



CITY OF ELY

501 Mill Street Ely, Nevada 89301
City Hall (775) 289-2430
Cityofelynv.gov

ELY CITY COUNCIL REGULAR MEETING

July 25, 2024, 5:00 p.m. – Ely Volunteer Fire Hall – 499 Mill Street – Ely, Nevada

1. Mayor Robertson called the regular meeting of the Ely City Council to order at **5.00 P.M.** Harry Rhea offered an invocation. Mayor Robertson led in the Pledge of Allegiance and asked for Roll Call.

Members present:

Mayor Nathan Robertson
Councilman Terrill Trask
Councilman Kurt Carson
Councilwoman Samantha Elliott
Councilman Jim Alworth
Councilwoman Jerri Lynn Williams-Harper

City Officials and staff present in the building or via video conference:

City Clerk Jennifer Lee
City Treasurer – HR Director Janette Trask (Zoom)
City Public Works Director Mike Cracraft
City Fire Chief Pat Stork
City Engineer B.J. Almberg
City Building Official Don Hendrickson
City Police Chief Scott Henriod
City Attorney Shain Manuele (Zoom)
City Municipal Court Judge Mike Coster (Zoom)
City Administrative Assistant Patti Cobb

Also, in attendance: Members of the public in attendance at the Ely Volunteer Fire Hall signed in (appears below) and the following people attended via video conference: Geri Wopschall, Laura Fussell, Julie Baca, Eugene Harper, and Mary Kerner.

ELY CITY COUNCIL ATTENDANCE LIST

DATE: July 25, 2024

Print name below

TERRY & LINDA McINTOSH
Kerri Fintar
Carl Jackson
Mishon Hurst
Bill Wolf
Mitch Malicars
Jessica Hendrickson
George Chachas
Dean Reynolds
Dennis Pedersen
Saint Vincent
Rob City

Print name below

2. PUBLIC COMMENT

Kerri Pintar
1417 Mill Street

New Business Items #3 & 4 - Performance Evaluations for Public Works Director (Mike Cracraft) and City Building Official (Don Hendrickson). As you all know, I turned out for the majority of these evaluations in 2023 and now beginning again in 2024, I'm back. My stance on acknowledging these hard-working individuals that serve this board and the residents of the City of Ely is unwavering.

I learned a lot about the due process given to employees last year in that they receive questions in advance of the meeting so they may prepare answers, etc. That said, I hope tonight's evaluations are not a repeat of last year's personal attacks, such as what Treasurer Trask was subjected to, and this board is going to focus on positivity in respect to each of these department heads for a job well done.

Tonight is NOT a forum to tear down these individuals because some of you may have a personal agenda or dislike for Mike or Don; Don was subjected to that yesterday at the County Commission Meeting. Let cooler heads prevail tonight and going forward. I suspect many, if not all of the questions to be asked and answered tonight have already been asked and answered in prior council meetings so why must we continually revisit them again, again, and again?

This is your opportunity, tonight, and once a year, to communicate your appreciation for their achievements and award equal compensation across the board for all supervisors with a COLA and/or merit increase as we begin what you make a very tedious process. These supervisors should not have to stand before you and ask for an increase, you should

acknowledge their continued efforts to keep the City of Ely running as smoothly as they do. It takes a village and both Mike and Don are an integral part of the day-to-day operations and should be recognized for their part in doing so.

In his official capacity as the Public Works Director, I would like to personally offer my sincere appreciation for Mike in his continued efforts to bring our roads in East Ely up to a better standard; especially those in front of Dr. Todd's office. Having worked there since 1998, I'm can't remember ever having the road be so smooth and I'm excited to see the upper East Ely roads receive similar attention before the snow flies.

And while Don is relatively new and my interaction with him limited thus far, I'm sure he will be an asset guiding me thru the building process on Bell Avenue. These two gentlemen are resources in this community and it's your job to recognize them as such.

Please keep your questions above board tonight and don't allow this to be a bitch session. Gratitude and appreciation for working together should remain the focus of this meeting, tonight's evaluation process, and those meetings and evaluations yet to come.

Terri McIntosh stated I am here to speak about the revision to the ATV Ordinance, which is number 728. Some of you might remember when we started working on this Ordinance in 2017, and I think we finally finalized it in 2020. One of the items that is on the floor tonight is removal of anyone under sixteen and without a driver's license. I just want to say that it's kind of a sad thing that we had to do that because we had these kids in mind when we drafted this Ordinance. It seems that the kids, along with their parents, blew it. They failed because they didn't provide the supervision of the eighteen-year-old licensed drivers. It's about accountability and starts

with the parents. I just talked to the Sheriff, and he said, there are penalties that can be imposed, and I hate to see that happen, but it all starts with accountability at home.

George Chachas stated on your agenda item 8B-6 regarding the White Pine County Chamber of Commerce, the City Council has no business using taxpayers' dollars to fund a private club that promotes only its members and no other businesses. The Council is funding an entity that excludes businesses and individuals. Members of the Council that are also members of the Chamber of commerce are intentionally violating the ethics laws that pertain to using taxpayers' dollars to benefit themselves. The Council needs to remove the City from any membership that does not assist all citizens and all businesses. On your agenda item 8B-7, under Article 2, the City agrees regarding page four and I want to know who inspects. I don't want a repeat of the Great Basin Boulevard Project screw-ups that took place and have yet to be corrected to date. On page five, item number twenty-one under the acceptance of maintenance responsibilities; I wonder if the sidewalks, curb, and gutter are going to be made out of concrete, and not asphalt. We want a good job for that kind of money, and we need ADA compliance. On your agenda items 8B-3 and 8B-4 I want to know what is going to be done regarding the seven hundred block of Avenue G, which is in far worse shape than the fourteen hundred block of Avenue G that was recently paved. What about the plugged drain located between Napa and my properties that has been going on for three years. You took care of an individual overnight and I want the same consideration. I am concerned about the disposal of hazardous waste behind 211 South Street. I have a picture that shows it may have been removed, or it was put in the ravine, which makes it even worse. What about the blighted property at 408 High Street? You have an individual that's going to be building a brand-new home and yet you've got an individual that was on the planning commission for years and hasn't corrected it; selective enforcements have got to stop. I'm also concerned about the code violations by Shane Bybee at 1100 Avenue L. He wanted a variance on the front so he could build his garage. It was passed by four members, not by me, and then he put the awning that was in the front in the back. The awning needs to be torn down and his garage needs to be put back or shoved back so that it meets the fifteen-foot minimum.

3. Mayor – Discussion/For Possible Action – Approval of Agenda, including removal of agenda items.

Councilman Carson moved to approve the agenda as presented. Councilman Trask seconded the motion. The motion carried unanimously.

4. CITY DEPARTMENT REPORTS

➤ CITY ATTORNEY

City Attorney Manuele stated I just want to update the Council. I apologize for not being present today. When I was contracted for this position my July and August were already pretty much filled up with places and areas I needed to be at. August looks much better, and I do intend on being there in person for the August meetings. I am happy to continue to work with everyone. I have my email up and running and have been reviewing and getting up to speed on everything that I need to assist the City.

➤ CITY CLERK

City Clerk Lee stated on July 16th Administrative Assistant Cobb, and I attended NDOT's Kickoff meeting on tonight's TAP Campton Street Improvement Grant. They explained that the City can expect at least a year and a few months before the project's put out to bid. If there's no rights of way issues. If there are, that could add a couple years. So, it's definitely a slow process, but they're assisting us quite a bit. We prepared the Fire Station Solar Panel Project bid, and that will be on the Council's agenda for the 22nd of August to be awarded.

➤ CITY TREASURER

Councilman Alworth asked Treasurer Trask could you give us an update on the recent meeting you attended with Desiree about PERS. It would be nice to know if there are any changes, or what the meeting was about. Just a quick two-minute presentation, or something.

City Treasurer Trask stated I didn't attend that; Desiree went by herself.

Councilman Alworth stated okay, I'm sorry I was told you were there also. I think in the future, Mr. Mayor, when the Council goes somewhere such as the League of Cities or whatever when we come back, we need to give an update and when we send employees to these conferences or trainings, they need to do the same back to us so everybody's up to speed of changes.

➤ **CITY PUBLIC WORKS DIRECTOR**

Councilman Alworth asked on your last report Mike, the new utility truck for the parks and cemetery has been ordered, and they tell you there's no known delivery.

City Public Works Director Cracraft stated it is the bed. We always have a problem getting the bed.

Councilman Alworth stated I think we need to push because that happened a while back on another truck. We don't know where they're at. We got to push, push, push.

City Public Works Director Cracraft stated it is the same thing with the Animal Control truck.

Mayor Robertson stated the trucks are present and accounted for, we just don't have the beds.

Councilman Alworth stated I understand the animal control truck because that's got to be an air condition control box. On the street department report it says looking to purchase a dump truck for the street department. Where is that money coming from?

City Public Works Director Cracraft stated that is part of the County vehicles and we will use Public Transportation Funds.

➤ **CITY ENGINEER**

City Council Report (7/25/24)

- Parker/Stevens CDBG sewer project is complete. Finalize paperwork to close out project.
- Staff attended BABA training this week.
- Final plans with revisions are in to NDOT.
- Working on Marley CBDG EA/SHPO.
- Working on the Wastewater CATEX.
- Working on City Slurry project.
- Bell Ave CDBG project is working through the contract paperwork to get the project started.
- Reviewed MWP power bills for Well operations. Mike, Janette, and Myself will get together on ways to reduce some fees.

5. REPORTS

➤ **COUNCILWOMAN WILLIAMS-HARPER**

Councilwoman Williams-Harper stated we will be having another conference with a lot of other educators from across the State next week continuing to figure out how we can improve the education of students in our schools.

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

A. CONSENT AGENDA

Councilman Alworth disclosed I am a past member of the Ely Volunteer Fire Department, and some payments benefit the Volunteers, in which I have certain privileges by my association, but I will vote in good faith for the City of Ely.

Mayor Robertson disclosed my husband is a member of the Volunteer Fire Department and is not treated any differently than any of the others so I will not be abstaining, and I also don't vote. I just want to make the Council aware that we have been losing some checks through the post office. I think last I was notified we had lost ten or twenty. They have opened up an investigation with the post office and they are working on it.

Councilman Alworth Stated on the July 11th bills I have three questions. The check to Reck Brothers was for the job Ms. Pintar mentioned by Dr. Todd's office. Excellent job, and the City benefited greatly from that. Where does that money come from?

City Public Works Director Cracraft stated Public Transit.

Councilman Alworth stated of course that wasn't budgeted because we didn't know. Where do you think that is going to ding your Public Transit budget? I know you try to spend everything in you budget.

City Public works Director Cracraft stated we try to spend it all, actually, but we ended up with about \$32,000 left.

Councilman Alworth stated okay that's cool, I just didn't know where it was coming out of. The next question is for the Treasurer. It is to the State of Nevada, Department of PU for \$405.00?

City Treasurer Trask stated I will have to get back to you on that one.

Councilman Alworth stated and the item for The Collins Group Inc. for \$1,291.95?

City Treasurer Trask stated I will have to get back to you on that one tomorrow too.

City Fire Chief Stork stated that charge was for the flags for the poles at the Fire Station.

Mayor Robertson stated I also need to disclose that I am an employee at Reck Brothers, but once again I don't vote on this and they haven't been treated any differently than anybody else.

MOTION: Move to approve the Consent Agenda item 8A-1 Minutes and 8A-2 Bills.

Moved by: Councilwoman Williams-Harper Second by: Councilwoman Elliott Vote: Unanimous

1. Discussion/For Possible Action – Minutes.
 - July 11, 2024
2. Discussion/For Possible Action – Bills.
 - July11, 2024

B. NEW BUSINESS

1. Mayor Robertson – Mishon Hurst, Deputy Executive Director, Nevada Rural Housing– Discussion/For Possible Action – Approval of Resolution 2024-08 providing for the transfer of the City of Ely's 2024 private activity bond volume cap to the Nevada Rural Housing Authority.

Mishon Hurst, Deputy Executive Director for the Nevada Rural Housing stated we ask the Council every year for the transfer of any unused private activity bond cap to operate our single-family home ownership programs. The private activity bond cap is not cash in your budget; it is not a line item, but strictly the opportunity from the State to loan money against a qualified project. Qualified projects can include schools, hospitals, and affordable housing. We are approved through the State of Nevada to operate a single-

family first-time home buyer, home ownership program and that's what we use any unused private activity bond cap money for, and we use it only in the rural areas. I also wanted to provide the Council with some updates, in the last twelve months in Ely there have been three single family home loans using our programs for a total of \$800,000 in affordable mortgages and an additional \$51,000 in down payment assistance. In White Pine County there's an additional seven loans for \$1.6 million dollars in mortgages and a little over \$70,000 in down payment assistance. Again, that is just the activity in the last twelve months. We have seen a decline in the program activity overall because of the market conditions. We are excited to announce we have a new program that just launched a couple of days ago called Launchpad. It is also funded through the private activity bond cap. It offers a 6.125% locked interest rate and \$25,000 in down payment assistance. On the first day of opening that program statewide, we had a loan in the City of Ely lock in that day. We're very excited about that program and hope that it will alleviate some of the high-interest rate market conditions that we're seeing right now in the private market. We're seeing interest rates over 7.25%, with no down payment assistance. So, we're very excited to be able to offer 6.125% with \$25,000 for down payments. I would be happy to answer any questions.

Councilwoman Williams-Harper asked can you tell me how much money you're asking us to transfer?

Mishon Hurst, Deputy Executive Director for the Nevada Rural Housing stated the resolution is for \$243,503.75.

RESOLUTION NO. 2024-08

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELY, NEVADA PROVIDING FOR THE TRANSFER OF THE CITY'S 2024 PRIVATE ACTIVITY BOND VOLUME CAP TO THE NEVADA RURAL HOUSING AUTHORITY; AND OTHER MATTERS RELATED THERETO

WHEREAS, pursuant to the provisions of Chapter 348A of the Nevada Revised Statutes ("NRS") and Chapter 348A of the Nevada Administrative Code ("NAC"), there has been allocated to the City of Ely in White Pine County, Nevada (the "City," "County" and "State," respectively), the amount of \$243,503.75 in tax-exempt private activity bond volume cap for year 2024 (the "2024 Bond Cap"); and

WHEREAS, the Nevada Rural Housing Authority (the "NRHA"), has requested that the City transfer its 2024 Bond Cap to the NRHA for the purpose of providing a means of financing the costs of single-family residential housing that will provide decent, safe and sanitary dwellings at affordable prices for persons of low and moderate income ("Single Family Programs"); and

WHEREAS, the City is a local government as defined by NAC 348A.070; and

WHEREAS, Section 348A.180 of the NAC provides a procedure whereby the City may, by resolution, transfer to any other local government located within the same county, all or any portion of its 2024 Bond Cap; and

WHEREAS, pursuant to NRS 315.983(1)(a), the NRHA is an instrumentality, local government and political subdivision of the State; and

WHEREAS, the NRHA is located within the County, pursuant to NRS 315.963, which defines the NRHA's area of operation as "any area of the State which is not included within the corporate limits of a city or town having a population of 150,000 or more."

NOW, THEREFORE, the City Council of the City does hereby find, resolve, determine and order as follows:

Section 1. Recitals. The recitals set forth herein above are true and correct in all respects.

Section 2. Transfer of Private Activity Bond Volume Cap. Pursuant to NAC 348A.180, the City hereby transfers its 2024 Bond Cap in the amount of \$243,503.75 to the NRHA for its Single-Family Programs.

Section 3. Use of 2024 Bond Cap. The NRHA will use the 2024 Bond Cap for single family purposes in calendar year 2024 or carry forward any remaining amount according to the Internal Revenue Code of 1986, as amended, for such purposes.

Section 4. Representative of City. Pursuant to NAC 348A.180(1), the Director of the State of Nevada Department of Business and Industry (the "Director") may contact Jennifer Lee, City Clerk, City of Ely, regarding this Resolution at (775) 289-2430 or by email at cityclerk@cityofelynv.gov or in writing at 480 Campton Street, Ely, Nevada 89301.

Section 5. Additional Action. The Mayor and Clerk of the City are hereby authorized and directed to take all actions as necessary to effectuate the transfer of the 2024 Bond Cap, and carry out the duties of the City hereunder, including the execution of all certificates pertaining to the transfer as required by NAC Ch. 348A.

Section 6. Direction to the NRHA. The NRHA shall notify the Director in writing as soon as practicable of the occurrence or nonoccurrence of any term or condition that would affect the disposition of the 2024 Bond Cap.

Section 7. Representative of the NRHA. Pursuant to NAC 348A.180(3), the Director may contact Shawn Heusser, Director of Finance of the NRHA regarding this Resolution at (775) 886-7913 or by email at sheusser@NVRural.Org or in writing at Nevada Rural Housing Authority, 3695 Desatoya Drive, Carson City, Nevada 89701.

Section 8. Obligation of the City. This Resolution is not to be construed as a pledge of the faith and credit of or by the City, or of any agency, instrumentality, or subdivision of the City. Nothing in this Resolution obligates or authorizes the City to issue bonds for any project or to grant approvals for a project or constitutes a representation that such bonds will be issued.

Section 9. Enforceability. If any section, paragraph, clause or provision of this Resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Resolution. This Resolution shall go into effect immediately upon its passage.

ADOPTED, SIGNED AND APPROVED this ____ day of _____, 2024.

CITY OF ELY, NEVADA

By _____
Nathan Robertson, Mayor

ATTEST:

By _____
Jennifer Lee, City Clerk

Councilwoman Williams-Harper asked in asking us to transfer that, that means that there is no way to use it here in Ely or White Pine County by transferring it. I'm want to make sure I'm understanding the process.

Mishon Hurst, Deputy Executive Director for the Nevada Rural Housing stated I completely understand; it's a complicated process. The State allocates to each local jurisdiction private activity bond cap that is allowed to be used by that jurisdiction for an allowable purpose and it's based on your city or county's population. It's not cash, it's just the ability to loan that dollar amount to a qualified project at a good interest rate. We use that for single family homeownership loans. We're using more than you've transferred through the City in down payment assistance this last year. What we do is pool any unused amounts of the counties together and it's only used in the rural areas of the State. Some years you use more and some years you might use less; it just depends on the market.

Councilwoman Williams-Harper asked what I'm understanding is there is not a need in the County here for us to use that?

Mishon Hurst, Deputy Executive Director for the Nevada Rural Housing stated I'm not sure if the City has any uses that they've proposed to the State. We just ask if there is not a use that you transfer it to us. If it's not used or transferred to us by August 30th then it reverts to the State. The State typically uses any of those unused funds for projects in Clark or Washoe County.

Councilman Carson moved to approve Resolution 2024-08 providing for the transfer of the City of Ely's 2024 private activity bond volume cap to the Nevada Rural Housing Authority. Councilwoman Elliott seconded the motion. The motion carried unanimously.

2. Mayor Robertson – Discussion/For Possible Action - Approval to participate in the Outcome Based Grazing John Uhalde & Co. Term Permit Renewal Environmental Assessment as a cooperating agency.

Councilman Alworth stated my question is what's the city doing with all this grazing? We don't do any of it in the city.

Mayor Robertson stated we don't, but my understanding is this is similar to the EA's that the mines do where we're just a possible affected local participant. They say, hey, do you guys want a seat at the table. We say sure because they are required to do these assessments with the local communities. This allows us, if we have something to say, to say, which we typically don't, except for sounds great, go for it. This just allows us to have that say if we want to.

Councilwoman Williams-Harper asked do they send us an annual report?

Mayor Robertson stated this is an environmental assessment process that they go through with the BLM. The BLM makes them reach out as part of the process to affected communities, whether that's tribes or cities located within a certain distance. They don't necessarily report to us, we're just being asked to be part of the discussion.

Councilman Trask moved to approve participation in the Outcome Based Grazing John Uhalde & Co. Term Permit Renewal Environmental Assessment as a cooperating agency. Councilwoman Elliott seconded the motion. The motion carried unanimously.

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

1. Council Members – City Attorney Manuele – White Pine County Sheriff Henriod – Public Hearing - Discussion Only – Approval of second reading of Ordinance 758, Bill No. 2024-04, an ordinance amending Title 6, Chapter 12, Section 5 pertaining to “Off Highway Vehicles” by removing Section 5(A)(1) and (B) permitting drivers with instruction permits and minors under the age of 16 with adult supervision to operate Off Highway Vehicles within city limits.

Mitch McVicar stated I actually don't live in the City, but my kids do ride in the City limits on their bikes and I wouldn't want to see any of this Ordinance in any matter limiting the kids. There's not a lot to do here and that's more of a parenting issue. The parents of the kids that are in trouble know about it; they are just not handling the situation. I just as soon see this go away. Thank you.

Carl Jackson stated I just have a couple of questions on this Ordinance. You guys have in here OHV use for thirty minutes before daylight and thirty minutes after dark or after sun set. You have it as OHV's whether it's plated or insured. Are you talking about side by sides, ATV's and motorcycles?

Mayor Robertson stated I think it applies to all of them, but I could be wrong.

Carl Jackson stated I think that needs to be clarified.

Councilman Alworth stated it says operator of OHV or UTV.

Mayor Robertson stated I think it is all of them because I don't think a lot of those side by sides have the same kind of lighting that cars do. They don't have side lights or other required lights and so that's why that was included in there.

Carl Jackson stated if I'm coming off the mountain at eight o'clock at night and I get to the city limits, I can't drive home?

Mayor Robertson stated Well, if it's June, you're probably okay. If it's January you're probably not.

Terri McIntosh stated to clear that up on the licensing, there are two separate types of licenses for UTV's. The regular registration where you can get what they call the large UTV license, and you'll see stars above and below the expiration date which makes it legal on all the roads.

Mayor Robertson asked, "Sheriff Henriod, is that correct?"

Sheriff Henriod replied, "Yes, it is, except for freeways."

Terri McIntosh stated all UTV's have rear taillights, headlights, stop lights, and reflectors.

Mayor Robertson stated I will push back on that Terry, because I don't think they all do.

Terri McIntosh stated maybe not some of the older ones.

Mayor Robertson stated if they're going to be licensed through the DMV then they're the State's problem, and the Sheriff needs to take care of that. If they're not, then they're not allowed.

Terri McIntosh stated the large UTV license is through the DMV, and they have to be insured to get that.

Mayor Robertson stated as long as they have that, I don't think that's an issue for us.

2. Council Members – City Clerk Lee – City Engineer Almberg – Public Hearing – Discussion Only – Consideration of citizen comments regarding eligible activities the City of Ely should apply for under the State CDBG program.

City Engineer Almberg stated CDBG has been good for the City. We've had a lot of CDBG projects over the years. What we're actually seeking today is to inform the public to bring some projects to us that may be eligible for this so we can apply. Over the years we've done a lot of things with CDBG funds. We've bought ambulances, we've bought tools for the Fire Department, we've done sidewalk projects, waterline projects, and sewer projects. We just had a CDBG sewer line project in Central Ely. We got the Bell Avenue project that was just awarded recently that will be behind Cal Ranch on Bell Avenue. Over the years we've got \$6,138,000 through CDBG projects.

City Clerk Lee stated eligible activities under CDBG allocations are public facility, public improvement projects, public service programs, planning studies, economic development, business assistance and micro enterprise activities. They must meet at least one of the three national objectives which are benefit to low-income households or persons, elimination of slums and blight, or meeting urgent community development need.

City Engineer Almberg stated the City of Ely is asking for public input on CDBG projects for 2025 and 2026. Anybody that comes up with projects please contact me, and I will help them get what they need together. As a city government eligible to submit applications for CDBG the City of Ely will offer that assistance to the entities interested in submitting applications to us and we'll go through that process. We can only assist inside of our projects and so it all depends on the funding that's available to us. Please bring us some projects.

City Clerk Lee stated there will be a series of three hearings and the next hearing will be held September 12, 2024.

Councilman Alworth asked projects that were not previously considered for funding, can they be brought back again?

City Engineer Almberg stated yes.

Councilwoman Williams-Harper asked this is on the website?

City Clerk Lee stated yes.

Mayor Robertson asked the City can only submit so many projects each round, right?

City Engineer Almberg stated yes, projects will be submitted and the City will end up selecting two to submit.

Mayor Robertson stated so please if something got rejected, please submit it again. It is great that we have so much community participation in this.

White Pine Public Museum Board Member Bill Wolf stated we brought this project forward last year and it didn't make the cut. We added a 4% inflation adjustment to it, and we are bringing it forward again this year. It would be ornamental fencing around the south and west sides and chain link around the east and north sides of the public museum. As we go through this process, we'll put together a package that better shows what we're talking about with the Gabions. The ornamental fencing we have now is just rusted through and we know that the little wall that's very nice was built by the inmates twenty-five years ago or so.

George Chachas stated I'm bringing back the drainage problem at the west end of 7th Street, affecting my property at 62 High Street. Drainage from the Bath property goes under the railroad tracks and then onto the roadway eroding what would be the so-called walkway. When they put in riprap that took my ability to do maintenance along my fence. The erosion is getting so bad I'm about to lose the corner post on my upper fence. City code says you can't drain onto another person's property. This has been going on for years and now the erosion is anywhere from a foot or deeper as it comes down 7th Street and jumps over onto Ely Street. I got a bid from Reck Brothers, and they want \$24,000 to cure the issue. It's got to be addressed. It's a small fix. If you just put some kind of curb and gutter there on 7th Street a lot of this would go away, but ignoring it is not good. You're causing me a lot of problems. I haven't had any flooding on my property in my building, but if I do, I am going to come back here and ask for additional monies.

Councilwoman Elliott stated George can you ask City Engineer Almberg to get us a quote on that so we can consider it at the next meeting?

City Clerk Lee stated I brought this up on May 23rd when the Council voted to allocate \$600,000 towards the City's cost share for the treatment plant upgrade. It leaves \$603,750 that the City needs to find for its cost share and CDBG funds are eligible. I'm also applying to the State's Grant Matching Program for \$301,000. If we get that we wouldn't need to ask for so much from CDBG. B.J., do you want to speak about what that project is?

City Engineer Almberg stated the project is our earmark project that we got for the Wastewater Treatment Plant, which includes new upgrades to the headworks. The septic truck comes and dumps right now and it causes a big surge of chemicals that imbalances the bugs that we have in our system. It will be for a lot of upgrades to improve that system out there.

Mayor Robertson asked is there a monetary cap on how much in projects we can ask for in each round from CDBG?

City Engineer Almberg stated not necessarily from what we have seen. There have been some pretty big asks. CDBG is one of the only federal fundings that we could apply to our earmark, because other Federal funding doesn't qualify for the match.

Councilwoman Williams-Harper asked so they could choose to fund all or part of that request?

City Clerk Lee stated yes.

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

1. Council Members – City Attorney Manuele – White Pine County Sheriff Henriod – Discussion/For Possible Action – Approval of second reading of Ordinance 758, Bill No. 2024-04, an ordinance amending Title 6, Chapter 12, Section 5 pertaining to “Off Highway Vehicles” by removing Section 5(A)(1) and (B) permitting drivers with instruction permits and minors under the age of 16 with adult supervision to operate Off Highway Vehicles within city limits.

Councilman Carson stated I do know when we first did this Ordinance it took a long time, and we really tried to keep the kids involved and give them something to do. It's unfortunate a few bad apples can ruin the whole thing and some bad parenting. I don't think anybody wants to see any of these kids get hurt.

Mayor Robertson stated I'd like to reiterate that it's not prohibiting kids from riding their ATV, it's just prohibiting them from riding on City streets with regular traffic share.

Councilman Alworth stated I don't want to go backwards. I agree with what Councilman Carson says where I live at it's totally out of control. Somebody's going to get killed on that 8th street, but like Terry and the Sheriff mentioned the problem is the parents. I read the blotter report, and they nab a few of these kids and they tell them to knock it off. I would suggest, impounding their motorcycle or ATV, get a tow truck and have them tow it off. Let the parents get hit in the pocketbook with it and that'll tone this down. It is just out of control.

Mayor Robertson asked Mitch McVicar, “What are your kids riding into town for?”

Mitch McVicar stated my kids actually ride to practice to the fields, and before they were old enough to drive, they were driving downtown with a 4-wheeler.

Mayor Robertson asked are they old enough to drive now?

Mitch McVicar stated two of them are. When my son was thirteen years old, he was towing a little trailer around mowing lawns. You have the good and the bad. You have kids that are out making money and not sitting at home on their phone. You got kids that are doing something and kids that are out causing trouble. There are two sides to it and mine are going to keep riding.

Mayor Robertson stated Sheriff, I am speaking to Mr. McVicar's concern there, for example, for a long time I did plowing around my properties with a 4-wheeler, and I don't think I was ever in the wrong in the winter, riding from my house to other properties to plow that, and I never got pulled over. I think that activity is different than when you guys are getting called stating there is a kid speeding by my house in the middle of the night or there's a kid in the park.

White Pine County Sheriff Henriod stated we actually appreciate the work that people do and everybody else does in the community where UTV riders or OHV riders have got a plow, and they're out helping plow driveways or sidewalks or something. We don't even bother with that. If there was a kid with a lawnmower in the back going somewhere, that would be like, you're towing a lawnmower with your UTV more power to you as long as you're going really slow and just going to your neighbor's house and not going down Main Street doing wheelies or something.

Councilwoman Williams-Harper stated so you are using discretion?

White Pine County Sheriff Henriod stated yes, my deputies are very good at that. They know the first snow that comes everybody's got their plows on and they're helping their neighbors, the City, and the county residents. Along with you guys, we appreciate what they do.

Councilman Alworth asked when you're reading the blotter report, and a deputy catches a kid doing the bad stuff it says he's given a notice. Do they have Strike one, strike two, and strike three?

White Pine County Sherriff Henriod stated we log it in our records management system, so we know how many times we've had contact with that individual. The first time and most of the time, what happens is we actually get the report, the deputy will troll the area and won't be able to find them on the street, but they'll drive by and see the kid parked in his driveway and they'll actually go and make contact with them. We can't issue a citation unless it's in our presence. They will give them the warning, and we'll log that in our records management system. If we do actually stop the violator, then we know we've already warned them, and they're going to get a citation.

Councilman Alworth stated if they're underage and get a citation, that machine has to sit there because they're not old enough to drive it. If we go the new way they're going to have to call mom, dad, or a friend to load it up. What do you think would happen if you started calling a tow truck on these, and Danny came in, or whoever else picked one up?

White Pine County Sherriff Henriod stated the issue is the change in the law about two years ago. About ninety percent of all traffic violations are now civil violations and are not criminal so that puts us in a hard place, because now we're towing a vehicle for a civil infraction which we really shouldn't be doing. We should only be towing them for criminal infractions. If they are uninsured and unregistered, then we can go that route.

Councilwoman Williams-Harper moved to approve the second reading of Ordinance 758, Bill No. 2024-04, an ordinance amending Title 6, Chapter 12, Section 5 pertaining to "Off Highway Vehicles" by removing Section 5(A)(1) and (B) permitting drivers with instruction permits and minors under the age of 16 with adult supervision to operate Off Highway Vehicles within city limits. Councilwoman Elliott seconded the motion. The motion carried unanimously.

B. NEW BUSINESS CONTINUED

3. Mayor Robertson – Discussion/For Possible Action – Annual Performance Evaluation of City Public Works Director Mike Cracraft to include, but not limited to consideration of character, alleged misconduct, professional competence, or physical or mental health. Possible action includes, but is not limited to, termination, suspension, demotion, reprimand, reduction or increase in pay, promotion, endorsement, engagement, retention, or "no action."

Councilman Alworth stated if I could start off first, so the public is aware. I appreciate the comments from Ms. Pintar, but a lot of her comments were regarding his past position as a supervisor. He has been the Director of Public Works for approximately ten months and that's a completely different hat with different responsibilities. He no longer reports to Jennifer Lee, he reports to this board. So, unless you read the whole job description of what the requirements are and what he's mandated to do, your comments fell back on when he was a supervisor. Some of the questions that I proposed to Mr. Cracraft relate to his new job description for the job he's had for ten months.

Public Works Director Cracraft handed out a copy of his current job description

Public Works Director Cracraft stated I would like to start by saying it has been a busy year and with limited public works staff it is a lot of work to get all concerns addressed while keeping up with the daily operations. I am fortunate to have competent leads for each department and workers that I can trust to do the job and do it well. I am hopeful in the next few years of the many positive changes that are coming with the much-needed upgraded infrastructure that will in time fix some of the problems that keep our departments busy maintaining on a regular basis right now and create better services for the residents of Ely.

Mayor Robertson stated with that, I know there were some topics of concern that were submitted.

Councilman Alworth stated did you want me to read them? Mike got a copy presented to him per the law.

Mayor Robertson stated whichever ones you would like to start with, or address would be fine.

Councilman Alworth stated okay, I just want to make sure you know, he was involved in washing and cleaning a City employees private vehicle on City time. We had that discussion as brought up and I asked him, is it understood you were on your personal time and do you feel you were exempt from following employee policies, or did you not know that.

City Public Works Director Cracraft stated I don't feel I am exempt from following employee policies and try to lead by example to the staff that I supervise. The instance I believe you are talking about was the item you sponsored on the August 24, 2023, agenda in regard to Employee Policy 2.16.1 Use of Employer Property and Premises. I was washing an employee's private vehicle prior to that meeting, but it was after my work hours. If you review the minutes from that meeting it is something that has been allowed for years for City of Ely employees as a perk. The item died due to a lack of motion and no further direction was given.

Councilman Alworth stated with one correction, it happened at 3:15 in the afternoon, that's not after your hours, was the call I received, which I personally drove down here. Just as long as you understand that in your position now, you need to know employee policies. You need to know that in and out and that was not allowed. The perception the employees got is hey, we got two manager type people washing personal vehicles on City time. We discussed that and the Council didn't think it was punishable. I'm not saying there should be punishment but be made aware of it. The water/sewer dump truck was down with a mechanical failure that was repaired for around \$5,000.00. It was your decision prior to the repair, to surplus the truck and put it up for sale. You recommended purchasing a new dump truck for \$89,000.00 and reallocating the money needed for the purchase from another budgeted project. Do you feel that was a wise business decision to spend \$89,000.00 to replace a piece of equipment that gets minimum use and very few miles driven in a year that was repaired and put back in service at such a small cost, in a short period of time, after you were told replacement parts were readily available?

City Public Works Director Cracraft stated this item also was brought to the Council on December 14, 2023, and was unanimously approved. It was then put back on the agenda for review with possible decision to not move forward with the purchase on January 11, 2024, and that item died due to lack of motion. So, I do feel it was a wise business decision based on the fact in February of 2023 the truck was taken to a local mechanic's shop where they repeatedly tried to get the parts needed. After six to eight months the owner informed us, he could not get the parts to fix the truck, and we were not charged for his time. We then went to another mechanic where after four months he was able to get the needed part, and the truck was put back into operation at the end of January 2024. It was almost a year we were without the use of that truck, which is used extensively. We also were able to start the other budgeted project which was the building at the Wastewater Treatment Plant which is projected to be completed in 2024.

Councilman Alworth stated okay, Correction, that truck was in use during that period of time Mike; I saw it.

City Public Works Director Cracraft stated no, it wasn't. It was parked at D & S for six to eight months and then was parked at.....

Councilman Alworth stated I saw it at water projects when you first told me. Anyway, my point on this the is the Council approved it. You have an educator, a job hiring person, and a chef. I come from a mining background, and Mr. Carson, comes from

construction. If you're going to have a budget, you have to bite the bullet and say, let's get this thing fixed. You don't go out and buy a \$90,000 truck because you got a PTO thing out. You have got to work smarter. There were available assets to be used through the County or rent a truck. I'm not saying my fellow council members aren't versed in this. I know mechanics. I know how to schedule stuff. Alright, thank you for your answer. When you place the capital expenditure in your budgeting process, are you serious about what you're requesting, or would it be better if you just request a contingency dollar amount with no description to be budgeted and spend it as the need comes up?

City Public Works Director Cracraft stated Of course I am serious about what I request in the budgeting process. I try to foresee the upcoming year and with the help of the department leads budget the best we can, but as we all know the unexpected can and will happen and can change the plan you initially had. I believe if we can put together a replacement schedule that will help with some of the unexpected costs in the future.

Councilman Alworth stated okay and again, prime example right now was that \$48,000 from the Reck brothers. You know that's unbudgeted, so if you had a contingency amount in there for unknown, sure you put in your I need this for this truck, this truck, this loader and a contingency amount of \$80,000 for unknowns. We don't know everything, so what we do is rob Peter to pay Paul and the project, the piece of equipment that he needed, we can't buy it now, because we had this upset over here. That's what I'm asking; you know, a cushion. That's something you and the City Treasurer may discuss. You're responsible for all repairs and operations of the different departments as outlined in your job description and in your job description the purpose of your job is spelled out there in your duties. Your name is the one being held accountable for both good and bad, of what the citizens and visitors see in our City. Direction from you, on how you want a project to turn out is your responsibility to see they follow your requests, and by that, I mean you go through your job description, and you have the discretion to come to the City Council at the meeting and say, hey, I have this here. If you have an employee that's giving you a tough time, you don't answer that employee or have a discussion, and you don't talk to the Clerk over there. This board right here is who hired you, and that's who you report to. I just want to make sure you're responsible, Mike. It's the final thing if a project turns out crappy, you can't blame your employees.

City Public Works Director Cracraft stated I never would.

Councilman Alworth stated what happens is you get blamed, but who hired you? The City Council, right here and we are the final stone. We were elected by the citizens to make sure stuff happens correctly and quickly, just so you're aware. I'm sure you read your job description, because again, you're no longer a supervisor, you have got a different hat on. You are part of a management team where some tough decisions are made. "Sorry, guys, we can't do it that way." If somebody comes and raises heck about a project, it's not the guys in the in the ditch, sweeping the streets, or putting down asphalt; It's you. Do you have leadership ability to empower City employees to fulfill your responsibilities?

City Public Works Cracraft stated I do believe I have the leadership that empowers the City employees. I know it is my responsibility to oversee repairs and operations of the different departments and the citizens of Ely are our top priority in all projects we do. I feel being a leader is trusting the people you lead to do the job you asked them to do and prioritizing the most important tasks. I communicate with all departments on a daily basis and feel I am approachable for questions to help them be successful in all jobs.

Councilman Alworth stated do you have any communicators? Your people are in this City all the time. You have got them in the road to your water and sewer. They're traveling all the time. If they see a property in total disarray, have you empowered them to come to you to say something?

City Public Works Director Cracraft stated yes.

Councilman Alworth stated okay, and that will be questioned in another review for another person on that. Some areas in this town are in complete shambles, and our City staff, which all the guys from the lowest man to the mayor, drive this town, and nothing's being done on it. So again, there's reports out there when you go back and see the City staff that went to you and turned in different projects because they're out there. Again, I've found several of them, and you have got to go look at stuff more. Your people drive by that project all day long. That's what I mean by empowering. Your job description is different than the supervisor. You have got to be harder on them. You have got some very intelligent, smart people, but I don't know if they say well, that's not my job. That is their job, they work for the City. They have to do stuff for the City, which means they have got to report to you and however the staff takes care of that, it gets back to the City Council when people call me and say, hey, that street up there is a mess. That's what my push is on that one. Where was the breakdown in communications on the North Street potholes and water dig repairs that were never completed until the homeowners broadcasted the problem over social media?

City Public Works Director Cracraft stated there was not a breakdown in communication. We had a water break in the road and with it being winter we were only able to backfill it with dirt. We did communicate with residents at that time that we would make the repairs when we had the proper materials and conditions in the spring. The concerns the citizens had were legitimate and the repairs have been made.

Councilman Alworth stated okay, I think the repairs were made during the summer. I don't know what your plans are. If you got a board of things to do and if it has potholes on North Street on it, but that little street is a street barely driven by anybody other than the people that live on it, and they're knocking mufflers and bumpers off and everything else. I'm just asking again, go to your Director of Public Works job description, because it's your responsibility that these things are handled in a timely manner. You stated to the Mayor and the City Council that the chip seal Project on 11th Street East, from Avenue M to East Aultman Street was going to be better and smoother than it was prior. The street basically has a coat of oil and some chips, and is just as rough as it was before, if not more. Your name is attached to this project. Are you satisfied with the finished project and if you are, why?

City Public Works Director Cracraft stated as I have said before I am satisfied with the project. It is improvements that residents have been very happy with. It may not have smoothed out the road completely, but it is a road that will stay solid and tight for years to come. We are always striving to be better and learn new techniques along the way while staying on budget for each project.

Councilman Alworth stated I'll tell you something. Yesterday in that rainstorm all the puddles on that road indicate the process of crack sealing was not done. In my opinion, that road was thousands of dollars wasted. Trying to crack seal with your durapatcher does not work. The idea is to fill the crack level. Drive down Main Street when it's warm like that and the crack seal is level. It's bumpy bump, bump, bump, bump, bump, bump, bump! If you think that road was fine, we have a serious problem. That road is terrible, and I don't care. She didn't even know where it was at (pointing at Councilwoman Williams-Harper) and these two don't drive on it (pointing at other Council Members). The only ones that drive on it are Kurt and I.

Councilwoman Elliott stated that's not true.

Councilman Trask stated that's not true.

Councilman Alworth stated (pointing at Councilwoman Williams-Harper) I asked you at the meeting, "do you know where 11th Street is" and you said, "no I don't."

Councilwoman Williams-Harper stated I know exactly what we are talking about, I don't know what you are talking about and that is not the point Jim, don't tell me what I don't know.

Councilman Alworth asked What are the plans for future projects of this type? Do the same, or change? Avenue G will be the test, I believe it is scheduled for repairs this fiscal year. Will it happen?

City Public Works Director Cracraft stated future projects of this type will be done the same way, whether it be overlays, chip seals, and/or slurry seals. Currently using these three methods, we have completed over sixty roads in the City of Ely over the last six years. This year we have planned if the budget allows twenty-three additional roads which will include Avenue G. All streets are done in the best interest of the City.

Councilman Alworth stated okay, that's a good answer. We'll see how it turns out; the proof is in the pudding. What is in place for the preventative maintenance of not only the light vehicles, but especially the dozer, loaders, compactors, dump trucks, and etcetera.

City Public Works Director Cracraft stated walk arounds are done daily for light vehicles and documented weekly; PMs are done by manufacturer's recommendation. For heavy equipment such as the dozer, loaders, compactors, dump trucks, and other large equipment, daily pre-trip inspection sheets and post-inspection sheets are filled out. PMs are done by manufacturer's hourly recommendations with the used oils and other fluids shipped off to be sampled for any impurities.

Councilman Alworth asked do you feel the City of Ely policy for nuisance abatement on properties within the City works? If not, what would you recommend making it more successful?

City Public Works Director Cracraft stated we have several properties in the City of Ely in derelict condition. We address them with a letter in hopes that people will take it upon themselves to be a respectful neighbor and homeowner and keep their property maintained and safe for surrounding citizens. The follow-up on some of the nuisance complaints can be time consuming. Currently the Clerk's office and I work together to try and address complaints as they come in. One of the ways I feel the City could benefit is from having a code enforcement officer to help in this area. Also, I feel if the property is not a public health or a fire hazard concern that the City needs to abate then possibly putting what is already in the ordinance into effect which is to fine property owners. That process would bring revenue into the City instead of expending it with crews working on the multiple nuisance complaints we receive.

Councilman Alworth stated okay good suggestion of a code enforcement officer. You might suggest that to one of the council members to put on an agenda. Four years ago, we streamlined the nuisance abatement policy because it took too long. We started sending out stuff in the spring, so they could try to get it done in the summer. If you send it out in summer, then it went all the way into November and then it was too cold, and we couldn't do anything. You go buy some of these properties that have had a complaint and they're still just as bad. I'm still getting phone calls saying I can't barbecue because the guy's trash stinks so bad in the yard next to me. It tells me somewhere along the line it's not working. We need to put more bite into it. So, I just asked you what you recommend, and you stated a code enforcement officer. We have got the policies and the ordinances, but are we sticking to them and going to the fullest intent? Nobody wants to tear some guy's house down, but if there is garbage, mice, and everything else running around, it's a mistake. Do you know now that the water pit meters are placed in the City's right-of-way, and an excavation permit is required if an individual contractor digs them up? That was sort of a dig, because I asked you that on 867 Avenue I and you said to tell you the truth, I don't know, Jim.

City Public Works Director Cracraft stated it is during the permitting process that the Building Department makes us aware of what permits are needed.

Councilman Alworth stated then it comes down to this right here and this goes out to the public, too. Do you and your employees fully understand the role and responsibilities of the City Council? The City of Ely is to be run like a business, and if they, meaning the employees, don't agree with the Council's decisions on what is going to be discussed then

those employees are welcome and encouraged to come before the City Council, but they have got to get placed on the agenda. They just can't pop up out of the audience and discuss their concerns in a public meeting. Again, everything in your job description is overseen by the City Council. So, if your employees don't like what you're doing the next thing for them to do is come to the City Council, and say he's doing this all wrong. You're going to try to work it out between you and the HR Director, but if they're not satisfied, they can come here just like the public can and say, I think this should be done this way and here's the reason why. You know, the best idea comes from a lot of ideas and hopefully you understand that. When we had to set one of your employees down that popped up like a jack in the box; he wasn't even being called on. They have a duty to come to the Council and be respectful. Again, look at the role of the City Council and look at what your job description says. You're responsible to report to the City Council, not the employees.

Mayor Robertson asked was there anything else on your list Councilman Alworth?

Councilman Alworth stated no, that was it.

Mayor Robertson asked is there anything else from the Council?

Councilwoman Williams-Harper stated yes, first of all I'm trying to figure out if I should apologize for being an educator. I'm someone who ran four school districts for almost twenty-five years and I'm glad that my boards did not do what you just did. I don't care how long Mike is here. Mike is one person responsible for many things and has been responsible for many things that we've asked him to do, and for bringing attention to a lot of things that we don't see, because that is not our job every single day. It takes all kinds to make decisions for the City, and we listen to what our constituents are asking us. I don't care how long you've lived in any place. If you keep beating down someone, which seems to happen often, they'll leave and if I were Mike standing there, that's how I would feel. I understand that he is a supervisor. I understood that when I was a superintendent that I was responsible for school districts. However, I did not do every single thing when people brought things to my attention, or my board, my teachers or the community. We took those things under advisement. No one is going to do anything perfectly. People are going to make mistakes, and you cannot tell people, because something didn't work, that they're a failure, and that's how I would feel if I were Mike standing there. I don't feel like Mike hears enough of the good things that he's done. Mike's been on the job ten months, and he's done some excellent things. There is always going to be improvement, no matter who you are, no matter what the job is. So, Mike, I'd like to say thank you for all of the decisions that you have made. I also know that when things are really troubling you, you go to the right people, and you bring them to the Council, but there is no such thing as perfection. There is such a thing as continuing to strive to do the best you can with what you have. I will disagree with you sometimes, but I don't do your job every day, and you don't do mine. So again, I hope that you continue to grow and thrive in this job, and that you work well with the people that are your underlings, and that they feel good about talking to you about everything. We're a small city and we do not have lots of people to do a lot of things so, thank you for making a list and prioritizing. We will never get to everything, and there will always be things that are emergencies that we have to respond to. All that I continue to ask of you is to continue to be cognizant of what the city needs and do what you can. We've entrusted you to make some decisions. It doesn't mean that we will like all of them, but again, I don't walk in your shoes. So thank you for what you are doing, and I know it will only improve and get better because it takes time to grow into a job.

Councilman Alworth stated thank you for your soapbox Councilwoman.

Councilwoman Williams-Harper stated you are quite welcome.

Councilman Alworth stated let me tell you, you don't know what you're talking about, because you don't even have a job description. It was for Mr. Cracraft to understand his job description. It's a coaching thing. He has a responsibility as the Director of Public Works under the policy of the City Council.

Councilwoman Williams-Harper stated I understand that, Jim, but everybody has an opinion, and I just want you to respect that

Councilman Alworth stated you've had your opinion.

Councilwoman Williams-Harper stated okay, well, you've had yours, so let's leave it.

Councilman Alworth stated well, I'm just continuing with my comments on it.

Mayor Robertson stated is there anybody else who has anything else they'd like to add regarding the review?

Councilwoman Elliott stated I would just like to personally thank you. I think you have done a tremendous job in the last ten months. What people don't see is your work when waters not working or flowing, or the parks look terrible, or the streets look terrible. You have the hardest job in the City to maintain what it looks like, and I commend you for your work. I know this board is not an easy board sometimes, especially because we're educators, job hiring people, and chefs, even though us three sitting up here have college degrees, and Jerri Lynn has a PhD. I would like that to be noted for the record that we were all voted in just like everybody else. I know that 11th Street was a hot topic, but I think you did what you could with what you had. It's a lot better than what it was. I agree that we need a code enforcement officer because it is a heavy lift. I think your staff, if they have issues, should go to you first and if they can't then they can go up the chain. Obviously, we don't want to hear every single employee from the City coming in here and griping. There should be things in place for them to do first. Ultimately, I think you're doing a great job. Anytime I've needed something, you've been receptive, and respectful. I just want you to know we appreciate you, and I appreciate you.

Councilman Trask stated I would just like to echo the sentiment that you have done an amazing job. I've seen your growth in your communication. You've reached out to me multiple times about projects and asked my opinion about things, and I appreciate the fact that you're willing to do that. I know sitting at a desk when we first had this conversation was not your ideal, but you accepted that role and I've seen you grow into that role. I just wanted to say, thank you for all your hard work.

Councilman Carson stated I've been here a long time with Mike, about nine years and I do really appreciate when he's not swamped by a bunch of stuff that he keeps me involved, let's me know what's going on, and does value our opinion. I do respect that and appreciate that. Thanks.

Mayor Robertson asked is there anything you have left to add Mike?

City Public Works Director Cracraft stated the uncomfortable part, I know a 3% raise was budgeted.

Councilman Alworth stated I have to add something from Attorney Leo.

Councilman Trask stated Leo is not here anymore.

Councilman Alworth stated Shane at that time. When it comes to the 3% increases being budgeted for everyone, they are not guaranteed for staff. It's based on his performance and discretion of the board. When he used the word budgeted, it's not budgeted, you cannot budget that.

Councilman Trask moved to endorse for a job well done regarding the annual Performance Evaluation of City Public Works Director Cracraft to include, but not limited to consideration of character, alleged misconduct, professional competence, or physical or mental health with a cost of living raise of 3%. Councilwoman Elliott seconded the motion. The motion carried unanimously.

4. Mayor Robertson – Discussion/For Possible Action – Annual Performance Evaluation of City Building Official Don Hendrickson to include, but not limited to consideration of character, alleged misconduct, professional competence, or physical or mental health. Possible action includes, but is not limited to, termination, suspension, demotion,

reprimand, reduction or increase in pay, promotion, endorsement, engagement, retention, or “no action.”

City Building Official Hendrickson stated I would like to start off by saying I'm extremely happy to be here in the City of Ely. It's been an adventure getting here, and it's been an adventure since I've been here. I would just like to add, in the short time I've been here it's been rewarding, challenging, and everything in between. I'm a little new at this open session of evaluation and I understand there are no particular questions, but I'm eager to hear whatever you have for guidance or advancement in this position.

Councilwoman Williams-Harper stated I would like to say, you already have a reputation of following the rules and I think for the job that you have that is extremely important. Following the rules doesn't make everyone happy and a lot of your decisions are just guided by the rules, and you can't do anything else about it, because that is what it is. You're following the law, and I think that you're doing a very good job at it. You are also going out there and answering the questions that we have, and trying to make code enforcement not such a bitter pill to swallow. You have done a lot in a little bit of time, and I know you will continue to grow in the job. You brought a great deal of experience, and I am looking forward to seeing you grow. Thank you.

Councilman Carson stated just out of curiosity, it's super busy in town this year; How do you feel your workload is?

City Building Official Hendrickson stated the workload is extremely heavy and the biggest challenge has been the County workload is exponential, not saying that the City of Ely is not and with the County the size of Rhode Island, it takes you an hour to get anywhere.

Councilman Carson asked is there anything we can do to help you, or any ideas you have that you'd like to pursue?

City Building Official Hendrickson stated I would like to echo everything on the code enforcement. I think that that's a huge benefit to the City and is going to give the opportunity to clean up some of the areas that have been in delinquency and need abated. It's never an easy thing to address because obviously no one ever wants to tell somebody that you have to tear down a home or something that's been dilapidated for a long period of time. The workload that I have had here, I think a code enforcement officer/planner to help with the growing future of this City would be very advantageous to bring in.

Councilman Carson asked could you elaborate on planner a little bit more?

City Building Official Hendrickson stated one of the experiences I've had here is with subdivision agreements. When we have properties here that need to be subdivided there's a lot of information that goes along with that, whether it be easements, road easements, utility, easements, etcetera, and having somebody that can spend some more time on that while I'm doing plan reviews and inspections on buildings and properties would be a very huge benefit to the City. In regard to our contract with the County, that would be an assistance there as well.

Councilwoman Williams-Harper asked what type of training or credentials would that person need? Do we have anyone here already that could do this job?

City Building Official Hendrickson stated I believe, with code enforcement and planning, particularly adding to the planning side of it, it's always good to get somebody who is qualified and trained. It is a trainable position. It does take some time, but that's something that I'm willing to work with.

Councilman Trask stated I just want to say thanks for stepping up and coming here to take on this adventure. I've only heard good things. I know that it's not always easy, but I appreciate what you're doing.

Councilman Alworth stated I appreciate you sticking by the book. A lot of people are not used to that with what's happened in the past and been saying, well, this is the way it used to be done. Well, this is the new sheriff in town, no offense, Sheriff. I know I told you I hope you have a Kevlar vest. You said I have three of them. I think you've probably been through one and a half of them already.

City Building Official Hendrickson stated yes, and of course the uncomfortable question, I would like to ask for an increase of the cost-of-living allowance.

Mayor Robertson stated I would just like to add, before we vote on or make a motion, for the Council's benefit, Don has been very proactive on a lot of things. We've had a lot of good conversations. I know he's doing a lot of research that we can come to with some more plans and things like code enforcement when we talk about budgeting this next year. Having that kind of data and having an intelligible conversation about something he's been working on is appreciated. His meticulous attention to detail and making fact-based decisions, I think, always leaves us in the safest position.

Councilwoman Elliott moved to endorse for a job well done regarding the annual Performance Evaluation of Building Official Hendrickson to include, but not limited to consideration of character, alleged misconduct, professional competence, or physical or mental health with a 3% cost of living raise. Councilman Carson seconded the motion.

Councilman Alworth stated the only comment I have, Mr. Mayor, is, I'm not saying he's not due the 3% raise, but when he hired on this Council had to have a resolution put together because he was given a salary that the Council had no input on. It was over and done with in the meeting between you and the HR Director and brought to the Council, and how are we supposed to say no, we're not going to do that. I think he's an asset, but the process on his opening salary was wrong, so that's why I will vote no on this.

The motion carried with four ayes and one nay from Councilman Alworth.

5. Councilwoman Elliott – Councilman Alworth – Discussion Only – Update on Porter Group efforts on the City of Ely’s behalf to secure federal and State funding.

Activity Report for The City of Ely

FOR THE MONTH OF June 2024

Appropriations Requests

- Submitted all FY25 appropriations requests to House and Senate Delegation for consideration in the upcoming appropriations legislation.
- The following projects have been submitted to the Appropriations Committee for consideration in the Senate:
 - First Responder Communication Equipment Upgrade Project - \$5,000,000
 - Fire Station Solar Panel Project - \$375,000
 - Historic Ely City Hall Renovation Project - \$3,525,000
 - Water Meter Project - \$4,051,000
 - Total of \$12,951,000

Additional Grants

- Working with Mark Bassett on CRISI Grant application letters of support
 - We have letters of support from the entire delegation except for Congressman Amodei

Additional Activities

- Provided federal updates on variety of topics important to the City of Ely, including pending action in the House and Senate, potential legislative updates, and updates on grant award announcements.

Mayor Robertson stated All of our Community Project Funding (CPF) Requests, as I recall, got turned in through our Senators offices. The Senate was supposed to be hearing that this week or next. I did get a text message from Brian that I did forward on to Councilwoman Elliott that he had seen something on his wife's desk, who also works in lobbying that indicated that our communications request was being included in the legislation for \$5 million. That's just kind of a hey, at least it's moving along so hopefully at our next meeting he will have some updates. We probably won't hear a lot on these until after the election.

6. Councilwoman Williams-Harper – Discussion Only – White Pine Chamber of Commerce monthly report on community activities.

Mayor Robertson stated I will disclose the CEO of the White Pine Chamber of Commerce is my husband, but this is not a voting item.

White Pine Chamber of Commerce Shadrach Robertson reviewed the following report:



White Pine Chamber of Commerce

636 Aultman St. Ely, NV. 89301

775-289-8877

WPCC@WhitePineChamber.com

Good Evening, Ely City Council.

The White Pine Chamber of Commerce Monthly report for July 25, 2024:

According to the Nevada Department of Employment, Training and Rehabilitation (DETR) June 2024 economic report, the state's seasonally adjusted unemployment rate was 5.2 percent in June 2024 which increased by 0.1 percentage point from May 2024. Seasonally adjusted estimates account for regularly seen economic patterns.

In Nevada's counties, the lowest unemployment rate was in White Pine County at 4.1 percent,

That is a 0.3% increase from last month and 0.8% increase from June of 2023.

Our labor force increased by 90 individuals, added to the workforce since June 2023.

The unemployment rate is projected to stay steady and lower as summer ends and new development in the area is finalized to open up job opportunities.

The State of Nevada did just provide a range increase for all of the State agencies, Ely Mental Health, EmployNv, Ely Maximum Security Prison, NDOT, and other state employers located in our area will counter the unemployment rate while also benefiting the economy in other ways.

In other news, I have accepted an invitation to attend a Washington D. C. Fly-in, in September, as part of the US Chambers of Commerce program to connect our local small business community with Congressional Delegations. The City of Ely participated in a D.C. Fly-in earlier this year, so I will seek to discuss potential projects and ear-mark requests that the City of Ely has in mind, in order to further convey a united message to our elected officials. I have also been working to develop the relationship with Porter Group to support ht City of Ely's & White Pine County's endeavors at the Federal level.

The Chamber of Commerce is further expanding its services to the Small business Communities of Ely and White Pine County through producing additional features like enhanced interactive wayfinding, more networking events and by bringing National, State, and local together on October 11th for a Huge Small Resource Fair and Economic Forum. You are all invited and encouraged to attend.

The Chamber is operating on a seven day a week schedule and has greeted an average of 50 out-of-area - visitors per week in the office.

Thank you for your time.

Councilwoman Williams-Harper stated I'd like to say thank you to the Chamber. We talked about cultivating our youth and they've agreed to send out a letter to all of the chamber members asking if they have internships. These are not paid positions for students, but we would like to be able to be sure that students know everything that's going on in town, and I'm hoping that we will be able to have some internships at some of the businesses that belong to the Chamber.

7. Council Members – City Clerk Lee – Discussion/For Possible Action – Approval of the Cooperative grant award agreement between the State of Nevada Department of Transportation and the City of Ely for the Campton Street Improvement Project Grant for \$937,000 with a \$49,312.00 match from the City of Ely.

City Clerk Lee stated the match was budgeted in our fiscal 2025 budget. During the kickoff meeting they explained that developing the request for proposal for design work on this project will probably be a three-month process with them. We'll develop the template, and they'll look it over and make changes, so the earliest we could expect to be awarding just the design would be December. It then goes through a sixty percent, eighty percent, and ninety percent review by NDOT, so that's over a year. They reimburse ninety-five percent of invoices. So, our five percent match is happening at a slow pace to say.

Mayor Robertson asked who is going to be compiling and composing that RFP?

City Clerk Lee stated probably me.

Councilman Alworth stated looking on that page six, on the breakdown of the estimated total cost, the State Department is going to throw in about \$10,000 so, our city engineering is, I guess that's B.J.

City Clerk Lee stated it isn't. The design has to be put out and it is actually federal highway funds that are being administered through NDOT.

Councilman Alworth stated so that guesstimate of \$97,000 for outside engineering, if it comes in higher it just lowers what the total funds we're going to get? The federal money is \$937,000. If it comes in higher the City's match will go up higher, too, or they can't exceed the \$937,000?

City Clerk Lee stated correct, they can't exceed it and if costs come in higher, then we'll have to phase it.

Councilman Alworth asked where is the City's match at this time, estimated to be \$49,000, being pulled from?

City Clerk Lee stated when I submitted the application, I put down the Street Improvement Fund. Treasurer Trask has budgeted that in capital, correct?

City Treasurer Trask stated that is correct.

Councilman Alworth stated I have to agree also on the attachment scope of the work It says, installing sidewalk, curb gutter, and lighting along Campton. Again, I look at that and some people are walking in street and the one lady got run over. Are we going to have to go into rights-of-way of property owners? Are we going to dig into the bank, for example, by the Boots miller's house and have a crosswalk, because the drop off on the other side. The design is all being considered in this?

City Clerk Lee stated yes, that will be part of the RFP for the engineer who's hired to determine if rights of way are involved, and they point blank, told us plan on two additional years, if that's the case.

Mayor Robertson stated the issue is on some of our older streets like when we did Winter Road. Hopefully, a lot of that has been resolved over the years. We'll find out, and that'll be coming out during the design process.

Councilman Alworth stated I think it's a good idea you recommended Mayor, because a lot of people walk that at night and it's dark.

Councilman Alworth moved to approve the Cooperative grant award agreement between the State of Nevada Department of Transportation and the City of Ely for the Campton Street Improvement Project Grant for \$937,000 with a \$49,312.00 match from the City of Ely. Councilman Carson seconded the motion. The motion carried unanimously.

9. PUBLIC COMMENT

Kerri Pintar stated I live at 1417 Mill Street. Mike has been in this position for thirteen months per your own minutes from the September 28th meeting. He was sworn in by you, Mr. Mayor, on June 30, 2023. He's been here thirteen months, not ten. Mike starts his day before 5:30 in the morning. This car wash shit is bullshit; just going to state that to you.

Mayor Robertson stated please no foul language.

Kerri Pintar stated okay, alright, I'm just mad. Mike supervises twenty plus people. He has more responsibility than any other supervisor in the City of Ely. I don't understand what just happened. Why there's five council people, and one of them just grandstanded, and then accused his partner next to him of being on her soapbox. That should have been stopped Mr. Mayor, you should not have allowed that to go on, that is uncalled for. It's the same thing that he did last year to Treasurer Trask. It's unfortunate, and it's not necessary. Now, I don't know which employee might have come to stand before you to lodge a complaint against something happening in that department. I don't care. This is public comment, and we get three minutes. I don't care if it's an employee of the City. If they have something to say, they have the right to come and say it whether they followed some chain of command or not I don't care, I just don't care. If you could silence people from public comment, I'm sure you'd silence me and that's not going to happen for you, because I'm very upset that this went on again tonight. I think that Mr. Hendricks got off great, and good for him. He's only been here a few short months, but if this is how the board's going to treat him, he's not going to stay here, either. We're lucky that we have Mike to do the job. Public service is a thankless job and while I've been on break from yelling at you guys, I've been hammering away at the County Commission. I'm watching what our outgoing commissioners are doing. They're creating a long, lasting challenge to overcome for the next board. They're trying to implode everything. That's what I feel about this board right now. We have two of you that are leaving, but you're going to leave a mess for those that are coming in. There was no reason for what happened here tonight. I don't want to see that. I'll be back for the next evaluations. I'm pulling your meeting minutes and looking at them. I don't understand what happened tonight, but it was uncalled for, and I'm very disappointed. It's probably a good thing you two aren't back up for reelection, because I don't think you'd get voted back in, but that said public service is a thankless job and I do appreciate that you show up and do your job. Tonight, the job was not done to the best of your ability. Thank you.

Julie Baca stated I work at the Wastewater Treatment Plant, and I just want to say with Jim saying his comment about respect, where is his respect at? Has he been in Mike's shoes? Has he done Mike's job? No, he hasn't. It was disrespectful and uncalled for, for him to even say anything like that. Mike is a great person. He gets everything done, and he makes sure everyone has everything done in their operations. That is just ridiculous and maybe it is a good thing Jim is leaving in November. Thank you.

Mitch McVicars stated I just want to thank you guys all again. I'm not the president of the archery club anymore, but I'm heavily involved in the building out there. I really hope you guys realize how much work Jennifer puts into this, and I appreciate all your support. Hopefully, we can get through this last little bit. I just looked at my notes and it was April of 2019 I helped drill the well. It's been the longest project in the world. We didn't realize the project was where it was. We should have been out there putting in some water lines, but there was a lack of communication between the engineering department and the few people that are trying to push this through. On this Ordinance that just passed on the side by sides and off highway vehicles can they not ride on that property the City building is on? I always thought it's a really nice facility that everybody could show up there and take off riding. What you just passed on the City properties is kind of a bad deal.

George Chachas stated I've yet to be provided information that I requested under the Nevada Open Meeting Law. I have some issues and I've gone to the Fire Chief, I've gone to Don, and I've gone to Mike. All of that is scheduled through you folks. I know what Councilman Alworth did

today was uncalled for. I can go back thirty years, and I can mention items he never did a thing about. Mr. Chachas stated ongoing concerns regarding who paid for the asphalt paving at 901 Avenue H and 1100 Avenue L; code violations not being addressed by the Planning Commission, some Council Members and some Commissioners; the drainage coming off the Bath property onto the west side of his property located at 622 High Street; a list of those permitted to live in RVs in the City and if they are paying for utilities; the sewer problem he took care of at his property located at 681 Parker Avenue and his request for reimbursement; alleged damage received at his property on 710, 729, 733, and 745 Great Basin Boulevard during the NDOT project; the broken railroad safety arm on Aultman Street near the Holiday Inn; and the plugged drain behind NAPA near his property.

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

Councilman Alworth moved to adjourn the regular meeting of the Ely City Council at **6:51p.m.** Councilman Trask seconded the motion. The motion carried unanimously.

MAYOR

ATTEST