



CITY OF ELY

501 Mill Street Ely, Nevada 89301

City Hall (775) 289-2430

Cityofelynv.gov

ELY CITY COUNCIL REGULAR MEETING

August 18, 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 5:04 P.M. David Costello 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 joined meeting at 5:22 p.m.
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 B.J. Almberg
City Police Chief Scott Henriod
City Building Official Craig Peterson
City Administrative Assistant Patti Cobb (Zoom)

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, GriffMT, and Caroline McIntosh.

ELY CITY COUNCIL ATTENDANCE LIST

DATE: August 18, 2022

Print name below

MICHAEL COUCH
Samantha Elliott
Belinda Galligan
Steve Sloan
Nicole Freeman
Dennis Costello
GREG COPELAND
Kevin Baker
George Chachas
Thomas Oakley Bath
Mark Bassett
WENCHONG YE

Print name below

2. PUBLIC COMMENT

George Chachas stated I have concern regarding the drainage coming down from the Bath property located on the west side of the railroad tracks. The water runoff enters the drain catch basin and railroad track culvert on 7th Street and is causing erosion along the city street. The City does not have curb and gutter across Ely Street and 7th Street. The water cascades onto the 600 block of Ely Street and is draining on to my private property. It has cut and destroyed a large portion of the asphalt and the debris rolls onto the 600 block of High Street. City Code clearly states that one cannot drain on to another's private property and the City is in violation of the code. Once I get an estimate to repair the damage, I will present it to the City to pay for the damages I have suffered. NDOT has put in some new curb and gutter on 14th and 15th Street and have not put in proper ADA access and crossing as required. On your agenda item 10-1 you are to pursue legal action on past due utility accounts and stated his ongoing concerns regarding if the City ever collected in full for water, sewer and landfill services from the Historical Railroad when they owned the White Pine Trailer Park; collected in full from Garnett Mercantile; If Councilman Spear has collected amusement tax from when he was in office previously; and collected in full for utilities from the Golf Course.

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

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

4. CITY DEPARTMENT REPORTS

➤ CITY CLERK

City Clerk Lee stated I assisted Public Works Supervisor Cracraft in submitting a Commitment to Community Grant Application to reroof and paint the concession stand at Broadbent Park; Caselle will give out three awards of \$2,500.00, \$1,500.00, and \$1,000.00. On our Broadband, Commnet informed me yesterday that they have one switch without a delivery ETA and their subcontractor Fugal is ready to start constructing Ely Phase Two, which includes fiber on poles and getting fiber to the fire station as soon as they issue a purchase order. Ford AV notified me Tuesday they will not be able to install the new sound system until April of next year because the digital sound processor, is unavailable until March. To date, my office has received forty (40) complaints this year with twelve (12) complaints remaining active and one (1) from 2021 we have a total of thirteen (13) active.

➤ CITY TREASURER-HR DIRECTOR

Councilman Alworth asked did we hire a part-time assistant for the City Attorney?

City Treasurer-HR Director Trask stated yes, she started the first part of July.

➤ PUBLIC WORKS SUPERVISOR

Public Works Supervisor Cracraft stated this morning at the Utility Board Councilman Alworth asked a question about cooling at the Golf Course Well so I thought I would answer that. Just a quick history on the Golf Course Well, last year was the first time we just shut them off; we usually have to run it 24/7 to keep up. Last year when we were running it there were a few times the room got too warm and when we would turn off the pump the electronics would do exactly what they are supposed to do with the safety devices. We figured the room was getting too hot and we just needed to put in some air conditioning. We priced one out and planned to budget for it this year and in the meantime, as you know, we removed the motor because it was making some noise. We had the motor rebuilt and what they found in it was a drag in the motor, and that was causing the heat in the room. We have purchased an air conditioner to put in and are just waiting on JW Electric to come in and run the electrical, hopefully next week.

➤ CITY ENGINEER

City Engineer Almberg stated the North Street well pump is on order and there is about a ten to twelve-week lead time. We have been working on the CDBG projects, which include our Central Ely Sewer and Bell Avenue Water Line, by working through the Environmental and the SHPO process. The City hired a temporary summer intern that continued to work with us and collected GIS data throughout the summer and did a great job for us; he wrapped up on Friday and will be going back to school. We were able to

compile a list of water valves that he found in his searches that we passed on to the Water Department to have them exposed because we can't see them currently. We have been working with the Water Department and the Treasurer getting ready for our RNMC negotiations by compiling the last several years of well maintenance cost. I have been at the White Pine Motel working with the neighboring property to route new sewer lines underneath the property. The Murry Street project is wrapping up and they will be replacing an old water valve tomorrow and adding a new hydrant and hopefully have the project finished up next week.

Councilman Flangas asked on upper Murry Street they are working on right now; how far up on the street will new curb and gutter be going in?

City Engineer Almberg stated Dickerson where the sewer project ended, and the sewer lines go back through the alleys after that.

Councilman Flangas asked is there going to be sidewalks and curb and gutter along the side that is City property of Stoppers Park?

City Engineer Almberg stated possibly yes, I don't have the exact answer yet because the plans aren't one hundred percent together. Budgetary wise we are anticipating putting sidewalks along the Dickerson side.

5. NNRy FOUNDATION REPORT

Mayor Robertson disclosed I am a part-time employee of the Foundation.

NNRY President Mark Bassett stated things are doing quite well down the track. Locomotive 81 went through her first annual inspection after the rebuild and we found no issues. We are happy with that, and she is back in service. The other big news is we posted our Great Basin Star Train schedule a week ago Sunday. We have eighteen trains, and they are essentially all sold out. NNRy President Bassett reviewed the following report:

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.nnry.com • E-mail: info@nnry.com

Monthly Operations Report for July 2022

1. Locomotive Status – Updated
 - a. Locomotives in service: #81, #93, #105, #109, #204, #310, Wrecking Crane A & Rotary B.
 - b. Locomotive 801, a very rare Baldwin VO diesel locomotive was started up for the first time on July 1, 2022. There is still more to do, to make the locomotive serviceable for operations.
 - c. Locomotive 40 is out of service for her heavy repairs. We have started on her repairs; she will be out of service until 2023.
 - d. Locomotives out of service needing moderate repairs: #201 and #34
 - 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 July we carried 2,646 passengers, this is a 15% decrease compared to 2021. It was the second largest July that we have had in our 35 years of operation.
 - b. Year to date, we have carried 8,729 passengers, this is a 4% increase compared to 2021.
 - c. Since operations began in 1987, we have carried 339,090 passengers.
6. Economic Impact – Data from Travel Nevada Visitor Facts Pony Express 2016-2020
The average non-gaming & gaming daily expenditure per overnight visitor \$140.
Economic Impact for June 2022 is $2,927 \times 80\% \times 140 = \$327,824$
Economic Impact Year To Date is $6,083 \times 80\% \times 140 = \$681,296$
7. Social Media: Our reach on social media continues to expand, in the last 28 days:
 - a. We reached 529,288 people.
 - b. Post engagement was 239,352

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

- c. We have 117,200-page likes.
- d. 159,335 people follow our page.

8. 2023 Star Trains

We have posted our 2023 Great Basin Star Train schedule, for the month of August tickets are available to members only.

9. Lieutenant Governor Lisa Cano Burkhead visited the Nevada Northern Railway National Historic Landmark on August 6.



6. REPORTS

➤ **COUNCILWOMAN WILLIAMS HARPER**

Councilwoman Williams-Harper stated I was fortunate to travel to the League of Cities. It was exciting and I feel like this year I was able to add to the conversation. We had interesting conversations regarding housing in rural Nevada and again about cybersecurity for smaller cities. It was very good to see Mayor Robertson in action as he was quite vocal in several sessions looking out for our interests.

➤ **COUNCILMAN FLANGAS**

Councilman Flangas stated I am concerned. We are looking for housing projects in the City of Ely to maintain and I see where the Governor received \$500 million from the federal government to develop housing only in Clark County for the underprivileged, I guess. The money was sent to the State of Nevada for housing and what do we have to do to see if we can get some of that money? Is there any possibility?

Mayor Robertson stated I know there are some entities here in Northern Nevada that have applied for that, but I don't know how their applications have gone.

Councilman Flangas stated they are out searching for water, and we discussed this at the White Pine County Water Board. They are concerned they may reactivate their pipeline idea. I don't think that is going to fly because it is way too costly.

➤ **MAYOR ROBERTSON**

Mayor Robertson stated you have my report. There have been a lot of events this summer and we are glad to see all those things happening. This weekend is the horse races with the county fair and of course the Volunteer Fire Department will be putting on their annual BBQ Friday night. I was able to make it out to the Lehman Cave Rededication Ceremony the weekend before last and both Congressmen Horsford and Amodei were in attendance as well as staff from our Senators offices. It was a well-attended event, and I was happy to be there. I would like to echo some of what Councilwoman Williams-Harper said about the League of Cities. They did talk a lot about cybersecurity and what the League is working on with that in the State and also the bi-partisan infrastructure legislation with some really interesting opportunities there.

7. THE MAYOR WILL RECESS THE REGULAR CITY COUNCIL MEETING FOR A MEETING OF THE ELY PROSTITUTION LICENSING BOARD.

1. Board Members – City Clerk Lee – City Attorney Cahoon – Discussion/For Possible Action – Consideration to revoke, suspend, withdraw or discontinue business license issued to Stardust Ranch; S&G 1966 LLC, pursuant to Section 3-6-14 of the Ely City Code.

City Attorney Cahoon stated the issue with this is a business owner of a house of prostitution is required to file an application with the City, a background check is done on that individual, and then it is determined whether or not that application will be accepted. There has been no application filed by Mr. Sloan and for that reason among many others I believe revocation of their business license is proper in this case. There has been a recent investigation that has been conducted on Stardust and we have a report from Deputy Colada that stated when Sheriff Deputies conducted a compliance check on Stardust, bartender Cynthia Mitchell told the Deputies that no one was working. However, a prostitute whose card expired in March of 2022 was pulled over for a traffic stop in mid-July and she stated she was working at the Stardust. Deputies also reported there was a woman named Dorothy there and a younger woman that stated she was just living there and probably provided a fictitious name. There also appears to be an RV on the property being used as a residence. The City did receive an email sent to City staff sent on July 22nd sent from a former employee of the Stardust and it reads: I want to inform you the owner, Steve Sloan, has several girls working. There were no permits or doctor visits in the past three months. I have been there and not only are these girls heroin addicts, but he also provides the drugs for them. The General Manager, who refers to herself as “Dot,” is also a heroin user with warrants. That brothel needs to be shut down or investigated. I no longer work there because the owner fined my \$500.00 for going to the store, which is ridiculous. I really think he didn’t want to pay me for the work I had done, which is wrong and illegal. City Attorney Cahoon stated under City Code work cards are required for prostitution so every prostitute that works there has to have a card. Mr. Sloan is stating there were no prostitutes working there at the time, but there is an investigation that indicates there could be girls working as prostitutes in the establishment. For those reasons, and the unknown owner. He is claiming to be the owner but there is no application on file with the City. I believe the business license should be revoked at this time.

Mayor Robertson asked who do we have on file of being the owner and the licensee of that business?

City Attorney Cahoon stated the former owner, who is Gary Dean Phillips.

Mayor Robertson asked does the City have restrictions on people living at a brothel.

City Attorney Cahoon stated I can check on that, but I am pretty sure no men can be living at the brothel.

Mayor Robertson asked we do have ordinances about RV’s being used as residences.

City Attorney Cahoon stated correct.

Brenda Galligan stated I actually own the Stardust Ranch. Steve owns it with Gary and Gary is licensed. We did have a disgruntled employee. We did have an application in, and I do know they had gone to the doctor. How I understand it works is the doctors are supposed to fax results over to City Hall. Steve did throw her out because of the drugs.

Steve Sloan stated she left the Ranch to go to the casino and I have a policy that nobody leaves the Ranch. Once they go to the doctor they are quarantined to the ranch until they leave.

Mayor Robertson stated let’s deal with one item at a time. The first item I would like to deal with is the license and unless I am mistaken, Attorney, if you are not listed on the license, you cannot be an owner, or you can’t be a licensee, and this is part of the issue.

We can't swap people in and out on the license without the City knowing what is going on.

City Attorney Cahoon stated the reason for that is a background check is done on each of the applicants. They have to be vetted to manage these properties.

Steve Sloan stated just so you know I had no intention of being there to run this place. When my partner and I started this, he was going to run it.

Mayor Robertson stated that is fine, changes can happen, but they need to go through the proper channel and come before this board for approval like the Attorney said so we can make sure the people running it are properly licensed.

Steve Sloan stated I was involved financially, and Gary was running it. I am a construction worker and if I am wrong, I accept that, but I have done my due diligence by taking these girls to the doctor.

City Clerk Lee stated for clarification the managers also need to have background checks done on them.

Belinda Galligan stated I am in the process right now of selling it. Nichole Freeman is working on the application process to buy it.

City Clerk Lee stated for clarification all we have received from Nichole is a liquor license application. We have not received any of the other.

Mayor Robertson asked Ma'am you own the building, but not the business and someone else owns the business?

Belinda Galligan stated I own the property. The business license goes with who is buying it and since he was buying it, he had that license.

Mayor Robertson asked are you selling the property or the business?

Belinda Galligan stated I am selling the property, but I will own it until they pay it off.

Mayor Robertson stated as we sit right now the license is out of compliance, there is currently a sale in process with a soon to be submitted application. Is that a correct summary of the situation?

City Attorney Cahoon stated yes.

Mayor Robertson stated the other issue is women without work cards.

City Attorney Cahoon stated and without the medical evaluations being done on a weekly basis. If there are prostitutes working there currently, the City has not received any medical evaluations faxed over from the doctor's office and we have not had a work card.

Belinda Galligan stated there has not been anyone there.

City Clerk Lee stated I confirmed with Robin today that we haven't had work cards from the Stardust in months.

Mayor Robertson asked do we know how many months?

City Clerk Lee stated I know she has been trying to reach Gary and Steve for quite a while and she finally got ahold of Steve, but we haven't had any new applications.

Mayor Robertson asked do we have any evidence of people working there other than this allegation?

City Attorney Cahoon stated the Sherriff's Office stopped by and went in and spoke to one woman who stated no one was working there and that is all I have received from the Sheriff's Office. Robin Pike is the last person we have on file that had a work card and her card expired months ago.

Steve Sloan confirmed she has not been there.

Mayor Robertson asked City Attorney could you sum up your recommendation for this board again?

City Attorney Cahoon stated based off the non-compliance with the application I think a revocation is proper in this case. I also don't think there has been any fees paid for their license and they are delinquent.

Mayor Robertson asked does revoking the current license jeopardize their application for a new one?

City Attorney Cahoon stated no, not to my knowledge.

Steve Sloan asked not to revoke it because she is going to take over here right away and things are in process.

Nichole Freeman stated first of all I think Steve has tried and the paperwork I have seen in the process of buying it seems he has done his due diligence. If the business does not keep operating, I can't come in and buy it from a business standpoint.

Mayor Robertson stated what business is operating if there are no girls there?

Nichole Freeman stated there are no girls there right now, and that is part of the problem.

Mayor Robertson stated so what part of the business is still operating, just the bar?

Nichole Freeman stated just the bar is operating. I will say the continuity of the business is important.

Belinda Galligan asked how quickly can it be approved. She has everything filled out and we are filling out the bill of sale right now.

Mayor Robertson stated I doubt you will have everything ready for this board to approve by our next meeting, which is next week, but our next meeting past that would be on September 8th.

City Clerk Lee stated it takes a while for the background checks to come back. Fees must be paid, and the entire application completed to come back in front of this Council.

Mayor Robertson stated the background check is out of the City's hands. We have no control over how long that takes.

Nichole Freeman stated at my last fingerprint I asked the question and Robin said the last background check that was done came back in three months.

Mayor Robertson stated and that is a concern, but we cannot continue to let you operate in the license situation you are in.

Nichole Freeman said absolutely I agree. What if the paperwork is corrected and get things fixed going forward so there is not a revocation.

City Attorney Cahoon stated the problem is he (Steve) would have to go through the same process you are going through now. He doesn't have an application so he would also have to have a background check and everything.

Belinda Galligan asked since I have already had a license and I have all my information here is there any way I can take it back under my name? I have a clean record, and would that help to keep us open?

Mayor Robertson asked how hard would it be for them to get a business license to just run a bar?

City Clerk Lee stated that would require the Council reviewing that application again and that still requires a background check. I can check with Robin on how close we are to getting that back on the liquor license. For clarification to the Council, we started down this road because Robin finally got a hold of Gary and he stated to her that he was out of it, so this is the uncomfortable situation we find ourselves in.

Councilman Spear stated I would like to see them stay open, but the fact of the matter is we need that permit and background check. I am sitting here listening to all this and trying to figure out a solution, but I don't know how we are going to expedite anything.

City Attorney Cahoon stated there is also the option of temporarily suspending the business license, but that might have the same effect they have concerns about.

Belinda Galligan asked does the background check have to go with the liquor license or just the prostitution license?

Mayor Robertson stated it has to be done for both.

Councilwoman Williams-Harper stated I think this is a very messy situation especially with you all being business owners in the past. You know what the rules are it just seems it has been neglected so the closest yes, I would give is suspending it rather than revocation.

Mayor Robertson stated this license is one that would have to be going away anyway.

City Attorney Cahoon stated correct if they are going to be changing hands.

Mayor Robertson stated by suspending it means they could not be doing business. The best the City could offer is we will do everything possible to make sure your applications, whether it is the liquor license or prostitution license, is filed and processed as quickly as we can.

Councilman Carson moved to temporarily suspend the business license issued to Stardust Ranch; S&G 1966 LLC until the new license is in place or current license is corrected. Councilwoman Williams-Harper seconded the motion. The motion carried unanimously.

THE MAYOR WILL RECONVENE THE REGULAR CITY COUNCIL MEETING.

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

1. Council Members – City Building Official Peterson - Public Hearing – Discussion Only – Approval of Second Reading of Ordinance 746, Bill 2022-02, a proposed Ordinance updating and amending Title 9 of the Ely City Code thereby adopting operative building standards; adopting codes for residential, plumbing, electrical, mechanical, energy conservation, and off-site modular and prefabrication construction; and providing other matters properly relating thereto.

George Chachas stated under 9-1-4 Building Official duties you are saying one thing but allowing another; you are not being consistent. You need to keep comprehensive records, inspections made, and reports ordered. My building at 570 is still leaking and your building inspector took my money. Your Building Inspector said I hired a poor contractor and you guys didn't do anything. I am concerned about 9-1-6 non-liability of the City; you folks take my money and tell us it's for our protection. If something goes array because your employee failed to do due diligence. I want my roof fixed and brick

put back on my building and I don't want to hear a building inspector tell me you hired a poor contractor. He should have shut the job down.

Mayor Robertson asked Mr. Chachas do you have some comments on the adoption of this?

Mr. Chachas stated yes, I want liability on behalf of the City. When you take money from the citizens you have an obligation.

Craig Peterson stated for the record I have been here for eight months now and the interactions the gentleman from public comment was speaking of was allegedly with my predecessor. He has repeatedly brought up the building inspector has called him this and that and I can assure you as of today I have not called him any of those names. I just wanted clarification for the record.

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

1. Council Members – City Building Official Peterson – Discussion/For Possible Action - Approval of Second Reading of Ordinance 746, Bill 2022-02, a proposed Ordinance updating and amending Title 9 of the Ely City Code thereby adopting operative building standards; adopting codes for residential, plumbing, electrical, mechanical, energy conservation, and off-site modular and prefabrication construction; and providing other matters properly relating thereto.

City Attorney Cahoon stated if I may speak to Mr. Chachas comment about non-liability to the City. This ordinance is a mirror of the County, and they have the same provision. All it does is waives liability on the City of any damages to a person or property due to the defects of workmanship for which a permit is being issued. If the Building Official misses anything the City is not liable for that. Under Nevada Law the City has sovereign immunity anyway. The suggestions from Councilman Spear to change some of the grammatical errors from the last reading have been changed in this reading.

Councilman Alworth stated I would like to add that Chapter 8; Offsite and Modular Fabrication Construction Code, is much needed in this time and era. I appreciate the effort of getting that in there.

Councilman Alworth moved to approve and accept the Second Reading of Ordinance 746, Bill 2022-02, a proposed Ordinance updating and amending Title 9 of the Ely City Code thereby adopting operative building standards; adopting codes for residential, plumbing, electrical, mechanical, energy conservation, and off-site modular and prefabrication construction; and providing other matters properly relating thereto. Councilman Carson seconded the motion. The motion carried unanimously.

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

1. Councilman Alworth – City Attorney Cahoon – Discussion/For Possible Action – Direct City Clerk to publish notice of intent to pursue legal action on past-due landfill accounts, including lien fees and accrued penalties.

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

Councilman Alworth stated I talked to the Utilities Board about some of the figures we have on this. The staff broke out the lien fees and landfill fees with a total balance. It will be great if the City Attorney can get all the penalties owed. In the past when people had a concern, sold a property, or were trying to buy it the Council would sometimes write off the penalties. As it sits on the books right now for the liens on the landfill charges is \$128,593.00 and the penalties are \$289,714 for a total of \$418,307.00. We have fifteen customers out of the eighty-six that are over \$2,500.00 in total landfill and lien fee, not including the penalties and seventy-one under the \$2,500.00. Our thrust on

this was to have the Clerk, with our approval, put it in both newspapers and on social media to let the residents know the City is going to actively pursue this. In my tour of duty in the City Council around 2008 or 2009 the City did take a family to court and they were successful. The judge ruled in favor of the City and the family did pay it. \$290,000.00 is a lot of money. They get a bill, and it tells them what they owe every month.

Councilman Carson moved to Direct City Clerk to publish notice of intent to pursue legal action on past-due landfill accounts, including lien fees and accrued penalties. Councilman Spear seconded the motion. The motion carried unanimously.

2. Board Members – City Engineer Almberg – Discussion Only – Update regarding Ely NDOT truck wash project water service.

Councilman Carson stated there was a discussion at the Utilities Board Meeting on this and none of the members desired to pursue any additional charges.

City Engineer Almberg summarized the following:

ELY NDOT TRUCK WASH

During the construction of the Ely NDOT Truck Wash, the design plans specified to connect to the existing 8" water service line that had been used to provide water to the prior truck wash that has been out of service for quite a few years. When the contractor exposed the existing service line during construction it was discovered that it was not an 8" service line but a 4" service line. NDOT coordinated with the City of Ely to excavate back to the water main and replace the 4" service line with an 8" service line. When the contractor excavated to the water main, it was discovered that the main was tapped with an existing 8" tee and valve and then reduce to a 4" service line. The contractor ended up removing the reducer and connecting a new 8" service line to the existing 8" valve.

This is being brought to the Utility Board and City Council to inform them of the situation and to seek guidance as to whether there are any fees associated with the upsizing of the 4" service to an 8" service line since the main was already tapped for an 8" line.

This project is a benefit to the City of Ely because also associated with the truck wash is a water truck fill station. This will allow NDOT water trucks to safely fill their trucks without having to connect to a City Fire Hydrant. The fill station is designed with an air gap which is the safest fail proof way of preventing backflow into the City Water System.

Mayor Robertson asked is this going to be used for their contractors or just NDOT?

City Engineer stated just for NDOT.

Councilman Spear stated eight inches of water is a lot of water. Do you know how many gallons that could put through there?

City Engineer stated yes, eight inches is a big line, but that is what they were designed for. It does come up and split into two six-inch lines.

Councilman Spear asked is it metered?

City Engineer stated it is metered.

Mayor Robertson asked it is an eight-inch water meter?

City Engineer stated I believe it is an eight-inch water meter.

Councilman Spear stated my next question is what that does to the discharge because that has to be a lot of salt.

City Engineer stated they have their own cleaning system in there so what gets released is cleaned and doesn't go into the system.

Councilman Carson stated I would just like to thank B.J. for bringing this to the Board for discussion.

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

A. CONSENT AGENDA

Councilman Spear stated I would like to make a few corrections on the minutes; under 6. Reports Councilman Flangas stated used to have boats and it should say “floats” and under the consent agenda I did abstain from the \$243,000 and it was because my daughters both work for that company, so it needs to be plural. On the motion it says abstained from the July 7, 2022 minutes when it was actually the bills I abstained from.

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.

Mayor Robertson disclosed my spouse is a member of the Volunteer Fire Department, but I do not vote on this and will not be abstaining.

MOTION: Move to approve with correction the Consent Agenda item 11A-1 Minutes and 11A-2 Bills.

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

1. Discussion/For Possible Action – Minutes
 - July 14, 2022
2. Discussion/For Possible Action – Bills.
 - July 28, 2022
 - July 29, 2022
 - August 9, 2022

B. NEW BUSINESS

1. Councilman Alworth – Councilwoman Williams-Harper – Discussion/For Possible Action – Consideration of a possible approval to increase pay for hourly employees up to an additional 7.5% over the previously approved 3% increase, in light of present economic hardships.

Councilwoman Williams-Harper stated as we have discussed before I think it is very important that we take care of our City employees. They are handling their responsibilities very well and it is very important to us to understand the economic hardships are hitting all of us. The most important thing we need is continuity. We have good people in place, and it is actually a loss if we have a turnover of people. I am very much in favor of taking care of those people that take care of us.

Councilman Alworth stated I have stated numerous times our working people will either make you or break you. Our people are doing an outstanding job. We got into this snowball effect with the recent increases to the Treasurer, Clerk, and the Public Works Supervisor and they are all professional people, and it was well warranted, but again those people got the money, and our people are struggling along with a 3%. I think it is best to give them the 7.5% because our employees are in the ditches, and they are dedicated.

Councilman Spear stated I will have to echo that as I have had a lot of employees in my lifetime. It is a lot easier to retain than to hire and have to retrain. This will give them about ten points over what they had and that doesn't even keep up with inflation today. I totally agree because turnover kills us, and we can't have that kind of turnover.

Councilman Alworth stated the Treasurer is going to have a task ahead of her to watch the budget. Here it is the first month of the fiscal year and we just put a serious spike in wages and benefits. I encourage all the staff to help us watch our budgets.

Councilman Carson stated I agree with you whole heartedly, but I do have some heartache with this because in my opinion this has been handled wrong. This should have gone through the Collective Bargaining Agreement with the Union, so we had time to budget for this. I don't know how many times I have heard Councilman Alworth ask people "is this budgeted for," no it's not than nope you don't get it. I am not saying these guys do not deserve it and not warranted. I think it was a little bit of bad timing. On the appointed official side or upper management, yes, they did get very big raises up in the ten percent range. We also looked at the national average and these folks are very underpaid as well. Is our main staff under paid by the national average? Do we know that? I don't know. It is just food for thought, because I can guarantee you that next year the appointed officials and upper management will be saying these guys are making what I am making or maybe even more.

City Treasurer-HR Director Trask stated it is not budgeted, but yes, they do deserve it. The two options that came to me were doing a 5% raise now with the possibility of negotiating in the next year another possible raise that could get budgeted in. We could do the 7% with the understanding that next year there won't be an increase, we will bring the contract up to what they are making now.

Councilman Carson asked can the budget sustain these kinds of wages without COVID funding?

City Treasurer-HR Director Trask stated the actions I have for this is there are appropriations and augmentations I can do in budgets. It is early on in the budget, but I do feel like either option can sustain it. We are not using COVID funding or Community Service funds to do this.

Councilman Alworth stated I had the Treasurer-HR Director put the numbers together and using the 7.5% increase for just the hourly people, a total wage increase for the way the staff was sitting the day she did that, was \$46,250.00 and the benefits were an additional \$18,040 for a total of \$64,290.00. This includes all departments. The Fire Department is \$43,000.00 out of that amount. Some people look at \$64,000.00 and say that is a lot of money for the City but the Treasurer is able to do appropriations and augmentations to have this amount in the budget and we count on our employees to help us watch the budget. We are all about the employees. A 5% increase is about \$20,000.00 less overall.

Mayor Robertson stated the way the agenda item is written is the Council can choose any amount up to the 7.5%. Having been tangentially related to some of the conversation related to getting this to the agenda, I think it speaks to how quickly things have been changing in our country as far as finances and the economy just from the time we did the budgeting work until now. We also are trying to get the City up to par with what other jobs are paying in our community, trying to keep employees, and attract employees to the open positions that we have. The Fire Department has been fighting this for the last couple of years trying to get people to put in and other positions too.

Councilwoman Williams-Harper stated I appreciate what you said Kurt and I thought the same, but the other thing is if we don't have it to give, we can't. It just so happens we can do it now, but that doesn't mean that we can do it next year.

Councilman Carson stated it's not that I am against it. I would like to see retention along with the increases.

Councilman Alworth moved to approve an 7.5 % increase in pay for hourly employees over the previously approved 3% increase, in light of present economic hardships. Councilman Spear seconded the motion. The motion carried unanimously.

2. Councilman Alworth – Discussion/For Possible Action – Direction to HR Director and the City Attorney to propose a plan, and suggested amendments to the City Code if needed, to transition the Public Works Supervisor position to the Mayor - appointed/Council - approved “Director of Public Works”. Plan and amendments to be brought back before the Council for changes and approval.

Councilman Alworth stated the way I understand this is if we are to approve this it is to get the Attorney and HR Director to move forward and come up with a Plan and amendments to be brought back before the Council for changes and approval.

City Attorney Cahoon stated I just ask that we have until September to report back.

City Treasurer-HR Director Trask stated I would prefer the second meeting in September.

Councilman Carson asked if we do this will he still be a working supervisor?

City Attorney stated that will be part of the plan and we will be able to answer your question when we bring it back to the second September meeting.

Councilman Carson asked when Mr. Cracraft took the position of Public Works Supervisor was his position backfilled.

Public Works Supervisor Cracraft stated no.

Councilman Spear moved to direct the HR Director and the City Attorney to propose a plan, and suggested amendments to the City Code if needed, to transition the Public Works Supervisor position to the Mayor - appointed/Council - approved “Director of Public Works”. Plan and amendments to be brought back before the Council for changes and approval. Councilwoman Williams-Harper seconded the motion. The motion carried unanimously.

Mayor Robertson recessed the Regular Meeting of the City Council at 6:13 p.m.

Mayor Robertson reconvened the Regular Meeting of the City Council at 6:20 p.m.

3. Mayor Robertson – *rPlus Energies* representative – Discussion Only –White Pine Pumped Storage Project’s draft license application and project update.

rPlus Energies Program Manager Greg Copeland stated I want to say thank you for the invite to provide an update. We were here a couple months ago on June 9, 2022 and today I will verbally share with you any updates. There have been a number of things that have happened since then. I want to focus on five different areas: The Geotechnical Study and the geotechnical exploration work, our discussions with the National Park Service, the status of our permanent access road, the hydro geological testing and the permanent application, and preparations for the final license application to be submitted. With regard to the geotechnical work during the week of June 15, 2022 we conducted field checks of the geotechnical work plans that we have in place and had been developing for about four or five months; we did that with our Contractors, NDOW, and with the BLM in attendance. On the following week, June 23rd, we submitted a request to the BLM for what we call a work plan modification to the previously approved permit that we had for the geotechnical work. We were also intensively looking at the results of the field checks that we did with our contractors. On the 21st of July we received comments back from the BLM on the submitted request modification. The modification embodied a change to the access route that we had been working on and that was the extent of the modification. The BLM requested additional information on the 21st and at about the same time we finished our analysis on the access route. Our contractors were very concerned about the safety of moving people back and forth to the upper bore hole on a daily basis and delivery of equipment. They came up with a couple of alternative plans and those plans we didn’t believe were viable, so we made the decision as a company to not move forward with the bore hole three geotechnical work. On the 25th of July we notified our contractors that we were postponing the geotechnical work on bore

hole three for this year. On July 29th we called the BLM to let them know that was the case and that we were rescinding our modification request for the 29/20 permit. On August 1st we notified the BLM in writing and basically reverted back to the previous conditions that were in existence for the geotechnical work. We will only be doing the geotechnical work for bore hole one this year and the trenching operations for seismic analysis. On August 1st we also submitted to the BLM a follow up reclamation report based on an inspection that we did for the bore hole two site and that site needed to be reseeded and reclaimed. On August 11th, which was just last week, we received a renewed permit for the seismic work from the BLM; and that work will be done in September of this year. As far as the second topic, which was a meeting with the NPS on August 2nd, I will say we had a productive with the NPS and with the Railroad and it was well attended by the City, County, Foundation Board, and other entities. We were able to come to an agreement of developing supplemental information that would be necessary to supplement the study reports that we submitted with our draft license application, which includes the recreation study; socio-economic impacts to the railroad study; and the visual and aesthetics study. The photo simulations of the visual and aesthetics study are to try and depict the features of the project against what we see as a project now so people can visually identify what the features will look like. The key tie-in is the photo simulation work, and the results of that work will be helpful in a survey for riders on the train so they can see what the impacts will be before and after and give comments and provide feedback on that. The intent is to finalize the work that is necessary in order to supplement those studies. The next topic I had is regarding the permanent access road. We received the permanent access route from our consultant on July 5th and they are still in the process of sending us the GIS files so we can put together the information to support the currently existing 299 application. The other topic I had is the hydrogeologic testing and permanent application. A lot of people have been questioning the hydrogeologic and the recharge on the aquifer. We have discussed with the BLM what kind of a permanent application we would be submitting for that and have decided on a 29/20 which is a temporary permit with the BLM. I have a meeting with my consultants on Monday afternoon and we are hoping to finalize the permit application for that by the end of next week and submit that. The 29/20 application will include two bore holes for testing of the recharge rate and three monitoring wells. The last item is the final license application, and we are in the process of including comments that we have received from a variety of stakeholders and there will be follow-up on that. We expect we will be able to have a final license application in three to six months, which means the EIS and NEPA process that we talked about would be kicked off sometime in the spring or summer of next year.

Councilman Flangas asked what is the total estimated cost of this project?

rPlus Energies Program Manager Greg Copeland stated if you go to the draft license application it will show exactly what the financial breakout is, and it shows just a little north of \$2.3 billion to construct the project.

Councilman Flangas asked do you have a facility like you are planning to develop here elsewhere?

rPlus Energies Program Manager Greg Copeland stated we have about a dozen projects under stages of development throughout the United States and majority of those are in the western United States. We have another project that has already submitted a draft license application that is in Wyoming.

Councilman Flangas asked do you have any projects that are functioning?

rPlus Energies Program Manager Greg Copeland stated we do not have a pumped storage project functioning at this time. There hasn't been one permitted and operated in the U.S. for the last thirty years; there has been some internationally.

Councilman Carson asked do you know why that is?

rPlus Energies Program Manager Greg Copeland stated it is primarily because it is a very costly enterprise and a long view. You really have to look at this as a long time return or possible return. A lot of company boards are not interested in the time it takes to get the return. Utilities have taken it on and there has been a different attitude about pumped storage and the need for grid stability that has emerged primarily because of renewable energy.

Councilman Flangas asked are there any operational facilities now?

rPlus Energies Program Manager Greg Copeland stated I will send you a map that shows where those operational facilities are; I will send it to the Clerk. There are forty-three in operation.

Mayor Robertson stated just none owned by rPlus Energies?

rPlus Energies Program Manager Greg Copeland stated that is correct.

4. Mayor Robertson – Discussion/For Possible Action – Consideration of recommendation from City Hall Review Committee regarding design professional qualifications presented AND possible selection from the following submitted proposals: Paul Cavin, Architect, LLC and Parallel Lines Studio.

Councilman Flangas stated in reviewing both proposals and being knowledgeable with the architecture I would like to recommend....

Mayor Robertson stated before you recommend there are a few things to talk about, but we will get to that. We did receive two applications and both applications were complete. For the Council's information the way this process works in the State of Nevada is public boards need to make a selection based on qualifications first. How that works is we farmed out these statements of qualifications to five people in the City; one was City Engineer Almberg, one was City Building Official Peterson, Councilman Carson, City Clerk Lee, and myself. Everyone reviews them and scores them on a rubric we have based on the requested information. They are scored on a scale from one to twenty-five on the four items and then we come together and tally up the scores and discuss it. The committee in discussing this felt they were both very viable applicants, both are licensed architects, and both have past experience in this type of work. The scores were a total of five hundred and when added up Parallel Lines came in at three hundred and eighty and Paul Cavin came in at four hundred and fifty-one. Due to the fact that Paul had a little bit more experience in this kind of construction and working with these types of boards the committee recommended him. The Committee was very complimentary of both applicants and would be fine with whoever the Council decides on.

Councilman Flangas stated after reviewing both applications I was going to recommend Paul Cavin. The concept we have in mind is City Hall and the works he has done in the State of Nevada is right up the alley of what we need.

Mayor Robertson stated the committee could have opted to interview each of these applicants, but they thought the evidence was pretty clear and the applications were so complete that we felt we got the information we needed from that.

Councilman Carson moved to approve the submitted application from Paul Cavin, Architect, LLC as the design professional for City Hall. Councilman Alworth seconded the motion. The motion carried unanimously.

5. Mayor Robertson– Discussion/For Possible Action – Approval to refund business license fees up to the amount \$124.50 to the White River Boutique Co. at the request of business owner, Jenna Rosevear due to closing of the business effective August 1, 2022.

Mayor Robertson stated this is not something the City has in their policy as such the request has to come before the Council.

Councilman Alworth moved to refund business license fees up to the amount of \$124.50 to the White River Boutique Co. at the request of business owner, Jenna Rosevear due to closing of the business effective August 1, 2022. Councilwoman Williams-Harper seconded the motion. The motion carried unanimously.

6. Mayor Robertson – Discussion/For Possible Action – Approval of Memorandum of Understanding between the Bureau of Land Management Ely District Office and the City of Ely as a cooperating agency regarding the Environmental Impact Statement for the KG Mining (Bald Mountain) Inc. Plan of Operations Amendment Juniper Project.

Councilman Spear moved to approve the Memorandum of Understanding between the Bureau of Land Management Ely District Office and the City of Ely as a cooperating agency regarding the Environmental Impact Statement for the KG Mining (Bald Mountain) Inc. Plan of Operations Amendment Juniper Project. Councilman Alworth seconded the motion. The motion carried unanimously.

7. Mayor Robertson – Discussion/For Possible Action – Annual Performance Evaluation of City Attorney Leo Cahoon including, but not limited to consideration of character, alleged misconduct, professional competence, or physical or mental health. Possible action includes, but is not limited to, termination, suspension, demotion, reduction in pay, reprimand, promotion, endorsement, engagement, retention, or “no action.”

Councilman Flangas stated I think we are very fortunate having you as an attorney for the City of Ely.

City Attorney Cahoon stated I would like to give you a brief summary of the past year that I have been here and the responsibilities that I have. I checked with the Municipal Court, and I have prosecuted over two hundred and fifty criminal cases which includes DUI's, domestic violence, theft, disturbing the peace, trespassing, resisting arrest, stalking, along with a variety of other traffic violations. This will often involve trial preparation and now the Supreme Court has ruled that domestic violence defendants are entitled to a jury trial. I have been working with the court on this to implement it if the case arises. I am typically in court Tuesdays through Thursdays all morning long and sometimes on Monday. A new law just recently passed requiring hearings within forty-eight hours of an arrest which means if someone is arrested on Friday, they have to have a hearing within forty-eight hours. I could be called at any moment by the court to attend a hearing on the weekend and that is not something I contemplated when I was hired. I have been working with the Municipal Court on what the most efficient way to do that will be. I do a great deal of code enforcement for the City which makes the City cleaner and safer. It usually requires I send people demand letters or have people appear for a hearing before the Council. There have been a few instances where I have had to file criminal complaints or file for a warrant. There is an ever-growing list of amendments to the code, and I have already drafted several ordinances that have been codified. I work closely with all other City departments and answer their legal questions. I receive numerous questions in a day from all the different departments which take a good part of my time. There are times I can answer those questions right away and other times it takes hours of legal research to get an answer back to them. I attend the Municipal Utilities Board meeting, Tree Board, City Council, and share the responsibility with the District Attorney's office to attend Regional Planning Commission meetings. I sometimes take calls from the public and have to respond to them to solve their problems, and of course I represent the City in any type of litigation capacity. I have spent numerous hours negotiating, researching, working with other entities, and drafting numerous contracts. One thing I would like to discuss is in the past year I have not had an assistant to manage mail, subpoenas, cases discovery, or to deliver documents. Based on my experience and talking with other attorneys this is quite unusual for an attorney to not have an assistant. Up until about a month ago I have had to do all of that clerical work on my own which really takes away from my legal responsibilities to the City. My new assistant helps tremendously by taking on all the mentioned responsibilities very well. The workload has not decreased at all because my list continually piles up of my actual legal responsibilities. With all of these responsibilities, having to routinely stay after hours, and now with this new law passed I might have to work all the weekends as well. Overall, the civil and criminal demands of this job are pretty unique and distinct. I think

the only other comparable position in the County would be the District Attorney, where I have to represent on criminal issues as well as civil. The District Attorney's office has a chief deputy, three other deputies below them, and other staff to assist in all of their duties. Regardless of the workload I am really enjoying the job, working with all of you, and working with the community as well. As I have mentioned we moved here two years ago and love Ely and want to make this our home. I am grateful and blessed to have this position. I would like to request a raise at this time. While I am blessed to have the amount I have now I think the position deserves better compensation; that is for me or any of my successors that may come after me. I am asking for \$100,000.00 annually today.

Mayor Robertson stated in follow-up the assistant has allowed you to spend your office time on legal issues and not so much on clerical duties?

City Attorney Cahoon stated yes, she is an office assistant and not a paralegal or a deputy attorney, so she is just sending mail and doing other clerical tasks.

Councilwoman Williams-Harper stated I have a question about the forty-eight-hour deadline. What is the penalty or liability if that is not possible?

City Attorney Cahoon stated if I can't appear it may be a case where the judge just releases the defendant on their own recognizance, but if it is a serious case such as domestic violence I may want to be there to argue against their release and set a higher bail.

Councilman Carson asked what if you are on vacation?

City Attorney Cahoon stated there has been a pretty big push back from the rural counties on this new law because we don't have the resources and the support to do that.

Councilman Alworth asked would Judge Bishop be able to fill in?

City Attorney Cahoon stated that is an interesting question and I don't know if he would be able to and I don't know if he would want to, to be honest with you.

Mayor Robertson stated Judge Coster was appearing telephonically or something on some of these wasn't he?

City Attorney Cahoon stated yes, the plan is to do them over Zoom or telephonically. I won't have to be at the court; if I am out of town, I could still take the call.

Councilman Alworth stated I have done some research and just so everybody is aware we had Caroline and from the time we hired her she lasted eight months. We were paying her \$80,000.00 annually and she received a \$5,000.00 moving allowance. We then had Shain Manuele and he was contracted at \$7,500.00 a month which came to \$90,000.00 a year with no benefits and he came in August of 2020 and left in July of 2021. We then hired Leo at \$80,000.00 annually and he is asking for an additional \$20,000.00 annually. Again, Councilman Carson asked about the budget and Leo had gone to the City Treasurer and asked her to put the extra \$20,000.00 in the budget, so it is up to the Council if we are going to award that or not. I was upset and I expressed my dissatisfaction with the HR Director/Treasurer that it was failed to be mentioned when we went through the budget hearing; it was an oversight. With that being said and going with what Councilman Carson said there is a \$20,000.00 increase requested by Leo. His legal assistant, which I am glad she is working out, in the budget was for \$8,000.00 annually and she is hired now for \$16,568.00 annually so there is an overrun on the budget again. I mentioned earlier, one of the greatest things about working for the City is the benefits the City pays for, including PERS and your insurance. At a \$90,000.00 wage Leo's benefits the City pays for is \$41,000.00 and if he is increased to \$100,000.00 the benefits the City pays for is \$44,000.00. I look at this and try to be somewhat reasonable for what has happened with the City Clerk, City Treasurer, and the Public Works Supervisor. We started this snowball effect, and it is getting bigger and bigger. The average of those three individuals that were granted a raise by the Council, and it was an

average of \$5,500 with the exception of Public Works Supervisor Cracraft in which the City Clerk granted him a ten percent raise. I think \$100,000.00 is too much myself. If I was to say \$90,000.00 and then go back and look at the budget which was for \$28,000.00; they awarded Leo \$10,000.00 and the part time assistant \$16,568.00 so there is \$1,400.00 left to keep within the budget. If we are going to be consistent with what we paid Jennifer, Janette, and Mike Cracraft it was an average of \$5,500.00 so my recommendation is to give him \$95,000.00. The other idea is to do a type of production bonus. He is looking at two hundred and fifty cases a year, he is in court two days a week, and now he has to take on the task of going after our utility billings. My second idea is to do a separate contract and give him a percentage when he pursues these cases of delinquencies. For example, if we gave him ten percent of what is owed right now, and he got all the accounts cleared up he would get an additional \$39,000.00. The contract would be based on one year to see how it works and it would be an incentive. My third idea is he can go under a contract with the City paying him \$150,000.00 a year and he takes care of his own benefits and buys his own insurance. His wife works at the hospital, and she has benefits and insurance. We need to push this around a little bit. I know it is hard because we have had a contract person and it is hard to get a hold of them sometimes when you need them.

Councilwoman Williams-Harper stated I agree with those things and some of those things were on my mind also. Leo these are cases you are prosecuting anyway, and you are going to do more. If we were to offer you a percentage of those you would come out ahead of the \$100,000.00 you are asking for, so I guess I am asking you is that realistic with your workload?

City Attorney Cahoon stated I hadn't anticipated that and short-term there is an appetite for that, but if they are all prosecuted in a year then what would I go back to?

Mayor Robertson stated Councilman Alworth had mentioned \$95,000.00 and then a separate contract for the delinquent accounts collected on.

Councilman Spear stated I have been following the attorneys at the City since we had Gary Fairman and he was a great attorney when I was on the Council last time. It is really hard to retain an attorney and if you look at the last ten years, we have had some real trouble. I liked Caroline really well, but like you said she only lasted eight months. What I am hearing is a raise to \$95,000.00 and a percentage of the liens that you collect. Would that be amenable to you?

City Attorney Cahoon stated yes. I am wondering though once those are collected and the contract is completed could there be another discussion?

Councilwoman Williams-Harper stated let's do the contract for a year and see where we land.

Councilman Alworth stated my vision would be if we went with this you would prepare the contract and we would get another attorney to look at it and make sure it makes sense. I am patterning this off of when I worked at the hospital. At the end of the year, we revisit your pay raise again because if you make \$38,000.00 on top of what you make right here the City is going to make close to \$300,000.00.

Mayor Robertson stated the Council is also concerned you may not have time to go after this many cases and that is what we would come back and talk about.

Councilman Alworth stated we could do a six-month review to see how it is going instead of waiting a whole year.

City Attorney Cahoon asked what would happen tonight then. Would the \$95,000.00 be approved and then the contract approved when it is drawn up?

Mayor Robertson stated I think the best thing to do would be to table this discussion and bring back a contract.

Councilwoman Williams-Harper stated I want you to think about it, come up with the numbers because we want to be fair and be what you will be willing to accept.

Councilman Spear stated I am sitting here listening to this and I am thinking right now it is \$396,571.00; if he only collected twenty percent of that the first year that is \$80,000.00 into our pocket and a \$15,000.00 raise and I am not sure he can collect any faster than that. It is really a win win and I think we should move forward with the \$95,000.00.

Councilman Spear moved to increase City Attorney Cahoon's annual salary to \$95,000.00 and have an upcoming agenda item regarding a contract for a production bonus in collection of delinquent utility accounts. Councilman Alworth seconded the motion. The motion carried unanimously.

8. 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 don't have too much to report. I am still pretty excited the \$2.4 million made it in from the Senators and I think there is a really good chance of that being passed. This has been a really good program and we will be meeting with them again. I don't expect to have a lot of new information as they will be going on break until after the election and then it is the holidays.

9. Councilman Alworth – Discussion/For Possible Action – Consideration to advertise the City's property on Belfort Avenue for sale to develop housing projects.

Councilman Alworth stated thanks to Jennifer we were able to get the title search done. When we brought up about putting tiny homes in there we talked to a couple of contractors, and they looked at it. There was a local contractor's office manager that stated are you going to advertise this property? It would be an ideal place for apartments. The tiny home idea for the hospital is gone and I am not throwing the tiny home idea to the side, but if there are apartments in there one of the key things that would entice someone to develop in this area is that it is in the Redevelopment District. There is money in the Redevelopment Fund for us to put in some of the infrastructure and put some bait out there. I know our crews are busy, but we need to spruce up those trees and make the lot look presentable, so it is nice for people to go look at. We need to advertise. I don't know if we need to go through a realtor. We do have an option for tiny homes or an apartment complex there.

Councilman Spear stated I love this idea, but we just saw what happened to the County not too long ago. Leo, can we put a deed restriction or a timetable on when it has to be developed in the sale?

City Attorney Cahoon stated I believe so and I can check on that.

Councilman Spear stated Councilman Alworth just said tiny homes or he prefers an apartment building which I think would be really good and help us a lot because it houses multiple families. I don't know what the fair market value would be if we came in under that.

Mayor Robertson stated as I recall when the City disposed of the property on Reno Road, didn't we declare something like it was in the best interest of the City to dispose of this below market value. Speaking of those Redevelopment Funds it might be good for the Council to direct the City Engineer to come up with costs to do some of those infrastructure improvements you are talking about while the City Attorney looks up possible disposal methods.

Councilman Carson stated I agree with Councilman Spear. We don't want to get strung out there like the County did.

Councilman Alworth moved to advertise the City's Property on Belfort Avenue for future development and direct City Attorney to provide a deed restriction draft at an upcoming

City Council meeting. Councilman Spear seconded the motion. The motion carried unanimously.

10. Councilwoman Williams-Harper – Discussion/For Possible Action – Approval of Resolution 2022-09 to amend the salary ranges for the positions of the various appointed officials.

Councilwoman Williams-Harper stated my reason for this is you may have job descriptions for these positions, but maybe they haven't been updated in a while. I would like a job description of exactly what these folks do, and it also helps down the line if one of these positions becomes vacant, we can look at other people coming in and it will help us to judge where they would be in the midst of these salaries.

City Attorney Cahoon stated the Code already provides for job descriptions for each position. If the Council would like to review that we can table this item.

Mayor Robertson stated the function of this is the ranges can be changed via resolution, but those kinds of things would have to be changed in an ordinance?

City Attorney Cahoon stated correct.

Mayor Robertson stated I would feel more comfortable if we were doing it all at once in an ordinance rather than a resolution, personally.

Councilman Alworth stated I think the only true job descriptions we have right now are for the Fire Chief and for the Building Official, which is qualifications for the job. The previous administration hired a financial person that was qualified by the job description and look what happened; we went broke. I went through the present ones for the HR Director, City Treasurer, City Clerk, and we will have a new one coming up for the Director of Public Works. I don't have a problem with the ranges because the ones we have are older than dirt, but we need to have job descriptions we are going to follow.

Mayor Robertson stated one of the issues they are up against too is we will be doing the Fire Chief's review here at the next meeting and he is already at the statutory limit.

City Treasurer/HR Director Trask stated he is and once again like you said to change the ordinance is a whole lot longer process and doing just the ranges under a resolution would make it effective now. The Building Official also was not in there previously.

Councilman Alworth stated the only heartache I have is the time it is going to take to do all of these job descriptions and if something happens with one of our employees and we have to hire somebody with an old job description.

Mayor Robertson stated it is a justified heartburn.

Councilwoman Williams-Harper moved to approve Resolution 2022-09 to amend the salary ranges for the positions of the various appointed officials with the understanding at the next meeting we will be reviewing the issue of the job descriptions included in the Code. Councilman Carson seconded the motion. The motion carried unanimously.

11. Council Members – City Attorney Cahoon - Discussion/For Possible Action - Approval of the Cooperative Interlocal Agreement for Jury Administration Services Between White Pine County and the City of Ely.

Councilman Carson moved to approve the Cooperative Interlocal Agreement for Jury Administration Services between White Pine County and the City of Ely. Councilwoman Williams-Harper seconded the motion. The motion carried unanimously.

12. PUBLIC COMMENT:

George Chachas stated it is fine and dandy you folks are taking care of employees, but you are doing nothing for the good of this community. The downtown is shrinking; there may be one or two businesses that are doing fine, but other than that there is nothing. I have asked

what are you going to do with the grandstands because nobody want to sit on grass there. You still haven't answered what has happened to the 490' of steel pipe that was taken out of Murry Street. I know of three minority owned businesses that applied for the American Rescue Plan Funds, and I don't think any of them got any money. I was surprised you gave a refund on a business license. All of us that are in business hope for the best and then along comes you guys and say "oh they are having a tough time;" we all are, but there is no refund, shame on you. You haven't collected a dime from the S & S Track rental that I know of, and you need to collect the money or walk. You are going to sell some property and compete against the private sector. As long as there is property available you have no business as it states in NRS 281. You are almost as bad as the County. They sold thirteen lots for \$100.00 and the developer sold at least four of them to another guy for \$37,500.00. I have lots I can't use, yet within one hundred feet of me people are using them, and I want to do the same thing, but you people gave me citations and I had to evict my people. You are selectively enforcing the law and you need to stop the discrimination because what is going to happen is your federal monies are going to put a kink in it. You are not complying with the law. There is not a catch basin or a drain at the bottom of 7th Street where it enters Avenue C.

13. 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 7:29 p.m. Councilman Carson seconded the motion. The motion carried unanimously.



MAYOR



ATTEST

