorney Odgers – Discussion/For Possible Action – Approval of Steptoe Valley Trap, Skeet and Target Club's grant application with Nevada Department of Wildlife for construction of a building for purposes of hunter safety education and other community activity.
2. Council Members – City Administrator Switzer – Lindsey Wanless of *Leavitt Group Insurance* – Discussion/For Possible Action –Selection of a 2018-2019 Group Health Insurance Plan for City of Ely employees.
- 3. Council Members – City Engineer Almberg – NDOT Ely District Engineer Steve Baer – Discussion/For Possible Action – Concurrence with NDOT's intent to close the Avenue F extension, located at E.15th Street (across from the *Sage Brush Texaco*) as part of the NDOT project to bring the intersection at Aultman/E.15th Streets up to current standards.
4. Mayor Van Camp – Discussion/For Possible Action – Extension of temporary Conditional Special Use Permit to the Ely Shoshone Tribe to operate a cannabis cultivation facility at 16 Shoshone Circle, Ely, Nevada, pending completion of their transfer to trust land or issuance of license by the Nevada Department of Taxation.
5. Mayor Van Camp – Discussion/For Possible Action – Approval of First Reading of Ordinance 715, Bill No. 2018-08, an ordinance establishing the City of Ely's recreational marijuana rules, setting fees and zoning requirements.
6. Council Members – City Attorney Odgers – Discussion/For Possible Action – Approval of letter to send to the Nevada Department of Taxation to notify potential applicants of the City of Ely's intent to pass Ordinance 715, limiting recreational marijuana licensing to those applicants that have a medical marijuana license and limiting the number of recreational dispensaries within the incorporated limits of the City of Ely to one (1) until the population exceeds 20,000 within the incorporated limits of the City of Ely.

27SEP 12:01PM

September 27, 2018

Dear Mayor and Council Members,

I am voicing my concern about county residents connecting to City of Ely utilities. I feel that the city utilities should be for city residents and county residents wishing to use city utilities should incorporate into the city. The increased fees paid by the county residents connected to city utilities do not offset the cost of the lack of growth of the city.

The city council should consider an ordinance that only city residents are allowed to connect to city sewer and water. The city can grow by using our utilities as an asset. The increased population growth in the county is hindering the growth of the City of Ely.



Dale Derbidge, Ely resident

1490 Avenue L
PO Box 151854
Ely, NV 89315

SAGEBRUSH TEXACO

1490 E. AULTMAN St.

Ely, NV. 89301

775-289-6688

9/27/2018

Dear Mayor and Council Members,

Sagebrush Texaco located 1490 E. Aultman Street in Ely will be impacted by the closure of the Avenue F extension. Sagebrush Texaco did not receive notice of this proposed road closure. Property owners should have been notified and a public hearing held.

Thank you.

Sagebrush Texaco

9/27/2018

GOOD AFTERNOON,

I AM JULIE SPEAR. I WORK FOR THE CITY IN THE FRONT OFFICE.

I HAVE SOME CONCERNS ABOUT THE PROPOSED ANIMAL CONTROL ITEM ON THE AGENDA ABOUT RAISING DOG LICENSE FEES FOR THE NON SPAYED OR NEUTERED ANIMALS TO \$100.00.

FOR THE ONES THAT DON'T KNOW I AM A LICENSED DOG BREEDER AND DOG OBEDIENCE TRAINER WITH THE CITY OF ELY. SO IT WON'T AFFECT ME BUT I DON'T THINK THAT RAISING THE FEE TO \$100.00 IS FAIR TO THE RESPONSIBLE DOG OWNERS THAT DON'T WANT TO SPAY OR NEUTER THEIR ANIMAL, THAT TAKE CARE OF THEIR ANIMALS AND KEEP THEM HOME. I AM NOT AGAINST RAISING MONEY FOR ANIMAL CONTROL. I AM ALL FOR TAKING CARE OF AS MANY ANIMALS AS WE CAN, BUT WE NEED TO BE FAIR. WHY NOT PENALIZE THE OWNER OF THE ANIMALS THAT ARE NOT SPAYED OR NEUTERED THAT ARE RUNNING THE STREETS BY RAISING THE AT LARGE FEES FOR THEM?

AND LET'S TALK ABOUT ALL THE CATS THAT RUN THE STREETS THAT AREN'T SPAYED OR NEUTERED. YOU WANT TO HAVE A PROGRAM TO SPAY AND NEUTER THEM FOR FREE AND THEY AREN'T LICENSED. HOW IS THAT FAIR? THERE ARE A LOT MORE CATS RUNNING THE STREETS THAN DOGS. I SAY LICENSE THE CATS. THAT WILL RAISE REVENUE FOR ANIMAL CONTROL AND PROTECT US MORE FROM THE THREAT OF RABIES. FIND PROGRAMS THAT WILL BENEFIT BOTH CATS AND DOGS.

I DO THINK THAT NON SPAYED AND NEUTERED ANIMALS SHOULD BE CHARGED MORE THAN SPAYED AND NEUTERED ANIMALS. \$10.00 FOR SPAYED AND NEUTERED AND \$25.00 FOR NON SPAYED OR NEUTERED IS NOT OUT OF LINE.

I THINK IT WILL ONLY HURT THE DOG LICENSING PROGRAM BY RAISING IT TO \$100.00 THEY JUST WON'T REGISTER THEM.

PLEASE RECONSIDER THIS ACTION. THANK YOU. JULIE SPEAR

JenniferLee

From: paul holdaway [pholdaway@yahoo.com]
Sent: Tuesday, September 11, 2018 10:34 AM
To: Jennifer Lee
Subject: Outwest contract with city

Jennifer could you please read this for me when my agenda item comes up as I will not be present at either mtg. Thanks.

It has become apparent that some members of the city council and city staff have made the contract between the city of ely and out west excavating a personal matter. Therefore regardless of what recommendation the council makes, any and all proposed changes will need to be submitted in writing to the law office of Barry Clarkson. Legal counsel for outwest excavating. Until the time any modifications are reviewed and agreed upon by both parties Out west will expect the city of ely to stand behind the contract which is already in place and is binding until January 1st 2020.

Sincerely, Paul Holdaway owner of Outwest Excavating

Sent from Yahoo Mail on Android

**CO-PLAINTIFFS' CITY OF ELY, NEVADA,
AND
NEVADA NORTHERN RAILWAY FOUNDATION, INC.,
JOINT SETTLEMENT OFFER**

September 20, 2018

**Via Email [rkay@mcdonaldcarano.com]
And U.S. Mail**

Rory Kay, Esq.
McDonald Carano LLP
2300 W. Sahara Avenue
Suite 1200
Las Vegas, NV 89102

**INADMISSIBLE/CONFIDENTIAL
SETTLEMENT COMMUNICATION**

Re: *CITY OF ELY, NEVADA, a Nevada municipal corporation; and WHITE PINE HISTORICAL RAILROAD FOUNDATION, INC., a Nevada non-profit corporation vs. S & S SHORTLINE LEASING, LLC, a Utah limited liability company; and DOES 1 through 10, inclusive*

Dear Rory:

Because this joint letter is submitted as a settlement offer its contents are not admissible at trial or any proceeding regarding this case or any related litigation between our clients pursuant to NRS 48.105. Nothing in this letter is to be construed in any way as an admission of liability on the part of the City of Ely, Nevada (the "City"), Nevada Northern Railway Foundation, Inc. (the "Foundation"), or anyone else, and must not be so interpreted.

Plaintiffs are ready, willing and able to proceed with the litigation presently set for trial in Ely, Nevada on January 15, 2019. However, in the spirit of settlement, Plaintiffs extend this offer for purposes of resolving all claims in this litigation as well as any others that could, or should, have been brought based on the business relationship between our clients. Accordingly, Plaintiffs are willing to settle this case, if all of the following five (5) terms are agreed upon:

1. No money changes hands, and all parties are responsible for their own attorneys' fees and costs;
2. The Co-Plaintiffs and your client mutually release one another from any and all claims asserted in the pleadings on file in this matter (Case Number CV1506071) as well as any other claims that could, or should, have been brought in this case. The Parties agree to a dismissal with prejudice of the pending action following execution of a Settlement and Mutual Release Agreement;

Rory Kay, Esq.
September 20, 2018
Page 2

3. Immediate termination of the Lease Agreement/Joint Development Agreement, by and between the City, the Foundation, and your client;

4. Your client acknowledges the Verified Notice of Exemption relating to the Nevada Northern Railway filed with the Surface Transportation Board on July 31, 2009, is void; and

5. Your client removes all personal property under its control from the rail line within thirty (30) days.

This offer pursuant to NRS 48.105 shall remain open until 5:00 p.m. on **October 15, 2018**. Please contact any of Plaintiffs' counsel with any questions.

Sincerely yours,

Paul J. Anderson
Attorney for the Foundation

Christopher M. Stanko
Attorney for the Foundation

John Samberg
Attorney for the City

Charles Odgers
City Attorney

cc: Clients

- D. Exempt Status: All appointed officials, including deputies, if there be any, shall be considered to be "exempt" employees as that term is defined by the City personnel manual.
- E. Establishment Of Appointed Official Salaries: The range of compensation for appointed officials of the City shall be as follows: (Ord. 539, 12-21-1999)

ESTABLISHMENT OF APPOINTED OFFICIAL SALARIES

Job Title	Minimum - Maximum Per Year
City Clerk	\$45,000.00 - \$81,000.00
City Treasurer	\$35,000.00 - \$55,000.00
City Attorney	\$60,000.00 - \$110,000.00
City Administrator/Manager	\$47,000.00 - \$85,000.00
Director of Public Works	\$43,000.00 - \$60,000.00
City Engineer	\$48,000.00 - \$85,000.00
City Clerk/Treasurer	\$45,000.00 - \$81,000.00
Municipal Judge	\$15,000.00 - \$24,000.00

These salary ranges may be evaluated and changed from time to time by resolution, but the compensation of any such officers shall not be increased or diminished to take effect during the time for which the officer was appointed. (Res. 2007-14, 7-12-2007)

1-6-2: **DEPUTIES:** The City Council may authorize the appointment of a deputy or deputies who shall have the same powers as their principals. The respective officers, except the Mayor, City Councilmen, and Municipal Judge, shall appoint their deputies. (Ord. 539, 12-21-1999)

1-6-3: **JOB DUTIES OF APPOINTED OFFICIALS:** The job duties of appointed officials as set forth in this chapter may be evaluated and changed from time to time by resolution of the City Council. No change in job duties may be contrary to those duties provided by statute. (Ord. 539, 12-21-1999)

B. OLD BUSINESS

1. Chairman Peeler – Discussion/For Possible Action– Consideration of an application for a Conditional Special Use Permit. The applicant wishes 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 and the public hearing for this application was held March 22, 2018.

City Attorney Odgers stated this was brought back, originally in March, and the issue came up whether the Tribal park was a park under the definition of NRS 453(A) or NRS 453(E). Then the other park problem we dealt with, the Highland Apartments. Yesterday we had a meeting with the Executive Director, Jorge Pupo and discussed this; the Mayor and I were informed yesterday that the State has given the Tribe a time frame of August 31, 2018 to come into compliance with the State. So, I would ask that you approve the special use to expire on August 31, 2018, unless brought back before the Council with all the requirements from the State having been met. They will not be allowed to plant any new plants.

Councilman Hanson moved to grant a conditional special use permit to Ely Shoshone Tribe to expire on August 31, 2018, unless brought back before the City Council having met all State licensing requirements. Councilwoman Gardner seconded the motion.

Councilman Carson asked will this impact the park at the apartments?

City Attorney Odgers stated no. They have posted on both those properties there's no trespassing; no trespassing is limited to residents and guests and I confirmed that with both Attorney Generals and the Executive Director when he was here yesterday.

Councilman DeFelice asked is the State going to accept a No Trespassing sign?

City Attorney Odgers stated yes. The Chief Deputy for Taxation who was with him yesterday agreed with his analysis.

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

C. NEW BUSINESS

1. Mayor Van Camp – City Fire Chief Rivera – Discussion/For Possible Action – Approval of Proclamation declaring May 20-26th, 2018 as Emergency Medical Services Week in the City of Ely.

Mayor Van Camp read the Emergency Medical Services Week proclamation appearing below.

WHEREAS, emergency medical services is a vital public service; and

WHEREAS, The Ely Volunteer Fire Department and Emergency Medical Services are ready to provide lifesaving care to those in need 24 hours a day, seven days a week; and

WHEREAS, access to quality emergency care dramatically improves the survival and recovery rate of those who experience sudden illness or injury; and

WHEREAS, the emergency medical services system consists of emergency physicians, emergency nurses, emergency medical technicians, paramedics, firefighters, first responders, educators, administrators and others; and

WHEREAS, the members of The Ely Volunteer Fire Department and Emergency Medical Services, whether career or volunteer, engage in thousands of hours of specialized training and continuing education to enhance their lifesaving skills; and

WHEREAS, it is appropriate to recognize the value and the accomplishments of emergency medical services providers by designating Emergency Medical Services Week; now

THHEREFORE, I *in recognition of this event do hereby proclaim the week of*
May 20th - 26th, 2018, as

EMERGENCY MEDICAL SERVICES WEEK

With the theme, "EMS STRONG: STRONGER TOGETHER", I encourage the community to observe this week with appropriate programs, ceremonies and activities.

Melody Van Camp, Mayor

Councilman Hanson moved to approve the Proclamation declaring May 20-26, 2018 as Emergency Medical Services Week in the City of Ely. Councilwoman Gardner seconded the motion. The motion carried unanimously.



City of Ely Fire Department

1780 Great Basin Blvd.
Ely Nv. 89301

Business Phone (775) 289-6633
Fax (775) 289-3122

September 25, 2018

To: Melody Van Camp, Mayor
Ely City Council

Fire Department Call Report: September 5th to September 25th, 2018

24 Medical Transports

5 Non-Transports

2 Co Detector Check

1 Wildland Fire Response

32 Total Calls (Reports 18-0385 thru 18-0 416)

Ross Rivera

Fire Chief
Ely Fire Department

Ely Fire Dept

Department Journal

09/05/2018 to 09/25/2018

07:00 to 23:00

NFIRS Incidents, EMS/Search & Rescue Incidents, Dispatch/Remote Station Incidents, Departmental Events,
Occupancy Activities, Equipt Maint/Testing, Training Classes, Hydrant Activities

Time	Type	Record Id	Description/Location	Staff Hrs
Thu Sep 6, 2018				
10:34	FIRE	13-0000385-000	EMS call, excluding vehicle accident with injury	1.34
Station 1		UnitR3	7th ST /426	
Staff			Hours Code	Unit

18-6475		BRAZELL, Cameron	0.33 PV	
10-7774		O'DONNEL, Marian	0.33 RS	
07-2086		TILBY, Mike	0.68 OD	
Total Staff:		3		
Code		Hours	Count	

OD		0.68	1	
PV		0.33	1	
RS		0.33	1	
Total of All Codes:			3	
21:46	FIRE	18-0000391-000	EMS call, excluding vehicle accident with injury	3.99
Station 1		UnitR1	1500 Aultman ST	
Units: R1, R3, R4				
Staff			Hours Code	Unit

13-5604		GARCIA, Chris	0.57 RE	R4
13-3043		HILTON, Burton	0.57 RA	R3
17-9500		KAAMASEE, Steph	0.57 RA	R3
02-4825		RIVERA, Ross	0.57 RE	R4
17-9443		STEINER, Derek	0.57 PV	PV
02-4684		STORK, Pat	0.57 PV	PV
07-2086		TILBY, Mike	0.57 OD	R1
Total Staff:		7		
Code		Hours	Count	

OD		0.57	1	
PV		1.14	2	
RA		1.14	2	
RE		1.14	2	

Ely Fire Dept

Department Journal

09/05/2018 to 09/25/2018

07:00 to 23:00

NFIRS Incidents, EMS/Search & Rescue Incidents, Dispatch/Remote Station Incidents, Departmental Events,
Occupancy Activities, Equipt Maint/Testing, Training Classes, Hydrant Activities

Time	Type	Record Id	Description/Location	Staff Hrs
------	------	-----------	----------------------	-----------

Thu Sep 6, 2018

Total of All Codes: 7

Fri Sep 7, 2018

15:48	FIRE	18-0000386-000	EMS call, excluding vehicle accident with injury	2.68
	Station 1	Unit R3	115 W Highlands DR	

Staff	Hours	Code	Unit
18-6475	BRAZELL, Cameron	0.67 MX	PV
10-7774	O'DONNEL, Marian	0.67 RS	PV
02-4825	RIVERA, Ross	0.67 OD	R3
02-4684	STORK, Pat	0.67 OD	R3
Total Staff:	4		

Code	Hours	Count
MX	0.67	1
OD	1.34	2
RS	0.67	1
Total of All Codes:		4

16:46	FIRE	18-0000387-000	EMS call, excluding vehicle accident with injury	4.08
	Station 1	Unit R3	636 Murry ST	

Staff	Hours	Code	Unit
18-6475	BRAZELL, Cameron	1.02 MX	PV
10-7774	O'DONNEL, Marian	1.02 RS	PV
02-4825	RIVERA, Ross	1.02 OD	R3
02-4684	STORK, Pat	1.02 OD	R3
Total Staff:	4		

Code	Hours	Count
MX	1.02	1
OD	2.04	2
RS	1.02	1
Total of All Codes:		4

Ely Fire Dept
Department Journal

09/05/2018 to 09/25/2018

07:00 to 23:00

NFIRS Incidents, EMS/Search & Rescue Incidents, Dispatch/Remote Station Incidents, Departmental Events,
Occupancy Activities, Equipt Maint/Testing, Training Classes, Hydrant Activities

Time	Type	Record Id	Description/Location	Staff Hrs
------	------	-----------	----------------------	-----------

Fri Sep 7, 2018

21:22	FIRE	18-0000388-000	EMS call, excluding vehicle accident with injury	5.10
	Station 1	Unit R3	1130 Ely ST	

Staff	Hours	Code	Unit
18-6475	BRAZELL, Cameron	0.85 MX	PV
02-1986	MCKNIGHT, Craig	0.85 RS	PV
18-2489	MICHAELS, Shadrack	0.85 MX	PV
17-3610	PEACOCK, Derek	0.85 MX	PV
02-4825	RIVERA, Ross	0.85 RA	R3
02-4684	STORK, Pat	0.85 OD	R3
Total Staff:	6		

Code	Hours	Count
MX	2.55	3
OD	0.85	1
RA	0.85	1
RS	0.85	1
Total of All Codes:		6

Sat Sep 8, 2018

01:08	FIRE	18-0000389-000	EMS call, excluding vehicle accident with injury	1.30
	Station 1	Unit R3	1500 Avenue G AVE	

Staff	Hours	Code	Unit
11-6982	MANGUM-MCARDLE, Misty	0.65 RA	R3
02-4684	STORK, Pat	0.65 OD	R3
Total Staff:	2		

Code	Hours	Count
OD	0.65	1
RA	0.65	1
Total of All Codes:		2

Ely Fire Dept
Department Journal

09/05/2018 to 09/25/2018

07:00 to 23:00

NFIRS Incidents, EMS/Search & Rescue Incidents, Dispatch/Remote Station Incidents, Departmental Events,
Occupancy Activities, Equipt Maint/Testing, Training Classes, Hydrant Activities

Time	Type	Record Id	Description/Location	Staff Hrs
Sat Sep 8, 2018				
03:07	FIRE	18-0000390-000	EMS call, excluding vehicle accident with injury	1.71
Station 1		UnitR3	1500 Avenue H AVE	
Staff			Hours Code	Unit

11-6982		MANGUM-MCARDLE, Misty	0.57 RA	R3
02-1986		MCKNIGHT, Craig	0.57 RS	PV
02-4684		STORK, Pat	0.57 OD	R3
Total Staff:		3		
Code		Hours	Count	

OD		0.57	1	
RA		0.57	1	
RS		0.57	1	
Total of All Codes:			3	
14:13	FIRE	18-0000392-000	Rescue, EMS incident, other	24.06
Station 1		UnitR3	Avenue F AVE /1670/20D	
Staff			Hours Code	Unit

11-6982		MANGUM-MCARDLE, Misty	24.03 RA	R3
07-2086		TILBY, Mike	0.03 OD	R3
Total Staff:		2		
Code		Hours	Count	

OD		0.03	1	
RA		24.03	1	
Total of All Codes:			2	
Sun Sep 9, 2018				
12:39	FIRE	18-0000393-000	EMS call, excluding vehicle accident with injury	2.96
Station 1		UnitR3	916 AVE B AVE	
Staff			Hours Code	Unit

18-5426		GOLLA, Bodie	0.74 OD	

Ely Fire Dept

Department Journal

09/05/2018 to 09/25/2018

07:00 to 23:00

NFIRS Incidents, EMS/Search & Rescue Incidents, Dispatch/Remote Station Incidents, Departmental Events,
Occupancy Activities, Equipt Maint/Testing, Training Classes, Hydrant Activities

Time	Type	Record Id	Description/Location	Staff Hrs
------	------	-----------	----------------------	-----------

Sun Sep 9, 2018

10-7774	O'DONNEL, Marian	0.74 OD
02-4825	RIVERA, Ross	0.74 PV
02-4684	STORK, Pat	0.74 PV
Total Staff:	4	

Code	Hours	Count
OD	1.48	2
PV	1.48	2
Total of All Codes:		4

Mon Sep 10, 2018

10:54	FIRE	18-0000394-000	Rescue, EMS incident, other	2.30
-------	------	----------------	-----------------------------	------

Station 1	Unit R3	1049 Avenue I AVE
-----------	---------	-------------------

Staff	Hours	Code	Unit
-------	-------	------	------

11-6982	MANGUM-MCARDLE, Misty	1.15 RA
07-2086	TILBY, Mike	1.15 OD
Total Staff:	2	

Code	Hours	Count
OD	1.15	1
RA	1.15	1
Total of All Codes:		2

11:21	FIRE	18-0000395-000	Rescue, EMS incident, other	2.92
-------	------	----------------	-----------------------------	------

Station 1	Unit R33	849 Canyon ST
-----------	----------	---------------

Staff	Hours	Code	Unit
-------	-------	------	------

18-6475	BRAZELL, Cameron	0.73 PV
13-5604	GARCIA, Chris	0.73 RS
10-7774	O'DONNEL, Marian	0.73 RA
02-4825	RIVERA, Ross	0.73 RA
Total Staff:	4	

Code	Hours	Count
------	-------	-------

Ely Fire Dept

Department Journal

09/05/2018 to 09/25/2018

07:00 to 23:00

NFIRS Incidents, EMS/Search & Rescue Incidents, Dispatch/Remote Station Incidents, Departmental Events,
Occupancy Activities, Equipt Maint/Testing, Training Classes, Hydrant Activities

Time	Type	Record Id	Description/Location	Staff Hrs
Mon Sep 10, 2018				
PV			0.73 1	
RA			1.46 2	
RS			0.73 1	
Total of All Codes:			4	
15:18	FIRE	18-0000396-000	Rescue, EMS incident, other	1.44
Station 1		Unit R3	15th ST /701 E.	
Staff			Hours Code Unit	
18-6475		BRAZELL, Cameron	0.18 PV	
11-6982		MANGUM-MCARDLE, Misty	0.45 RA	
10-7774		O'DONNELL, Marian	0.18 RS	
02-4825		RIVERA, Ross	0.18 RCC	
07-2086		TILBY, Mike	0.45 OD	
Total Staff:		5		
Code		Hours Count		
OD		0.45 1		
PV		0.18 1		
RA		0.45 1		
RCC		0.18 1		
RS		0.18 1		
Total of All Codes:		5		
17:51	FIRE	18-0000397-000	Rescue, EMS incident, other	1.92
Station 1		Unit R3	1290 Avenue B AVE	
Staff			Hours Code Unit	
18-6475		BRAZELL, Cameron	0.48 PV	
11-6982		MANGUM-MCARDLE, Misty	0.48 RA	
18-2489		MICHAELS, Shadrack	0.48 PV	
07-2086		TILBY, Mike	0.48 OD	
Total Staff:		4		
Code		Hours Count		
OD		0.48 1		
PV		0.96 2		
RA		0.48 1		

Ely Fire Dept
Department Journal

09/05/2018 to 09/25/2018

07:00 to 23:00

NFIRS Incidents, EMS/Search & Rescue Incidents, Dispatch/Remote Station Incidents, Departmental Events,
Occupancy Activities, Equipt Maint/Testing, Training Classes, Hydrant Activities

Time	Type	Record Id	Description/Location	Staff Hrs
------	------	-----------	----------------------	-----------

Mon Sep 10, 2018

Total of All Codes: 4

Tue Sep 11, 2018

12:56	FIRE	18-0000398-000	EMS call, excluding vehicle accident with injury	2.48
	Station 1	Unit R3	1800 Bobcat DR	

Staff	Hours	Code	Unit
18-6475	BRAZELL, Cameron	0.62	PV
18-5426	GOLLA, Bodie	0.62	OD
10-7774	O'DONNELL, Marian	0.62	RS
02-4825	RIVERA, Ross	0.62	OD
Total Staff:	4		

Code	Hours	Count
OD	1.24	2
PV	0.62	1
RS	0.62	1
Total of All Codes:		4

Wed Sep 12, 2018

15:20	FIRE	18-0000399-000	EMS call, excluding vehicle accident with injury	1.14
	Station 1	Unit R3	1780 Great Basin BLVD	

Staff	Hours	Code	Unit
11-6982	MANGUM-MCARDLE, Misty	0.38	OD R3
02-4176	PETERSON, Mike	0.38	OD R3
02-4825	RIVERA, Ross	0.38	RS CC
Total Staff:	3		

Code	Hours	Count
OD	0.76	2
RS	0.38	1

Ely Fire Dept

Department Journal

09/05/2018 to 09/25/2018

07:00 to 23:00

NFIRS Incidents, EMS/Search & Rescue Incidents, Dispatch/Remote Station Incidents, Departmental Events,
Occupancy Activities, Equipt Maint/Testing, Training Classes, Hydrant Activities

Time	Type	Record Id	Description/Location	Staff Hrs
Wed Sep 12, 2018				
Total of All Codes:			3	
Thu Sep 13, 2018				
07:00	FIRE	18-0000400-000	EMS call, excluding vehicle accident with	2.60
Station 1		UnitR3	injury	
			630 E 16th ST	
Staff			Hours Code	Unit

18-6475		BRAZELL, Cameron	0.65 OD	
18-5426		GOLLA, Bodie	0.65 OD	
10-7774		O'DONNEL, Marian	0.65 RS	
02-4825		RIVERA, Ross	0.65 RS	
Total Staff:		4		
Code		Hours	Count	

OD		1.30	2	
RS		1.30	2	
Total of All Codes:			4	
10:43	FIRE	18-0000401-000	EMS call, excluding vehicle accident with	1.84
Station 1		UnitR3	injury	
			1111 E 10th ST	
Staff			Hours Code	Unit

18-5426		GOLLA, Bodie	0.46 OD	
02-8308		MANGUM, Pete	0.46 RS	
10-7774		O'DONNEL, Marian	0.46 RS	
02-4825		RIVERA, Ross	0.46 RCC	
Total Staff:		4		
Code		Hours	Count	

OD		0.46	1	
RCC		0.46	1	
RS		0.92	2	
Total of All Codes:			4	

Ely Fire Dept
Department Journal

09/05/2018 to 09/25/2018

07:00 to 23:00

NFIRS Incidents, EMS/Search & Rescue Incidents, Dispatch/Remote Station Incidents, Departmental Events,
Occupancy Activities, Equipt Maint/Testing, Training Classes, Hydrant Activities

Time	Type	Record Id	Description/Location	Staff Hrs
Thu Sep 13, 2018				
12:49	FIRE	18-0000402-000	EMS call, excluding vehicle accident with injury	4.10
	Station 1	Unit R3	1165 AVE E.	
<div> <div>Staff</div> <div>Hours Code</div> <div>Unit</div> </div>				
18-6475	BRAZELL, Cameron		0.82 OD	
18-5426	GOLLA, Bodie		0.82 OD	
02-8308	MANGUM, Pete		0.82 RS	
11-6982	MANGUM-MCARDLE, Misty		0.82 PV	
07-3792	RAINEY, Donald G		0.82 PV	
Total Staff:		5		
<div> <div>Code</div> <div>Hours</div> <div>Count</div> </div>				
OD		1.64	2	
PV		1.64	2	
RS		0.82	1	
Total of All Codes:			5	
18:00	TRAIN		Donning & Doffing	8.00
	Station 1			
<div> <div>Staff</div> <div>Hours Code</div> </div>				
18-6475	BRAZELL, Cameron		2.00 5.02.02.01	
18-5279	LAWSON, Mathew		2.00 5.02.02.01	
17-8055	STARK, Jacob		2.00 5.02.02.01	
17-9443	STEINER, Derek		2.00 5.02.02.01	
Total Staff:		4		
<div> <div>Code</div> <div>Hours</div> <div>Count</div> </div>				
5.02.02.01		8.00	4	
Total of All Codes:			4	
18:43	FIRE	18-0000403-000	EMS call, excluding vehicle accident with injury	3.18
	Station 1	Unit R3	353 Ogden AVE	
<div> <div>Staff</div> <div>Hours Code</div> <div>Unit</div> </div>				
18-5426	GOLLA, Bodie		1.06 OD	

Ely Fire Dept

Department Journal

09/05/2018 to 09/25/2018

07:00 to 23:00

NFIRS Incidents, EMS/Search & Rescue Incidents, Dispatch/Remote Station Incidents, Departmental Events,
Occupancy Activities, Equipt Maint/Testing, Training Classes, Hydrant Activities

Time	Type	Record Id	Description/Location	Staff Hrs
------	------	-----------	----------------------	-----------

Thu Sep 13, 2018

02-8308	MANGUM, Pete	1.06 RS
10-7774	O'DONNEL, Marian	1.06 RS
Total Staff:	3	

Code	Hours	Count
OD	1.06	1
RS	2.12	2
Total of All Codes:		3

Fri Sep 14, 2018

09:41	FIRE	18-0000404-000	CO detector activation due to malfunction	0.76
Station 1		Unit R4	537 Ely AVE	

Staff	Hours	Code	Unit
10-7774	0.38	RS	PV
02-4176	0.38	OD	R4
Total Staff:	2		

Code	Hours	Count
OD	0.38	1
RS	0.38	1
Total of All Codes:		2

21:35	FIRE	18-0000405-000	EMS call, excluding vehicle accident with injury	3.72
Station 1		Unit R3	20 Nevada AVE	

Staff	Hours	Code	Unit
18-6475	0.93	PV	PV
11-6982	0.93	OD	R3
02-1986	0.93	RS	PV
02-4176	0.93	OD	R3
Total Staff:	4		

Code	Hours	Count

Ely Fire Dept

Department Journal

09/05/2018 to 09/25/2018

07:00 to 23:00

NFIRS Incidents, EMS/Search & Rescue Incidents, Dispatch/Remote Station Incidents, Departmental Events,
Occupancy Activities, Equipt Maint/Testing, Training Classes, Hydrant Activities

Time	Type	Record Id	Description/Location	Staff Hrs
Fri Sep 14, 2018				
OD			1.86 2	
PV			0.93 1	
RS			0.93 1	
Total of All Codes:			4	
Sat Sep 15, 2018				
08:48	FIRE	18-0000406-000	EMS call, excluding vehicle accident with injury	2.92
Station 1		UnitR3	890 AVE C	
Staff			Hours Code Unit	

18-5426		GOLLA, Bodie	0.73 OD	
07-3792		RAINEY, Donald G	0.73 PV	
02-4825		RIVERA, Ross	0.73 PV	
17-3212		STEINER, Jeannie C	0.73 RS	
Total Staff:		4		
Code		Hours Count		

OD		0.73 1		
PV		1.46 2		
RS		0.73 1		
Total of All Codes:			4	
09:40	FIRE	18-0000407-000	EMS call, excluding vehicle accident with injury	1.53
Station 1		UnitR3	630 E 16th ST	
Staff			Hours Code Unit	

18-5426		GOLLA, Bodie	0.51 OD	
07-3792		RAINEY, Donald G	0.51 PV	
17-3212		STEINER, Jeannie C	0.51 OD	
Total Staff:		3		
Code		Hours Count		

OD		1.02 2		
PV		0.51 1		

Ely Fire Dept
Department Journal

09/05/2018 to 09/25/2018

07:00 to 23:00

NFIRS Incidents, EMS/Search & Rescue Incidents, Dispatch/Remote Station Incidents, Departmental Events,
Occupancy Activities, Equipt Maint/Testing, Training Classes, Hydrant Activities

Time	Type	Record Id	Description/Location	Staff Hrs
Sat Sep 15, 2018				
Total of All Codes:			3	
10:05	FIRE	18-0000408-000	Hazardous condition, Other	0.30
Station 1		Unit CC	537 Ely AVE	
Staff			Hours Code Unit	

02-4825		RIVERA, Ross	0.30 OD	CC
Total Staff:		1		
Code		Hours	Count	

OD		0.30	1	
Total of All Codes:			1	
11:52	FIRE	18-0000409-000	EMS call, excluding vehicle accident with	0.40
Station 1		Unit R3	injury	
			7th ST	
Staff			Hours Code Unit	

18-5426		GOLLA, Bodie	0.20 OD	
17-3212		STEINER, Jeannie C	0.20 OD	
Total Staff:		2		
Code		Hours	Count	

OD		0.40	2	
Total of All Codes:			2	
17:13	FIRE	18-0000410-000	Medical - Cancelled Enroute	0.32
Station 1		Unit R3	650 Orson AVE	
Staff			Hours Code Unit	

18-5426		GOLLA, Bodie	0.08 OD	
02-1986		MCKNIGHT, Craig	0.08 RS	
18-2489		MICHAELS, Shadrack	0.08 RS	
10-7774		O'DONNEL, Marian	0.08 RS	
Total Staff:		4		
Code		Hours	Count	

Ely Fire Dept

Department Journal

09/05/2018 to 09/25/2018

07:00 to 23:00

NFIRS Incidents, EMS/Search & Rescue Incidents, Dispatch/Remote Station Incidents, Departmental Events, Occupancy Activities, Equip Maint/Testing, Training Classes, Hydrant Activities

Time	Type	Record Id	Description/Location	Staff Hrs
Sat Sep 15, 2018				
06	OD		0.08 1	
	RS		0.24 3	
	Total of All Codes:		4	

Sun Sep 16, 2018

06:41	FIRE	18-0000411-000	EMS call, excluding vehicle accident with injury	2.49
	Station 1	Unit R3	2105 North ST	
Staff				
			Hours Code	Unit
18-5426		GOLLA, Bodie	0.83 OD	R3
02-1986		MCKNIGHT, Craig	0.83 RS	PV
02-4176		PETERSON, Mike	0.83 RA	R3
Total Staff:		3		
Code				
		Hours	Count	
OD		0.83	1	
RA		0.83	1	
RS		0.83	1	
Total of All Codes:			3	

Mon Sep 17, 2018

	OCCUP	1095-AULT	INSPECTION-Pre-License	0.00
	Station 1		EASTERN NEVADA ADVENTURES, 1095 Aultman ST	
Staff				Hours
02-4684		STORK, Pat	0.00	

Tue Sep 18, 2018

12:01	FIRE	18-0000412-000	Brush or brush-and-grass mixture fire	29.37
	Station 1	Unit E1	VACANT LOT BETWEEN LOVES AND HIGH SCHOOL	
Units: E1, B1				
Staff				
			Hours Code	Unit

Ely Fire Dept

Department Journal

09/05/2018 to 09/25/2018

07:00 to 23:00

NFIRS Incidents, EMS/Search & Rescue Incidents, Dispatch/Remote Station Incidents, Departmental Events,
Occupancy Activities, Equip Maint/Testing, Training Classes, Hydrant Activities

Time	Type	Record Id	Description/Location	Staff Hrs
------	------	-----------	----------------------	-----------

Wed Sep 19, 2018

02-0157	ALWORTH, Jim	2.67	FX	PV
10-2375	BATH, April	2.67	RS	PV
18-6475	BRAZELL, Cameron	2.67	FX	PV
02-5977	DOTY, Steve	2.67	FX	PV
02-9804	KAAMASEE, Chris	2.67	FX	PV
17-9500	KAAMASEE, Steph	2.67	RS	PV
11-6982	MANGUM-MCARDLE, Misty	2.67	RS	PV
18-1043	NORTON, CHARLES	2.67	FX	PV
10-7774	O'DONNELL, Marian	2.67	RS	PV
02-4825	RIVERA, Ross	2.67	OD	B1
02-4684	STORK, Pat	2.67	OD	E1
Total Staff:		11		

Code	Hours	Count
FX	13.35	5
OD	5.34	2
RS	10.68	4
Total of All Codes:		11

Thu Sep 20, 2018

14:49	FIRE	18-0000413-000	Rescue, EMS incident, other	1.29
-------	------	----------------	-----------------------------	------

Station 1	Unit R3	1689 S Great Basin Blvd HWY		
Staff		Hours	Code	Unit
17-9500	KAAMASEE, Steph	0.43	PV	
10-7774	O'DONNELL, Marian	0.43	OD	
07-2086	TILBY, Mike	0.43	OD	
Total Staff:		3		

Code	Hours	Count
OD	0.86	2
PV	0.43	1
Total of All Codes:		3

Ely Fire Dept
Department Journal

09/05/2018 to 09/25/2018

07:00 to 23:00

NFIRS Incidents, EMS/Search & Rescue Incidents, Dispatch/Remote Station Incidents, Departmental Events,
Occupancy Activities, Equipt Maint/Testing, Training Classes, Hydrant Activities

Time	Type	Record Id	Description/Location	Staff Hrs
Fri Sep 21, 2018				
15:11	FIRE	18-0000414-000	EMS call, excluding vehicle accident with injury	3.35
	Station 1	Unit R3	670 E 17th ST	
Staff			Hours Code	Unit
18-6475		BRAZELL, Cameron	0.67 MX	PV
11-6982		MANGUM-MCARDLE, Misty	0.67 RA	R3
18-2489		MICHAELS, Shadrack	0.67 MX	PV
17-8813		RUESCH, Adam	0.67 MX	PV
02-4684		STORK, Pat	0.67 OD	R3
Total Staff:		5		
Code		Hours	Count	
MX		2.01	3	
OD		0.67	1	
RA		0.67	1	
Total of All Codes:			5	

Sat Sep 22, 2018

19:13	FIRE	18-0000415-000	Rescue, EMS incident, other	4.32
	Station 1	Unit R3	1005 Avenue G AVE	
Staff			Hours Code	Unit
18-6475		BRAZELL, Cameron	0.68 PV	
11-5220		LESTER, Mike	0.68 PV	
02-1986		MCKNIGHT, Craig	0.68 RS	
10-7774		O'DONNELL, Marian	0.68 PV	
12-7938		PEREZ, Teresa	0.80 RA	
07-2086		TILBY, Mike	0.80 OD	
Total Staff:		6		
Code		Hours	Count	
OD		0.80	1	
PV		2.04	3	
RA		0.80	1	
RS		0.68	1	

Ely Fire Dept

Department Journal

09/05/2018 to 09/25/2018

07:00 to 23:00

NFIRS Incidents, EMS/Search & Rescue Incidents, Dispatch/Remote Station Incidents, Departmental Events,
Occupancy Activities, Equipt Maint/Testing, Training Classes, Hydrant Activities

Time	Type	Record Id	Description/Location	Staff Hrs
------	------	-----------	----------------------	-----------

Sat Sep 22, 2018

Total of All Codes: 6

Mon Sep 24, 2018

11:40	FIRE	18-0000416-000	Rescue, EMS incident, other	2.26
-------	------	----------------	-----------------------------	------

Station 1	Unit R3	2105 North ST
-----------	---------	---------------

Staff	Hours	Code	Unit
-------	-------	------	------

18-6475	BRAZELL, Cameron	0.42	PV	PV
11-6982	MANGUM-MCARDLE, Misty	0.50	RA	R3
10-7774	O'DONNEL, Marian	0.42	RS	PV
02-4825	RIVERA, Ross	0.42	RCC	CC
07-2086	TILBY, Mike	0.50	OD	R3
Total Staff:	5			

Code	Hours	Count
OD	0.50	1
PV	0.42	1
RA	0.50	1
RCC	0.42	1
RS	0.42	1
Total of All Codes:		5

Total Entries: 34

Total Staff Hrs: 132.17

CITY OF ELY

PROCLAMATION

WHEREAS, the city of Ely, Nevada is committed to ensuring the safety and security of all those living in and visiting Ely; and

WHEREAS, fire is a serious public safety concern both locally and nationally, and homes are the locations where people are at greatest risk from fire; and

WHEREAS, home fires killed 2,735 people in the United States in 2016, according to the National Fire Protection Association (NFPA), and fire departments in the United States responded to 352,000 home fires; and

WHEREAS, the majority of U.S. fire deaths (4 out of 5) occur at home each year; and

WHEREAS, the fire death rate per 1000 home fires reported to U.S. fire departments was 10 percent higher in 2016 than in 1980; and

WHEREAS, Ely's residents should identify places in their home where fires can start and eliminate those hazards; and

WHEREAS, working smoke alarms cut the risk of dying in reported home fires in half; and

WHEREAS, Ely's residents should install smoke alarms in every sleeping room, outside each separate sleeping area, and on every level of the home; and

WHEREAS, Ely's residents should listen for the sound of the smoke alarm and when it sounds respond by going outside immediately to the designated meeting place;

WHEREAS, Ely's residents who have planned and practiced a home fire escape plan are more prepared and will therefore be more likely to survive a fire; and

WHEREAS, Ely's first responders are dedicated to reducing the occurrence of home fires and home fire injuries through prevention and protection education; and

WHEREAS, Ely's residents are responsive to public education measures and are able to take action to increase their safety from fire, especially in their homes; and

WHEREAS, the 2018 Fire Prevention Week theme, "Look. Listen. Learn. Be aware - fire can happen anywhere™" effectively serves to remind us that we need to take personal steps to increase our safety from fire.

THEREFORE, I Melody Van Camp, Mayor of Ely do hereby proclaim October 7-13, 2018, as Fire Prevention Week throughout this city, and I urge all the people of Ely to be aware of their surroundings, look for available ways out in the event of a fire or other emergency, respond when the smoke alarm sounds by exiting the building immediately, and to support the many public safety activities and efforts of Ely's fire and emergency services during Fire Prevention Week 2018.

Melody Van Camp, Ely Mayor

Date

Memorandum

to: Mayor Van Camp and Member of the Ely City Council
from: Marion J. (Sam) Hanson
date: 27 September 2018
re: Report of the 2018 Nevada League of Cities and Municipalities Conference

I took note of the following items during my attendance at the 2018 Nevada League of Cities and Municipalities Conference held in Winnemucca earlier this month:

- Roy Edgington, Mayor of the City of Fernley, announced that his city has determined to test the limits of the Nevada Home Rule legislation passed in 2015. They have submitted a BDR which proposes—unless the 2019 legislative session precludes it—to allow municipalities to impose a tax of 5¢ per gallon on diesel fuel sold within their jurisdiction, with proceeds to be specifically designated for road improvements.
- The keynote presentation by Bodine Balasco stressed the importance of historical preservation as a means to drive economic development, stating that recent data shows that every \$1.00 spent on historic preservation in municipalities in the United States yields an eventual return of \$32.50, perhaps the highest ratio of investment to return available. Significant ROI stems from zoning ordinances which allow for mixed use in downtown areas that facilitate residential dwellings within walking distance of downtown attractions. Certified Local Government programs are available to assist in the development of downtown areas; moreover, a 20% tax credit is available if the target property is listed on the National Historic Register. The presenter from SHPO urged municipalities to partner with both them and the Main Street program for maximum benefit.
- Disturbingly, with its far lower price heroin has supplanted meth as the drug of choice in both Humboldt County (population, approximately 8500) and Winnemucca City (population also approximately 8500), according to Winnemucca Police Lieutenant Jody Marvel, where his colleagues have averaged confiscating one half-pound bag of heroin per week, but estimates that up to 200 such bags are used weekly between the city and county residents. Recently, a dangerous new trend has appeared; sellers are lacing one random bag in twenty with fentanyl to result in near-certain death. Paradoxically, the practice has actually boosted sales for dealers as drug users liken the experience to purchasing such a bag to playing “Russian roulette.” The entire situation seems to have begun in the Reno area and appears to be gradually progressing eastward through the state. Emergency response personnel in Winnemucca train in the use of and carry specific equipment to deal with those who appear to be in a life-threatening situation. The demand of substance abuse response leaves little time for traditional public safety enforcement activities, nor implementation of prevention programs.

- Seeing legislation stalled in committee in the U.S. Congress, the cell-phone industry has asked the Federal Communications Commission (FCC) to implement regulations which would drastically limit a municipality's ability to control the installation and regulation of small-cell transmission towers, including a severe restriction on the amount of money that could be charged for use of a municipality's existing infrastructure, such as street lights, etc. (Twenty states have already enacted such legislation at the behest of the cell phone industry.) Concerned municipalities and individuals should contact their representatives in Washington, D.C. and urge them to tell the FCC of their strenuous opposition to the proposed regulations.
- Wayne Carlson, Executive Director of Pool Pact, addressed the business session and provided specific advice to recently-elected municipal office holders concerning their role and function as municipal elected officials. (I afterwards suggested to Mr. Carlson that Pool Pact publish the information in the form of a guide for newly-elected officials.) He also noted that NRS (he did not quote the section) stipulates that when elected bodies of five members have enough members present to constitute a quorum, but members are missing or cannot vote, a simple majority of votes is sometimes insufficient to pass a motion. In other words—and particularly—if only three members of the City Council are present at a meeting, it takes all three to pass any motion; a simple 2-1 majority is not sufficient. This information may also be found in the Open Meeting Manual.
- Wes Henderson, Executive Director of the League stated that the 2019 legislative session will be carefully monitored by two lobbyists retained by the League. Of particular note is SJ-14 which would reset property tax to the point of sale, which would increase the taxable rate of older residences and increase revenues to municipalities. A bill draft has also been submitted which would allow municipalities to expand the number of marijuana licenses for dispensaries. The League will carefully monitor and report developments of concern to its members.

I appreciate the opportunity to have participated. Thank you.

MJH/mh






City of Ely

2018 Benefits

Presented by:
Broker: Jeff Hyde
Account Manager: Lindsey Wanlass



	 SIERRA HEALTH AND LIFE A UnitedHealthcare Company		 Anthem BlueCross		 Aetna	
	2000/80% H.S.A		PPO 2000/20%		NV PPO 2500	
	In Network	Out of Network	In Network	Out of Network	In Network	Out of Network
Calendar Year Deductible (Individual/Family)	\$2000/\$4000	\$4000/\$8000	\$2000/\$4000	\$4000/ \$8000	\$2500/ \$5000	\$7500/ \$15,000
Coinsurance Maximum (Individual/Family)	\$6500/\$13,000	\$13,000/\$26,000	\$4000/ \$8000	\$8000/ \$16,000	\$6800/ \$13,600	\$27,200/ \$54,400
Office Visit (Primary/Specialist)	20% ^{AD}	50% ^{AD}	\$20/ \$50	50% ^{AD}	\$35/ \$95	50% ^{AD}
Preventive Care	Covered 100%	50% ^{AD}	Covered 100%	50% ^{AD}	Covered 100%	50% ^{AD}
Outpatient Services	20% ^{AD}	50% ^{AD}	20% ^{AD}	50% ^{AD}	30% ^{AD}	50% ^{AD}
Inpatient Hospital	20% ^{AD}	50% ^{AD}	20% ^{AD}	50% ^{AD}	30% ^{AD}	50% ^{AD}
Maternity	20% ^{AD}	50% ^{AD}	20% ^{AD}	50% ^{AD}	30% ^{AD}	50% ^{AD}
Urgent Care	20% ^{AD}	50% ^{AD}	\$50	50% ^{AD}	\$95	50% ^{AD}
Emergency Room		20% ^{AD}		20% ^{AD}	\$500 + 30% ^{AD}	
Pediatric Dental/Vision	Included	Included	Included	Included	Included	Included
Chiropractic	20% ^{AD}	50% ^{AD}	20% ^{AD}	50% ^{AD}	30% ^{AD}	50% ^{AD}
Prescriptions	20% ^{AD}		\$10/ \$20/ \$40/ \$80/ 25% up to \$400	50% ^{AD}	\$12/ \$55/ \$95/ 40% up to \$500	50% ^{AD}
Mental Health						
Inpatient	20% ^{AD}	50% ^{AD}	20% ^{AD}	50% ^{AD}	30% ^{AD}	50% ^{AD}
Outpatient	20% ^{AD}	50% ^{AD}	\$20	50% ^{AD}	\$35	50% ^{AD}
	Current	Renewal				
Total Monthly Premium	\$30,396.08	\$31,941.64	\$46,137.60		\$36,190.35	
Premium Amount City Pays (80%)	\$24,316.86	\$25,553.31	\$36,910.08		\$28,952.28	
Total Monthly Increase	5%		52%		19%	



	<div>BESTLife[™]</div> <div>BEST Life and Health Insurance Company</div>	
Dental Plan	PPO 1500	
	In Network	Out of Network
Deductible (Individual/Family)	\$25/\$75	\$25/\$75
Annual Maximum Payment	\$2,000	\$1,500
Preventive Coverage	Covered 100%	Covered 100%
Basic Coverage	80% ^{AD}	80% ^{AD}
Major	50% ^{AD}	50% ^{AD}
Orthodontics (to age 18)	50% ^{AD}	50% ^{AD}
Orthodontia Adults	Not covered	Not Covered
Orthodontic Lifetime Maximum		\$750
Basis of Reimbursement	Scheduled	90th
Limitations and Frequencies		
Bitewing Xrays	2 per year if under 18, 1 per year if over 18	
Flouride Benefits	to age 18	
Perio Endo	Basic	
Composite Fillings	Covered	
New Hire Waiting Periods		
Preventive Coverage	None	
Basic Coverage	None	
Major	12 Months	
Orthodontics	None	
Rates	Current	Renewal
Employee	\$30.48	\$32.92
Employee + Spouse	\$62.60	\$67.18
Employee + Child(ren)	\$79.79	\$86.19
Family	\$117.55	\$126.95



	BEST Life TM BEST Life and Health Insurance Company	
	Vision PPO	
	In Network	Out of Network
Exam	12 Months Frequency	
	\$10	\$42 Allowance
Prescription Glasses	12 Months Frequency	
Lenses		
Single	\$10.00 Copay	\$35 Allowance
Lined Bifocal	\$10.00 Copay	\$40 Allowance
Lined Trifocal	\$10.00 Copay	\$65 Allowance
Frames	24 Months Frequency	
	\$130 Allowance plus 20% Discount over Allowance	\$65 Allowance
Contact Lenses	12 Months Frequency	
Fitting & Lenses	\$130 Allowance	\$104 Allowance
Rate	Current	Renewal
Employee	\$7.24	\$7.24
Employee + Spouse	\$14.48	\$14.48
Employee + Child (ren)	\$14.26	\$14.26
Family	\$18.82	\$18.82

**BILL NO. 2018 -08
ORDINANCE NO. 715**

An Ordinance establishing the City of Ely's recreational marijuana rules, setting fees and zoning requirements.

WHEREAS, N.R.S. 266.105 empowers the Ely City Council to pass ordinances necessary for the municipal government and the management of the affairs of the City, for execution of all powers vested in the City, and for making effective the provisions of Chapter 266 of the Nevada Revised Statutes; and

WHEREAS, NRS 268.0033(1) authorizes the City Council to exercise those powers necessary to regulate matters affecting matters of local concern; and

WHEREAS, the Ely City Council is establishing an ordinance setting forth regulations pertaining to all aspects of regulating recreational marijuana in the City of Ely pursuant to NRS 453D and NAC 453D.

NOW, THEREFORE, The City Council of the City of Ely DOES CREATE TITLE 3, CHAPTER 15, AND ADDS THE SAME TO THE CITY ORDINANCES AS FOLLOWS:

I.

ORDINANCE ENACTMENT

TITLE 3

Chapter 15

RECREATIONAL MARIJUANA ESTABLISHMENTS

3-15-1: PURPOSE AND INTENT:

3-15-2: DEFINITIONS:

3-15-3: UNLAWFUL ACTS:

3-15-4: LICENSE REQUIRED—PRIVILEGE—ISSUANCE PROHIBITED TO DESIGNATED PERSONS:

3-15-5: FINDING OF SUITABILITY:

3-15-6: CONDITIONS APPLYING TO SPECIFIC LOCATION/BUSINESS TYPES:

3-15-7: LICENSE APPLICATION CONTENTS:

3-15-8: CITY ADMINISTRATOR REVIEW:

3-15-9: PLANNING COMMISSION AND CITY COUNCIL ACTION ON APPLICATION:

3-15-10: MARIJUANA ESTABLISHMENT - LICENSES:

3-15-11: SECURITY REQUIREMENTS:

3-15-12: MARIJUANA ESTABLISHMENTS:

3-15-13: CHANGE OF LOCATION—RESTRICTIONS—MARIJUANA ESTABLISHMENT ORIGINATION FEE:
3-15-14: LICENSE—PERMIT—TRANSFER OF OWNERSHIP AND CHANGES IN BUSINESS STRUCTURE—COUNCIL APPROVAL REQUIRED:
3-15-15: CLOSURE OR NON-OPERATIONAL STATUS—RESPONSIBILITY TO MAINTAIN USE:
3-15-16: ISSUANCE OF MORATORIUM:
3-15-17: LAND USE AND LOCATION REQUIREMENTS—COMPLIANCE WITH TITLE 12.
3-15-18: MARIJUANA ESTABLISHMENTS—INTERCONNECTIVITY ALLOWED:
3-15-19: DELIVERING OFF PREMISES:
3-15-20: INTOXICATION ON PREMISES:
3-15-21: DISTRIBUTING TO MINORS—ESTABLISHMENT OF POLICY—COPY ON PREMISES—REQUIREMENT TO SHOW:
3-15-22: MINOR—EMPLOYMENT:
3-15-23: SUSPENSION—REVOCATION—LIMITATION—PENALTY:
3-15-24: MARIJUANA ESTABLISHMENT RESPONSIBLE FOR THE ACTS OF EMPLOYEES:
3-15-25: MARIJUANA ESTABLISHMENTS SUBJECT TO LOCAL GOVERNMENT AUDIT:
3-15-26: PUBLIC CONSUMPTION OF MARIJUANA—PROHIBITION:
3-15-27: ANNUAL REVIEW OF LICENSE:
3-15-28: WORK CARD AND AGENT REGISTRATION CARD REQUIREMENTS:
3-15-29: EMPLOYMENT UNLAWFUL:
3-15-30: INVESTIGATION FEE:
3-15-31: CONFIDENTIAL INFORMATION:
3-15-32: FEES:

3-15-1: PURPOSE AND INTENT:

A. In November 2016, the voters of the state passed an initiative amending Article 4 of the Nevada Constitution to allow for the regulation of retail sales of marijuana in a manner similar to alcohol. In 2017, the Nevada State Legislature passed, and the governor signed into law, Senate Bills 487, 344 and Assembly Bill 422, which further defined and clarified local government's role in the regulation of retail sales of marijuana, cultivation of marijuana, manufacturing of marijuana products and marijuana distributors in the state.

B. While the council recognizes that the retail sale of marijuana has been approved by the voters of this state, there are many negative secondary effects that have been reported in communities that authorize the retail sale of marijuana, such as an increase in violent crimes, theft, traffic, noise, drug and gang activity, and firearms violations. Therefore, the public health, safety, and welfare of the inhabitants of the city require the regulation of all businesses engaged in the business of marijuana sales, cultivation, infusion or testing.

C. Federal law makes it unlawful to cultivate, possess, distribute, or dispense marijuana. However, on August 29, 2013, the United States Department of Justice ("DOJ") issued a memorandum advising that the DOJ would allow enforcement of state laws that authorize marijuana production, distribution, and possession to be handled primarily by state and local law enforcement regulatory bodies as long as the state and local governments enact laws that implement "strong and effective regulatory enforcement systems" to address the federal government's identified enforcement priorities. The following enforcement priorities were specified by the DOJ as being particularly important to the federal government:

1. Preventing the distribution of marijuana to minors;
2. Preventing revenue from the sale of marijuana from going to criminal enterprises, gangs, and cartels;
3. Preventing the diversion of marijuana from states where it is legal under state law in some form to other states;
4. Preventing state-authorized marijuana activity from being used as a cover or pretext for the trafficking of other illegal drugs or other illegal activity;
5. Preventing violence and the use of firearms in the cultivation and distribution of marijuana;
6. Preventing drugged driving and the exacerbation of other adverse public health consequences associated with marijuana use;
7. Preventing the growing of marijuana on public lands and the attendant public safety and environmental dangers posed by marijuana production on public lands; and
8. Preventing marijuana possession or use on federal property.

D. Accordingly, in addition to protecting the public health, safety, morals, good order and general welfare of the inhabitants of the city and to safeguard the public, this chapter is intended to adequately address these enforcement priorities.

3-15-2: DEFINITIONS:

Unless the context otherwise requires, the scope of all words in this chapter shall be liberally construed in order to effectuate the purpose of this chapter, and, in particular, the following words shall have the meaning ascribed to them as follows:

CITY: Means the City of Ely, County of White Pine, State of Nevada.

COUNCIL: Shall mean the Ely City Council.

COMMUNITY FACILITY: Has the meaning ascribed to it in Nevada Revised Statutes 453D.030(1), and means a facility licensed to provide day care to children, a public park, a public playground, a public swimming pool, a center or facility the primary purpose of which is to provide recreational opportunities or services to children or adolescents, or a church, synagogue, or other building, structure, or place used for religious worship or other religious purpose.

CONCENTRATED MARIJUANA: Has the meaning ascribed to it in Nevada Revised Statutes 453D.030(2), means the separated resin, whether crude or purified, obtained from marijuana.

CONSUMER: Has the meaning ascribed to it in Nevada Revised Statutes 453D.030(3) and means a person who is 21 years of age or older who purchases marijuana or marijuana products for use by persons 21 years of age or older, but not for resale to others.

DUAL LICENSEE: Has the meaning ascribed to it in Nevada Revised Statutes 453D.030(5) and means a person or group of persons who possess a current, valid registration certificate to operate a medical marijuana establishment pursuant to [chapter 453A](#) of NRS and a license to operate a marijuana establishment under this chapter.

EXCLUDED FELONY OFFENSE: Has the meaning ascribed to it in Nevada Revised Statutes 453D.030(6) and means a conviction of an offense that would constitute a category A felony if committed in Nevada or convictions for two or more offenses that would constitute felonies if committed in Nevada. “Excluded felony offense” does not include:

- (a) A criminal offense for which the sentence, including any term of probation, incarceration, or supervised release, was completed more than 10 years ago; or
- (b) An offense involving conduct that would be immune from arrest, prosecution, or penalty pursuant to [chapter 453A](#) of NRS, except that the conduct occurred before the effective date of [chapter 453A](#) of NRS (October 1, 2001), or was prosecuted by an authority other than the State of Nevada.

MARIJUANA: Has the meaning ascribed to it in Nevada Revised Statutes 453D.030(8), means all parts of any plant of the genus *Cannabis*, whether growing or not, the seeds thereof, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. “Marijuana” does not include:

- (a) The mature stems of the plant, fiber produced from the stems, oil, or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stems (except the resin extracted therefrom), fiber, oil, or cake, the sterilized seed of the plant which is incapable of germination; or
- (b) The weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink, or other products.

MARIJUANA CULTIVATION FACILITY: Has the meaning ascribed to it in Nevada Revised Statutes 453D.030(9), and means an entity licensed under this chapter and in possession of a valid Nevada State Marijuana Establishment License, issued by the Department of Taxation to cultivate, process, and package marijuana, to have marijuana tested by a marijuana testing facility, and to sell marijuana to retail marijuana stores, to marijuana product manufacturing facilities, and to other marijuana cultivation facilities, but not to consumers.

MARIJUANA DISTRIBUTOR: Has the meaning ascribed to it in Nevada Revised Statutes 453D.030(10) and means an entity licensed under this chapter and in possession of a valid Nevada State Marijuana Establishment License, issued by the Department of Taxation to transport marijuana from a marijuana establishment to another marijuana establishment.

MARIJUANA ESTABLISHMENT: Has the meaning ascribed to it in Nevada Revised Statutes 453D.030(11) and means a marijuana cultivation facility, a marijuana testing facility, a marijuana product manufacturing facility, a marijuana distributor, or a retail marijuana store.

MARIJUANA PRODUCT MANUFACTURING FACILITY: Has the meaning ascribed to it in Nevada Revised Statutes 453D.030(12) and means an entity licensed under this chapter and in possession of a valid Nevada State Marijuana Establishment License, issued by the Department of Taxation to purchase marijuana, manufacture, process, and package marijuana and marijuana products, and sell marijuana and marijuana products to other marijuana product manufacturing facilities and to retail marijuana stores, but not to consumers.

MARIJUANA PRODUCTS: Has the meaning ascribed to it in Nevada Revised Statutes 453D.030(13) and means products comprised of marijuana or concentrated marijuana and other ingredients that are intended for use or consumption, such as, but not limited to, edible products, ointments, and tinctures.

MARIJUANA PARAPHERNALIA: Has the meaning ascribed to it in Nevada Revised Statutes 453D.030(14) and means any equipment, products, and materials of any kind which are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, preparing, testing, analyzing, packaging, repacking, storing, or containing marijuana, or for ingesting, inhaling, or otherwise introducing marijuana into the human body.

MARIJUANA TESTING FACILITY: Has the meaning ascribed to it in Nevada Revised Statutes 453D.030(15) and means an entity licensed under this chapter and in possession of a valid Nevada State Marijuana Establishment License, issued by the Department of Taxation to test marijuana and marijuana products, including for potency and contaminants.

PROCESS: Has the meaning ascribed to it in Nevada Revised Statutes 453D.030(16) and means to harvest, dry, cure, trim, and separate parts of the marijuana plant by manual or mechanical means, such as sieving or ice water separation, but not by chemical extraction or chemical synthesis.

PUBLIC PLACE: Has the meaning ascribed to it in Nevada Revised Statutes 453D.030(17) and means an area to which the public is invited or in which the public is permitted regardless of age. "Public place" does not include a retail marijuana store.

RETAIL MARIJUANA STORE: Has the meaning ascribed to it in Nevada Revised Statutes 453D.030(18) and means an entity licensed under this chapter and in possession of a valid Nevada State Marijuana Establishment License, issued by the Department of Taxation to purchase marijuana from marijuana cultivation facilities, to purchase marijuana and marijuana products from marijuana product manufacturing facilities and retail marijuana stores, and to sell marijuana and marijuana products to consumers.

EDIBLE MARIJUANA PRODUCTS: Has the meaning ascribed to it in Nevada Revised Statutes 453D.101 and means products that contain marijuana or an extract thereof and are intended for human consumption by oral ingestion; and are presented in the form of foodstuffs, extracts, oils, tinctures and other similar products.

OWNERSHIP INTEREST: Means any principal, person, beneficial owner, and individual persons holding any ownership or financial interest for each business entity including all businesses organized under or governed by title 7 of the Nevada Revised Statutes including but not limited to private corporations, publicly-traded corporations, close corporations, foreign corporations, limited liability companies, partnerships, limited partnerships, and professional corporations ("business entities"). Ownership interest in the context of publicly traded corporations shall include all corporate officers and members of any board of directors, and also includes individuals with ten percent (10%) or more ownership or financial interest in the publicly traded corporation. To the extent that a business entity has an ownership interest in a medical marijuana establishment, the term "ownership interest" shall also include all individuals with an ownership interest in such business entity. It is the intent of this chapter that all individuals with a direct or indirect ownership interest in a medical marijuana establishment be disclosed and be subject to the requirements of this chapter

STATE REGULATING AUTHORITY: Means the State of Nevada Department of Taxation.

3-15-3: UNLAWFUL ACTS:

A. It shall be unlawful for any person to operate any marijuana establishment in the City without a valid Marijuana Establishment License issued by the State of Nevada and a license issued pursuant to this chapter and operating in compliance with any and all applicable State laws and this Code.

B. It shall be unlawful for any person to provide marijuana products to a marijuana establishment within the City without a valid Marijuana Establishment License issued by the State of Nevada and a license issued by the City.

C. It shall be unlawful for any licensed marijuana establishment located within the City to accept for sale any marijuana from any person who has not obtained a valid Marijuana

Establishment License issued by the State of Nevada and a license issued pursuant to this chapter for the sale of such products.

D. It shall be unlawful for a person to engage in any form of business or commerce involving the cultivation, processing, manufacturing, storage, sale, distribution, transportation or consumption of marijuana other than those forms of businesses and commerce that are expressly contemplated by Nevada Revised Statutes 453D and any administrative rules duly adopted by the Department of Taxation.

E. It shall be unlawful for any person to sell marijuana at a licensed retail marijuana store at any time other than between the hours of eight o'clock (8:00) A.M. and eight o'clock (8:00) P.M. daily.

F. It shall be unlawful for any retail marijuana store to sell marijuana without complying with State requirements concerning use of the electronic verification system maintained by the State regulating authority.

G. It shall be unlawful to have more than one retail marijuana store located within the incorporated City limits, until the population of the incorporated city reaches 20,000 residents, at which time a second retail store may apply for licensing.

3-15-4: LICENSE REQUIRED—PRIVILEGE—ISSUANCE PROHIBITED TO DESIGNATED PERSONS:

A. It shall be unlawful for any person to operate, conduct or carry on any marijuana establishment as described in this chapter within the city without first obtaining and thereafter maintaining a marijuana establishment license as herein required and paying the fee(s) as set forth by resolution as authorized in 3-15-32.

B. Notwithstanding this provision, marijuana is currently classified as a Schedule I drug under the Controlled Substances Act ("CSA") 21 U.S.C. Section 841(a)(1), and federal law makes it unlawful to manufacture, distribute, dispense or possess any controlled substance.

C. All marijuana establishments as defined in this chapter shall be licensed and controlled so as to protect the public health, safety, morals, good order and general welfare of the inhabitants of the city and to safeguard the public.

D. The right to obtain and maintain a license under this chapter is a privilege and the operation of such marijuana sales, cultivation, infusion or testing facilities is a privileged business subject to regulations. The license may be revoked for violation of the conditions of this chapter, including those conditions set forth in section 3-15-23; the laws of the state; other ordinances of the city; the DOJ enforcement priorities cited above; or for any other cause deemed sufficient by the council in the exercise of its sole discretion.

E. In conformity with the policy of this chapter, the following persons are declared unqualified to hold a marijuana establishment license under the provisions of this chapter:

1. A person whose state registration certificate, license issued under the provisions of this chapter, or those ordinances or statutes of any other agency lawfully engaged in the licensing or regulation of medical marijuana dispensing or the retail sale of marijuana, cultivation, infusion or laboratory services, has been suspended or revoked for cause;

2. A person, who at the time of renewal of any license issued under this chapter, would not be eligible for such license upon a first application;

3. A partnership, limited partnership, association or limited liability company, unless all of the partners, managers and members of such partnership, limited partnership, association or limited liability company that has been found suitable under the provisions of 3-15-5;

4. A corporation, unless all of the owners, officers, and directors, if any, have been found suitable under the provisions of 3-15-5;

5. A person who does not beneficially own the premises for which a license is sought or does not have a lease which cannot be verified thereon for the full period for which the license is to be used;

6. Any employee of the city;

7. Any business entity owned or partially owned by a partnership, limited partnership, association, limited liability company, or corporation whose headquarters are not in the United States, or by an individual who is not a legal United States citizen or whose legal residence is not the United States;

8. Any business entity with an officer or a board member or director who is not a legal United States citizen and whose legal residence is not the United States; or

9. Any publicly traded company.

F. For the purposes of this chapter only marijuana establishments that will cultivate, dispense, infuse/produce edible marijuana products or provide laboratory testing at an approved location pursuant to title 12 may be licensed as a marijuana establishment.

G. A marijuana establishment license will not be issued to an applicant that has not had the appropriate individuals, set forth in this chapter, undergo a background investigation and finding of suitability pursuant to section 3-15-5. In its discretion, the City Council may accept an equivalent background investigation conducted by the Nevada Department of Taxation or another government entity or agency.

H. No marijuana establishment license shall be issued to an applicant unless its ownership, irrespective of corporate or business structure can ultimately be traced to ownership or control by a natural person or persons, at least one of whom has been a Nevada resident for at least one year prior to the date of the application.

3-15-5:FINDING OF SUITABILITY:

In addition to the requirements of 3-15-5, any individual applicant or individual who is a partner, owner, officer, board member, or director must be found suitable by the director and meet the following requirements:

- A. Such individuals must be 21 years or older;
- B. Such individuals shall not have been convicted of a felony or any crime of moral turpitude as may be further defined in 3-15-29 and must provide an identity history summary check provided by the Federal Bureau of Investigation or similar background check document deemed sufficient by the City Administrator at the cost of the applicant;
- C. Such individuals be United States citizens and must have established legal residence in the United States at least one year prior to the date of the application;
- D. Such individuals shall not have had a license, issued or renewed under the provisions of this chapter or those ordinances or statutes of any other agency lawfully engaged in the licensing or regulation of marijuana sales, cultivation, infusion or laboratory services, that has been suspended or revoked for cause; and
- E. Such individuals must not be employees of the city.

3-15-6:CONDITIONS APPLYING TO SPECIFIC LOCATION/BUSINESS TYPES:

A. General requirements for all marijuana establishments except independent testing laboratories:

- 1. Marijuana establishments must have at least one responsible key employee on the licensed premises to act as the establishment's agent at all times when employees or customers are present on the premises.
- 2. Marijuana establishments must make available to the City Administrator at any time a list of all employees authorized to be on premises, which list must include the employees designated as key employees.
- 3. All marijuana establishment employees must have on their person a valid marijuana establishment agent identification card issued by the state at all times when at the marijuana establishment location.
- 4. All independent contractors, maintenance and business professionals allowed access to a marijuana establishment where the general public does not have access must be logged and given visitor identification. This identification must be worn and visible at all times when the visitor is on the premises of the marijuana establishment.

5. A marijuana establishment may not allow the use, smoking, ingestion or consumption of any marijuana, edible marijuana product, or marijuana-infused product on the licensed premises.

6. Any theft of \$250.00 or more in retail value of marijuana seedlings, clones, plants, or other plant materials, extract, marijuana-infused product, or other item containing marijuana must be reported to the White Pine County Sheriff's Office and the City Administrator orally immediately and in writing within 24 hours of knowledge of the alleged theft.

7. To prevent unauthorized access to marijuana at a marijuana establishment the establishment must be in compliance with all security requirements adopted by the department of taxation as set forth in NRS 453D.

8. Marijuana establishments must develop and enforce policies and procedures:

a. That restrict access to the areas of the establishment where the general public does not have access that contain marijuana or marijuana-infused products, to individuals authorized to be in that area only;

b. That provide for the identification of individuals authorized to be in the areas where the general public does not have access of the establishment that contain marijuana or marijuana-infused products;

c. That prevent loitering;

d. For conducting electronic monitoring; and

e. That prevents the distribution of marijuana to minors.

9. Marijuana establishments must have an approved plan to remove and destroy all waste generated from the cultivation, infusion or dispensing of marijuana from the location. Disposal of waste must meet all state and federal guidelines. Waste must be maintained in a secure location until removal from the location. Waste must be rendered unusable by grinding and incorporating the marijuana waste with non-marijuana waste, such that the resulting mixture is at least 50 percent non-marijuana waste. This requirement shall be required of all businesses that are licensed pursuant to Title 3 of this code that may come into possession of unwanted marijuana products.

10. Marijuana establishments are required to use an inventory control system compliant with NRS Chapter NRS 453A, 453D, and state department of taxation regulations to track all inventories that includes marijuana clones, marijuana plants, harvested marijuana product for dispensing, edible or infused items or harvested marijuana product sent to independent testing laboratories.

11. Marijuana establishments are required to comply with all standards set forth by the Department of Taxation, national, state and local building codes and the state Fire regulations prior to conducting business.

12. All officers, board members, directors, and employees of the marijuana establishment shall be required to obtain and maintain a valid marijuana establishment agent registration card in compliance with NRS Chapter 453A, 453D, and state department of taxation regulations.

B. Retail marijuana stores.

1. A retail marijuana store shall only be operated in conjunction with an existing medical marijuana establishment at the same address, and must be licensed by the same license holder as a medical marijuana dispensary licensed pursuant to City Code 3-14-9.

2. A retail marijuana store shall have a lobby waiting area at the entrance to the dispensary to receive clients, and a separate and secure designated area for dispensing marijuana to customers. The primary entrance shall be maintained clear of barriers, landscaping and similar obstructions so that it is clearly visible from public streets, sidewalks or site parking areas.

3. If employing private security the security provider must be licensed in accordance with this title and NRS Chapter 648.

4. Retail marijuana stores must display in the lobby waiting area a placard no smaller than 18 inches tall by 20 inches wide that states the following:

- a. Federal law makes it unlawful to possess and consume marijuana products;
- b. Marijuana products cannot be transferred, shared or gifted to any other individual;
- c. Do not operate heavy machinery or automobiles while under the influence of marijuana;
- d. Marijuana has intoxicating effects and may be habit forming;
- e. There may be health risks associated with consumption of marijuana;
- f. Marijuana should not be used by women who are pregnant or breast feeding; and
- g. Marijuana should be kept in a secure location and out of reach of minors and pets.

5. Except as otherwise provided in this subsection, it shall be unlawful for any person to advertise any marijuana, edible marijuana product or marijuana-infused product anywhere in the city where the advertisement is visible to members of the public from any street, sidewalk, park or other public place, including advertising utilizing any of the following media:

a. Any hand-held, human signage or other portable sign;

b. Any handbill, leaflet or flier directly handed to any individual, deposited, fastened, thrown, scattered, cast or placed in a public place, left upon a motor vehicle, or posted upon any public property, right-of-way or private property without the consent of the property owner;

c. Any sign mounted or displayed on a vehicle;

d. Any free promotional materials.

6. Retail marijuana stores are prohibited from offering for sale the following:

a. Any alcoholic beverage, liquor or spirits as defined in title 3, chapter 2;

b. Any products containing nicotine;

c. Any non-marijuana food or beverages;

d. Any personal care items except those sold in compliance with NRS 453A;

7. Any retail marijuana store offering for sale non-marijuana based products, including but not limited to, clothing, souvenirs, hats or keychains must comply with state laws and regulations, including but not limited to NRS 453D and any regulations set forth in the Nevada Administrative Code;

8. Any paraphernalia offered for sale must be designed for individual use only;

9. A marijuana dispensary is limited to ten percent of retail space for paraphernalia, not to include the lobby area.

10. Prior to conducting any sales in accordance with subsections 7. and 8. of subsection B. of this section a license must be obtained pursuant to title 3, chapter 1 and thereafter be maintained in order to offer sales of the specified items.

11. All marijuana products sold must be enclosed in childproof packaging designed and constructed consistent with state law.

C. Marijuana cultivation facilities.

1. Cultivation areas of the establishment must be in compliance with regulations set forth in NRS Chapter 453A, 453D, and state department of taxation regulations. The city reserves the right to enforce these sections and may levy sanctions to a marijuana establishment based on non-compliance that may include citations and fines, civil penalties, and suspension and revocation of licensure pursuant to 3-15-23.

2. Areas designated for deliveries from suppliers or couriers must be separated from cultivation areas by floor to ceiling walls and locking doors.

3. Marijuana establishments are encouraged to use the most efficient process for the conservation of water resources.

D. Marijuana product manufacturing facility.

1. Production of edible and infused marijuana products must be in compliance with NRS Chapter 453A, 453D, and state department of taxation regulations. The city reserves the right to enforce these sections and may levy sanctions to a marijuana establishment based on non-compliance that may include citations and fines, civil penalties, and suspension and revocation of licensing pursuant to 3-15-23.

2. Areas designated for deliveries from suppliers or couriers must be separated from production areas by floor to ceiling walls and locking doors.

3. Except as otherwise provided in this subsection, use of flammable gases including, but not limited to, butane and propane are prohibited for the extraction of oils from marijuana plants. Extraction processes utilizing flammable gasses may be permitted upon approval of the fire chief. These systems, processes and processing areas must, at a minimum:

a. Be located in premises that are verified by an independent, qualified industrial hygienist and a Nevada licensed engineer as safe and in compliance with all applicable codes;

b. Utilize listed or approved closed-loop extraction systems;

c. Ensure all flammable gas/liquid transfers shall take place within a chemical fume hood having electrical system classified for a hazardous atmosphere in accordance with the most recent edition of National Fire Protection Association (NFPA) 45, Standard on Fire Protection for Laboratories Using Chemicals, spray booth or spray room complying with the Henderson Fire Code; and

d. Utilize flammable gas monitoring that sound local alarms and close gas valves at levels greater than 25 percent of lower explosive limit (LEL).

4. Other extraction processes involving flammable gasses or hazardous materials as defined in state law may be permitted upon approval of the fire chief and approval of the associated use permit by city council.

5. Solvents fit for human consumption shall be permitted in the extraction process.

6. Production of edible and infused marijuana products must be in compliance with all current and future standards set by the Nevada Department of Taxation and the Nevada Division of Public and Behavioral Health for preparation and handling of items meant for human consumption.

E. Independent testing laboratories. Independent testing laboratories for marijuana products must be in compliance with NRS Chapter 453A, 453D, and state department of taxation regulations. The city reserves the right to enforce these sections and may levy sanctions to a marijuana establishment based on non-compliance that may include citations and fines, civil penalties, and suspension and revocation of licensing pursuant to 3-15-23.

3-15-7: LICENSE APPLICATION CONTENTS:

Whenever a person desires to open, keep, carry on or conduct any marijuana establishment in the city, or engage in the business thereof, such person must make application in writing to the City Administrator to obtain a marijuana establishment license. The application must be submitted for purposes of receiving written approval on distance and zoning requirements pursuant to title 12 by the Planning Commission and the City Council. A separate application must be submitted for each license for a marijuana establishment even if located in the same facility. The application for each marijuana establishment license must include:

A. A complete business application per chapter 1 of this title for the applicant and each person with an ownership interest in the proposed marijuana establishment.

B. A detailed personal and business financial history per chapter 1 of this title for each person with an ownership interest in the proposed marijuana establishment, along with the following:

1. Documentation from an in-state or out-of-state financial institution which demonstrates that the applicant has liquid assets as required by NRS 453A.322, NRS Chapter 453D, and state department of taxation regulations, which are unencumbered and can be converted within 30 days and the source of such assets.

2. Evidence of the amount of taxes paid to, or other beneficial financial contributions made to, the state and its political subdivisions within the last five years by the applicant or the persons who are proposed to be owners, officers, board members or directors of the proposed marijuana establishment.

3. Proposed organizational structure that lists all owners, officers, board members and directors by name and their percentage of ownership.

C. A one-time, nonrefundable initial application processing fee of five thousand dollars (\$5,000.00).

D. A complete special use permit application, all applicable fees pursuant to title 12 of this Code, and all required accompanying documents.

E. A complete description of the products and services to be produced or sold by the marijuana establishment.

F. A complete and accurate copy of the application and all accompanying documents to be filed pursuant to Nevada Revised Statutes 453D.210 including, but not limited to:

1. All proposals for operations, business plans, attestations, financial documentation, and required tax reports;

2. All documents detailing proposed organizational structure, all narratives, and resumes;

3. All documentation required concerning the adequacy of the proposed building and construction plans with supporting details in the form specified by the City building official and the payment of all required review and inspection fees;

4. All testing, transportation, policy and operations manuals, financial plan, and an environmental plan.

5. Business plan with a description of the electronic verification system and inventory control system to include seed to sale tracking capabilities of the proposed marijuana establishment consistent with state law.

6. Staffing plan that will insure proper management and education of employees.

7. Detailed budget for the proposed establishment, including pre-opening, construction and first year operating expenses.

8. Operations manual that demonstrates compliance with all state and local laws and ordinances.

9. A plan to minimize the environmental impact of the proposed establishment.

10. Background information/resume highlighting any previous experience at or operating other businesses or non-profit organizations, including educational achievements and demonstrated knowledge of the marijuana industry.

11. The identity of an owner who has maintained a legal residence in Nevada for at least one year prior to the date of the application.

12. Any additional information deemed necessary by the City Administrator, Planning Commission or City Council.

G. A security plan, including a depiction of the location and configuration of security cameras, indicating how the applicant intends to comply with the requirements related to monitoring and securing the licensed premises as required by this chapter to be reviewed and approved by the White Pine County Sheriff's Office.

H. An accounting plan that includes how sales and inventory will be tracked on a daily, weekly, and monthly basis, and how this information will be stored and safeguarded.

I. A sign and advertising plan, including all proposed interior signage.

J. A copy of all contracts, proposed contracts for consulting, management, renting or leasing the premises for the proposed marijuana establishment, including written documentation stating that the property owner of the proposed location for the establishment is fully aware of the property's intended use or a copy of the deed to such property showing ownership vested in the applicant;

K. A written statement acknowledging that the applicant understands applicable Federal laws, any guidance or directives issued by the U.S. Department of Justice, the laws of the State of Nevada and the laws and regulations of the City applicable thereto concerning the operation of a marijuana establishment. The written statement shall also acknowledge that any violation of any laws or regulations of the State of Nevada or of the City, or any activity in violation of any guidance or directives issued by the U.S. Department of Justice, in such place of business, or in connection therewith, or the commencement of any legal proceeding relating to such marijuana establishment by Federal authorities, may render the permit and such license subject to immediate suspension or revocation.

L. A written statement to the City that the applicant receiving such a license shall execute, and shall have each of its owners, officers, board members and directors execute, an indemnification and release agreement with the city on a form approved by the city attorney, holding the City, its employees', officers and elected officials, harmless, indemnify, and defend the City against all claims and litigation arising from the issuance of a permit and/or license, including any claims and litigation arising from the establishment, operation, or ownership of the marijuana establishment, and that the applicant will provide proof of insurance for the purposes of naming the City of Ely as an additional insured on the policy for the defense of the City of Ely in any such litigation.

M. An acknowledgement that the applicant is seeking a privilege license, similar to that of a liquor license pursuant to chapter 2 of this title and understands that each person with an ownership interest must be found suitable to hold such license by the City Council prior to the issuance of any license; that the applicant understands and acknowledges that the burden of proving qualifications to receive such a license is at all times on the applicant; that the granting of a marijuana license is at the discretion of the City Council; and that the applicant agrees to abide by the decision.

3-15-8: CITY ADMINISTRATOR REVIEW:

A. The City Administrator shall complete a preliminary review of all submitted applications for a marijuana establishment license to determine whether the application is complete. An application shall be deemed complete by the City Administrator only when an application filed contains each of the following:

1. Each application, narrative, plan, rendering, contract and other documents required in this chapter;

2. Proof of compliance with all submittal requirements of Nevada Revised Statutes 453D and any other regulation or requirement of the State regulating authority;

3. Proof the proposed location for the marijuana establishment is consistent with the requirements of title 12 of this Code;

4. All fees have been paid;

5. All waivers, acknowledgements, and statements are properly signed and acknowledged by the applicant and every principal and person with an ownership interest; and

6. Each person with an ownership interest has filed complete applications per this title and each individual has submitted to fingerprinting and photographing per this title.

B. The City Administrator shall reject and return to the applicant any application that is incomplete or otherwise fails to meet the criteria established in this chapter, Nevada Revised Statutes 453D, or the regulations of the State regulating authority. Permit application fees are non-refundable, and shall not be refunded in the event of rejection of an application.

C. The City Administrator shall review all complete marijuana establishment applications that satisfy the applicable criteria, and may refer such applications in part, or in whole, to the White Pine County Sheriff's Office for investigation, review and comment, as the City Administrator deems appropriate.

D. The City Administrator shall prepare a report on the merits of each completed marijuana establishment application, the potential suitability of any and all principals and the application's compliance with the provisions of this chapter, and the application demonstrates the required financial, technical or educational ability or experience to perform the activity for which approval is sought. In recommending the granting or denying of such marijuana establishment application, the City Administrator shall give particular consideration to the identity, character, and background of the applicant, capacity, capitalization, past business practices of the applicant, operational plan, organizational structure, environmental sustainability and mitigation plans, interior floor plans of the buildings, odor control systems and suitability of the building for the use proposed, site plan as to parking, traffic movement and aesthetics; impact on the surrounding neighborhood; the type and degree of security personnel and facilities and any other factors that in his or her discretion deems necessary to the safety, peace, order and welfare of the public.

E. The City Administrator may inspect or cause to be inspected by the appropriate City personnel each proposed location for a marijuana establishment and shall call for prospective awardees to appear in front of the City Council for interview prior to the awarding of the license. Prior to approval of a marijuana establishment license, the City Administrator shall require an inspection by the State of Nevada Fire Marshal and the City building official of the location where marijuana sales or production are to be performed. Applicants shall pay all inspection fees that may be required in connection therewith.

F. Following the City Administrator's review, the City Administrator shall forward a report on the merits of each complete application with recommendations to the City Council for consideration and interview.

3-15-9: PLANNING COMMISSION AND CITY COUNCIL ACTION ON APPLICATION:

A. The Planning Commission will review all special use permit applications and provide an oral recommendation to the City Council on each prospective location. The City Council will review all applications for marijuana establishment license that have been deemed complete by the City Administrator. Such review shall occur simultaneously with the review of the recommendation of the Planning Commission on the applicant's special use permit application for the proposed marijuana establishment per title 12, chapter 16 of this Code.

B. The City Council may approve, deny or take such other action with respect to the City Administrator's and the Planning Commission's recommendations on applications for a marijuana establishment license and special use permits, as it considers appropriate. The burden of showing the qualifications, acceptability or fitness for such permit and the location is upon the applicant.

C. The City Council shall deny any permit if the permit will not be in the best interest of the welfare, health, or safety of the City; or if the application or location is determined by the City Council to not be suitable under this chapter or the requirements of title 12 of this Code. In considering whether to approve or deny a marijuana establishment license, the City Council shall consider the identity, character, and background of the applicant, capacity, capitalization, past business practices of the applicant, operational plan, organizational structure, environmental sustainability and mitigation plans, interior floor plans of the buildings, odor control systems and suitability of the building for the use proposed, site plan as to parking, traffic movement and aesthetics; impact on the surrounding neighborhood; the type and degree of security personnel and facilities and any other factors that in his or her discretion deems necessary to the safety, peace, order and welfare of the public.

D. If the City Council denies a marijuana establishment application, or the State regulating authority fails to rank the application presented within limits of the number of marijuana establishments allowed within the City, as established by State law, the applicant may reapply for a marijuana establishment license no sooner than one year from the date of the application period in which the application was filed.

E. In conformity with the policy of this chapter, the council may deny an application upon its discretion when:

1. In the judgment of the council the granting of such license may tend to create or constitute a public nuisance;
2. By granting a license, a disorderly establishment or place may be maintained;
3. The granting of such license may seriously and adversely affect the valuation of neighboring, adjoining, and/or contiguous property;
4. The council, after investigation, is satisfied the applicant is not a fit and proper person to operate the business contemplated by its application;
5. In the judgment of the council there are ample and sufficient establishments in the license area or place to properly serve such area or place;
6. Violations of the DOJ enforcement criteria set forth above have occurred; or
7. Any other good and sufficient reason is presented

3-15-10: MARIJUANA ESTABLISHMENT - LICENSES:

A. The City shall not issue a license for a marijuana establishment to an applicant unless the applicant has an established place of business in a properly zoned area in accordance with title 12 and has been recommended by the Nevada Department of Taxation as an approved applicant.

B. License shall expire June 30 each year and a licensee must apply for annual review pursuant to section 3-15-27 of this chapter.

C. A marijuana establishment licensee shall provide and maintain at all times and at its own expense a certificate of insurance at amounts and terms required by this chapter prior to issuance or renewal of a license. Any failure to maintain insurance or provide proof of insurance is grounds for the City Administrator to suspend the license pending action taken by the City Council.

1. Minimum Amounts: The minimum amount which may be required by this chapter shall be one million dollars (\$1,000,000.00) per occurrence, two million dollars (\$2,000,000.00) general aggregate for bodily injury and property damage arising out of licensed activities and one million dollars (\$1,000,000.00) products and completed operations aggregate, commercial automobile coverage in a minimum of one million dollars (\$1,000,000.00) and excess liability in a minimum of three million dollars (\$3,000,000.00).

2. Additional Insured: The City shall be named as an additional insured on all general liability, umbrella, and excess insurance policies as City, its elected officials, officers,

agents, employees and volunteers are included as additional insured. All such policies shall be primary over any other valid and collectible insurance.

D. Upon approval by the City Council of a marijuana establishment license the City Administrator shall process a license application pursuant to chapter 1 of this title. The City Administrator shall not issue a temporary license for a marijuana establishment.

3-15-11: SECURITY REQUIREMENTS:

Each marijuana establishment must submit, maintain and follow a security plan approved by the White Pine County Sheriff's Office and the City Administrator. Any proposed modification to an approved security plan must be submitted to the City Administrator for approval. Any security plan must meet all the criteria established by the State regulating authority and the following minimum requirements:

A. Each licensed premises must have a security system which monitors all perimeter entry points, windows, and controlled areas.

B. A twenty four hour surveillance system is required to monitor the interior and exterior of a marijuana establishment, a live feed of which must be accessible to authorized law enforcement at all times, and in real-time.

1. All recorded images must clearly and accurately display the time and date. Time is to be measured in accordance with U.S. National Institute of Standards and Technology standards.

2. The surveillance system's data storage device must be secured on-site in a lock box, cabinet, closet, or secured in another manner to protect from employee or third-party tampering or criminal theft.

3. A sign must be posted in any customer areas that the customer is under video surveillance.

C. The establishment shall be responsible for ensuring compliance with all local and State regulations regarding the facility and must monitor parking areas and outdoor areas of the licensed premises for loitering, unlawful sale of marijuana by customers, and consumption of marijuana.

D. Any theft of items containing marijuana or the observance of any unauthorized transactions of marijuana on the licensed premises must be reported to the White Pine County Sheriff's Office and the City Administrator upon learning of the theft or unauthorized transaction verbally and within twenty four (24) hours in writing of the occurrence.

E. A sign shall be posted at the entrance to the location containing the name and functioning telephone number of a twenty four-hour on-call member engaged in the management of the marijuana establishment who shall receive, log, and respond to complaints and other inquiries.

F. In addition to complying with all requirements set by the State regulating authority, any licensed cultivation facility shall:

1. Secure the cultivation facility with full video surveillance capable of clearly identifying any activities occurring within twenty feet (20') of the exterior of the building and any parking, fenced, or loading areas. A motion detection lighting system may be employed to illuminate the gate area in low light conditions.

2. Must provide on-site security at all times when the facility is not otherwise populated by employees.

G. In addition to complying with all requirements set by the State regulating authority, any licensed marijuana production facility shall ensure all production, transport, delivery, shipping, labeling and packaging areas have fixed camera coverage capable of identifying activity occurring within a minimum of twenty feet (20').

3-15-12: MARIJUANA ESTABLISHMENTS:

Pursuant to its general regulatory authority to regulate the sale, cultivation, infusion or testing of marijuana, the council declares that the health, safety, morals and welfare of the inhabitants of the city are best promoted and protected by requiring a separation between certain marijuana uses. The council retains all discretion to approve or disapprove marijuana establishment license applications.

A. Cultivation facility must meet all requirements established in City Code 3-14-13 when making application for licensing.

B. Independent testing laboratories must meet all requirements established in City Code 3-14-14 when making application for licensing.

C. Marijuana production facility must meet all requirements established in City Code 3-14-15 when making application for licensing.

3-15-13: CHANGE OF LOCATION—RESTRICTIONS—MARIJUANA ESTABLISHMENT ORIGINATION FEE:

No marijuana establishment license is transferable to a new location unless such proposed change of location complies with and meets all requirements of this title and title 12. The council may authorize such change of location, which authorization may be withheld for any reason deemed sufficient by the council. Location changes are subject to relicensing fees as set forth in chapter 3-1. There shall be no marijuana establishment origination fee required for a change of location. A change of location must also be approved by the Nevada Department of Taxation pursuant to the regulations adopted by the Department of Taxation.

3-15-14: LICENSE—PERMIT—TRANSFER OF OWNERSHIP AND CHANGES IN BUSINESS STRUCTURE—COUNCIL APPROVAL REQUIRED:

A. No marijuana establishment license issued or renewed under this chapter can be transferred except with the prior approval of the Council and must follow all Department of Taxation policies and procedures for transferring of ownership. Further, all changes in business structure, including any new officers or board members or directors, also require prior approval by the council.

B. Any proposed transfer of ownership or changes in business structure must be reported to the City Administrator at least sixty (60) calendar days prior to the effective date of the proposed transfer or change.

C. Any new owner, officer, or board member or director must comply with the requirements of 3-15-7 and shall be required to undergo the same background investigation and finding of suitability pursuant to 3-15-5.

3-15-15: CLOSURE OR NON-OPERATIONAL STATUS—RESPONSIBILITY TO MAINTAIN USE:

A. In the event a marijuana establishment licensee desires to close or discontinue its business operations for any period of time in excess of three months, it must submit a written notification to the City Administrator within 30 calendar days of the closure or discontinuance requesting approval for non-operational status beyond the initial three-month period. The notification must include a closure plan detailing the length of closure or period of non-operational status and the licensee's plans for reopening, relocating, selling, or otherwise divesting itself of the business. The licensee may not discontinue operation of the business for more than a three-month period and maintain a valid marijuana establishment license without council approval. The council may approve non-operational status of the business beyond the initial three-month period in time increments not to exceed one year.

B. A marijuana establishment license shall be automatically revoked at the expiration of the time periods provided by this section unless council approval has been granted pursuant to this section. All annual license fees must be paid notwithstanding the licensee's non-operational status. Failure to maintain the fees will result in automatic revocation of the marijuana establishment license and termination of the special use permit.

C. It shall be the responsibility of the licensee to maintain, extend, or renew any necessary land use approvals under title 12.

3-15-16: ISSUANCE OF MORATORIUM:

The council may declare a moratorium by resolution on any or all marijuana establishment applications or licenses if, in its discretion, it is found to be in the best interests of the city.

3-15-17: LAND USE AND LOCATION REQUIREMENTS—COMPLIANCE WITH TITLE 12.

- A. Locations for certain marijuana establishments are subject to distance restrictions as set forth in NRS 453D.
- B. A marijuana establishment license will not be issued unless the location is zoned commercial or manufacturing under title 12.
- C. Approval of a location or of a use permit pursuant to title 12 does not guarantee or constitute approval of any marijuana establishment license.
- D. Establishments shall be operated in compliance with the requirements set forth in this title.

3-15-18: MARIJUANA ESTABLISHMENTS—INTERCONNECTIVITY ALLOWED:

Marijuana establishments may be interconnected in the interior subject to the following:

- A. Interconnectivity is limited to dispensary, cultivation and infusion facilities only;
- B. The cultivation and infusion facilities shall not be open or available for public ingress or egress except in an emergency;
- C. The interconnected establishments shall comply with all applicable regulations of the Nevada Department of Taxation; and
- D. Operations of interconnected establishments may be impacted due to enforcement actions related to any of the interconnected facilities.

3-15-19: DELIVERING OFF PREMISES:

Delivery off premises of marijuana for recreational use is prohibited.

3-15-20: INTOXICATION ON PREMISES:

It is unlawful for any person, while engaged in the performance of his or her duties, to be under the influence of alcohol, marijuana, or any other controlled substance that is prohibited pursuant to state or federal law, or an illegally obtained or ingested controlled substance that is available by prescription, in or about the premises where the business of selling marijuana products is being conducted and while such person is engaged in the performance of his or her duties.

3-15-21: DISTRIBUTING TO MINORS—ESTABLISHMENT OF POLICY—COPY ON PREMISES—REQUIREMENT TO SHOW:

A. The owners and managers of every marijuana establishment that sells, gives, or otherwise furnishes marijuana, edible marijuana products, or marijuana-infused products shall adopt a policy to prevent any person under 21 years of age from obtaining marijuana, edible marijuana products, or marijuana-infused products from that establishment.

B. The policy shall be in accordance with all provisions of the City of Ely Municipal Code and state law.

C. A copy of the policy shall be kept on the premises at all times and shall be made known to and available to all employees.

D. The policy shall be available upon request by the City, the White Pine County Sheriff's Office, or the Department of Taxation.

3-15-22: MINOR—EMPLOYMENT:

Except as otherwise provided by state law, it is unlawful for any marijuana establishment to employ a person under the age of 21 years, or to permit a person under the age of 21 years to sell marijuana, edible marijuana products, or marijuana-infused products.

3-15-23: SUSPENSION—REVOCATION—LIMITATION—PENALTY:

Any activity which is contrary to the purpose and intent of this chapter, or which violates any ordinance, regulation, or statute of the city or the state, is a violation of this chapter and is grounds for disciplinary action which may result in a revocation, suspension, or limitation of a marijuana establishment license and any and all other licenses held within the city and may be considered a misdemeanor pursuant to City Code 1-4-1. Without limiting the generality of the foregoing, each of the following is declared to be subject to disciplinary action, including but not limited to:

A. Any person who violates any provision of title 3;

B. Any person who knowingly does any act to sell, lease or purchase a marijuana establishment business operation or any portion thereof without taking immediate and affirmative steps to obtain approval;

C. Failure to report the names of all persons having an interest in the ownership of or having an equitable or beneficial right to the profits of a marijuana establishment, including failure to report any change in ownership as required by this chapter;

D. Failure to report the officers, board members or directors of the applicant or marijuana establishment license holder, including failure to report any change to the officers, board members or directors as required by this chapter;

E. Failure to report any lease, operating or management agreement, amendment to management agreement, or any other agreement, irrespective of form affecting the ownership, control, or operation of the marijuana establishment;

F. Failure of any person to report any information which is its duty to supply under any statute, ordinance, and/or regulation of the state or city;

G. Allowing any person that becomes ineligible to hold a marijuana establishment license based on conduct subsequent to the issuance of a license, as set out in the statutes, ordinances, and/or regulations of the state or city to continue involvement with the establishment;

H. Making any misrepresentation of any material fact;

I. Allowing any person whose marijuana establishment license in any other jurisdiction has been revoked for cause to continue involvement with the establishment;

J. Failure to comply in any way with the following factors established by the United States Department of Justice in its memorandum titled "Guidance Regarding Marijuana Enforcement" dated August 29, 2013:

1. Preventing the distribution of marijuana to minors;
2. Preventing revenue from the sale of marijuana from going to criminal enterprises, gangs, and cartels;
3. Preventing revenue from the sale of marijuana from states where it is legal under state law in some form to other states;
4. Preventing state-authorized marijuana activity from being used as a cover or pretext for the trafficking of other illegal drugs or other illegal activity;
5. Preventing violence and the use of firearms in the cultivation and distribution of marijuana;
6. Preventing drugged driving and the exacerbation of other adverse public health consequences associated with marijuana use;
7. Preventing the growing of marijuana on public lands and the attendant public safety and environmental dangers posed by marijuana production on public lands; and
8. Preventing marijuana possession or use on federal property.

3-15-24: MARIJUANA ESTABLISHMENT RESPONSIBLE FOR THE ACTS OF EMPLOYEES:

Every licensee shall be responsible for the acts of its employees committed while on the licensed premises and during the course and scope of employment. Every licensee shall accordingly use

adequate care in the selection of its employees. In any license suspension, limitation or revocation proceedings, the fact that the licensee did not have actual knowledge of the events complained of shall be no defense and every licensee accepts its license subject to said condition.

3-15-25: MARIJUANA ESTABLISHMENTS SUBJECT TO LOCAL GOVERNMENT AUDIT:

All marijuana establishments shall maintain records at the location accurately and truthfully documenting:

A. All records and receipts of the establishment, including, but not limited to, all contributions, reimbursements, and reasonable compensation, whether in cash or in kind, and all expenditures incurred by the business for the cultivation, production, sale or dispensing of marijuana or marijuana products;

B. All records and receipts for the retail sale, transfer or wholesale sale of any marijuana or marijuana product and the corresponding electronic tracking inventory reference as may be required by state law concerning the seed to sale tracking of the marijuana establishment's marijuana inventory;

C. An inventory record documenting the dates, amounts, and content testing results of all marijuana cultivated by business, including the amounts of marijuana stored at the location at any given time;

D. A log documenting each transfer of marijuana reflecting the amount transferred, the date transferred, and the full name of the member to whom it was transferred;

E. A log documenting each transfer of marijuana in any form reflecting the amount transferred, the date delivered, and the full name of the employee whom transferred it to another marijuana establishment;

F. Any loss, damage or destruction of the records shall be reported to the city within 24 hours of the loss, destruction or damage; and

G. Surveillance cameras must be directly positioned over the cash register in order to provide clear view over the:

1. Area where the tender type (cash, credit card or checks) is exchanged between the buyer and seller; and

2. Register or computer keys utilized to enter the sales information.

3-15-26: PUBLIC CONSUMPTION OF MARIJUANA—PROHIBITION:

The consumption of marijuana shall be prohibited in any public place including, but not limited to any business licensed by Title 3.

3-15-27: ANNUAL REVIEW OF LICENSE:

A. Every year on or before June 30, the licensee must submit to a review of the issued license.

B. Documentation required for the annual review must be submitted at least thirty (30) calendar days prior to the expiration of the license.

C. Documentation for the annual review must be provided on a form approved by the City Administrator and accompanied by:

1. A license renewal application;
2. A nonrefundable application renewal fee of one thousand dollars (\$1,000.00);
3. Current list of all ownership or affidavit testifying that no changes have occurred;
4. Signed affidavits from each principal attesting to the fact that there have not been any arrests or convictions of a crime in any jurisdiction and they have not had disciplinary action taken against them or an associated business where a business license is held;
5. If changes are requested, a detailed proposal for changes to any of the plans or documents approved with the initial license or previous renewal, including the sign plan, security plan, environmental plan, operational plan, or building plans;
6. A copy of all current and proposed contracts for consulting, management, renting or leasing;
7. A copy of all contracts with any other marijuana establishments; and
8. A statement certifying and attesting that no changes have occurred in the ownership, operations or original application with the exception of those specifically noted in the renewal application.

D. The City Administrator may approve the review and approve a renewal of the license based on a determination that no material changes have been made to the original application or refer the review with noted requested changes to the Council for consideration. The City Council may approve, approve with conditions, deny or take such other action as it deems appropriate.

E. The City Administrator may deny renewal of a license based on the failure or refusal of a licensee to carry out the policies and procedures or comply with the plans and statements provided to the City with the application for the license.

F. The City Administrator may deny renewal of a license if the establishment is not in compliance with this chapter or has any unpaid fees.

3-15-28: WORK CARD AND AGENT REGISTRATION CARD REQUIREMENTS:

A. Policy: It is hereby declared to be the policy of the City as expressed by the City Council in this section, that the safety, morals, good order and general welfare of the inhabitants of the City will be better protected and served by requiring the registration with the City through its designees at City Hall and the thumbprinting/fingerprinting of all employees, of marijuana establishment as defined in this chapter.

1. Each employee, whether a full-time or part-time employee, independent contractor, or volunteer who works in a marijuana establishment business or facility shall obtain, prior to the commencement of work and keep in force during the term of employment, a work card issued pursuant to this section. A complete and accurate list of all employees and volunteers, each of whom must have a valid marijuana establishment agent registration card and work card issued pursuant to this section, must be kept onsite and available for inspection at all times. The list must contain the current employment status, position and title of each employee and volunteer, and work shift.

2. It shall be a condition of the license to inform the City of any change in the employment status of a registered employee or volunteer or who serves in a management position or as a key employee within ten (10) calendar days of the effective date of the change in employment status. A change of employment status includes termination, leave of absence, and promotion to a management position or key employee.

B. Definitions: As used in this section, the following words and terms shall have the meanings ascribed to them in this section:

EMPLOYEES: Employees of marijuana establishments means any person working (including principals) whether classified by the owner as an independent contractor, full time, part-time, or volunteer in any capacity, including on-site security, contracted employee for services including, but not limited to accounting services, security services, cleaning services or any other manner of contracted work.

3-15-29: EMPLOYMENT UNLAWFUL:

A. Employee: It is unlawful for any person to accept employment in any marijuana establishment or facility unless such person has first registered his/her name and address with City Hall and had his/her thumbprints and fingerprints taken and filed with City Hall and has been issued a marijuana establishment work card. By registering with City Hall and having his/her thumbprints and fingerprints taken and filed, the person herewith authorizes the City to submit said thumbprints and fingerprints to the Federal Bureau of Investigation, pursuant to Nevada Revised Statutes 239B.010 for the purpose of conducting a national background check of the person.

B. Employer: It is unlawful for any person operating a marijuana establishment or facility to employ any person required to register with City Hall by the terms of this section unless such person has first obtained a marijuana establishment work card.

C. Marijuana Establishment Work Card: Marijuana establishment work card shall not be issued to those persons listed below:

1. Persons convicted of any crime equivalent to a Nevada category A felony regardless of jurisdiction in which conviction occurred;

2. Persons convicted of any felony involving the use of violence against another person;

3. Persons being supervised by the Department of Parole and Probation, or its equivalent entity from another state, who lack written approval to work in a licensed establishment from the supervising agency;

4. Persons who have been convicted of any felony where firearms were used in the commission of a crime;

5. Persons who have been convicted of any felony or gross misdemeanor where the predicate crime was theft, false pretenses, unlawful use of a credit card, or identity theft.

6. A person who has successfully completed felony or gross misdemeanor probation or parole and whose civil rights have not been restored or who has not received a pardon may be entitled to a work card at the sole discretion of the City Council.

7. Except for those persons falling under subsection C1 of this section, any other person who would otherwise be ineligible for a work card due to conviction, who can establish the satisfactory completion of probation or parole and who has had no negative law enforcement contact for five (5) or more consecutive years following completion of probation or parole may apply to the City Council for a worker card under this section. The City Council retains the sole right to authorize the issuance of a medical marijuana establishment work card.

D. Full Disclosure: Failure to fully disclose a felony or gross misdemeanor criminal conviction will be sufficient grounds for denial or immediate revocation of a work card.

E. Denial or Revocation: Any person aggrieved by the denial or revocation of a work card pursuant to this section may seek a review hearing before the City Council by filing a request for review with the City Administrator or designee within thirty (30) calendar days of the announcement of the denial or revocation of the work card.

1. Failure to appear before the City Council and/or to provide clear and convincing evidence demonstrating an error was made in the denial determination or failure to provide clear and convincing evidence meeting the requirements of subsection C6 or C7 of this section will result in an affirmance of the denial.

2. A majority vote of the City Council is required to overturn a denial or revocation subject to the Mayor's right to veto.

3-15-30: INVESTIGATION FEE:

A. Fee: Upon an employee complying with the provisions of subsection 3-15-28 of this chapter, City staff shall collect an investigation fee of one hundred twenty five dollars (\$125.00) to reimburse the City for the costs of processing the application and issuing a work card to such employee. Any information received from the background check shall be confidential and made accessible only to the Mayor, the City Council, the City Attorney, the employer of such person and law enforcement officers. A work card issued pursuant to section 3-15-28 of this chapter shall be valid for one year and must be renewed annually.

B. Employer's Responsibility: It shall be the responsibility of the employer to provide the City of Ely with a letter, on their letterhead, indicating the employer's intent to hire the employee and authorize the issuance of a work card. An employer shall be fined one thousand dollars (\$1,000.00) per incident where an employee works without the required marijuana establishment work card.

C. Transferable: A marijuana establishment work card issued pursuant to this section shall not be transferable.

D. Proof: Each card holder is required to provide to any person, including but not limited to law enforcement, proof that they have a validly issued marijuana establishment work card at any time they are working in a marijuana establishment or facility. Failure to produce the card upon demand, or working without the required card could result in the worker being charged under section 1-4-1 of this Code for a misdemeanor violation of this section.

3-15-31: CONFIDENTIAL INFORMATION:

The confidentiality of records regarding marijuana establishments shall be in accordance with Federal and State law. The duty to disclose any particular record as a public record shall be in accordance with State law.

3-15-32: FEES:

A. Annual License Fee: Annual licensing fees shall be set and amended from time to time by the City Council by written resolution.

1. Each annual fee is due in advance on the first day of July each year. License fees paid pursuant to this chapter are not refundable.

2. Any annual fee which is not received by the City on or before the due date shall be assessed a late-payment penalty amount equal to ten percent (10%) of the amount of such annual fee, not subject to any limitation by the state of Nevada.

September 27, 2018

MAYOR'S REPORT

1. I approved a Special Event License to:

- Ian Bullis for “Backpack Give Away” at Sculpture Park on 8-24-18.
- WPC Tour & Rec. for Race the Rails event at Freight Barn on 1100 Ave. A on 9-8-18.

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

- *Hotel Nevada* for Silver State Classic Challenge events at Convention Ctr. September 14-15, 2018.



CITY OF ELY

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

September 27, 2018

To All Interested Parties:

Please be advised that the City of Ely is considering adopting an ordinance which governs the local licensing of marijuana retail stores in the incorporated City. That ordinance, Bill No. 2018-08, Ordinance No. 715 had its first reading by the City Council on September 27, 2018. The second reading will be held on October 25, 2018. Following the second reading, the ordinance will take effect on or about November 22, 2018.

A copy of the Ordinance may be found on the following link:

<http://www.elycity.com/meetings/city-council-meetings>

The ordinance requires a marijuana retail store to be jointly located with an existing medical marijuana dispensary in Ely that is operating in good standing. Because Nevada law currently limits the number of registration certificates that may be issued for medical marijuana dispensaries within each county under NRS 453A.324 and the City of Ely was issued one such medical marijuana dispensary registration certificate, the City of Ely has met its statutory cap pursuant to this statutory limitation, the effect of Ordinance 715, Bill No. 2018-08 is that no additional marijuana retail stores may be licensed within the City of Ely, except to the holder of the medical marijuana dispensary registration certificate. This ordinance is open for public input and will be adopted pursuant to state law, with the City of Ely concentrating on its commitment to the community and the medical and retail marijuana industries.

Accordingly, please be aware that even if you obtain a state-issued license, the City of Ely will be unable to process or issue a special use permit or business license to operate a marijuana retail store within the City of Ely, unless you currently are in possession of the medical marijuana dispensary registration certificate for the City of Ely, if the ordinance is passed and takes effect. The City of Ely intends to limit the medical and recreational license to one location, under one ownership, until the City reaches a population of 20,000 or more residents, at which time, it may consider requesting another license.

For more information, please contact Robert Switzer, City Administrator at: 775-289-2430 or rswitzer@elycity.com or

Charles H. Odgers, Esq., City Attorney at: 775-289-2430 or codgers@elycity.com



Nevada Division of
STATE LANDS

STATE OF NEVADA
Department of Conservation & Natural Resources
Brian Sandoval, Governor
Bradley Crowell, *Director*
Charles C. Donohue, *Administrator*

July 16, 2018

MELODY VAN CAMP
MAYOR, CITY OF ELY
1125 MURRAY STREET
ELY, NEVADA 89301

Re: Nevada Army National Guard Building, 125 Mill Street

Dear Mayor Van Camp:

The Nevada Army National Guard (NVARNG) has informed the Nevada Division of State Lands (NDSL) of their intent to vacate their armory facility located at 125 Mill Street in Ely. According to the NVARNG, while the building underwent a substantial remodel in 2009, the geographic location of the armory no longer meets their needs or mission. One reason cited by the NVARNG is that the parcel on which the armory is located is small and does not meet current security requirements and limits the ability of troops to train onsite.

NDSL reviewed the lease executed by the State of Nevada and the City of Ely in September of 2006. We understand that provision #6 states that the use of the premises will be by the NVARNG as a National Guard Armory.

However, due to the remaining duration of the lease, and because the building was constructed using state funds, I would like to inquire with additional state agencies to gauge their interest in occupying the facility. This inquiry is of course dependent upon the City being amenable to this approach as outlined in provision #9. If another state agency desires to occupy the facility NDSL hopes that the lease can be amended to reflect their occupancy. If no agency comes forward then the lease would be terminated.

If the City has any objections or would like to discuss the property further I can be reached at (775) 684-2733 or via email at equick@lands.nv.gov.

Thank you very much for your assistance, it is appreciated.

Sincerely,

ELYSE QUICK
Supervisory Land Agent



APN # 1-283-01 White Pine County
NG-14, 2929, JMP

Recording Requested by and Return to:
Division of State Lands
333 W. Nye Lane, Rm. 118
Carson City, NV 89706

LEASE RENEWAL

THIS LEASE is made and executed this 27th day of September, 2006 by and between The City of Ely, a Municipal Corporation of the State of Nevada, and The State of Nevada by the Division of State Lands on behalf of the Nevada Army National Guard, (hereinafter referred to as "National Guard").

WHEREAS, the City of Ely is the owner of real property located at Ely, White Pine County Nevada; and,

WHEREAS, National Guard has constructed and operates a State of Nevada Army National Guard facility on said property;

NOW, THEREFORE, the parties mutually agree as follows:

1. PREMISES

The City of Ely grants to Division of State Lands, a lease for use by National Guard of the real property located in Ely, White Pine County, State of Nevada, which specific parcel is more fully described in **Exhibit A**, and the corresponding Map marked **Exhibit B** attached hereto and made a part of this Lease.

2. TERMS OF LEASE

The term of this Lease is for 50 years or the useful life of the facility, whichever first occurs commencing on the date this Lease is fully executed and ending on September 5, 2056.

At the expiration of the term of this Lease, unless it has been renewed pursuant to paragraph 3 below, The City of Ely and State of Nevada agree that all property, including but not limited to, any buildings, permanent fixtures, landscaping, etc., shall become the sole property of the City of Ely, and that upon the request of The City of Ely, all improvements will be razed and the cost and responsibility for such demolition will be borne by The City of Ely.

3. RENEWAL

Upon the expiration of the initial lease term, this Lease may be renewed under the same terms and conditions, in writing signed by both parties, for an additional 50 year period.

4. CONSIDERATION

In consideration for this Lease, the Nevada Army National Guard shall pay the sum of \$1.00 (One dollar and no/100) per year to The City of Ely.

5. WARRANTIES OF TITLE AND QUIET POSSESSION

The City of Ely covenants that The City of Ely is seized of the premises in fee simple and has the full right to make this Lease subject to any existing easements of record and that Nevada Army National Guard shall have quiet and peaceable exclusive possession of the premises during the term of this Lease.

6. USE OF PREMISES

The premises will be used by the Nevada Army National Guard as a National Guard Armory and its ancillary facilities and the purposes related thereto.

7. COMPLIANCE WITH LAWS; PROHIBITION AGAINST WASTE

During the term of this Lease, Nevada Army National Guard shall comply with all applicable laws affecting the premises, the breach of which might result in any penalty on The City of Ely or forfeiture of title to the premises. Nevada Army National Guard shall not commit waste on the premises except as necessary in cases of national emergency and while making ancillary improvements on the premises.

8. PROPER AUTHORITY

The parties hereto represent and warrant that the person executing this Lease on behalf of each party has full power and authority to enter into this Lease and that the parties are authorized by law to engage in the cooperative action set forth herein.

9. ASSIGNMENT AND SUBLETTING

The State of Nevada shall not assign, transfer, sublet, or delegate, or attempt to assign, transfer, sublet, or delegate any rights, obligations, duties or interest under this Lease without the prior written consent of The City of Ely.

10. MAINTENANCE, REPAIRS AND DESTRUCTION TO IMPROVEMENTS

a. Maintenance of Improvements

The Nevada Army National Guard shall, throughout the term of this Lease, keep and maintain the premises, including improvements of every kind that may be a part of the premises and all appurtenances to the premises, in good, sanitary, and neat order, condition and repair, and, except as specifically provided in this Lease, to restore and rehabilitate any improvements of any kind that may be destroyed or damaged by fire, casualty, or any other cause whatsoever

b. Compliance with Laws

During the term of this Lease, and any extension thereof, all parties shall comply with all federal, state, university and local laws, ordinances, regulations, rules, and orders relating to health, safety, and environmental protection and the storage, discharge or disposal of harmful, toxic, or hazardous wastes affecting the premises, the improvements on, or any activity or condition on or in the premises. This clause shall survive the expiration and/or cancellation of this Lease.

11. UTILITIES

The cost of all utilities and waste disposal shall be borne by the Nevada Army National Guard.

12. DUTY TO KEEP PREMISES FREE OF LIENS

The City of Ely shall keep all and every part of the premises and all buildings and other improvements at any time located on the premises free and clear of any and all liens, including liens by mechanics, material suppliers, or materials or appliances used or furnished for or in connection of the facility.

13. INDEMNIFICATION

- a. To the fullest extent of NRS Chapter 41 liability limitations, each party shall indemnify, hold harmless and defend, not excluding the other's right to participate, the other from and against all liability, claims, actions, damages, losses, and expenses, including but not limited to reasonable attorneys' fees and costs, arising out of any alleged negligent or willful acts or omissions of the party, its officers, employees and agents. Such obligation shall not be construed to negate, abridge, or otherwise reduce any other right or obligation of indemnity which would otherwise exist as to any party or person described in this paragraph.
- b. The indemnification obligation under this paragraph is conditioned upon receipt of written notice by the indemnifying party within 30 days of the indemnified party's actual notice of any actual or pending claim or cause of action. The indemnifying party shall not be liable to hold harmless any attorneys' fees and costs for the indemnified party's chosen right to participate with legal counsel.

14. INDEPENDENT PUBLIC AGENCIES

The parties are associated with each other only for the purposes and to the extent set forth in this Lease, and in respect to performance of services pursuant to this Lease, each party is and shall be a public agency separate and distinct from the other party and, subject only to the terms of this Lease, shall have the sole right to supervise, manage, operate, control, and direct performance of the details incident to its duties under this Lease. Nothing contained in this Lease shall be deemed or construed to create a partnership or joint venture, to create relationships of an employer-employee or principal-agent, or to otherwise create any liability for one agency whatsoever with respect to the indebtedness, liabilities, and obligations of the other agency or any other party.

15. HEADINGS AND TITLES

The various headings in this Lease, the numbers thereof, and the organization of the Lease into separate sections and paragraphs are for the purposes of convenience only and shall not be considered otherwise.

16. NOTICES

All notices pursuant to this Lease shall be in writing and addressed as set forth below, or as either party may hereafter designate by written notice and shall be sent through the regular United States Mail:

Name/address:

State Lands Registrar
Division of State Lands
901 So. Stewart Street Suite 5003
Carson City, NV 89701 - 5246

City of Ely
501 Mill Street
Ely, NV 89301

17. INVALIDITY

If any term, covenant, condition, or provision of this Lease is held by a court of competent jurisdiction to be invalid, void, or unenforceable, the remainder of the provisions hereof shall remain in full force and effect and shall in no way be affected, impaired, or invalidated thereby.

18. TERMINATION

This Lease may be terminated by mutual consent of both parties. The parties expressly agree that this Lease shall be terminated immediately if for any reason federal and/or State Legislature funding ability to satisfy this Lease is withdrawn, limited, or impaired.

19. ENTIRE AGREEMENT AND MODIFICATION

The Lease shall constitute the entire agreement between the parties and such are intended as a complete and exclusive statement of the promises, representations, negotiations, discussions, and other agreements that may have been made in connection with the subject matter hereof. Unless an integrated attachment to this Lease specifically displays a mutual intent to amend a particular part of this Lease, general conflicts in language between any such attachment and this Lease shall be construed consistent with the terms of this Lease. Unless otherwise expressly authorized by the terms of this Lease, no modification or amendment to this Lease shall be binding upon the parties unless the same is in writing and signed by the respective parties hereto, approved by the Office of the Attorney General.

20. ADDITIONAL DOCUMENTS

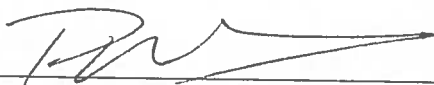
The parties agree to execute whatever papers and documents, which may be necessary to effectuate the terms of this Lease.

21. GOVERNING LAW

This agreement and the rights and obligations of the parties hereto shall be governed by, and construed according to the laws of the State of Nevada.

IN WITNESS WHEREOF, the parties have executed this Lease the day and year first above written.

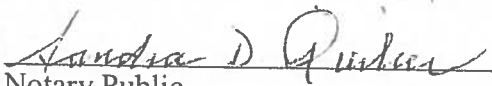
STATE OF NEVADA
Division of State Lands

By: 
PAMELA B. WILCOX
Administrator and Ex-Officio
State Land Registrar

STATE OF NEVADA)
 :SS.
CITY OF CARSON CITY)




On September 27, 2006,
personally appeared before me, a Notary Public PAMELA B. WILCOX, Administrator
and Ex-Officio State Land Registrar, Division of State Lands, who acknowledged that
she executed the above document on this date.


Notary Public

CITY OF ELY
By: 
GEORGE CHACHAS, MAYOR

(CITY OF ELY SEAL)

ATTEST: 
ELY CITY CLERK

STATE OF NEVADA
Nevada National Guard

By Cynthia N. Kirkland
CYNTHIA N. KIRKLAND
The Adjutant General

APPROVED as to form:

GEORGE CHANOS
Attorney General

By George H. Taylor
GEORGE TAYLOR, Deputy

APPROVED as to form:

GEORGE CHANOS
Attorney General

By Bob Auer
BOB AUER, Deputy

APPROVED:

STATE OF NEVADA
BOARD OF EXAMINERS

By _____
ANDREW CLINGER, CLERK

Date: _____

EXHIBIT "A"

LEGAL DESCRIPTION

Describing Lease Boundary between the
National Guard Armory and the City Of Ely

All that certain parcel of land situated within the Southwest Quarter (SW ¼), of Section Sixteen (16), Township Sixteen North (T.16 N), Range Sixty Three East (R.63 E.). M.D.M., White Pine County, Nevada, being more particularly described as follows:

BEGINNING at the Southeast corner of land owned by Jim Bath as shown on Record Of Survey Supporting a boundary line adjustment map # 771, recorded on February 14, 2003 as File No. 316152 in the Official Records of White Pine County, Nevada, said point is also shown as lying North 59°48'41" East a distance of 1029.05 feet from the southwest corner of Section 16, T.16 N., R.63 E., M.D.M.

THENCE North 11°59'27" West, 104.52 feet along the easterly boundary line of Bath to the northeast corner of Baths property;

THENCE North 11°59'27" West, 25.48 through the land owned by the City of Ely known as Broadbent Park to a point;

THENCE North 79°00'00" East, 195.00 feet through Broadbent Park to a point;

THENCE South 11°59'27" East, 130.00 feet through Broadbent Park to a point lying on the north right of way line of Mills Avenue & the South line of Broadbent Park;

THENCE South 79°00'00" West, 195.00 feet along the North right of way line of Mill Avenue to the **Point of Beginning**.

The above described parcel contains 25,350 square feet of land, more or less.

BASIS OF BEARING: The courses as shown on Record of Survey # 771



Record To:
NEVADA NATIONAL CAURD
Carson City, Nevada 89703
775/887-1726

Prepared By:
LUMOS & ASSOCIATES, INC
800 E. College Parkway
Carson City, Nevada 89708
775/883-7077

SURVEYORS CERTIFICATE
PREPARED UNDER THE SUPERVISION OF

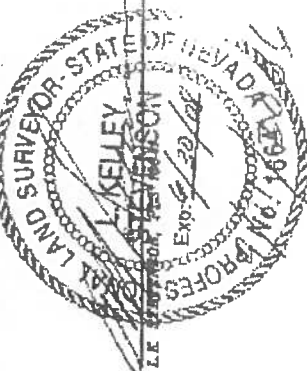
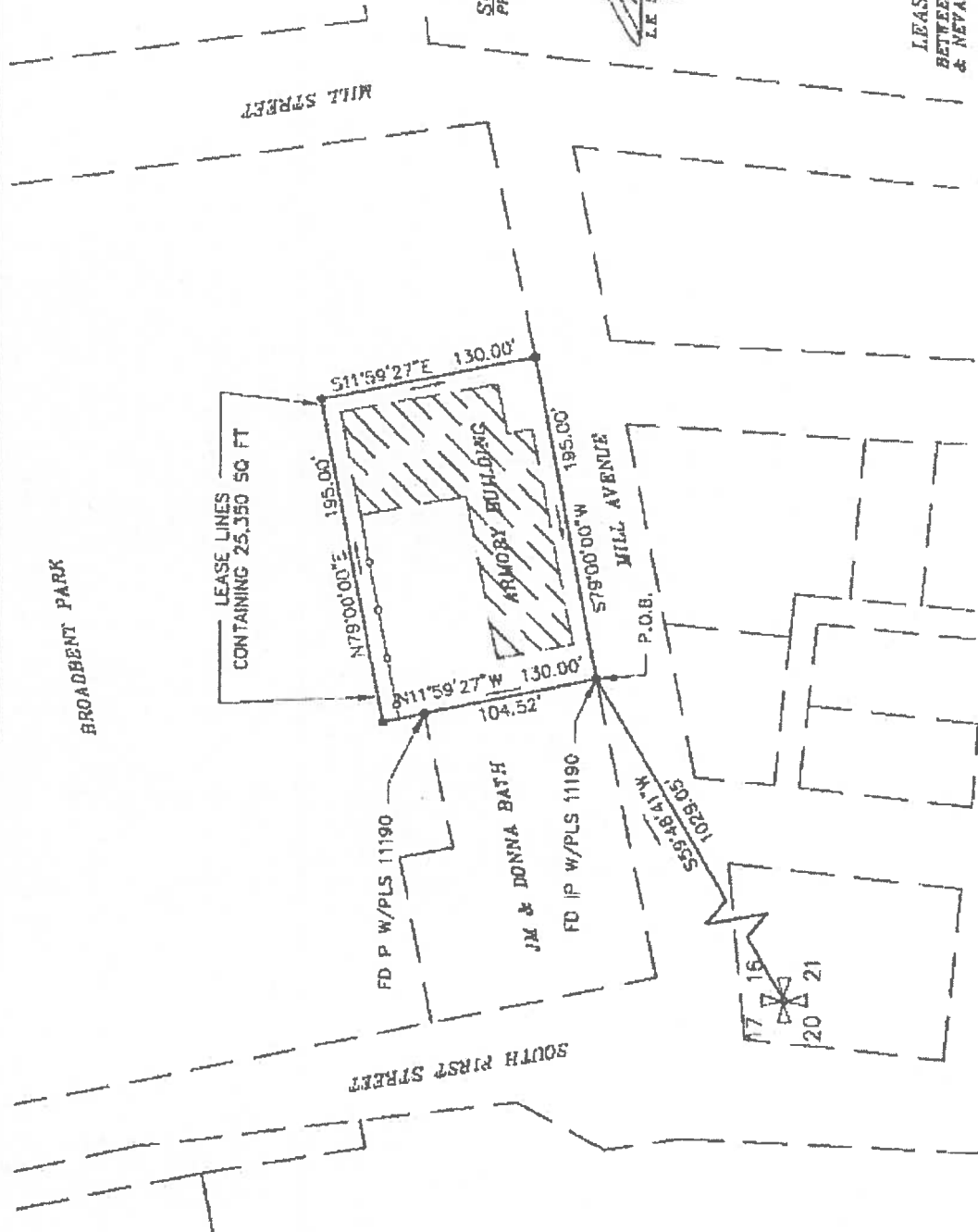


EXHIBIT B
LEASE AGREEMENT
BETWEEN THE CITY OF ELI
& NEVADA NATIONAL CAURD

A PORTION OF THE SW 1/4 OF SECTION 16, T16N, R08E, M.D.D
ELI, NEVADA



SCALE 1"=100'

EXHIBIT "B"

Retirement Board

Katherine Ong
Chair
Timothy M. Ross
Vice Chair

Lee-Ann Easton
Scott M. Gorgon
Dawn E. Huckaby
Yolanda T. King
Brian A. Wallace



Executive Staff

Tina Leiss
Executive Officer

Cheryl Price
Operations Officer

Steve Edmundson
Investment Officer

September 20, 2018

Robert Switzer
City of Ely – # 606
501 Mill Street
Ely, NV 89301

Dear Mr. Switzer:

This letter is to inform you that the corrections for the audit of the June 2016 reporting month have been received and the audit is now closed.

Thank you for your cooperation during the audit and for your assistance with the adjustments. If you have any questions, contact the Internal Audit Division at (775)687-4200 extension 247.

Sincerely,

Julie Hansen

Julie Hansen, Auditor II
Internal Audit Division



Proclamation

City of Ely

Whereas, Alcohol and drug abuse in this nation has reached epidemic stages; and

Whereas, it is imperative that visible, unified prevention education efforts by community members be launched to eliminate the demand for drugs; and

Whereas, working collaboratively represents a key opportunity for communities to create significant, sustainable improvements in health and equity outcomes; and

Whereas, the National Red Ribbon Campaign offers citizens the opportunity to demonstrate their commitment to drug-free lifestyles (no use of illegal drugs, no illegal use of legal drugs); and

Whereas, The National Red Ribbon Campaign will be celebrated in every community in America during Red Ribbon Week, October 23-31; and

Whereas, business, government, parents, law enforcement, media, medical institutions, religious institutions, schools, senior citizens, service organizations, and youth will demonstrate their commitment to healthy, drug-free lifestyles by wearing and displaying red ribbons during this week-long campaign; and

Now Therefore, Be It Resolved the City of Ely, does hereby proclaim October 23-31, 2018 as RED RIBBON WEEK, and encourages its citizens to participate in drug prevention education activities, not only during Red Ribbon Week, but all year long, making a visible statement that we are strongly committed to a drug free community.

Dated this _____ of October 2018

By: _____
Mayor Vancamp

With a quorum present of the Ely City Council and voting this _____ day of October, 2018.

Chairwoman Roberts-McMurray called the regular meeting of the Animal Control Advisory Board to order at **5:38 p.m.**, led in the Pledge of Allegiance and asked for Roll Call.

Members present:

Chairwoman Kaylynn Roberts-Mc-Murray

Member Robin Eldridge

Member Tandy Haslem

Members absent:

Member Tracey Greenwell

Member Ramona Maestes

City Staff present:

City Animal Control Officer Andrew Hayes

Deputy City Clerk Jennifer Lee

Also in attendance: Harry Franke

3. ITEMS FOR DISCUSSION/POSSIBLE ACTION OF THE ANIMAL CONTROL ADVISORY BOARD.

4. Board Members – Animal Control Officer Hayes – Discussion/For Possible Action – Recommendation for Animal Control Officer Hayes to attend Saving Nevada's Pets conference October 25-26, 2018 in Reno, Nevada as Humane Network's guest; Humane Network will cover travel expenses and hotel.

Member Eldridge stated that's a wonderful opportunity.

City Animal Control Officer Hayes stated Maddies Project sponsored me to go to Kansas City; I learned a lot and this is why we have a Board. This will help me with my deter program and all sorts of stuff.

Member Haslem stated touring the different shelters will give you so much opportunity.

City Animal Control Officer Hayes stated with the grant money I have gotten, I have gotten two new cat cages; that's from touring other shelters and finding out what works for them. These two cages work perfectly for me. Every time I go out, I get a lot more experience. I recommend that you allow this.

Member Eldridge stated do they give you ideas for who to contact for donations, grants, etc.?

City Animal Control Officer Hayes stated yes. I have some contacts now and I want to give you guys the binder with grant ideas from Kansas City, so you can start writing grants.

Chairwoman Roberts-McMurray asked are there different Rescues there?

City Animal Control Officer Hayes stated yes. There's also a ton of animal control facilities there.

Chairwoman Roberts-McMurray stated grab info from other rescues, so if we get full there are other resources.

Chairwoman Roberts-McMurray moved to recommend that City Animal Control Officer Hayes attend the Saving Nevada's Pets Conference October 25-26, 2018 in Reno, Nevada as Humane Network's guest. Member Haslem seconded the motion. The motion carried unanimously.



CB

Quotation

4495 Copper Sage Street
Las Vegas, NV. 89115
www.SierraTruckBody.com

Phone: 702-633-7181
Fax: 702-633-7182
Matt@SierraTruckBody.com

Rep: Matt Beatty
TERMS: *Net on Delivery*
Date: August 23, 2018

FORD COUNTRY

Attn: Tom Craddock
280 Gibson Rd
Henderson, NV 89014
PH:
Fax:
Cell: 702-558-8061
Email: Fleet@FordCountryLV.com

Re: Service Body W/ Ladder Rack & Liftgate

Vehicle Information

Year: 2018 or 2019 Make: Ford
Model: F-350 CA: 56"
VIN: TBD

SIERRA TRUCK BODY & EQUIPMENT PROPOSES THE FOLLOWING:

- Provide (1) Knapheide 696FJ40 Service Body. 8Ft Long SRW.
- Flip Up Tops with Dividers
- Flush Mount Lights with LED Light Package
- Paddle Latch Door Handles
- Master Lock System
- Knap-Lined Rear Step Bumper
- Knapheide Factory White Paint
- Rack-It Heavy Duty Ladder/Material Rack W/ Removable Center Bar & Swing Out Rear Bar. (Powder Coated White)
- Remove Pick Up Truck Bed and Install Service Unit.
- Provide & Install (1) Tommy Gate G2-54-1642-TP38 Liftgate
- 1600LB Capacity
- 49"x38" Treadplate Steel Platform W/4" Taper
- Factory Ford Hitch to Remain on Vehicle

PARTS: \$ 10,657.36
LABOR: \$ 2,860.00
SALES TAX: \$ RESALE
FREIGHT: \$
MISC: \$ (400.00) Bed Credit

TOTAL PRICE: \$ 13,117.36

Order Accepted by _____ Date _____ PO _____

VIRTC1DP



CNGP530

VEHICLE ORDER CONFIRMATION

08/14/18 19:43:05

==>

Dealer: F71168

2019 F-SERIES SD

Page: 1 of 2

Order No: 1111 Priority: K2 Ord FIN: QZ572 Order Type: 5B Price Level: 925

Ord PEP: 610A Cust/Flt Name: CITY OF ELY

PO Number:

RETAIL

RETAIL

K3B F350 4X4 S/C \$39660
 164" WHEELBASE
 Z1 OXFORD WHITE
 1 CLTH 40/20/40 100
 S MEDIUM EARTH GR
 610A PREF EQUIP PKG
 .XL TRIM
 .TRAILER TOW PKG
 572 .AIR CONDITIONER NC
 .AM/FM STER/CLK
 996 .6.2L EFI V8 ENG NC
 44P 6-SPD AUTOMATIC NC
 TD8 .LT245 BSW AS 17
 X37 3.73 REG AXLE NC
 90L PWR EQUIP GROUP 915
 59H HI MNT STOP LMP NC
 JACK
 SP FLT ACCT CR
 FUEL CHARGE
 DEST AND DELIV 1495

JOB #1 BUILD
 10700# GVWR PKG
 41H ENG BLK HEATER 100
 41P SKID PLATES 100
 425 50 STATE EMISS NC
 512 SPARE TIRE/WHL2 NC
 52B BRAKE CONTRLLR 270
 TELE TT MIR-PWR

TOTAL BASE AND OPTIONS 42640

TOTAL 42640

THIS IS NOT AN INVOICE

TOTAL BASE AND OPTIONS 42640

TOTAL 42640

THIS IS NOT AN INVOICE

\$35,173.00 truck
 13,117.36 Knapheide Service body
 29.25 title

\$48,319.61 total

F1=Help

F2=Return to Order

F7=Prev

F4=Submit

F5=Add to Library

F3/F12=Veh Ord Menu

S099 - PRESS F4 TO SUBMIT

QC01140

V1DP0245

2,6

QUOTE

Date: September 7, 2018
QUOTE # CITY OF ELY 09072018

BILL TO:
CITY OF ELY NEVADA
ACCOUNTS PAYABLE
501 MILL STREET
ELY, NV 89301
775-289-2430

SPECS FROM NEVADA STATE CONTACT 8475 ITEM 3.3b	
Description	Total
2019 CHEVROLET 1 TON CREW CAB – BASE PRICE	\$29,165.00
LT PACKAGE	\$5,330.00
4 WHEEL DRIVE	\$3695.00
DELIVERY CHARGE TO ELY – 254 MILES	\$495.30
KNAPHIEDE BODY INSTALLED BY SIERRA TRUCK – SEE INVOICE	\$13,147.74
SUB TOTAL	\$51,833.04
TITLE FEE	\$29.25
Total Due	\$51,862.29

Tax Identification Number – 20-4223895

Make all checks payable to Findlay Chevrolet

Billing Questions - Contact Dawn Yambo – 702-982-4024

6800 S. TORREY PINES, LAS VEGAS, NV, Phone 702-982-4000, Fax 702-982-4420, www.findlaychevy.com

Thank you for your business!