



# CITY OF ELY

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

## ELY CITY COUNCIL REGULAR 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 8, 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
  - ❖ [New Business July 2019](#)
  - ❖ [Liens July 2019](#)
- [CITY PUBLIC WORKS SUPERVISOR](#)
  - ❖ [Animal Control July 2019](#)
  - ❖ [Landfill July 2019](#)
  - ❖ [Street Dept. July 2019](#)
  - ❖ [Water/Sewer July 2019](#)
- [CITY WATER OPERATOR](#)
- [CITY ENGINEER](#)
- [CITY BUILDING OFFICIAL](#)

## **5. NNR FOUNDATION REPORT**

### **6. REPORTS**

**CITY COUNCIL**

**MAYOR**

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

1. Chairwoman Roberts-McMurray – Discussion/For Possible Action – Based on additional information from Maddie’s Pet Project and the Humane Society, approval to use a portion of Maddie’s Pet Project adoption funds grant to vaccinate every dog and cat up to two years old, entering the Animal Control Facility, for Parvovirus, per City protocol.
2. Chairwoman Roberts-McMurray – Discussion/For Possible Action – Approval to hold the City of Ely Pet Costume event in connection with the Lions Club 2019 Punkin’ Chunkin’; awards to be from private donations, including advertising the event, with all proceeds to benefit the City of Ely Animal Control facility.

### **8. 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 Will Serve Application for Linda Derbidge, Trustee of Derbidge Family Trust on behalf of the Learning Bridge Charter School, at 1400 E. 13<sup>th</sup> Street, Ely, Nevada.
2. Board Members – City Clerk Lee – [Discussion/For Possible Action](#) – Approval of First Addendum to Joint Development & Beneficial Use Agreement between City of Ely and *Heggie Gale Ranching*, the terms of which were unanimously approved by City Council June 13, 2019.
3. Board Members – City Clerk Lee – City Engineer Almberg – [Discussion/For Possible Action](#) – Approval of Grant of Easement and Grant of Construction Easement Agreement between the City of Ely and Robert Scherrer and Sharlene Stewart, Joint Tenants with right of Survivorship.
4. Councilman Alworth – Discussion/For Possible Action – Approval to request contact person(s) from White Pine County for City Water Department personnel to discuss White Pine County Golf Course irrigation times and days, to aid the City of Ely in maintaining adequate water tank levels during peak irrigation times. City personnel are reporting they are having to spend considerable time traveling between certain wells to maintain tank levels.
5. Councilman Alworth – Discussion/For Possible Action – Approval to provide White Pine County adequate notice that there will be a need to negotiate White Pine County Golf Course irrigation water rates per gallon with the City of Ely prior to Fiscal Year 2021 budget preparation, with negotiations to include the beginning/ending month and days/times of day.
6. Chairman O’Flaherty – Discussion/For Possible Action – Approval to renew the Consulting Services Agreement between the City of Ely and *Basin Engineering*.

**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.

- April 19, 2019
- April 25, 2019
- May 9, 2019
- May 16, 2019
- May 23, 2019
- June 10, 2019
- June 13, 2019
- June 26, 2019
- June 27, 2019
- July 11, 2019

2. Discussion/For Possible Action –Bills.

- [July 29, 2019](#)

**B. NEW BUSINESS**

1. Councilman Alworth – [Discussion/For Possible Action](#) – Acceptance of James S. Beecher, Esq.’s and McKinzie M. Peterson, Esq.’s July 16, 2019 proposal to provide criminal contract legal services for a flat monthly fee of \$2,500.00 to each attorney per month.
2. Councilman Alworth – [Discussion/For Possible Action](#) – Acceptance of Bryan R. Pyle, Esq.’s July 25, 2019 proposal to provide civil contract legal services for a flat monthly fee of \$4,170.00.
3. Council Members – City Clerk Lee – [Discussion/For Possible Action](#) – Approval of TNR (Trap-Neuter-Release) Contract between the City of Ely and Eldridge Veterinary, to be paid from the Maddie’s Fund \$10,000.00 grant received in Fiscal Year 2019.
4. Council Members – City Clerk Lee – [Discussion/For Possible Action](#) – Approval of Grant of Easement between the City of Ely and *Airtouch Cellular, Inc.*, d.b.a. *Verizon Wireless*.
5. Councilman Flangas – [Discussion/For Possible Action](#) – Approval of First Reading of Ordinance 726, Bill No. 2019-09, an ordinance amending City Code Title 3, Chapter 3 Rental Businesses, changing the 0.5% room tax from being dedicated for use for “outdoor activities” to being placed in the City’s General Fund for the sole purpose of additional funding dedicated to the City of Ely Parks and Recreation Department and/or the Cemetery, increasing the 0.5% to 1% of gross room tax revenue beginning July 1, 2020, dedicating 2.5% of gross room tax revenue to be used specifically for the City of Ely Road Department effective July 1, 2020.
6. Council Members – City Treasurer Trask – Discussion/For Possible Action – Approval of City of Ely Debt Management Policy Update.

**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 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 **August 5, 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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