



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.

September 12, 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 ATTORNEY
 - ❖ [Liens August 2019](#)
- CITY CLERK
 - ❖ [New Business August 2019](#)
- CITY PUBLIC WORKS SUPERVISOR
 - ❖ [Animal Control August 2019](#)
 - ❖ [Landfill August 2019](#)
 - ❖ Street Dept. August 2019
 - ❖ [Water/Sewer August 2019](#)
- [CITY WATER OPERATOR](#)
- CITY ENGINEER
- [CITY BUILDING OFFICIAL](#)

5. NTRY FOUNDATION REPORT

6. REPORTS

CITY COUNCIL

MAYOR

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

1. Council Members – City Attorney Pyle – Public Hearing – [Discussion Only](#) – Approval of Second Reading of CORRECTED 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.
2. Council Members – City Clerk Lee – City Engineer Almborg – Public Hearing – [Discussion Only](#) – Discussion of the following CDBG projects:
 - Murry St. Sewer Replacement Phase II - \$426,050;
 - NTRY Sewer Main to abandon old septic system - \$575,000 AND
 - CDBG project ideas proposed during this Public Hearing.

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

1. Council Members – City Attorney Pyle – [Discussion/For Possible Action](#) – Approval of Second Reading of CORRECTED 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.

9. THE MAYOR WILL RECESS THE REGULAR CITY COUNCIL MEETING FOR A MEETING OF THE PROSTITUTION LICENSING AND CONTROL BOARD.

1. Board Members – [Discussion/For Possible Action](#) – Approval of a house of prostitution license to Gary Dean Phillips, d.b.a. *Stardust Ranch*, located at 190 High Street, Ely, Nevada.

10. 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 III Liquor License to Gary Dean Phillips, d.b.a. *Stardust Ranch*, located at 190 High Street, Ely, Nevada.

11. 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 – 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.

2. Chairwoman Roberts-McMurray – Discussion/For Possible Action – Approval to implement additional community outreach efforts, to possibly include but not limited to volunteering and spay/neuter education.
3. Board Members – Animal Control Officer Hayes – Discussion/For Possible Action – Approval to establish a spay/neuter voucher program, paid for through grant funds, possibly including a refundable deposit and adoption fee increase.

12. ITEMS FOR DISCUSSION/POSSIBLE ACTION OF THE ELY CITY COUNCIL AS RECOMMENDED BY THE MUNICIPAL UTILITIES BOARD.

1. Board Members – City Clerk Lee – [Discussion/For Possible Action](#) – Review of Georgetown Ranch lease bids and Municipal Utilities Board’s recommendation. Award Georgetown lease.
2. Board Members – 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.
3. Mayor Robertson – Discussion/For Possible Action – Approval of request by Mary Sorenson to waive Landfill metal disposal fees for a park clean up in the town of Ruth.
4. Board Members – City Clerk Lee – Discussion/For Possible Action – Approval of the Nevada Department of Transportation’s request to waive landfill disposal and water construction fees for Phase I of the Ely Roadway Rehabilitation Project.
5. Board Members – Public Works Supervisor Cracraft – [Discussion/For Possible Action](#) – Approval to purchase a PLC upgrade for approximately \$32,259.74 and a SCADA subscription, \$75.00 per month, for the Waste Water Treatment Plant.

13. 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 13A-1 Minutes and 13A-2 Bills.

Moved by: _____ Second by: _____ Vote: _____

1. Discussion/For Possible Action –Minutes.
 - 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
 - July 25, 2019
 - August 8, 2019
2. Discussion/For Possible Action –Bills.
 - [August 23, 2019](#)
 - [August 30, 2019](#)
 - [September 4, 2019](#)

B. NEW BUSINESS

1. Councilman Hanson – NNRy President Mark Bassett – Discussion/For Possible Action – Approval, pursuant to Section 3(a)(iii) of the Development Agreement between the Nevada Northern Railway Foundation, Inc. (NNRY) and the City of Ely for the Foundation to apply for a loan in excess of the limitations provided for in Section 3(a)(iii) of the Development Agreement, not to exceed \$450,000.00.
2. Council Members – City Clerk Lee – Discussion/For Possible Action – Recommendation to Nevada Department of Transportation (NDOT) that one of the three sentinel ‘Gateway’ signs, part of NDOT’s Ely Roadway Rehabilitation Project, be installed at the intersection of Murry Street and Hwy. 6.
3. Council Members – City Attorney Pyle – [Discussion/For Possible Action](#) – Approval of First Reading of Ordinance 726, Bill No. 2019-09, An Ordinance adding Chapter 5 to Title 2 of the City Code of the City of Ely to create, in collaboration with the White Pine County Board of County Commissioners, a regional planning commission pursuant to Chapter 278 of the Nevada Revised Statutes.
4. Council Members – City Attorney Pyle – [Discussion/For Possible Action](#) – Approval of new Consulting Services Agreement between the City of Ely and *Basin Engineering* OR Approval to extend the existing Consulting Services Agreement between the City of Ely and *Basin Engineering* for a fixed time as determined by the Ely City Council.

14. 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”.

15. ADJOURNMENT: THE MEETING MAY BE ADJOURNED BY APPROPRIATE MOTION OF THE CITY COUNCIL.

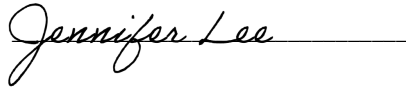
* Open session – Action/Discussion – Personnel**

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 **September 9, 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>.

A handwritten signature in cursive script that reads "Jennifer Lee". The signature is written in black ink and is positioned above a horizontal line that extends to the right.