



CITY OF ELY

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

ELY CITY COUNCIL REGULAR MEETING

July 13, 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 DIRECTOR](#)
 - ❖ 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. Mayor Robertson – Public Hearing – [Discussion Only](#) – Approval of Second Reading of Ordinance 749, Bill No. 2023-03, proposed ordinance establishing City Council’s option to assign to the Public Works Director a supervisory role over the Water/Sewer Department, Wastewater Treatment Plant, Landfill, Streets, and Animal Control.
2. Mayor Robertson – Public Hearing – [Discussion Only](#) – Approval of Second Reading of Ordinance 750, Bill No. 2023-04, proposed ordinance updating and amending Title 1, Chapter 6, Section 1(E) of the Ely City Code increasing appointed official salaries.

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

1. Mayor Robertson – [Discussion/For Possible Action](#) – Approval of Second Reading of Ordinance 749, Bill No. 2023-03, proposed ordinance establishing City Council’s option to assign to the Public Works Director a supervisory role over the Water/Sewer Department, Wastewater Treatment Plant, Landfill, Streets, and Animal Control.
2. Mayor Robertson – [Discussion/For Possible Action](#) – Approval of Second Reading of Ordinance 750, Bill No. 2023-04, proposed ordinance updating and amending Title 1, Chapter 6, Section 1(E) of the Ely City Code increasing appointed official salaries.

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](#) – Recommendation for approval to remove past due utility fee penalties up to the amount of \$3,770.75 from 5 Avenue B, McGill, Nevada at the request of Property Owner, Jose Arellano.
2. Board Members – City Clerk Lee – [Discussion/For Possible Action](#) – Recommendation for approval to remove past due utility fee penalties up to the amount of \$1,479.70 from 20 Sunshine Street, Ruth, Nevada at the request of Property Owner, Jose Arellano.

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
 - [May 25, 2023](#)
 - [June 8, 2023](#)
2. Discussion/For Possible Action – Bills.
 - [June 26, 2023](#)
 - [July 7, 2023](#)

B. NEW BUSINESS

1. Mayor Robertson – Executive Assistant Sherry Wood, MVA PHR, Nevada Rural Housing– [Discussion/For Possible Action](#) – Approval of Resolution 2023-09 providing for the transfer of the City of Ely’s 2023 private activity bond volume cap to the Nevada Rural Housing Authority.

2. Mayor Robertson – [Discussion/For Possible Action](#) – Approval of Resolution 2023-11, A Resolution Annexing Mineral Heights and surrounding area south of Ely and west of U.S Highway 6, 50, & 93 that is serviced by City of Ely water and/or sewer.
3. Mayor Robertson – City Clerk Lee – [Discussion/For Possible Action](#) - Approval of Business Impact Statement regarding Business Impact Study completed on amending Title 3 Chapter 6 “Gaming Code” to require gaming license applicants intending to operate 16 or more slot machines to have at least 40 hotel rooms.
4. Mayor Robertson – Discussion/For Possible Action – Annual Performance Evaluation of City Treasurer and Human Resources Director Janette Trask to include, 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, reprimand, reduction or increase in pay, promotion, endorsement, engagement, retention, or “no action.”
5. Councilman Alworth – Councilwoman Elliott– Discussion Only – Update on Porter Group efforts on the City of Ely’s behalf to secure federal and State funding.
6. Councilman Alworth – Discussion/For Possible Action – Approval to send a letter to the Federal Energy Regulatory Commission (FERC) from the City of Ely and the Nevada Northern Railway Foundation regarding rPlus Energies’ responses to FERC’s concerns over rPlus Energies’ White Pine Pumped Storage Project.
7. Councilman Alworth – [Discussion/For Possible Action](#) – Approval of First Reading of Ordinance 752, Bill No. 2023-06, proposed ordinance adding Chapter 16 “Mobile Vendors” to Title 3 of the Ely City Code to regulate mobile vendors by licensure; and providing other matters relating thereto.
8. Councilman Alworth – Discussion/For Possible Action – Approval to direct City staff to cut down and remove trees and broken branches from the City of Ely Belfort property prior to having the property appraised OR approval to solicit for bids to have the cleanup project completed within two weeks of acceptance of bid with payment for such work to come from Community Support Funds titled “Housing.”
9. Councilman Alworth – Discussion Only – Update on the Industrial Park Sewer Pumping Station from City Treasurer, Public Works Director, and City Engineer to include, but not limited to: date pump failed, cause of pump failure, pumping costs to date, broken down between local vendors and outside vendors and estimated pumping costs until pump is in place and working, replacement pump status, including estimated deliver and installation cost including selection of company to perform installation, and options if any, being investigated, for a short-term remedy that would be safe and environmentally sound to reduce pumping costs.

10. Councilman Alworth – Discussion/For Possible Action – Approval to request a list of City surplus vehicles, unused equipment, and miscellaneous material to publish a notice for public auction.
11. Councilman Alworth – Discussion/For Possible Action - Request City Treasurer to provide greater detail in her monthly financial report when non-budgeted events occur exceeding \$10,000 or are likely to occur.

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 **July 7, 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>.

