



CITY OF ELY

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

ELY CITY COUNCIL REGULAR MEETING

December 8, 2022, 5:00 p.m. – Ely Volunteer Fire Hall – 499 Mill Street – Ely, Nevada

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: Per City Council action October 27, 2022, and in accordance with Nevada Revised Statutes 241.020, **public comment at the beginning of city council meetings is narrowed to agenda items only.** The public comment period at the close of city council meetings is for any matter relevant to or within the authority of the Public Body. 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
 - ❖ [Liens](#)
 - ❖ [Lien Releases](#)
 - ❖ [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 Building Official Peterson – Public Hearing – [Discussion Only](#) – Consideration of a petition for vacation or abandonment of a road or easement by applicants, Thomas W. Stagg and Ann Wilson, who wish to have the section of 3rd Avenue that is located between their two properties abandoned. The property address or general location is 3rd Avenue between 994 Murry Street, APN 001-337-01 (Block 20, Lot 9) and 1000 Murry Street, APN 001-345-04 (Block 26, Lots 1-4), Ely, NV. The total area to be abandoned would be approximately 50' x 97.45'.
2. Council Members – City Clerk Lee – City Engineer Almberg – [Public Hearing](#) – Discussion Only – Prioritizing and final Selection of CDBG project(s) for the 2023-2024 Program Year application submission; the City's eligible projects include [Morley Avenue Sewer Replacement](#) for \$358,200.00 and [Stevens Avenue and Orson Avenue Alley Sewer Replacement](#) for \$490,400.00.

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

1. Council Members – City Building Official Peterson – [Discussion/For Possible Action](#) – Consideration of a petition for vacation or abandonment of a road or easement by applicants, Thomas W. Stagg and Ann Wilson, who wish to have the section of 3rd Avenue that is located between their two properties abandoned. The property address or general location is 3rd Avenue between 994 Murry Street, APN 001-337-01 (Block 20, Lot 9) and 1000 Murry Street, APN 001-345-04 (Block 26, Lots 1-4), Ely, NV. The total area to be abandoned would be approximately 50’ x 97.45’.
2. Council Members – City Clerk Lee – City Engineer Almberg – [Discussion/For Possible Action](#) - Prioritizing and final Selection of CDBG project(s) for the 2023-2024 Program Year application submission; the City’s eligible projects include [Morley Avenue Sewer Replacement](#) for \$358,200.00 and [Stevens Avenue and Orson Avenue Alley Sewer Replacement](#) for \$490,400.00.

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](#) – Approval to remove past due utility fee penalties up to the amount of \$2,223.45 from 1000 Georgetown Ranch Road, Ely, Nevada at the request of Business owner, Nevada Radio LLC.
2. Board Members – City Clerk Lee - [Discussion/For Possible Action](#) – Approval to remove past due utility fee penalties up to the amount of \$2,433.30 from 22 Main Street, Ruth, Nevada at the request of Property owner, White Pine County Commissioners.

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 temp.

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 27, 2022](#)
 - [November 10, 2022](#)
 - [November 15, 2022](#)

2. Discussion/For Possible Action – Bills.
 - [November 22, 2022](#)
 - [November 30, 2022](#)

B. NEW BUSINESS

1. Council Members – City Treasurer Trask – *Keddington & Christensen, CPA's* representative (s) - [Discussion/For Possible Action](#) – Presentation and possible acceptance of the Year Ended June 30, 2022 fiscal audit for the City of Ely.
2. Council Members - City Treasurer Trask – [Discussion/For Possible Action](#) – Acceptance of Corrective Action Plan for Findings noted in the City's FY 2022 audit.
3. Council Members – City Attorney Cahoon – White Pine Youth Center, Inc. Representative Lynette Gust – [Discussion/For Possible Action](#) – Presentation regarding a temporary safe housing development and requested support donation.
4. Council Members – City Engineer Almberg – [Discussion/For Possible Action](#) – Approval to donate APN 001-163-05, owned by the City of Ely, to the White Pine Youth Center, Inc. for the development of temporary safe housing OR approval to trade APN 001-163-05, owned by the City of Ely, for a portion of APN 001-163-07, owned by the White Pine Youth Center, Inc. for the development of temporary safe housing, with possible approval to pay for the necessary survey.
5. Council Members – City Treasurer Trask – [Discussion/For Possible Action](#) – Discussion regarding approved uses of Opioid Settlement monies the City of Ely will receive with possible commitment regarding the use of those funds.
6. Councilwoman Elliott - Josh Lieberman of Pine West Development– [Discussion Only](#) – Presentation on proposed convenience store-casino development project in the 700 block between Avenue D and East Aultman Street, Ely, Nevada.
7. Mayor Robertson – Discussion/For Possible Action – Approval for City Treasurer to form a committee to negotiate an interlocal police protection services agreement with White Pine County, with direction to contact appropriate White Pine County officials.
8. Mayor Robertson – [Discussion/For Possible Action](#) – Retroactive approval of the City of Ely's Thriving Communities Letter of Interest, in partnership with the Nevada Northern Railway Foundation and White Pine Main Street.
9. Mayor Robertson – [Discussion/For Possible Action](#) – Approval of Greenlink MOU between the City of Ely and the U.S. Department of the Interior Bureau of Land Management regarding development of the Environmental Impact Statement/Resource Management Plan Amendment for the Greenlink North Project.

10. Mayor Robertson - Discussion/For Possible Action – Reappointment of Municipal Utilities Board Member Sherrie Marquez with term through December 31, 2026.
11. Mayor Robertson – [Discussion/For Possible Action](#) – Appointment of Council Member Kurt Carson to the Soil Conservation District Board and Mayor Nathan Robertson as the designated alternate per NRS 548.335, with terms through December 31, 2024.
12. Mayor Robertson – [Discussion/For Possible Action](#) – Confirmation of Mayoral appointment of Council Member Samantha Elliott to the Local Emergency Planning Committee, per NAC 459.99131.
13. Mayor Robertson – Discussion/For Possible Action – Confirmation of Mayoral appointment of Council Member Terrill Trask as the City of Ely’s liaison to the Regional Planning Commission.
14. Mayor Robertson – Discussion/For Possible Action – Confirmation of Mayoral appointment of Council Member Samantha Elliott to the White Pine County Natural Resources Advisory Committee through December 31, 2023.
15. Mayor Robertson – Discussion/For Possible Action – Confirmation of Mayoral reappointment of Council Member Jim Alworth to White Pine County Debt Management Commission, and the White Pine County Board of Equalization through December 31, 2024.
16. Mayor Robertson – [Discussion/For Possible Action](#) – Confirmation of Mayoral designations of Council Liaisons for following City Departments: Animal Control – Council Member Terrill Trask; and Parks and Recreation – Council Member Samantha Elliott; the primary function of a liaison is to be a two-way communication vehicle between the Council and the department to which appointed; liaison designations are not supervisory roles per City Code 1-5-6.
17. Councilman Alworth – Discussion Only – Update on Porter Group efforts on the City of Ely’s behalf to secure federal and State funding.
18. Councilman Alworth - [Discussion/For Possible Action](#) - Approval of sixth 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, 2024.
19. Councilman Alworth – Discussion/For Possible Action – Appointment of two City Council Members to work with the Nevada Northern Railway Foundation and legal counsel, designated pursuant to the November 17, 2022, Common Interest and Joint Representation Agreement between the City of Ely, Nevada, the Nevada Northern Railway Foundation, Inc., and Great Basin & Northern Railroad, Inc., to develop a power line crossing agreement with LS Power.

20. Councilman Alworth – Discussion/For Possible Action – Approval of Wireline Crossing Agreement by and among Nevada Northern Railway Foundation, the City of Ely and Commnet Nevada Subco, LLC.
21. Councilman Alworth – Discussion/For Possible Action – Approval of Wireline Crossing Agreement by and among Nevada Northern Railway Foundation, the City of Ely, and Beehive Telephone, Inc.
22. Council Members – City Treasurer Trask – [Discussion/For Possible Action](#) – Direction on which fund to record and commit revenue of the City of Ely’s portion of the Great Basin & Northern Railroad’s 45G tax credits.
23. Council Members – City Attorney Cahoon – Discussion/For Possible Action – Review of Nevada Cannabis Compliance Board’s request regarding whether Ely’s governing board intends to legalize cannabis consumption lounges within City limits, with possible direction to City Attorney to prepare an ordinance revising City Code Title 3 Chapter 15.


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 <https://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 **December 2, 2022**, 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 <https://www.cityofelynv.gov/> and the State of Nevada Public Notices website at <https://notice.nv.gov>.

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