



CITY OF ELY

501 Mill Street Ely, Nevada 89301
City Hall (775) 289-2430
Cityofelynv.gov

ELY CITY COUNCIL REGULAR MEETING

September 8, 2022 5:00 p.m. – Ely Volunteer Fire Hall – 499 Mill Street – Ely, Nevada

1. Mayor Pro-Tempore Williams-Harper called the regular meeting of the Ely City Council to order at 5:02 P.M. Harry Rhea offered invocation. Mayor Pro-Tempore Williams-Harper led in the Pledge of Allegiance and asked for Roll Call.

Members present:

Mayor Pro-Tempore Williams-Harper
Councilman Ernie Flangas
Councilman Kurt Carson (Zoom)
Councilman Ed Spear
Councilman Jim Alworth

Members absent:

Mayor Robertson

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

City Clerk Jennifer Lee
City Attorney Leo Cahoon
Public Works Supervisor Mike Cracraft
City Engineer B.J. Almberg
City Fire Chief Pat Stork
City Police Chief Scott Henriod
City Building Official Craig Peterson
City Municipal Judge Mike Coster
City Administrative Assistant Patti Cobb

Also, in attendance: Members of the public in attendance at the Ely Volunteer Fire Hall signed in (appears below) and the following persons attended via video conference: Geri Wopschall, Stephanie Tyler, and Marietta Henry.

ELY CITY COUNCIL ATTENDANCE LIST

DATE: September 8, 2022

Print name below

Samantina Elliott
Mark Bonsett
Sasen Butchers
Kerri Pintar
George Chachas
M COSTER

Print name below

2. PUBLIC COMMENT

Kerri Pintar stated I live at 1417 Mill Street and just wanted to come give the Council an update on our Bell Avenue project. Reck Brothers were on site last week and completed one hundred and thirty-five (135) feet of curb and gutter. Basin Engineering is still diligently working on our legal description so we can get the information to our attorney to get the deed completed. I did want to give a public thank you to the Road Department and Public Works Supervisor Cracraft. We called on Tuesday about the patched tie back from the new curb and gutter onto the street where Reck Brothers had cut that out and to our surprise the City came to do that for us. I called Tuesday at noon, and it was completed by 3:00 p.m. on Wednesday. It was quite a large drop off and we were worried someone would go off it with no lights on the corner. It looks nice and hopefully Reck Brothers will be back next week to take care of the type two on the backside of the gutter, so it is level, and we don't have any other issues. I just wanted to thank Mike and his crew for jumping on our job so quickly and getting it completed.

Jasen Hutchens stated I am a new member of the community. I am the new IT Engineer for the County and wanted to come and say hello and introduce myself.

George Chachas stated on your agenda item 9B-3 you are to have an update from the PORTER Group, and I want contact information for that group. They are receiving City funds and I am entitled to that information. If I am not entitled to that information, please give me the basis for your refusal in writing. On your agenda item 9B-7 there is nothing in the meeting packet to review. I am requesting contracts for phase II and phase III of the Murry Street Project. They were supposed to have been in the packet for approval of the Municipal Utilities Board and the City Council. I was told they would be available later and I am still waiting. On your agenda item 8-1 to consider a thirty-day extension of the contract between the City of Ely and Basin Engineering for engineering services; there is a conflict of interest, and this item needs to be denied. Mr. Chachas stated ongoing concerns regarding ADA regulations not being met by NDOT on 14th and 15th Streets; drainage from 7th Street causing damage to his property, and his request for a list of permitted RVs in the City.

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

Mayor Pro-Tempore Williams-Harper stated I would like to remove item 9B-2.

City Attorney stated I would also like item 9B-7 removed as there are no attachments because there is still additional work being done between my office, Thompson Hine, and Maupin, Cox, and LeGoy to make sure the language is correct on that agreement.

Councilman Spear moved to approve the agenda with the removal of 9B-2 and 9B-7. Councilman Alworth seconded the motion. The motion carried unanimously.

4. CITY DEPARTMENT REPORTS

➤ CITY CLERK

City Clerk Lee reviewed the following report:



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

REPORT

DATE: September 8, 2022
TO: Mayor Robertson and City Council Members
FROM: City Clerk Jennifer Lee

MEETINGS

I attended the September 1st Juniper Project EIS biweekly meeting: Kinross expressed concern that the EIS may not be completed in time for the mine to continue operating. so the BLM is working with them on that.

COMPLAINTS

To date, my office has received 50 complaints this year: 19 of those complaints remain active. With one remaining complaint from 2021, there are a total of 20 active complaints.

➤ **CITY ENGINEER**

City Engineer Almberg stated we have an internal RNMC negotiating meeting next Wednesday to review the new agreements that have been provided to us. We have been working on some things for the next applications that will be submitted for CDBG. I did get an email from RNMC on the permanent well and they did receive it. They have two of everything; the one they are putting in the hole and a backup. One of the things they did say in their email was if it was our desire to store the spare in our pump house and if something were to go wrong, we would be responsible to replace it. They did say if they store it in their warehouse in Salt Lake and something were to go wrong, they will replace it at their cost. Based on our discussions the reason they are saying that is they don't want to be responsible for something that is not in their possession. I think that is understandable and they did say by storing it at the Salt Lake warehouse it is no more cost to them if it is needed because the drill rigs that will be putting it in come from Salt Lake. They said if any of you would like to go visually see that it is in the warehouse, they would arrange for you to do that. I will respond to them and let them know that I think it is fair and we don't want to take the responsibility of the cost of dropping it down in the hole. It is in a climate-controlled environment, and I think that would be good. Their desire to replace the temporary pump with the permanent pump we want to delay that until October when our water demand comes down, so we are not taking our pump offline during our summer season.

Councilman Spear stated on the Street Department Report it says they attempted to unplug the storm pipe on 9th Street East, and it wasn't hooked up. What happened there?

City Engineer Almberg stated I have met with Mike Sturgeon and am researching what is going on there.

Councilman Spear stated that would be a state highway problem?

City Engineer Almberg stated possibly.

Councilman Flangas asked what is the status of the upper part of Murry Street?

City Engineer Almberg stated we are currently working on the next phase that the Regional Transportation Commission (RTC) is backing up to pave. The sewer project is complete, and we are waiting for final billing to bring before the Council to finalize the project.

Councilman Flangas asked when you apply for CDBG funds do you include curb and gutter?

City Engineer Almberg stated no, on the CDBG that you are looking at today that is sewer projects. The CDBG portion on Murry Street did not include curb and gutter. It included the construction of the sewer lines including the trenches and such. The curb and gutter will be going through the RTC.

➤ **CITY BUILDING OFFICIAL**

City Building Official Peterson stated I wanted to give a quick update on the emergency abatement that was passed last meeting. The property owner did finally come to an agreement with the remediation company, so he has paid for fumigation which took place last Friday. Against my better judgement I visited the property again yesterday as a follow up to see if there were any living creatures running around and there are a few. I did contact the fumigator, and they informed me they intend to be here this Friday to do follow up treatment. He has my contact information and he said he would let me know if payment dropped off during anytime during the treatment process so we can execute that order if needed. As it stands right now it has been fumigated and the problem has been about ninety percent taken care of.

Councilman Spear stated it says in the information there is a thirty-day incubation period on the eggs, and I can't imagine some of them may not stay dormant. Some insect eggs can lay dormant for years. How does this treatment work with the eggs of these cockroaches?

City Building Official Peterson stated the follow up treatment from my understanding involves a growth inhibitor which would prohibit any cockroaches in egg state at that point to hatch or reproduce. The fumigator stated it was one of the worst ones he has ever seen. We are going to continue to manage the project. It has been a nightmare for those that live close by.

City Attorney stated there was word that there were also cockroaches in the yard.

City Building Official Peterson stated yes, when I talked to the fumigator, he stated there is no way the ones inside the house survived because they used the highest level of chemical they have. The ones I witnessed outside will probably go back in the house to eat the dead corpses.

5. NNRV FOUNDATION REPORT

NNRV President Mark Bassett stated we have had a pretty good month. The big news is Locomotive 81 underwent her annual Federal Railroad Association (FRA) inspection and passed with flying colors. Locomotives are inspected annually by the Federal Railroad Association (FRA). This was her first one and she has fourteen more to go before we do a rebuild on her again. NNRV President Bassett reviewed the report below.

NEVADA NORTHERN RAILWAY
NATIONAL HISTORIC LANDMARK

E A S T
E L Y



Nevada Northern Railway Foundation

A Nevada 501 (c) 3 Non-Profit Corporation
Depot: 1100 Avenue A, Ely, Nevada 89301
Mailing Address: PO Box 150040, Ely, Nevada 89315
Voice: (775) 289-2085 • Web: www.nnrv.com • E-mail: info@nnrv.com

Monthly Operations Report for August 2022

1. Locomotive Status – Updated
 - a. Locomotives in service: #81, #93, #105, #109, #204, #310, 801, Wrecking Crane A & Rotary B.
 - b. Locomotive 40 is out of service for her heavy repairs. We have started on her repairs; she will be out of service until 2023.
 - c. Locomotives out of service needing moderate repairs: #201 and #34
 - d. Locomotives waiting funding for restoration: Steptoe Valley Smelting and Mining #309, Kennecott 802 and Rotary Snowplow B (for boiler overhaul.)
 - e. 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 August we carried 1,915 passengers, this is a 3% increase compared to 2021. It was the largest August that we have had in our 35 years of operation.
 - b. Year to date, we have carried 10,644 passengers, this is a 3% increase compared to 2021.
 - c. Since operations began in 1987, we have carried 341,005 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 August 2022 is 1,915 x 80% x 140 = \$214,480
Economic Impact Year To Date is 10,644 x 80% x 140 = \$1,192,128
7. Social Media: Our reach on social media continues to expand, in the last 28 days:
 - a. We reached 959,492 people.
 - b. Post engagement was 122,573
 - c. We have 117,417-page likes.
 - d. 159,673 people follow our page.

Award Winning Destination

Best Adrenalin Rush in Rural Nevada - 2020
Trip Advisor Certificate of Excellence – 2020, 2019, 2018, 2017, 2016, 2015, 2014
Best Museum in Rural Nevada – 2020, 2017, 2016, 2014, 2013, 2010, 2009, 2008
Best Place to Take the Kids in Rural Nevada - 2020, 2019, 2018, 2015, 2014, 2013, 2012, 2011, 2010, 2009, 2008, 2007

8. 2023 Star Trains

The 2023 Star Train sold out in 10 day to our members. We will be posting the 2023 Sunset Stars and Champagne trains on September 15, 2022.

9. The 2023 Iron Horse Symposium – September 30, October 1 & 2.



**NEVADA NORTHERN RAILWAY SYMPOSIUM
SEPTEMBER 30, OCTOBER 1 AND 2, 2022**



One of the stars of the symposium will be Locomotives 81 and 801. It is very rare to have a Baldwin Steam Locomotive and a Baldwin Diesel Locomotive in operation at the same time. Additionally Locomotive 81 just passed her first annual inspection with flying colors!

NNRY President Bassett stated with the excessive rain we have been having we have been inspecting the track almost daily to make sure everything is ok. We have been working on our culverts, but there is an issue at the corner of 9th Street and B Street. There are three storm sewers going into a box and the outlet is the top of the box. There is a channel there and it couldn't handle all the water and the Master Mechanic's basement flooded again. We have had this issue in the past and we have built a berm up around that building. However, I don't understand the engineering with three inlets and no outlets. As you review the storm sewer drains if you could look at that one, I would appreciate it.

6. REPORTS

➤ **COUNCILMAN FLANGAS**

Councilman Flangas stated I am working on some improvements for our community. I want to bring to the next meeting recommendations to look at streets we are paving because both sides of the street should have curb and gutter otherwise pavement deteriorates very fast. I read an article in the Las Vegas Review Journal concerning Fernley and the amount of money they received from the federal government to put in a connection to connect Highway 95 and Highway 50 to Fernley, so they don't have to go all the way into town. It is a major project and going to be pretty expensive. We should be looking at our community to see what we can do and the funds that are available to start improving our community and the downtown businesses.

➤ **COUNCILMAN SPEAR**

Councilman Spear stated the car races are going to happen again one week from this weekend so get out and enjoy the parade and car show. It is going to be a really good event again. We have always had our awards banquet in Las Vegas, but they have out priced us, so we arranged for them to come back to Ely. We have a poker run on Sunday and it has been well received by the racers so they will be in town from Thursday through Monday twice a year. It is a big deal for the community.

➤ **COUNCILMAN ALWORTH**

Councilman Alworth stated I have attended three meetings for the Façade Improvement Incentive Program. It is going to be developed in the City of Ely's Redevelopment District and funded by the T-Mobile Hometown Grant Program. The biggest complaint from visitors is about the rundown façades of our historic downtown and the basic thrust

of the program is to address that. The White Pine Mainstreet Association was formed three years ago and has managed multiple grants dealing with branding of events, business support, and recruitment. This organization is requesting money to support a Façade Improvement Incentive Program for the forty plus commercials in the Downtown Redevelopment District to include painting, windows, awnings, architectural aspects, storm windows, and signage. As we work through this there is going to be money from the T-Mobile Foundation, the Tourism and Recreation Board, and the Mainstreet Organization. We are still fine tuning it, but some of the grants will be up to \$20,000.00 per person following the application process. I attended two meetings with the Ely Mainstreet Program with more discussion on this program and what we can do to abate weeds and such on Mainstreet to make it more appealing. City Clerk Lee did inform me they are working on it with letters being sent. I took it upon myself to go around and research on some of the concerns Mr. Chachas has on the trailers parked around town with cords plugged into them. I have a camp trailer and if you leave them plugged in you can charge your batteries, some families let their kids use it as a playhouse, and some people keep it plugged in to keep the refrigerator going to store food. There was one family that had a newborn baby. Their house was too small so they hooked up their trailer to electricity so the grandma could stay there for the first month of the baby's life. The interesting thing is I have a picture just like George takes and it is of a trailer in the old Crab Tree Trailer Park, which belongs to the Chachas family, and is the same trailer park with someone running power underground to the trailer in the background. This trailer was brought in approximately two weeks ago according to the neighbors and they said there are people going in and out of it. I don't know if his brother is aware of this, but it could be a fire hazard. There are no trespassing signs all over it and appears there is an electrical cord plugged in it from the outlet. Another concern the neighbors have is there is a little car that is doing cookies in the trailer park where this trailer sits creating a dust hazard and is a nuisance. Mr. Chachas you might check with your family about this junk trailer on your family's property.

➤ **MAYOR ROBERTSON**

Mayor Pro-Tempore Williams-Harper read the following report into the record:

September 9, 2022

MAYOR'S REPORT

1. I approved a 24-Hour Liquor License to:

White Pine Chamber of Commerce with the Ramada Inn. Copper Flat Pub sponsoring a bar on September 18, 2022 for the Silver State Classic Challenge being held at the Bristlecone Convention Center.

2. I approved a road closure for:

- The Silver State Classic Challenge "Parade of Cars" to be held on September 16, 2022 from 5:30 p.m. to 6:30 p.m. on designated City Streets.

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

1. Council Members – City Clerk Lee – City Engineer Almberg – Public Hearing – Discussion Only – Review of proposed CDBG projects and additional project ideas suggested by the public. Proposed projects and estimated funding are listed below. **Only projects listed here and proposed at the meeting will be forwarded to the Council for approval.**

- Morley Avenue Sewer Replacement \$358,200.00
- Stevens Avenue and Orson Avenue Alley Sewer Replacement \$490,400.00

George Chachas stated the map that I saw basically shows the sewer line going down Orson. On the agenda, you have Stevens Avenue and Orson Avenue alley sewer

replacement, so are you putting the new service in the alley between those two streets because it is not clear.

City Engineer Almberg stated what was provided in the packet is what is proposed.

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

1. Councilman Carson – Discussion/For Possible Action – Approval of thirty (30) day extension of current contract between City of Ely and Basin Engineering for engineering services.

Mayor Pro-Tempore Williams-Harper stated the Municipal Utilities Board did recommend approval of this item.

City Attorney Cahoon stated I provided a quick agreement to extend the previous agreement for the next thirty days essentially to give myself time to determine whether the City can just renew the contract or if legally they have to put out a Request for Qualifications.

Councilman Alworth asked why is the next item on the agenda if we are going to extend the contract for research before we make that decision?

City Attorney Cahoon stated I would ask that the next item be tabled.

Councilman Spear moved to approve a thirty (30) day extension of the current contract between the City of Ely and Basin Engineering for engineering services. Councilman Flangas seconded the motion. The motion carried unanimously.

2. 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 Spear moved to table the approval to release a Request for Qualifications for engineering services OR renew the City of Ely’s contract with Basin Engineering. Councilman Alworth seconded the motion. The motion carried.

3. Councilman Carson – Discussion/For Possible Action – Direct City Engineer to provide a list of proposed projects to be paid for with community service funds.

Mayor Pro-Tempore Williams -Harper stated the Municipal Utilities Board did recommend approval of this item.

Councilman Carson moved to direct City Engineer to provide a list of proposed projects to be paid for with community service funds with a thirty-day deadline. Councilman Alworth seconded the motion. The motion carried unanimously.

4. Councilman Carson – Discussion/For Possible Action – Review of Public Works Supervisor and Sewer Leadman’s recommendation on the purchase of a high-pressure jetting unit, with possible selection from US Jetting, Hot Jet USA, or Spartan Tool, LLC.

Mayor Pro-Tempore Williams-Harper stated the Municipal Utilities Board did recommend approval of the Public Works Supervisor and Sewer Leadman’s recommendation.

Councilman Alworth asked are the employees going to have safety training on this?

City Public Works Supervisor stated yes, the company will come and do a two-day training.

Councilman Alworth stated good, because at the Robinson Mine we had someone that it got away from and it almost cut him in half and with the high pressure you have to keep safety in mind. They work really well; I have seen them in action.

Councilman Alworth moved to approve the Public Works Supervisor and Sewer Leadman's recommendation on the purchase of a high-pressure jetting unit from US Jetting. Councilman Spear seconded the motion. The motion carried unanimously.

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

B. NEW BUSINESS

5. Councilman Alworth – Discussion Only – Update from City Engineer and Public Works Supervisor regarding City's runoff mitigation efforts during the recent heavy rainfall.

RECENT STORM RUNOFFS

During the recent heavy rainfall on August 10th the Public Works Director, City Fire Chief, and City Engineer were all out during the rainfall and monitoring the peak runoff from the storm event. It was a very quick storm which developed large runoffs very quickly and the runoff subsided just as quickly. We witnessed no areas that we could see, where the runoff waters left the natural channels of Murry Creek. The NDOT Phase 1 storm drain improvements functioned as intended and diverted approximately 40 cfs through the overflow channel and around the downstream private properties.

The streets in Central Ely had lots of surface water flowing on them and the Public Works Director had both the Street Crew and the Water Crew actively working in the area keeping all drop inlets clean and functioning during the storm. Given the conditions they were working in, they did a great job.

A couple areas in town that did receive a significant amount of debris was Ely Avenue/North Street and Dickerson/Mill Street. The crews cleaned these areas up the day of the storm and then came back and did a final cleanup a few days later. Ely and North Street debris was caused by the upstream inlet to the culvert crossing under the railroad tracks being blocked prior to the storm. The water backed up until it became large enough to push the debris through the culvert and send a surge of water and debris onto the City streets. The crews have cleaned this inlet and the City will coordinate with the Railroad to keep their culvert clean and functioning in the future.

Future improvements that will reduce runoff flows in the future is the completion of the NDOT Phase 2 storm drain system and the completion of the track project by the railroad between the train depot and the museum on Aultman. The NDOT Phase 2 project will collect a large portion of the surface flows that currently flow through Central Ely and divert them in the new culvert and ultimately to the diversion structure to enter the overflow channel and be conveyed around private property. At the completion of Phase 2 is when the residents in Central Ely will see the true benefit of the new storm drain system. The track project will also catch local flows and divert them to the new storm drain system and around private property.

The City Engineer a while back brought the need to construct the south diversion ditch at the landfill to the City Council and Utility Board. Both the Council and Utility Board concurred with the need to proceed with the diversion ditch. The construction of the diversion ditch was budgeted this year and the City Engineer is currently working on getting this project to construction.

Councilman Alworth stated the summary explained it quite well what the future is going to do for us. Jennifer clarified the problem on the railroad track where there is a fork built in the culvert and Mark said they would take better care of looking after that. It is going to improve after phase II is done from what I am reading here.

City Engineer Almborg stated the first phase of the NDOT project that was completed really did nothing to divert any water or take any additional water on than what was already in place. It was just a replacement of the old pipe in that area. It is the second phase that begins to make improvements and get more water into that ditch that will relieve the amount of water that ends up in the Central Ely area. It is going to take that water upstream with this diversion structure and then will divert it from these downstream properties. The benefit of this project will be phase II.

Councilman Alworth stated it appears from your second paragraph that crews came together from all sides.

City Engineer Almborg stated yes, they did. They were out there during the storm making sure drop inlets were clean and doing everything they could do in the moment to keep everything functioning.

Councilman Alworth stated extend kudos to your staff Mike. I did hear of other things you guys did. I know behind the Bristlecone Motel you have done a lot of work on the alley. The water flooded their IT room out and some other rooms. Up between Avenue L and M you did a lot of clean up. There was a lot of water, and you did a fine job.

City Engineer Almberg stated there was a lot of water. Mark brought up there was some issues near the railroad and Mike and I have been out there to look at it and plan to do some maintenance and cleaning to improve that situation as well.

Councilman Alworth stated in your last paragraph, and this has been ongoing for some time, about the diversion dam at the Wastewater Treatment Plant. That needs to happen because we don't want to overflow our ponds with a rainstorm.

City Engineer stated yes, I agree.

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

5. Board Members – City Clerk Lee – Discussion/For Possible Action – Approval to remove past due utility fee penalties up to the amount of \$6,199.42 from 8 North Fourth Street / Club House, McGill, Nevada at the request of property owner, Kristin Kocurek.

City Clerk Lee stated the current property owner purchased the property last August at a tax sale and did not run up this debt. She paid in full the principal owed on August 31, 2022.

Councilman Flangas asked did she pay anything on this bill?

City Clerk Lee stated yes, she paid the principal landfill fees.

Mayor Pro-Tempore Williams-Harper stated I know that the City Council is good about looking at everything individually, but my concern is that we need to be careful about being inconsistent about what is approved and not approved.

Councilman Spear stated I have been against waiving these fees from day one because of the lien issue.

Councilman Alworth moved to approve the removal of past due utility fee penalties up to the amount of \$6,199.42 from 8 North Fourth Street / Club House, McGill, Nevada at the request of property owner, Kristin Kocurek. Councilman Carson seconded the motion. The motion carried with three ayes and one nay from Councilman Spear.

Mayor Pro-Tempore Williams-Harper opened items 8-6, 8-7, and 8-8 together.

6. Board Members – City Clerk Lee – Discussion/For Possible Action – Approval to remove past due utility fee penalties up to the amount of \$2,203.35 from 291 North Main, Lund, NV 89317 at the request of property owner Victoria Barker.
7. Board Members – City Clerk Lee – Discussion/For Possible Action – Approval to remove past due utility fee penalties up to the amount of \$2,203.35 from 10 and 12 North Fourth Street, McGill, NV 89318 at the request of the property owner Victoria Barker.
8. Board Members – City Clerk Lee – Discussion/For Possible Action – Approval to remove past due utility fee penalties up to the amount of \$2,203.35 from 31 Avenue B, McGill, NV 89318 at the request of the property owner Victoria Barker.

Councilman Alworth stated I would like to make a comment for the record. On the property at 291 North Main in Lund the owner made a payment of \$1,520.76, on the property at 10 and 12 North Fourth Street in McGill the owner paid \$1,520.76, and on the property at 31 Avenue B in McGill the owner also paid \$1,520.76.

Councilman Carson moved to approve the removal of past due utility fee penalties up to the amount of \$2,203.35 from 291 North Main, Lund, NV 89317; up to the amount \$2,203.35 from 10 and 12 North Fourth Street, McGill, NV 89318; and up to the amount of \$2,203.35 from 31 Avenue B, McGill, NV 89318 at the request of the property owner Victoria Barker. Councilman Alworth seconded the motion. The motion carried with three ayes and one nay from Councilman Spear.

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

A. CONSENT AGENDA

Councilman Spear stated I know Janette is not here tonight, but I see we refunded a lot of money to Barney. What was that for?

City Clerk Lee stated that was for a utility account refund.

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

MOTION: Move to approve the Consent Agenda item 9A-1 Bills.

Moved by: Councilman Spear Second by: Councilman Flangas Vote: Unanimous

1. Discussion/For Possible Action – Bills.
 - August 24, 2022
 - August 25, 2022
 - September 1, 2022

B. NEW BUSINESS CONTINUED

1. Mayor Robertson – Discussion/For Possible Action – Annual Performance Evaluation of Municipal Court Judge Mike Coster 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 Municipal Judge Coster stated I do want to say every bit as when I first had the chance to do this; it is a professional honor. I went to law school with an interest in civil law and never really thought of judge service opportunities until later in life and it has been phenomenal. I work with great people, and I think that is true across the board in the City. I want you to know, Mayor Robertson came to the courtroom a while back and you are all welcome to come by with or without advanced notice. We are usually operational from 8:30 a.m. to between 10:30 a.m. and noon during the weekdays, always on Tuesday, Wednesday, and Thursday at the very least. The office is entirely closed on Fridays. The philosophy we try to do in that court is public safety. If we can't keep the streets safe by addressing things early, we don't have such serious problems. I also try to send people in a corrective direction. I tell people there is a reason I am pushing you in this direction and you are the person that can make things better. I like to give people a chance to correct their mistakes. The last thing is we don't usually use the term specialty court but in lieu of we do have Drug Court and we try to take a more hands on approach. An example of this is we had two high School, eighteen-year-old students that were on the verge of dropping out of school. We made them come to court every week until graduation to give us an update on their whereabouts and staying out of criminal conduct. In the absence of parental guidance by monitoring and pushing them in the right direction will be much better for these kids rather than jail time or fining them. Both kids made it to graduation and maybe they would have anyway, but usually with innovation and creativity I believe it serves the community better, particularly with the younger people. We have had some changes, but I will say it is an honor having the support of the City Attorney, his predecessors, professional guidance that comes from the District Attorney's Office, and Judge Dobrescu. It has become a team effort and it is nice to have a sounding board to bounce things off to create accuracy. There have been some changes in the last

year. There can now be a jury trial for domestic violence cases. We have not had any yet but did have two scheduled that were resolved before going to a jury. Jury trials are very expensive, so we don't want to push this idea. For a jury trial there is usually mailings that go out to one hundred and thirty people and the time to choose the jury. The other big thing that is coming by virtue of State Law is civil traffic violations. These violations such as a speeding ticket or things like that are being moved to civil law treatment which means a person is not entitled to a trial, they could still have a trial, and the means of collecting is somewhat different. The idea is to decriminalize routing traffic violations. There were many new laws that passed in 2021 and some of them have started such as jury trials for domestic violence offenses and some of them are yet to start as late as January 1, 2023.

Councilman Alworth asked what is the rules or regulations for community service workers?

City Municipal Judge Coster stated the law authorizes it and there are rules that allow us to assign people to community service. The City of Ely owns that punishment just like a property. All the community service given goes through our court and is then given to the Public Works Department. The rare exception might be someone who is physically limited. The law is if they are assigned that in lieu of outright cash due to the City they are credited at the rate of \$15.00 an hour which is under the newest version of the State Law. When I first started five years ago it was \$10.00 an hour.

Councilman Alworth asked are their restrictions using a gas-powered mower or weed eater; we always make everyone wear a fluorescent vest. There is always a need in the City for extra manpower.

City Municipal Judge Coster stated the restrictions are something you could talk to your HR Director about or Leo, the City Attorney. How you use it I don't know. I see community service as an asset in labor that is in lieu of money for the City of Ely. How it is employed in regard to Workers Compensation and workers safety really comes down to how the City employs them. I have never heard back on that and fortunately I have never been told of an injury. I have been approached by some that come back in and say it is just too vigorous for me and can I do something other than community service.

Councilman Alworth asked does the City get a notice saying we have this many community service workers available for this time frame?

City Municipal Judge Coster stated we keep a list in the Court Clerk's Office and how they inform the Public Works Department I do not know. A general rule is if someone is employed more than twenty hours a week then they are required to do community service at a rate of four hours per week and if they are below twenty hours a week, they are expected to do it at eight hours a week. They can do it in one eight-hour block or two four-hour blocks.

Councilman Alworth stated so if a guy has a \$60.00 fine, he will work four hours to satisfy that debt.

Mayor Pro-Tempore Williams-Harper asked Judge Coster what is your request you are coming to us with?

City Municipal Judge Coster stated this is an annual evaluation. We went through the budget process for this year with Janette about four or five months ago about my pay change, which there will not be one this year. She felt more comfortable taking it on next year and I agreed with that. The only conclusion I can make is there doesn't need to be any adjustments to the court budget to change my pay. Things are going really well because I have two great clerical staff, Linnea Prengel and Lisa Hall. They work well together and manage the workload very well. I have worked with a lot of paralegals and clerical over the years, and they are really top level. I wanted to tell you for changes in the coming year; we don't have a contract for a public defender right now. We have been ordering them ala cart off the County's contacts, so we pay the same rate as the County has agreed to and that has worked fine, but I suspect it won't for long. The reason is one

of those attorneys has said they don't have time to take any Municipal Court work at all. We do have a little more public defender work coming in so I think it is time, and I think Leo would agree, to do a City of Ely contract that will justify their availability and what they will be paid on an hourly basis. We need something more substantial like the City has had in the past.

City Attorney Cahoon stated I do think it is more necessary now given the weekend bail hearings that are now mandatory.

City Municipal Court Judge Coster stated one more thing that is coming is the Law still allows for municipal courts to not have video recordings. When we moved into the new courthouse, we scratched off the list of needing cameras to the tune of \$37,000.00 or so because we are allowed to have audio. It has worked fine for most cases. However, it does not fill the bill when we have people appearing by video which comes up in DUI cases. We have kind of bootstrapped our system using one camera and some laptops; it does the job, but it is not graceful. We only have four to seven a year, so it didn't seem justified to install the cameras. I just want to put a bug in your ear that the time may come that we have to get professional quality equipment. It will be quite expensive, but keep in mind the Courts Special Funds will pay for it and it will not come out of the City budget. I just want you to know about it because we try to be very financially responsible.

Councilman Alworth moved to approve a positive annual evaluation for City Municipal Court Judge Coster. Councilman Spear seconded the motion. The motion carried unanimously.

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

The summary provided by Cameron Gresh with the PORTER Group was provided to the public:

Jennifer Lee

From: Cameron Gresh | PORTER <cgresh@portergs.com>
Sent: Thursday, September 8, 2022 4:32 PM
To: Jennifer Lee
Subject: Tonight's update

Good evening City of Ely,

There's not much to report coming off of August Recess in terms of Congressional action, though it's shaping up to be a busy fall as Congress prepares for the mid term elections.

Senator Schumer announced that the Senate will be looking to take a vote on a marriage equality bill sometime this term, and the latest chatter on the Hill is that Congress will need at least 2 CRs this year in order to shore up government funding for FY23.

Closer to home, I've been working with Mark on expanding rail infrastructure opportunities and we'll be meeting with GOED next week to talk about funding a statewide rail project that would also incorporate the City's existing rail priorities.

We're also tracking two DOT rail grants and prioritizing existing projects for each.

Additionally, we've continued our search for grant writing candidates that can assist the City in applying for upcoming grant opportunities from the Bipartisan Infrastructure Law. We look forward to introducing you to Holli Elise (based on Fallon, NV) over the next few weeks.

Thanks and have a great evening!

4. Councilman Alworth – Discussion/For Possible Action – Review of Public Works Supervisor and Street Leadman's recommendation on street sweeper, to be purchased with FY23 budgeted Public Transit Funds, with possible selection of either the 2023 Elgin Whirlwind1 or 2023 JohnstonV65h model.

Public Works Supervisor Cracraft stated sorry for the confusion. I have talked to Leadman Sturgeon and clarified it is the 2023 Johnston V65h model we are recommending.

Councilman Alworth stated I am agreeing the Johnston is the one to go with, but when I look at the quote the company Bucher Municipal does not list anywhere in there it is a Johnston. I was a little nervous, but with emails back and forth I understand Johnston was bought out by Bucher. My next question was maybe they sell more than just Johnston. I instructed Jennifer to relay to the Treasurer if we approve this all the documentation needs to say that Bucher is the Johnston Dealer and that would take my worry off. They are good machines and I like the idea of the rear suction on them. We have fifty-two miles of road, and they are doing a fine job.

Councilman Spear stated I would like to echo what Jim said. I don't know how many times I looked at this and wondered which one was the Johnston.

Councilman Alworth moved to approve the Public Works Supervisor and Street Leadman's recommendation on the 2023 Johnston V65h model street sweeper to be purchased with FY23 budgeted Public Transit Funds. Councilman Spear seconded the motion. The motion carried unanimously.

6. Councilman Alworth – Discussion/For Possible Action – Direction to City Clerk's Office to send letter to Commnet with questions regarding Connect America Fund (CAF) Phase II as it relates to White Pine County, the Broadband Infrastructure Program Grant, and Middle Mile grant application; said letter would include a request that all responses be in writing.

Councilman Alworth stated JoJo with their company was in front of the County Commission and they never really got a straight answer. I know Jennifer has been working really hard and we are supposed to have some fiber going to the landfill and other places. Instead of lip service I want something in writing saying where we are going to be, what is our deadline, and where are these 1375 locations. Now they are talking about going to Baker with the connection. I think all the power poles they are doing this week in town are part of the process. If they could answer some of those questions, it would probably take some stress off Jennifer trying to figure out where we are at with this. They were awarded 1375 locations, there is a lot of money out there, and what are we seeing for it?

Councilman Spear moved to direct the City Clerk's Office to send a letter to Commnet with questions regarding Connect America Fund (CAF) Phase II as it relates to White Pine County, the Broadband Infrastructure Program Grant and Middle Mile grant application requesting that all responses be in writing. Councilman Alworth seconded the motion. The motion carried unanimously.

10. PUBLIC COMMENT

George Chachas stated on numerous occasions I have complained about the light out on the corner of 7th Street and Ely. The last time my building was broken into they came with a pry bar and a sledgehammer. I pay taxes and I want protection. I don't want to be told to just board it up. I am spending hundreds of dollars to keep it secure, and I want that light fixed. There is a light in front of Mr. G's that has been out for three years and others up and down Aultman Street. I want to know when the open burning opens up because I have a burn barrel and weeds I need to burn. Mr. Alworth has a concern regarding an RV, but I have asked for a list of permits and not received one. I have asked for a permit for my properties and the only thing I got was citations. That is discrimination and I want equal protection under the law. Recently the Regional Planning Commission approved modular and trailer sales out on McGill Highway, which is fine. Unfortunately, they are within four hundred feet of the City sewer and water lines and I have not seen any request for connection to City sewer or water. I am concerned the City continues to compete against the private sector. Mr. Chachas stated ongoing concerns regarding RV's that he believes are not permitted.

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

Councilman Alworth moved to adjourn the regular meeting of the Ely City Council at **6:21 p.m.** Councilman Spear seconded the motion. The motion carried unanimously.



MAYOR



ATTEST