

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

**April 14, 2022 5:00 p.m. – Ely Volunteer Fire Hall – 499 Mill Street – Ely, Nevada**

**Members present:**

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

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, Chris Stanko, Buzz Rosevear, and Jeff Moreno, Esq.

DATE: April 14, 2022

Print name below

Mark Bassett  
April Bath  
Michael Cullen  
George Chachas  
Rev. James Woffinden  
Matt Miller  
Kyle Hawkins  
Smiley  
Burton Hilton  
Mike Whelan  
Charity Marques  
Kence Harshman  
BLAKE ROSEMAR  
Rusty Roberts  
Sean Penon  
Joseph Bate

This image shows a single sheet of white paper with horizontal blue lines, typical of notebook paper. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

## **2. PUBLIC COMMENT**

George Chachas stated recently your building inspector issued a notice to my brother at 842 Aultman as a possible violation. The renter was using the garage as a game room and other activities. The inspector believed the young person, whose family is renting the house, was living there; whether he was or wasn't doesn't really matter. I want a copy of that complaint and I want to know who complained. I thought he would look at the business next to 842, which doesn't have any ADA access or off-street parking, selective enforcement. Mr. Chachas stated ongoing concerns with permitted RVs throughout the City; and ADA compliance at the Justice Center and William Bee Ririe Hospital. There are discrepancies along Avenue C. "Man up Mr. Alworth, you want to clean up the town, put your best foot forward and take it out of your mouth."

Councilman Alworth stated Mr. Mayor I resent that comment.

Mr. Chachas stated so do I; I am getting tired of the selective enforcement.

Councilman Spear stated there are to be no personal attacks.

Councilman Carson stated it is rude.

Mr. Chachas stated it is not a personal attack it is a statement.

Mayor Robertson stated Mr. Chachas please keep your comments to the issues at hand.

Mr. Chachas stated I am addressing them to you sir; nobody else. On your agenda item B-6 you are to consider a title search on City owned property and the possibility of a land swap with White Pine County for land to be used for future development; that item needs to be voted down. There is plenty of land available within the City limits. Your past building inspector has been the biggest detriment to growth in this community with selective enforcement. NRS 268.512 to 268.568 states that the City cannot compete against the private sector, which is what you are doing. You have been discriminating against me for years. I have not been able to use my property as others do. You are strangling me with your selective enforcement. On your agenda item 8B-7 and 8B-8 you are to consider clean-up at city-owned property on Belfort Avenue. Also, you are to consider establishing that area for "Tiny Homes" and/or "Park Model RVs" and that also needs to be denied.

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

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

## **4. CITY DEPARTMENT REPORTS**

### **➤ CITY CLERK**

City Clerk Lee stated per GOED requirements I attended the CDBG allocation meeting yesterday with City Engineer Almberg and City Public Works Supervisor Cracraft in Carson City. They presented the City's two applications well. On our broadband installation Commnet reported during their bi-weekly update a couple weeks ago that they are waiting on NDOT regarding their conduit right-of-way. Commnet further informed me that there was miscommunication with Mount Wheeler Power regarding the scope of work and only forty-four poles needed inspection. I have been working with Fire Chief Stork on installation of fiber ran to the station which is included in the project. On complaints, to date we have received thirteen with one property still needing evaluated as it was received today. We have six invalid complaints, two turned over to other City departments, four were mailed letters, and together with two complaints from last year, because two have been resolved, seven complaints remain active.

### **➤ PUBLIC WORKS SUPERVISOR**

City Public Works Supervisor stated I have a couple of updates. NDOT did go to Orson Avenue and removed all the barbed wire and put barbless wire up. The other thing is our compactor is being painted on Monday and should be delivered by the end of next week.

➤ **CITY ENGINEER**

City Engineer Almberg stated we have been working diligently with the PORTER Group for our next earmarks; with all the paperwork finalized today. They have all the paperwork they need from us, and I believe they will submit those on Monday. The temporary pump at RW-7 that was to be put in by the Mine while we wait for the permanent pump was approved by Bureau of Safe Drinking Water. The temporary pump was ordered approximately two weeks ago, and hopefully it will be here in the next few weeks and installed. The Mine is working diligently with a driller to be able to put that in place. Our Golf Course motor for the well is over in Reno being rewound and having bearings replaced and they anticipate delivering that back to us next week. We are trying to get across a piece of property for the sewer easement for the upcoming Aultman Project which will benefit us because the current sewer line crosses underneath an existing motel. We are working with the adjacent owner and Leo has been emailing him and forwarding information on to him. We are hoping to keep that discussion going and make that happen. There was some additional NDOT stuff regarding a right-of-way that showed up today. Jennifer has been gathering information for us and we will try to answer their questions.

Councilman Alworth asked is RW-7 running temporarily now?

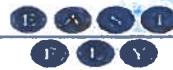
City Engineer Almberg stated the pump is approved and ordered, but it hasn't arrived yet. There is about a six-week lead time to get that and then will be installed.

**Mayor Robertson passed the gavel to Mayor Pro Tem Williams-Harper**

**5. NNRV FOUNDATION REPORT**

President Mark Basset stated we have started the season and it is going pretty well. Locomotive #93 is currently down for some maintenance issues, Locomotive #81 is handling the load, and Locomotive #40 is in part of her 1472-day boiler inspection. The other big news is on May 28<sup>th</sup> we are going to be celebrating our 35<sup>th</sup> year of operations and will be sending out invitations for that. The following report was reviewed:

**NEVADA NORTHERN RAILWAY**  
NATIONAL HISTORIC LANDMARK



**Nevada Northern Railway Foundation**  
A Nevada 501 (c) 3 Non-Profit Corporation  
Depot: 1100 Avenue A, Ely, Nevada 89301  
Mailing Address: PO Box 150040, Ely, Nevada 89315

Voice: (775) 289-2085 • Web: [www.nnrv.com](http://www.nnrv.com) • E-mail: [info@nnrv.com](mailto:info@nnrv.com)

**Monthly Operations Report for March 2022**

1. Locomotive Status – No change
  - a. Locomotives in service: #81, #93, #105, #109, #204, Wrecking Crane A & Rotary B.
  - b. Locomotive 40 is out of service for her heavy repairs. We have started on her repairs, she will be out of service until 2023.
  - c. Locomotives out of service needing moderate repairs: #201, #310 and #620
  - d. Locomotive 801 is being brought back into service. It is a very rare Baldwin VO diesel locomotive that is one of only eight left in existence.
  - e. Locomotives waiting funding for restoration: Steptoe Valley Smelting and Mining #309, Kennecott 802 and Rotary Snowplow B (for boiler overhaul.)
  - f. Locomotives out of service needing heavy repairs #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 March we carried 285 passengers, this is a 28% increase over 2021.
  - b. Year to date, we have carried 698 passengers, this is a 10% increase over 2021.
  - c. Since operations began in 1987, we have carried 331,060 passengers.
6. Social Media: Our reach on social media continues to expand, in the last 28 days:
  - a. We reached 732,564 people.
  - b. Post engagement was 112904.
  - c. We have 115,791 page likes.
  - d. 156,391 people follow our page.

**Award Winning Destination**  
Best Adrenalin Rush in Rural Nevada - 2020  
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 Place to Take the Kids in Rural Nevada - 2020, 2019, 2018, 2015, 2014, 2013, 2012, 2011, 2010, 2009, 2008, 2007



**7. Locomotive 801 Restoration:** Hidden away in the Nevada Northern Railway engine house is another rare locomotive waiting for her chance to run again. She is Locomotive 801, a VO-1000 diesel-electric switcher that was built by the Baldwin Locomotive Works in December 1942.

The VO-1000 was a popular Baldwin diesel locomotive, 548 locomotives were produced. Locomotive 801 was the 104th VO-1000 built. Today there are only eight surviving examples of the VO-1000. Our goal is to put Locomotive 801 back in service. When she was parked in 1983, she had been in service. We have mechanically gone through the locomotive.

Thanks to the financial support of our members, we had ordered the batteries. They arrived and the shop has installed them. Locomotive 801 need a lot of batteries – sixteen – 8-volt batteries! That's right she cranks on 128-volts!

We are in the process of going through the locomotive one final time. Once that's done, we are going to do test start up! We expect some hiccups, after all she is an 80 year-old locomotive that hasn't run in 39 years! Once the shop clears her for service, we will repaint her and add her to our Be The Engineer Program.



The first of sixteen batteries is being installed into Locomotive 81. There will be eight batteries per side. Each battery weighs 300 pounds.

**Mayor Pro Tem Williams-Harper passed the gavel back to Mayor Robertson**

## **6. REPORTS**

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

Councilwoman Williams-Harper stated I would just like to say thank you to my fellow Councilmen for being such a big help and I am really learning a lot about what is going on in the City. Whenever I have a question, I get the history that I need and pertinent information.

### **➤ COUNCILMAN SPEAR**

Councilman Spear stated I can't believe the job that Patti does on the minutes. I had the opportunity to go listen to one of the tapes and I don't know how she does the job she does. We need to get new microphones because it is a nightmare to hear sometimes.

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

Mayor Robertson stated I would like to disclose that I am an employee of the bidder of this project and as a result I will be abstaining from presiding over this and handing the gavel over to Mayor Pro tempore Williams-Harper.

**Mayor Robertson passed the gavel to Pro Tem Williams-Harper**

1. Board Members – City Engineer Almberg – Discussion/For Possible Action – Award bid for Murry Street Sewer Main Upgrade Project Phase III, CDBG funded project 21/PF/02 (PWP# WP-2022-162).

City Engineer Almberg stated we had four bidders pick up packets and unfortunately only one bidder turned in a bid for the project. Everything that was required to be associated and attached to the bid was included, so it was a responsive bidder. The budget that we had through our CDBG, and our match associated with it was \$349,500.00 and the total bid was \$415,193.10, so this is over what we had budgeted for our CDBG Project by \$65,693.10. Jennifer, the City Treasurer, and I have gone back over it and we do have the additional funding to proceed with this project as is. There is another option in here that is included in the bidder's notice stating the low bid shall be considered to be that bid which has the lowest total cost on the bid items selected by the owner, based upon available funding, for inclusion in the final agreement rather than the total cost of all bid items prior to the elimination of various deductible bid items. It doesn't sound like at this time we would take that option but wanted to let you all know that is an option. It was discovered the increase in the price is from things we found on the last project where we had some water valves that were not functioning that needed to be replaced, and there was also a fire hydrant added because of gap between fire hydrants. I think it was wise to add in another fire hydrant to provide fire protection to the community. The overage of funds we are talking about would be coming out of the water department because the items that drove the cost up were water items.

Councilman Carson stated the Municipal Utilities Board recommended approval for one hundred percent of the job be done all at once. There are things we could take out, but it is going to be cheaper and more efficient to do it all right now.

Councilman Flangas asked have you planned anything for drainage and other upgrades on the street besides sewer and water?

City Engineer Almberg stated there is no existing storm drain to be able to expand a storm drain collection in that area. The only storm drain would be at the very end of this project there is a small piece that crosses Stoppers Park, but other than that there is no existing storm drain. There is a French drain to take away some of the ground water that would impact people's basements and such during high ground water situations.

Councilman Alworth stated I am really surprised at the price of the fire hydrant being \$8,500.00. I know prices go up, but what is the reason for a fire hydrant being almost \$9,000.00?

City Engineer Almberg stated I wasn't so concerned with the fire hydrant price and didn't think it was excessive, but I did think the additional water valves were a little high. They are big valves and there is a lot going on that I really can't answer from a standpoint of the cost of fuel and inflation. I think overall the bid shows good numbers and I am pretty comfortable with the current situation we are in.

Councilman Alworth asked with the \$415,193.10 there will be some reduction out of the sewer fund because it is going to come from the water fund, correct?

City Engineer Almberg stated correct, this portion will come out of the water budget, but there is already existing sewer funds that were budgeted to be the match to the CDBG funding for the sewer project. This will be paid out of both the water and sewer budget accordingly.

Councilman Alworth stated depending on the start date this project is supposed to be done by July 29<sup>th</sup>. Is this money budgeted or going to be budgeted in this fiscal year?

City Treasurer Trask stated for this fiscal year I have the budgeted amount for the CDBG project in the sewer department, but as I was asked about this, and have learned, it won't be finished until July so I will be budgeting for the water portion in the FY23 budget. I will carry over some of the budgeted amount we have for the sewer into the next fiscal year to make up for what will hit in that year.

Councilman Carson moved to award the bid for the Murry Street Sewer Main Upgrade Project Phase III, CDBG funded project 21/PF/02 (PWP# WP-2022-162) to Reck Brothers. Councilman Spear seconded the motion. The motion carried unanimously.

**Mayor Pro Tem Williams-Harper passed the gavel back to Mayor Robertson**

2. City Attorney Cahoon – Discussion/For Possible Action – Approval to temporarily hold in abeyance pending resolution of litigation the assessment of gate fees for residential and commercial waste (not to include Class III waste, which includes but is not limited to construction, concrete, and/or asphalt waste) collected and delivered by Ely Disposal Service, Inc., a Nevada Corporation, with continued waste measurement and recording of fees.

Councilman Carson stated the Municipal Utilities Board recommended approval at the meeting this morning.

Councilman Spear moved to approve to temporarily hold in abeyance pending resolution of litigation the assessment of gate fees for residential and commercial waste (not to include Class III waste, which includes but is not limited to construction, concrete, and/or asphalt waste) collected and delivered by Ely Disposal Service, Inc., a Nevada Corporation, with continued waste measurement and recording of fees. Councilwoman Williams-Harper seconded the motion. The motion carried unanimously.

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

**A. CONSENT AGENDA**

Councilman Alworth disclosed I am a past member of the 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.

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

Moved by: Councilman Alworth Second by: Councilman Carson Vote: Unanimous

1. Discussion/For Possible Action –Minutes.
  - March 10, 2022
2. Discussion/For Possible Action –Bills.
  - March 21, 2022
  - March 22, 2022
  - April 06, 2022

**B. NEW BUSINESS**

6. Councilman Alworth – Discussion/For Possible Action – Commission Stewart Title Company to perform a title search on APN 01-042-006; this parcel includes the Landfill, City portion of the Golf Course and the Heggie lease on G/T ranch. This is to properly identify bounds of legal ownership, legal boundaries, and potential future parceling, for what could lead into a possible land swap for land owned by White Pine County for future development.

Councilman Alworth stated we need property in the city limits to expand our city within the city limits or possible annexation. The idea is once we get the legal description on the Georgetown Ranch, there is property out there the County might be interested in, and they have property within steppingstones of the City of Ely that we may be able to put a housing development on. This idea was to get rolling with future development.

Mayor Robertson stated I think this has a lot of good benefits for a number of things the City is working on. The Georgetown Ranch is a large parcel and we have had it a long time. Any parcel that has been owned that long needs some research done on it before anything can be done. I think it is a great idea.

White Pine County Manager Mike Wheable stated to answer some of these questions I am doing the same thing for the parcel that the City might be interested in. I reached out to Stewart Title today and it is going to be a few hundred bucks to do the title search, see what easements exist, and pull all the old deeds from origin to where the County now has




possession to make sure there is no weird language in there that would prevent any future parceling. It is an initial step before we spend time and money into this project. We are looking at some small stuff outside of the Golf Course for the City and the County to work on development issues and address the critical housing need.

Councilman Carson moved to commission Stewart Title Company to perform a title search on APN 01-042-006; this parcel includes the Landfill, City portion of the Golf Course and the Heggie lease on G/T ranch. This is to properly identify bounds of legal ownership, legal boundaries, and potential future parceling, for what could lead into a possible land swap for land owned by White Pine County for future development. Councilman Alworth seconded the motion. The motion carried unanimously.

- 1. Mayor Robertson – Kinross representative – Discussion Only - Update regarding the Bald Mountain Mine Juniper Project.

Kinross Bald Mountain Community Coordinator Matt Miller sated Kyle Hawkins, who is here with me today and is the Environmental Engineer, is handing out a map of the planned expansion and what the process is we will be doing.



U.S. Department of the Interior  
Bureau of Land Management  
Ely District Office

Bald Mountain Mine Juniper Project  
Environmental Impact Statement

Overview

The BLM Ely District, Bristlecone Field Office (BLM) is preparing an environmental impact statement (EIS) to consider and disclose the environmental effects resulting from a proposed amendment to the Bald Mountain Mine North Operations Area (NOA) mining plan of operations. The Bald Mountain Mine is an existing mine owned and operated by KG Mining (Bald Mountain) Inc. (KG-BM) (Figure 1). KG-BM's proposed plan amendment, referred to as the Juniper Project (Figure 2), includes:

- 1. Extension of the authorized NOA Plan boundary;
- 2. Expansion, elimination, and/or creation of mine areas and mine components;
- 3. New and realigned infrastructure (such as powerlines, buildings, fencing, and wells);
- 4. Reestablishment of the Top underground mine;
- 5. Extension of the authorized life of the mine by 11 years.

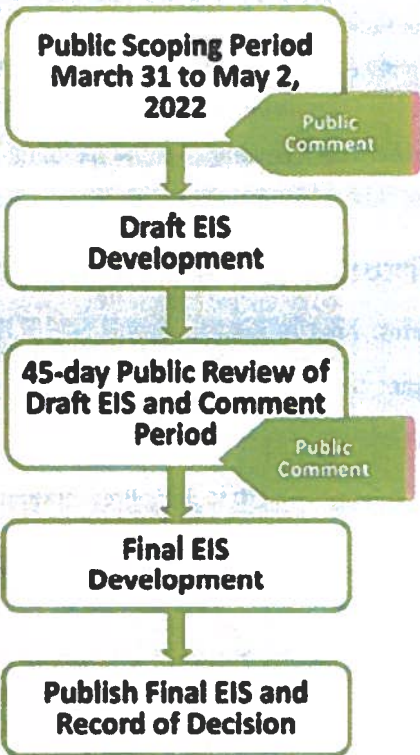
The EIS will also consider KG-BM's application to the U.S. Fish and Wildlife Service for an eagle take permit under the Bald and Golden Eagle Protection Action Act.

The BLM is seeking comments from the public on the Juniper Project to refine the scope of the EIS. The BLM will use the public comments to identify issues for analysis and potential project alternatives. The scoping comment period is from March 31, 2022 to May 2, 2022. Your comments must be received by the closing date of the scoping comment period for full consideration.

For More Information

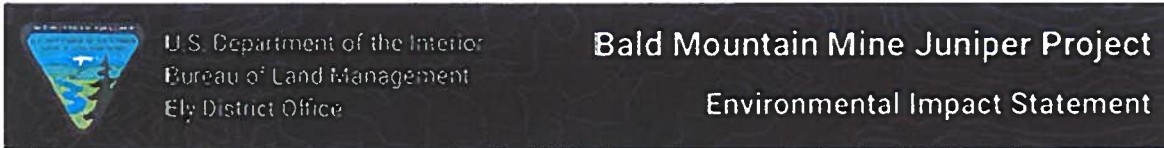
Visit the project website:  
<https://bo.usa.gov/xAm2g>

Juniper EIS Process



How to Submit Comments

- BLM website (preferred)  
<https://bo.usa.gov/xAm2g>
- Email  
blm\_nv\_eydo\_juniper\_eis@blm.gov
- Mail  
BLM Bristlecone Office  
Attn: BMM EIS Project  
702 Industrial Way  
Ely, NV 89301



## Virtual Public Scoping Meetings

The health and safety of the public and our employees is our highest priority. The BLM is working within rapidly evolving guidance and state and local health authorities to minimize the risk of COVID-19 transmission while delivering our services to the greatest extent practicable. As such, we have developed a virtual public scoping meeting for the Juniper Project EIS via Zoom Webinar (no fee required).

### Virtual Meeting Schedule

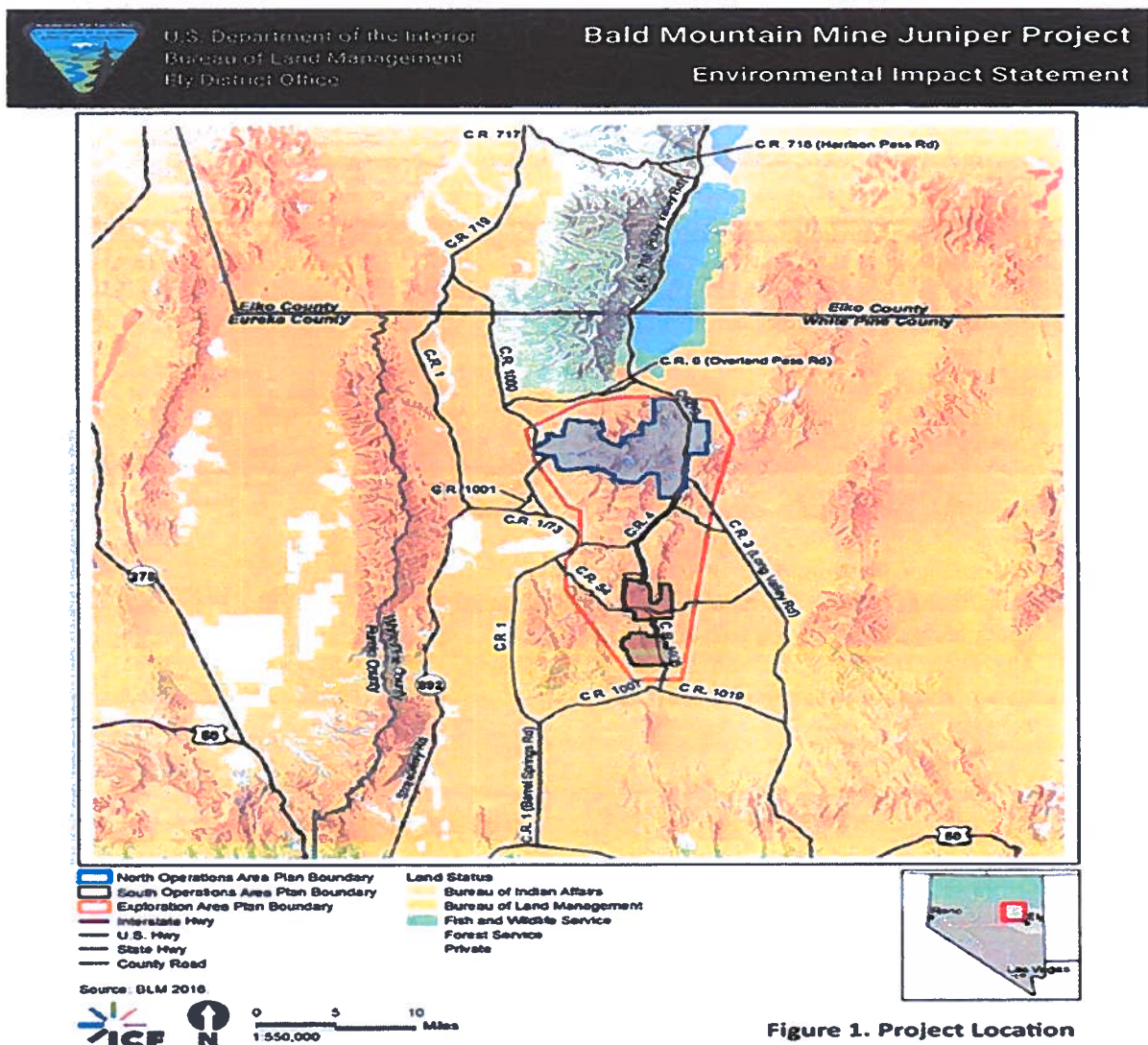
**Dates:** April 19 and 21, 2022

**Time:** 5:00 pm to 7:00 pm Pacific Daylight Time

**Agenda:**      5:00 to 5:10: Introduction  
                     5:10 to 5:45: Presentation  
                     5:45 to Close: Question and Answer Session

### Pre-register for Zoom Webinar

1. Pre-register online via the following link: <https://www.eventbrite.com/e/bald-mountain-mine-juniper-project-virtual-public-scoping-meeting-tickets-310810812507>
2. After completing registration, you will receive an email prior to the event with instructions for joining the Zoom Webinar.







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approximately a year long process where they look at the project and see if we have any environmental impacts. It is also the public comment period if anyone has concerns or questions on the project, we are in that time period now. If anyone would like to show support for us, we would definitely appreciate that.

Mayor Robertson asked will this expansion correspond with any increase in your staffing?

Kinross Bald Mountain Environmental Engineer Kyle Hawkins stated staffing levels are proposed to maintain about the same.

Councilman Alworth stated good luck with relocating the bald eagles.

Kinross Bald Mountain Environmental Engineer Kyle Hawkins stated there is actually a process for that. We create golden eagle nests as well with our old pits. We have golden eagles that have built nests in our old pits and have been reproducing successfully.

Councilman Alworth stated we appreciate you guys coming in person to give an update; it's a good partnership.

Kinross Bald Mountain Environmental Engineer Kyle Hawkins stated that is our goal to be transparent. We want everyone to know what we are doing out there and how we are doing it.

2. Mayor Robertson - Discussion/For Possible Action – Approve First Reading of Ordinance 745, Bill No. 2022-01, annexing certain territory, APN: 010-480-05 and 010-480-06, owned by Lemich Family Trust, to the City of Ely, repealing conflicting ordinances and providing other matter properly relating thereto.

Basin Engineering Survey Manager Buzz Rosevear stated I did not realize this was on the agenda so did not come prepared but can probably field any questions you may have.

Mayor Robertson stated correct me if I am wrong, but this is a request from a property owner to be annexed in because they have property already adjoining the City.

Basin Engineering Survey Manager Buzz Rosevear with Basin Engineering stated correct.

Councilman Spear stated I have a question on page one it states whereas, NRS 268.666 provides that if the area that is being added to the boundaries of the city consists entirely of vacant land, the change in the boundaries or the city may become effective within ninety (90) days immediately preceding an election. Do we have to have this on a ballot?

City Attorney Cahoon stated no, the reason for that is there is a statute that prohibits any annexation of property ninety (90) days before an election and NRS 268.666 is the exemption for that. If it is vacant land and adjacent or continuous to the City property and one hundred percent of the property owners petition the City for the annexation, then it is proper.

Councilman Spear stated what about Section 2.03 where it says this ordinance shall become effective on the day after the general?

Mayor Robertson stated they don't want you annexing voters is what I assume that is about.

City Attorney Cahoon stated it should read this ordinance shall become effective on. It was a typo, and I can make that correction.

Councilman Alworth asked Basin Engineering Survey Manager Buzz Rosevear any idea why he wants to annex into the City?

Basin Engineering Survey Manager Buzz Rosevear stated in conversations with the Lemich Family it is to increase development opportunities.

Councilman Carson moved to approve the First Reading of Ordinance 745, Bill No. 2022-01, annexing certain territory, APN: 010-480-05 and 010-480-06, owned by Lemich Family Trust, to the City of Ely, repealing conflicting ordinances and providing other matter properly relating thereto. Councilman Flangas seconded the motion. The motion carried unanimously.

3. Mayor Robertson – Discussion/For Possible Action – Approval to apply for Great Basin Heritage Foundation grant in the amount of \$20,000.00, with an \$8,000.00 match, to complete architecture and engineering plans for renovation of City Hall.

Mayor Robertson stated this is in response to our conversation to the Commission for Cultural Centers and Historic Preservation (CCCHP) Application. They are anxious to fund some planning as well so thought it would be good to put in an application. This would decrease the amount we would have to pay out of City coffers for the match.

Councilman Alworth stated where would the \$8,000.00 come from?

Mayor Robertson stated it would either be from the CCCHP funds if we get those, or it would be part of the \$50,000.00 we allocated to the CCCHP match.

Councilman Alworth stated it states in the item “to complete architecture and engineering plans for renovation of City Hall.” If I remember right, it was estimated at \$500,000.00 for engineering so we are a long way from being able to complete. Is it still a dream to get \$500,000.00?

Mayor Robertson stated the \$500,000.00 was based on guidelines and percentages, it may be less than that. The intent of the language is in an effort to complete the architecture and engineering plans.

Councilman Alworth asked how long are we going to go to get the \$500,000.00? Are we going to get this money and let it sit in a pot?

Mayor Robertson stated this is due the first of May. If we don’t end up spending the money, we do not have to do the match. The match is not something we need to pay up front, it is something we do once we expend the grant funds if we get them.

Councilwoman Williams-Harper moved to approve applying for the Great Basin Heritage Foundation grant in the amount of \$20,000.00, with an \$8,000.00 match, in efforts to complete architecture and engineering plans for renovation of City Hall. Councilman Carson seconded the motion. The motion carried unanimously.

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

Councilman Spear stated we did receive the \$3.3 million for the Central Ely Sewer Project and we are just waiting for guidelines on that. The paperwork for the four earmark projects have been completed and will be turned over to the appropriations committee tomorrow, the Senator’s offices, and Horsford’s office as well. I am really excited that for the first time ever the City of Ely received an earmark and I believe our odds are better than even that we are going to get funding for the Ely Downtown Project to finish the State Highway with the RAISE funding. The PORTER Group has been working hard for us and doing a good job and we have been meeting with them every Monday. We will be going to every other week because the earmarks will have been passed on to hire ups. We could possibly know by December on the submitted earmarks.

Councilman Alworth stated I would like to echo what Ed stated, but kudos to B.J. and his staff. They cut the deadlines and B.J. and his staff did an outstanding job getting the information in and we appreciate all the hard work.



5. Councilman Spear – Discussion/For Possible Action – Approval of First Addendum to the Independent Contractor Agreement between the City of Ely and Porter Group, LLC with a new term commencing March 15, 2022 and ending March 14, 2024.

Councilman Spear stated we originally contracted for one year with the PORTER Group and this is for a two-year agreement. The amount of work that has been put in I think we should contract for the two years. We will find out about the 2023 earmarks in December or March would be the deadline to find out, and we don't want to be in the middle of receiving the earmarks and having to renew contracts. It makes sense to renew for the two years.

Councilman Alworth stated right after the paragraph regarding the terms the first sentence says it all for me stating either party may terminate the Agreement, with or without cause, by sending thirty (30) days' notice. I like your idea of approving a two-year and if in a year and a half it is not working, we give a thirty (30) day notice. We don't want to interrupt the flow of things.

Councilwoman Williams-Harper stated I would also like to comment that we know some of those things have good intentions but move slowly and we have to be patient. We certainly wouldn't want them to think that we can't wait for them to carry out the process. I think the two years is well worth it also.

Councilman Spear stated Congress doesn't do earmarks every year and it has been ten years since they have done them. It looks pretty hopeful that 2023 will have earmarks and hopefully 2024. We want to be represented in Washington D.C. for these earmarks.

Councilman Alworth moved to approve the First Addendum to the Independent Contractor Agreement between the City of Ely and Porter Group, LLC with a new term commencing March 15, 2022 and ending March 14, 2024. Councilman Flangas seconded the motion. The motion carried unanimously.

7. Councilman Alworth – Discussion/For Possible Action – Direction to Public Works Department to remove dirt, sand, road chips, elm trees and foreign debris from APN 001-121-01 on Belfort Avenue, owned by the City of Ely.

Councilman Alworth stated I drove by, and they have already started that process and it looks better already. The piles of material have been removed and if the next item is approved there will be some stakes out there so they will know their boundaries of what belongs to the City. Some of those elm trees in my opinion have got to go.

Mayor Robertson asked what have we been using that lot for over the years since it hasn't been a park?

Councilman Alworth stated there used to be a swing set and big painted haul truck tires in there and now it has just been a deposit area for the sweepings and from the gravel when they did the job on Belfort.

Councilman Alworth moved to direct Public Works Department to remove dirt, sand, road chips, elm trees and foreign debris from APN 001-121-01 on Belfort Avenue, owned by the City of Ely. Councilman Spear seconded the motion. The motion carried unanimously.

8. Councilman Alworth – Discussion/For Possible Action – Consideration to establish APN 001-121-01 on Belfort Avenue, owned by the City of Ely, as an area for Tiny Homes and/or Park Model RVs with possible approval to direct City Engineer to survey/stake APN 001-121-01 and design a Tiny Home/Park Model RV area with beautification improvements, providing a conceptual drawing to the City Council upon completion. APN 001-121-01 is located within a City of Ely Redevelopment Area.

Councilman Alworth stated this item pretty well spells out what it is. We would probably end up dropping the "Park Model RV's" out of this because we want this to be a Tiny Home Estates. It is happening all around the country. We need to have the City

Engineer survey where the boundaries are and have the crews continuing to clean it up. B.J. gave me a quick idea for eight of those tiny homes fitting in there, but there is still design work on how they will be situated and water and sewer configuration. When it comes down to a conceptual drawing there is a developer that is offering to help with the drawings and conceptual renderings. We have heard several people talk tonight about development and that we need housing. This is something new that is happening throughout the country, and I feel we need to get on board and be proactive. I think six to eight homes is better than nothing. These tiny homes are great starter homes. At the last Council Meeting Councilwoman Williams-Harper stated she needed teachers, but they can't afford the housing and these homes would be affordable. I drove this developer around town and showed her a few areas. There is a lot of vacant land that is in blight condition. There are all these empty lots and like City Clerk Lee points out we send letters out and we get some compliance. Again, it goes back to a lot of family members don't want to sell a home on a vacant lot because it was grandma and grandpa's house. The developer stated those are prime spots for tiny homes and already have the water and sewer there. The important thing about this is it is going to be handled through the Redevelopment Area and that is a whole agency that has a lot of strokes. I encourage the Council to read the information on the Redevelopment Area the Mayor sent out a couple meetings ago and if you have questions, I would be happy to answer them. We have just a little over \$411,000.00 in that fund. When I talked to the redeveloper if someone had a piece of property and they wanted to sell it to the Redevelopment Agency through the process of getting a fair bid, we can do that.

Councilman Carson asked how do we go down this path? Will the City of Ely own the tiny homes and the land and rent out or are we going to sell the lots?

Councilman Alworth stated Councilman Carson I think what we need to do is get the design first. The City can rent it out or sell it and if we get it all cleaned up there may be a developer that asks to buy the area and develop it. Once again, the Redevelopment Area allows for renting spaces out and it is not competition with the City of Ely it is a Redevelopment Agency.

Rene Harshman with White Pine Construction stated my concern on this is that White Pine County put out for bid the property they sold last year to JCR, and Sumrall I believe, and I am wondering why the City did not offering the same thing? It would give the builders a chance to bid on the property and build houses. I know you can't really build a house for less than \$200,000.00 and tiny homes are a good option.

Mayor Robertson stated my understanding from Councilman Alworth is that might be an option once we get the boundaries surveyed.

Councilman Alworth stated it is allowed in the Redevelopment Agency that we can sell it. Once we get it surveyed, leveled out, and cleaned up it may very well be that selling is our best option.

White Pine County Assessor Burton Hilton stated this is to tag along with Councilman Alworth's comments about the Redevelopment Agency. Any increase in assessed taxable evaluation within any of the redevelopment areas, one hundred percent of that goes to Redevelopment Agency so it can build on each other and allow the Redevelopment agency to do more and more as it grows.

Councilman Alworth moved to consider establishing APN 001-121-01 on Belfort Avenue, owned by the City of Ely, as an area for Tiny Homes and/or Park Model RVs and directing the City Engineer to survey/stake APN 001-121-01 and design a Tiny Home/Park Model RV area with beautification improvements, providing a conceptual drawing to the City Council upon completion. APN 001-121-01 is located within a City of Ely Redevelopment Area. Councilwoman Williams-Harper seconded the motion. The motion carried unanimously.

9. Councilman Alworth – Discussion/For Possible Action – Consideration of current situation of new construction in the City of Ely without required curb, gutter, sidewalks,

fire hydrants, paved street and streetlights, with direction to City Clerk to notice possible business license revocation per City Code 3-1-12.

Councilman Alworth stated everyone is talking about development and if we are going to do it, we need to do it right. There has not been any real development since the Mineral Heights Development. I don't want the City to get behind the ball of having half-finished projects. I spent a lot of time in Spanish Springs, Nevada and those people are getting houses built. I noticed before there is even a house put up the sidewalks, curbs, and utilities are all in place. You drive by a month later and the lot is still empty, but they are sold. I think past administration and past building inspectors did not push to get it done right. If we are going to do it, let's do it right. The Building Inspector would have more information on that.

Councilman Spear stated everything you just said makes sense, but it says direction to City Clerk to notice possible business license revocation and I don't understand that part.

Councilman Alworth stated I believe if the contractors or individuals that build a home go in and get a Certificate of Occupancy there are certain things that need to be done and if Building Official Peterson is still on the phone, he can clarify that.

Building Official Peterson stated anytime someone has a home that is safe and ready to be occupied, but the work is not one hundred percent completed we issue a temporary Certificate of Occupancy, and a full Certificate of Occupancy is issued after the completion of any outstanding work. For instance, we have a couple of new homes that were just built in the community by a couple of our contractors and both occupants are under a temporary and will not receive their permanent Certificate of Occupancy until the curb and gutter is complete.

Mayor Robertson stated the permanent Certificate of Occupancy holds over their head when finishing up with the bank doesn't it Craig?

Building Official Peterson stated yes and no, there are some banks that accept a temporary Certificate of Occupancy. It is somewhat problematic in that with a temporary Certificate of Occupancy we lose some of our leverage regarding the banking. It is part of the reason I suggested possibly looking into a performance bond for curb and gutter at the issuance of permits for new structures.

Councilman Alworth asked these two buildings you are talking about, what is required to get the permanent Certificate of Occupancy?

Building Official Peterson stated one hundred percent of the scope of work, which includes compliance with ordinances passed by the City requiring curb and gutter for new development.

Councilman Alworth asked how long does a temporary Certificate of Occupancy last, forever?

Building Official Peterson stated under the current system we have that is correct. Where I came from, we charged a monthly fee for a temporary Certificate of Occupancy as a motivator to not only complete the work, but to notice us the moment the work was completed.

Councilman Alworth stated so if a guy has a house with a temporary permit would he be able to sell it to somebody else?

Building Official Peterson stated that would be a financing question that I am not qualified to answer. I believe it would depend on the lender. When they do the title search, and they find there is no permanent Certificate of Occupancy then I believe that sale would be prohibited.

Charity March with JCR Development stated first I want to commend the Building Official because he has been very adamant that he will not issue a permanent Certificate



of Occupancy until all of the items are completed. On the temporary Certificate of Occupancy that we had for a house on 17<sup>th</sup> Street it states what is needed to receive the permanent Certificate of Occupancy. Your Building Official is doing what he needs to do to make sure you guys are covered in all the curb, gutter, lighting, and asphalt. On the temporary Certificate of Occupancy, it reads permanent Certificate of Occupancy pending completion of curb, gutter, sidewalks, landscaping, and lighting. This is worded that way because that is how our contract is worded with the County for our three years to complete that project. Our Quitclaim Deed with the County there are thirteen items listed that are to be completed within thirty-six months. I know there are a lot of people that have a lot of heartburn about how 17<sup>th</sup> Street is being done, but right now your current cost of building a house is easily above \$200.00 a square foot with building prices right now. We have people inquire all the time, but nobody wants to pay that kind of money, so until your building materials come back down it is a hit and miss of who is going to bite. I know interest rates are starting to go up on home loans and I don't know what is going to come of it. I drove down by 17<sup>th</sup> Street today and there are two houses located in the same locations as the two that are being built down there and the closest streetlights are on 16<sup>th</sup> Street so that is a whole block up. There is a fire hydrant at the church and that's it. The road is in the condition it has been in for the last twenty years; it is a bad area that everyone rides their side by sides and four wheelers through. There are a lot of unknowns to a lot of people that don't know what was behind that agreement. I am here to clarify it is a three-year agreement to be completed at one hundred percent at the end of three years. The houses that are built don't have curb and gutter because we ran into winter, and we were delayed and why we got the temporary Certificate of Occupancy. Basin Engineering will be down there next week to do the surveying and staking so we can get the curb, gutter, and sidewalks in for the houses that are there now.

Councilman Alworth stated I have a question for the City Attorney. You mentioned you have the agreement with the County, but the construction is in the City so do the City Ordinances trump the agreement with the County?

City Attorney Cahoon stated my understanding is the agreement complies with the City Ordinance as they also require curb and gutter.

Charity March with JCR Development stated that is why a temporary and not a permanent Certificate of Occupancy has been issued.

Councilman Alworth stated you mentioned about the fire hydrant, and I don't know how many feet they have to be apart. They can run a lot of hose, but to run all the way to the south end would be a lot of hose so I am sure that will be required by engineering to have a fire hydrant in place there.

Charity March with JCR Development stated Basin Engineering has that in place. Basin Engineering did that and the waterline, so it is a whole new system that is approved by the Bureau of Safe Drinking Water. The sewer ties into existing sewer but each one is a new sewer drop. Like I said the two houses in the same location of the houses we have built now are operating on what has been there for twenty years and what the City has accepted for twenty years.

Mayor Robertson stated the difference is the number of houses that are being developed and the triggering of the subdivision requirements?

Charity March with JCR Development stated that is correct and that is within our stipulations with the County, which I am sure coincide with the City.

Councilman Alworth stated it says you are building three houses in three years, and you have one on each end, I think Richard Howe called them the anchor points. You put a house in the middle where do you determine how much curb and gutter to put around each house or will it ever be a long run of curb and gutter?

Charity March with JCR Development stated our plan is to put in all the curb and gutter this year because you can tunnel under your curb and gutter to put in water and sewer. If there was more interest in it right now, we would go ahead and put the stub ups inside the

property lines for the water and sewer, but you're asking a contractor to put out a lot of money that you don't know when you are going to get the pay back. That is the reasoning with doing them as we go and doing the paving of the street at the end.

Councilman Alworth stated that is good information and I invite you to come to our meetings once a quarter to give us an update on that and keep us informed of what is going on. I think that would help with some of the concerns from the public that we have to address. I think there is growth in the community and just across the road from that there is a lot of vacant lots. I think people are interested, but it is a bad time to try and build something because it is so expensive.

Charity March with JCR Development stated luckily whoever buys that property on the other side will already have their infrastructure because that is what is required with what we are doing on 17<sup>th</sup> Street.

Councilman Alworth moved to table with every quarter we will invite Business Manager Charity to come give an update on the progress.

City Attorney Cahoon stated for the record the intent of this item was to obtain the Council's blessing for our City Clerk to exercise the authority that already exists to notice for these revocations if it is ever needed at any point. There is no notice of revocation being put out anytime soon that I know of, but for lack of a better term, it is a hot topic so City Clerk Lee would like the Council's blessing to exercise that authority if the circumstance arose.

Councilman Alworth moved to consider the current situation of new construction in the City of Ely without required curb, gutter, sidewalks, fire hydrants, paved street, and streetlights, and directing the City Clerk to notice possible business license revocation per City Code 3-1-12 if needed. Councilwoman Williams-Harper seconded the motion. The motion carried unanimously.

10. Councilwoman Williams-Harper – Fire Chief Pat Stork – Discussion/For Possible Action – Consideration of Ely Volunteer Fire Department's request to increase the 7<sup>th</sup> Man Stipend from the current \$1,050 per month to \$1,500 per month and determination of possible increase amount.

Fire Chief Pat Stork stated I was asked to put this on the agenda because it will be affecting my budget, but I am going to turn it over to Burton.

Mayor Robertson stated just to be clear when you say it will affect your budget it is included as part of your budget, and you are not going to be buying fewer post it notes to accommodate this?

Fire Chief Pat Stork stated depending on what you guys decide with the transition my ending budget should not change at all. My plan is I have money budgeted for heart and lung physicals for the Volunteers this year and if we have to move money out of there and we can only do four physicals instead of ten they will have to pay for them out of their own pockets. In the end my dollar amount should not change at this point.

Volunteer Fire Department Treasurer Burton Hilton stated last September the Volunteers started looking at ways to increase our recruitment and retention. I think every organization understands and feels the impacts. It is harder to get volunteers and get the commitment. The world is changing and in the last thirty years things have changed a lot including people's interests and priorities in life. We still have to respond to these calls and boy do they call way more than they used to. We started looking at a program called Volunteers PERS, which is in the NRS. We talked to Humboldt/Winnemucca as they have it, and Churchill, Fallon, Persian, Lovelock, and the City of Wells about their programs. We are partners with the City and we both need each other. After looking at the data on what things would cost, how we would implement it, and how we would do things within a department we met with the City Treasurer Janette Trask and with City Fire Chief Stork to present the PERS idea, but we are also open to other ideas. After the meeting we decided instituting Volunteer PERS would be quite challenging logistically

for the Volunteers and the City. My estimation is it would cost about \$4,000.00 a month and it would vary depending on the number of Volunteers. We decided to look at increasing the 7<sup>th</sup> Man Agreement and looking through our records we found that the 7<sup>th</sup> Man Stipend has not increased in thirty years and accounting for inflation over that time period it would be going up to \$2,100.00 per month over the current \$1,050.00 per month. Over that time without counting inflation, it is about \$210,000.00 and again we are not asking for that. We originally requested the City increase the 7<sup>th</sup> Man Stipend to \$2,000.00 per month and then we subsequently amended that amount down to \$1,500.00. We realized it was a large request and we want to work together. The reality is you need us, and we need you; we are in this together and a partnership. We are looking at trying new things to increase our recruitment and retention and we would love to have your ideas. Currently, the 7<sup>th</sup> Man represents one percent of the Fire Department budget so there is a cost, but I feel it is negligible. We appreciate the extra \$500.00 you are giving us this year from COVID relief funds. In the past there were forty-five volunteers going on one hundred and forty-five calls a year and now we have twenty-five volunteers going on twelve hundred calls a year. The ISO rating has improved and been maintained in part because we do have the people to respond to calls. Our costs with normal maintenance has went up in the last thirty years and we just had the building painted and that all takes money. Since 2017 the Volunteers have paid out of their money or brought in grants over \$600,000.00 for equipment into the City of Ely. We are asking for help and any way that you can help us we are thrilled. This is what we feel is the most appropriate and easiest for the City as far as logistics.

Councilman Alworth stated I would like to disclose I am a past member of the Volunteer Fire Department and have vested rights with them. I will not be voting on this agenda item. I sat on the Department for thirty-six years as the Treasurer, President, and almost all the ranks so it is strange to hear Burton talk about the Department. I think in my comments I will be able to address every one of his questions because I have been in your boots before. By reading what I wrote I think it will answer some of the questions and also inform Councilwoman Williams-Harper of how the situation goes.

Councilman Alworth read the following into the record:

**Comments on agenda item New Business, Item #10**

**First and foremost, I am disclosing I am a past member of the Ely Volunteer Fire Department (EVFD), having been an active member for 36 years, serving as a firefighter and EMT. I am addressing this agenda item as a business decision, focusing on the financial side for the City of Ely. Due to my vested rights and privileges with the EVFD, I will not be voting on this agenda item.**

**I appreciate the creative thought put forward by the EVFD that the 7<sup>th</sup> man payment should be impacted by inflation. This "inflation" approach is completely out of line, the 7<sup>th</sup> man payment was being made by the City as a sign of appreciation of the men and women serving as Volunteers for the City Fire and EMS.**

**The history, of the 7<sup>th</sup> man, for those who do not know, dates back when the paid staff included, 1 Fire Chief, 4 paid men and 1 Fire Prevention Officer, equaling 6 men. The station was manned with one paid man 24/7, when the alarm sounded, he would wait for Volunteers to respond to the station or the volunteers would head to the location of the call and wait for the engine, leaving the station to be manned by a Volunteer. If there was another call at the same time the Volunteers would respond with another engine and additional manpower. Thus, they were responding as the 7<sup>th</sup> man. The amount of money the City paid to the Volunteers did not start at the current amount being paid, it was increased over time to the present amount of \$1,050 per month. Simple math for the \$1,050 equates to \$23.33 per volunteer for the 45 volunteers per month.**

**The Volunteer membership was limited at 45 Volunteers for many years, with many men waiting for an opening to join this fine community minded organization. Those days of having a waiting list of people wanting to volunteer for the EVFD or any other organization are gone. Currently the membership of the EVFD is 25 volunteers, include the career staff and it boosts the number to 31. If the payment was to be based on the original agreement for 45 men, the monthly payment now to the EVFD for 31 people would be \$723.33 per month. (31 X \$23.33). Is that reasonable? No, it is not!**

**In 2014, the makeup of the City Council and management team was at odds with the EVFD. It was decided by the membership of the EVFD, which I was a member at that time, thought it would be of the best interest to have a written document signed by the City to confirm/guarantee the \$1,050 per month payment for the 7<sup>th</sup> man. The document, in place now, which in my opinion, is poorly written and should be rewritten stating on February 13, 2014, "The Volunteers may, at their sole discretion, bring this agreement before the City Council for review and reconsideration once every three years." The February 13, 2022, deadline was missed, appearing before the Council March 24, 2022, only to be moved onto this agenda at a much lower amount requested.**

**A business question to be asked; was the deadline for reconsideration missed by not having it on an agenda this past February? Would the missed deadline be allowed by other organizations, firms or individuals having signed agreements with the City?**

**Now what has the City contributed to the EVFD? Using the 1990 date the Volunteers reference in their March 30, 2022, letter comes to 32 years of the \$1,050 monthly payment being made. This amount comes to \$403,200 paid to them for that period. Beginning this past November, the City believed it was only proper to consider the 7<sup>th</sup> man to be considered as an "essential employee" allowed by the ARFA rules. The EVFD has been receiving an additional \$500 per month on top of the \$1,050 for the 7<sup>th</sup> man since December 2021. Total amount forecasted using ARFA funds to pay the EVFD for the 7<sup>th</sup> man**



beginning in December 2021 and ending June 2022 is \$3,500. Since June 2021 through March 2022 the City has paid stipends, authorized by resolutions, a total of \$50,910 to those Volunteers responding on EMS calls. The City also agreed, starting in November 2021 to increase the stipends for EMS runs with ARFA funds. At the end of March 2022 an additional \$10,460 over and above the \$50,910 have been paid with ARFA funds to the much-appreciated Volunteers responding on EMS calls.

On average, 7 Volunteers per month are receiving the EMS stipends since June 2021. As Chief Stork has stated in the past, "You can be a member of the EVFD but that doesn't automatically make you a Firefighter or EMT". It appears that money is not a motive to be a member of the EVFD. However, records reflect after the ARFA stipend was included one member started responding on EMS runs.

On a side note, the City rents the EVFD Hall for \$500 per month. The cost of City water, sewer and landfill amount to \$103 per month. The City truly appreciates the Volunteers allowing the use of their facility for Council meetings and as stated in their letter agree to "continue a close knit relationship".

Fire Chief Stork submitted his budget requests for fiscal year 2022-2023, included in his budget was an increase of \$450 per month for the 7<sup>th</sup> man changing from \$12,600 per year to \$18,000 per year which represents a 42.86% increase. This is the highest percentage line increase in not only his operating budget but higher than any other department in the General Fund and the Enterprise Funds.

This large percentage caught my attention and after reviewing the EVFD request for an increase in the monthly payment resulted in this correspondence. I would recommend dropping the "7<sup>th</sup>" man verbage and change it to "EVFD Support/Services", in Chief Stork's budget. The Seventh Firefighter Stipend Agreement need to be modified and be brought before the Council for proper consideration.

The City has generously allocated, without hesitation additional funding to the EVFD through the end of March 2022, using \$13,960 of ARFA funds. \$3,500 to the EVFD and \$10,460 to the EMS responders. The amount will increase through the end of June 2022 for the EMS responders.

Councilman Alworth stated the Volunteers are in my heart and again this is a business decision. I think I addressed a lot of Burton's questions, and we have to address this as a business decision.

Councilwoman Williams-Harper stated going back to what I said at the beginning; I am learning so many things. Jim your facts and figures are always impeccable, but personally I am one of those people who have had to decide if I am going to dial 911 because of a situation I live with. However, I think I want to talk about this some more because I have a passion and I do understand how hard it is to get people. When you go from forty-five people to twenty-five people, and you have twelve hundred calls that is something I would like to talk further about with my fellow Council members.

Councilman Alworth stated I understand what Burton is trying to do to keep recruitment, but we all have horror stories. I have been on calls that we have a three-year volunteer on and he has never been on a motor vehicle accident. When he gets there and sees it, he says I'm out, I can't do this. I have also been on calls you take a firefighter in with you, and he says this is way too hot and there have been some that don't want to put an air pack on. It takes a special breed and the people that are in there are special there is no doubt about it. I don't know what your plan is to keep them around; they have a nice hall and refreshments. I have to comment on Facebook, you guys are doing an outstanding job. It gives me goose bumps the pictures you guys are putting out there and I am wishing I could roll. I encourage you to keep trying and maybe work with the Mine Rescue Teams.

Volunteer Fire Department Treasurer Hilton stated I would like to address one of the comments Councilman Alworth brought up about the stipends for EMS. This is my opinion, I have not talked to the Volunteers about this, that is outside the scope of the 7<sup>th</sup> Man when you are discussing that. The City is billing for that ambulance call so you are paying an employee at that point the way I see it.

Councilman Alworth asked would you say the \$3,500.00 going into the Volunteers could be considered as part of your request?

Volunteer Fire Department Treasurer Hilton stated absolutely. Our request went up to \$1,550.00 and we are extremely appreciative and that is wonderful to get for the organization. Our request would drop that down \$50.00 a month starting at the beginning of the fiscal year so we would be at \$1,500.00.

Councilman Alworth stated when I looked at Chief Stork's budget, he is in a tough spot being the City Fire Chief and being over the Volunteers. He had a good idea to lower it down because

it is out of his budget, and I still think the \$3,500.00 gifted to the Volunteers needs to be considered being taken off of whatever request you have. He is willing to lower his budget, which will take away from your Volunteer physicals. I think the City has been very generous over the period of time. I think what is happening is this American Rescue Plan Act (ARPA) money is like an octopus and everybody has their hands out and I am not saying that is the case here. Everyone thinks the City is rolling in money and we are not; we are financially sound because of the management team we have. We all appreciate the Volunteers. I have all the numbers on runs and I have to say there are a few of your volunteers that I don't know how they are doing it as they are running all the time. Money is not the issue, or they would go drive an ambulance or be an EMT. Money doesn't make a volunteer; it comes from the heart.

Volunteer Fire Department President April Bath stated Jim talks about the \$3,500.00 that we have gotten in the last six months. We took that money and sent three extra people this year to the EMS Conference in November, and we were appreciative to be able to send those extra people. I am one of those Volunteers that is grateful for the raise in our stipends. I would do it no matter what but getting that little extra money every time, we get called out and have to get out of bed in the middle of the night makes it a little easier. We were hoping to carry that additional money over after the ARPA money runs out.

Mayor Robertson asked the 7<sup>th</sup> Man money that comes in is primarily used for upkeep. What do you use that funding for?

Volunteer Fire Department Treasurer Hilton stated that money is used primarily for equipment and training. As President Bath just mentioned, sending someone to an EMS Conference is \$1,200.00. I would also like to bring up the \$600,000.00 worth of equipment the Volunteers have acquired for the City in the past five years. We got the grant for Engine 1 which was a \$400,000.00 grant for the City. The Volunteers chose to use money out of the 7<sup>th</sup> Man and other money that we raised to pay for \$15,000.00 in equipment that year and that is more than we get in a year.

Mayor Robertson stated you are doing a great job leveraging it. When you talk about getting additional Volunteers are you planning on using some of that for outreach and things like that? I know it has made a big difference in a lot of organizations of how you are on social media, how are you perceived, how are you advertising, and getting the word out.

Volunteer Fire Department Treasurer Hilton stated as Councilman Alworth had mentioned we have increased our Facebook presence, we are now on Instagram, and we have redesigned our website. We are trying to get stuff out to bring people in.

Mayor Robertson stated I am sure there are some costs to that.

Volunteer Fire Department Treasurer Hilton stated there are some minimal costs mainly on the webpage. We are looking at showing appreciation and like Jim said people aren't doing it for money but occasionally it is nice to get a pat on the back. We are there to help and people are not always nice and that can drive people away and if we can say you know what here is a nice shirt, or a pen or incentivize people through small tokens of appreciation, it helps. Honestly, \$450.00 a month we are asking for which is \$5,400.00 a year and that is not a huge amount like you are paying someone.

Councilwoman Williams-Harper stated I think the way this item is written it sounds like we are paying people. What you are telling us is this money is important because it is going to so many other things to serve in another way and I think that is misleading. I think this may need to be rewritten and I am standing in the gaps because I agree we need to see what we have spent, but I also know you have to have some sort of incentive because that is the way the world works, and we have to be honest with that. I think this needs to be reworded and I would like for it to come back.

Mayor Robertson asked is there an appetite with the Volunteers of reworking that agreement that Councilman Alworth has been referencing and we could mesh this in with that?

Volunteer Fire Department Treasurer Hilton stated yes, we are partners.

Fire Chief Stork stated I want to make clear the money for the 7<sup>th</sup> Man does not go to an individual to get paid; that is what the stipend is. I will give you an example, last Saturday I had three ambulances out on 911 calls in the City of Ely and two of the ambulances were staffed by Volunteers who were getting paid stipends to do it. Otherwise, I have two guys on shift and if I have an ambulance out the other two calls are going to have to wait. The people that sign up and devote time by not going to a BBQ or have a beer or whatever and be available in Ely and ready to go on an ambulance are filling a big gap. You look at the pictures in this building and Jim knows I am as passionate about it if not more and this organization has survived this long because of the partnership between the two entities. When I hired on here, we were doing one hundred and twenty calls a year and we are doing more than that in a month right now.

Councilman Spear stated I think we are spending way too much time on \$5,400.00. Let it be called the 7<sup>th</sup> Man or Ely Volunteer Support Services; I would move to grant the \$1,500.00 and change the contract because we are talking about fiscal year 2022-2023 when it takes effect. I didn't understand the 7<sup>th</sup> Man, but for \$5,400.00 and the job you guys do I don't know why we are even discussing it.

Councilwoman Williams-Harper stated I think them having that amount of money with a better explanation of how it is being spent and who it is for, so people understand this is something that goes throughout the whole organization, because it is not written that way here.

Councilman Alworth stated I am talking as a business here. When I ran for the office, it was to run the City like a business. There is a hap-hazard agreement out there that is dated February 13, 2014 to be renewed every three years. It rolled around and they had their meeting, and it did not come before the Council before the deadline. I love the Department. The agreement is terrible the way it is written. It comes down to is it even valid having them come before us because they missed their deadline? That is a business decision the City has to make.

Councilwoman Williams-Harper asked can we rewrite the agreement?

Mayor Robertson asked can we rewrite the agreement and instead of having it due on February 13<sup>th</sup>, which seems like an odd time, do it around the fiscal year?

Councilman Alworth stated the only reason we are here now is Burton is on top of his game. It should have come before the Council in 2016, 2019, and here it is now.

Councilwoman Williams-Harper asked can we give the agreement to City Attorney Cahoon to fix and bring it back in the future for approval? My feeling is that there isn't anybody that doesn't want them to have it, but if the agreement isn't any good and outdated then you have to change it.

Mayor Robertson stated correct me if I am wrong Leo, but the Council could bring this back at the next meeting and approve the tentative amount, so it gets included in the budget and then rework the agreement before the end of the fiscal year. Is that a doable type of arrangement?

City Attorney Cahoon stated yes, that sounds proper.

Councilman Carson asked is Leo going to work with the Volunteers?

City Attorney stated I can look at the agreement and see what needs to be changed.

Fire Chief Stork stated when reviewing the contract make sure it states in there if it is renewed on the fiscal year that the Volunteers need to come before the Council if they are requesting a raise in February or March so it can be considered in the budget.

Councilman Spear moved to approve Ely Volunteer Fire Department's request to increase the 7<sup>th</sup> Man Stipend from the current \$1,050 per month to \$1,500 per month and direct the City Attorney to work with the Ely Volunteer Fire Department to rewrite the contract for review between the City of Ely and the Ely Volunteer Fire Department. Councilman Carson seconded the motion. The motion carried unanimously with one abstention from Councilman Alworth.

Mayor Robertson recessed the Ely City Council Regular Meeting at 6:48 p.m.



Mayor Robertson reconvened the Ely City Council Regular Meeting at 6:52 p.m.

**Mayor Robertson passed the gavel to Mayor Pro Tem Williams-Harper**

11. Councilwoman Williams-Harper – Discussion/For Possible Action – Approval of the Trackage Rights Agreement by and among Nevada Northern Railway Foundation, Inc., the City of Ely, Nevada, and Great Basin & Northern Railroad, Inc.

Chris Stanko, Esq. with the law firm of Maupin, Cox, and LeGoy stated the title of the agreement is Trackage Rights which provides for lease and trackage rights on mile post zero (0) to mile post one hundred twenty-seven (127) just past the McGill Junction on the Nevada Northern Railway to Great Basin and Northern Railroad which is a subsidiary of the Railway Foundation. There is a very similar agreement that provides lease and trackage rights on what's thought of as the Historical Line down near Ely between the parties. This one we have bifurcated into two agreements because the Northern Line has been thought of different from the Historical Line for some time. The term of this agreement unlike the term of the agreement with respect to the Historical Line is only for two years and will terminate by its terms on June 30, 2024 pursuant to section fifteen which aligns with the City's fiscal year. A couple of key things to note in this agreement are some of these provisions with respect to different obligations Great Basin Northern don't really start until there is actually commercial traffic. Section six regarding tax credits: Great Basin Northern has the right to apply for the tax credit as the federal railroad that is leasing the track, but then would have to pay the net amount received, after its cost, equally to the Foundation and the City. Section seven talks about the City and Great Basin Northern using efforts to try and find potential funding sources to help rehabilitate the Northern Line, mile 0 to 127.

Jeff Moreno, Esq. with Thompson Hine stated I would just like to add by status update that the Surface Transportation Board (STB) published the Federal Register Notice for the Great Basin Northern Railroad to replace S & S as the operator and that indicates there has been no opposition and no concerns raised by the STB. The authority will become effective as of April 28, 2022.

Councilman Alworth asked in section five under maintenance, I am a little confused about the first sentence stating, "At all times commercial freight traffic is active on the Line, GB&NRR shall have responsibility for the repair, upkeep, and maintenance" and then you go down to the next line and it states, "The Foundation and the City shall have no such responsibility and no obligation for such costs and expenses." Can you explain that and is the Foundation different from GB&NRR?

Chris Stanko, Esq. with the law firm of Maupin, Cox, and LeGoy stated they are different entities. Great Basin and Northern are the for-profit subsidiary of the Foundation. This section is only triggered when commercial freight traffic is active on the Line, which is not the case now. In that situation with active rail traffic, it would be Great Basin and Northern's job to repair, upkeep, and maintain the Line as the lessee and lessors would not have any obligation to do so at the time freight traffic is active. There will be an obligation to keep up the line per federal law once we have freight traffic active and we are allocating that responsibility to the for-profit subsidiary who would also get a corresponding tax deduction or a tax benefit from those expenses.

Councilman Alworth stated if a commercial freight car tips over out there and spills diesel fuel all over, the City is not going to be on the hook to clean that up?

Chris Stanko, Esq. with the law firm of Maupin, Cox, and LeGoy stated I can't say that for sure. As a co-owner a plaintiff could look to the City and I am not sure what kind of immunity the City would have per se. We do have in section nine Insurance which would require Great Basin and Northern to have insurance at all times when freight traffic is active on the Line. I would also say for the record any traffic commencing on the Line, be very sure that whatever parties are operating on

the line know of the materials passing on the Line and both the Foundation, City, Great Basin, and Northern are adequately covered for any downside risks like that.

Councilman Carson moved to approve the Trackage Rights Agreement by and among Nevada Northern Railway Foundation, Inc., the City of Ely, Nevada, and Great Basin & Northern Railroad, Inc. Councilman Spear seconded the motion. The motion carried unanimously.

12. Council Members – City Treasurer Trask – Discussion/For Possible Action – Approval to accept an audit proposal for professional auditing services to perform Nevada Northern Railway Foundation’s calendar year 2021, 2022, and 2023 annual audits from *Hinton Burdick CPAs & Advisors*.

City Treasurer-HR Director Trask stated I advertised twice in the paper, and we still only received one proposal. I am going to recommend that we go with *Hinton Burdick CPAs & Advisors*.

Councilman Alworth asked are the audits up to date now with the Railroad?

City Treasurer-HR Director Trask stated yes, they are working on the fiscal year 2020 audit now and hopes to have it done by the end of June.

Councilman Alworth moved to accept the audit proposal for professional auditing services to perform Nevada Northern Railway Foundation’s calendar year 2021, 2022, and 2023 annual audits from *Hinton Burdick CPAs & Advisors*. Councilman Carson seconded the motion. The motion carried unanimously.

**Mayor Pro Tem Williams-Harper passed the gavel back to Mayor Robertson**

13. Council Members – City Clerk Lee – Discussion/For Possible Action – Approve Memorandum of Understanding between the City of Ely and the Nevada Rural Counties Retired & Senior Volunteer Program (RSVP) for volunteer(s) who photographs adoptable pets at the City of Ely Animal Control Facility.

City Clerk Lee stated this Memorandum of Understanding was presented by Jennifer Messina. She has helped the City out since 2015 by photographing the pets that become eligible for adoption and would like RSVP to get credit for her volunteer hours. The City Attorney has reviewed the Memorandum of Understanding.

Councilman Spear moved to approve the Memorandum of Understanding between the City of Ely and the Nevada Rural Counties Retired & Senior Volunteer Program (RSVP) for volunteer(s) who photographs adoptable pets at the City of Ely Animal Control Facility. Councilman Alworth seconded the motion. The motion carried unanimously.

## 9. PUBLIC COMMENT

**KARL J. & AMY L. GARCIA \* 2320 S MINERAL DRIVE, ELY NV 89318 \* 775-293-0993**

Utility Board  
Ely City Council

April 5, 2022

**RE: Mineral Heights Billings; Water Surcharge, Improvement Surcharge, and Capital Improvement Fees**

Dear Utility Board Members and Ely City Council:

I have attached a copy of my latest utility bill. This past month a water surcharge, and an improvement surcharge were added to my bill. After speaking with City of Ely staff, it was determined these fees are charged to only residents in the Mineral Heights area for a water tank that was placed in the area in the 90's, and improvements.

I am already billed a water and sewer capital improvement fee. Why does this not cover capital improvements in the Mineral Heights area? When or if, an improvement is made to another area of town that I do not benefit from, are/will those residents be singled out and made to pay for infrastructure that only they benefit from? And if so, what is the regular capital improvement fee for? I have considered that the creation of the capital improvement fee may have come after the surcharge already in place to Mineral Heights, and therefore was not considered, or possibly overlooked when establishing those improvement fees to those in Mineral Heights.

When this tank is paid for, will these fees drop from my bill? If residents have been paying for this tank since the 90's, at what point is the tank paid off, and Mineral Height residents see a reduction in this fee? What is the current balance for this water surcharge, and improvement surcharge? Does all this money go into the general fund and we have co-mingling of funds?

I am asking the Utility Board and Ely City Council, to please review this. I would like to have a better understanding as to why it is fair to handle this specific improvement this way. Mineral Height residents are paying for improvements in their area, while also paying into a separate capital improvement fund for the rest of the system, whether they benefit from said improvement or not. To my knowledge, no other resident pays an additional surcharge for improvements.

I appreciate your time in reviewing and considering my concern, and I will respect any decision the board makes on the matter going forward.

Kind Regards,



Amy Garcia

George Chachas stated on your agenda item 8B-12 you are to consider the auditing services for the Nevada Northern Railway Foundation for a three-year period. That should be denied as they do not operate under the Nevada Open Meeting Law, and they spend hundreds of thousands of dollars of taxpayer's money and refuse public information as requested. That also goes for agenda item 8B-11, until they operate under the Nevada Open Meeting Law, they shouldn't have any taxpayer's money. Mr. Chachas stated ongoing concerns regarding his request for a list of permitted RVs and the utilities being paid by them; citations he has received resulting in him having to evict people off of his property; his request for the discrimination to stop and compensation; alleged City Code violations; his request for a complete list of parking permits issued on Great Basin Boulevard; alleged ADA violation on his property on the corner of Great Basin Boulevard and Avenue G.

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

Councilman Carson moved to adjourn the regular meeting of the Ely City Council at 7:08 p.m. Councilman Spear seconded the motion. The motion carried unanimously.



MAYOR



ATTEST



