



CITY OF ELY

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

ELY CITY COUNCIL REGULAR MEETING

December 14, 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 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 / HR DIRECTOR**
- **CITY PUBLIC WORKS DIRECTOR**
 - ❖ **Animal Control**
 - ❖ **Landfill**
 - ❖ **Streets**
 - ❖ **Water/Sewer**
- **CITY WATER OPERATOR**
- **CITY ENGINEER**
- **CITY BUILDING OFFICIAL**
 - ❖ **Permits-Inspections**

5. NTRY 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 2024-2025 Program Year application submission; the City’s eligible projects include [Morley Avenue Water-Sewer Project](#) for \$895,500.00; [Stevens-Orson Sewer Project](#) for \$637,400.00; [Central Ely Drainage Improvement Project](#) for \$426,700.00; and [7th St. Drainage Improvement Project](#) for \$251,600.00.
2. Councilman Alworth – Public Hearing – [Discussion Only](#) – Approval of Second Reading of Ordinance 751, Bill No. 2023-05, an ordinance amending Title 3, Chapter 5 of the Ely City Code requiring gaming license applicants who intend to operate between 16 and 40 slot machines to have a restaurant and bar or at least 30 hotel rooms, and applicants who intend to operate more than 40 slot machines must have at least 30 hotel rooms.

3. Mayor Robertson – Public Hearing – [Discussion Only](#) – Discussion and determination of the fair market value for the future sale or lease of real property located at APN: 001-121-01, a.k.a. the “Belfort property”, pursuant to NRS 268.059(1)(a) and 268.063.

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 2024-2025 Program Year application submission; the City’s eligible projects include [Morley Avenue Water-Sewer Project](#) for \$895,500.00; [Stevens-Orson Sewer Project](#) for \$637,400.00; [Central Ely Drainage Improvement Project](#) for \$426,700.00; and [7th St. Drainage Improvement Project](#) for \$251,600.00.
2. Councilman Alworth – [Discussion/For Possible Action](#) – Approval of Second Reading of Ordinance 751, Bill No. 2023-05, an ordinance amending Title 3, Chapter 5 of the Ely City Code requiring gaming license applicants who intend to operate between 16 and 40 slot machines to have a restaurant and bar or at least 30 hotel rooms, and applicants who intend to operate more than 40 slot machines must have at least 30 hotel rooms.
3. Mayor Robertson – [Discussion/For Possible Action](#) – Discussion and determination of the fair market value for the future sale or lease of real property located at APN:001-121-01, a.k.a. the “Belfort property”, pursuant to NRS 268.059(1)(a) and 268.063.

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

1. Councilman Carson – Discussion/For Possible Action – Approval of Resolution 2023-12, establishing that the City’s water operators will determine responsibility for water or sewer line issues and verify that repairs performed in public rights-of-way by licensed contractors are correct prior to backfilling, subject to confirmation by the City Director of Public Works.
2. Councilman Carson – [Discussion/For Possible Action](#) – Approval of a Memorandum of Understanding with Eastern Nevada Climbers Alliance for the stewardship of recreational climbing activities on City property known as the Hercules Gap, APN 010-270-07 and APN 101-270-09.
3. Board Members – City Clerk Lee – Discussion/For Possible Action – Approval to remove past due utility fee penalties up to the amount of \$3,513.73 from 37 Second Street, McGill, Nevada at the request of Property Owner, Robert Cluck and Radu Dumitrescu.
4. Board Members – City Clerk Lee – Discussion/For Possible Action – Approval to remove past due utility fee penalties up to the amount of \$124.90 from 15 Keystone Street, Ruth, Nevada at the request of Property Owner, William Peters.

10. THE MAYOR WILL RECESS THE REGULAR CITY COUNCIL MEETING FOR A MEETING OF THE ELY LIQUOR LICENSING BOARD.

1. Board Members – Discussion/For Possible Action – Approval of Class IV Liquor License to Tasha Leon d.b.a. *Smash N Grab* located at 211 5th Street, Ely, Nevada.

THE MAYOR WILL RECESS THE ELY LIQUOR LICENSING BOARD MEETING FOR A MEETING OF THE REDEVELOPMENT AGENCY OF THE CITY OF ELY

11. ITEMS FOR DISCUSSION/POSSIBLE ACTION OF THE REDEVELOPMENT AGENCY OF THE CITY OF ELY.

1. Member Trask – Discussion/For Possible Action – Approval to appoint Council Member Trask, Kyle Horvath representing White Pine County Tourism and Recreation, Shadrach Robertson representing White Pine Chamber of Commerce, Business Owner Bryan Reed, and Redevelopment Area Community Member Kendal Cracraft to the Redevelopment Advisory Committee.
2. Member Trask – Discussion/For Possible Action – Approval of Residential and Commercial Redevelopment Grant Application forms.

THE MAYOR WILL RECESS THE REDEVELOPMENT AGENCY OF THE CITY OF ELY AND RECONVENE THE REGULAR CITY COUNCIL MEETING

12. 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 12A-1 Minutes and 12A-2 Bills.

Moved by: _____ Second by: _____ Vote: _____

1. Discussion/For Possible Action – Minutes
 - [October 12, 2023](#)
 - October 26, 2023
2. Discussion/For Possible Action – Bills.
 - [November 9, 2023](#)
 - [November 15, 2023](#)
 - [November 30, 2023](#)
 - [December 5, 2023](#)
 - December 6, 2023

B. NEW BUSINESS

1. Mayor Robertson – [Discussion/For Possible Action](#) –Adoption of Resolution 2023-14, a Resolution finding that it is in the best interests of the public to sell or lease City property located on Belfort Avenue and Center Street, APN 001-121-01, for purposes of redevelopment and economic development to establish residential housing pursuant to NRS 268.063, without offering the property to the public and for less than fair market value.
2. Mayor Robertson – Discussion/For Possible Action – Approval to send out Request for Proposals for the purchase of APN: 001-121-01, Belfort Property, to construct housing.
3. Mayor Robertson – Discussion/For Possible Action – Report on additional Commission for Cultural Centers and Historic Preservation (CCCHP) funding received in the amount of \$118,100.00 to the City of Ely’s CCCHP Grant No. CCCHP-21-13 to complete historic City Hall specification and construction drawings, with timeline review.
4. Mayor Robertson – Discussion/For Possible Action – Approval of support letter for White Pine County’s Conserve Nevada grant application to pay for engineering and design of the South Steptoe Valley Trail.
5. Councilman Trask – Discussion/For Possible Action – Approval of First Reading of Ordinance 748 , Bill No. 2023-01, a proposed ordinance regulating and permitting the licensing of cannabis consumption lounges, and amending Title 3 Chapter 14 of the Ely City Code establishing a comprehensive chapter regulating all cannabis establishments authorized under Nevada law to include, but not limited to, medical cannabis establishments, recreational cannabis establishments, cultivation and testing facilities, support businesses, and cannabis consumption lounges, and making other necessary changes throughout.
6. Councilwoman Elliott – [Discussion/For Possible Action](#) – Retroactive approval of support letter for White Pine County Tourism and Recreation’s grant application to contract with the International Mountain Bike Association (IMBA) to design, manufacture, and install county wide, branded informational, directional, and interpretive signage on our non-motorized trails, trailheads, and urban trail centers.
7. Councilwoman Elliott – Discussion Only – Update on Porter Group efforts on the City of Ely’s behalf to secure federal and State funding.
8. Councilman Alworth – Discussion/For Possible Action – Approval of Resolution 2023-15 requiring the holding of a City Council Budget Work Session, prior to submission of the Tentative budget to the State, to review the next fiscal year’s budget and supporting documentation in detail.
9. Councilwoman Williams-Harper – Discussion Only – White Pine Chamber of Commerce monthly report.

10. Councilwoman Williams-Harper – Discussion/For Possible Action – Review of other potential contributors to assist the Ely Shoshone Tribe with completion of their Life Center facility, for the management and prevention of diabetes, with possible approval to contribute up to \$200,000 in Community Service Funds.
11. Council Members – City Public Works Director Cracraft – Discussion/For Possible Action – Approval to purchase a \$89,492.25 Rugby Dump Truck for the Water and Sewer Departments in place of the \$165,348 Water/Sewer building currently budgeted.
12. Council Members – City Clerk Lee – [Discussion/For Possible Action](#) - Approval of Resolution 2023-16 revoking JCR Development LLC’s business license due to their suspended Nevada State Contractor’s License per Ely City Code 3-1-6 and 3-1-12.
13. Council Members – City Clerk Lee – Discussion/For Possible Action – Approval of First Reading of Ordinance 753, Bill No. 2023-07, proposed ordinance amending Title 1, Chapter 8, Section 7 of the Ely City Code to increase candidacy filing fees from \$25.00 to \$50.00 for the mayor and councilman offices.
14. Council Members – City Clerk Lee – Discussion Only – Discussion regarding the Nevada statutory requirement to File Annual CE Report and Annual FDS with the Secretary of State by January 15, 2024.

13. 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”.

14. 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 11, 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>.

 _____