



# CITY OF ELY

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

## ELY CITY COUNCIL REGULAR MEETING

**February 25, 2021 5:00 p.m.** – Ely Volunteer Fire Hall – 499 Mill Street – Ely, Nevada

Pursuant to Governor Sisolak’s Directive 035 adjusting Statewide standards on gatherings 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 [CityClerk@cityofelynv.gov](mailto:CityClerk@cityofelynv.gov) 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

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.

### 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**
- **CITY TREASURER**
- **CITY PUBLIC WORKS SUPERVISOR**
- **CITY WATER OPERATOR**
- **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. Council Members - City Engineer Almberg – Public Hearing - [Discussion Only](#) – Approval of Certification of Roads for Fuel Tax within the City of Ely, Nevada, pursuant to NRS 365.550.
2. Councilman Alworth - Public Hearing – [Discussion Only](#) – Approval of Second Reading of Ordinance 738, Bill 2021-01, amending Chapter 1 of Title 4 of the City Code of the City of Ely replacing chapter 1 in its entirety regarding Public Nuisances.
3. Councilman Alworth - Public Hearing – [Discussion Only](#) – Approval of Second Reading of Ordinance 739, Bill 2021-02, amending Chapter 2 of Title 4 entitled Public Health and Safety, Garbage and Refuse, Abatement of Unsafe Buildings, Filth, Rubbish of the City Code of the City of Ely specifically changing the timeframes outlined in Section 14.
4. Councilman Alworth - Public Hearing – [Discussion Only](#) – Approval of Second Reading of Ordinance 740, Bill 2021-03, amending Chapter 3 of Title 4 entitled Public Health and Safety, Weeds, Debris and Other Offensive Matter of the City Code of the City of Ely specifically changing the timeframes outlined in Section 3.

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

1. Council Members-City Engineer Almberg – [Discussion/For Possible Action](#) – Approval of Certification of Roads for Fuel Tax within the City of Ely, Nevada, pursuant to NRS 365.550.
2. Councilman Alworth – [Discussion/For Possible Action](#) – Approval of Second Reading of Ordinance 738, Bill 2021-01, amending Chapter 1 of Title 4 of the City Code of the City of Ely replacing chapter 1 in its entirety regarding Public Nuisances.
3. Councilman Alworth – [Discussion/For Possible Action](#) – Approval of Second Reading of Ordinance 739, Bill 2021-02, amending Chapter 2 of Title 4 entitled Public Health and Safety, Garbage and Refuse, Abatement of Unsafe Buildings, Filth, Rubbish of the City Code of the City of Ely specifically changing the timeframes outlined in Section 14.
4. Councilman Alworth – [Discussion/For Possible Action](#) – Approval of Second Reading of Ordinance 740, Bill 2021-03, amending Chapter 3 of Title 4 entitled Public Health and Safety, Weeds, Debris and Other Offensive Matter of the City Code of the City of Ely specifically changing the timeframes outlined in Section 3.

**8. 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 temp.

**MOTION:** Move to approve the Consent Agenda item 8A-1 Minutes and 8A-2 Bills.

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

1. Discussion/For Possible Action –Minutes.
  - [January 28, 2021](#)
2. Discussion/For Possible Action –Bills.
  - [February 8, 2021](#)
  - [February 12, 2021](#)

**B. NEW BUSINESS**

1. Mayor Robertson – Discussion/For Possible Action – Review of proposals received for Building Inspection services with possible acceptance of one or more proposals; proposals under consideration are: [Brad Christiansen](#).

2. Mayor Robertson – Discussion/For Possible Action – Approval of employment contract between Lee Walker, appointed City Building Official February 18, 2021, and the City of Ely.
3. Councilman Alworth – Discussion/For Possible Action – Approval of monthly balance sheets for general fund, street fund and enterprise funds.
4. Council Members – City Treasurer/HR Director Trask – Discussion/For Possible Action – Approval to hire full-time or part-time Utility/Accounts Clerk to process Accounts Payable, Payroll and other assigned duties as needed.
5. Council Members – City Clerk Lee – Discussion/For Possible Action – Direction to City Attorney to contact White Pine County District Attorney regarding a Cooperative Agreement for Election Services between White Pine County and the City of Ely for later consideration by the Ely City Council and White Pine County Commission.
6. Council Members – City Clerk Lee – [Discussion/For Possible Action](#) – Acceptance of WHYNT maintenance proposal for the City of Ely’s website for \$119.00 per month.
7. City Attorney Manuele - Discussion/For Possible Action – Approval of Maupin Cox & LeGoy conflict waiver regarding Maupin, Cox & LeGoy representation of (i) Greenburg Taurig, LLP; (ii) Jason K. Hicks, Esq.; and (iii) Christopher R. Miltenberger, Esq., in *Holiday Pine, LLC d/b/a Holiday Inn Express & Suites Ely, a limited liability company v. Robert Van Camp, et. al.*, pending in the Seventh Judicial District Court of the State of Nevada, Case No. CV-2012127.


**9. 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”.

**10. 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, audiotope, 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.cityofelynv.gov/>

I, Jennifer Lee, City Clerk, did cause to be posted on **February 19, 2021** by 5:00 p.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.cityofelynv.gov/> and the State of Nevada Public Notices website at <http://notice.nv.gov>.

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