



# CITY OF ELY

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

## ELY CITY COUNCIL MEETING

**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.**

**June 27, 2019 5:00 p.m. – Ely Volunteer Fire Hall - 499 Mill Street-Ely, Nevada.**

### **1. OPENING ACTIVITIES:**

MEETING CALLED TO ORDER  
PLEDGE OF ALLEGIANCE  
INVOCATION  
ROLL CALL

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

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

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

- FIRE CHIEF
- POLICE CHIEF
- MUNICIPAL COURT JUDGE
- [CITY CLERK](#)
- CITY ATTORNEY
- CITY PUBLIC WORKS SUPERVISOR
- CITY ENGINEER
- CITY BUILDING OFFICIAL

### **5. REPORTS**

CITY COUNCIL  
MAYOR

**6. THE MAYOR WILL RECESS THE REGULAR CITY COUNCIL MEETING FOR A PUBLIC HEARING AT 5:30 P.M. ON THE FOLLOWING TOPICS.**

1. Chairman Peeler – Public Hearing – [Discussion Only](#) – Consideration of an application for Reclassification of Property Zoning. The applicants wish to re-zone the property from the current C-2 Zone (General Commercial District) to an R-M-50 Zone (Residential District). The location of the property is 920 Avenue E (APN 002-055-02) in Ely, Nevada. The applicants are Constance Kliewer, Charles Heusser and Dennis Heusser.
2. Chairman Peeler – Public Hearing – [Discussion Only](#) – Consideration of an application for a Variance. The applicants, Mike E and Kathleen Crossman, desire to construct a 20’ x 30’ garage on the corner of their property located at 849 Avenue H, Ely, Nevada (APN 002-092-06).

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

1. Chairman Peeler – [Discussion/For Possible Action](#) – Consideration of an application for Reclassification of Property Zoning. The applicants wish to re-zone the property from the current C-2 Zone (General Commercial District) to an R-M-50 Zone (Residential District). The location of the property is 920 Avenue E (APN 002-055-02) in Ely, Nevada. The applicants are Constance Kliewer, Charles Heusser and Dennis Heusser.
2. Chairman Peeler – [Discussion/For Possible Action](#) – Consideration of an application for a Variance. The applicants, Mike E and Kathleen Crossman, desire to construct a 20’ x 30’ garage on the corner of their property located at 849 Avenue H, Ely, Nevada (APN 002-092-06).

**8. ITEMS FOR DISCUSSION/POSSIBLE ACTION OF THE ELY CITY COUNCIL AS RECOMMENDED BY THE CITY PLANNING COMMISSION.**

1. Chairman Peeler – [Discussion/For Possible Action](#) – Approval of Home Occupation permit to Eric Lawrence to conduct a consultant firm business, d.b.a. *Lawrence Grant Consultation* located at 14 Reno Road, Ely, Nevada.

**9. 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 item 9A-1 Minutes and 9A-2 Bills.

Moved by: \_\_\_\_\_ Second by: \_\_\_\_\_ Vote: \_\_\_\_\_

1. Discussion/For Possible Action –Minutes.
  - April 3, 2019
  - April 4, 2019
  - April 19, 2019
  - April 25, 2019
  - May 9, 2019
  - May 16, 2019
  - May 23, 2019
2. Discussion/For Possible Action –Bills.
  - [June 17, 2019](#)

## **B. NEW BUSINESS**

1. Mayor Robertson – Discussion/For Possible Action – Approval of Mayor Robertson’s appointment of Councilman Kurt Carson to the White Pine County Tourism and Recreation Board.
2. Mayor Robertson – [Discussion/For Possible Action](#) – Adoption of pre-2009 City of Ely logo to be used on the City’s website, all correspondence, forms, vehicles, signs, uniforms and property.
3. Council Members – City Clerk Lee – Nevada Public Agency Insurance Pool Representative – Tina Perchetti of *L/P Insurance Services* – [Discussion/For Possible Action](#) – Acceptance of Renewal Proposal from Nevada Public Agency Insurance Pool (POOL) and approval for payment in the amount of \$178,643.46 from Fiscal Year 2019-2020 funds, to be paid in equal share from each of the covered funds.
4. Councilman Hanson – Discussion/For Possible Action – Authorization to accept the appraisal by *Mathews Appraisals* pursuant to NRS 266.261 for the evaluation and purchase of Avenue A from the defunct corporation *Ely Securities*, successor in interest, Lemich Family Trust, Trustee Mike Lemich, for the appraised cost of \$90,000.00 plus costs not to exceed \$20,000.00 for a total not to exceed \$110,000.00 to be paid from the Capital Improvement Fund.
5. Councilman Carson – Discussion/For Possible Action – Direction for City Attorney, Councilman Carson and Councilman Hanson to begin negotiations with *MedX AirOne* to bring a mutual aid agreement for ambulance services back before the City Council.
6. Councilman Carson – [Discussion/For Possible Action](#) – Approval of First Reading of Ordinance 725, Bill No. 2019-08, An Ordinance Amending City Code Title 9, chapter 1, Section 2 to allow the Building Official to serve criminal citations to the Ely Municipal Court for violation of zoning ordinances within the incorporated City limits.
7. Councilman Alworth – Discussion/For Possible Action – Develop plan to address White Top weeds on property owned by the City, including but not limited to the application of herbicide by City staff or authorization to contract for it, not to exceed an amount to be determined by City Council; and authorizing City staff to contact Tri-County Weed Control or a similar entity for herbicide application advice to maximize effectiveness.
8. Councilman Alworth – Discussion/For Possible Action – Develop plan, with public input during discussion of this item, to encourage citizens to address White Top weeds on their property; plan could include, but would not be limited to authorization for announcement in the *Ely Times*, local radio stations, the City’s website, *Facebook* and the utility bills.
9. Councilman Alworth – [Discussion/For Possible Action](#) - Temporarily discontinue taking cardboard for recycling until market reaches a profitable amount to be determined by City Council.
10. Councilman Carson – Discussion/For Possible Action – Direction to Public Works Director and Street Department Leadman to present an inventory of City streets for application of rejuvenating oil, for action by the City Council on July 25, 2019.

11. Council Members – City Clerk Lee – Discussion/For Possible Action – Approval of Resolution 2019-09 Augmentation of Fire Protection/Street Improvement Fund Revenue, account 14-30-100, from unbudgeted revenues in the amount of \$5,146.21.
12. Council Members – City Clerk Lee – Discussion/For Possible Action – Approval of Resolution 2019-10 Augmentation of the General Fund Miscellaneous Revenue Account, 10-36-300, in the amount of \$66,685.41 from unbudgeted Ad Valorem tax revenues in the Redevelopment Fund, account 16-30-150.
13. Council Members – City Clerk Lee – Discussion/For Possible Action – Approval of Resolution 2019-11 Augmentation of unbudgeted revenue in the following General Fund Revenue accounts: Electrical Franchise Fee 10-31-240 \$2,073.12; Animal Licenses 109-32-600 \$820.00; Excavation Permits 10-32-700 \$3,650.00; Building Permits 10-32-701 \$62,962.71; County Gaming Taxes 10-33-250 \$3,520.00; Building Department Fuel Charge 10-33-520 \$3,838.75; Cemetery Charges 10-34-100 \$825.00; Public Defender Fee 10-35-310 \$2,723.83; Recycling Revenue 10-36-110 \$846.35; NSF Fees 10-36-115 \$13.00; Rents & Corral Leases 109-36-200 \$4,722.62; Miscellaneous Revenue 10-36-300 \$37,555.67; Donation Animal Control 10-36-345 \$637.86; and Proceeds from Cannabis Sales 10-36-390 \$4,445.73, for a total of \$128,634.64.
14. Council Members – City Clerk Lee – Discussion/For Possible Action – Approval of Resolution 2019-12 Augmentation of unbudgeted revenue in the following Water Fund Revenue accounts: Outside Water Sales 51-37-200 \$4,946.98; Turn On/Off Fees 51-37-300 \$1,260.60; System Obligation Fees 51-38-200 \$46,535.00; and NSF Fee 51-38-325 \$220.90 for a total of \$52,963.48.
15. Council Members – City Clerk Lee – Discussion/For Possible Action – Approval of Resolution 2019-13 Augmentation of unbudgeted revenue in the following Sewer Fund Revenue accounts: Testing Revenue 52-37-200 \$2,210.00; and Sewer Obligation Fees 52-38-300 \$38,300.00 for a total of \$40,510.00.
16. Council Members – City Clerk Lee – Discussion/For Possible Action – Approval of Resolution 2019-14 Augmentation of unbudgeted revenue in the following Landfill Fund Revenue accounts: Charge for Services 54-37-100 \$75,944.47; Recycling Revenue 54-38-250 \$265.02 and Late Fee Revenue 54-38-300 \$4,683.13 for a total of \$80,892.62.
17. Council Members – City Clerk Lee – Discussion/For Possible Action – Approval to transfer \$1,000.00 from General Fund Account Miscellaneous Revenue 10-36-300 to Road Fund Service and Supplies 15-40-300.
18. Council Members – City Attorney Odgers – [Discussion Only](#) – Review of Resolution 2019-06, approved May 23, 2019, which increases Landfill rates for all customers.
19. Council Members – City Attorney Odgers – [Discussion/For Possible Action](#) – Approval of First Reading of CORRECTED Ordinance 723, Bill No. 2019-06, An Ordinance amending Title 3, Chapter 5, Section 4 entitled Gambling, License Fees, changing the rate for all gaming card games, gaming machines and coin operated amusement machines by three percent per year for the next three fiscal years, beginning July 1, 2019, with all other provisions not designated shall remain unchanged.

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


\* Open session – Action/Discussion – Personnel\*\*

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

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

For access to the public packet, contact the City Clerk 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, City Clerk, did cause to be posted on **June 24, 2019** at **8:00 a.m.** five (5) notices of the Ely City Council Agenda in said City of Ely to wit: Posted at the doors or bulletin boards of City Hall located at 501 Mill Street, White Pine County Library located at 950 Campton Street, White Pine County Courthouse located at 801 Clark Street, the U.S. Post Office located at 2600 Bristlecone Avenue and the White Pine County Sheriff's Office located at 1785 Great Basin Boulevard. The meeting notice is also posted on the City of Ely's website at <http://www.elycity.com> and the State of Nevada Public Notices website at <http://notice.nv.gov>.

  
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