



# CITY OF ELY

501 Mill Street Ely, Nevada 89301  
City Hall (775) 289-2430  
[Cityofelynv.gov](http://Cityofelynv.gov)

## ELY CITY COUNCIL REGULAR MEETING

**January 12, 2023, 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](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:** 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. 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 \$357.51 from 16 Pine Street, Ruth, Nevada at the request of Property owner, Johnathan, and Cody Dishong.
2. Board Members – City Clerk Lee - [Discussion/For Possible Action](#) – Approval to remove past due utility fee penalties up to the amount of \$58.64 from 509 Cedar Street, Ely, Nevada at the request of Property owner, Isaacs Family Trust George Paul C/O David Paul.

**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
  - [November 17, 2022](#)
  - [December 8, 2022](#)
2. Discussion/For Possible Action – Bills.
  - [December 8, 2022](#)
  - [December 19, 2022](#)
  - [December 28, 2022](#)

**B. NEW BUSINESS**

1. Mayor Robertson – White Pine County School District Superintendent Adam Young - Discussion Only – Presentation on Nevada Association of School Superintendents’ “iNVest” initiative to improve educational outcomes in Nevada.
2. Mayor Robertson – [Discussion/For Possible Action](#) – Approval of Resolution 2023-02 in support of School Funding and School Construction 2023.
3. Mayor Robertson – [Discussion/For Possible Action](#) – Approval of [support letter](#) for High Desert Trail Blazers’ project to install confidence markers on off-road routes, funded by White Pine County Tourism and Recreation.
4. Mayor Robertson – [Discussion/For Possible Action](#) – Approval to join the City of Las Vegas’ amicus brief appealing a district court judgment with regards to the authority of Nevada cities to regulate land development.
5. Mayor Robertson – Discussion/For Possible Action – Approval to purchase tablets or laptops for elected officials to use during City Council meetings, in place of paper packets, and for other City business.
6. Councilman Trask – [Discussion Only](#) – FIRST READING: Proposed Ordinance 748 Bill No. 2023-01 adding Chapter 16 “Social Use Venues” to Title 3 of the Ely Municipal Code to permit licensing of cannabis consumption lounges and amending Title 3, Chapter 15 to permit indoor consumption in approved locations.

7. Councilman Alworth – Discussion/For Possible Action – Direct City Treasurer to request Schedule of Revenues, Expenses, and Changes in Net Position page for the Railroad Enterprise Fund for the Year Ended June 30, 2022, from *Keddington & Christensen, CPAs*, to be provided to the Nevada Department of Taxation.
8. Councilman Alworth – Discussion/For Possible Action – Direct City Treasurer to request that *Keddington & Christensen, CPAs* include Schedule of Revenues, Expenses, and Changes in Net Position page for the Railroad Enterprise Fund in all future audits.
9. Councilman Alworth – Discussion/For Possible Action – Direct City Treasurer to contact the Nevada Department of Taxation for information on the purpose of the last page in city audits dealing with business license fees and the Consumer Price Index, to be reviewed by staff and elected officials in a future City Council meeting.
10. Councilman Alworth – [Discussion/For Possible Action](#) – Approval to request a “Statement of Opinion” in writing from City of Ely Auditors *Keddington & Christensen, CPA’s* as to any revenue generated by the operation or existence of the Northern Nevada Railway from Cobre milepost 0 to McGill Junction milepost 128.5 on the rail line that should be recorded in the established Railroad Enterprise Fund and used to pay for any expenses associated with the same operations or existence of the Northern Nevada Railway from Cobre milepost 0 to McGill Junction milepost 128.5, versus comingling the revenue and expenses with other governmental activities.
11. Councilman Alworth – [Discussion/For Possible Action](#) – Approval for the City of Ely to apply for a U.S. Department of Transportation RAISE Grant to make improvements to the Nevada Northern Railway. The Nevada Northern Railway Foundation will assist the City of Ely in mailing the application and administering the grant.
12. Councilman Alworth - Discussion/For Possible Action - Direct City Attorney to draft a resolution to add a "no cell phone" policy during public meetings to the City Council Code of Conduct referred to in [Ely City Code 1-5-7](#).
13. Councilman Alworth – [Discussion Only](#) – Consideration to convert Murry and Mill Streets to “One-Way” traffic, with Murry Street heading northbound into town and Mill Street heading southbound out of town.
14. Councilman Alworth – Councilwoman Elliott– Discussion Only – Update on Porter Group efforts on the City of Ely’s behalf to secure federal and State funding.
15. Councilwoman Williams-Harper – [Discussion Only](#) – Presentation regarding a proposal to introduce Ride Share to the City of Ely.
16. Council Members – City Treasurer Trask - [Discussion/For Possible Action](#) – Approval of Resolution 2023-01 for the purpose of augmenting the City of Ely’s General Fund using unbudgeted revenue collected in the General Fund to apply towards the operating expenses in the General Fund.

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

I, Jennifer Lee, City Clerk, did cause to be posted on **January 9, 2023**, 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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