



CITY OF ELY

501 Mill Street Ely, Nevada 89301

City Hall (775) 289-2430

Cityofelynv.gov

ELY CITY COUNCIL REGULAR MEETING

September 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**
 - ❖ **Parks/Cemetery**
 - ❖ **Streets**
 - ❖ **Water/Sewer**
- **CITY WATER OPERATOR**
- **CITY ENGINEER**
- **CITY BUILDING OFFICIAL**
 - ❖ **Permits-Inspections**

5. NNRV 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 Engineer AlMBERG – **Discussion/For Possible Action** – Approval of Ely Shoshone Tribe’s Will-Serve Application to tap the City’s water line at 505 S. Pioche Highway for two landscaping water service meters with 1” service lines.
2. Board Members – City Engineer AlMBERG – **Discussion/For Possible Action** – Approval of Exclusive Easement Agreement between White Pine County Commissioners and the City of Ely for a sewer/water easement in Veteran’s Park.

3. Councilman Carson – [Discussion/For Possible Action](#) – Acceptance of Heggie Cattle, LLC’s termination of their lease with the City of Ely for a portion of the Georgetown Ranch.
4. Board Members – City Clerk Lee – [Discussion/For Possible Action](#) – Approval to remove past due utility fee penalties up to the amount of \$46.43 from 2362 N. McGill, Ely, Nevada at the request of Property Owner, Richard and Jennifer Adams.
5. Board Members – City Clerk Lee – [Discussion/For Possible Action](#) – Approval to remove past due utility fee penalties up to the amount of \$74.85 from 19 Keystone Street, Ruth, Nevada at the request of Property Owner, Nathan and Kezia Kelly.

8. 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 Desiree Ramirez d.b.a. *Taproot/The Space* located at 301 E. Aultman Street, Ely, Nevada.

9. 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 9A-1 Minutes and 9A-2 Bills.

Moved by: _____ Second by: _____ Vote: _____

1. Discussion/For Possible Action – Minutes
 - [July 27, 2023](#)
2. Discussion/For Possible Action – Bills.
 - [August 23, 2023](#)
 - [August 30, 2023](#)

B. NEW BUSINESS

1. Mayor Robertson – Kinross Mine Representative - [Discussion Only](#) – Update regarding the Kinross Bald Mountain Mine Juniper Project.

2. Mayor Robertson – Discussion/For Possible Action – Annual Performance Evaluation of City Municipal Court Judge Coster 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.”
3. Mayor Robertson – Discussion/For Possible Action – Acceptance of Craig Peterson’s resignation as City of Ely Building Official.
4. Mayor Robertson – Discussion/For Possible Action – Designation of City Council Member as liaison to the Nevada League of Cities and Municipalities. Mayor Robertson is currently serving as a member of the Nevada League of Cities and Municipalities Executive Board.
5. Mayor Robertson – [Discussion/For Possible Action](#) – Approval of First Reading of Ordinance 753, Bill No. 2023-07 to amend Ely City Code 1-5-8 to increase City of Ely elected official salaries; per NRS 266.230, any increase to City of Ely elected official salaries would not benefit those currently holding office.
6. Councilwoman Elliott – White Pine Chamber of Commerce Executive Director – [Discussion/For Possible Action](#) – Approval to become a Title Sponsor of the Small Business Expo in Ely, November 3-4, 2023 for \$5,000 through community service funds.
7. Councilwoman Elliott– Discussion Only – Update on Porter Group efforts on the City of Ely’s behalf to secure federal and State funding.
8. Councilwoman Williams-Harper – [Discussion/For Possible Action](#) – Approval of support letter from the City of Ely to Michelle Leiber, SNPLMA PTNA Program Manager, Bureau of Land Management in support of Nevada Northern Railway Foundation’s Southern Nevada Public Land Management Act (SNPLMA) grant application to make capital improvements to the Nevada Northern Railway National Historic Landmark.
9. Council Members – City Treasurer/HR Director Trask – Discussion/For Possible Action – Ideas regarding use of Redevelopment Area funds, including assistance to property owners to improve their properties, with direction to City Treasurer Trask to develop an implementation plan including total Redevelopment Area funding to be expended.
10. Council Members – City Treasurer/HR Director Trask – Discussion/For Possible Action – Ideas regarding use of Community Service funds set aside for housing, including assistance to owners of vacant properties to improve their properties, with direction to City Treasurer Trask to develop an implementation plan including total Community Service funding to be expended.

11. Council Members – City Treasurer Trask – City Attorney Cahoon – [Discussion/For Possible Action](#) – Review of prior Council action to set a cap for Thompson Hine Legal Fees at \$100,000 with expenses to date in regards to Federal Energy Regulatory Commission (FERC) filings involving 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 pay recently-received Thompson Hine invoices totaling \$81,772.50.
12. Council Members – City Clerk Lee – [Discussion/For Possible Action](#) - Approval of Business Impact Statement regarding proposed rule to add Chapter 16 “Mobile Vendors” to Title 3 of the Ely City Code to regulate mobile vendors by licensure and providing other matters relating thereto.
13. Council Members – City Clerk Lee – [Discussion/For Possible Action](#) – Approval of Water and Sewer Assistance Program Vendor Agreement amendment between the State of Nevada Department of Health and Human Services Division of Welfare and Supportive Services (DWSS), and Energy Assistance Program-Water Assistance and Sewer Program (EAP-WSAP).
14. Council Members – City Clerk Lee – [Discussion/For Possible Action](#) – Review and approval of Cooperative Agreement between the City of Ely and the Nevada Department of Transportation (NDOT) in connection with NDOT’s Ely Downtown Renovation Project.
15. Council Members – City Treasurer/HR Director Trask – [Discussion/For Possible Action](#) – Acceptance of City Hall cleaning proposal; the applicant is Hulings Enterprises.
16. Council Members – City Attorney Cahoon – [Discussion/For Possible Action](#) – Approval for the City of Ely to execute a “Settlement Participation Form” (Exhibit B) and a "Subdivision Settlement Participation Form" (Exhibit K), each containing releases, pursuant to the One Nevada Agreement on Allocation of Opioid Recoveries ("One Nevada Agreement") previously agreed upon (by City of Ely in August 2021) for participation in settlements with 1) the State of Nevada and one (1) of the opioids distributor defendants (*Teva-Nevada Settlement*) and, 2) the State of Nevada and one (1) opioid manufacturer defendant (*Teva-Nevada Settlement*, as listed in Exhibit C to the One Nevada Agreement); and, Execution of an "Amendment No. 1 to One Nevada Agreement on Allocation of Opioid Recoveries" regarding a reduction in attorney's fees to the One Nevada Agreement for purposes of this settlement only.
17. Council Members – City Attorney Cahoon – [Discussion/For Possible Action](#) – Approval for the City of Ely to execute a “Settlement Participation Form” (Exhibit B) and a "Subdivision Settlement Participation Form" (Exhibit K), each containing releases, pursuant to the One Nevada Agreement on Allocation of Opioid Recoveries ("One Nevada Agreement") previously agreed upon (by City of Ely in August 2021) for participation in settlements with 1) the State of Nevada and one (1) of the opioids distributor defendants (Walgreen Co., Walgreens Boots Alliance, Inc., Walgreen Eastern Co., Inc.) and, 2) the State of Nevada and one (1) opioid manufacturer defendant

(Walgreen Co., Walgreens Boots Alliance, Inc., Walgreen Eastern Co., Inc. , as listed in Exhibit C to the One Nevada Agreement); and, Execution of an "Amendment No. 1 to One Nevada Agreement on Allocation of Opioid Recoveries" regarding a reduction in attorney's fees to the One Nevada Agreement for purposes of this settlement only.

10. 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”.

11. 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 **September 8, 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>.

