



# CITY OF ELY

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

## ELY CITY COUNCIL REGULAR 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.**

**November 12, 2020 5:00 p.m. – Ely Volunteer Fire Hall - 499 Mill Street-Ely, Nevada.**

Pursuant to Governor Sisolak's Directive 033 adjusting Statewide standards on gatherings to 50 percent of occupancy or 250 people while maintaining social distancing and the March 20, 2020 White Pine County Public Health Decree requiring six-foot social distancing, the Ely City Council meeting can also be accessed via video conference/teleconference. Please call City Hall or email [jlee@elycity.com](mailto:jlee@elycity.com) if you have questions regarding accessing the meeting.

**Link:** <https://zoom.us/j/9771306332> **Meeting ID:** 977 130 6332

**Please Note: If you log on and experience difficulty hearing the meeting please also call the toll-free numbers.**

**Dial by your location:** +877-853-5247 US Toll-free  
+888-788-0099 US Toll-free

### **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 ATTORNEY
- CITY CLERK
  - ❖ [New Business October 2020](#)
- CITY TREASURER
- [CITY PUBLIC WORKS SUPERVISOR](#)
  - ❖ Animal Control October 2020
  - ❖ [Landfill October 2020](#)
  - ❖ [Street October 2020](#)
  - ❖ [Water/Sewer October 2020](#)
- [CITY WATER OPERATOR](#)
- CITY ENGINEER
- [CITY BUILDING OFFICIAL](#)

**5. NNRV FOUNDATION REPORT**

**6. REPORTS**

CITY COUNCIL  
MAYOR

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

1. Council Members – City Clerk Lee – City Engineer Almberg – Public Hearing – [Discussion Only](#) – Prioritizing and final Selection of CDBG project(s) for the 2021-2022 Program Year application submission.

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

1. Council Members – City Clerk Lee – City Engineer Almberg – [Discussion/For Possible Action](#) – Prioritizing and final Selection of CDBG project(s) for the 2021-2022 Program Year application submission.

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

1. Board Members – City Clerk Lee– [Discussion/For Possible Action](#) – Approve the removal of past due utility fee penalties up to the amount of \$895.72 from 310 S. Silen Avenue at the request of the property owners, Loren and Billie Reinhold.

## 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 item 10A-1 Minutes and 10A-2 Bills.

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

1. Discussion/For Possible Action – Minutes.
  - October 8, 2020
2. Discussion/For Possible Action – Bills.
  - [October 20, 2020](#)
  - [October 29, 2020](#)

## B. NEW BUSINESS

1. Councilman Alworth – Discussion/For Possible Action – Determination that sale of City’s interest in all real property to S & S Shortline Leasing, LLC, pursuant to the proposed Settlement, Sale, and Mutual Release of All Claims Agreement by and between Nevada Northern Railway Foundation, Inc., a Nevada nonprofit corporation, formerly known as White Pine Historical Railroad Foundation, Inc., a Nevada nonprofit corporation, the City of Ely, Nevada, a Nevada municipal corporation, and S & S Shortline Leasing, LLC, a Utah limited liability company, would qualify for exception to all appraisal, sale, and auction requirements in NRS §§ 268.059 – 268.062, inclusive, because the sale of the real property is “to a public utility, as defined in NRS 704.020, to be used for a public purpose[.]”
2. Councilman Alworth – Discussion/For Possible Action – Determination that, in the event any property conveyed by the City to S & S Shortline Leasing, LLC, pursuant to the proposed Settlement, Sale, and Mutual Release of All Claims Agreement by and between Nevada Northern Railway Foundation, Inc., a Nevada nonprofit corporation, formerly known as White Pine Historical Railroad Foundation, Inc., a Nevada nonprofit corporation, the City of Ely, Nevada, a Nevada municipal corporation, and S & S Shortline Leasing, LLC, a Utah limited liability company, is determined to be personal property, such personal property is no longer required for public use, it is in the best interests of the City to dispose of such personal property, and, therefore, such disposal satisfies NRS § 332.185(1).
3. Councilman Alworth – [Discussion/For Possible Action](#) – Approval of the Settlement, Sale, and Mutual Release of All Claims Agreement by and between Nevada Northern Railway Foundation, Inc., a Nevada nonprofit corporation, formerly known as White Pine Historical Railroad Foundation, Inc., a Nevada nonprofit corporation, the City of Ely, Nevada, a Nevada municipal corporation, and S & S Shortline Leasing, LLC, a Utah limited liability company, and all exhibits thereto.

4. Councilman Alworth – Discussion/For Possible Action – Approval of and direction to Mayor Pro Tempore, Michelle Beecher, to execute, on behalf of the City, the Settlement, Sale, and Mutual Release of All Claims Agreement by and between Nevada Northern Railway Foundation, Inc., a Nevada nonprofit corporation, formerly known as White Pine Historical Railroad Foundation, Inc., a Nevada nonprofit corporation, the City of Ely, Nevada, a Nevada municipal corporation, and S & S Shortline Leasing, LLC, a Utah limited liability company, and any exhibits thereto, and to take all actions necessary or appropriate to consummate the closing of the transactions contemplated in that agreement.
5. Councilman Alworth – Discussion/For Possible Action – Approval of and direction to attorneys for the City at the law firms of Maupin, Cox & LeGoy and Thompson Hine to execute and/or file all necessary exhibits to the Settlement, Sale, and Mutual Release of All Claims Agreement by and between Nevada Northern Railway Foundation, Inc., a Nevada nonprofit corporation, formerly known as White Pine Historical Railroad Foundation, Inc., a Nevada nonprofit corporation, the City of Ely, Nevada, a Nevada municipal corporation, and S & S Shortline Leasing, LLC, a Utah limited liability company, in the Seventh Judicial District Court of the State of Nevada and the Surface Transportation Board and to take all actions necessary or appropriate to consummate the closing of the transactions contemplated in the agreement.
6. Councilman Alworth – [Discussion/For Possible Action](#) – Approval of Resolution 2020-11 approving a 2021 Nevada Legislative Platform Regarding Transfer of State of Nevada Buildings at the Nevada Northern Railway National Historic Landmark back to the City of Ely and Nevada Northern Railway Foundation, Inc.
7. Mayor Robertson – [Discussion/For Possible Action](#) – Approval of Mayor’s re-appointment of John Charchalis to the Regional Planning Commission, term ending December 31, 2021.
8. Mayor Robertson – [Discussion/For Possible Action](#) – Approval of Proclamation declaring November 28, 2020 Small Business Saturday in the City of Ely.
9. Mayor Robertson – City Attorney Manuele – [Discussion Only](#) – Review of staff suggestions on changes to the business license code.
10. Mayor Robertson – City Attorney Manuele – [Discussion Only](#) – Review of staff suggestions on changes to the Business License application.
11. Councilwoman Beecher – [Discussion/For Possible Action](#) – Approval to purchase Ford 2020 F-450 ambulance through the HGACBuy program from *Rocky Mountain Emergency Vehicles* with FY21 Capital Project Funds in the amount of \$208,735.00.
12. Councilman Flangas – City Attorney Manuele – [Discussion Only](#) – Review of staff suggestions on changes to the Cemetery code.

13. Council Members – City Attorney Manuele – Discussion/For Possible Action – Approve Dr. Dana Vitale, M.D.’s services contract as City of Ely Fire Department Medical Director.


**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/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 **November 6, 2020** by **9:00 a.m.** four (4) 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 and the U.S. Post Office located at 2600 Bristlecone Avenue. 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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