



CITY OF ELY

501 Mill Street Ely, Nevada 89301
City Hall (775) 289-2430
Cityofelynv.gov

ELY CITY COUNCIL REGULAR MEETING

August 12, 2021 5:00 p.m. – Ely Volunteer Fire Hall – 499 Mill Street – Ely, Nevada

Pursuant to Governor Sisolak’s Directive 045(signed and effective May 3, 2021), the State of Nevada is automatically adopting the latest Centers for Disease Control and Prevention (CDC) guidance related to mask requirements. The Ely City Council meeting can also be accessed via video conference/teleconference. Please call City Hall or email 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
 - ❖ [Liens](#)
 - ❖ [Lien Releases](#)
- CITY CLERK
 - ❖ [New Business](#)
- CITY TREASURER
- [CITY PUBLIC WORKS SUPERVISOR](#)
 - ❖ [Animal Control](#)
 - ❖ [Landfill](#)
 - ❖ [Streets](#)
 - ❖ [Water/Sewer](#)
- [CITY WATER OPERATOR](#)
- [CITY ENGINEER](#)
- [CITY BUILDING OFFICIAL](#)
 - ❖ [Permits-Inspections](#)

5. [NNRY 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 – Discussion of the following proposed possible CDBG projects proposed during this item:

Bell Avenue Pipeline	\$ <u>365,800.00</u>
Parker Street Sewer Replacement	\$ <u>497,800.00</u>
Golf Course Well Pipeline	\$ <u>545,300.00</u>
Campton Street Sidewalk Project	\$ <u>470,120.00</u>

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

1. Councilman Alworth – [Discussion/For Possible Action](#) – Approval to waive back charges owed for water, sewer, and landfill fees for 790 Avenue I up to \$8,035.41.

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 temp.

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.
 - [July 8, 2021](#)
2. Discussion/For Possible Action –Bills.
 - [July 16, 2021](#)
 - [July 22, 2021](#)
 - [July 29, 2021](#)

B. OLD BUSINESS

1. Councilman Carson – City Attorney Cahoon – Discussion/For Possible Action – Review of City Attorney Cahoon’s research of disposal options for junk vehicles without a title which are confiscated by the City of Ely and possible determination of City’s process in this regard.
2. Council Members – City Clerk Lee – Discussion/For Possible Action – Approval of abatement action to include the removal of junk/abandoned vehicles, and commercial sign on private property located at 201 Ogden Avenue, Ely, NV, APN 001-125-06.

C. NEW BUSINESS

1. Mayor Robertson – Nevada Rural Housing Authority (NRHA) Deputy Executive Director Mishon Hurst – [Discussion/For Possible Action](#) – Approval of Resolution 2021-06 providing for the transfer of the City of Ely’s 2021 private activity bond volume cap to the Nevada Rural Housing Authority.
2. Mayor Robertson – Discussion/For Possible Action – Appointment of Municipal Utilities Board member with term through December 31, 2023; nominee for the seat is [Brad Block](#)
3. Mayor Robertson – [Discussion/For Possible Action](#) – First Reading of Ordinance 743, Bill 2021-06, with approval to move to the second reading. Ordinance 743 amends Title 5, Chapter 5 of the City Code of the City of Ely setting forth hours designated for public use of City Parks.

4. Mayor Robertson – Discussion/For Possible Action –Performance Evaluation of City Building Official Lee Walker including, but not limited to consideration of character, alleged misconduct, professional competence, or physical or mental health. Possible action includes, but is not limited to, termination, suspension, demotion, reduction in pay, reprimand, promotion, endorsement, engagement, retention, or “no action.”
5. Councilman Spear – Councilman Alworth – Discussion Only – Update on PORTER Group efforts on behalf of the City of Ely.
6. Councilman Alworth – Discussion/For Possible Action – Direct City Police Chief to conduct a traffic study regarding possible future removal of YIELD or STOP signs at the following locations – Mill Street and 1st Avenue, Mill Street and 3rd Avenue, and Mill Street and Annand Avenue– and to provide the results of that traffic study to the City Engineer in order for both officials to make recommendations at the City Council meeting following completion, pursuant to City Code 6-3-2(B).
7. Councilman Alworth – [Discussion/For Possible Action](#) – Approval of Maupin, Cox & LeGoy conflict waiver regarding Maupin, Cox & LeGoy’s representation of Nevada Northern Railway Foundation, Inc., with respect to all issues involving White Pine Waterpower, LLC’s proposed project near a portion of the Nevada Northern Railway.
8. Councilman Alworth – [Discussion/For Possible Action](#) – Approval of Fourth Amendment to the Development Agreement between the City of Ely and Nevada Northern Railway Foundation, Inc., extending the term of the Development Agreement to January 1, 2022.
9. Councilman Alworth – [Discussion/For Possible Action](#) – Approval of Maupin, Cox & LeGoy conflict waiver regarding Maupin, Cox & LeGoy’s representation of Nevada Northern Railway Foundation, Inc., with respect to negotiating and drafting an amended and restated Development Agreement between the City of Ely and Nevada Northern Railway Foundation, Inc.
10. Council Members – City Clerk Lee – Discussion/For Possible Action – Approval of abatement action to include the removal of unlicensed vehicles, weeds, and debris on private property located at 1405 Lyons Avenue, Ely, NV.
11. Council Members – City Clerk Lee – Discussion/For Possible Action – Approval of abatement action to include the removal of felled trees on private property located at APN 001-411-02, Ely, NV.
12. Council Members – City Attorney Cahoon – [Discussion/For Possible Action](#) - Direction and potential approval of Nevada Agreement on Allocation of Opioid Recoveries relating to the resolution of existing opioid related litigation, and the allocation and use of recovery proceeds to remediate the harms, impact, and risks caused by the opioid epidemic to the City and its residents.

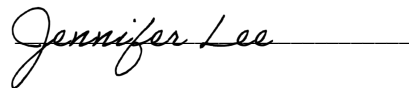
10. PUBLIC COMMENT: Comments not exceeding three (3) minutes in length will be accepted from the general public in attendance. If any are made, there may be discussion upon those comments. No vote, decision, or action may be taken upon matters raised under this item until it is formally placed on the 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”.

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.

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 “Additional Documentation” on the City’s website at <https://www.cityofelynv.gov/>

I, Jennifer Lee, City Clerk, did cause to be posted on **August 9, 2021** 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 <https://www.cityofelynv.gov/> and the State of Nevada Public Notices website at <https://notice.nv.gov>.

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