



CITY OF ELY

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

ELY CITY COUNCIL MEETING

PLEASE NOTE: 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.

November 8, 2018 5:00 p.m. – Ely Volunteer Fire Hall - 499 Mill Street-Ely, Nevada.

1. OPENING ACTIVITIES:

MEETING CALLED TO ORDER
PLEDGE OF ALLEGIANCE
INVOCATION
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. 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 ADMINISTRATOR
 - ❖ [New Business October 2018](#)
 - ❖ [WWTP October 2018 Report](#)
 - ❖ [Landfill October 2018 Report](#)
 - ❖ [Street Dept. October 2018 Report](#)
 - ❖ [Parks/Cemetery/Recycling October 2018 Report](#)
- CITY ATTORNEY
 - ❖ [Animal Control October 2018 Report](#)
 - ❖ [Liens Report](#)
- [CITY WATER/SEWER LEADMAN](#)
- [CITY ENGINEER](#)
- [CITY BUILDING OFFICIAL](#)

5. [NNRY FOUNDATION REPORT](#)

6. REPORTS

CITY COUNCIL

MAYOR

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

1. Councilwoman Gardner – [Discussion Only](#) – Approval of Second Reading of Ordinance 716, Bill No. 2018-09, An Ordinance amending City Code Title 4, Chapter 2, Sections 13 and 14 changing timeframe to abate nuisances before further action may be taken by the City of Ely .
2. Councilwoman Gardner – [Discussion Only](#) – Approval of Second Reading of Ordinance 717, Bill No. 2018-10, An Ordinance amending City Code Title 4, Chapter 3, Sections 3 changing timeframe to abate nuisances before further action may be taken by the City of Ely .

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

1. Councilwoman Gardner – [Discussion/For Possible Action](#) – Approval of Second Reading of Ordinance 716, Bill No. 2018-09, An Ordinance amending City Code Title 4, Chapter 2, Sections 13 and 14 changing timeframe to abate nuisances before further action may be taken by the City of Ely .
2. Councilwoman Gardner – [Discussion/For Possible Action](#) – Approval of Second Reading of Ordinance 717, Bill No. 2018-10, An Ordinance amending City Code Title 4, Chapter 3, Section 3 changing timeframe to abate nuisances before further action may be taken by the City of Ely .

9. ITEMS FOR DISCUSSION/POSSIBLE ACTION OF THE ELY CITY COUNCIL AS RECOMMENDED BY THE ANIMAL CONTROL ADVISORY BOARD.

1. Chairwoman Roberts-McMurray – City Animal Control Officer Hayes – Discussion/For Possible Action – Approval to establish a Trap-Neuter-Release program for feral cats and a feral cat colony at the City of Ely former animal control facility.
2. Chairwoman Roberts-McMurray – City Animal Control Officer Hayes – [Discussion/For Possible Action](#) – Approval for City Animal Control Officer Hayes to accept donated cat traps on behalf of the City of Ely from the Community Cat Coalition of Clark County in Las Vegas, where he will attend a one-day Trap-Neuter-Return/Cat Colony Management clinic in November.
3. Board Members – City Animal Control Officer Hayes – Discussion/For Possible Action – Approval to establish a volunteer program for the City of Ely’s Animal Control facility.
4. Board Members – City Animal Control Officer Hayes – [Discussion/For Possible Action](#) – Approval for the City of Ely Animal Control facility to participate in Maddie’s Pet Adoption Days, a two day adoption event for Nevada-based animal groups, November 16-17, 2018; all adoption fees must be waived and \$300.00 will be given to City of Ely Animal Control for every adoption of a dog/cat, to offset adoption costs and other Animal Control needs.

5. Board Members – City Attorney Odgers – [Discussion Only](#) – Review of City of Ely dog licensing requirements in connection with City Code 5-3B-5 (F) Term of License, the 9-27-18 City Council recommendation to increase the licensing fee of unaltered dogs to \$100.00 annually and a possible exemption for unaltered working dogs from the higher licensing fee.

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 tem.

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.
 - October 11, 2018
2. Discussion/For Possible Action –Bills.
 - [November 1, 2018](#)

B. NEW BUSINESS

1. Mayor Van Camp – [Discussion/For Possible Action](#) – Approval to submit letter in support of *Robinson Mine* expansion proposal for Bureau of Land Management preliminary environmental assessment public comment period ending 11-9-18.
2. Councilman Hanson – City Attorney Odgers – [Discussion/For Possible Action](#) – Review of title search in regards to ownership of the real property known as Avenue A and possible approval to accept the transfer of Avenue A from *Ely Securities Company* to the City of Ely, including the City of Ely paying necessary appraisal costs, survey fees and transfer fees.
3. Councilman DeFelice – [Discussion/For Possible Action](#) – Acceptance of Kent Lynskey’s proposal to work in the capacity of a contracted service provider as the Corral Boss/Caretaker of the Ely City Corrals on a 5 year contract for \$1,000.00 per month.
4. Council Members – Police Chief Henriod – [Discussion/ For Possible Action](#): Approval for the White Pine County Sheriff’s Office to place a radio repeater on City of Ely Property located in the Court House Canyon area next to the City of Ely water tanks. All work performed and expense of installation will be the responsibility of White Pine County and *Sierra Electronics*; work to include: foundation for repeater, power hook up, installation of radio repeater and scheduled maintenance.
5. Mayor Van Camp – [Discussion/For Possible Action](#) – Confirmation of Mayoral appointment of Councilman Sam Hanson to the White Pine Conservation District Board.
6. Mayor Van Camp – [Discussion/ For Possible Action](#) – Approval to issue payment in the amount of \$8,700.37 to *Outwest Excavation* for overpayment on the 2014 and 2016 recycled metal payment received by the City of Ely; repayment will be issued with no interest from the City’s portion of the proceeds earned from the April 2018 shipment of metal from the metal pile.

7. Mayor Van Camp – Councilwoman Gardner – [Discussion/For Possible Action](#) – Approval of First 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.
8. Councilman Carson – [Discussion/For Possible Action](#) – Approval of First Reading of Ordinance No. 719, Bill No. 2018-12, an ordinance amending City Code Title 1, Chapter 5, Section 5 C to allow the City Council the ability to compel the presence of a councilmember, including by telephonic means, in order to form a quorum of the City Council.
9. Council Members – City Administrator Robert Switzer – Discussion/For Possible Action – Presentation of October 2018 Financial Statement.
10. Council Members – City Attorney Odgers – [Discussion/For Possible Action](#) – Approval to engage *Thompson Hine LLP* to counsel and represent the City of Ely, together with the Nevada Northern Railway Foundation, Inc., with respect to federal law on the portion of the Nevada Northern Railroad between Cobre, NV (MP 0) and McGill Junction, NV (MP 128.8); representation would be joint, but billing would be directly related to which entity, the City or the foundation, who initiates the communications with *Thompson Hine, LLP*.
11. Council Members – City Administrator Switzer – Discussion/For Possible Action – Approval to hire a full-time employee with job duties to be split between the Recycling Center and the Parks/Cemetery departments.
12. Council Members – City Administrator Switzer – Discussion/For Possible Action – Approval to hire a full-time employee to work in the Water and Sewer departments.
13. Mayor Van Camp – [Discussion/For Possible Action](#) – Acceptance of Gary Schielke’s resignation as a member of the City Planning Commission, effective December 3, 2018.

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 <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.

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 1, 2018** at **4:00 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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