



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 27, 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 ATTORNEY
- CITY CLERK
- CITY TREASURER
- CITY PUBLIC WORKS SUPERVISOR
- 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. Chairman O’Flaherty – Robinson Nevada Mining Company (RNMC) Environmental Manager Frederick Parthey– [Discussion/For Possible Action](#) – Approval to hire Great Basin Irrigation to remove Terrace Well pump and motor for analysis; Robinson Nevada Mining Company (RNMC) to reimburse City of Ely one hundred percent (100%) of cost.

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.
 - [January 23, 2020](#)
2. Discussion/For Possible Action –Bills.
 - [February 10, 2020](#)
 - [February 20, 2020](#)

B. NEW BUSINESS

1. Mayor Robertson – [Discussion/For Possible Action](#) – Approval for City of Ely to sign on as a supporter of the request to Governor Steve Sisolak that the Division of Forestry Honor Camp Crews be able to serve communities and community organizations.
2. Mayor Robertson – [Discussion/For Possible Action](#) – Approval for City of Ely to apply for the Commission for Cultural Centers and Historic Preservation (CCCHP) grant in an amount up to \$80,000 for the purpose of the following repairs to City Hall: concrete repairs for window seals and parapet course; window repairs, weather stripping, wood repair, tune up; exterior metal trim repair, securing and painting upper trim and mid band trim; various interior finished wood repairs.
3. Mayor Robertson – [Discussion/For Possible Action](#) – Approval to grant right-of-way easement to Mt. Wheeler Power for their existing line on Assessor’s Parcel No. 002-280-16 which services the City of Ely Fire Station.
4. Council Members – City Fire Chief Rivera – [Discussion/For Possible Action](#) – Concurrence with City Fire Chief Rivera’s letter in support of multi-year improvement plan for the fire access road compliance at the new Learning Bridge Charter School.
5. Councilwoman Beecher – [Discussion/For Possible Action](#) – Direction to City Attorney to sign letter engaging the law firm of Maupin, Cox and LeGoy to co-represent the City of Ely in the lawsuit of City of Ely, et al. vs. S&S Shortline Leasing LLC.

6. Councilman Alworth - [Discussion/For Possible Action](#) - First Reading of [Ordinance 732](#), Bill 2020-3, with approval to move to the second reading. Ordinance 732 amends Title 1, Chapter 6 entitled CITY OFFICERS AND EMPLOYEES, codifying the City's existing authority to appoint a Human Resources (HR) Director and City Treasurer/Human Resources (HR) Director.

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

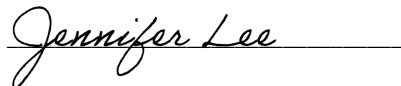
* Open session – Action/Discussion – Personnel**

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 .

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 24, 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>.



GRANT OF RIGHT-OF-WAY EASEMENT

KNOWN ALL MEN BY THESE PRESENTS: That City of Ely the “Grantor”, whose address is 501 Mill Street Ely NV, 89301 for a good and valuable consideration, the receipt whereof is hereby acknowledged, does hereby grant unto **Mt. Wheeler Power, Inc.**, a Nevada corporation whose address is 1600 Great Basin Blvd., Ely, Nevada 89301, and to its successors or assigns, the right to enter upon the lands of the undersigned, situated in the County of **White Pine** State of **Nevada**, more particularly described as follows:

A 15’ wide unobstructed strip of land located in the NE 1/4 of Sec 22 T.16 N., R.63 E., M.D.B.& M. The Easement shall begin at the south corner of parcel 002-280-16 and run west cutting through the parcel for approximately 130’ feet until it enters the transformer located on the south east corner of the fire station building. The easement shall extend for 7.5’ on either side of the existing buried power line.

The lines of this easement shall be lengthened or shortened, if necessary, to terminate at end lines, in addition, such area as may be necessary to properly install guy wires and anchors for line angle and dead-end structures located in the right-of-way.

and to locate, establish grade, construct, reconstruct, rephase, repair, operate and maintain above, under, over, across, or on the above described lands and/or in, above, over across, under or upon all streets, roads or highways abutting said lands, an electric transmission and/or distribution line or system to use; to cut, trim and control the growth by machinery or otherwise of trees and shrubbery located within 7.5 feet of either side the buried power line, or that may interfere with or threaten to endanger the operation and maintenance of said line or system; and the right of ingress to and egress from said easement over and across the Grantor’s lands by means of roads or lanes thereon, if such exist, otherwise by such route or routes as cause the least practicable damage and inconvenience to Grantor.

The Grantor agrees that all poles, wires, cables, conduits, crossarms, conductors, ducts, manholes, transformers, fixtures, and other appurtenances, installed above, over, under, across or on the above described lands at Mt. Wheeler Power, Inc.’s expense shall remain the property of Mt. Wheeler Power, Inc., upon termination of this Grant of Right-of-Way Easement. Any incurred costs for maintenance, upgrading, or rerouting of the powerline due to placement of fences, trees, concrete, asphalt or anything that would interfere with excavation of the powerline would be billed to and the responsibility of the grantor or its successors and assigns. The grantor, successors or assignees agree to not place or construct any buildings or structures inside the 15’ right of way without prior written approval by Mt Wheeler Power engineering department.

IN WITNESS WHEREOF, the Grantor has executed this Easement.

GRANTOR:

GRANTEE:

Print Name

Mt. Wheeler Power, Inc. By:

Signature

Title

Address

Work Order No.

STATE OF _____

STATE OF _____

COUNTY OF _____

COUNTY OF _____

This instrument was acknowledged before me This instrument was acknowledged before me
on ____, 201 __, by _____. on ____, 201 __, by _____.

Notary Public

Notary Public

February 28, 2020

Nevada State Fire Marshal

ATTN: Mike Dzyak, Interim State Fire Marshal
Albert Ruiz, Bureau Chief fire Protection Engineer

107 Jacobsen Way
Carson City, NV 89711

RE: State Fire Marshal's Review No: 19WP524R

Dear Interim State Fire Marshall Dzyak:

Please find attached the Learning Bridge Charter School Building Committee's multi-year plan to surface their Fire Access Road submitted for my review. I am in support of this multi-year road surfacing plan because it satisfies the requirements of State Fire Marshal Plans review referencing the 2012 International Fire Code 503.2 and brings the fire access road into complete compliance by 2022.

As Learning Bridge Charter School's building under construction will be a new school in the City of Ely, I made the City Council aware of their multi-year Fire Access Road surfacing plan and my analysis of it at their regular meeting held February 27, 2020; the City Council was in agreement with my conclusions.

Thank you for taking my support of Learning Bridge Charter School's multi-year plan to surface the fire access road to their new facility into consideration as you proceed with your compliance review.

Sincerely,

Ross Rivera
City of Ely Fire Chief

Cc: Mayor Nathan Robertson and Ely City Council Members
Albert Ruiz, Bureau Chief Fire Protection Engineer
Learning Bridge Charter School Building Committee