



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.

February 13, 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
- CITY ATTORNEY
 - [Liens January 2020](#)
- CITY CLERK
 - [New Business January 2020](#)
- [CITY TREASURER](#)
- CITY PUBLIC WORKS SUPERVISOR
 - [Landfill January 2020](#)
 - [Animal Control January 2020](#)
 - [Water & Sewer December 2019 – January 2020](#)
- CITY WATER OPERATOR
- [CITY ENGINEER](#)
- [CITY BUILDING OFFICIAL](#)

5. NNRY 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. Public Hearing – Discussion Only – Approval of Certification of Roads for Fuel Tax within the City of Ely, Nevada, pursuant to NRS 365.550.
2. Public Hearing – Discussion Only – Approval of Second Reading of Ordinance 729, Bill No. 2019-13. Ordinance 729 amends Title 1, Chapter 6 entitled CITY OFFICERS AND EMPLOYEES, codifying the City’s existing authority to appoint a Fire Chief and describing the Fire Chief’s duties, AND adding Chapter 6, entitled ELY CITY FIRE DEPARTMENT, to Title 7, codifying the existing Ely City Fire Department and its existing function and duties.
3. Public Hearing – Discussion Only – Approval of Second Reading of Ordinance 730, Bill No. 2020-1. 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.

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

1. Public Hearing – [Discussion/For Possible Action](#) – Approval of Certification of Roads for Fuel Tax within the City of Ely, Nevada, pursuant to NRS 365.550.
2. Public Hearing – [Discussion/For Possible Action](#) – Approval of Second Reading of Ordinance 729, Bill No. 2019-13. Ordinance 729 amends Title 1, Chapter 6 entitled CITY OFFICERS AND EMPLOYEES, codifying the City’s existing authority to appoint a Fire Chief and describing the Fire Chief’s duties, AND adding Chapter 6, entitled ELY CITY FIRE DEPARTMENT, to Title 7, codifying the existing Ely City Fire Department and its existing function and duties.
3. Public Hearing – [Discussion/For Possible Action](#) – Approval of Second Reading of Ordinance 730, Bill No. 2020-1. 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.

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

1. Board Members – [Discussion/For Possible Action](#) – Approval of White Pine County’s request to waive water and sewer hookup fees in the amount of \$45,500.00 for thirteen (13) Single Family homes on County Land located on 17th Street adjacent to the Mountain View subdivision.
2. Board Members – [Discussion/For Possible Action](#) – Approval of Elko Leasing Company’s Will Serve Application for Sewer Services at 1863 North McGill Highway.
3. Board Members – City Engineer Almberg – [Discussion/For Possible Action](#) – Acceptance of C.H. Spencer LLC proposal to replace the submersible motor and cable for the [Terrace Well](#) in the amount of \$36,148.00, pursuant to [NRS 332.115](#); Robinson Nevada Mining Company to pay fifty percent (50%) of the total cost.
4. Board Members – City Engineer Almberg – [Discussion/For Possible Action](#) – Approval to hire Great Basin Irrigation to install a new Terrace Well pump for a total cost of up to \$10,400.00; Robinson Nevada Mining Company to pay fifty percent (50%) of the total cost.
5. Councilman Carson – [Discussion/For Possible Action](#) – First Reading of Ordinance 731, Bill 2020-2, with approval to move to second reading. Ordinance 731 amends Chapter 2 of Title 4 of the City Code of the City of Ely providing residents who take their trash to an adjoining County’s landfill and pay to that landfill may provide proof of that payment to the City Clerk in order to receive a credit for the period of time the resident pays to the adjoining County’s landfill.
6. Board Members – City Clerk Lee – [Discussion/For Possible Action](#) – Approval to remove the past due utility fee penalties in the amount of \$6,297.86 from 35 Keystone Street, Ruth Nevada at the request of the property owner, Jeremy Lilly.

10. 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 for City Council to send a letter to White Pine County opposing proposed [Ordinance 508](#), Bill No. 01.22.2020, an ordinance amending Chapter 8.04 of the White Pine County Code, repealing the existing regulation that a dog owner must license the animal.
2. Chairwoman Roberts-McMurray – [Discussion/For Possible Action](#) – Approval for City Council to direct City Attorney to draft revision to Title 5, Section 3B-18 Kennel Regulations to require that the Kennel or Breeder Business License No. be displayed in all advertising and purchase receipts.

11. 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 11A-1 Minutes and 11A-2 Bills.

Moved by: _____ Second by: _____ Vote: _____

1. Discussion/For Possible Action –Minutes.
 - [January 9, 2020](#)
2. Discussion/For Possible Action –Bills.
 - [January 22, 2020](#)
 - [January 30, 2020](#)

B. OLD BUSINESS

1. Council Members – Fire Chief Rivera – [Discussion/For Possible Action](#) – Approval of Resolution 2020-2, a Resolution to amend the Emergency Medical Service (EMS) Billing Rate Schedule.
2. Council Members – Fire Chief Rivera – [Discussion/For Possible Action](#) – Approval of Resolution 2020-3, a Resolution to amend the Rescue/Extrication Billing Rate Schedule.
3. 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 – Cheyenne Gibson, Nevada Census 2020 Regional Coordinator – Discussion Only – Presentation on the importance of the 2020 Census and associated grant opportunities.
2. Mayor Robertson – [Discussion/For Possible Action](#) – Approval of terms to lease the former Armory building to the Nevada Department of Public Safety AND direction to City Clerk to authorize use of approved lease terms as a Letter of Intent to Nevada State Public Works Division.
3. Councilwoman Beecher – Discussion/For Possible Action – Discontinuance of May 23, 2019 proposed settlement framework for City of Ely, et al. vs. S&S Shortline Leasing LLC.
4. Councilwoman Beecher – Discussion/For Possible Action – Termination of legal representation by the law firm of Wolf, Rifkin, Shapiro, Schulman, and Rabkin, LLP.

5. Councilwoman Beecher – Discussion/For Possible Action – Direction to City Attorney to reach out to counsel for the Northern Nevada Railway Foundation regarding continuance of the Joint Prosecution Agreement and/or possible representation of the City of Ely in the lawsuit City of Ely, et al. vs. S&S Shortline Leasing LLC.
6. Council Members – City Engineer AlMBERG – Discussion/for Possible Action - Approval to assemble a committee to enter into discussions with White Pine County regarding sharing resources on a joint Geographic Information System (GIS) project/system. Planned implementation of shared services would be in the 2021 fiscal year commencing no sooner than July 1, 2020.
7. Councilman Alworth – [Discussion/For Possible Action](#) – Acceptance of Tri-County Weed Control’s (TCWC) proposal to the City of Ely for herbicide application within City limits during 2020; SNPLMA grant funds require a twenty percent (20%) match from the City of Ely in the amount of \$2,000.00.
8. Council Members – [Treasurer Trask](#) – [Discussion/For Possible Action](#) – Approval of Keddington & Christensen, LLC Change Order in the amount of \$6,600.00 for additional work hours performed to complete the FY 2019 City of Ely Audit.
9. Council Members – [Treasurer Trask](#) – [Discussion/For Possible Action](#) – Designation of Keddington & Christensen, LLC to complete the City of Ely’s fiscal year 2020 Audit; pursuant to NRS 354.624, the City must notify the Nevada Department of Taxation of the designation by March 30th of this year.
10. Councilman Flangas – [Discussion/For Possible Action](#) – First Reading of Ordinance 727, Bill 2020-3, with approval to move to the second reading. Ordinance 727 amends Chapter 5, Title 2 of the City Code of the City of Ely clarifying the Regional Planning Commission’s lack of authority to dispose of government property; defining “appropriate governing body”; specifying appeal procedure.
11. Councilman Alworth – Discussion/For Possible Action – Direction to the City Attorney to draft an Ordinance amending the Ely City Code 1-6-1, adding Human Resources (HR) Director and City Treasurer/Human Resources (HR) Director as appointed officers of the City of Ely.

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13. 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 **February 7, 2020** by 5:00 p.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>.


