

# CITY OF ELY

501 Mill Street Ely, Nevada 89301

City Hall (775) 289-2430

[Cityofelynv.gov](http://Cityofelynv.gov)

## ELY CITY COUNCIL REGULAR MEETING

**May 13, 2021 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 5:01 P.M.; Ken Kliewer offered invocation. Mayor Robertson led in the Pledge of Allegiance and asked for Roll Call.

**Members present:**

Mayor Nathan Robertson  
Councilman Ernie Flangas (joined by Zoom at 5:30 P.M.)  
Councilman Kurt Carson  
Councilman Ed Spear  
Councilman Jim Alworth  
Councilwoman Michelle Beecher

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

City Clerk Jennifer Lee  
City Treasurer-HR Director Janette Trask  
City Attorney Shain Manuele  
City Administrative Assistant Patti Cobb  
City Fire Chief Pat Stork  
Public Works Supervisor Mike Cracraft  
City Building Official Lee Walker  
City Engineer BJ Almberg  
City Police Chief Henriod

Also, in attendance: Members of the public in attendance at the Ely Volunteer Fire Hall signed in (appears below) and the following persons attended via video conference: Geri Wopschall, Cameron Gresh, and Chris Stanko.

## **ELY CITY COUNCIL ATTENDANCE LIST**

**DATE: May 13, 2021**

**Print name below**

Michael Caval  
Ken Kliewer  
George Chachas  
Robert Pratt

**Print name below**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## **2. PUBLIC COMMENT**

George Chachas stated ongoing concerns with his public information requests for the recent PORTER Group report; the City Personnel Manual; the former code enforcement officer's log; billing not being corrected to date for his properties; the status on Avenue A if that is City property or did the City install a utility on private property; and selective enforcement of City codes. On your agenda item 9B-4 you are to consider options to improve the appearance of commercial zones that allow metal storage. However, there is nothing in the packet for the public to see what you are considering, and the Nevada Open Meeting Law states you need to be specific. On your agenda item 9B-6 you are to consider a community cleanup day utilizing volunteer groups to clean areas in the business district. Why not consider a community cleanup campaign for a two-week period and include the whole city as people have different work schedules? It was reported that there were unexpected costs of approximately \$63,000.00 in repairs needing done to the armory and would be taken out of the Redevelopment Fund because the armory is in the Redevelopment Area; that is not true. The armory was not blighted, it was neglected.

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

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

## **4. CITY DEPARTMENT REPORTS**

### **➤ City Public Works Supervisor**

City Public Works Supervisor Cracraft stated I want to report on the vandalism at the Broadbent Park restrooms. We have it all put back together but the doors need to be replaced; we have them ordered and will install them when we get them.

Councilman Spear asked is there was a plan to keep the dust down on 13<sup>th</sup> Street between Avenue A and B by taking a water truck down there?

City Public Works Supervisor Cracraft stated let's meet down there and revisit this.

### **➤ City Engineer**

City Engineer Almberg stated on the Aultman Street project we have decided to upgrade some water line crossings that were not included in the original design because they started leaking when work was being done close to them. After the project was released, we found out that NDOT is going to participate because our improvements were older than their right of way; our expenses were cut in half due to NDOT paying half. I have coordinated with the City Treasurer to pay for those additional crossings; they are at Avenue G, Avenue H, and Campton Street. I was approached by a property owner with property on Great Basin Boulevard to install water and sewer connections during the construction on an empty lot. I let them know that neither the City of Ely or NDOT would not pay for that, but they could work with a contractor to get them placed while the road is already tore up. I told him that we will not issue him a Will-Serve at this time as it is a commercial property and we don't know what type of building will be going in there. We completed all the mainline on East Aultman Street and when the water was turned on one of the back properties that was not on Aultman Street had a line that was disconnected, so Carl's crew remedied the problem. I have been helping compile information for the PORTER Group to hopefully receive earmarked money for local projects. The due date for the completion of the Murry Street project is the beginning of next week, but they did get a couple of days for weather. I think they are going to be running about a week behind schedule.

Councilman Alworth asked there will be penalties for the time past the deadline, and are they aware of that?

City Engineer Almberg stated yes, they are aware of that.

Mayor Robertson asked do they have reasons for the overage.

City Engineer Almborg stated there were a couple of weather days and times that they were struggling as trenches were collapsing. It is a hard area to work in.

Mayor Robertson asked even with the weather days will they be coming to the City Council to ask for an extension on this contract?

City Engineer Almborg stated I don't know if they will ask for an extension. I think they will just try to get the project completed as quickly as they can.

➤ **Building Official**

City Building Official Walker stated we have issued twelve new permits in April, been steady with inspections, and a lot of building and roofs going on.

Councilwoman Beecher asked where are the roofers coming out of?

City Building Official Walker stated I believe CTR is based out of Reno and Broken Arrow is out of Utah. I have also been taking lots of trips to Baker for inspections.

Mayor Robertson asked could you talk to the Council about your testing and where that is?

City Building Official stated I am going to have to schedule a day to do it as I have been so busy with inspections and other work. The testing cannot be done on the weekend as you have to be watched by someone the duration of the testing which is about two hours.

**Mayor Robertson passed the gavel to Mayor Pro Tem Beecher.**

## 5. NNRy FOUNDATION REPORT

Mayor Pro Tem Beecher noted the Nevada Northern Railway Foundations April 2021 report has been provided; and appears below.

### NEVADA NORTHERN RAILWAY

A NATIONAL HISTORIC LANDMARK



**Nevada Northern Railway Foundation**  
Depot: 1100 Avenue A, Ely, Nevada 89301  
Mailing Address: PO Box 150040, Ely, Nevada 89315  
Voice: (775) 289-2085 • Web: [www.nnry.com](http://www.nnry.com) • E-mail: [info@nnry.com](mailto:info@nnry.com)

#### Monthly Operations Report for April 2021

1. Locomotive Status – No change
  - a. Locomotives in service: #93, #105, #109, #204, #310, Wrecking Crane A & Rotary B.
  - b. Locomotive 40 is out of service for her heavy repairs and will be out of service until 2023.
  - c. Locomotives out of service needing moderate repairs: #45
  - d. Locomotives waiting funding for restoration: Steptoe Valley Smelting and Mining #309, Kennecott 801 and Rotary Snowplow B (for boiler overhaul.)
  - e. Locomotives out of service needing heavy repairs #802, #80 and the military locomotives.
3. Rolling Stock Status – No change
  - a. Passenger equipment in service: #07, #08, #09, Flatcar #23, Coach #5, Baggage Car/RPO #20, Outfit Car #06.
  - b. Passenger equipment out of service: #10, #2 and #05 needing heavy repairs.
  - c. Caboose in service: #3, #6 and #22 are operational.
  - d. Caboose out service: #5
4. Track Status – No change
  - a. Keystone Branch is open
  - b. Adverse Branch is open.
5. Ridership and Ticket Sales – Updated
  - a. In April we carried 485 passengers. In 2020 we were shut down, but it is an increase of 25% over 2019.
  - b. Year to date we have carried 1119 passengers. This is an increase of 5 over over 2019.
  - c. Since operations began in 1987, we have carried 313,953 passengers.
6. Social Media: Our reach on social media continues to expand. We have 110,299 people who like our Facebook page. We are aggressively posting and doing home grown videos.

---

**Award Winning Destination**  
Best Tour in Rural Nevada – 2017  
Nevada State Treasure – 2013 & 2012  
Best Adrenaline Rush in Rural Nevada - 2020  
Best Preservation Effort in the West • Attraction of the Year – 2012  
Trip Advisor Certificate of Excellence – 2020, 2019, 2018, 2017, 2016, 2015, 2014  
Best Museum in Rural Nevada – 2020, 2017, 2016, 2014, 2013, 2010, 2009, 2008  
Best Event in Rural Nevada – The Polar Express – 2017, 2016, 2015, 2014 & 2013  
Best Place to Take the Kids in Rural Nevada 2020, 2019, 2018, 2015, 2014, 2013, 2012, 2011, 2010, 2009, 2008, 2007



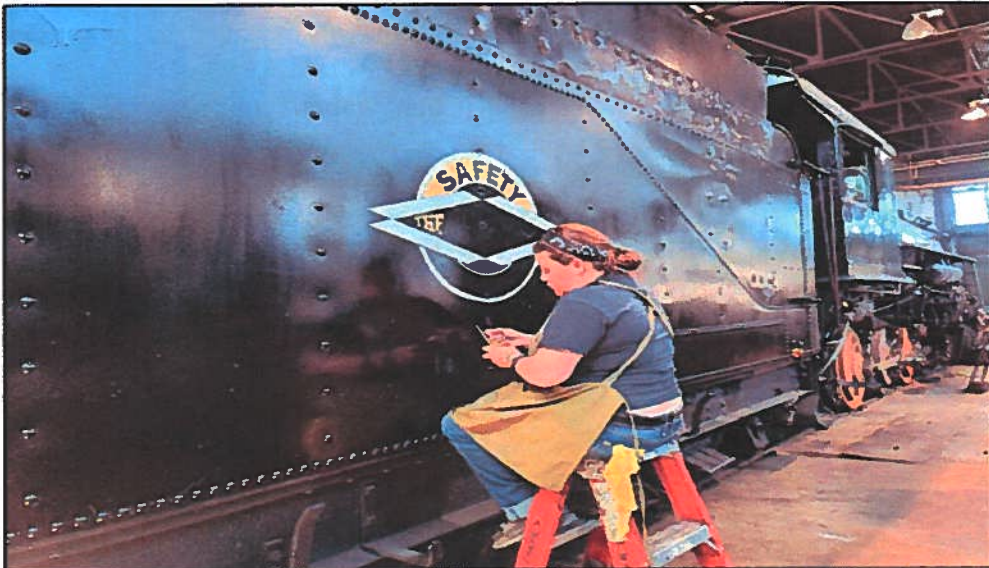
7. **Git'r Done 81** – We are attempting to raise \$166,590 to finish Locomotive 81. We are about 96% **DONE!**

This is what we accomplished to date:

- ✓ Locomotive Disassembly and Asbestos Abatement Cost: \$43,840 – **DONE!**
- ✓ Refurbish the frame and drive boxes Cost: \$30,760 – **DONE!**
- ✓ Refurbish the suspension system Cost: \$68,385 – **DONE!**
- ✓ Refurbish the running gear Cost: \$68,385 – **DONE!**
- ✓ Refurbish the engine truck Cost: \$12,330 – **DONE!**
- ✓ Refurbish and repair tender Cost: \$148,420 – 96% Complete – remaining cost \$5,937.
- ✓ Refurbish and repair boiler Cost \$251,346 – 95% Complete - remaining cost \$12,567.
- ✓ Refurbish the locomotive cab Cost: \$93,470 – 95% Complete - remaining cost \$4,674.
- ✓ Locomotive reassembly Cost: \$137,840 – 87% Complete – remaining cost \$17,919.
- ✓ Refurbish and repair brake system Cost: \$111,085 – 50% Complete – remaining cost \$55,543.
- ✓ Refurbish and repair valves and cylinders Cost: \$99,930 – 30% Complete – remaining cost \$69,951.



If we raise the \$166,590 by May 31<sup>st</sup>, we should have Locomotive 81 operating by mid-summer!



Angie is painting the Nevada Northern Railway's Safety First logo on the Locomotive 81's tender.

8. **Most Beautiful Train in the World** - Here's a very pleasant surprise, our astro-tourism trains were rated the most beautiful trains in the world by House Beautiful magazine.

<https://www.housebeautiful.com/lifestyle/g36135823/most-scenic-train-rides/>

We also have a new poster for the Star Trains thanks to the Great Basin Heritage Area Partnership.



Mayor Pro Tem Beecher passed the gavel back to Mayor Robertson.

## 6. REPORTS

### ➤ **Councilman Carson**

Councilman Carson stated I do not have a report, but have a special guest tonight. It is my daughter Merissa; she decided to join us as she has shown interest in politics.

### ➤ **Councilwoman Beecher**

Councilwoman Beecher stated considering the young person we have in the audience tonight, I wanted to comment that last week I did a couple of radio interviews on the vandalism in Broadbent Park. Whenever something like this happens, people tend to assume that it is a young person and that is not always true. I just want to say to the community that things are opening up and the kids had a rough year last year being limited in what they could do. I encourage everyone to get out and support the kids in their activities such as baseball games, choir concerts, band concerts, etc.

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

1. Mayor Robertson – City Fire Chief Stork – Discussion/For Possible Action – Approval for Garden State Fireworks to perform a firework display at the City of Ely Landfill August 22, 2021.

City Fire Chief Stork stated this item went in front of the Municipal Utilities Board this morning. Of all the locations that Mr. Couch presented the landfill is the most suitable for the late August display. There was a concern of the horse corals and the distance of the fireworks from them; I did some plotting and there is only about a 300-yard difference from where the 4<sup>th</sup> of July fireworks are set off. There will be coordination with Thomas at the Landfill for access.

Councilman Spear moved to approve for Garden State Fireworks to perform a firework display at the City of Ely Landfill August 22, 2021. Councilman Carson seconded the motion. The motion carried unanimously.

2. Board Members- City Attorney Manuele – Discussion/For Possible Action – Approval to remove past due utility fee penalties up to the amount of \$2,420.92 from 35 Avenue R, McGill, Nevada at the request of property owner, Robert Pratt acting on behalf of Moriah Enterprises, Inc., due to the property never having a livable structure.

Mayor Robertson stated this item was approved by the Municipal Utilities Board this morning.

City Attorney Manuele stated this is a request from the property owner as there is not a livable structure on this property and should have not been billed. The previous City Attorney Caroline Townsend did the majority of the research on the property. I contacted the Assessor's office and they confirmed that there has not been a livable structure on the property. County Ordinance states without a livable structure on property that landfill fees do not get charged even if it is a closed business so these fees should not have been imposed.

Councilman Alworth stated my concern is I have no problem with how we collect landfill fees. As Councilwoman Beecher stated, we are getting our hard money. In my opinion this is a total mess. We have a letter from the County Assessor where the City Clerk asked Burton why this garage is considered non-livable, as this property is being discussed at our meeting tonight. Burton replied, "I guess I am a little confused by this as it is a shop building and we have never had it as a livable structure that I am aware of and cannot find any record of it." How this was handled is totally wrong. The wrong person is doing the negotiating with the landowner. The City Attorney looked at this and was going to write off \$1,228.99. That is the payments he started paying after Chuck Odgers said no you can do this at \$10.60 a month up to \$1,228.99. The City Attorney wrote a letter and I will just share one sentence of it. "Mr. Odgers did not place any of these details in the written agreement nor was this within Mr. Odgers authority as the City Attorney." So, throwing away the County Code, they took the amount of \$1,228.99 and divided that back into the three other properties he owes in the tune of \$13,000.00 in past due landfill penalties. The building could never be a livable structure, but I am sure

everyone has heard of people all over that are building barn-dominiums or shop-dominiums. People are building shops with homes inside of them. So even though the County Assessor has deemed the building as non-livable, it was still a shop and a closed business. The previous owner, when he constructed that years ago, had a machine shop and it has always been a business. Our landfill has a fee of \$10.60 a month for closed businesses. My belief is that the \$1,228.99 needs to be put back on the account and he needs to pay it. We need to pay more attention to what we are doing. The picture of the big red barn included in additional documents is of that property. We cannot be shooting from the hip in making these decisions. My point is we can't take for granted that everything is being done correctly. I believe the Municipal Utilities Board recommending this to pass was wrong as they did not research it.

Mayor Robertson asked just to clarify, your contention is that this is a livable structure?

Councilman Alworth stated no, it is a shop that is a closed business and should be paying \$10.60 a month as that is what our landfill rate is for a closed business. We don't know if it is livable or not. There are numerous people building big shops and they are living in them.

Councilwoman Beecher asked do we know who authorized the balance be transferred?

City Clerk Lee stated I did.

Councilwoman Beecher stated because of the information you received from Burton, the County Assessor, that it was not a livable structure?

City Clerk Lee stated no. It was because City Attorney Manuele had spoken to Burton, the County Assessor, and based the decision on his research. It has always been the process at City Hall that if the County deemed the property as not having a livable structure, we do not set up landfill accounts on those properties, but we could certainly change that at the Council's pleasure.

Mayor Robertson stated my understanding is there are several closed businesses throughout the County, and we don't charge any of them a closed landfill fee. If you look in McGill and Ruth, there are a lot of closed businesses.

Councilman Alworth stated correction. City Clerk Lee, is there a landfill rate for closed businesses?

City Clerk Lee stated there is.

Councilman Alworth stated there is a closed business landfill fee of \$10.60, end of story.

City Attorney Manuele stated the County Ordinance states properties with unlivable structures do not have fees on closed businesses.

Councilman Alworth stated is the County or City collecting fees? We are the regional landfill and we have the say in what the landfill fees will be. If said building was to burn down, be torn down, or blown down it will end up in the landfill and that is why we have these rates for closed businesses. It is that simple and that is why we have these fees. It is \$10.60 a month.

Mayor Robertson stated I certainly agree with that premise in that I have a closed business and do pay that in the City. I get the rationale, but I am uncertain of the legalities of this. This was set up back in the eighties when the City took it over?

Councilman Alworth stated yes because the County failed at it.

Mayor Robertson asked is the ordinance from the eighties?

City Attorney Manuele stated the ordinance is from 1997.



Councilman Spear stated from day one I have been opposed to all these fees that we are writing off. I don't believe we are getting the hard costs and there are no hard costs because we are paying the employees to service the utilities. No business would exist if you wrote off all the fees of people that didn't pay. When the County wanted to get out of the landfill business, they picked three sites and paid a lot of money to Foreman to assess the three sites and came up with a plan to have it at Copper Flat. At that time, they assessed what it would cost to open it and they came to us and asked the City to become the regional landfill as there was no way the County could open, close and operate a landfill with the population base. I have always been opposed to all these write offs, voted against all of them and will again. I don't think the County's ordinance can circumvent our landfill. We are operating and have a 3.4-million-dollar liability the minute it closes; that is not the Counties liability, it is the City of Ely's residents that will be stuck with that.

Mayor Robertson stated so Jim your suggestion is that the \$10.60 a month should stay on the account but above that should be wrote off?

Councilman Alworth stated yes, the \$1228.99 needs to be paid. This person owns three properties in McGill and lives there, so he must be paying his water bill fees there. I believe there was a mistake made and it needs to be corrected. You can ask the Fire Chief: there are people living in structures that we may not think are livable, but people are living in them.

Mayor Robertson asked is there a legal definition of livable structure in any of the ordinances in the City or County or what the Assessor goes by?

City Clerk stated it is not the assessor. The assessor's office clarified they rely on the Building Official's designation for occupancy and whether an occupancy certificate would be issued for that structure.

Councilwoman Beecher stated we can't do anything about the \$1200.00 tonight but we need to decide on the \$2400.00.

Councilman Alworth asked he did not actually pay that amount it was just reallocated?

City Clerk Lee stated no. That was money previously paid by Mr. Pratt on the Moriah Enterprises 35 Avenue R. Depending on City Council action tonight I don't think it is out of harmony with the item to put it back on the account if the Council would like it left open. That would be City Attorney Manuele's call.

Mayor Robertson asked what are the options on the table for this agenda item?

City Attorney Manuele stated there was a billing error over the years and following the research of what the previous attorney had done and the ordinance regarding property without a livable structure, the recommendation was to waive the penalties. If we want to change this, it will have to be done through an ordinance change. My job is to state how the law reads and give direction based on prior attorneys' decisions and research.

Councilman Alworth stated I object highly on that. This has to be deemed a closed business as that is what it is. It is a livable structure. The \$1,228.99 that is due, if we don't decide on that now we are not going to be charging him the \$10.60 ever again.

Mayor Robertson stated what we have on the table is approval or denial of this request.

Councilman Alworth stated read the agenda item; it states due to the property never having a livable structure. That voids the item in my opinion as it is a shop and it is false and is mute. It should not be voted on as it is false.

City Attorney Manuele stated the Assessor is who we rely on for the determination of livable structures on property.

Councilman Alworth stated I don't know who you talked to because I have a letter right here from Burton and he did not say that.

City Clerk Lee stated on the Assessor's website it says it is a non-livable structure.

Councilwoman Beecher moved to approve the removal of past due utility fee penalties up to the amount of \$2,420.92 from 35 Avenue R, McGill Nevada. The motion failed due to a lack of a second.

3. Board Members – City Clerk Lee – Discussion/For Possible Action – Approval to remove past due utility fee penalties up to the amount of \$584.37 from 236 Fay Avenue #2., Ely, Nevada at the request of the property owners, Caleb and Brandi Sumrall.

Mayor Robertson stated this was also recommended for approval by the Utility Board this morning.

Councilman Alworth stated did anybody go look at it besides me?

City Clerk Lee stated my understanding is it's a stucco shell.

Councilman Alworth stated it's an empty lot.

City Clerk Lee stated okay.

Councilman Alworth stated there's a slab of concrete there and a bunch of trash. They've been paying landfill on a junk lot. There's nothing on there as far as I can see. We need to start doing our homework on this folks.

Councilman Alworth moved to approve the removal of past due utility fee penalties up to the amount of \$584.37 from 236 Fay Avenue #2. Councilwoman Beecher seconded the motion. The motion carried 3 to 1 vote, with Councilman Spear voting nay.

#### **8. ITEMS FOR DISCUSSION/POSSIBLE ACTION OF THE ELY CITY COUNCIL AS RECOMMENDED BY THE ANIMAL CONTROL ADVISORY BOARD.**

1. Board Members – City Animal Control Officer Hayes – Discussion/For Possible Action – Approval for the City of Ely Animal Control facility to participate in Maddie's Pet Adoption Days, a two-day adoption event for Nevada-based animal groups, June 11-12, 2021; all adoption fees must be waived and \$200.00 will be given to City of Ely Animal Control for every adoption of a dog/cat, to offset adoption costs and other Animal Control needs.

Councilman Spear moved to approve the City of Ely Animal Control facility to participate in Maddie's Pet Adoption Days; June 11-12, 2021. Councilwoman Beecher seconded the motion. The motion carried unanimously.

2. Board Members – Public Works Supervisor Cracraft – Discussion/For Possible Action – Approval to budget \$2,500 in FY22 for Animal License Caselle software.

Councilman Carson moved to approve the budgeting of \$2,500.00 in FY22 for Animal License Caselle software. Councilman Alworth seconded the motion. The motion carried unanimously.



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

**A. CONSENT AGENDA**

**MOTION:** Move to approve the Consent Agenda item 9A-1 Minutes and 9A-2 Bills.

Moved by: Councilman Alworth Second by: Councilwoman Beecher Vote: Unanimous

1. Discussion/For Possible Action –Minutes.

- April 8, 2021

2. Discussion/For Possible Action –Bills.

- April 19, 2021
- April 26, 2021
- April 29, 2021
- May 7, 2021

**B. NEW BUSINESS**

1. Mayor Robertson – Discussion/For Possible Action – Review with possible amendment and acceptance of proposed revision to Interlocal Agreement for Fire/EMS Services between the City of Ely and White Pine County.

Mayor Robertson stated you have the draft and I think a lot of great work has went into it. I appreciate the work of the negotiating team.

Councilman Alworth stated I am not on the negotiating team. Who makes up the parties of the negotiating team in the City and the County?

Councilwoman Beecher stated because of County personnel changes; I have a relationship in a personal capacity to a member of the County Negotiating team so I will be excluded from voting.

Mayor Robertson stated the City Team approved by the City Council is the City Attorney, City Fire Chief, City Treasurer, and myself. The County negotiating team is made up of Commissioner Carson, District Attorney, County Fire Chief, and their finance officer.

Councilman Alworth stated the County started with District Attorney Wheeble and now they have James Beecher. How many times has our City Attorney been present at those meetings?

Mayor Robertson stated the City Attorney has been present either in person or telephonically except for one. This draft is the recommendation of the City's negotiating team and the County intends to put this item on their agenda the last meeting in May so they can consider the proposal to adopt, amend or whatever they need to do. This is an official proposal from the City. The proposal on the next page was read into the record.



# CITY OF ELY

501 Mill Street Ely, Nevada 89301  
City Hall (775) 289-2430  
Fax (775) 289-1463

## Proposal for County Fire/EMS Contract FY22/FY23

The proposal to White Pine County for Fire/EMS Contract is as follows:

- White Pine County's total yearly payment of \$200,000 to be paid in equal payments of \$50,000 quarterly.
- Fire/EMS revenues in excess of the estimated revenue of \$450,000 for the FY2022 and FY2023, a rebate of 3% is being offered, as shown on the attached worksheet, with corresponding ranges for said rebate.
- The rebate will be subtracted from the final \$50,000 payment for the 4<sup>th</sup> quarter of each fiscal year.
- The City's proposal is for FY2022 and FY2023, to be renegotiated if necessary, for FY2024.

The original amount that was requested on the City's behalf was to increase the annual payment from \$150,000 to \$350,000 due to uncertainty of the effect COVID may have had on our overall revenues. The first counteroffer suggested back by the County was for an additional \$50,000 and then as time went on, the County came back with a revised reduced amount of \$30,000. Both times, the City's negotiation team rejected these amounts. The City teams currently proposes is for an additional \$50,000 for a total of \$200,000 annual payment with the possibility of a rebate based off the total amount if Fire/EMS revenues collected in a fiscal year exceed \$450,000.

## SAMPLE

### PAYMENT ADJUSTMENTS MADE IN 4TH QUARTER F/Y 21-22

City Est. Fire/EMS Revenue		County Payment		County 1st, 2nd, 3rd Qtr Payment		County 4th Qtr Payment	
\$ 450,000		\$ 200,000		\$ 50,000			
				\$ 150,000			
Exceeded Revenue Range	County Payment Discount	County Payment Reduced	Net County Payment			Total Payment Verify	
\$ 450,001 to \$ 460,000	3.0%	\$ 13,800	\$ 186,200		\$ 36,200	\$ 186,200	
\$ 460,001 to \$ 470,000	3.0%	\$ 14,100	\$ 185,900		\$ 35,900	\$ 185,900	
\$ 470,001 to \$ 480,000	3.0%	\$ 14,400	\$ 185,600		\$ 35,600	\$ 185,600	
\$ 480,001 to \$ 500,000	3.0%	\$ 15,000	\$ 185,000		\$ 35,000	\$ 185,000	

Mayor Robertson stated the \$450,000.00 is based on the original agreement as we understand it. I think the City has made some incredible efforts in collecting what is owed to them from the calls and have changed billing companies; that has brought in more revenue. Fire and City Staff have been diligent in getting the paperwork in and billed correctly. All the money that comes in if there are additional funds, we both realize there is a savings there. It is hard to budget based on how many accidents are going to happen, but keeping staffing and training up is what is important to continue serving outlying areas and support the County volunteer staff that has been doing a great job. On the back it is outlined how it will work and hats off to Councilman Alworth for that.

Councilman Alworth clarified the spreadsheet and breakdown of the payments appearing above and stated we will wait a couple of weeks for the County to review it.

Councilman Carson stated a couple of things to keep in mind is the original agreement was based on hiring EMT's only for 12-hour shifts and not running them 24-hours a day. The City was uncomfortable with that and tried to fill them with fire/EMS position for 24-hours, so we always had two people working. It is working well, but the other day Fire Chief Stork had all the ambulances out within a matter of minutes. The staff is really stepping up to the plate.

Mayor Robertson stated it has been said time and time again in the negotiation meetings that logistically the agreement has been working very well with people being served and response times going down for the outlying areas; our equipment and staff are serving these areas, as well as within the City. We want to make sure that we are both holding hands equally on the financial aspect as well.

Councilman Carson moved to approve the amendment and acceptance of proposed revision to Interlocal Agreement for Fire/EMS Services between the City of Ely and White Pine County. Councilman Alworth seconded the motion. The motion carried with 3 ayes and Councilwoman Beecher abstaining.

2. Councilman Flagas – Discussion/For Possible Action – First Reading of Ordinance 742, Bill 2021-05, with approval to move to the second reading. Ordinance 742 amends Title 2, Chapter 3, Sections 1 and 2 entitled TREE BOARD of the City Code of the City of Ely specifically changing the number of members of the board from nine (9) to five (5).

Councilman Spear moved to approve the first reading of Ordinance 742, Bill 2021-05, with approval to move to the second reading. Councilman Carson seconded the motion. The motion carried unanimously.

3. Councilman Spear – Councilman Alworth – Discussion Only – Update on PORTER Group efforts on behalf of the City of Ely.

Councilman Alworth stated City Engineer Almberg, Councilman Spear, and myself continue to meet with the PORTER Group weekly. As a non-entitlement unit of local government (NEU), the City of Ely's share of this American Rescue Plan funding is not yet officially available from the Treasury, but will be released next week according to the Department's Office of Recovery Programs. The State of Nevada will receive about \$150 million in funding from this program that it will then be responsible for dividing that among its NEU's, like Ely, by next month. The Treasury will determine Ely's share of this funding using population data from 2019, and though the Department will be releasing final numbers next week, Congress estimates Ely's total to be around \$3.6 million. The City of Ely would receive half of its total share this year, and the other half exactly one year later. Once received, the funding will remain useable until December of 2024. The City of Ely and PORTER Group are currently working together to ensure Ely's timely receipt of this critical funding, and to identify and answer questions on its usage. Congressional rules dictate that each office may only select ten requests for consideration by the House Appropriations Committee. Unfortunately, Congressman Horsford's office was unable to include Ely's requests in its initial round of submissions to the committee. However, Congressman Horsford's staff have met with City officials and are keenly aware of Ely's infrastructure needs; the Congressman continues to work with the City and PORTER Group to identify other infrastructure funding opportunities that Ely may pursue in the 117<sup>th</sup> Congress. Additionally, the Congressman's office has indicated to Ely that even though the City's earmark requests are not among the ten submissions made to the Committee, should the committee reject one of these ten requests as it considers them individually, the City's requests may be submitted as substitutes for consideration. The City also still has the opportunity to submit its earmark requests to the offices of both Nevada Senators. PORTER Group is in contact with staff in both the offices of Senator Cortez masto and Senator Rosen regarding the Senate's earmark process. We still have a real strong voice there. Out of those ten requests we were told we were limited to \$2 million. Each of the projects we had were \$8 million



projects and we toned it down to \$2 million. Several requests from other cities in Nevada were approved and the disturbing thing to me is Opportunity Village in Las Vegas requested 13.7 million dollars. We were told \$2 million per project so the PORTER Group is checking on that. This shows rural communities are hard pressed at getting anything. Once we are awarded the money, the opportunities in how we use it are wide open. I was disappointed in the ten requests that were awarded.

4. Councilman Alworth – Discussion Only – Consideration of options to improve the appearance of commercial zones that allow metal storage.

Councilman Alworth stated this is to brainstorm on ideas. We are trying to promote downtown beautification and the auto yards are zoned the way they are. You can talk to them and some people are willing to move cars and clean up but there are semi's and other metal items that are sixteen feet high that you cannot put a fence around. What are some ideas of things we can do? When you come into town you see the different businesses that are scrapping vehicles for salvage and the properties are in disarray, but it is allowed by their zoning.

Mayor Robertson stated I think one of my main concerns is that those areas are secure and not easily accessible by animals or kids. The zoning allows it, but it does create an unattractive nuisance. Maybe we can come up with something that states not a visual nuisance?

Councilwoman Beecher stated I don't think there is really anything we can do, but maybe have them put slats in their fence.

Mayor Robertson stated could there be an ordinance change that these properties have to be secured by fencing?

City Attorney Manuele stated I will research a change to require fencing.

Mayor Robertson stated I would think it is a liability to the property owner to not have the property secured. However, it becomes a tax bill issue when adding slats to a chain link fence as it increases the amount those business will have to pay.

5. Councilwoman Beecher – Discussion/For Possible Action – Approval to conduct a pickup of large trash items May 24-June 28, 2021 throughout the community, utilizing the Public Works Department.

Councilwoman Beecher stated the flyers were provided and I don't see a time for the Terrace.

City Public Works Supervisor Cracraft stated starting the pickup on the June 1, 2021 will work better as the week of May 24<sup>th</sup> the city crews will be working on the Cemetery to get it ready for Memorial Day.

Councilwoman Beecher asked if we bumped everything down a week and started on June 1, 2021 would that work better? Would there be a possibility of adding the Terrace to the list; it seems like a big area we are not addressing.

City Public Works Supervisor Cracraft stated we can try but it comes down to having the staff to do all of it and I would hate to try and cram too much into this timeframe.

Councilman Alworth asked how much will this event impact the Streets department from continuing to work on the street projects?

City Public Works Supervisor Cracraft stated we will organize a department each week to go do the pickups; however, the streets are priority.

Mayor Robertson stated this was a request from a citizen of Ely in efforts to clean up areas in preparation for the All Class Reunion over the 4<sup>th</sup> of July. Possibly later in the year we could do another area of Ely.

Councilwoman Beecher moved to approve the pickup of large trash items amending the date to June 1 – June 28, 2021 throughout the community. Councilman Alworth seconded the motion. The motion carried unanimously.

6. Councilwoman Beecher – Discussion/For Possible Action – Approval for the City to promote a Community Clean Up Day June 19, 2021 utilizing volunteer groups to clean areas in the business districts.

Councilwoman Beecher stated again this was suggested by a community member in anticipation of the large influx of people over the 4<sup>th</sup> of July. We plan to reach out to volunteer groups to mobilize a cleanup in the heavy traffic areas on main street.

Mayor Robertson stated I would like to see the businesses in that area be solicited as they like to come together to do events like this as well.

Councilman Carson asked what does the business district entail as they would not be going on private property?

Mayor Robertson stated it would be cleaning up the gutters and the sidewalks as there is a lot of trash that has blown up into those areas.

Councilman Alworth stated there is a vacant lot just down the street across from Taproot located on Aultman that we have sent many clean-up letters to and I don't think we should have volunteers out cleaning up those. Also, years ago the Fire Department used to wash main street and the sidewalks before the 4<sup>th</sup> of July and that went really good until one business complained of a chip in their window and that ended that.

Mayor Robertson stated this will be volunteer groups and not necessarily City staff. I do see the concern, but we need to do something. I don't want our downtown businesses held hostage by absentee property owners that don't want to do anything. Is there liability that we need to be looking at?

City Attorney Manuele stated the City is just providing the bags and not encouraging people to go on private property, so I don't see a liability there.

Public Works Supervisor Cracraft stated the bags will be handed out to the volunteer groups and they would either haul them to the landfill or leave them on the sidewalk and the City Public Works Department will pick them up.

Mayor Robertson stated we need to have something that states please be conscious of going on other people's property.

Councilwoman Beecher moved to approve the City to promote a Community Clean Up Day June 19, 2021 utilizing volunteer groups to clean areas in the business districts. Councilman Alworth seconded the motion. The motion carried unanimously.

7. Council Members - City Clerk Lee – Discussion/For Possible Action – Consideration of appeal by Eddie Morales regarding Nuisance Notice on his residence located at 650 Orson Avenue, owned by Jose and Virginia Morales.

City Clerk Lee stated Mr. Morales came into City Hall and exercised his right to appeal because he had received a nuisance notice. His contention is he is building up his yard because he is in a flood zone and using tree bark and sawdust.

Mayor Robertson stated we have determined that is not a valid excuse?

City Fire Chief Stork stated I drove by and looked at the property and it looks like they are processing firewood in the area. I would not build up my yard with material that will

float away in a flood zone. There was a sign there that indicated they were selling wood. If you are looking north at the trailer it is on the backside and there is an area 3 feet tall and 8 feet wide. The material is more than likely to smolder than to create a big fire, but I feel it is a hazard that needs to be addressed.

Councilman Alworth moved to have a letter sent stating the property needs to be cleaned up to avoid abatement. Councilman Spear seconded the motion. The motion carried unanimously.

8. Council Members – City Clerk Lee – Discussion/For Possible Action – Consideration of appeal by Elaine M. Parry regarding Nuisance Notice on her property located at 1205 Avenue D.

City Clerk Lee stated I asked City Public Works Supervisor Cracraft to drive by this property today and it was confirmed that there are five vehicles in the back and none of them are 1949 or earlier, as that is a requirement for a classic restoration vehicle. There are some of the vehicles that have tires deflated. I would suggest a letter requiring pictures of the registered cars and a timeline of when those are leaving the property and the ones they are trying to repair; she is limited to two per the Code.

Councilwoman Beecher stated I think with the ordinance it is very well spelled out what is allowed and what is not.

Councilwoman Beecher moved to have a letter sent requiring pictures of the registered cars and a timeline of when those are leaving the property and that the vehicles they are repairing need to be limited to two per City code. Councilman Alworth seconded the motion. The motion carried unanimously.

9. Council Members – City Clerk Lee - Discussion/For Possible Action – Renewal of 3-year lease agreement between the City of Ely and the Volunteer Fire Department in the amount of \$500.00 per month for use of the Ely Volunteer Fire Hall.

Councilman Carson moved to approve the renewal of 3-year lease agreement between the City of Ely and the Volunteer Fire Department in the amount of \$500.00 per month for use of the Ely Volunteer Fire Hall. Councilwoman Beecher seconded the motion. The motion carried unanimously.

Councilman Alworth asked do the Volunteers know about this agreement, and do they want it increased?

City Fire Chief Stork stated the Volunteers were the ones that submitted the agreement and did not ask for an increase.

## **10. PUBLIC COMMENT**

George Chachas stated a lot of the problems you are trying to solve are items that the City has failed to address in years gone by. The fact the landfill fees are now several hundred thousand dollars are because people like Mr. Alworth, back in 2006, when I was Mayor, sent me a memo stating there were only \$22,000.00 outstanding in the County. It should be 30 days your late, 60 days you're on notice, and 90 days you're in small claims court and it's over. The attorneys at that time and Mr. Alworth decided it wasn't worth their time and let the bills get to \$500.00 and above. If a person can't pay \$30.00 how are they going to pay \$500.00 to \$1000.00; the negligence is on the City. Mr. Chachas stated ongoing concerns with tax collecting; permitting of RV's; RVs squatters; curb/gutter codes not being enforced; and selective enforcement of City Codes throughout the City.

Robert Pratt stated it is too bad that the motion regarding my property failed. I want to thank the previous attorneys for the work they did on this and state that it has been sent to the City Council three times from recommendations from the attorneys. There are a few things said that I would like to correct. It was stated that the structure was unlivable. When I first bought the garage, I paid taxes on it, as well as my other properties. There was a 4-year period I did not pay any landfill fees as I was trying to get somebody's attention. I bought my first home in 1978 and did not live in that home until 2000. I paid landfill fees during that time even though I did not take



one thing to the landfill. I had talked to your previous attorney; he said if you pay all your fees, including the fees from the garage property, I will eliminate all the penalties if you'll live up to your part and pay all your fees and I did from that point on. The thing that bothered me the most when I moved back in 2000 was I tried to come talk to your staff and manager and nobody wanted to listen to me and I think that is wrong.

**11. 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 **6:26 p.m.** Councilwoman Beecher seconded the motion. The motion carried unanimously.



**MAYOR**



**ATTEST**

