



# 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.**

**August 9, 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 July 2018](#)
  - ❖ [WWTP July 2018 Report](#)
  - ❖ [Landfill & Streets July 2018 Report](#)
  - ❖ [Parks/Cemetery/Recycling July 2018 Report](#)
- CITY ATTORNEY
  - ❖ [Animal Control July 2018 Report](#)
  - ❖ [Liens Report](#)
- [CITY WATER/SEWER LEADMAN](#)
- [CITY ENGINEER](#)
- [CITY BUILDING OFFICIAL](#)

### 5. [NNRY 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. Councilman Carson – Kerry Sprouse of *KERRYCO, LLC* and Dean Day of *Day Engineering* – [Discussion/For Possible Action](#) – Authorization from the Municipal Utilities Board and Ely City Council for *KERRYCO, LLC* to extend the City’s eight inch (8”) water main south 900 feet from the vicinity of the Public Safety Building to Madison Avenue at *KEERYCO, LLC*’s expense.
2. Board Members – City Attorney Odgers – [Discussion/For Possible Action](#) – Approval to write off previous balance owed by Elizabeth Jefferson of \$2,049.59, including penalties and lien fee, in the amount of \$1,035.71 for 45 South Nettie Avenue, Baker, Nevada, APN 005-113-05 AND to release the lien filed on the same. The current owner is *Gateway Accommodations, LLC*, business owner David Sturlin.
3. Board Members – City Attorney Odgers – [Discussion/For Possible Action](#) – Approval to close account number 2.9268.2 for 40 South Baker Avenue, Baker, Nevada, APN 005-113-04, as there is no longer a business or livable structure on this property AND to waive the remaining balance owed by the prior owner, Guy L. Sturlin Trustee, of \$14.32; this property is owned by *Gateway Accommodations, LLC*, business owner David Sturlin.
4. Board Members – City Attorney Odgers – [Discussion/For Possible Action](#) – Write off previous balance owed by Guy L. Sturlin Trustee of \$731.27, including penalties in the amount of \$235.77, for 55 East Carson Street, Baker, Nevada, APN 005-113-01. The current owner is *Gateway Accommodations, LLC*, business owner David Sturlin.
5. Councilman Carson – [Discussion/For Possible Action](#) – Write off previous balance owed by *Federal Home Loan Corp.* of \$909.70, including penalties in the amount of \$259.70, for 390 S. 1<sup>st</sup> East St., Lund, Nevada, APN 006-035-04; the current owner is Shawn Hamilton.
6. Councilman Carson – [Discussion/For Possible Action](#) – Refund half of previous balance owed by Lionel Hastings of \$845.00, for 33 Seventh Street, McGill, Nevada, APN 004-031-28 to Randy Lee, the current owner, who paid balance of \$845.00 on 1-4-18.
7. Councilman Carson – [Discussion/For Possible Action](#) – Direction to City staff and the Council Landfill liaison to meet with Paul Holdaway of *Outwest Excavation* regarding whether to continue the metal recycling contract or renegotiate the contract terms, pursuant to Article III Section 3.0. “Term” in current contract dated December 22, 2016.

8. Board Members – City Attorney Odgers – Discussion/For Possible Action – Authorization from the Utility Board/City Council to send certified mail to the following businesses that their water will be turned off for failure to comply with the City of Ely’s Backflow Prevention Program, established pursuant to NAC 445A.67185, after having being advised on or about April 12, 2017 in writing, certified mail, return receipt requested, that installation of backflow prevention devices was required, that they needed to complete the process in 2017, that they have not completed the requirements, and setting the date for these businesses to comply before water is turned off, whether additional extensions of time will be authorized and if so, what the process will be utilized to request additional time: *Aldo-3 Enterprises, LLC*, 1603 Aultman Street, Ely, NV owner, Luis Tristan; *R&R Properties and Management*, 1000 South Pioche Highway, and 1011 South Pioche Highway, Ely, NV, owner Michael Rowley; *Green Mountain Apartments*, 195 15<sup>th</sup> Street and 9<sup>th</sup> Street and *Avenue C Annex*, Ely, NV, owner Masoud M. Moattar; *White Pine Motel*, 1301 Aultman Street, Ely, NV, owner Masoud M. Moattar; and *Katherine Enterprises*, 900 Avenue M, Ely, NV, owners Masoud M. Moattar and Roberta Virginia Thornton.

**8. 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 Boundary Line Adjustment map for property located at 1140 Avenue K, owned by Jerel C. and Jodi Bybee, AND 1178 Avenue K, owned by Ronald Meyers.

**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 tem.

**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 12, 2018
2. Discussion/For Possible Action –Bills.
  - [August 2, 2018](#)

**B. NEW BUSINESS**

1. Council Members – City Administrator Switzer – City Attorney Charles Odgers – Discussion/For Possible Action – Approval of the 2018 to 2020 Collective Bargaining Agreement between the Operating Engineers, Local 3 and the City of Ely’s main unit, including a modest increase in clothing allowance in the amount of \$1800.00 per year total for the bargaining unit members (boot expenses).
2. Councilman Hanson – Discussion/For Possible Action – Approval to send a written Fire/EMS Services proposal to the White Pine County Commission.

3. Councilman Hanson – [Discussion/For Possible Action](#) – Approval to send a letter in support of the Great Basin College Ely Diesel Technology Program’s WINN grant application through the Nevada Governor’s Office of Economic Development (GOED).
4. Council Members – City Administrator Switzer – [Discussion/For Possible Action](#) – Direction to Police Chief and City Engineer to make recommendations to City Council on the installation of two STOP signs on Avenue C at 15<sup>th</sup> Street, per City Code 6-3-2.
5. Councilman Hanson – Discussion/For Possible Action – Approval to renew the City’s FY 2018-19 membership in the Nevada League of Cities at a total cost of \$2,566.81 to be paid equally between all funds.
6. Councilman Hanson – Discussion/For Possible Action – Approval to attend the Nevada League of Cities Annual Conference September 13-15, 2018; the registration fee per City official is \$245.00 prior to August 13, 2018.
7. Council Members – City Administrator Switzer – [Discussion/For Possible Action](#) – Approval to renew the City’s FY2018-19 membership in the Northeastern Nevada Regional Development Authority for \$4,581.50.
8. Council Members – City Administrator Switzer – [Discussion/For Possible Action](#) – Approval of Resolution 2018-03 to amend Section 5.6.3 (Advanced Step Hire) of the City of Ely Personnel Manual pertaining to offers of employment above the entry level pay step.
9. Councilman Flangas – Discussion/For Possible Action – Approval to recruit for an Account/Utility Clerk position with an emphasis in accounts payable and payroll, including where to advertise the vacancy and whether the position should be full time.

**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 <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 **August 3, 2018 at 8:00 a.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>.

 \_\_\_\_\_