

# Ely City Council ATTENDANCE LIST

DATE: 11-15-18

Print name below

Print name below

Tyler Cluff

Pastor Bob Winder

MAUREEN STEELBERGER

Amanda Hilton

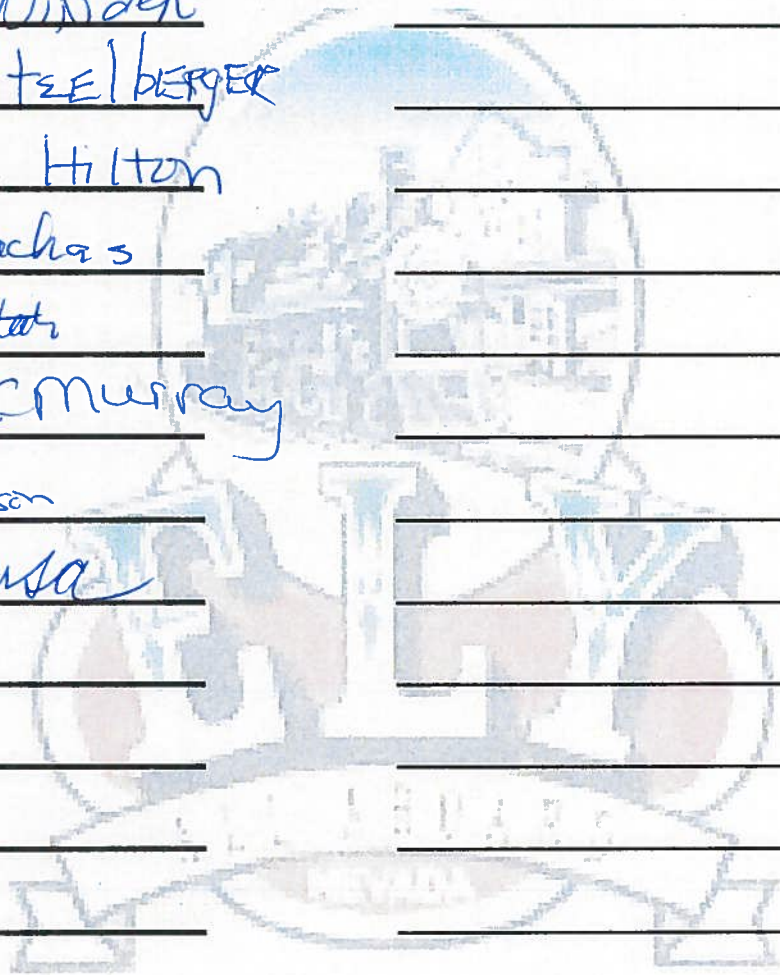
George Chachas

April Juntar

Kay McMurray

Paula Carson

Leif Carra





# CITY OF ELY

501 Mill Street Ely, Nevada 89301  
City Hall (775) 289-2430 - Fax (775) 289-1463

## ELY CITY COUNCIL & ELY MUNICIPAL UTILITIES BOARD SPECIAL JOINT MEETING

**PLEASE NOTE: THE COUNCIL/BOARD 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/BOARD OR TO AID IN THE EFFICIENCY AND EFFECTIVENESS OF THE MEETINGS.**

**November 15, 2018 5:00 p.m. – Ely Volunteer Fire Hall - 499 Mill Street-Ely, Nevada.**

### 1. OPENING ACTIVITIES:

MEETING CALLED TO ORDER  
PLEDGE OF ALLEGIANCE  
ROLL CALL

**2. 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. **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. ITEMS FOR DISCUSSION ONLY OF THE ELY CITY COUNCIL AND ELY MUNICIPAL UTILITIES BOARD.

1. Council Members – Board Members – Senior Hydrologist Tyler Cluff of *Piteau Associates* – *Robinson Nevada Mining Company (RNMC)* representative – Discussion Only – Presentation on *Robinson Nevada Mining Company* dewatering.

### 4. ITEMS FOR DISCUSSION/POSSIBLE ACTION OF THE MUNICIPAL UTILITIES BOARD.

1. Members – Discussion/For Possible Action – Approval of Minutes: October 11, 2018.

**The Ely Municipal Utilities Board meeting may be adjourned by appropriate motion of the Ely Municipal Utilities Board.**

**5. THE CITY COUNCIL WILL RECESS THE REGULAR CITY COUNCIL MEETING FOR A PUBLIC HEARING AT 5:30 P.M. ON THE FOLLOWING TOPICS.**

1. Council Members – City Administrator Switzer – City Engineer Almberg – Public Hearing – Discussion Only – Prioritizing and final Selection of CDBG project(s) for the 2019-2020 Program Year application submission.
2. Mayor Van Camp – Councilwoman Gardner – [Discussion Only](#) – Approval of Second Reading of Ordinance No. 708, Bill No. 2018-01, an ordinance amending City Code Title 1, Chapter 8 Elections by replacing the current version of Title 1, Chapter 8 based upon the Inter-Local Agreement for Elections with White Pine County, with a completely new version of Title 1, Chapter 8 Elections and to provide for the removal of the new version and reinstatement of the original version upon termination of the Inter-Local Agreement.

**6. DISCUSSION/POSSIBLE ACTION ITEMS PERTAINING TO THE PUBLIC HEARING.**

1. Council Members – City Administrator Switzer – City Engineer Almberg – Public Hearing – Discussion/For Possible Action – Prioritizing and final Selection of CDBG project(s) for the 2019-2020 Program Year application submission.
2. Mayor Van Camp – Councilwoman Gardner – [Discussion/For Possible Action](#) – Approval of Second Reading of Ordinance No. 708, Bill No. 2018-01, an ordinance amending City Code Title 1, Chapter 8 Elections by replacing the current version of Title 1, Chapter 8 based upon the Inter-Local Agreement for Elections with White Pine County, with a completely new version of Title 1, Chapter 8 Elections and to provide for the removal of the new version and reinstatement of the original version upon termination of the Inter-Local Agreement.

**7. ITEMS FOR DISCUSSION/POSSIBLE ACTION OF THE ELY CITY COUNCIL AS RECOMMENDED BY THE CITY PLANNING COMMISSION.**

1. Chairman Peeler – Buzz Rosevear, PLS, *Basin Engineering* Survey Manager – [Discussion/For Possible Action](#) – Approval of Parcel Map for property located at 1226 Avenue G, Ely, Nevada (APN 002-103-04 and APN 002-103-05). The applicant, Bessie Chachas, desires to merge the lots and re-subdivide into two compliant parcels.
2. Chairman Peeler – [Discussion/For Possible Action](#) – Approval of Home Occupation permit to Ray Keller to conduct a firewood business, d.b.a. *Wolfy's Firewood* located at 1083 Canyon Street, Ely, Nevada.

## 8. ITEMS FOR DISCUSSION/POSSIBLE ACTION ONLY OF THE ELY CITY COUNCIL.

1. Council Members – City Attorney Odgers – [Discussion/For Possible Action](#) – Approval to attend mediation with the Nevada Northern Railway Foundation and *S & S Shortline Leasing, LLC*.

**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 <http://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 Administrator at 501 Mill Street, Ely, Nevada 89301 or call (775) 289-2430; all packet material is posted in the agenda’s hyperlinks or under “Minutes” /”Other” on the City’s website at <http://www.elycity.com/>

I, Jennifer Lee, Deputy City Clerk, did cause to be posted on **November 8, 2018** at **2:30 p.m.** five (5) 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, the U.S. Post Office located at 2600 Bristlecone Avenue and the White Pine County Sheriff’s Office located at 1785 Great Basin Boulevard. The meeting notice is also posted on the City of Ely’s website at <http://www.elycity.com> and the State of Nevada Public Notices website at <http://notice.nv.gov>.

  
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# Summary

- ▶ Robinson plans to continue dewatering operations into 2018 using newly granted water rights.
- ▶ New and future South Block dewatering wells will increase pumping through 2020. Yields in production wells decline, as expected. New wells planned to be brought online to offset declines. Additional discharge will be routed through Gleason Creek.
- ▶ Dewatering goal is reach ~ 5900 ft amsl elevation by 2023.
- ▶ Recovery of Murry Springs is dependent on i) degree of water supply pumping after dewatering and ii) final level of dewatering
- ▶ Murry Spring predicted recovery is:
  - 0 gpm pumping = 31 years
  - 1500 gpm pumping = 74 years
  - 3000 gpm pumping = 215 years

# McDONALD CARANO

Rory T. Kay, Esq.

Reply to Las Vegas

November 7, 2018

**VIA E-Mail and U.S. Mail**

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***Re: City of Ely/White Pine Historical Railroad Foundation, Inc. v. S&S Shortline Leasing, LLC: Proposal to Re-Open Mediation***

Gentlemen,

With the conclusion of Mr. Flanders' and Mr. Gianoli's depositions in the last two weeks, the parties have now deposed the major percipient witnesses in the case. The parties have also finished substantial written discovery. Finally, as we discussed at Todd Sessions's deposition, the current deadline to file pre-trial motions is December 14, 2018, and the parties still must conduct expert discovery and prepare any relevant motions in limine or other dispositive motions.

Accordingly, before incurring those substantial additional attorney's fees and costs, my client is proposing that the parties re-open the previous mediation in Reno, Nevada in front of Robert Enzenberger. My client found Mr. Enzenberger to be pragmatic, forthright, and helpful in moving the parties to a solution that avoids unnecessary attorney's fees and costs while also proposing a workable solution that helps all parties get back to business on the Northern Line.

[mcdonaldcarano.com](http://mcdonaldcarano.com)

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John Samberg  
Charles Odgers  
Paul Anderson  
Chris Stanko  
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With the next round of depositions scheduled for Kansas City between November 28 and 30, and substantial pretrial preparation needing to occur between now and December 14, time is of the essence to avoid additional expenses for all parties. Please let me know as soon as possible whether your clients will accept my client's offer to re-open mediation in front of Mr. Enzenberger in Reno, Nevada.

Sincerely,

McDONALD CARANO LLP



Rory T. Kay