



CITY OF ELY

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

ELY CITY COUNCIL MEETING

July 25, 2019 5:00 p.m. – Ely Volunteer Fire Hall - 499 Mill Street-Ely, Nevada.

1. OPENING ACTIVITIES:

Mayor Robertson called the regular meeting of the Ely City Council to order at **5:03 p.m.**, led in the Pledge of Allegiance and asked for Roll Call.

Members present:

- Mayor Nathan Robertson
- Council Member Ernie Flangas
- Council Member Kurt Carson
- Council Member Tony DeFelice
- Council Member Jim Alworth
- Council Member Sam Hanson

City Officials and Staff present:

- City Clerk Jennifer Lee
- City Attorney Charles Odgers
- City Treasurer Janette Trask
- City Public Works Supervisor Mike Cracraft
- City Building Official Brad Christiansen
- City Engineer B.J. Almberg
- Police Chief Scott Henriod

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

Ely City Council **ATTENDANCE LIST**

DATE: 7-25-19

<u>Print name below</u>	<u>Print name below</u>
<u>25/19</u>	
<u>[Signature]</u>	
<u>Tuliet Nays</u>	
<u>Luis Tristan</u>	
<u>Geni Woposkall</u>	
<u>Wade Robison</u>	
<u>Michael Bure</u>	
<u>George Chackas</u>	
<u>Juan Hernandez</u>	
<u>SPRATCH MICHAEL</u>	
<u>Lea Hance</u>	
<u>Robt Hance</u>	
<u>[Signature]</u>	
<u>[Signature]</u>	
<u>Scott Simon</u>	
<u>Monica Simon</u>	
<u>Edward Houser</u>	

2. PUBLIC COMMENT

George Chachas stated ongoing concerns regarding Councilman Hanson not having installed curb/gutter/ADA access at his home; Councilman DeFelice still needing to correct his improper fence height; and the City allowing eight Air bnbs to operate illegally. My family has lost four tenants because of selective enforcement; the last contract was for \$7,000.00, gone! Why? Discrimination. I was not doing anything that wasn't done and is being done today. I asked Jennifer to put me on the agenda for an appeal before the City Council; she did not. I did not want to go before the Building Inspector, nor the Attorney; they're selectively enforcing the regulations. On your agenda item 8-1, you're to consider paying installation costs in the amount for \$16,452.00 Public Transit money for L curb on the north side of Avenue D behind the Holiday Inn Express. Avenue D improvements in that block should be done in a special improvement district and affected property owners would pay their fair share. The City should not pay for curb/gutter along Van Camp's junk yard; they sued the City. I paid to have curb/gutter/sidewalk installed, then the City sued me.

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

Councilman Hanson moved to approve the agenda as presented. Councilman Flangas seconded the motion. The motion carried unanimously.

4. CITY DEPARTMENT REPORTS

- POLICE CHIEF

Police Chief Henriod reviewed his April 2019-June 2019 report appearing below.

STATISTICS FOR THE CITY OF ELY APRIL 2019 – JUNE 2019

INCIDENTS - 2469

TRAFFIC STOPS - 486

CITATIONS - 146

FELONY ARRESTS - 29

MISDEMEANOR ARRESTS - 69

NEW BOOKINGS - 93

TOTAL DAYS SERVED IN JAIL - 812

- CITY CLERK

City Clerk Lee stated I've been finalizing reimbursement requests for the NDOW grant; you'll see on the July 10th checks we cut, it was a total of \$377,327.07. The only thing NDOW still needs is the project report from the Trap Club and I've made sure they are aware of that; their deadline is next Tuesday.

- CITY TREASURER

City Treasurer Trask stated we filled four positions: 2 service workers and 2 equipment operators. I got ads out for the firemen and attorney. Auditors are scheduled for 8-19, so we'll have a lot of work to do.

- CITY PUBLIC WORKS SUPERVISOR

Public Works Supervisor Cracraft stated the Landfill compactor rebuild is on day 23. The Road department is starting Mill Street August 13th; this will be the second phase and on August 19th we'll be doing the chip seal. We're starting to do the same thing on Belfort/South Street and 15th/Fay. We will be dura patching Ely Street. We have been dura patching around the elementary school. When Reck Bros. fires up their plant, we've got nine hot patches we will be doing.

- CITY ENGINEER

City Engineer Almborg stated myself, Janette and Mike had a meeting with Mt. Wheeler to understand how demand charges work to reduce costs. The meter system has to be updated and Mt. Wheeler will absorb that. Mike and I are doing everything we can to operate our system in off-peak hours. The Aultman Street project is on the fast track.

5. REPORTS

CITY COUNCIL

Councilman Hanson stated I attended the Water Advisory Board meeting, but there was no quorum. I attended NNRDA yesterday and the Governor's Energy meeting this morning.

Councilman Alworth stated I talked with Jose Noriega about grant money for noxious weeds in the area. There's a 4-year program, 1.2 million dollars. The time for spraying the weeds is definitely in the spring.

Councilman Carson I attended my first Tour & Rec. meeting; they have issues with Airbnbs and are getting together with their attorney.

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

A. CONSENT AGENDA

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

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

2. Discussion/For Possible Action –Bills.
 - July 10, 2019
 - July 16, 2019
 - July 17, 2019

B. NEW BUSINESS

1. Councilman Hanson – Discussion/For Possible Action – Approval to renew the City of Ely's membership in the White Pine Chamber of Commerce.

Councilman Hanson moved to renew the City of Ely's membership in the White Pine Chamber of Commerce. Councilman Carson seconded the motion.

Mayor Robertson asked what does it cost?

City Clerk Lee stated \$440.00.

Councilman Hanson's motion carried unanimously.

2. Councilman Hanson – Discussion/For Possible Action – Approval to early register representatives from the City of Ely for the 2019 Nevada League of Cities Conference.

Councilman Hanson moved to grant approval to register representatives from the City of Ely for the 2019 Nevada League of Cities Conference, striking the word "early". Councilman Alworth seconded the motion.

City Clerk Lee stated we budgeted for two. It's \$295.00 each.

Councilman Alworth stated let Sam go.

Councilman Hanson amended his motion to send Mayor Robertson and himself to the 2019 Nevada League of Cities Conference. Councilman Alworth seconded the motion. The motion carried unanimously.

3. Council Members – City Engineer Almberg – Discussion/For Possible Action – Approve Road Maintenance Certification of City-Owned Roads in the Ely Shoshone Indian Reservation.

City Engineer Almberg stated the Tribe wants to include some City streets that access their lands, so they can seek funding. They're not asking to take over our roads.

City Attorney Odgers stated I don't have any legal issues with it.

Councilman Hanson moved to approve the Road Maintenance Certification of City-Owned Roads in the Ely Shoshone Indian Reservation. Councilman Alworth seconded the motion. The motion carried unanimously.

4. Commission Members – City Attorney Odgers – City Engineer Almberg – Discussion/For Possible Action – Recommend Approval of Cooperative Agreement between Nevada Department of Transportation (NDOT) and City of Ely for drainage facilities.
5. Commission Members – City Attorney Odgers – City Engineer Almberg – Discussion/For Possible Action – Recommend Approval of Cooperative Agreement between Nevada Department of Transportation (NDOT) and City of Ely for signal systems.

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

2. Commission Members – City Clerk Lee – City Attorney Odgers – Discussion/For Possible Action – Recommend Approval of Cooperative Agreement between Nevada Department of Transportation (NDOT) and City of Ely for landscape and lighting facilities.

City Attorney Odgers stated the tree maintenance was previously approved by the Council. Jennifer, Mike, B.J. and myself were recently in a meeting with NDOT. Each of these agreements identify what the City's responsibility will be after construction's completed. We're increasing lighting by approximately 50 overhead poles on Aultman and Great Basin, but they're all going to be LEDs. Mike talked to Mt. Wheeler about the cost savings by changing to LEDs.

Public Works Supervisor Cracraft stated the sodium overhead are \$7.80 per light per month; if we switch to LEDs, it's \$5.20 per light.

City Attorney Odgers stated the City will maintain the drainage facility in the City's right-of-way and NDOT will maintain the drainage facility in NDOT's right-of-way. They're putting in push-button activated pedestrian crossings at 5th, the elementary school, Texaco, Copper Queen, the Family Dollar on Great Basin and the high school; maintenance less than \$1,500.00 will be the responsibility of the City. Repairs need to be planned out a year in advance, so NDOT can budget for it.

Councilman Carson stated fifty lights sound like a lot. Mark Bassett was at the Tour and Rec. meeting and he is 'knocking it out of the park' with the Dark Sky trains. Are these lights going to work towards something like that?

City Attorney Odgers stated these are supposed to be directional straight down. Permits for private street lights will go away and the City will be responsible.

Councilman Hanson moved to approve the Cooperative Agreement between Nevada Department of Transportation (NDOT) and the City of Ely for drainage facilities. Councilman DeFelice seconded the motion.

Councilman Alworth asked where will water outfall?

City Engineer Almberg stated the outfall will be at the railroad tracks that separate Carson's fields from the horse corrals; there's an outlet at the culvert underneath the railroad tracks to the Georgetown Ranch.

Councilman Carson stated the Carson property is my father's property.

City Engineer Almberg stated Central Ely property owners will be getting a tremendous benefit from the new drainage system.

Councilman Hanson's motion carried unanimously.

Councilman Hanson moved to approve the Cooperative Agreement between Nevada Department of Transportation (NDOT) and the City of Ely for Signal Systems. Councilman Alworth seconded the motion. The motion carried unanimously.

Councilman Hanson moved to approve the Cooperative Agreement between Nevada Department of Transportation (NDOT) and the City of Ely for landscape and lighting facilities. Councilman Carson seconded the motion. The motion carried unanimously.

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 applicant wishes to re-zone the property from the current R-1-75 Zone (Residential District) to a C-2 Zone (General Commercial District). The location of the property is on Lots 13, 14 & 15 of South Avenue, Hermansen Addition, Ely, Nevada (APN 001-227-13). The applicant is Wade Robison.

George Chachas stated I own property in the 700 and 800 block. I will not be affected like some of the people who showed concerns during the Planning Commission. There should be a common sense solution. I don't think we want to put up blocks to any business coming into this community. My family and I do endorse this project.

2. Council Members – City Clerk Lee – City Engineer Almborg – Public Hearing – Discussion Only – Consideration of citizen comments regarding eligible activities the City of Ely should apply for under the State CDBG program.

Woody Howard stated I want to make sure that everyone's clear what is required for this type of a grant: They are things that apply to low and medium income. It would be great if we could have a two to three year program for an entrepreneurial resource for kids here in Ely. We have three homeless vets in this town, so it would be great if we could find a program to help them out.

City Engineer Almborg stated there are LMI requirements. This has been a successful program that the City of Ely has taken advantage of in the past. We will be having multiple public hearings on this.

City Clerk Lee stated the next public hearing will be September 12th.

George Chachas stated I would like to see water and sewer projects done.

City Engineer Almborg stated we are looking at a continuation of Murry Street, paved with RTC funds.

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 applicant wishes to re-zone the property from the current R-1-75 Zone (Residential District) to a C-2 Zone (General Commercial District). The location of the property is on Lots 13, 14 & 15 of South Avenue, Hermansen Addition, Ely, Nevada (APN 001-227-13). The applicant is Wade Robison.

Councilman Hanson moved to reclassify the property zoning of Lots 13, 14 and 15 of South Avenue, Hermansen Addition, Ely, Nevada from the current R-1-75 Residential District to C-2, General Commercial. Councilman Carson seconded the motion.

Wade Robison stated I have owned the three lots in question for about eight months. The property is in tough condition and has been for decades. Cal Ranch approached me about buying the three lots. If anybody was concerned about property values, it would be me. I'm not getting a bunch for this property because it needs a lot to be cleaned up. The Cal Ranch manager is here if you want to know what it will be used for. It is common in this neighborhood to have commercial butt up against residential.

Michael Blair stated I'm the Store Manager of Cal Ranch. I heard concerns of neighbors at the City Planning Commission. The lot would be used for a sales area for our larger items. One of the concerns was traffic, noise and potential for vandalism; I took that to my boss. There would be a single gate near our dock bay and we would put up privacy fencing. We have a camera pointed down Bell Avenue and will provide another camera pointing down South Street to limit vandalism. We would limit deliveries up to 3:00 p.m.

Mayor Robertson asked would you have customers there?

Michael Blair stated yes. Customers would not have access without a sales associate. There were some concerns about a building being put in. We would accept a condition to not put a building on that property. We want to make as little impact as possible to the neighborhood.

Scott Simon stated Scott Simon, 2250 South Street I support the business, but believe it devalues my home. It's not quiet. It infringes on a residential area. South Street's not a wide street. Bell Avenue is a dirt street and gets bad during the winter. The foot traffic we have in the area isn't the best element.

Monica Simon stated the areas Wade is bringing up are on Aultman or Great Basin Boulevard. This area is tucked back. I still believe there will be noise.

Lea Hone stated if Cal Ranch leaves, I'm worried about the future.

Luis Tristan stated my concern is the future use of it. Once we change zoning for life, we have a commitment. Does it become a parking lot?

George Chachas stated I own property in that area. It can be mitigated. Take care of the people's concerns. We need shopping in our area.

Councilman Alworth stated there's not a lot of buildings in the City of Ely like this. I've been to the Cal Ranch in Elko, so he's limited how much space he can have. What about an off-site storage? I agree with what these neighbors say. Once you start that zone, it will get conglomerated up with who knows what.

Councilman Hanson's motion was defeated unanimously.

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

1. Commission Members – City Attorney Odgers – Discussion/For Possible Action – Recommend Approval for City to pay installation costs in the amount of \$16,452.00 of Public Transit funds for L curb on north side of Avenue D behind *Holiday Inn Express*.

Jason Woywood stated Jason Woywood with the Holiday Inn Express project. Next month we're trying to open. This has been a twelve-month process. We've been utilizing local contractors and local hotels. It will bring in over \$400,000 in room tax, property tax \$78,000, in addition to all the employees. We're paving a portion of Avenue D at a cost of \$115,000; we're asking for the City to pay for the L curb.

City Attorney Odgers stated when the City decided over the abandonment for the Holiday Inn express, this not addressed.

Councilman Hanson moved to grant the \$16,452.00 from public transit funds to put in the L curb on the north side of Avenue D.

Mayor Robertson asked B.J. with the topography there, is an L curb the best way to go?

Councilman DeFelice seconded Councilman Hanson's motion.

City Engineer Almborg stated that road is not crowned; it's sloped across the road. An L curb is mandated to contain water. This is going to shed water. You could probably go back to an A curb. It sheds away from that side of the road. It slopes towards the Holiday Inn.

Councilman Alworth stated I believe this is on the developer; it would take 8% of his budget. Our streets full of potholes and we're trying to get a plan together. This wasn't in our budget.

Jason Woywood stated the payoff of our project. the small \$16,000 is a small drop in the budget to secure the payoff of our project. This is just to protect the asphalt portion.

Councilman DeFelice stated curb and gutter needs to be done to protect the street.

Councilman Flangas stated I have personal ties with Mr. Woywood, so I will be abstaining on this vote.

Jason Woywood stated there's nothing in Code requiring us to asphalt Avenue D.

Councilman Flangas abstained from the vote. Councilman Hanson and Councilman DeFelice voted Aye. Councilman Alworth and Councilman Carson voted Nay. Mayor Robertson broke the tie in favor of Councilman Hanson's motion. The motion carried.

10. PUBLIC COMMENT

George Chachas stated the Van Camps need to step forward and put in minimum curb and gutter to protect that street. You're putting in chip seal on Mill Street, when the developer should have done it. Two junk yards and a 13 million dollar hotel? I want to know who filed a complaint in regards to property I own on Stevens. I want a complete list of zoning violations in the last five years.

Woody Howard stated one other suggestion on that grant: a community program to help seniors for safety assessments. As far as the lot for the Cal Ranch, I understand that people in the area had concerns, but putting a commercial zone next to a residential zone can increase property values. The camera Cal Ranch was going to put in – they didn't have to do that – would show who was vandalizing. My husband happens to be the hydrologist for BLM. I know for a fact that mine is going to go into reclamation mode in six to seven years; they're going to lay off most of the people. The gold mines are not going to pick up all those jobs. You keep denying businesses, you might as well put an epitaph out there for the City of Ely.

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

Councilman Hanson moved to adjourn the regular meeting for the City of Ely at **6:41 p.m.** Councilman Carson seconded the motion. The motion carried unanimously.

MAYOR

ATTEST