



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.

May 23, 2019 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 CLERK
- CITY ATTORNEY
- CITY PUBLIC WORKS SUPERVISOR
- CITY ENGINEER
- CITY BUILDING OFFICIAL

5. REPORTS

CITY COUNCIL
MAYOR

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

1. Chairman Peeler – Public Hearing – [Discussion Only](#) – Consideration of an application for Reclassification of Property Zoning. The applicant wishes to re-zone the property from the current M-2 Zone (Heavy Manufacturing District) to an R-1-50 Zone (Residential District). The general location of the property is 18th Street North of Avenue M (APN 002-271-13, 002-271-14 and 002-271-15) in Ely, Nevada. The applicant is White Pine County Commissioners.
2. Chairman Peeler – Public Hearing – [Discussion Only](#) – Consideration of an application for Conditional Special Use Permit. The intent is to construct the Learning Bridge Charter School on the property. The property address is 1400 East 13th Street, (APN 002-271-11) in Ely, Nevada. The applicants are Dale Lee and Linda A. Derbidge/Derbidge Family Trust.
3. Council Members – McKay Hall, CPA, CISA, CITP, CFE, of *Hinton Burdick CPAs & Advisors* – City Clerk Lee – Public Hearing – [Discussion Only](#) – Adoption of the Tentative Budget for the fiscal year ending June 30, 2020 as FINAL. Budget to be submitted to the Department of Taxation pursuant to NRS 354.598.

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

1. Chairman Peeler – [Discussion/For Possible Action](#) – Consideration of an application for Reclassification of Property Zoning. The applicant wishes to re-zone the property from the current M-2 Zone (Heavy Manufacturing District) to an R-1-50 Zone (Residential District). The general location of the property is 18th Street North of Avenue M (APN 002-271-13, 002-271-14 and 002-271-15) in Ely, Nevada. The applicant is White Pine County Commissioners.
2. Chairman Peeler – [Discussion/For Possible Action](#) – Consideration of an application for Conditional Special Use Permit. The intent is to construct the Learning Bridge Charter School on the property. The property address is 1400 East 13th Street, (APN 002-271-11) in Ely, Nevada. The applicants are Dale Lee and Linda A. Derbidge/Derbidge Family Trust.
3. Council Members – McKay Hall, CPA, CISA, CITP, CFE, of *Hinton Burdick CPAs & Advisors* – City Clerk Lee – [Discussion/For Possible Action](#) – Adoption of the Tentative Budget for the fiscal year ending June 30, 2020 as FINAL. Budget to be submitted to the Department of Taxation pursuant to NRS 354.598.

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 Jeffrey G. Manuel d.b.a. *JH Gaming, LLC* d.b.a. *Jailhouse Motel & Casino*, located at 211 5th Street, Ely, Nevada.

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 of draft Volunteer Guidelines.
2. Councilman DeFelice – [Discussion/For Possible Action](#) – Approval of First Reading of Ordinance 721, Bill No. 2019-04, An Ordinance establishing City Code Title 5, Chapter 3, Article D an Ordinance establishing the City of Ely’s Trap Neuter, Release program for feral cats.

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.
 - April 3, 2019
 - April 4, 2019
 - April 11, 2019
 - April 19, 2019
 - April 25, 2019
2. Discussion/For Possible Action –Bills.
 - [May 9, 2019](#)
 - [May 14, 2019](#)

B. NEW BUSINESS

1. Council Members Gardner and Hanson – City Attorney Odgers – [Discussion/For Possible Action](#) –Approval of Settlement Agreement for the City of Ely, et. al. v. *S & S Short line Leasing, LLC*.
2. Council Members Gardner and Hanson – City Attorney Odgers – [Discussion/For Possible Action](#) –Approval for the Mayor to sign Settlement documents in the City of Ely, et. al. v. *S & S Shortline Leasing, LLC*.
3. Council Members – City Attorney Odgers – [Discussion/For Possible Action](#) – Approval of First Amendment to 2016 Development Agreement between Nevada Northern Railway Foundation, Inc. and the City of Ely.
4. Council Members – City Attorney Odgers – [Discussion/For Possible Action](#) – Approval of Resolution 2019-03, A Resolution pursuant to NRS 268.061 declaring that it is in the best interest of the City of Ely to lease certain real property known as the Georgetown Ranch, with a BLM grazing allotment known as the Georgetown Allotment.
5. Councilman Carson – Discussion/For Possible Action – Approval for the City of Ely to advertise all leases prior to expiration.

6. Mayor Van Camp – [Discussion/For Possible Action](#) – Approval of Resolution 2019-04, A Resolution from the City of Ely to increase the business license rates effective July 1, 2019 for all business licenses New and Renewal by 3% per year for the next three fiscal years.
7. Mayor Van Camp – [Discussion/For Possible Action](#) – Approval of Resolution 2019-05, A Resolution from the City of Ely to increase the Water and Sewer rates effective July 1, 2019 for all customers, including businesses, by 3% per year for the next three fiscal years.
8. Mayor Van Camp – [Discussion/For Possible Action](#) – Approval of Resolution 2019-06, A Resolution from the City of Ely to increase the Landfill rates effective July 1, 2019 for all customers in the City of Ely, including businesses, by 3% per year for the next three fiscal years.
9. Mayor Van Camp – [Discussion/For Possible Action](#) – Approval of Resolution 2019-07, A Resolution from the City of Ely to increase Liquor License fees, Bar Card fees, Server Card fees, Gaming Card fees and Investigation fees by three percent each fiscal year for the next three fiscal years effective July 1, 2019.
10. Mayor Van Camp – [Discussion/For Possible Action](#) – Approval of First Reading of Ordinance 722, Bill No. 2019-05, An Ordinance amending Title 3, Chapter 3, Section 4 entitled COIN OPERATED AMUSEMENT MACHINES, License Fees, changing the rate for non-gaming coin operated amusement machines by three percent per year for the next three fiscal years, beginning July 1, 2019, with all other provisions not designated shall remain unchanged.
11. Mayor Van Camp – [Discussion/For Possible Action](#) – Approval of First Reading of Ordinance 723, Bill No. 2019-06, An Ordinance amending Title 3, Chapter 5, Section 4 entitled Gambling, License Fees, changing the rate for all gaming card games, gaming machines and coin operated amusement machines by three percent per year for the next three fiscal years, beginning July 1, 2019, with all other provisions not designated shall remain unchanged.
12. Mayor Van Camp – [Discussion/For Possible Action](#) – Approval of First Reading of Ordinance 724, Bill No. 2019-07, An Ordinance amending Title 3, Chapter 6, Section 10 entitled Prostitution, License Fees, making this provision consistent with other provisions of the City Code for business license categories, calculation of points, and the date upon which renewal licenses are due.
13. Council Members – City Attorney Odgers – [Discussion/For Possible Action](#) – Approval for City Clerk, City Attorney and City Utility Clerk (Licensing) to sign Civil Fingerprinting Based Background Check User Agreement between the Nevada Department of Public Safety and the City of Ely.
14. Council Members Carson and Gardner – Discussion/For Possible Action – Approval to reorganize the City of Ely Street Department, eliminating the position of Street Department Leadman, reclassifying positions and transferring personnel.

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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 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 “Minutes” /”Other” on the City’s website at <http://www.elycity.com/>

I, Jennifer Lee, City Clerk, did cause to be posted on **May 20, 2019** 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>.

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