



CITY OF ELY

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

ELY CITY COUNCIL REGULAR MEETING

May 11, 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**
- **CITY PUBLIC WORKS SUPERVISOR**
 - ❖ **Animal Control**
 - ❖ **Landfill**
 - ❖ **Streets**
 - ❖ **Water/Sewer**
- **CITY WATER OPERATOR**
- **CITY ENGINEER**
- **CITY BUILDING OFFICIAL**
 - ❖ **Permits-Inspections**

5. NNRV 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 Attorney Cahoon - Public Hearing – **Discussion Only** – Approval of Second Reading of Ordinance 747, Bill No. 2023-02, proposed ordinance establishing appraiser selection processes for the sale or lease of municipal real property.

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

1. Council Members – City Attorney Cahoon – **Discussion/For Possible Action** - Approval of Second Reading of Ordinance 747, Bill No. 2023-02, proposed ordinance establishing appraiser selection processes for the sale or lease of municipal real property.

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

1. Board Members – City Engineer Almberg - Discussion/For Possible Action – Approval to Award the bid for two (2) submersible pumps for the City of Ely Lift station located in the White Pine County Industrial Park three (3) miles north of Ely.
2. Councilman Carson – Discussion/For Possible Action – Approval to waive commercial fees to deposit metal at City Landfill from May 12, 2023, thru May 31, 2023, to encourage commercial property owners to clean up their property OR direct city attorney to prepare a resolution to waive fee entirely.
3. Councilman Carson – [Discussion Only](#) – Review of White Pine County Golf Course 2023 water allotment and rate per City Council action on March 10, 2022.
4. Board Members – City Engineer Almberg – [Discussion Only](#) – Review of State of Nevada Bureau of Sustainable Materials Management (BSMM) Approval of 5-year Capacity Report Update for City of Ely Municipal Landfill, White Pine County, Nevada, Permit # SW224REV03.
5. Board Members – City Engineer Almberg – [Discussion/For Possible Action](#) – Approval of Golden Gate Petroleum LLC’s Will-Serve Application to tap the City’s water line at APN: 002-042-08 for one (1) - three-inch (3”) water service, three (3) – two-inch (2”) water services and one hundred ninety-two (192) fixtures.
6. Board Members – City Clerk Lee – [Discussion/For Possible Action](#) – Approval to remove past due utility fee penalties up to the amount of \$107.00 from 6 Avenue F, McGill, Nevada at the request of Property Owner, Jessie and Marissa Loghry.
7. Board Members – City Clerk Lee – [Discussion/For Possible Action](#) – Approval to remove past due utility fee penalties up to the amount of \$353.52 from 1 First Street, Ruth, Nevada at the request of Property Owner, Melissa Tamura.
8. Board Members – City Clerk Lee - [Discussion/For Possible Action](#) – Approval to remove past due utility fee penalties up to the amount of \$1,317.88 from 64 North Third Street, McGill, Nevada at the request of Doris Lyman McNeal.
9. Board Members – City Clerk Lee – [Discussion/For Possible Action](#) – Approval to remove past due utility fee penalties up to the amount of \$3,636.11 from 464 Stevens Avenue, Ely, Nevada at the request of Dwayne Pope.

10. ITEMS FOR DISCUSSION/POSSIBLE ACTION OF THE ELY CITY COUNCIL AS RECOMMENDED BY THE CITY TREE BOARD.

1. Chairman Wolf – [Discussion/For Possible Action](#) – Approval that May 13, 2023, be proclaimed Al Curtis Memorial Arbor Day in the City of Ely.

11. 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 11A-1 Minutes and 11A-2 Bills.

Moved by: _____ Second by: _____ Vote: _____

1. Discussion/For Possible Action – Minutes
 - [April 13, 2023](#)
2. Discussion/For Possible Action – Bills.
 - [April 26, 2023](#)
 - [May 3, 2023](#)

B. NEW BUSINESS

1. Mayor Robertson – *Silicon Ranch* Strategic Planning and Initiatives Director Adrian Markocic – [Discussion Only](#) - Presentation regarding solar energy project which could potentially include part of City property north of Nevada Highway 490.
2. Mayor Robertson – Bill Wolf – Discussion/For Possible Action – Approval to send a letter to the Nevada Legislature Budget Committee in opposition to the proposed closure of the Ely Conservation Camp for minimum security inmates.
3. Mayor Robertson – Discussion/For Possible Action – Acceptance of the Mayor’s selection of Mike Cracraft for appointment as the City Public Works Director effective July 1, 2023, and determination of salary.
4. Councilman Alworth – Councilwoman Elliott– Discussion Only – Update on Porter Group efforts on the City of Ely’s behalf to secure federal and State funding.
5. Councilman Alworth – [Discussion/For Possible Action](#) – Approval to post to the City’s website – <https://cityofelynv.gov> – the Federal Energy Regulatory Commission’s (FERC) notice of Deficiency of License Application and Additional Information Request to *rPlus Hydro, LLLP* regarding the White Pine Pumped Storage Project, No. 14851-003 filed February 27, 2023; referenced deficiencies are listed in the notice’s Schedule A, with the purpose of this consideration being to make the public aware of said deficiencies.

6. Councilman Alworth – Discussion/For Possible Action – Approval to direct city attorney to draft an ordinance amending Title 3 Business and License regulations to establish a code for mobile vendors.
7. Councilman Alworth – [Discussion/For Possible Action](#) – Approval of Resolution 2023-05 to suspend current practice requiring mobile vendors in the City of Ely to obtain a Special Event License when changing locations.
8. Board Members – City Fire Chief Stork - [Discussion/For Possible Action](#) – Approval to Award the bid for 1995 Ford E350 Ambulance, VIN: 1FDKE30F4SHB31013 with Minimum bid of \$100.00.
9. Council Members – City Fire Chief Stork – Discussion/For Possible Action - Approval of recommendation to suspend open burning in City of Ely limits June 1, 2023, thru October 15, 2023; this proposed action would not affect previously approved Open Burning permits.
10. Council Members – City Treasurer Trask – [Discussion/For Possible Action](#) - Approval of Resolution 2023-04 for the purpose of augmenting the City of Ely’s General Fund using unbudgeted revenue in the amount of \$300,000.00 to apply towards street improvements.
11. 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 in the amount of \$132,600.00 for outside railroad legal service expenses.
12. Council Members – City Treasurer Trask– [Discussion/For Possible Action](#) – Review of prior Council action to hire Marvin Griff, Esq. at a cap of \$25,000 with expenses to date in regards to Federal Energy Regulatory Commission (FERC) laws in connection with the White Pine Pumped Storage Project, to protect the interests of the Nevada Northern Railway Foundation and the City of Ely and possible approval to retain Mr. Griff for an additional amount to be determined.
13. Council Members – City Treasurer Trask – Discussion/For Possible Action – Direct city attorney to draft a resolution to dissolve the Railroad Enterprise Fund.
14. Council Members – City Building Official Peterson – Discussion/For Possible Action – Approval to direct city attorney to draft a resolution establishing a fee to re-open building permits for construction projects issued under currently adopted codes.

12. 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”.

13. 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 **May 5, 2023**, 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>.


