



# CITY OF ELY

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

## ELY CITY COUNCIL REGULAR MEETING

May 14, 2020 5:00 p.m.

Pursuant to Governor Sisolak's Emergency Directive 006 suspending "the requirement in NRS 241.023(1)(b) that there be a physical location designated for meetings of public bodies", the Ely City Council meeting will be held via videoconference/teleconference. Please call City Hall or email [jlee@elycity.com](mailto:jlee@elycity.com) if you have questions regarding accessing the meeting.

**Link:** <https://zoom.us/j/9771306332> **Meeting ID:** 977 130 6332

**Please Note: If you log on and experience difficulty hearing the meeting please also call the toll-free numbers.**

**Dial by your location:** +877-853-5247 US Toll-free  
+888-788-0099 US Toll-free

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.

### 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](#)
- [CITY CLERK](#)
  - [New Business](#)
- CITY TREASURER
- [CITY PUBLIC WORKS SUPERVISOR](#)
  - [Animal Control Report](#)
  - [Landfill Report](#)
  - [Street Department Report](#)
  - [Water/Sewer Dept. Report](#)
- [CITY WATER OPERATOR](#)
- [CITY ENGINEER](#)
- [CITY BUILDING OFFICIAL](#)

**5. REPORTS**

CITY COUNCIL  
MAYOR

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

1. Councilman Carson – Discussion/For Possible Action – Recommendation of approval to waive commercial fees to deposit metal at City Landfill May 15, 2020 to June 14, 2020 to encourage commercial property owners to clean up their property.
2. Councilman Carson – [Discussion/For Possible Action](#) – Recommendation of approval of Resolution 2020-8 adding a \$25.00 surcharge for any septic waste disposal above 250 gallons.
3. Councilman Flangas – Discussion/For Possible Action – Approval to request liens due to the City of Ely be published with the County Treasurer’s tax sale publication.
4. Board Members – City Engineer B.J. Almberg – Discussion/For Possible Action – Ratification of City Council May 6, 2020 approval of White Pine County’s Will-Serve Application to tap the City’s water line at 1785 Great Basin Boulevard for a 4” water service and 417 drain fixture units (DFU).

**7. 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 7A-1 Minutes and 7A-2 Bills.

Moved by: \_\_\_\_\_ Second by: \_\_\_\_\_ Vote: \_\_\_\_\_

1. Discussion/For Possible Action –Minutes.
  - [April 23, 2020](#)
  - [April 30, 2020](#)
2. Discussion/For Possible Action –Bills.
  - [April 21, 2020](#)
  - [April 29, 2020](#)

**B. NEW BUSINESS**

1. Mayor Robertson – [Discussion/For Possible Action](#) – Approval of Lease Agreement between City of Ely and State of Nevada Department of Administration Public works Division for former Armory building located at 125 Mill Street.
2. Councilman Alworth – [Discussion/For Possible Action](#) – Approval to notice intent to terminate Interlocal Agreement for Fire/EMS Services between the City of Ely and White Pine County in order to meet the twelve (12) months written notice requirement in Article XIII Section 13.1 (b) of said agreement, with the intent to renegotiate terms starting July 1, 2020 as also provided in Article XIII Section 13.1(b).
3. Councilman Flangas – [Discussion/For Possible Action](#) – Reconsideration to remove the past due landfill fee penalties up to the amount of \$1,009.66 from 6 First Street, Ruth Nevada at the request of the property owner, Wanda Gillaspie.
4. Councilwoman Beecher – [Discussion/For Possible Action](#) – Approval of Second Amendment to Development Agreement between the City of Ely and Nevada Northern Railway Foundation, Inc., extending the term of the agreement to April 1, 2021.

**8. 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”.

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


\* Open session – Action/Discussion – Personnel\*\*

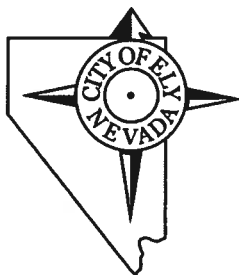
The meeting may be closed by appropriate motion for the purpose of discussion on any matter allowed under N.R.S. 241.031 and 241.033, (1) nothing contained in this chapter prevents a public body from holding a closed meeting to consider the character, alleged misconduct, professional competence or physical 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 **May 11, 2020** by **9:00 a.m.** four (4) 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, 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>.

 \_\_\_\_\_



# CITY OF ELY

501 Mill Street Ely, Nevada 89301

City Hall (775) 289-2430

Fax (775) 289-1463

## MEMO

DATE: May 9, 2020  
TO: Mayor Robertson and City Council Members  
FROM: City Clerk Jennifer Lee  
RE: Gillaspie 6<sup>1st</sup> St. Penalty Waiver Reconsideration

Please take the following timeline of events into consideration when reviewing Wanda Gillaspie's penalty waiver request:

<u>DATE</u>	<u>EVENT</u>
05-10-2018	\$200.00 payment made on account
01-13-2020	\$500.00 payment made on past due balance of \$984.38
01-16-2020	\$484.38 payment made on past due balance of \$484.38.
01-23-2020	Utilities Board recommends removal of past due penalties in the amount of \$1,009.66 OR a 50% reduction in penalties if paid in full; see attached.
01-23-2020	Ely City Council denies Gillaspie penalty waiver request.
02-28-2020	\$50.00 payment made on account; monthly landfill fee equals \$13.39.
03-31-2020	\$50.00 payment made on account; monthly landfill fee equals \$13.39.
04-30-2020	\$50.00 payment made on account; monthly landfill fee equals \$13.39.
April 2020	Wanda Gillaspie laid off from her employment.

**MUNICIPAL UTILITIES BOARD  
REGULAR MEETING  
January 23, 2020**

**2. PUBLIC COMMENT:**

George Chachas stated I've asked for time and date stamped bids for the Georgetown Ranch lease bids. Has the sewer line been completed on Avenue A? At the Regional Planning Commission meeting they gave the Golf Course 3.5% of the room tax. On the Dec 13<sup>th</sup>, 2019 billing, the City paid the Reck Brothers for patching at Copper Queen, why are you paying for maintenance on private property? I want to know what happened to the four hundred ninety linear feet of sixteen inch steel pipe from the Murry street project. I have yet to be reimbursed by the City for curing a sewer problem at 681 Parker Avenue.

Frederick Parthey stated I have been out of the Country so I just wanted to let the Utilities Board know that I'm back and I'm here to answer any questions. I received an estimate on the work that needs to be done on the Terrace Well; I spoke to our management team and we are thinking through it and setting up meetings to discuss everything. Pump 7-P is still continuing to pump water to the City, its pumping around 2,100 GPM. Plans are in place to get a new pump.

**3. ITEMS FOR DISCUSSION/ POSSIBLE ACTION OF THE UTILITY BOARD.**

1. Board Members – City Landfill Leadman Lawrence – Discussion/For Possible Action – Recommendation for approval to purchase a Loader Bucket and Parts to Repair the Loader at the Ely City Landfill for approximately \$15,500.00.

Chairman O'Flaherty stated we are going to combine items 3:1 and 3:2.

2. Board Members – City Landfill Leadman Lawrence – Discussion/For Possible Action – Recommendation for approval of labor costs in the amount of approximately \$11,144.15 to repair the Loader at the Ely City Landfill.

Member Derbidge moved to recommend approval to purchase a Loader Bucket and Parts to Repair the Loader at the Ely City Landfill for approximately \$15,500.00 and approval of labor costs in the amount of approximately \$11,144.15 to repair the Loader at the Ely City Landfill. Member Lilly seconded the motion. The motion carried unanimously.

3. Board Members – City Clerk Lee – Discussion/For Possible Action – Recommendation of approval to remove the past due utility fee penalties in the amount of \$232.39 from 34 Sunshine Street, Ruth Nevada at the request of the property owner, Waren Bode.

Member Derbidge moved to recommend approval to remove the past due utility fee penalties in the amount of \$232.39 from 34 Sunshine Street, Ruth Nevada at the request of the property owner, Waren Bode. Member Lilly seconded the motion. The motion carried unanimously.

4. Board Members – City Clerk Lee – Discussion/For Possible Action – Recommendation of approval to remove the past due utility fee penalties in the amount of \$1,009.66 from 6 First Street, Ruth Nevada at the request of the property owner, Wanda Gillaspie.

→ Member Derbidge moved to recommend approval or a 50% reduction in penalty fees, if paid in full. Member Ross seconded the motion. The motion carried unanimously.

orientation, or condition which would not otherwise disqualify any such employee or applicant from the performance of comprehensive Fire/EMS services.

### ARTICE XIII

#### OTHER CONTRACT TERMS

**Section 13.0. Amendments.** Amendments or modifications to this Agreement may be made from time to time in writing as approved by the Parties hereto and pursuant to NRS 241.

**Section 13.1. Termination.**

(a) During the first year of this Agreement, the parties agree that neither party may terminate this Agreement, except for breach of the Agreement by failure to pay compensation as required herein, or the City failing to provide the aid contemplated by this Agreement and only after the non-breaching party has notified the breaching party of the breach and the time to cure, which shall be thirty (30) calendar days from the date of written notification of the alleged breach by the non-breaching party to the breaching party of their alleged breach sent by certified mail or personal delivery to the address provided in Section 13.5.

→ (b) Starting July 1, 2020 this Agreement shall be reopened for renegotiation of terms, or for possible termination, upon twelve (12) months written notice to each party. Termination cannot occur until the completion of the fiscal year, meaning, to terminate the Agreement on June 30, 2021, the party wishing to terminate the Agreement must notify the other party no later than July 1, 2020.

**Section 13.2. Execution of Additional Instruments.** Each Party at the request of the other party, shall execute, acknowledge, and deliver any document, instrument, or conveyance that is or may be necessary to carry out the provisions of this Agreement.

**SECOND AMENDMENT TO DEVELOPMENT AGREEMENT**

Nevada Northern Railway Foundation, Inc., formerly known as White Pine Historical Railroad Foundation, Inc., a Nevada nonprofit corporation (the "Foundation") and the City of Ely, Nevada, a Nevada municipal corporation (the "City"), entered into a Development Agreement effective as of July 11, 2016 (the "Development Agreement").

The Foundation and the City amended the Development Agreement effective as of June 1, 2019 (the "First Amendment to Development Agreement"). The First Amendment to Development Agreement extended the initial term of the Development Agreement by one (1) year, from July 11, 2019, to July 11, 2020, by amending Section 7 of the Development Agreement.

The Foundation and the City now desire to again amend the Development Agreement as set forth below (the "Second Amendment to Development Agreement"). This Second Amendment to Development Agreement is effective as of June 1, 2020. This Second Amendment to Development Agreement may be executed in one or more counterparts, each of which shall be deemed and original, but all of which together shall constitute the same instrument. A facsimile or electronic copy of this Second Amendment to Development Agreement or its signature page shall be excepted as an original. This Second Amendment to Development Agreement shall be construed in accordance with and governed by the laws of Nevada.

The parties acknowledge and agree that the purpose of the this Second Amendment to Development Agreement is to extend the Initial Term to April 1, 2021.

**AMENDMENT**

The first sentence of Section 7 of the Development Agreement is amended as follows (new language in **bold**, deleted language ~~stricken~~):

7. Term. This Agreement shall commence on the date first written above and shall remain in full force and effect ~~for a period of time equal to four (4) years from the date first written above~~ **until April 1, 2021** (the "Initial Term").

Dated: \_\_\_\_\_

NEVADA NORTHERN RAILWAY  
FOUNDATION, INC.

\_\_\_\_\_  
By: Mark Bassett  
Its: President  
1100 Avenue A  
Ely, Nevada 89301

**[Remainder of page intentionally left blank.  
City of Ely signature on following page.]**



Dated: \_\_\_\_\_

CITY OF ELY

---

By: Michelle Beecher  
Its: Mayor Pro Tem  
501 Mill Street  
Ely, NV 89301