



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.

January 23, 2020 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 TREASURER
- CITY PUBLIC WORKS SUPERVISOR
- CITY WATER OPERATOR
- CITY ENGINEER
- CITY BUILDING OFFICIAL

5. REPORTS

**CITY COUNCIL
MAYOR**

6. THE MAYOR WILL RECESS THE REGULAR CITY COUNCIL MEETING FOR A MEETING OF THE REDEVELOPMENT AGENCY FOR THE CITY OF ELY.

1. Councilman Alworth – [Discussion/For Possible Action](#) – Approval of Resolution 2020-6 to expend up to \$100,000 dollars of Redevelopment Funds in Fiscal Year 2021 as necessary to carry out the 2004 City of Ely Redevelopment Plan for [Public Improvements](#) including: sewers; storm drains; water distribution systems; parks; playgrounds; parking facilities; landscaped areas; street improvements; flood control improvements and facilities; entryway features; and recreational improvements.

THE MAYOR WILL RECONVENE THE REGULAR CITY COUNCIL MEETING.

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

1. Board Members – Public Works Supervisor Cracraft – [Discussion/For Possible Action](#) – Approval to purchase a Loader Bucket and Parts to Repair the Loader at the Ely City Landfill for approximately \$15,500.00.
2. Board Members – Public Works Supervisor Cracraft – [Discussion/For Possible Action](#) – Approval of labor costs in the amount of approximately \$11,144.15 to repair the Loader at the Ely City Landfill.
3. Board Members – City Clerk Lee – [Discussion/For Possible Action](#) – 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.
4. Board Members – City Clerk Lee – [Discussion/For Possible Action](#) – 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.

8. 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 8A-1 Minutes and 8A-2 Bills.

Moved by: _____ Second by: _____ Vote: _____

1. Discussion/For Possible Action –Minutes.
 - [December 19, 2019](#)
2. Discussion/For Possible Action –Bills.
 - [January 10, 2020](#)

B. OLD BUSINESS

1. Mayor Robertson – Discussion/For Possible Action – Approval of the Second Reading of Ordinance 725, Bill No. 2019-11, An Ordinance amending Title 6, Chapter 12 section 2 entitled HIGHWAYS AND ROADS IN THE CITY OF ELY DESIGNATED FOR PURPOSES OF OHV TRAVEL, bringing the City Code into conformity with State law, clarifying certain sections of the City Code, requiring that OHVs that operate on City roads and highways have liability insurance; adding a severability clause; all other provisions not designated shall remain unchanged.

C. NEW BUSINESS

1. Mayor Robertson – [Discussion/For Possible Action](#) – Appointment of a member of the Ely City Council to serve as the City of Ely’s representative on the Local Emergency Planning Committee.
2. Councilman Alworth – [Discussion/For Possible Action](#) – Approval of Resolution 2020-5; a Resolution establishing requirements of a Conditional Special Use permit to allow existing mobile home parks within the City of Ely to have RV trailers and motor homes parked within their confines for temporary construction workers.
3. Councilman Alworth – [Discussion/For Possible Action](#) – First Reading of Ordinance 730, Bill No. 2020-1, with approval to move to second reading. Ordinance 730 amends Chapter 5 of Title 1 of the City Code of the City of Ely requiring the City Council to create a code of conduct for its members to apply during city council meetings and interactions with city personnel, to include following the chain of command.
4. City Treasurer Trask – [Discussion/For Possible Action](#) – Acceptance of Corrective Action Plan for Findings noted in the City’s FY 2019 audit.

9. 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”.

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

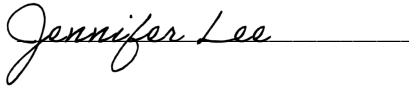
* Open session – Action/Discussion – Personnel**

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 **January 17, 2020** by **9:00 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.

Summary: An ordinance amending Chapter 5 of Title 1 of the City Code of the City of Ely requiring the City Council to create a code of conduct for its members to apply during city council meetings and interactions with city personnel, to include following the chain of command.; ~~proscribing that violation of the Code of Conduct constitutes cause within the meaning of NRS 266.240.~~

TITLE:

PROPOSED ORDINANCE AMENDING CHAPTER 5 OF TITLE 1 OF THE CITY CODE OF THE CITY OF ELY REQUIRING THE CITY COUNCIL TO CREATE A CODE OF CONDUCT FOR ITS MEMBERS TO APPLY DURING CITY COUNCIL MEETINGS AND INTERACTIONS WITH CITY PERSONNEL, TO INCLUDE FOLLOWING THE CHAIN OF COMMAND.; ~~PROSCRIBING THAT VIOLATION OF THE CODE OF CONDUCT CONSTITUTES CAUSE WITHIN THE MEANING OF NRS 266.240.~~

Whereas, NRS 266.240 provides that the City Council shall determine its own rules of procedure, may punish its members for disorderly conduct, and, with the concurrence of two-thirds of the members of the city council, may expel a member for cause;

Whereas, NRS 266.200 provides that the Mayor of the City of Ely shall preserve order and decorum among the members of the City Council and enforce the rules of the City Council;

Therefore, the City Council of the City of Ely, State of Nevada, does AMEND and otherwise ordain that the sections of Chapter 5 of Title 1 of the City Code of the City of Ely specified below shall read as follows:

1-5-7: CONDUCT OF THE CITY COUNCIL:

The City Council shall adopt a Code of Conduct for its members to apply during city council meetings and interactions with city personnel, to include following the chain of command.

1-5-~~87~~: SALARIES OF ELECTED OFFICIALS:

A. Mayor: The salary of the mayor shall be set at six hundred dollars (\$600.00) per month.

B. Councilmen: The salaries of each respective city council member shall be set at five hundred dollars (\$500.00) per month. (Ord. 518, 6-12-1997)

2-5-~~913~~: SEVERABILITY:

If any provisions of this Ordinance are held invalid, such invalidity shall not affect other provisions and each provision is hereby declared to be severable.

This Ordinance shall take effect from and after passage, approval, and publication.

PROPOSED on the ____ day of _____, 202019.

PROPOSED by _____.

PASSED on the ____ day of _____, 202019.

Votes:

Yay: _____

Nay: _____

Absent:

MAYOR

ATTEST:

CITY CLERK

Approved as to form and content

Caroline Townsend, Esq. City Attorney

RESOLUTION 2020-5

A RESOLUTION ESTABLISHING REQUIREMENTS OF A CONDITIONAL SPECIAL USE PERMIT TO ALLOW EXISTING MOBILE HOME PARKS WITHIN THE CITY OF ELY TO HAVE RV TRAILERS AND MOTOR HOMES PARKED WITHIN THEIR CONFINES FOR TEMPORARY CONSTRUCTION WORKERS

WHEREAS, N.R.S. 266.105 empowers the Ely City Council to pass resolutions necessary or proper for the municipal government and the management of the affairs of the city, for execution of all powers vested in the City; and

WHEREAS, this resolution shall adopt the following requirements:

1. Each Mobile Home Park shall provide the number of spots available for the Special Use Permit at the time of application.
2. Each Mobile Home Park shall pay a \$150.00 annual fee for the first year. Each subsequent year with the same tenant(s) shall have an annual fee of \$100.
3. Approval by City Building Official of Mobile Home Park’s RV hook ups prior to issuance of Special Use Permit.
4. RV Trailers and Motor Homes shall follow all rules and regulations within the Park.
5. Each Mobile Home Park owner is required to maintain annual employment records with the City for tenants who are actively employed with temporary contractors in the City of Ely and residing within the Park under the Special Use Permit.

NOW THEREFORE, BE IT RESOLVED this ____ day of _____, 2020, that the requirements established herein are adopted and shall be imposed on the ____ day of _____, 2020.

DATED this ____ day of _____, 2020.

AYES: _____

NAYS: _____

ABSTAIN: _____

APPROVED:

ATTESTED TO BY:

CITY OF ELY

NATHAN ROBERTSON, MAYOR

JENNIFER LEE, CITY CLERK