

CITY OF ELY

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ELY CITY COUNCIL REGULAR MEETING

September 22, 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 5:00 P.M., led in the Pledge of Allegiance and asked for Roll Call.

Members present:

Mayor Nathan Robertson
Councilman Ernie Flangas
Councilman Ed Spear
Councilman Jim Alworth
Councilwoman Williams-Harper

Members absent:

Councilman Kurt Carson

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

City Clerk Jennifer Lee
City Treasurer-HR Director Trask
City Attorney Leo Cahoon
Public Works Supervisor Mike Cracraft
City Engineer B.J. Almberg
City Fire Chief Pat Stork
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, Shadrach Robertson, Brian Glasspoole, and Becky Bruch joined at 6:23 p.m.

ELY CITY COUNCIL ATTENDANCE LIST

DATE: September 22, 2022

Print name below

Samantha Elliott
Kyle Hornsby
Janet VanDyke
John Wall

Print name below

2. PUBLIC COMMENT:

Bill Wolf stated I wanted to come before the Council and say in the last couple of weeks I have had three different interactions with the City and they have all been terrific. The drain at the corner of 9th Street and Avenue G had plugged up and there was a huge puddle right there with all of the rain. The City Crew showed up right away and started to take care of it. The work they are doing on 9th Street as far as putting down chip seal; the crews have been very informative, helpful, and professional. The other day we had a water pipe break in our basement, and they came right away and shut the water off at the meter. It was about five o'clock when we got it fixed and they got somebody over there to get our water back on before everyone went home. We have had three interactions and they have all been positive and I know you don't always hear that.

George Chachas stated on your agenda item 6B-3 you are considering a letter of support to a local internet service. You refer to local internet as DSL in Ely which has been gone for years; DSL is in McGill. Uverse or Starlink is the internet standard in Ely. On your agenda item 6B-7 you are to consider revising the Ely City Code Title 4 Chapter 2 Garbage and Refuse to incorporate current policy and practices and make other necessary changes throughout. There is nothing in the packet on any of that for the public to see what you are doing. The Open Meeting Law is clear. On your agenda item 6B-12 you are to consider approval of a Wireline Crossing Agreement by and among Nevada Northern Railway Foundation, City of Ely, and Beehive Telephone. Again, there was nothing in the packet for the public to see. On your agenda item 6B-6 you are to consider an RFQ for an engineer or to continue his contract. You need to go out for an RFQ as Basin has too many conflicts. The City Engineer has failed to address the drainage on 7th Street and Avenue G; the improper installation of curb and gutter at 488 Stevens; the drainage at 489; the lack of curb and gutter elsewhere; no ADA access along the new NDOT project along Great Basin Boulevard as well as East Aultman; failure to address the one foot drop on 710 Avenue G; failure to install a water pit at 733 Great Basin as well as a sewer connection; and failure to address the water shut off at 745 Great Basin Boulevard; failure to have ADA access along the Murry Street project; and failure to contact Mount Wheeler to relocate power poles that block sidewalks.

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

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

4. CITY DEPARTMENT REPORTS

➤ CITY FIRE CHIEF

City Fire Chief Stork stated one quick thing I wanted to report on is we will start allowing people to get open burn permits starting October 1, 2022.

Councilman Alworth stated looking at the next County Commission Agenda they are using SB-74 Funding and are going to buy a bunch of rescue equipment for Baker, Ruth, and McGill. It is their money, or actually the taxpayer money to buy that. They don't have the manpower to use it is my belief. They also want to spend \$187,000 on a quick response fire engine. If we are the first initial response fire department, why are they going for this? Is there a pattern coming along they are going to phase out?

City Fire Chief Stork stated I think what they are looking at is we have all those hydraulic tools and Ruth and McGill go on calls and their equipment like ours was thirty years old and they are looking to phase it out. They have been looking for years to get some of that SB-74 money.

Councilman Alworth stated it is twenty-five cents on sales tax. The biggest portion of SB-74's revenue comes from within the City limits. I am pushing the Attorney and everybody else to think about this because the SB-74 funds belong to the citizens of the City of Ely. We are a part of White Pine County and we have got to draw a line in the sand and say we want some of the money too.

City Fire Chief Stork stated I attended a meeting a few meetings ago and they approved a half million dollars to build a fire station out in Cold Creek. I went and pulled some

numbers on it and Cold Creek responds to approximately three calls a year, otherwise they are responding to fire on BLM land so why is this coming back up? I think the property they had slated to put this building fell through, so I think they have to look at a new location. I don't know why they are making a big push on that. If you are going to spend a half million dollars, why don't they spend it on the departments they have established not a department that basically responds to federal land wildfires.

Councilman Alworth stated in places like Churchill and Fallon they have members of their volunteer fire department that takes the quick response engine home so when they are called, they go. It makes me wonder, because it wasn't mentioned in the agenda item, where this engine is going to be staged. Will it be at Fire Station One so if Fire Chief Brett North is not there it just sits there? It will be back like when they were running. I just want the public to know this is another use of taxpayer's money and is it really necessary.

City Attorney Cahoon stated I think this would be a great agenda item; I think we are getting into too much discussion at this time.

City Fire Chief Stork stated it is one of those things that everybody is in the dark until it hits the agenda and then there is never documentation on the agenda to go with it. This is the first I have heard of it. I will be getting with Brett North tomorrow for further discussion.

➤ **CITY CLERK**

City Clerk Lee stated Commnet has provided us a temporary solution to improve the internet speed out at the Wastewater Treatment Plant until their fiber build out is completed; they are working on this installation right now. I received a tracking number for the City's Green Up Grant Application last week, so we are still in the hunt. I attended the POOL PACT sponsored webinar last Wednesday titled "Sustaining a Respectful Work Environment for Employees." I attended Travel Nevada's 3-D Destination Development Grant Presentation last Tuesday at the Bristlecone Convention Center.

➤ **CITY ENGINEER**

City Engineer Almberg stated I had a meeting on Tuesday with NDOT regarding the next phase of Aultman Street. It was a great meeting and one of the things that came out of the meeting was NDOT stated the project is fully funded whether they get federal grants or not, so they are moving full steam ahead on this project. The anticipated construction date will be 2024. I have been having conversation with the County regarding the Golf Course Well they want to use for irrigation and how the City can assist them in trying to get that thing going. It is truly a big benefit to us to get them off City water by next summer. Last week we did have an internal meeting with our RNMC negotiating committee regarding our water agreement with them and I thought it went well. I did receive an email from Senator Rosen's Office asking if we had heard anything from the Environmental Protection Agency (EPA) and the government for our Central Ely Sewer Earmark that we received. We responded saying yes, we have heard from them, and we have done everything at this point in time we can and are waiting for them to open up the portals so we can complete everything we need to do.

Mayor Robertson stated we have been using our Golf Course Well quite a bit more this summer than we have in the past. Have we received anything on how that might be affecting wells in the vicinity or if there is any affect?

City Engineer Almberg stated I did receive some stuff a couple of months ago regarding monitoring of the ground water and I didn't see any major impacts.

Mayor Robertson asked is there any concern how an irrigation well for the County may affect our municipal well?

City Engineer Almberg stated that is a good question. The information I have from when the Mine stepped up and paid a hydrologist to go out there and look at this location provided, they didn't anticipate any impacts.

5. REPORTS

➤ COUNCILWOMAN WILLIAMS-HARPER

Unable to hear audio

➤ COUNCILMAN SPEAR

Councilman Spear stated Jim was talking about tax money and the Cold Creek deal the County is receiving. I am tired of the County never giving us any of that money as we should be getting our share. This year is the 36th year of the Silver State Classic Challenge and thirty-seven years ago we met. There were five guys and the only two guys still alive are Ferrell Hansen and me that started it. The car races are the only event that is a total net for the community. We don't ask for donations or grants; it is one hundred percent paid by entry fees. There were ninety-seven racers for this event.

➤ COUNCILMAN FLANGAS

Councilman Flangas asked if there was any information regarding the Governor's Infrastructure Summit?

Mayor Robertson stated a couple of meetings ago it was decided to send three people to it.

Councilman Flangas stated I believe Ely needs an infrastructure overhaul. I think it is very important that the Council and staff attend these things because we have the State Highway coming in someday down Aultman Street and I think the City should have input on what we want them to do. Lincoln Highway was very important to this community. We don't do the homework or look at the past work that has been done in this community. I like what Councilmen Alworth and Spear said about the taxes. I worked at Kennecott for a couple of years and one of my jobs was as the mine did their proceeds of mining on a quarterly basis. I always wrote a check for the City and the County. The City is getting no money from the Mine now. I think it is time we start looking at what assets we are conserving and go for it. We have a lot of work to do in this community and we need the funds to do it with.

6. 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.

Mayor Robertson disclosed my spouse is a member of the Volunteer Fire Department, he doesn't get treated any different than any other volunteer.

MOTION: Move to approve the Consent Agenda item 6A-1 Minutes and 6A-2 Bills.

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

1. Discussion/For Possible Action – Minutes
 - August 18, 2022
2. Discussion/For Possible Action – Bills.
 - September 14, 2022

B. NEW BUSINESS

1. Mayor Robertson – Discussion/For Possible Action – Annual Performance Evaluation of City Building Official Craig Peterson 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.”

City Building Official Peterson stated it has almost been a year. I have learned a lot and met a lot of people. I have made a lot of positive strides. New positions come with uncomfortable challenges and getting to identify weaknesses. I have been able to do a self-analysis and identify my weaknesses in which I am working on. I have been able to see my strengths in action and see who I am as a professional and where I need to improve. As far as performance I feel I am doing an adequate job moving above and beyond what was traditionally accepted in the position and to benefit the community the best I can. I try to serve the community and give good customer service. I am pleasant and jovial at work and easy to get along with. Inflation has taken a bite out of our budget as well and if I was asked to propose an ask, I would just ask to stay current with the rank and file, but in the spirit of flexibility I am always willing to accept more.

Mayor Robertson stated personally in this last year I have appreciated the professionalism and dedication you have brought to the job. You have taken the initiative and gone after the manufactured home certification and helping us with the State Fire Marshall Reviews, which has been a huge help to the building community; I say that as a member of the building community. I have received a lot of positive feedback and really appreciate the expertise you have brought to our community.

Councilman Alworth stated I have interfaced a lot with contractors and out of town developers and they have had nothing but good comments about you. Your professionalism in dealing with some of the local contractors, which can be a little stubborn, with the way things have changed is great. I like the way you went out and researched and brought that new style of construction back into this community. We are not going to be stagnant but move into the future. You have answered all my concerns and questions in a timely manner, and I think you are doing an outstanding job.

Councilwoman Williams-Harper stated I would also like to add we saw quite a bit of your professionalism when dealing with the infestation we recently had. The community was happy, and you handled that situation quite well.

Mayor Robertson stated with that being said to clarify your ask, what was it you said?

City Building Official Peterson stated to stay current with the rank and file. I do understand it was very generous of the City and a value to all of you to take care of your employees in a very trying time. Going above and beyond the contract was certainly admirable and not seen every day. I suppose it is a little bit of a larger ask for a cost-of-living increase, but I just see it as fair to stay where everybody else is.

Mayor Robertson asked to be clear you are asking for a ten percent?

City Building Official Peterson stated correct.

Councilman Alworth asked Treasurer Trask how does his ask fit into the budget?

City Treasurer Trask stated it is higher than budgeted, but everything we have done so far has been above what was budgeted.

Councilman Alworth stated I think we need to throw the budget off to the side. We have a valuable employee we need to keep. We just need to do a better job at planning.

Councilman Spear stated I would like to say thank you for dealing with the cockroaches, both two legged and the little guys in the town, it has been a tough job.

Councilman Flangas stated you have answered questions and done a great job.

Councilman Alworth moved to approve a positive evaluation for City Building Official Peterson with a ten percent raise to his annual salary. Councilman Spear seconded the motion. The motion carried unanimously.

2. Mayor Robertson – Discussion/For Possible Action – Approval of Real Property License Agreement by and among the City of Ely, Nevada and Cody Bliss.

City Attorney Cahoon stated this is a simple license agreement to allow him access through City property to gain access to his property. He will be installing a gate on the far end, but I don't think that would be considered City property.

Councilman Alworth moved to approve the Real Property License Agreement by and among the City of Ely, Nevada and Cody Bliss. Councilwoman Williams-Harper. The motion carried unanimously.

3. Mayor Robertson – Discussion/For Possible Action – Retroactive approval of support letter for the Nevada Governor's Office of Science, Innovation and Technology's (OSIT) application for a National Telecommunications and Information Administration (NTIA) Middle Mile grant.

Mayor Robertson stated Brian Mitchell contacted my office about this and had a deadline to meet so we sent it out because we would not have made the deadline if we would have waited for the meeting. This is the letter that he provided the language for.

Councilman Spear moved to retroactively approve the support letter for the Nevada Governor's Office of Science, Innovation and Technology's (OSIT) application for a National Telecommunications and Information Administration (NTIA) Middle Mile grant. Councilwoman Williams-Harper seconded the motion. The motion carried unanimously.

4. Mayor Robertson – Discussion/For Possible Action – Acceptance of Bill Wolf's resignation from the City Tree Board effective 9-13-22.

Mayor Robertson stated we certainly appreciate your service Mr. Wolf.

Councilman Spear stated I think Bill has done a fantastic job and a mainstay of that entire organization for a long time. I am sad to see you go.

Councilman Alworth stated Bill's knowledge on trees is invaluable, so I hope you give some feedback or input if you see the Board going a different direction with trees that are not good for our area. Don't let the knowledge you have be wasted. If you see something haywire feel free to come in and comment or get a hold of a council person and let's talk about it.

Councilman Flangas stated having worked with Bill several times I am proud of the work he has done in our community. We have worked well together.

Bill Wolf stated we have always enjoyed doing it and it was a labor of love.

Councilman Spear moved to accept Bill Wolf's resignation from the City Tree Board effective 9-13-22. Councilman Flangas seconded the motion. The motion carried unanimously.

5. Councilman Carson – White Pine County Tourism Director Kyle Horvath – Discussion/For Possible Action – Approval of Resolution 2022-10 to ratify the approval of the Ely Renaissance Society Mural Selection Committee for placement of a new mural on 1240 East Aultman Street.

City Attorney Cahoon stated there was a slight correction that was passed out during the meeting on the first "Whereas" it stated chapter 7, and it is chapter 11 where the authority comes from.

Councilman Spear stated when I look at this, I believe this is nothing more than a billboard supporting and advertising a business with Sunset Lanes on there. I don't think it is legal to use taxpayer's funds on a billboard. Everything this shows is that you are putting up a business sign on the front of that business. If you look up the NRS you cannot use public funds to support a private business on their business. I like the mural but I think it is supporting a private business so I will be against this.

Councilman Alworth stated my problem is the word “renaissance.” I don’t see how this modern mural ties in with renaissance. To me the renaissance is about the history of our community.

White Pine County Tourism Director Kyle Horvath stated I appreciate that comment Councilman Spear. What was proposed was worked on back and forth between Bill and Kim Noah for about two years. I understand the comment and I agree. I would be willing to go back and work that out if that was the Council’s wish. Originally it said Ely, Nevada and through the artist and the owners of the building working it out that was the proposal that came back. I don’t think anyone is going to be hurt if we go back to something that everyone is comfortable with. To address the comment from Councilman Alworth with talking with Virginia I know this doesn’t exactly have in your face cultural theme that the other ones in the downtown have, but according to Virginia this is out of the downtown and we are not restricted to just having cultural murals outside of that. The bowling alley is significantly out of the downtown so our thought was this is a part of town that certainly needs some color, and a façade improvement would go a long way. We don’t want all the public art to just be focused in the downtown because eventually it would look cluttered and take away from the art that is already there. Virginia was comfortable with expanding the art inventory, but I certainly understand what you are talking about, and I don’t want to get in trouble doing anything that is not on the up and up. Full disclosure this was the idea that was worked on by the artist and the owners of the building and that is what has been brought to you. We can certainly come back with another proposal. If any of you have any ideas, I would love to hear them. The idea of this mural with the flying saucers, the crystals, and the black hole was to make it feel like black light bowling but sci-fi too. The film festival was going on at the time and they played the movie from the fifties called “Martians from Space” and they had the big scene in Leman Caves and that was the conversation that brought the design to what it currently is.

Mayor Robertson asked what is the funding source?

White Pine County Tourism Director Kyle Horvath stated it is from the Public Art line item we have with Tourism and Recreation.

Mayor Robertson asked so no part of this is being paid by Sunset Lanes?

White Pine County Tourism Director Kyle Horvath stated no.

Councilman Flangas stated the money from Tourism and Recreation is taxpayer dollars and cannot be used for individual advertising.

White Pine County Tourism Director Kyle Horvath stated absolutely. This is good feedback to take back to the owners of the bowling alley and see if we can modify it. If you have any ideas that we could maybe not do a complete overhaul but make it acceptable to all.

Councilwoman Williams-Harper stated you are trying to highlight businesses at that end of town, and do we have other businesses sitting in and having input on this?

White Pine County Tourism Director Kyle Horvath stated nope, because like I said it was two years ago the bowling alley was identified as the location and that is how we started the conversation.

Councilwoman Williams-Harper stated I think it would be good to get input from the other surrounding business owners and do something that highlights that end of town.

Councilman Alworth stated the mural on Cal-Ranch is historical family members and I feel that is part of the renaissance history.

Councilman Spear stated it is of the different ethnic groups demonstrated.

Councilman Alworth stated we really promote our “dark skies” so I can see something with a nice full moon and stars or something like that.

White Pine County Tourism Director Kyle Horvath stated I am open to all ideas. This is what came out of the last two years, and we wanted to move something forward. I appreciate the feedback and I will come back with another design.

Councilman Spear moved to quash the approval of Resolution 2022-10 to ratify the approval of the Ely Renaissance Society Mural Selection Committee for placement of a new mural on 1240 East Aultman Street. Councilman Alworth seconded the motion. The motion carried unanimously.

6. Councilman Carson – Discussion/For Possible Action – Approval to release a Request for Qualifications for engineering services OR renew the City of Ely’s contract with Basin Engineering.

Councilman Alworth stated we have been so involved the last five years that we cannot allow ourselves to stumble. We need to keep moving forward with NDOT, CDBG, PORTER Group and all the other projects. Cameron with the PORTER Group would vouch how quick we get answers back to them to get these unbelievable funds we have coming on behalf of the PORTER Group and B.J. What I don’t know and it is not mentioned in here is when his contract ends is there an automatic increase?

Mayor Robertson asked would he have to bring back his proposal for renewal or what happens next?

City Attorney Cahoon stated there would need to be a renewed contract brought to the next meeting for approval, but this item needed to be approved to move to that step.

Councilman Alworth asked the City Treasurer was there a budgeted increase for the contract that is ending this year?

City Treasurer/HR Director Trask stated yes.

Councilman Spear stated the question I have is under the ordinances under City Engineer it states the term runs continuous with the mayor because it is an exempt employee. Maybe this contract should expire when the term of the mayor expires.

City Attorney Cahoon stated he is not considered an employee; he is a contractor.

Mayor Robertson stated we didn’t hire B.J.; we hired Basin Engineering.

City Attorney Cahoon stated if we were to hire a City Engineer to work for the City that is where the code is invoked.

Mayor Robertson stated the contract has a termination clause if the Council decided they wanted to do something else like hiring a City Engineer.

Councilman Alworth moved to approve renewing the City of Ely’s contract with Basin Engineering with approval of the renewed contract at the next meeting. Councilman Spear seconded the motion. The motion carried unanimously.

7. Councilman Carson – Discussion/For Possible Action – Direct City Attorney to revise Ely City Code Title 4 Chapter 2 Garbage and Refuse to incorporate current policy and practices and make other necessary changes throughout.

City Attorney Cahoon stated to address George’s comment there is nothing that has changed to include in the packet. This is to amend the code to include current fees that are being assessed at the gate right now for specific items.

Mayor Robertson stated you will then bring that back for the Council to review and approve?

City Attorney Cahoon stated correct.

Councilman Spear moved to direct City Attorney to revise Ely City Code Title 4 Chapter 2 Garbage and Refuse to incorporate current policy and practices and make other necessary changes throughout. Councilman Flangas 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.

Councilmen Spear and Alworth stated there was nothing new to report at this time.

9. Councilman Alworth – HR Director Trask – City Attorney Cahoon - Discussion/For Possible Action – Presentation of the plan to transition Public Works Supervisor to Public Works Director Position with possible direction to initiate said transition.

Councilman Alworth stated before we start, I see the HR Director is walking to the podium with a stack a papers. I didn’t see any type of back up that we could study prior to this meeting. She said I am going to read to you what we want to do. This position is going to go forward with the City for a long time and I feel I cannot get an educated discussion started by someone telling me something. I am going to sit and listen, but my nature that I stated to her is to mull this over and ask questions. This meeting will continue on for quite a while tonight if I am not able to ask questions and have to say go back to the first thing you said and so on. I am willing to sit here and listen to what her and the attorney have to say, but this is an important item here. We need to have the same thing she is reading in front of us.

City Treasurer/HR Director Trask stated I have the ordinance and the agenda item that created this whole thing.

Councilman Alworth asked does the Council have a copy of the ordinance?

City Treasurer/HR Director Trask stated I brought you copies.

City Attorney Cahoon stated it is not an ordinance it is the City Code that is available to the public and the Council. I don’t think a written report was necessary because there is nothing that needs to be changed in the Code. If you look under 1-6-P5 duties, subsection A; the second sentence there allows for the City Council at their discretion have the Director of Public Works also oversee parks, maintenance, and the cemetery. What Mike is currently doing is also supervising animal control. The Code already provides for this position.

Councilman Alworth stated I read that. First of all, we do not have a job description for a Public Works Supervisor, am I correct?

City Treasurer/HR Director Trask stated we already had someone in that place.

Councilman Alworth stated that is not the question. How can we compare them? We have one change stating he is going to be over animal control.

City Treasurer/HR Director Trask stated you haven’t even allowed me to give this report.

Councilman Alworth stated how are we supposed to make a decision if we don’t have an idea of what you are going to talk about?

City Attorney Cahoon stated Councilman Alworth none of the employees are under the Code, it is only appointed officials that are contained in the Code. The only positions with job descriptions under the code are the City Attorney, HR Director, City Treasurer, and Public Works Director. We don’t have a position for the Public Works Supervisor.

Mayor Robertson asked are there any union employees that we have job descriptions for currently?

City Treasurer/HR Director Trask stated we have union employee job descriptions.

Mayor Robertson stated since the Public Works Supervisor Position is not currently in the union and isn't an appointed position, we don't have anything?

City Treasurer/HR Director Trask stated it is my understanding when I asked about it to see if they had one was when it was created by the Council, they offered it to Mike without creating a job description. That is why we interviewed Mike on what he did and compared it to what was in the ordinance. Our report back is at this point there is no issue that we see according to the agenda item we were given. He meets the requirements outlined in the ordinance and we didn't see any issue other than supervising the animal control officer which we brought up.

Mayor Robertson said I recall when Chuck Odgers was here the supervision of the animal control officer was under the city attorney for some reason, but that is not in our codes.

Councilman Alworth stated he did that because of legal issues and because he was out issuing citations.

Mayor Robertson stated I would like to point out for the Council's benefit there is a lot of information to go through and a perfectly good option for tonight is to have more time or additional information and table this until another meeting if they would like. If they would like it in some certain format that needs to be noted.

City Treasurer/HR Director Trask stated this was short and sweet and there was only one other item I came up with if you would like to hear that. It is if we decide to transition this over, we create a position under the union for a parks/cemetery lead person. We had talked about adding a position next year for that because the way his position is now and if he becomes an appointed position, we could have a possible grievance from the union.

Councilman Spear stated I believe this should happen but not until Fiscal Year 2023/2024 budget.

City Treasurer/HR Director Trask stated that was my other question, if we could wait to get it in the budget because we are going to have to go through the union negotiations and I don't see them saying no to adding a position. With everything else going on this year I would prefer to wait and get it added in the budget for the next year.

Mayor Robertson stated just so we are using the right terminology here, the position is already in the Code and the Public Works Supervisor position we have now would go away.

City Treasurer/HR Director Trask stated yes. I don't see any reason to have both because you would have two positions supervising the same group of people.

Councilman Alworth stated that is the exact thing I have tried telling you guys is you already have a person doing the job so write a job description for that. I feel there are some issues in there that will not qualify him. We are looking to the future again. Let's say Mike quits and goes wherever you are going to be using this job description to hire somebody and you're going to be looking for somebody that meets all the requirements. Again, this is looking into the future. This is what we have done with your position and Jennifer's position and that is why we are throwing out the big money to bring in qualified people. I am not saying he is not qualified, but you are going to take a person that has been a public works supervisor and boom put him in here.

City Treasurer/HR Director Trask stated that would be the Council's decision if they want to put him in.

Councilman Alworth stated this is part of your job as the HR Director to guide us in this area.

City Treasurer/HR Director Trask stated I am trying to guide you on this, but you keep countering me.

Mayor Robertson stated just to be clear and before we get further down this road the discussion tonight is not who we are putting in the position, it is how we are structuring this.

City Treasurer/HR Director Trask stated we were asked if we could transition this position over and from everything we looked at....

Mayor Robertson stated and by saying transition I think the understanding is the supervisor position goes away and we have this position. Your recommendation, correct me if I am wrong, is that if we do that to appease the union and make sure this person is not out doing work they shouldn't be doing, we add a lead person position for parks and cemetery?

City Treasurer/HR Director Trask stated correct, that is the gist of everything. Nowhere in that agenda item was I asked to come up with a job description.

Mayor Robertson stated so that is one issue and if the Council decides that is how they want to transition that. The second issue would be who applies and if they need to make some additions for example the supervising of animal control or other changes to qualifications and how they want to do that.

City Treasurer/HR Director Trask stated you have two options. You can transition Mike over if that is your desire or you can advertise for it, and he can apply for it like Jennifer did for the city clerk position.

Councilman Spear stated I am still a little confused here. I understand what you are trying to transition but transitioning tells me we are going to move on this, and Mike is going to move from supervisor to director. I am going to go back to what I said earlier in this needs to wait until we have a budget.

Mayor Robertson stated that would be the third issue is when, but the thing is if the first issue of the supervisor position goes away as a position, and we go with a director position we will have an employee that we need to decide what we are going to do with. Does he have to apply or are we going to automatically transition him. That is a separate issue and I want to make sure we are talking about one thing at a time, so we are not conflating other concerns.

City Treasurer/HR Director Trask stated some history on transitioning if you want to call it transitioning. My job when I became the city treasurer to begin with, we didn't advertise it. I worked as the deputy treasurer for two years before I was appointed as the actual treasurer. The other time was when we offered Leo a position. Our history is you don't have to advertise, but you can. There are two options.

Mayor Robertson stated because it becomes a mayor appointed, council approved position and the body can hire whoever they want.

City Treasurer/HR Director Trask stated correct.

Councilman Alworth stated this is my agenda item from the last meeting directing you to propose a plan and suggest amendments to the City Code if needed to transition the supervisor to the public works director position with planned

amendments to be brought back. You have a plan and Leo mentioned about the amendments so what is the plan?

City Treasurer/HR Director Trask stated that is the plan.

Mayor Robertson asked can you summarize for our benefit the transition plan and the amendments you suggest?

City Treasurer/HR Director Trask stated the transition plan for me is to recommend that we wait and make it effective in July of 2024 so that I can budget for a new position in parks and cemetery. By that time, we would have had time to get the ordinance changed to include the supervision of the animal control officer under the public works director.

Mayor Robertson asked that is the only amendment that you guys saw that you recommend?

City Treasurer/HR Director Trask stated yes.

Councilman Alworth stated again, we are looking into the future when you say a position for the cemetery. That could just be an hourly employee you don't need to make that person be a supervisor over the cemetery.

City Treasurer/HR Director Trask stated I said a parks/cemetery person that is a lead person. They don't have supervisory roles. All of our lead people are in the union and just lead the department.

Councilman Spear stated again, I think this should happen and it should happen through the budgetary process. It could be advertised next June because the Code will take effect July 1, 2023 and will be included in the 2023/2024 budget; that is what I am comfortable with tonight.

Councilman Alworth stated my point about being on the soap box about this is I believe Councilwoman Williams-Harper needs to be educated; she has said that time and time again. It would have been so much nicer at budget time. Bring it to us with the parks/cemetery person added and we will see what is going to happen. What we have here tonight states education needed OR five years' experience. There is a lot of difference between some guy going to college for ten years getting a degree in engineering and some guy with experience.

Councilman Spear stated almost all of the at-will employees have exceptions for experience.

City Treasurer/HR Director Trask stated I wouldn't have my job if it wasn't for that exception, so I am having a hard time with that one. I have given you this and if we need to put this off feel free to do that. My door is always open for any questions you may have, and I will educate you all you want.

Councilwoman Williams-Harper stated everyone has a bone or a dog in the fight and I think what every person is saying is legitimate. As for me I think what we are asking for is everything you just said in writing and maybe a couple of us sitting down with that. I understand, but some things are not clear because there is history, I am not aware of.

Mayor Robertson stated what I would like to suggest if the Council would take a suggestion from me. I would suggest they make a motion to have this in writing as Councilman Alworth suggested but I would like to see the details such as what is the current pay range we have for this position, and timeframe of budgetary considerations you may have such as hiring this other person. If we can have that written out and distributed to the Council for discussion at the next meeting and if they have questions discuss those there.

Councilman Spear stated I agree with that. Bring back the plan with the new additions and amendments to the Code in a different font so we know what has been added or changed.

Councilman Alworth stated the County used to take care of animal control. I like the suggestion that there needs to be discussion on what's going on here and what is expected.

City Treasurer/HR Director Trask stated that is fine we can discuss it at the next meeting.

Councilman Alworth stated let me ask you a question, you said you met with Mike. Item number three says coordinate city engineering activities with federal, State, and County agencies. How has he done that?

City Treasurer/HR Director Trask stated he coordinates with B.J. He was asked about all of these, and I am saying he meets the requirement for most of them.

City Treasurer/HR Director Trask removed herself from the podium.

Councilman Alworth stated we need point of order Mr. Mayor she is an appointed official who has responsibility to address this Council's concerns as the HR Director. I do not appreciate her walking away from the podium.

Mayor Robertson stated it is noted. What else do we have to discuss tonight about this?

City Attorney Cahoon stated this is a pretty simple report and it can't be initiated. There is one change that needs to be made to the Code and it should be effective next fiscal year.

Mayor Robertson stated like I said, I think a summary needs to be made for the benefit of the Council Members, so they don't have to run around and find each of these items. I think the dates, pay range, and issues with the union agreement all need to be addressed in writing and we have some time as the Council is amenable to that with this not happening until next fiscal year. There is time to bat this around a bit especially if there are concerns about job qualifications or descriptions that may need to be added or subtracted on that.

City Attorney Cahoon stated for future reference the Code under City Attorneys specifies that the Council may direct me to draft up written responses. In the future if you would like written responses maybe put that on the agenda.

Mayor Robertson stated right, and they are within their rights tonight to request that on the agenda item, aren't they?

City Attorney Cahoon stated yes.

Councilman Alworth stated let me address what the Council members are asking. If we have an issue such as this, we ask him? No, we ask the HR Director because she is the one that has the training and education to talk about manpower. I don't need the attorney speaking on her behalf.

Mayor Robertson stated I think the Council can request a written response from any appointed official.

Councilwoman Williams-Harper asked will we have this report in enough time so we can call with questions, so we don't end up here again?

Councilman Spear stated I think there is a lot of work to be done and I think it should be done as part of the budget. One of the things we discussed was the

exempt employee status of all these job descriptions we have in our Code; only one of them says it is an exempt employee.

City Treasurer/HR Director Trask stated I feel like there are two issues here. We came up with a plan, and granite it was short and sweet, but then you also have the issue, which to me is separate, of the revision of job descriptions and we already have a committee together that is going over them. As a side note, I will not be here at the next two meetings as I will be at an HR conference in Reno during the next meeting and a Caselle training the following meeting, but it will not stop Leo and I from writing up the plan because it will be short.

Councilman Alworth moved to table the decision of the plan to transition Public Works Supervisor to Public Works Director Position and requesting a summary of the plan in writing to include any pertinent information for the Council Members to review. Councilwoman Williams-Harper seconded the motion. The motion carried unanimously.

10. Councilman Alworth – Discussion/For Possible action – Approval and adoption of the Ely Redevelopment District Façade Improvement Incentive Program.

Councilman Alworth stated I have attended several meetings regarding this, and Kyle is here to give more information.

White Pine County Tourism Director Kyle Horvath stated it was about a month ago I was in here and talked about how Mainstreet was going to apply for the T-Mobile Hometown Revitalization Grant, and we were looking at proposing an incentive façade improvement program. Before I could write the grant, we needed to have a façade improvement program and that is why I reached out to Councilman Alworth and other members in the community as well such as Building Official Craig Peterson and City Attorney Leo Cahoon to see what this may look like. We pulled this template from three different communities that are Mainstreet communities that have successfully administered a program like this and has been edited to be custom for the City of Ely. It has been looked over several times and I am not saying this is a perfect document, but something we are going to need to show the City is behind this incentive improvement program. It is certainly good for businesses and tourism. This does not currently ask for any money from the City of Ely. This is funded through three different grants and a line item through Tourism. If we decided this was something that we wanted to continue conversations would continue at that point. We are looking at if all goes well getting \$50,000.00 from the T-Mobile Revitalization Grant, \$25,000.00 from Nevada Mainstreet when that grant opens up, Mainstreet is also going to be applying through the Great Basin Heritage Area for a grant to support that, and we have a historic preservation line item that we would dedicate to this program.

Councilman Spear stated and E.L. Cord too?

White Pine County Tourism Director Kyle Horvath stated yes, and E.L. Cord as well. If all goes well the program will have over \$100,000.00 in it that the City and the committee that oversees this would be able to use to choose what projects they wanted to support. Some of the highlights of that is we are looking at a cap of \$20,000.00 that any property owner could apply for that deal specifically with facades to include awnings, signage, windowsill painting, thermal windows, and architectural elements. It would not include anything on the inside of the building. You will see there the stipulations on that including the number of years before they can apply again and the requirement to keep up the facade of the building. It has been proven to attract business and foot traffic and to bring more people into the downtown which is beneficial to everybody.

Councilman Spear stated I am going to have to question some of your funding because you have forty plus businesses, and you have \$100,000.00 with a maximum of \$20,000.00 to each applicant. That only gives you five businesses if they go for it.

Mayor Robertson asked they have to apply for an actual project?

White Pine County Tourism Director Kyle Horvath stated we are not handing every business in the redevelopment area a check. This is up to \$20,000.00 and it is seed money and certainly isn't the money that is going to save downtown. What it is going to do is give a few businesses and business owners the potential to improve their façade and hopefully lead by example.

Mayor Robertson stated I want to run some hypotheticals by you. If I have a business downtown and I want to paint some windowsills I could apply for this or if I had a sign that needed repaired, but only in the amount of the repair?

White Pine County Tourism Director Kyle Horvath stated yes.

Councilman Spear stated when you throw in thermal windows it is going to eat that up fast.

White Pine County Tourism Director Kyle Horvath stated it is definitely going to take more than the \$100,000.00 to repair the deferred maintenance in the downtown.

Councilwoman Williams-Harper stated I would like the downtown people to say we all got a little piece of something. If they ask for \$2,000.00 maybe they get \$1,000.00 so they have some responsibility too or this grant could be looked at as this grant was for just a few and there was some favoritism. I would really like to see this money spread out.

White Pine County Tourism Director Kyle Horvath stated if we do spread it out among all of the businesses it is less money. If a few businesses could really make an impact by spreading it out could make less of an impact. The other thing is this is a selection committee. If you look it is made of members from the City, Mainstreet, and the downtown business community. That is who will be selecting the projects based off of merit and at the end you can see the criteria that is used for the scoring mechanism. It has certainly been worked to avoid those types of things, but I can't stress enough this is the beginning of a program. It is certainly not a perfect program, but it is something we have the opportunity to put some seed money into. It would be amazing if this program continued for a number of years so it could help all the businesses in the downtown.

Mayor Robertson asked is there any matching requirements on this? I didn't see any.

White Pine County Tourism Director Kyle Horvath stated the committee we worked with did not put in that there were any matching requirements. I think it is specifically for the small businesses that can't afford to fix up their building and get \$5,000.00 to \$20,000.00 without a match makes it a little more equitable to where the big businesses are not only going to get this money.

Mayor Robertson asked who administers all this paperwork?

White Pine County Tourism Director Kyle Horvath stated the way it is written right now is a program that has been adopted by the City but administered through a committee that is selected by the City and business owners.

Mayor Robertson asked doesn't there need to be some bookkeeping and who will be distributing the checks?

White Pine County Tourism Director Kyle Horvath stated this is a City program and at this time no money is asked from the City just time and administration.

Councilwoman Williams-Harper stated I want to say again our downtown needs to look as good as it can, and I don't want to see just a few people get it and the smaller places not be able to do it. If the City has to approve this, I want to see who we are saying yes to.

Councilman Spear said maybe they won't all apply for it, that is the choice they have. I am in favor of this type of a program. I said this more than two years ago when the

decision was made for the construction on Aultman Street that those businesses are going to be hurting because of the streets, sidewalks and infrastructure being torn up. The committee needs to look at what businesses could really help the downtown. They have to apply and maybe you will only have five that apply, I don't know.

Mayor Robertson stated I think it needs to be in there that this funding doesn't fund partial projects.

White Pine County Tourism Director Kyle Horvath stated if you look at the scoring in the back that does consider all of what is waited for projects that are adjacent to parks and public spaces, projects that are adjacent to schools, and projects that have the potential to have a bigger impact than others. The selection committee is not one person. It is made up of representatives from the City, Mainstreet, and business owners. They are the ones that would select and present to the City Council who they would like to see you approve. We could continue to work on this document to add wording and stipulations. I think the only timeliness would be the T-Mobile Grant because it is due at the end of the month. I don't know what the possibilities are here if it can be we support this program with continued edits. I don't feel comfortable applying for grants without the City's acknowledgement that this is a program we want to pursue.

Mayor Robertson stated I would like to ask the City Clerk is the workload doable for us to be able to offer that.

City Clerk Lee stated I think that is also a question for the City Treasurer as far as the money.

Mayor Robertson asked Mainstreet would be applying for the grants as a non-profit so the check would come from Mainstreet, and we administer everything?

White Pine County Tourism Director Kyle Horvath stated yes, in talking with the different groups we don't feel like Mainstreet without the partnership of the City really should be administering this grant on their own. This program is truly a partnership of everyone who has a stake in the game here to make the recommendation of how this is administered. I would personally be doing the grant writing.

Councilwoman Williams-Harper asked can one of us sit on this committee.

White Pine County Tourism Director Kyle Horvath stated absolutely.

Councilman Flangas stated I have quite a few years of experience with Mainstreet U.S.A and when I was on the Board for Tourism and Recreation, we had a list of charities and foundations we could go to and get the funding for what we had to do. It was administered within the community between a group of public officials including City, County, and the Chamber of Commerce. In order to function properly we had to work with all of those people to accomplish what their desire was and before we started the project, we made sure the whole idea was complete.

Mayor Robertson stated I think what the Tourism Director is trying to say is we need this program in place to apply for these funds?

White Pine County Tourism Director Kyle Horvath stated yes, and City representation we had there was Councilman Alworth, Mr. Cahoon, and Mr. Peterson all taking a look at this. There certainly has been City involvement. By all means, look at this and make recommendations. None of us have done anything like this before and we are using the template from other Mainstreet successful communities. Once we show success with this you are right Councilman Flangas, we can apply for grants all over the place. We just have some low hanging fruit that is available right now. I will accept all feedback as this is a working draft and we can continue to fine tune this if that is the flavor of the Council.

Councilman Spear stated the agenda item states it is the adoption of the Ely Redevelopment District Façade Improvement Incentive Program and I don't know why we couldn't vote on that because the City won't be administering it.

Mayor Robertson stated the City will be administering it.

White Pine County Tourism Director Kyle Horvath stated Mainstreet would write the grants and collect the money, but then would cut the check over to the City.

City Treasurer/HR Director Trask stated it would be like a pass-through grant.

Councilman Spear asked are you okay with that?

City Treasurer/HR Director Trask stated yes, it is not that much money.

Councilman Spear stated I think we need to do this and start this program because downtown is already struggling, and it is going to really struggle in February or March of 2024 if we don't start making it look nice down there.

Councilman Alworth stated it is really important to read this document, but one key thing is we have buildings downtown that every six month it changes what is going on in there. Property owners need to look at what can I do to my building to keep a business in there.

Councilwoman Williams-Harper stated I agree with everything that you guys have said and am not saying it is not a good idea I just want to make sure the smaller businesses get something too.

Councilman Spear moved to approve and adopt the Ely Redevelopment District Façade Improvement Incentive Program. Councilman Alworth seconded the motion. The motion carried unanimously.

11. Councilman Alworth – Discussion/For Possible Action - Approval support letter for White Pine Main Street's T Mobile Hometown Revitalization Program and the EL Cord Foundation grants in support of funding the Ely Redevelopment District Façade Improvement Incentive Program.

White Pine County Tourism Director Kyle Horvath stated this is showing the partnership that the City of Ely is in support of this program. I will have the templates of the support letters to you tomorrow.

Councilman Spear moved to approve support letters for White Pine Main Street's T Mobile Hometown Revitalization Program and the EL Cord Foundation grants in support of funding the Ely Redevelopment District Façade Improvement Incentive Program. Councilman Alworth seconded the motion. The motion carried unanimously.

12. Councilwoman Williams-Harper – Discussion/For Possible Action – Approval of Wireline Crossing Agreement by and among Nevada Northern Railway Foundation, Inc., the City of Ely, Nevada, and Beehive Telephone, Inc.

Mayor Robertson stated I do want to disclose I am a part-time employee of the Foundation.

City Attorney Cahoon stated NNRy President Mark Bassett contacted me and asked this item be tabled.

Councilman Spear moved to table approval of the Wireline Crossing Agreement by and among Nevada Northern Railway Foundation, Inc., the City of Ely, Nevada, and Beehive Telephone, Inc. Councilwoman Williams-Harper seconded the motion. The motion carried unanimously.

13. Council Members – City Attorney Cahoon - Discussion/For Possible Action - Approval of City Attorney training opportunity contracting as Lincoln County Deputy District Attorney.

City Attorney Cahoon stated you may all remember when I was hired this was brought up during my interview. Dylan Frehner is the District Attorney in Lincoln County and reached out to me a year ago when I was accepting this job as an opportunity to go there once a week on Tuesdays. I would be there all day on Tuesdays working under Dylan and basically getting continued legal education. It will be a great training opportunity for me to work under a very seasoned attorney by sitting as a second chair on murder trials, felonies, and also the civil end of things. I think as an attorney it is always good to have other attorneys to bounce things off of, learn from, and to essentially work with. I think this would be a benefit to me as well as the City. As I learn I can bring that back to Municipal Court and back to these meetings.

Mayor Robertson asked is there a timeframe on this?

City Attorney Cahoon stated we haven't worked out those details. The only details I know is that it would be every Tuesday. I would drive down in the morning and back the same day. I don't think it will affect my position here at all. I will probably have to stay later the rest of the week to get my work done, but I think it will be worth it.

Councilman Spear stated that was my next question is how it will affect the workload here because we already keep you loaded up pretty good.

Mayor Robertson asked would that be cutting out one court day here, because don't you have court on Tuesdays?

City Attorney Cahoon stated yes, we do have court on Tuesdays, Wednesdays, and Thursdays and I have already talked to Judge Coster about this. He was very kind and is willing to work around my schedule by either placing all status checks on Tuesdays or to move court dates to Mondays, Wednesdays, and Thursdays. He is checking with the court clerks to see if they will be okay with that. The contract I will enter into will probably be for six months to a year.

Councilman Alworth stated I agree I think it is a great opportunity to continue education by working with an actual attorney instead of going to a class. I do worry about him gaining all this experience and then leaving us.

City Attorney Cahoon stated we have a house here, like it here, and don't plan to leave.

Councilman Alworth moved to approve the City Attorney training opportunity contracting as Lincoln County Deputy District Attorney. Councilman Spear seconded the motion. The motion carried unanimously.

8. PUBLIC COMMENT

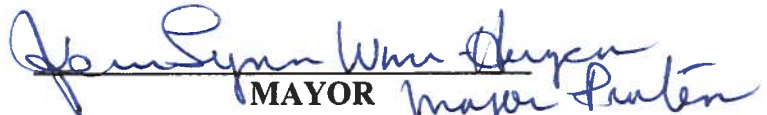
Bill Wolf stated I have one thing and it is for Ernie. You talked about there being no input as to what the Department of Transportation (DOT) guys are doing downtown on that project, and I know the Tree Board at one time spent a lot of time working with those guys on the design characteristics. They have their major concept that we can nibble around the edges. I know in the past they have been amenable to discuss some of the features. If you have stuff that you want to say I would encourage you to make those concerns known to them because they have been willing to work around some of those things and it is not only their vision.

George Chachas stated I am being strangled by your regulations and bleeding financially because I can't get permits to conduct business. Mr. Chachas stated ongoing concerns regarding his request of a list of those that have received approval of waived fees and penalties on their utility bill; the billing on his property at 490 High Street; his disapproval of the fees waived previously for 790 Avenue I; his request for the owner of the thirty properties Councilman Alworth mentioned previously owned by the same owner; his opinion that the previously mentioned power plugged in to an RV on his brothers property and that someone was spinning brodies is a distortion of the truth; his alleged accusation that Regional Planning Commission Member Leah Brown has violations that have not been addressed; wanting the discrimination to stop and be able to use his property as others do; and ADA compliance on the newly constructed sidewalks on Great Basin Boulevard installed by NDOT.

B.J. Almberg stated thank you, I really do enjoy this position and things we get to do for the City. This is my hometown, and one of the things I am proud about is the relationships we have built with the City staff. I have conversations with them all the time and learn from them too. I think we make a great team together. I appreciate all of you and all of the staff.

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

Councilman Alworth moved to adjourn the regular meeting of the Ely City Council at **6:44 p.m.** Councilwoman Williams Harper seconded the motion. The motion carried unanimously.


MAYOR Mayor Synn


ATTEST

