

# CITY OF ELY

501 Mill Street Ely, Nevada 89301  
City Hall (775) 289-2430  
[Cityofelynv.gov](http://Cityofelynv.gov)

## ELY CITY COUNCIL REGULAR MEETING

**June 23, 2022 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.; Harry Rhea offered invocation. Mayor Robertson led in the Pledge of Allegiance and asked for Roll Call.

**Members present:**

Mayor Nathan Robertson  
Councilman Ernie Flangas  
Councilman Kurt Carson  
Councilman Ed Spear  
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  
City Attorney Leo Cahoon  
Public Works Supervisor Mike Cracraft  
City Engineer BJ Almberg  
City Fire Chief Pat Stork (Zoom)  
City Police Chief Scott Henriod  
City Building Official Craig Peterson  
City Municipal 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 persons attended via video conference: Geri Wopschall, Bodie Golla, Cameron Gresh, and Michael Couch.

### **ELY CITY COUNCIL ATTENDANCE LIST**

**DATE: June 23, 2022**

**Print name below**

Lori Drew  
Penny Alworth  
Samantha Elbert  
Tony Enriquez  
George Chachas  
Harman Singh  
SHADRACH

**Print name below**

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## 2. PUBLIC COMMENT

George Chachas stated on your agenda item 7B-1 you are to consider a liaison for the Chamber of Commerce. The City Council has no business sending a liaison to a private club, such as the Lions Club, Elks Club, or the Rotary Club. On your agenda item 7B-2 you are to consider an RFP to do the planning work on City Hall renovation; you need to consider scrapping that until the building costs come down. On your agenda item 7B-3 you are to consider an \$80,000.00 grant to the White Pine Choir Association, that needs to be denied because that is a private club. Let me remind you the City has yet to assist three businesses owned by women through the American Rescue Plan. On your agenda item 7B-6 you are to consider sending notifications to businesses on Great Basin Boulevard in need of beautification, weed removal, etcetera. The City Council has yet to promote a cleanup campaign. You have yet to paint the curb in the downtown area, repair burnt out streetlights, fence off closed businesses that are an attractive nuisance that have graffiti and broken windows, as well as those that are blocking ADA access. Mr. Chachas stated ongoing concerns regarding selective enforcement; RVs permitted in the City of Ely and if they are paying utilities; his request for a permit to park behind his business on Great Basin Boulevard, and a safety issue he alleges NDOT left on the corner of his property at 710 Avenue G with no ADA access and a drop off onto the street.

## 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 FIRE CHIEF

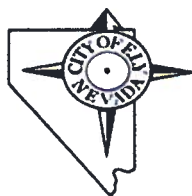
Councilman Alworth stated I have a question; I heard that our paramedic resigned from the Fire Department. Are we still able to administer fentanyl?

City Fire Chief Stork stated yes, we are because that is what is in our protocol and an advanced EMT can do that.

### ➤ CITY ATTORNEY

City Attorney Cahoon stated I am happy to report the property that was subject to abatement recently that is owned by the Popes has been cleaned up and looks much better and with that the process is complete.

### ➤ CITY CLERK



## CITY OF ELY

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

### REPORT

DATE: June 23, 2022  
TO: Mayor Robertson and City Council Members  
FROM: City Clerk Jennifer Lee

### BROADBAND

~~Comment~~ informed me of the following today: they have returned a signed copy of their Pole Attachment application to Mt. Wheeler Power and are waiting on them for construction approval; the Fire Station's service is classified as a "drop off existing fiber path", so the station's connection will be handled when the fiber is strung for City Hall; and configuration of City Hall's Meraki firewall is waiting on the delivery of additional equipment. |

### TREE BOARD

On May 31<sup>st</sup> the Tree Board planted 40 trees at the Golf Course using volunteers and a Nevada Division of Forestry grant, which White Pine County matched.

### COMPLAINTS

To date, my office has received 24 complaints this year; 4 of those complaints remain active. With one remaining complaint from 2021, there are a total of 5 active complaints.

### COMPLIMENTS

City Hall staff and I have received several compliments to the Street Department over the past two months for their recent paving, patching and sweeping work.

➤ **CITY PUBLIC WORKS SUPERVISOR**

City Public Works Supervisor Cracraft stated JCR Construction started work on Jack Caylor Park this morning. We have moved all our old toys out of there and put them in storage.

Councilman Alworth stated the truck that is sitting wherever it is; when are we going to get that and if and when we do get it will the price be the same with all this inflation?

City Public Works Supervisor Cracraft stated yes, the price will stay the same and it is still sitting in Canada. I have no idea what the hold up is. I talk to the guy monthly, and he thought it was moving last month, but it didn't. We have a copy machine sitting out somewhere too.

➤ **CITY ENGINEER**

City Engineer Almberg stated we are working with Mount Wheeler Power with an excavation permit. I am not sure these poles are dealing with the Commnet stuff, but I have had conversations with Mount Wheeler Power regarding that. In my conversations with Commnet my concerns are not them hanging them on the poles but when they get off the poles and start getting them in the right of ways are things I would be looking at. We have been working on our CDBG Projects, which include the Bell Avenue Sewer Project and Central Ely Sewer Project, to get the SHPO and environmental requirements paperwork in. In the last week and a half, the summer employee has come back to help us, and we are collecting more GIS information for our sewer and water system. He has been an asset and doing a good job. We had an employee from our office accompany Jennifer in Elko for CDBG Training yesterday.

Councilman Spear stated I was watching on the news and the price of materials is increasing four hundred percent. What is that going to do to our projects in Central Ely and Murry Street? With the price of fuel and price increases do we have an option to downsize those projects?

City Engineer Almberg stated hopefully it is not going to affect the project we have going on now because they have those materials already. It will be the next phase there could definitely be a situation where we were going to do three blocks and may have to scale it back to two blocks.

Councilman Flangas asked do you have any idea if the State Highway is going to do any work on East Aultman Street or the other projects we had in mind this year?

City Engineer Almberg stated it is not necessarily going to be this year. We have been working very closely with them and have a set of our water and sewer improvements that go along with that project at roughly a sixty percent level into them for the continuation of Aultman Street in both directions. It will not be this coming season, but I would anticipate the following season is when you will see some potential construction.

➤ **BUILDING OFFICIAL**

Building Official Peterson stated I am working on some cleanup around town. I have been working with some of the landlords that have a little bit of deficiency in civic pride. I have managed to clean up three properties in the last month and moving forward I did some scouting today and identified six more that are in need of clean up. I am going to use the good faith I have built with these individuals to get those properties taken care of. I have some handouts coming and hopefully will get added to the website by the end of next month that will allow citizens to build pole barns at a certain size, loafing sheds, yurts, and a lot of other things. I get a lot of questions about these things. I have done a bunch of research and I have found prescriptive ways that people can go ahead and construct these things on their own obviously with inspection. It will cut out a lot of cost for folks that are trying to improve their property with some of these useful buildings that typically require engineering every single time.

Mayor Robertson asked will this include carports?

Building Official Peterson stated I haven't gotten that far into it but will research it and if I can provide helpful documentation for folks, I am happy to do that.

Councilman Alworth asked on those pole barns they don't have to have a concrete floor?

Building Official Peterson stated no, they do not. It is an option as to what someone wants.

## **5. REPORTS**

### **➤ COUNCILWOMAN WILLIAMS-HARPER**

Councilwoman Williams-Harper stated as the educational person on the Council I would like to say thank you to both White Pine and Learning Bridge because they extend summer school to the students and that really helps our students with their learning and helps our families continue to have some place for their kids to go. I just think we need to remember what they do.

### **➤ COUNCILMAN ALWORTH**

Councilman Alworth stated going through this month's Landfill report I think it is really interesting and I am glad Councilman Carson threw out the idea for steel cars and junk to be taken to the Landfill with no charge. For example, on the Landfill report for the revenue and expenses on revenue we brought in \$13,704.00 for tires and \$96,840.00 for scrap. On expenses for tires alone it was \$55,156.00 and bills this month were another \$16,000.00 for a total of \$71,156.00, so that leaves us with \$39,058.00 to the good. I believe if we were to get all the tires picked up out there it would be a break-even thing at the most. The idea Kurt had to get all the steel we could out there I think was a good move. When steel prices are up it is going to help us a lot. We are missing a report from the HR Director within all of our other reports. She has brought up in July we do a personnel session with the HR Director, City Treasurer, and the City Clerk, so I would like to see a monthly HR report to see a breakdown of manpower by department, employee turnover, employees on long term leave or military leave, medical, hiring, how many resignations and terminations monthly, and time dealing with HR issues. I know it is confidential, but it would be nice to hear some sort of feedback of what is happening in the HR Department. The financials we see them and with HR all we see is we are having turnover and we can't hire anybody. I don't think the City is any different than others in that they can't get anybody to work. I would like to see what we could do or what we are doing to entice people to come to work for the City.

### **➤ MAYOR ROBERTSON**

Mayor Robertson stated you have my report about road closures, special events, and liquor licenses. At the request of the PORTER Group, I did send thank you's to the Senators for their influence on our funding. I would also like to report that Lee and Leann Anderson will be the Grand Marshals for the upcoming 4<sup>th</sup> of July parade. They have been working and living in our community for many decades and they seem very honored by the opportunity.

## **6. THE MAYOR WILL RECESS THE REGULAR CITY COUNCIL MEETING FOR A MEETING OF THE ELY LIQUOR LICENSING BOARD.**

1. Board Members – Discussion/For Possible Action – Approval of Class II Liquor License, effective July 1, 2022, to Harmanpreet Singh d.b.a. *Singh Stores, Inc.*, located at 1490 East Aultman Street, Ely, Nevada.

Councilman Spear moved to approve the Class II Liquor License, effective July 1, 2022, to Harmanpreet Singh d.b.a. *Singh Stores, Inc.*, located at 1490 East Aultman Street, Ely, Nevada. Councilman Alworth seconded the motion. The motion carried unanimously.

## **THE MAYOR RECONVENED THE REGULAR CITY COUNCIL MEETING.**

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

### **A. CONSENT AGENDA**

Councilman Alworth disclosed I am a past member of the Volunteer Fire Department and bills that are paid on behalf of the City of Ely Fire Department I believe are paid in the best interest of the citizens.

Councilman Spear asked about the \$9,200.00 for court furniture.

City Treasurer Trask stated yes, it came out of their Facility Fund.

**MOTION:** Move to approve the Consent Agenda item 7A-1 Bills.

Moved by: Councilwoman Williams-Harper Second by: Councilman Spear Vote: Unanimous

#### **1. Discussion/For Possible Action –Bills.**

- June 3, 2022
- June 9, 2022

### **B. NEW BUSINESS**

#### **1. Mayor Robertson – Discussion/For Possible Action – Appointment of Council Member Jerri-Lynn Williams-Harper as the City of Ely liaison to the White Pine Chamber of Commerce.**

Councilman Carson moved to appoint Councilwoman Williams-Harper as the City of Ely liaison to the White Pine Chamber of Commerce. Councilman Flangas seconded the motion. The motion carried unanimously.

Mayor Robertson stated thank you Councilman Flangas for your years of service as the prior liaison.

#### **2. Mayor Robertson – Discussion/ For Possible Action – Approval to issue a Request for Qualifications for a design professional to be used for the planning work on the City Hall renovation and direct Mayor Robertson to assemble a city personnel committee to make design firm selection recommendations to the City Council.**

Mayor Robertson stated I would like to report to the Council the State Historic Preservation Office did fund our grant in its entirety of \$300,000.00 with the option to come back to the meeting in September for more funding. I think it is significant that we get someone on board that can nail down some costs related to the planning. To follow up on some public comment from earlier there is no construction as this will be a planning phase only, which will thankfully insulate us from having to pay exorbitant lumber costs.

Councilwoman Williams-Harper asked do you have a focus you want to start with?

Mayor Robertson stated no, that would be at the discretion of a professional. We would be hiring a professional that has all the qualifications to work on historic buildings.

Councilwoman Williams-Harper asked how much funding of the \$300,000.00 does that eat up?

Mayor Robertson stated for this process just the cost for advertising.

Councilman Alworth stated when we first started this you were guessing, I can't remember if you said \$400,000.00 or \$500,000.00 and now you are saying \$300,000.00 and with inflation everything has gone up. Is this \$300,000.00 a better ballpark figure than your wish several months ago?

Mayor Robertson stated as you may recall the wish, you are correct on where I estimated that money go. The grant was for \$300,000.00 independent of what the costs are at this



point. The sooner we get someone on board we can nail down how much we are going to need. I can then go back in September to the Preservation Board with that information and let them know we did get a professional on board and here are the costs and we need an extra \$100,000.00. We first need that information before we make that ask. At this point it will just be an expense for advertising.

Councilman Alworth asked what will that cost be?

Mayor Robertson stated maybe \$200.00.

Councilwoman Williams-Harper asked where will you advertise?

Mayor Robertson stated we will advertise in our local newspapers and will start sending advertisements out to everyone I know, and we will need to meet the advertising required. There are professionals we have used in the past and people recommended by the State. The qualifications will be based on if they have done projects such as this on a historical building before.

Councilwoman Williams-Harper asked is there a state credential that says you are able to work on preservation projects?

Mayor Robertson stated no, it will be the board that looks at the licensed professionals and say yes, these people have experience doing this type of work and based on that they can be considered.

Councilman Spear moved to approve issuing a Request for Qualifications for a design professional to be used for the planning work on the City Hall renovation and direct Mayor Robertson to assemble a city personnel committee to make design firm selection recommendations to the City Council. Councilman Carson seconded the motion. The motion carried unanimously.

3. Councilman Spear – White Pine Community Choir Association member Lori Drew – Discussion/For Possible Action – Approval of White Pine Community Choir Association’s request for \$80,000 from Community Service funding to supplement already-obtained grant monies for the following restoration projects in the Centennial Fine Arts Center: installation of an elevator - \$30,000; installation of an electrical upgrade - \$30,000 and stabilization of the chimney - \$20,000.

Councilman Spear stated I am excited to see this moving forward.

White Pine County Community Choir Association Representative Lori Drew stated in 2018 the choir regrouped and focused their efforts on preserving the century old building on Aultman Street. They developed a new mission statement which is as follows, “The mission of the White Pine County Community Choir Association to restore the historic facility known as the Centennial Fine Arts Center and to provide the community with this facility to use as a gathering place and as a place for the arts, business, and educational development will be encouraged.” With support for substantial renovation the building can once again serve the community as a gathering place. The White Pine County Community Choir Association is requesting \$80,000.00 from the American Rescue Plan Act Funds awarded to the City of Ely. Our project is a great place to safely spend your money. We have been vetted as it were by the State of Nevada to the State Historical Preservation Office (SHPO), and the federal government’s Brownfield’s Program. Clearly our infrastructure project meets a high bar in terms being acceptable on both State and federal levels. Our project meets the economic development goal of the American Rescue Plan as well, since the eventual use of the Community Fine Arts Center is as a community center, a performing arts center, and a meeting place. This \$80,000.00 in funding will allow the choir to complete three projects: the roof, the elevator, and the chimney stabilization. Our future fundraising will be strengthened if the choir can show potential funders that our local government supports this project and values this historic building, which the City can demonstrate by allocating funds.

Councilman Alworth asked once the building is done, what events are going to be going on in there?

White Pine County Community Choir Association Representative Lori Drew stated the building has wonderful acoustics so we can see any kind of musical events. We are hoping to do like the Eureka Opera House does by piggy backing on them. The performers will be in their facility one night and possibly ours the next. We would like to see school functions in there, choir performances, band performances, and if there is ever an orchestra. Eskdale has an orchestra, and they are always looking to perform for different events. We can also see it as an overflow for the convention center for meeting space.

Councilman Alworth asked what about weddings, receptions, reunions, and those types of things?

White Pine County Community Choir Association Representative Lori Drew stated yes, it could be used for all those things. It is a smaller venue and a little more intimate than the convention center would be. We even had someone say if they had an event in the park and the weather was inclement it would be easy to move across the street. Right now, the fact that it is not handicap accessible is huge. We went through a planning process and hired one of the companies like Mayor Robertson was just talking about on the last item. They came up with a plan of what we needed to do first and that was the roof because if you lose the roof, you lose the building. You will start seeing construction on the roof this summer. The next suggestion they had was having handicap access and then we hope to move along on stabilization. It has been well thought out.

Councilman Alworth asked is there an upgrade needed for the heating/air conditioning and since this is a historical building how is that going to be handled along with fire safety. Will it have sprinklers, or does it that have to be covered?

White Pine County Community Choir Association Representative Lori Drew stated that is a later phase. We don't have a plan for that yet, we are just trying to get through the first phase. We haven't contacted any professionals to look at that, but we know it is there and we are going to have to address it.

Councilman Alworth asked do you have any idea what the heating system is right now?

White Pine County Community Choir Association Representative Lori Drew stated the original is oil and we also have some electric base board heat and that is what we pretty much use. We rent the facility to essentially pay for the electricity.

Councilman Alworth stated looking at the Tourism and Recreation Agenda they have additional money going towards this again is that included in this \$13,000.00 and \$8,000.00; maybe Kurt knows as he is on that Board?

White Pine County Community Choir Association Representative Lori Drew stated no, it is not because it has not been awarded.

Mayor Robertson asked is the Choir Association a 5013C?

White Pine County Community Choir Association Representative Lori Drew stated yes, it is.

Councilwoman Williams-Harper stated I was able to tour the building. It's a wonderful building and I can see all the things you are talking about. When you say choir association, I think people just think music, but it has so much more potential for receptions and other things. This is a project that will be ongoing for a while, but in your estimation, how long do you think before this will be restored to everyone's satisfaction?

White Pine County Community Choir Association Representative Lori Drew stated we have a five-year plan. We have been delayed by COVID for a couple of years and we are up against the wall on some funding because of that, due to it expiring. We have

struggled getting contractors to come in and bid on the project. We do have a couple on the line right now and we are hoping we can push forward.

Councilman Spear stated I think this is a great project for our history and heritage and I fully support this project.

Councilwoman Williams-Harper stated if there is anyway you can save the water fountain when you first walk in that is so awesome and I have never seen a water fountain like that.

Councilman Flangas stated the Smithsonian Institute from Washington D.C. came out last summer to visit and review the train. Consequently, they were told to look at other things in the community and they were highly impressed with the Renaissance Village, the Centennial Arts Building, and other buildings. They said in all their travels this is the one community that has gone out of its way to preserve its history. I think this is an excellent project.

Councilman Spear moved to approve White Pine Community Choir Association's request for \$80,000 from Community Service funding to supplement already-obtained grant monies for the following restoration projects in the Centennial Fine Arts Center: installation of an elevator - \$35,000; installation of an electrical upgrade - \$25,000 and stabilization of the chimney - \$20,000. Councilwoman Williams-Harper seconded the motion. The motion carried unanimously.

4. Councilman Spear – Discussion/For Possible Action – Direct City Attorney to amend Title 1, Chapter 5, Section 7 of the Ely City Code making operative the requirement that all elected officials follow the chain of command, to wit: prohibit elected officials from confronting city employees about work related performance or issues on or off the job and require elected officials to instead report all matters to the appointed official over the department with appropriate jurisdiction.

Councilman Alworth stated before we even start this Mr. Mayor on a point of order, I can't believe Councilman Spear has done this for the fact that anytime we have done something with the nuisance abatement ordinances we know what we are changing? Where is the item that we are changing? Let me ask the Council, do any of you have a copy of the 1-5-7 Conduct of the City Council in front of you?

City Attorney Cahoon stated I have it in front of me.

Councilman Alworth stated that doesn't mean nothing to me. Does Councilwoman Williams-Harper have a copy of the Chain of Command since she is new along with the flowchart and everything? Have you ever seen that?

Councilwoman Williams-Harper stated no.

Councilman Alworth stated I believe this is totally premature. The Code of Conduct, 1-5-7 went into effect under an ordinance and there is no doubt nobody has looked at the ordinance. Ordinance 730 was adopted February 13, 2020. Let me read this it is one sentence, "Chapter 5 in Title 1 of the City Code requiring the City Council to create a Code of Conduct for its members to apply during City Council Meetings." It has nothing to do with walking the streets and talking to employees. This is totally out of line and totally irrelevant to what Ed is trying to do here. With that being said I don't know if we can go forward because nobody is well versed in what it is even about Mr. Mayor.

Councilman Spear stated 1-5-6 says under D-2...

Councilman Alworth stated we are talking about 1-5-7, look what the agenda says.

Councilman Spear stated it does say that, but this is where it comes from. The Liaison designation part...



Councilman Alworth stated point of order Mr. Mayor, we are not sticking with the agenda item as it is presented. We are talking about 1-5-7 not his number six; correct me if I am wrong Mr. Attorney. You have to stick to what's on the agenda and not where I found it at.

City Cahoon stated the way 1-5-7 reads currently it doesn't have any force or effective law. It references the City Council shall adopt a Code of Conduct for its members to apply during City Council Meetings and interactions with City personnel to include the following chain of command. There hasn't been a Code of Conduct adopted by the City Council so instead of adopting a Code of Conduct I believe this agenda item was essentially to affect what was intended in 1-5-7 without having to adopt an entire Code of Conduct.

Councilman Alworth stated with that being said I say we still need to redo it. It is not done correctly, and we need to go back and change it.

City Attorney Cahoon stated I am not understanding, what is incorrect with it?

Councilman Alworth stated the first thing you stated is it is not enforceable.

City Attorney Cahoon stated right, because it is referencing a Code of Conduct the City has not yet adopted.

Councilman Alworth stated what is this in Ordinance 730 when it says it was adopted on February 13, 2020 by five Council Members present, so this piece of paper is worthless?

City Attorney Cahoon stated no, the Ordinance was adopted but there wasn't a Code of Conduct and in the City Code it says the City Council shall adopt a Code of Conduct, which shall include the Chain of Command. There hasn't been a Code of Conduct adopted so essentially the Chain of Command has no enforcement.

Councilman Alworth stated so Chain of Command don't mean squat in this then?

City Attorney Cahoon stated that is why there has been an attempt to amend the Code to make it enforceable.

Mayor Robertson stated your opinion is that is what is before us whether to do that part.

City Attorney Cahoon stated yes, 1-5-7.

Councilman Alworth stated Ordinance 730 says applied during City Council Meetings, that's the stickler right there. If we want to do one for walking down the street like Ed is trying to do that's something completely different.

City Attorney Cahoon stated it says during City Council Meetings and interactions with City Personnel.

Councilwoman Williams-Harper stated I can see the importance of a good relationship between Council Members and how we address and work with the people that work for the City every day. I think it is right and just to say we want to make sure they are being treated properly and that we are talking to them in an appropriate manner. I am speaking for Jim in saying I don't think he has an issue with that, but I think what I am hearing is there probably needs to be a little more work so it's very clear. Jim, can you read that one more time.

Councilman Alworth read, "Ordinance 730 is an ordinance amending Chapter 5 of Title 1 of the City Code of the City of Ely requiring the City Council to create a code of conduct for its members to apply during city council meetings."

Councilwoman Williams-Harper stated we have asked you before if we could have something that says at all times, whether it be at City Council Meetings, during the

workday, or in the evening that our interaction with anyone that works for the City is appropriate. If there is an issue, we go to that chain of command.

Councilman Carson stated I believe it says that in there already, on or off the job.

City Attorney Cahoon stated I am still not fully understanding what the issue is with regard to the agenda item.

Councilman Spear stated I want this spelled out very clearly and the way this is worded when we went through this...

Councilman Alworth stated who is “we” that went through this?

Councilman Spear stated Leo and me.

Councilman Alworth stated I just wanted to make sure you are not getting other council members involved Mr. Spear.

Councilman Spear stated there were no other council members. Code of Conduct: making operative the requirement that all elected officials follow the chain of command. What is wrong with that?

Councilman Alworth stated he just said the chain of command has not been accepted.

Councilman Spear stated that is what this is doing, and we have a chain of command.

Councilman Alworth stated she (Councilwoman Williams-Harper) has never even seen it.

Mayor Robertson stated I believe the problem is the chain of command never got adopted as part of the Code.

Councilman Spear stated I would like to have that as part of the next agenda to have that part of the Code.

Councilman Alworth stated do your homework.

City Attorney Cahoon stated this agenda item is just directing me to amend the code. When I go to amend it, I can include the chain of command right in the code if that is what the Council would want.

Mayor Robertson stated what your saying is on the agenda tonight is to bring a draft back for approval?

City Attorney Cahoon stated yes, this is just to direct my office to amend Title 1, Chapter 5, Section 7, is what we discussed.

Councilwoman Williams-Harper asked may I ask if when you are doing whatever you are doing can we get it before it comes to a meeting so if there is anything we don't understand or a suggestion you can have that so when it gets back to us it is...

Mayor Robertson stated the issue is because there has been no draft made yet there is no back up documentation.

City Attorney Cahoon stated correct.

Mayor Robertson stated this is approval of the idea to come up with the draft.

City Clerk Lee stated just a reminder, if a draft is produced; when it is released to the entire Council, it has to be released to the public per the Open Meeting Law. If it is going to be considered on an agenda, we have to remember that.

Councilman Alworth stated one of my points is the remaining members of this Council, including the author of this thing, didn't even look at and have time to absorb what we are discussing right now. Let me talk about the rest of this thing, and I will give you an example, confronting an employee on or off the job. Three weeks ago, in front of my house I see two water department people standing out in the street and I asked them, "what are you guys doing?" They said, "exercising valves." If one of those guys have a bone to pick with me, it is going to be a whole bunch of hearsay. Every member in the Volunteer Fire Department is an employee of the City. I have been in the Department thirty-six years, and I see a car wreck on Facebook or whatever and I say, "man what happened, that was a mess." What I am saying is I think we are digging a little too deep with on or off the job. This is a small community and how are you not going to run into somebody. I have never bashed on an hourly person. I have gone to two people in that office and you Mr. Mayor. I went to Councilman Carson once over an issue as the liaison in the chain of command. If Mr. Spear has examples to throw out there, I am here to listen to them. We are going too deep and violating our 1<sup>st</sup> Amendment Rights. I can say whatever I want. I might swallow a lot of teeth if I say something to the wrong person, but I can say what I want. Just because I am a Councilman, I have a Code of Conduct and went through the training, and I will be going through the bullying stuff. I just feel I asked a question and that is how fine tuned this can get and cause a real mess.

City Attorney Cahoon stated I can include any language in the draft to make it directly what it is intended to do. I think if I am not mistaken Councilman Spear this is intended to prevent direct communication with employees regarding their work performance in a supervisory role.

Councilman Spear stated that is correct.

Councilwoman Williams-Harper stated I think it is all in the wording and we don't want to look like the enemy. It is something we all need to be cognizant of all the time by reporting things we may see to the proper person.

Mayor Robertson stated independent of the wording is there any objection from the Council on having the accepted chain of command we came up with years ago codified and put together with this.

Councilman Alworth stated my next point is the chain of command; instead of requiring elected officials to report all matters to the official over the department in the appropriate jurisdiction; that is what you are talking about. First of all, this is an at large Board. We are not over a certain section of town. NRS 266.261 Public works: General powers of city council states The city council, on behalf of the city and in its name, without any election, may acquire, improve, equip, operate and maintain, convert to or authorize:

- (a) Curb and gutter projects;
- (b) Drainage projects;
- (c) Off-street parking projects;
- (d) Overpass projects;
- (e) Park projects;
- (f) Sanitary sewer projects;
- (g) Sidewalk projects;
- (h) Storm sewer projects;
- (i) Street projects;
- (j) Underpass projects;
- (k) Water projects; and
- (l) Underground electric and communication facilities.

I don't have to go to him as a liaison.

Mayor Robertson stated I don't think that is what it is saying. I think it is saying you need to go to the Clerk, who is over that department.

Councilman Alworth stated okay, that is fine because she reports to the Council.

Mayor Robertson stated to the point of what Ed was saying the liaison is not a director role, but a reporting role only. If you have something that needs direction it goes to the appointed officials which is the Clerk, City Attorney, and Treasurer.

Councilman Alworth Stated we went through a big deal and Ed kept arguing about the fact that we didn't want you to be over the administration. What is the duty of the liaison then?

Mayor Robertson stated it is for reporting back to the Council on items. The chain of command duties and the liaison duties are completely separate.

Councilman Alworth stated this needs to be broke down in three separate steps then. It is a mumbled, jumbled up mess the way it is right now. Leo, go to work and fix it.

City Attorney Cahoon stated the agenda item or the way the Code reads?

Councilman Alworth stated that is the longest sentence I have seen in a long time, to wit and all that other jazz, but we are talking about appointed officials, jurisdiction, chain of command, and prohibiting elected officials having freedom of speech. This in my opinion is a witch hunt, behind the back scenario that screws up government. We have bigger fish to fry than councilmen going out and trying to see projects get fixed in the community. My view of the chain of command is for example the Street Department; one of their people is having a problem and goes to their supervisor, that supervisor takes it to Public Works Supervisor Cracraft and doesn't like the result so then since I am the Liaison does it go to me or to the HR Director or Clerk.

City Clerk Lee stated it would go to HR.

Treasurer/HR Director Trask stated it would depend on what the complaint was. If it was an HR issue it would come to me and if it was something not getting done work wise it would go to Jennifer.

Councilwoman Williams-Harper stated when you say the word liaison that puts us in to it some way shape or form, should that not be there. Should it just be....

Mayor Robertson stated those type of issues are management issues, and the liaison is not management, it is a reporting role. I think Councilman Alworth's suggestion is valid as well and suggests bringing back the organizational chart, the liaison definitions and use that to give direction to the City Attorney's office.

Councilwoman Williams-Harper stated I don't think there is anything here we disagree with, I just think it needs to be very clear and maybe broken up because I really don't want to stick my finger in someone else's Kool-Aid. I want to know what I am supposed to do and who I am supposed to talk to.

City Attorney stated again, this is just direction for me to draft up the ordinance and then there would be a first and second reading. If there are changes the Council would like during the first reading, I can do that. I really don't know what other information is being requested at this time.

Councilman Alworth stated give us your first draft and we'll tell you. I would like to add if you have something on the agenda, we have a Clerk and an Attorney; get all the back up because I feel like I am back at the very first thing by four Council Members, including the one that wrote it, didn't even have the Code of Conduct in their presence.

City Attorney Cahoon stated it is my understanding that this was published last week, and the City Code is available to anyone.

Councilman Alworth stated yeah, then why didn't they get it? Am I the only one doing the homework? You didn't tell him to put it in the agenda. The Clerk never said it, so where is the shortfall on running our business? That's my big problem here.

Councilman Spear moved to Direct City Attorney to amend Title 1, Chapter 5, Section 7 of the Ely City Code making operative the requirement that all elected officials follow the chain of command, to wit: prohibit elected officials from confronting city employees about work related performance or issues on or off the job and require elected officials to instead report all matters to the appointed official over the department with appropriate jurisdiction and to also include the chain of command, organizational chart, and definition of the liaison to be included in the Code. Councilman Flangas seconded the motion. The motion carried 4 to 1 with Councilman Alworth voting Nay.

5. Councilman Alworth – Discussion/For Possible Action – Review of City Police Chief’s and City Engineer’s recommendations in regard to the traffic study on possible future removal of YIELD or STOP signs at the following locations – Murry Street and 1<sup>st</sup> Avenue, Murry Street and 3<sup>rd</sup> Avenue, and Murry Street and Annand Avenue AND possible direction that a public hearing be held prior to Council’s final action to remove said signs.

Sheriff Henriod stated you have my report and I hope you have had an opportunity to read through it. I did have just the one recommendation and that is to keep the STOP sign at the corner of 1<sup>st</sup> Street and Murry Street due to the possibility of more traffic in that area when the Boys and Girls Club acquire that building. I am not sure how they are planning on having children dropped off in that area and their parking situations, so that is pertinent to me to keep that STOP sign there to regulate the flow of traffic.

Councilman Alworth stated I think once the school goes in place, traffic control devices can be used. I think we need to eliminate the STOP sign. The other thing Sheriff is there were 732 vehicles reported traveling over the posted speed limit; I think you need to get a cop up there.

Sheriff Henriod stated they are not in excess. We look at a five-mile variance and if they are within that variance, we don’t call that excessive because unfortunately everybody’s speedometer is not calibrated. If you get your tires changed to a different size, you should get your speedometer calibrated. We always look at that variance and the 732 cars were speeding, but not excessively. I don’t know if the Boys and Girls Club acquiring that would classify that as a school or if it classifies it as a daycare. The City would have to acquire those devices if this goes through to make that an actual school zone.

Mayor Robertson stated B.J. routinely notes that the MUTCD states YIELD or STOP signs should not be used for speed control.

Sheriff Henriod stated correct, I am not worried about the speed control, but I have not seen their master plan. I was here when they presented and talked about the renovation of the building, but one thing that was not worked out yet was the parking, exiting, drop off for the children, and pick up which are always our concerns with children’s safety. I will say in the last three years there has not been an accident in that vicinity.

Councilman Alworth moved to direct that a public hearing be held prior to Council’s final action to remove YIELD or STOP signs at the following locations – Murry Street and 1<sup>st</sup> Avenue, Murry Street and 3<sup>rd</sup> Avenue, and Murry Street and Annand Avenue. Councilwoman Williams-Harper seconded the motion. The motion carried unanimously.

6. Councilman Alworth – Discussion/For Possible Action – Direct City Clerk to mail notifications to businesses on Great Basin Highway that have frontages in need of beautification, such as weed removal and watering grass; businesses were granted leniency last summer due to the construction taking place.



Councilman Alworth stated I believe Jennifer put a draft letter in the packet and it looks good. There is one business up there that has done zero landscaping and it looks fine, but Love's is an eye sore. When people come into town that end of town is not looking good, so we need to get people to make the place look good. Hopefully people will clean up the properties without a lot more push, and as we move on, we have mentioned there are problems downtown too. We just need to start somewhere.

Councilman Spear moved to direct City Clerk to mail notification to businesses on Great Basin Highway that have frontages in need of beautification, such as weed removal and watering grass. Councilman Carson seconded the motion. The motion carried unanimously.

7. Council Members – City Treasurer Trask – Discussion/For Possible Action – Approval of Collective Bargaining Agreement between City of Ely Fire Department and Operating Engineers, Local 3 July 1, 2022 through June 30, 2023.

City Treasurer Trask stated I am going to defer this to Pat other than wages were also negotiated at a three percent (3%) increase across the board.

Councilman Alworth stated I really trust your due diligence on this and I am just wondering how does the group feel about the 48/96 work schedule and is there a test period on this?

Fire Chief Stork stated there is, so initially this is going to go into place for one year on both sides with the City and the Union having the option to revert back to the four shift crew. We pitched this to them early and they brought it back when negotiations opened due to our staffing issues trying to get personnel and get fully staffed. We are going to put it in place for a one-year trial and if it's good we can continue.

Councilman Alworth stated I think it is a good idea. This question is for the Treasurer. What is the savings monetarily wise, the benefit for the paid men, and the plus for the City?

City Treasurer/HR Director Trask stated the plus for the paid men is they will increase because they are increasing their yearly hours worked for their base pay that goes against their retirement, so their retirement wages will go up. The hourly rate stays the same they are just working more hours so that is the benefit to them. The benefit to the City is obviously we can't get fully staffed with the eight so this will help with that, will also help with lowering overtime, and the savings of not having to pay the benefits for the other two employees.

Councilman Alworth stated I see they have added Christmas Eve to their holidays.

City Treasurer/HR Director Trask stated we had already added that last year to our Personnel Policy they just forgot to add it last year.

Councilman Spear stated on Article 28 it shows their leave bank will go from 240 hours up to 336 hours?

City Treasurer/HR Director Trask stated that is due to the fact they are going to be working longer shifts so when they have to take time off, they are going to have to use more leave.

Councilman Spear stated it also says here that you will pay the employee one hundred percent (100%) of his/her regular hourly rate in the pay period immediately following his/her anniversary date so that the employee's balance does not exceed 336 hours.

City Fire Chief Stork stated right now they work 2,202 hours a year and with the new schedule they are going to be working 2,912 hours a year, so there is about seven hundred more hours a year they are having to work. We based it off the way it is now and looked at other union contracts in order to keep it fair. They are having to work more hours, so they need more vacation time to be able to have some time off.

City Treasurer/HR Director Trask stated Pat, he is talking about the payout going to one hundred percent (100%) instead of fifty percent (50%).

City Fire Chief Stork stated the benefit to that is if they don't use their vacation time and they come down to the end of the year, we can buy it out at one hundred percent (100%) the pay rate versus if you force them to take that vacation then we are going to be paying someone time and a half to work that shift for them. It is cheaper for the City to pay them out forty hours of straight time then for us to force them to take vacation and back fill that shift at time and a half.

Councilman Spear stated I understand that, and I am not criticizing it because I know how hard it is to hire and retain firemen, but the second reason I brought this up was on the next page the fifteen-year employees are given twelve hours per pay period which is three hundred and twelve hours annually, which is six weeks of leave. You are going to have people taking over a month off over and above what this is.

Mayor Robertson stated that is what he is saying. I am struggling to fully understand this too Pat. They have a certain amount they can accrue for paid time off and carry over and anything above that they have the option to have it bought out or use at the end of the year?

City Treasurer/HR Director Trask stated they either have to use it by the end of the year or they do get it bought out. It used to be at fifty percent, and they all get bought out.

City Fire Chief Stork stated regardless it is going to cost the City the same amount of money if you are only going to offer them at half price. I know for myself and speaking for the other guys, if you are only going to pay me fifty percent for what I have on the books I am going to take the days off and get paid one hundred percent and then you are going to have to be paying someone overtime to cover those shifts.

City Treasurer/HR Director Trask stated you should see what they are getting on overtime right now.

Councilman Spear stated is there a lot of overtime and will this reduce overtime.

City Treasurer/HR Director Trask stated it reduces it by a lot if we can get up to staff and change to this schedule. We are down one person at this time. There is built in overtime in this schedule because they are going to hourly and won't be salary, but it is still less than what we are paying now.

Councilman Alworth disclosed I am a past member of the Volunteer Fire Department, but I feel I can vote on this as it is for the betterment of the community.

Councilman Spear moved to approve the Collective Bargaining Agreement between City of Ely Fire Department and Operating Engineers, Local 3 July 1, 2022 through June 30, 2023. Councilman Flangas seconded the motion. The motion carried unanimously.

8. Council Members – City Treasurer Trask – Discussion/For Possible Action – Approval of three percent (3%) Wage Increase for employees in the City of Ely Collective Bargaining Unit effective July 1, 2022, pursuant to the Cost-of-Living Adjustment/Wage Rate Change provision in Exhibit A Wage Scale of the current Agreement between City of Ely and Operating Engineers, Local 3.

Councilman Alworth asked this is for all the City employees other than the firemen? How many employees are eligible for this by paying Union Member Dues?

City Treasurer/HR Director Trask stated they are all eligible because all the hourly positions with the City other than the Fire Department fall within this contract and are considered union positions. They are all eligible for it and as far as paid members there are two. I have had people ask why we don't get rid of it, and it is not our option. If the employees want to get rid of it, they have to do it themselves.

Councilman Carson stated I thought you had to have over fifty percent voting members to take advantage of that.

City Treasurer/HR Director stated I have been told that we don't have an option to get rid of it. I don't think in the time I have worked for the City we have ever had fifty percent participation.

Councilman Alworth stated with that, I see the City controls what the pay increase will be, which leads to my next question. Where is the cost-of-living wage increase documented because last year you stated it was five percent (5%) and this year everything is higher and now it is three percent (3%).

City Treasurer/HR Director Trask stated they always want to look at that and it is over seven percent (7%) at this time, but they were willing to agree on a three percent (3%) increase. It wasn't locked in that we had to do that percentage, they just want us to look at that and consider what we want to offer and what we can afford to offer. We came in with a three percent (3%) this year and they thought that was reasonable and accepted it.

Councilman Alworth asked where is this information at?

City Treasurer/HR Director stated it is on a government site.

Councilman Alworth asked what was the amount on the government site?

City Treasurer/HR Director stated I believe it was 7.1%.

Councilman Carson moved to approve a three percent (3%) Wage Increase for employees in the City of Ely Collective Bargaining Unit effective July 1, 2022, pursuant to the Cost-of-Living Adjustment/Wage Rate Change provision in Exhibit A Wage Scale of the current Agreement between City of Ely and Operating Engineers, Local 3. Councilman Alworth seconded the motion. The motion carried unanimously.

#### **8. PUBLIC COMMENT**

George Chachas stated on State projects on Avenue B there is not ADA compliance and that is a new project. On your agenda item 7B-4 there was nothing in the packet for the public to look at regarding things you were discussing. I have a concern regarding the Pope cleanup with selective enforcement as there are other homes in the area that have attractive nuisances. I want to file a complaint against whoever filed a complaint against Mr. Pope, and I want a copy of that complaint. I attended the Regional Planning Commission Meeting held on June 15, 2022 and that Commission is not following its own written procedures and guidelines. They approved a home occupation without proof that the person owned the property or had permission from the owner to conduct business. The sidewalk in that area is blocked by bushes or non-existent, no ADA access, and no proof of credentials that the person was educated, qualified, or certified to conduct that type of service. The Commission next considered changing a zoning for an area in which none of the property owners had made a request. A majority attended the meeting and protested any change. There was no City or County official request for any changes. At the Regional Planning Commission meeting held on May 18, 2022 they approved a variance for a property on Fay Avenue and looking at the property the alley has been blocked.

#### **9. 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 **6:32 p.m.** Councilwoman Williams-Harper seconded the motion. The motion carried unanimously.

  
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MAYOR

  
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ATTEST