

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.

March 12, 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 February 2020](#)
- CITY CLERK
 - [New Business](#)
- CITY TREASURER
- CITY PUBLIC WORKS SUPERVISOR
 - [Water and Sewer Report February 2020](#)
 - [Street Department Report February 2020](#)
 - [Landfill Report February 2020](#)
 - [Animal Control Report February 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. Councilman Carson – Public Hearing – [Discussion Only](#) – Approval of Second Reading of Ordinance 731, Bill 2020-2. 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.
2. Councilman Flangas – Public Hearing – [Discussion Only](#) – Approval of Second Reading of Ordinance 727, Bill 2020-3. 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.

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

1. Councilman Carson – [Discussion/For Possible Action](#) – Approval of Second Reading of Ordinance 731, Bill 2020-2. 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.
2. Councilman Flangas – [Discussion/For Possible Action](#) – Approval of Second Reading of Ordinance 727, Bill 2020-3. 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.

9. 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](#) – First Reading of Ordinance 733, Bill 2020-5, with approval to move to second reading. Ordinance 733 amends 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.
2. Chairwoman Roberts-McMurray – Discussion/For Possible Action – Approval for the City of Ely Animal Control facility to participate in Maddie’s Pet Adoption Days, a two-day adoption event for the Dave & Cheryl Duffield Foundation, June 5-6, 2020 AND September 25-26, 2020; all adoption fees must be waived and \$200.00 will be given to City of Ely Animal Control for every adoption of a dog/cat, to offset adoption costs and other Animal Control needs.
3. Chairwoman Roberts-McMurray – Discussion/For Possible Action – Update on newly-installed Animal Control facility kennels with possible approval of budget recommendations for future enhancements.

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

1. 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 and hiring of Great Basin Irrigation for installation at a cost of up to \$6,200.00, pursuant to [NRS 332.115](#); Robinson Nevada Mining Company (RNMC) to pay one hundred percent (100%) of total cost.
2. Councilman Carson – [Discussion/For Possible Action](#) – Approval to temporarily suspend the acceptance of paper and plastic at the Regional Landfill Recycling Center due to current market conditions. The Recycling Center will continue to accept aluminum and tin cans.

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.
 - [February 13, 2020](#)
2. Discussion/For Possible Action –Bills.
 - [February 27, 2020](#)

B. NEW BUSINESS

1. Mayor Robertson – Rachel Schlick, RDSBC Representative – [Discussion Only](#) – Review of Rural Desert Southwest Brownfields Coalition (RDSBC) progress in White Pine County, including projects within the City of Ely.
2. Mayor Robertson – [Discussion/For Possible Action](#) – Approval of White Pine County’s request to waive building permit fees on 14 homes in the amount of approximately \$35,115.50 OR development of a counter offer.
3. Councilman Alworth – Discussion/For Possible Action – Advice and Consent of City Council to approve Mayor Robertson’s appointment of Ross Rivera as Fire Chief of the City of Ely.
4. Mayor Robertson – [Discussion/For Possible Action](#) – Acceptance of Paul Holdaway’s resignation from the Municipal Utilities Board.
5. Mayor Robertson – Discussion/For Possible Action – Reappointment of John O’Flaherty to the Municipal Utilities Board, term ending June 30, 2023.
6. Mayor Robertson – Discussion/For Possible Action – Reappointment of Ken Ross to the Municipal Utilities Board, term ending 2023.
7. Council Members – City Clerk Lee – Discussion/For Possible Action – Approval to go out to bid for janitorial service at City Hall.

12. 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".

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, audiotope, 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 **March 6, 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>.

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Rural Desert Southwest Brownfields Coalition (RDSBC)

Presentation to the Ely City Council
March 12, 2020

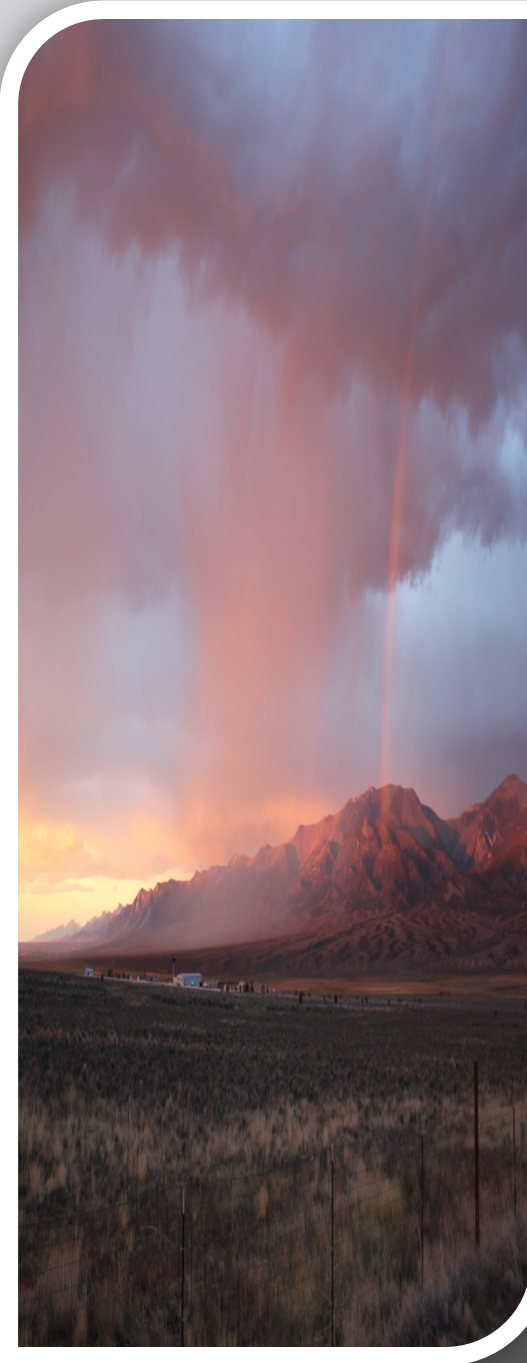
What is a Brownfield?

- The EPA defines a brownfield as “real property, the expansion, redevelopment, or reuse of which may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant.” Common contaminants include:
 - Asbestos
 - Lead-based paint
 - Oil, gasoline, diesel and kerosene
- Can be hazardous to the environment and community safety.
- Can suppress community and economic development.



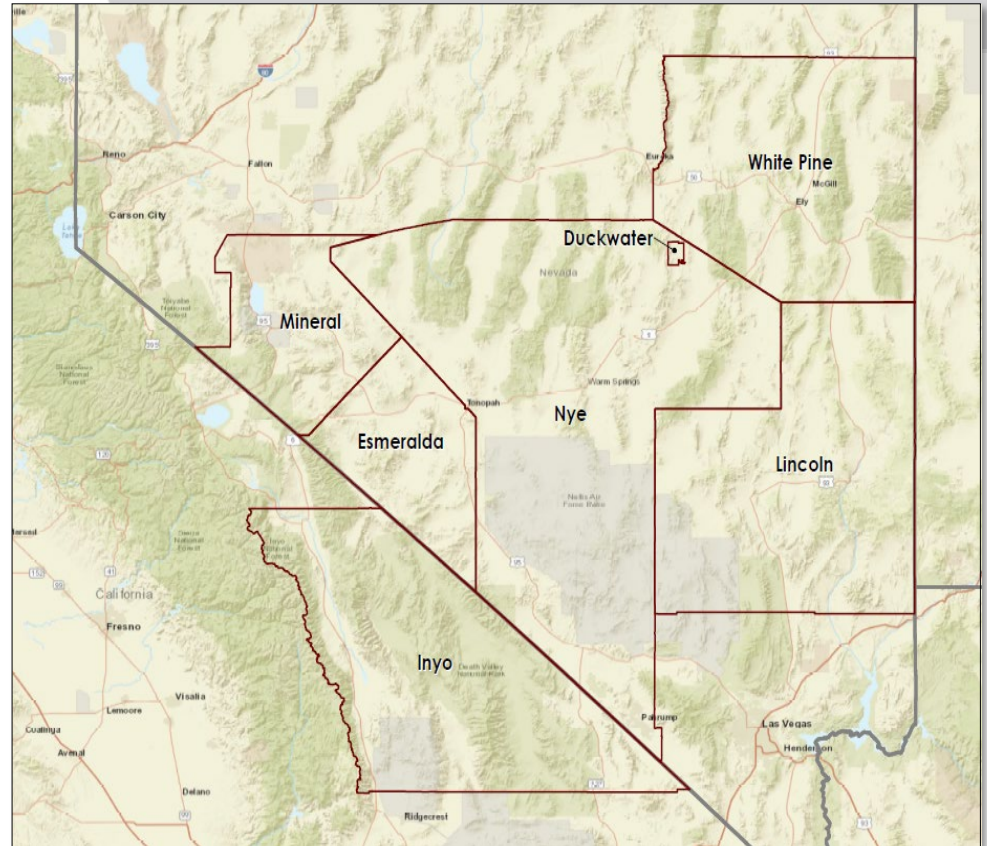
The Rural Desert Southwest Brownfields Coalition (RDSBC)

- Formed in 2011 to address environmental and economic development needs for five counties across two states.
 - Esmeralda, Lincoln, Nye, and White Pine Counties in Nevada, and Inyo County, California.
 - Awarded a \$1 million Brownfields Assessment Grant.
- Expanded in 2014 to include Mineral County.
 - Awarded \$600,000 Brownfields Assessment Coalition Grant.
- Expanded in 2016 to include the Duckwater Shoshone Reservation.
 - Awarded \$600,000 Brownfields Assessment Coalition Grant.
 - Awarded \$800,000 Revolving Loan Fund Grant.



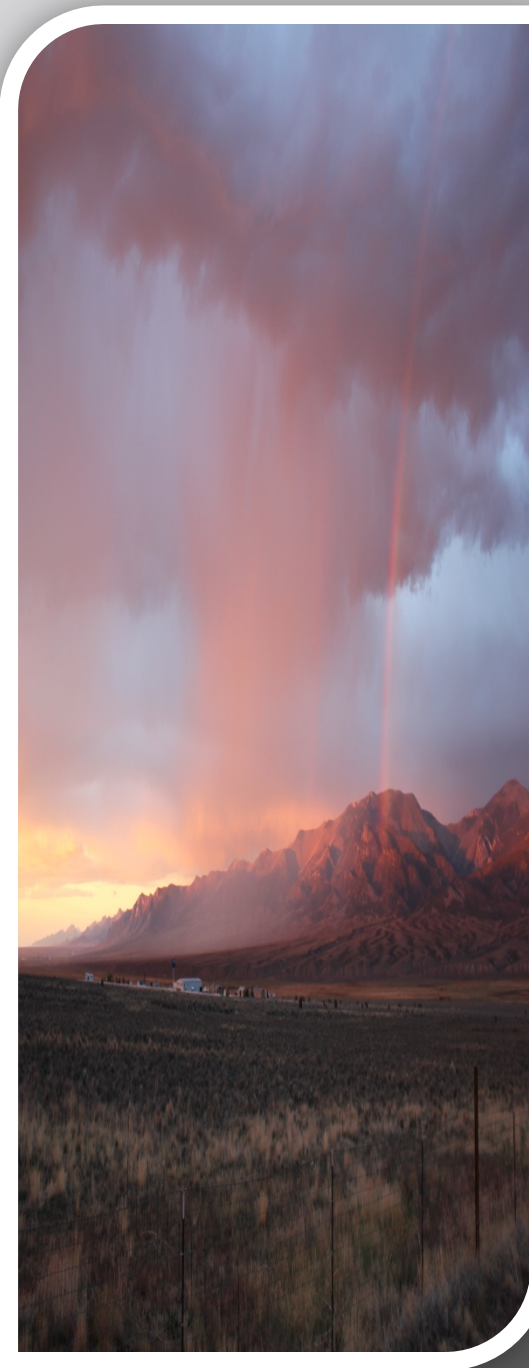
RDSBC Coalition Members

- Duckwater Reservation
- Esmeralda County, Nevada
- Inyo County, California
- Lincoln County, Nevada
- Mineral County, Nevada
- Nye County, Nevada
- White Pine County, Nevada



Goals and Objectives

- Protect the health and welfare of the population.
- Protect the environment.
- Promote economic development and job creation.
- Promote economic development and diversification through water-efficient renewable energy, testing and manufacturing facilities, innovative agriculture, and tourism opportunities.



Measures of Success

Measures	Grant Goals (2017-2020)	RDSBC Actual	White Pine Actual
Site List	3 (1 initial list and 2 annual updates)	3	NA
Site eligibility forms completed (by parcel)	10	24	7
ACRES Forms (by parcel)	10	17	5
Phase I ESAs (by parcel)	10	16	5
Sampling and Analysis Plans (including in progress, by parcel)	8	6	2
Phase II ESAs (including in progress, by parcel)	8	6	4
Area Wide Plan	1	1	NA
Updated Coalition Maps	22 (1 Coalition map, 3 per coalition member)	7	0
Website Updates	3	1	NA
Quarterly Meeting Agendas and Summaries	12	7	NA
Public Outreach Meetings (including in progress)	14	19	3
Communication Plan/Public Outreach Plan	1	1	NA

Since 2011, \$387,203 in grant dollars have been spent on White Pine County grant deliverables.

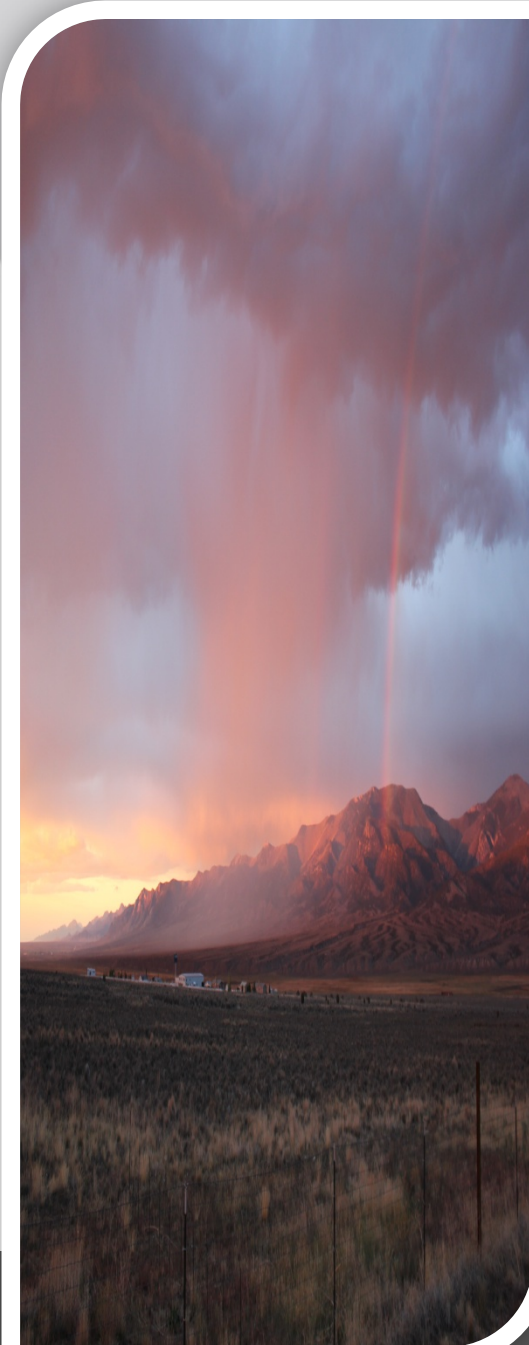
What are Phase I & Phase II Environmental Site Assessments?

Purpose of a Phase I & Phase II ESA:

- Investigate the presence or potential presence of hazardous contamination of a property.
- Evaluate environmental liability.
- Minimize environmental risks before acquiring the property.

Phase I ESA:

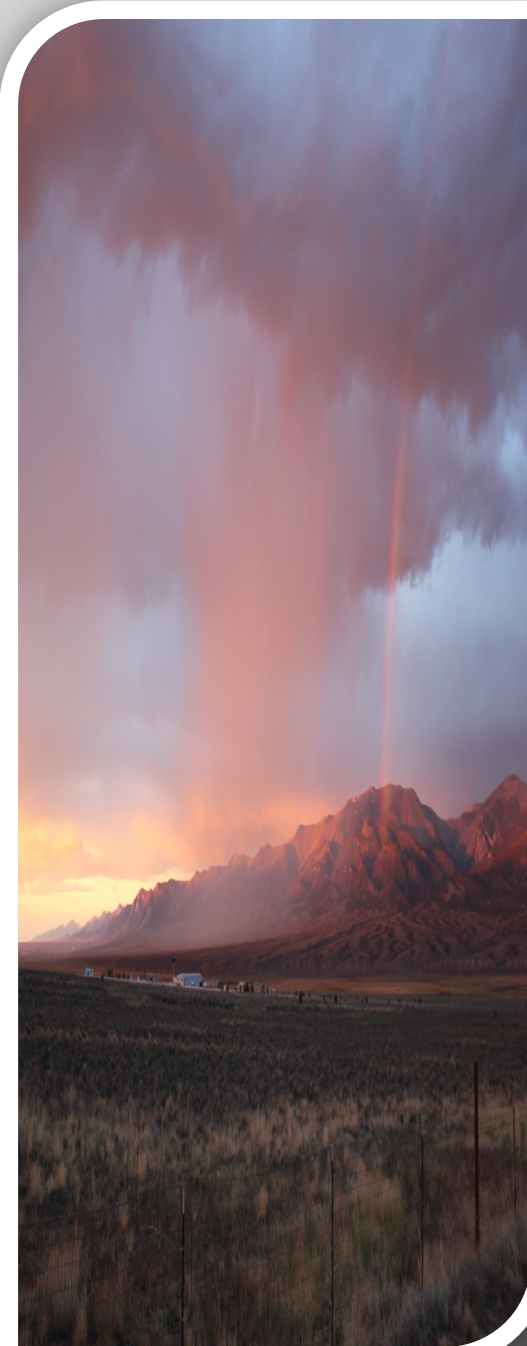
- Involves comprehensive interviews and research on the past and current use of the property.
- A non-intrusive, visual environmental inspection of the property is conducted. No sampling is done in a Phase I ESA.



What is a Phase I & Phase II Environmental Site Assessment?

Phase II ESA:

- Necessity is based on the findings of the Phase I ESA.
- Could include potentially intrusive sampling and/or testing of:
 - Surface and sub-surface soil
 - Potential asbestos containing materials
 - Groundwater
 - Mold
 - Potential lead-based paint



Ely Hotel Bar

Location: 765 East Aultman Street, Ely, Nevada 89301

Description:

- A 0.12-acre parcel comprised of a 3,230-square-foot hotel-bar with a basement.

Challenges:

- The Phase II completed February 2020 identified asbestos-containing materials and lead-based paint.

Accomplishments:

- Completed Phase I Environmental Site Assessment in February 2020.
- Completed Phase II Environmental Site Assessment in February 2020.

Future Plans:

- The current property owners have expressed they would like to redevelop this facility through the Brownfields Program.



Plaza Hotel

Location: 795 Aultman Street, Ely, Nevada 89301

Description:

- A 0.17-acre parcel comprised of a 15,000-square-foot, two-story hotel building with a basement.

Challenges:

- The Phase II completed in February 2020 identified asbestos-containing materials, lead-based paint, mold, and potential biological hazards.

Accomplishments:

- Completed Phase I Environmental Site Assessment in June 2019.
- Completed Phase II Environmental Site Assessment in February 2020.

Future Plans:

- The current property owners have expressed they would like to redevelop this facility through the Brownfields Program.



Centennial Fine Arts Center

Location: 910 Aultman Street, Ely, Nevada 89301

Description: A 0.17-acre parcel comprised of a two-story 6,728-square-foot building with a 3,768-square-foot basement. This property was listed on the National Register of Historic Places in 1993.

Challenges:

- The Phase II February 2020 identified asbestos-containing materials, lead-based paint, and mold.

Accomplishments:

- Completed Phase I Environmental Site Assessment in January 2020.
- Completed Phase II Environmental Site Assessment in February 2020.
- The Centennial Fine Arts Center was approved to receive a sub-grant to facilitate cleanup and redevelopment.



Avenue O Alleyway

Location: A portion of Avenue O between East 8th and East 9th Streets, Ely, Nevada 89301.

Description:

- A 0.32-acre parcel with no improvements used as a public right-of-way.

Challenges:

- Suspected hazardous substances/petroleum contamination as this right-of-way was being used by industrial trucking businesses.

Accomplishments:

- Phase I completed in June 2019 identified no evidence of recognized environmental conditions associated with the property.



The 50 Club

Location: 3733 North US Highway 93, Ely, Nevada 89301

Description:

- A 17.21-acre parcel that included a hotel-bar, a single-story residence, a two-story residence, a pump house, a garage, a workshop, a storage shed, and portions of the Nevada Northern Railway.

Challenges:

- The Phase I completed in May 2019 identified potential asbestos-containing materials, lead-based paint, mold, and biological hazards.
- Possible soil contamination due to soil staining, deteriorated tanks and piping, and a burning pit.
- Possible vapor encroachment due to oil tank storage in the basement.
- Inaccessible underground containments.

Accomplishments:

- Completed Phase I Environmental Site Assessment in May 2019.

Future Plans:

- The parcel is a Treasurer's Trust site and will potentially be listed and sold at auction.



Ely Grade School

Location: 622 High Street, Ely, Nevada 89301

Description:

- Three story (two above-ground and one basement) building that was used as a school until 1995. Vacant since 1995.

Challenges:

- Asbestos-containing building materials, lead-based paint, petroleum, and dioxins were identified through the Phase I and Phase II process.
- Facilitating redevelopment among stakeholders with different goals.

Accomplishments and Lessons Learned:

- RDSBC coordinated with Nevada Rural Housing Authority, which was interested in purchasing property for redevelopment as an assisted living facility.
- Develop documentation to ensure property redevelopment is not stymied by competing interests of stakeholders.



McGill Library (Kinnear Library)

Location: 4 North Fourth Street, McGill, Nevada 89318

Description:

- Built in 1940 and originally owned by the Kennecott Mining Company, was donated to White Pine County in 1977.
- Historically used as town hall, American Legion, and for Emergency Medical Technician meetings, and for volunteer Fire Department meetings and training.

Challenges:

- A Phase II completed in 2014 identified asbestos-containing materials and lead-based paint.
- There may also be petroleum contamination resulting from past use of a heating oil tank and boiler.

Accomplishments:

- Completed Phase I Environmental Site Assessment in April 2013.
- Completed Phase II Environmental Site Assessment in July 2014.
- Submitted a letter to the State Historic Preservation Office (SHPO) requesting review of the site and all associated assessment and remediation work.
- Remodeling activities are in development.



McGill Ball Park

Location: 56 South 4th Street, McGill, Nevada 89318

Description:

- An abandoned ball field and park facility adjacent to the McGill Elementary School.
- The park was constructed by Nevada Consolidated Copper in the early 1900s, providing its employees with a place for recreational activities.

Challenges:

- Building materials used during renovations contained asbestos and lead-based paint.
- Polychlorinated biphenyls (PCBs) were present within the eight dilapidated lighting transformers on the property.

Accomplishments:

- The RDSBC has succeeded in beginning the McGill Ball Park cleanup.
- The McGill Ball Park has undergone State Historic Preservation Office (SHPO) review.
- Renovation activities utilized Nevada Brownfields Program, RDSBC, and Southern Nevada Public Land Management Act (SNPLMA) funds.
- A portion of the Ball Park is open for public use by the Little League.



Central Ely School

Location: 295 Ely Avenue, Ely, Nevada 89301

Description:

- Single parcel with one building with finished basement constructed in 1920.
- Historically used as a school and for Girl Scout activities.

Challenges:

- Phase I completed in June 2016 identified potential asbestos-containing materials, lead-based paint, mold, and a potential underground storage tank.
- Failing structural integrity poses immediate threat to health and human safety.

Future Plans:

- There is interest in redeveloping this site as a community park.
- The RDSBC will facilitate coordination between relevant stakeholders for redevelopment.



Hughes Parcels (001-271-03 and -04)

Location: South of U.S. Highway 50 and west of 1st Street, Ely, Nevada 89301

Description:

- Two vacant parcels adjacent to former nunnery and west of Ely City Park.
- Locally used as a trailhead for the WP trail.

Challenges:

- White Pine County held the property in treasurers trust from 2014.
- Phase I completed in June 2016 identified no recognized environmental conditions.

Accomplishments:

- Both parcels sold during the White Pine County Land Auction in 2016.
- Being used by residents as a trailhead and picnic area.



Pearce Addition (005-341-17 and -18)

Location: Michigan Avenue and Madison Avenue, Ely, Nevada 89301

Description:

- Two vacant, undeveloped parcels on the former “Old White Pine County Landfill.”

Challenges:

- NDEP conducted a Phase I for each parcel and verified one parcel was scraped of landfill material and one parcel was capped with landfill material during remediation of the Old White Pine County Landfill.

Accomplishments:

- Both parcels sold during the White Pine County Land Auction in 2016.



Additional Sites of Interest

The RDSBC is working with the member-counties to identify potential brownfields.

Input from community leaders and community members regarding potential sites, and how the community would like to see them redeveloped, is always welcomed.



Nevada Conferences

Nevada Economic Development Conference

- September 12th and September 13th, 2017
- August 26th through August 28th, 2019

Nevada Association of Counties (NACO) Conference

- September 26th through September 28th, 2017
- November 13th through November 15th, 2018
- November 17th through November 19th, 2019



2019 National Brownfields Conference

- December 11th through December 13th, 2019.
- A conference in Los Angeles, California, that provided opportunities for networking and over 125 educational sessions.
- Eileen Christensen (BEC Environmental, Inc.) participated in a panel discussion on utilizing brownfields for renewable energy expansion.



2018 Writers of the Best ARC Webinar

- Held on June 6th, 2018, and organized by:



- Inspired by community willingness to participate in brownfields programs, presented grant-writing advice in this webinar to coalition builders around the country.
- Provided guidance to other communities to apply for ARC grants.

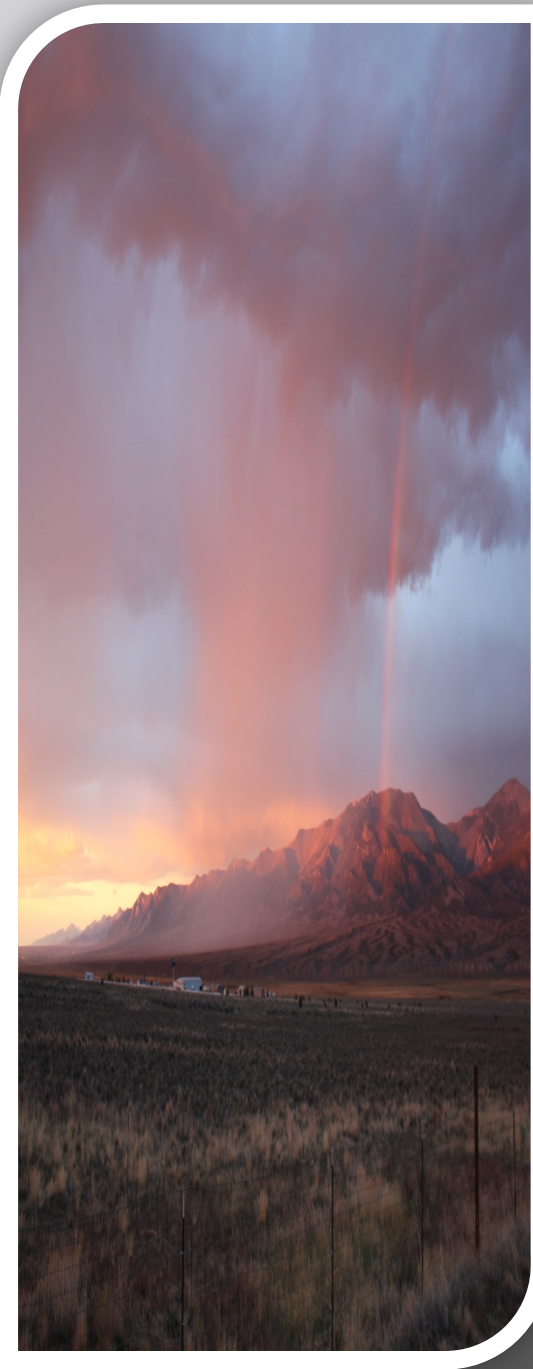


RDSBC Website

The RDSBC website was updated as a resource for the public and coalition members. The website provides a variety of information including:

- An overview of the RDSBC, brownfields, and renewable energy factors in the RDSBC.
- An overview of each county and county-specific renewable energy factors.
- Detailed information and documentation for each brownfields site participating in the RDSBC.
- RDSBC meeting information.
- News on upcoming brownfields events.

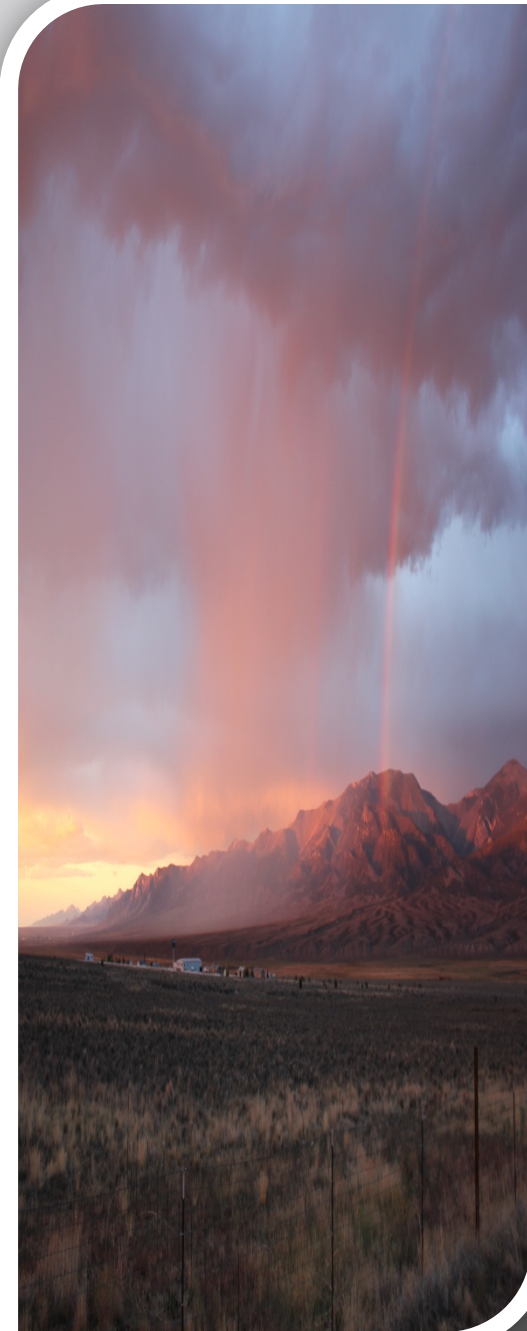
<http://www.rdsbc.org/>



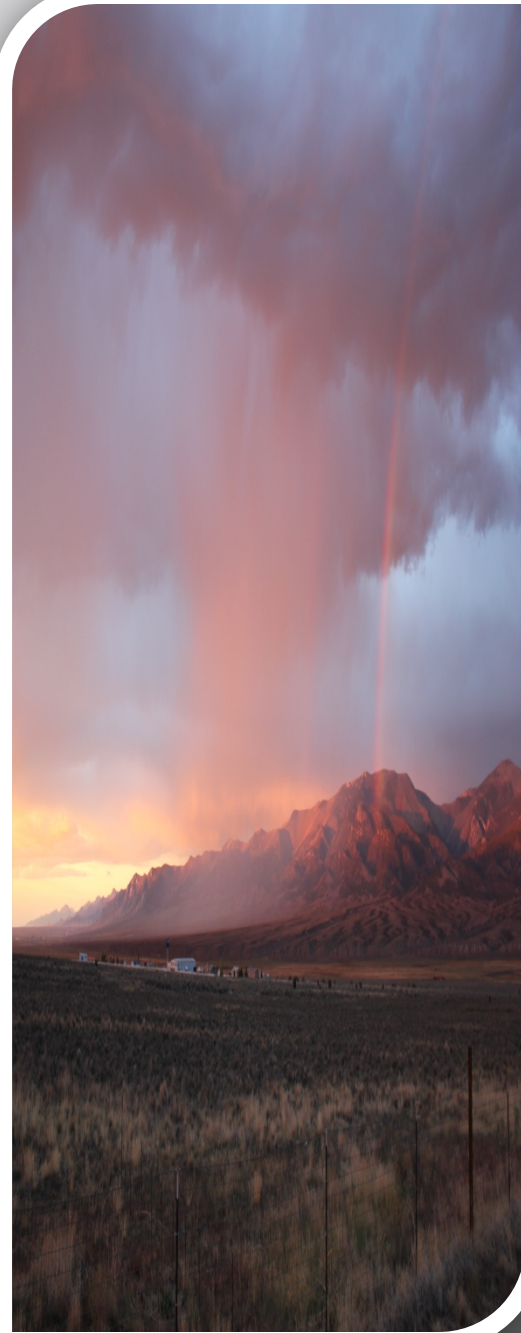
Stakeholder Participation

Participation by community members is the most effective method to identify sites that have the greatest potential to benefit the community through assessment, cleanup, and redevelopment.

The RDSBC welcomes input on potential brownfields sites by the public, community organizations, and community leaders. It is through this collaboration that the RDSBC will provide the most assistance to communities and the program will achieve the most success.



Questions





Arnold Knightly
Nye County
Public Information Officer
Phone: (775) 751-4282
aknightly@co.nye.nv.us

Thank You