



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.

September 26, 2019 5:00 p.m. – Bristlecone Convention Center – 150 6th Street - Ely, Nevada.

NOTE LOCATION CHANGE FOR THIS MEETING!

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 ATTORNEY
- CITY PUBLIC WORKS SUPERVISOR
- CITY ENGINEER
- CITY BUILDING OFFICIAL

5. REPORTS

CITY COUNCIL
MAYOR

6. ITEMS FOR DISCUSSION/POSSIBLE ACTION ONLY OF THE ELY CITY COUNCIL.

1. Mayor Robertson – [Discussion/For Possible Action](#) – Acceptance of Sam Hanson’s resignation as a Member of the Ely City Council, Seat 5.
2. Mayor Robertson – Discussion/For Possible Action – Election to fill Ely City Council Seat 5; Nominees for seat: Michelle Beecher.

7. SWEARING IN NEWLY APPOINTED OFFICER BY CITY CLERK

1. Council Member Seat 5 – Term, pursuant to the passage of Assembly Bill No. 50, until City elections are held in November 2022.

8. ITEMS FOR DISCUSSION/POSSIBLE ACTION ONLY OF THE ELY CITY COUNCIL.

1. Mayor – Council Members – [Discussion/For Possible Action](#) – Election of one City Council Member to serve as Mayor Pro Tem, per City Code 1-5-3.

9. THE MAYOR WILL RECESS THE REGULAR CITY COUNCIL MEETING FOR A PUBLIC HEARING AT 5:30 P.M. ON THE FOLLOWING TOPICS.

1. Chairman Peeler – Public Hearing – [Discussion Only](#) - Consideration of a proposed Petition for a Vacation or Abandonment of Road or Easement. The proposed property abandonment is ½ of alley way, to the west of 1083 Canyon Street, Ely, NV (APN 001-342-03) and 4th Avenue, south of the property. The Petitioners are Daniel D Daugherty and Susan P Gray.
2. Chairman Peeler – Public Hearing – [Discussion Only](#) - Consideration of a proposed Variance Application. The Applicant, White Pine County, desires to construct a multi-story [Justice Center](#), which will exceed the allowed 35’ maximum height limitation. The property address is 1785 Great Basin Boulevard, Ely, NV (APN-002-280-15).

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

1. Chairman Peeler – [Discussion/For Possible Action](#) - Consideration of a proposed Petition for a Vacation or Abandonment of Road or Easement. The proposed property abandonment is ½ of alley way, to the west of 1083 Canyon Street, Ely, NV (APN 001-342-03) and 4th Avenue, south of the property. The Petitioners are Daniel D Daugherty and Susan P Gray.
2. Chairman Peeler – [Discussion/For Possible Action](#) - Consideration of a proposed Variance Application. The Applicant, White Pine County, desires to construct a multi-story [Justice Center](#), which will exceed the allowed 35’ maximum height limitation. The property address is 1785 Great Basin Boulevard, Ely, NV (APN-002-280-15).

11. ITEMS FOR DISCUSSION/POSSIBLE ACTION OF THE ELY CITY COUNCIL AS RECOMMENDED BY THE CITY PLANNING COMMISSION.

1. Chairman Peeler – Gregory D. Rivero, PLS, WRS – [Discussion/For Possible Action](#) – Approval of [Parcel Map](#) for property located at 1400 East 13th Street (APN 002-271-11), Ely, Nevada, owned by Derbidge Family Trust.
2. Commission Members – Councilman Alworth – Discussion Only – Consideration to allow designated mobile home parks within the City of Ely to have RV trailers parked within their confines during the construction phase of the NDOT highway project.

12. 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 12A-1 Minutes and 12A-2 Bills.

Moved by: _____ Second by: _____ Vote: _____

1. Discussion/For Possible Action –Minutes.
 - May 16, 2019
 - June 10, 2019
 - June 13, 2019
 - June 26, 2019
 - June 27, 2019
 - July 11, 2019
 - July 25, 2019
 - August 8, 2019
 - August 22, 2019
2. Discussion/For Possible Action –Bills.
 - [September 11, 2019](#)

B. NEW BUSINESS

1. Mayor Robertson – Mary Kerner – [Discussion/For Possible Action](#) – Approval of Proclamation declaring the week of October 20-26, 2019 Red Ribbon week in the City of Ely.
2. Mayor Robertson – City Clerk Lee – [Discussion/For Possible Action](#) – Approval to move the November and December 2019 City Council, Municipal Utilities Board and City Planning Commission meetings to November 7th/21st and December 5th/19th, due to the Northeastern Nevada Regional Development Authority Comprehensive Economic Development Strategy workshop in Ely on November 14, 2019 and the Thanksgiving/Christmas Holidays.
3. Mayor – Council Members – City Clerk Lee – Discussion/For Possible Action – Approval to add one City Council Member on the signature cards for the City’s accounts at *First National Bank of Ely*, due to the resignation of former Ely City Council Member Sam Hanson.
4. Councilman Flangas – Public Works Supervisor Cracraft – [Discussion/For Possible Action](#) – Approval to expend up to \$12,000.00 from Account 30-40-700 Capital Outlay in the Capital Project Fund to repair the roof on the Broadbent Park restrooms.

13. 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".

14. 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 **September 23, 2019** at **8:00 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>.

