



CITY OF ELY

501 Mill Street Ely, Nevada 89301

City Hall (775) 289-2430

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ELY CITY COUNCIL REGULAR MEETING

August 22, 2024, 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. Pastor Joshua Beck offered an invocation. Mayor Robertson led in the Pledge of Allegiance and asked for Roll Call.

Members present:

- Mayor Nathan Robertson
- Councilman Terrill Trask
- Councilman Kurt Carson
- Councilwoman Samantha Elliott
- Councilman Jim Alworth
- Councilwoman Jerri Lynn Williams-Harper

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

- City Clerk Jennifer Lee
- City Treasurer – HR Director Janette Trask
- City Public Works Director Mike Cracraft
- City Fire Chief Pat Stork
- City Engineer B.J. Almberg
- City Police Chief Scott Henriod
- City Attorney Shain Manuele (Zoom)
- City Municipal Court Judge Mike Coster (Zoom)
- City Administrative Assistant Patti Cobb

Also, in attendance: Members of the public in attendance at the Ely Volunteer Fire Hall signed in (appears below) and the following people attended via video conference: Geri Wopschall, Eugene Harper, Paula Carson, H. Wines, Julie Baca, and Jessica Nopens.

City Council **ATTENDANCE LIST**
DATE: August 22, 2024

Print name below

Janet Jandera
 Dean Reynolds
 Mel Van Camp
 Kerri Pinter
 George Chachas
 Benjamin Moreno
 Carl Jackson

Print name below

2. PUBLIC COMMENT

Kerri Pintar
1417 Mill Street

New Business Item 3: Annual Performance Evaluation for City Clerk-Treasurer Trask. Having been present for Ms. Trask's "evaluation" last year, I would like to reiterate how disappointed I was at the appalling treatment she received from this Council, specifically, Councilman Alworth. I'm extremely hopeful tonight, Mr. Mayor, that you and our "rent-an-attorney" will STOP this treatment should it rear its ugly head AGAIN because there is no place for personal agendas or vendettas in this setting. This process is an opportunity to recognize your city employees with positive feedback and/or constructive criticism. This is NOT an open forum for bullying and intimidation of your department heads during what is masqueraded as an "evaluation."

New Business Item 5: Annual Salary increase for Judge Coster. July 27, 2023 Clerk Lee was before this Council for her evaluation and she chose not to ask for a salary increase. I have spoken on this matter many times and I believe this council was in error for not awarding her one anyways. This was justly rectified at your last meeting and so thank you for correcting what was an obvious error in this Council's collective judgement in 2023.

That said, I was not present for Judge Coster's evaluation but I understand he did NOT ask for the budgeted 3% raise. It is your responsibility as elected officials to evenly apply raises as budgeted. Please grant Judge Coster's budgeted 3% raise request tonight and retroactive back to July 11, 2024.

New Business Items #8 & 9: Approval of Resolution 2024-10 and Increase of City Fire Chief Stork's annual salary. Last year, September 28, 2023 you were finishing the last evaluation for Public Works Director Cracraft when I invited this board to review the pay scales for all your department heads and their respective employees to see if in the next budget biennium there was room for growth because the city will be hard pressed to recruit replacements for these jobs given the prevailing wage of other employers in our community. Obviously, this was NOT done as Chief Stork was left in limbo at your last meeting for his raise because he is already at the top of the salary range designated for his position.

As you see from tonight's documentation, he is wildly underpaid for his dedication and efforts in providing EMS/Fire Protection services within the City of Ely and White Pine County compared to other areas. Chief Stork is ALWAYS on the clock, paid or unpaid, as my family witnessed last month in our time of need.

Just like the City Attorney's proposed salary range increase, the Fire Chief scale should be raised from 115,000 up to \$150,000; with that said, Chief Stork should be granted a raise, retroactive to your last meeting, amounting to no less than \$130,000 annually.

Mr. Mayor, I'm calling on you and our "rent-an-attorney" to please keep the focus of tonight's meeting positive and the Council on track. Thank you!

George Chachas stated on your agenda item 6B-4, an update on Golden Gate Petroleum's project, is the Council going to discuss ingress and egress with off and on ramps coming off highway 93. Is the Council going to address the concerns outlined in my letter, dated August 14, 2024, that I presented as a member of the Regional Planning Commission. On your agenda, item 6B-7, the Chamber's monthly report on community activities, let me remind you the City Council has no business using tax dollars to fund a private club that promotes only its members and no other businesses. The Council is funding an entity that excludes businesses and individuals that are not dues paying members. Members of the Council that are also members of the Chamber of Commerce are intentionally violating the ethics laws that pertain to those

taxpayers' dollars to benefit themselves. The Council needs to remove the City from any membership that does not assist and benefit all citizens and businesses. On your agenda item 6B-8 to possibly approve Resolution 2024-10 regarding the City Fire Chief's official salary; there was nothing in the meeting packet for a citizen to review what the Council contemplates. This is a continuation by City Clerk Jennifer Lee and City Treasurer-Human Resource Director Janette Trask to withhold public information on items that the City Council may act upon. This item needs to be denied. I remind the Council that you have increased the Fire Chiefs' pay by forty-five percent, over the top scale that was on there before, and you have not done that for any other employee. Do people not understand the term "public service?" There are some sacrifices. I'm not saying someone's not doing a good job, they are, but we're a small community and haven't grown. On your agenda. Item 6B-9 regarding the possible increase in salary there needs to be no action. The Fire Chief has a lucrative private business and if others in the department are making more than him then he can step down and let someone else be chief. He knew full well that with the overtime some of the department would make more than him. On bills dated August 6th and August 14th what are you paying One Dirt Road Screen Printing, Perigo Hay and Cattle, The Pickled Bakery, Direct TV, and Economy Drug for; it's not listed, and I would like to know.

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

Mayor Robertson requested that item B-1 be removed as Nevada Lieutenant Governor Stavros Anthony was not able to make the meeting and said he will be here in October.

Councilwoman Elliott moved to approve the agenda with the removal of item B-1 under New Business. Councilwoman Williams-Harper seconded the motion. The motion carried unanimously.

4. CITY DEPARTMENT REPORTS

➤ **FIRE CHIEF**

City Fire Chief Stork stated I just want to give you guys one update. Since the last meeting Treasurer Trask and I met with a representative from the Duckwater Shoshone Tribe, and it went pretty well. The Duckwater Shoshone Tribe representative is going to take the contract back to their council and then reach back out to us.

Councilman Alworth asked what was the basis of your meeting?

City Fire Chief Stork stated we submitted a contract to get compensation, the same as we have with White Pine County and with the Ely Shoshone Tribe. It goes over policies and procedures, and what they respond to and what we respond to. One of the questions they had was, they have a fire agreement with Nye County, so we wouldn't need that as well. Which is fine, I Just let them know if something happens, we're not coming with fire equipment and want to make sure they're aware of that and they understand. Where they're at no matter who comes with fire equipment there isn't going to be nothing but a pile of ash when you get there anyway. They've kind of accepted that and know that's the Reality when you live in a way-out rural area, and you don't have resources.

➤ **CITY CLERK**

City Clerk Lee stated I extended the Fire Station Solar Panel bid deadline to September 9th due to vendors having difficulties obtaining prices for U.S. made Inverters. Administrative Assistant Cobb and I virtually attended the Nevada Secretary of State's call for city clerks, where it was announced that the Nevada Legislature mandated annual election training. The Secretary of State is paying for that, and it's scheduled for December 9th through the 13th in Las Vegas. Finally, I attended the Greenlink North Transmission Project meeting today, and they'll be holding an informational meeting October 29th from 5 to 7 Pm. Here at the Convention center.

➤ **CITY ENGINEER**

City Council/Utility Board Report (8/22/24)

- Working on Morley CBDG EA/SHPO.
- Working on City Slurry project. Bid package will be on the street next week
- Bell Ave CDBG construction has begun.
 - Contractor is currently potholing to minimize unforeseen items and changes.

5. REPORTS

➤ **COUNCILWOMAN WILLIAMS-HARPER**

Councilwoman Williams-Harper stated thank you to our School Superintendent, he will instruct all of our principals to put up the poster on our website that talks about safety when riding ATVs. We will put it on our website and schools have also been encouraged to put it on their Facebooks. Also, something interesting that I didn't know is our high schoolers often drive their ATVs and so forth to school, but they still have to be licensed if they're going to ride them to school and park them in the parking lot; he made me aware of that and that was a plus. So, to the sheriff, I hope that this will be helpful, because it affects so many of our students.

Mayor Robertson asked is being required to be licensed on school property something the principal enforces and coordinates with the Sheriff, or how does that get enforced?

Councilwoman Williams-Harper stated I think because this is a high school issue, it's something that we'll discuss more and figure out whether we do some random Checks or how we will handle that. I'd also like to thank Mr. Chachas, I spent some time with him learning some things about the City and some of his concerns, and it was quite good. Thank you for spending that time with me, I appreciate it.

➤ **MAYOR ROBERTSON**

Mayor Robertson stated I attended the Samantha Solar Project information session with the BLM which is the solar project going on in Jakes Valley and It was interesting. I know everybody didn't agree with it, but I appreciate the way that company has been approaching that; providing information; and dealing with the people specifically affected by that, including some of the ranchers and those who work in agriculture out there in Jake's Valley. They've been dealing with them directly, which I think is a good way to go about that.

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 Ely Volunteer Fire Department, and some payments benefit the Volunteers, in which I have certain privileges by my association, but I will vote in good faith for the City of Ely.

Mayor Robertson disclosed my husband is a member of the Volunteer Fire Department and is not treated any differently than any of the others so I will not be abstaining, and I also don't vote.

Councilman Trask disclosed I am married to the owner of Perigo Hay and Cattle who is being paid in the bills, but I have nothing to do with that business and feel I can vote in the best interest of the City of Ely.

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

Moved by: Councilman Alworth Second by: Councilwoman Elliott Vote: Unanimous

1. Discussion/For Possible Action – Minutes.
 - July 25, 2024
 - August 8, 2024
2. Discussion/For Possible Action – Bills.
 - August 6, 2024
 - August 14, 2024

B. NEW BUSINESS

1. Mayor Robertson – Discussion/For Possible Action – Approval of support letter for Commnet Broadband’s efforts to deploy broadband infrastructure in the City of Ely and surrounding area leveraging Broadband Equity Access and Deployment (BEAD) funding.

Councilman Trask moved to approve the support letter for Commnet Broadband’s efforts to deploy broadband infrastructure in the City of Ely and surrounding area leveraging Broadband Equity Access and Deployment (BEAD) funding. Councilman Carson seconded the motion. The motion carried unanimously.

2. Mayor Robertson – Discussion/For Possible Action – Annual Performance Evaluation of City Treasurer-Human Resources Director Janette Trask to include, 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, reprimand, reduction or increase in pay, promotion, endorsement, engagement, retention, or “no action.”

Councilman Trask disclosed Treasurer Trask is my mother and I've been advised by our counsel to abstain from any discussion and voting.

Mayor Robertson stated so noted.

City Treasure – HR Director Trask stated it’s just been a busy year. I have been working on things for the audit. I told Ben, the auditor, that I kind of set the bar a little too high last year, because I finally had my first audit without any findings. It's just been a busy year, and a lot of new stuff is coming up that will keep us busy.

Mayor Robertson stated I believe the only items to be discussed were submitted by Councilman Alworth. Would you like to start?

Councilman Alworth stated yes, I will. First of all, I would like to say she's done an outstanding job with our financials. She has been doing it for twenty years and the audits always come back successful. The last audit they had before her venture was in the garbage. She's come a long way, so I've just got a few points, and she's got the write up. I'll try to make it brief and right to the point and in my opinion, it is nothing about her position as the Treasurer. As everybody knows, I get quite nosy when it comes to budgeting just because I've done it for many years, and she's always had a come to my office and let's talk about it. On March 29, 2024, via email, I requested a meeting with Treasurer Trask to schedule time to go over my concerns on what I feel is not enough back-up for the budget hearing. She responded in the affirmative and she requested Mayor Robertson attend also. The time was set for April 4th, 2025, beginning at 3:00 p.m. in her office. The setting was the Mayor, and I sat across from her desk with her sitting opposite us. You could feel tension in the room and within a few minutes when discussing some of my concerns I felt were lacking greater detail; with the Mayor as my witness, Treasurer Trask exploded forward towards us, throwing worksheets across her desk at us, striking both of us and then relaxed back into her chair. Another question was asked of her, and the exact same reaction happened, throwing worksheets across her desk at us and then relaxing back into her chair. I changed the discussion and told her I felt her recommendation of “Total wage and salary for each department includes a 3%

increase.” I stated to her a 3% increase for the appointed salary employees was not fair when comparing the 3% increase to hourly employees because the salary/appointed base line salaries are thousands of dollars higher. After showing her a calculation illustrating the difference between the hourly increase being lower because of the higher salary wages, the appointed employees increase should be lowered to 1.7% for fair and equal consideration. With the Mayor as my witness, she shouted in a loud and stern voice, “I deserve it, I have worked here for many years!” The meeting abruptly ended, and the Mayor and I left her office. In the parking lot I stated to the Mayor, the meeting went as I expected, adding, that was insubordination for Janette throwing the papers at us. Several days later during a meeting with the Mayor I brought the subject of insubordination from City Treasurer/HR Director Trask up again and he asked me if I would like to give her a notice of the act of insubordination and I replied not at that time. I will wait for her annual Performance Evaluation to have it addressed. I would like to ask her why she had that reaction?

City Treasurer-HR Director Trask stated first of all, I have a whole different version of that, but we'll agree to disagree that I don't agree with how everything went down, and I will say that any meeting with you I definitely am not relaxed and that's all I have to say.

Councilman Alworth stated okay, and we're back on the budget again. When the budgets are all said and done with, it works out great and it's passed by the State. The crews stick with it, and we come under budget all the time. It's just a comment on this one right here. As a result of the way the budget for fiscal year 23/24 was presented, in which I challenged the lack of transparency in the budgeting process, a motion was made and approved for a resolution to be created. During the December 14, 2023, Council meeting, Resolution Number 2023-15; A resolution requiring the holding of a City Council Budget Work Session, prior to submission of the tentative budget to the State, to review the next fiscal year's budget and supporting documentation in detail was approved unanimously. Fiscal year 24/25 budget information submitted to the Council for the March 28, 2024 Council meeting had incomplete documentation making it unacceptable to approve the tentative budget for fiscal year 24/25. There was no information or data for revenues in any of the funds; no summary sheet for capital expenses; and no budgeted detail submitted reflecting all wages, salaries, and benefits expenses broken out by fund, basically, lacking important budgeted data. There was a failure to adhere to Resolution 2023-15 resulting in the tentative budget having to be resubmitted to the Council on April 11, 2024, for consideration to approve. The tentative Budget was approved with all documentation required; a delay that should never have happened. Treasurer Trask has submitted many budgets to the different Councils over her years of employment with the City of Ely.

City Treasurer/HR Director Trask stated it was approved by the Council before I had to submit it to the State.

Councilman Alworth stated the issue I had with that was, we just don't write resolutions, they are to be followed.

City Treasurer/HR Director Trask stated it was followed, done, and approved.

Councilman Alworth stated in that case right there the resolution did not happen, it was delayed two weeks, which was no big deal because it was approved finally, after we got all our salaries, wages, and capital projects. It was in a different department thing, but we had asked for summaries. This next one is an HR Director item. The former City of Ely Building Inspector resigned his service on September 14, 2023. Please go through the process you took in advertising and hiring a replacement for this position. Please include the number of individuals who applied but were not considered. For the one(s) considered, give the date, time and location an interview was conducted and who arranged the interview. Please include the names of the individuals employed by the City of Ely to conduct the interview. Were you pleased with the process you chose to follow, or would you have recommended a different approach?

City Treasurer/HR Director Trask stated I advertised it at the request of the Mayor. There were six applicants, and the process is dedicated by City Code and not part of my job responsibilities.

Councilman Alworth stated during the January 11, 2024, City Council meeting the Mayor had an agenda item for discussion and possible action for the confirmation of Mayoral appointment of Don Hendrickson as City Building Official at a wage of \$88,000.00 a year to begin; the motion carried unanimously. Immediately after the January 11, 2024, City Council meeting I contacted the City of Ely's contact at POOL/PACT and inquired if the selection, interview, and hiring was conducted properly. He responded in the negative, stating there was no transparency and recommended a procedure be included in the City Personnel Policy manual. Did you consider using the POOL/PACT as a resource in this situation and if not, why didn't you?

City Treasurer/HR Director Trask stated I did not, because the process of hiring appointed officials is by City Code, not the personnel policy.

Councilman Alworth stated okay so everybody in in the room's aware, when they interviewed the current building inspector he was in Las Vegas on vacation. I do not know whether it was the Mayor or if the HR Director was pressured by the Mayor to get him, but they traveled to Ely, met next door in City Hall on a Saturday, and they interviewed him. My complaint to the Mayor was why wasn't there a city council or two city council people involved. It was completely between the two of them. They took it upon themselves, which I feel was behind the scenes, to conduct an interview and that's why I relayed that to the POOL/PACT people. The mayor commented that he did talk to former building inspectors about him, and they stated he's good as gold. That's why that just got brought up. I just have to ask who generated the thoughts to bring a gentleman up here to meet in City Hall on a Saturday? Do either one of you want to comment on that?

Mayor Robertson stated this is not my personnel session.

Councilman Alworth stated you never get one.

Mayor Robertson replied, "I do every four years." It's a mayor appointed, council approved position, and I took that initiative upon myself.

Councilman Alworth stated you have done it very poorly and POOL/PACT said it was incorrect. During the February 8, 2024, City Council meeting, City Councilman Alworth proposed a resolution be created adopting Section 3.27 of the personnel policy manual establishing hiring procedures of appointed officials. During the February 22, 2024, City Council meeting Attorney Cahoon and Human Resources Director Trask presented Resolution 2024-02 for discussion and possible action, adopting hiring policy and procedures for exempt appointed officials. The motion was carried unanimously. Another Resolution needed to correct and prevent further wrongful actions of the Mayor and City Council. Could this have been avoided? The Resolution included Exhibit 1. In brief: Written procedures for appointed officials including but not limited to appointment by the Mayor with advice and consent of the City Council; Mayor shall select the most qualified candidate from a pool of applicants; the candidates(s) shall be present during the meeting for their approval by City Council and to be able to answer questions by the Council. The candidate's qualification must be provided to the Council at the initial posting of the agenda to allow the Council time to examine said qualifications. HR Director Trask, what are your feelings on the creation and approval of Resolution 2024-02? Was it needed?

City Treasurer/HR Director Trask stated basically, I have no feelings about the Resolution. It is the Council's decision to decide how they want to hire appointed officials, and if it is needed. The resolution clearly outlines the Mayor's appointing of officers to the respective offices selected from the most qualified applicants. So again, those are not my decisions to make.

Councilman Alworth stated I would think, as the HR Director there would be some kind of input because we're not HR type people. There should have been some direction to the Mayor, who's definitely not an HR person. So, thank you. I just made a comment to her to keep your eyes out and open to anything going on with outside local and State governments. We opted out of the CTX thing because the County forced the hand. We're going to a SCCRT form of CTX, but you have got to be aware of that at all times and same thing when the RTC is getting ready to make some of their big moves. They're looking at possibly trying for a fuel tax increase. We have got to be on top of that to protect our citizens, so just heads up on that. Then, do you feel there is a need for a City HR Director, even part time, because if anything gets serious, we go to the POOL/PACT experts for resolution. What are your thoughts?

City Treasurer/HR Director Trask stated POOL/PACT is a valuable tool for the City to use for their expertise. They are there to provide guidance, not to do the actual job of the HR Director.

Councilman Alworth stated the following was discussed in the Council meeting on April 25, 2024, and there was never an answer to why the City negotiator settled for the “standard” 3% hourly increase that had past practice for the past three years. The Union agreement stated, with the agreement of the City negotiation members, to use the West Region CPI-U 1-month and 12-month index for a guide in establishing possible increases. Who was the City negotiating members sitting in the last negotiations for the two hourly City employees, not including the Fire/EMS employee? The above-mentioned CPI index illustrated for the three years that the two employees covered could have had increases as high of 7.1% in 2021, 6.2% increase in 2022 and 3.6 % increase in 2023. Your recommendation for the three years was to only allow 3%, but you made a budget recommendation for salary increases for the past two years of over \$30,000 and \$40,000 increase for the six appointed officials. I requested a meeting with the Mayor, then City Attorney Cahoon, and City Clerk Lee to point out my concerns and interest in the huge difference the hourly employees are missing out on. Attorney Cahoon stated that is why it's called negotiations. I was unhappy with that comment and requested a meeting with Operating Engineers local 3, Sr. Business Agent, Phillip Herring. He did meet with the Mayor and I and he stated the fact that two employees out of twenty-five possible Union members don't carry a lot of pull unfortunately. Phillip also stated if the City wanted to pay more the Union would be foolish to object. When I asked Phillip who was negotiating on behalf of the City, he stated only City Treasurer Janette Trask and at time the two Union employees hardly ever attend the negotiations. Why was only 3% budgeted for non-Fire/EMS employees? Why didn't we try to go higher?

City Treasurer/HR Director Trask stated we have discussed all of this during the Council meeting that the Union contract was approved. The 3% was decided on, because that was what the Fire Department had already negotiated on so we just went with the 3%. The portion that you're saying that we could have looked at in the CPI, and I know because I talked to Phil and the attorney, was just a suggestion to look at, not a guarantee. They both agreed that was just something in there to look at and that is why 3% was stated in there that the Council approved on March 25th and it was for everybody, including the fire/EMS.

Councilman Alworth stated one point of clarification, the Fire Department has a strong fire chief, and Pat's been around the horn a lot when it comes to negotiations. They're a completely different union. My big issue with that is in the past two years you put into the budget over \$33,000.00 and \$40,000.00 for seven exempt employees. The total increase with the 3% was \$48,000.00, I believe. I'll just give you an example, and this again is just numbers, folks. I showed this to the Mayor and Leo. We have two Union employees in this one contract. If we would have started out with, say, the high rate, I'll shoot high, 7.2%, 6.2%, and the 3.6% and these employees were both at a five-year rate and then I threw in the leadman, since they're some of the highest paid ones. Over that period of time the one employee could have made an additional \$9,115.00 in that contract schedule, and that wage was based on being a five-year rate employee. Union employee

number two at the five-year rate could have garnished in another \$11,954.00 if we went with these higher rates. The leadmen, who are your highest paid hourly employees; none of them are Union, could have brought in \$11,267.00 more dollars over that three-year period at the ten-year rate. Sure, the City donated, and we contributed money to them. If you take that money out that we gave, which was \$1,500.00, \$500.00, and a .50 an hour increase; the \$9,115.00 got lowered down to \$4,506.00, the \$11,954.00 went down to \$6,233.00, and the leadmen went from \$11,267.00 down to \$5,828.00. The question is to the financial human resource is there fair and equal treatment of wages for our City hourly employees? We only have two employees, which were like blades of grass, just sitting there waiting to be stepped on. I think in the future we should look for our employees to be compensated for what they're worth. I went through this a year ago, and the year before that. They are the basis of what keeps this City going and they're the ones out at two o'clock in the morning. Again, she's going to push it back on the Council making the choice to approve it, but I'm telling you we need to open up. The three of you are going to be here after myself and Mr. Carson are gone, and these hourly employees are making good money now, but once again I think we get tunnel vision and we're looking at seven, I call them the Magnificent Seven, and they're worth the money they're making, but the people underneath them is what keeps the City going. That was the end of my comments. Thank you for your answers.

Councilwoman Elliott stated I think a lot of what was said has no personal bearing on your performance; I think that's what we all voted on. I think the first thing that Councilman Alworth brought up, and then there was no action as far as insubordination. Okay, there was no action. We're all put on notice now. As far as the hiring process of appointed officials, I don't think that's your place to challenge the Mayor if that's the City code. We've changed that. We've rectified it. I also could see the other side that if you did challenge the Mayor, there probably would have been a different conversation from us up here for you to probably stay in your lane. It worked out the way that it did and Don's doing a fantastic job. When it comes to the raises and such, maybe we need better Union representatives, but I don't think that has anything to do with your bearing as our treasurer and human resource director. I think you're doing a fantastic job. When I come into your office, I get the answers that I want and the answers that I need. You've walked through the budget multiple times with me throughout the year and a half I've been up here. I know it's a challenge working with all of us at times, but I do appreciate your hard work and keeping us all lined out with the budget. We didn't have any findings last year so that's a fantastic job and testament to what Councilman Alworth said about that piece. I would say, keep up the great work and thank you for everything.

Councilwoman Williams-Harper stated when I have a question, you're there to answer it. I'm also pleased that you had answers for Jim, and I'm very pleased that you're able to say that is not my lane, that responsibility belongs to the board, and I will follow the lead that you all want me to take. Those are the proper answers for some of the things that Jim did say. I think if they had been couched a little differently in that they shouldn't have been directed at you, but really, they're to make us more aware as a board. I will say that I don't mind you saying this is what I think, because that is what your job is. Also understanding that we will always, whether it's you or whether it's us, follow code and follow law. Our insurance folks do provide information and it's your responsibility to bring that to us, but then to lay it on our lap. Again, I'm more than happy to hear what you think or what you have to say, because this is what you do all of the time. I do thank you as I have served in jobs where I depend on my resource person when they would come with us before the board. I wanted a clean account of our school district money, and that's the biggest number one thing, and you have been able to do that. I did appreciate the fact that Jim said you did bring us out of the dark Ages. I do thank you very much, and I don't ever want you to feel like you can't put your six cents in, because we rely on you to do that. So, thank you very much, and please be sure that you are not afraid to teach us things that we should know better, and that you would like us to have more of an opinion on which would help you do your job even better. Thank you, Janette.

Councilman Carson stated I think everything's going very smooth. I know we work on these budgets all the time between unforeseen equipment failures, events, and the wishes of this Council. You really have to stay two steps ahead of everybody and I really appreciate that. I know when this place was in shambles, I asked you to come back to work here, and you trusted us and came back. I sure do appreciate that you did come back and thanks for all your hard work.

Mayor Robertson stated as one of the larger administrative offices, how do you feel your staffing levels are? Is everything getting covered? Are you looking to need more staff in the future?

City Treasurer/HR Director Trask stated it's getting better and better. Since I've moved downstairs it's more convenient to be around the people I supervise, and I think things are running smoothly.

Councilman Alworth stated thank you for your comments, fellow council members. Again, you can't beat her for her getting the financials out. The only issue I have was the day she threw papers at the Mayor. It's no different than Public Works Director Cracraft going over in the shop and they're taking too long to get an engine done, and they throw a wrench at him; that's insubordination. Her actions and professionalism are good, but when she's disrespectful to the people she reports to that is the problem I have with this. She was totally disrespectful, and she never gave us a reason whether she had a mental moment, or she doesn't like looking at us and didn't want us in her office. We cannot stand for employees to throw stuff, whether it's a piece of paper or a wrench at their supervisors. So, that's the issue I have. I think the Mayor realized and got back in the bounds. You can't run around hiring people. We never had a policy so he could run rampant. We fixed that and that's water under the bridge.

Councilwoman Elliott stated I think the hard thing with that is, this was quite a while ago, and she's up here saying that's not how it went on her end and you're saying this is how it went on your end. From a human resource realm, if that was how it went on your end there should have been a formal complaint. We could have got POOL/PACT involved, and there should have been a formal investigation, and this would have been rectified. So, at this point it's hard to say with he said, she said. I, personally, have never had papers thrown at me in her office or by any other official, and if they did, I would have taken those actions to make sure that was a piece of paper in her file.

Councilman Alworth stated good answer, and I probably should have done that. The Mayor gave me that opportunity. I researched it, to do a letter of insubordination, but you have to go through the same thing here again, a public thing. So, I'll give you that, Sam. We should have handled that a lot sooner.

Mayor Robertson asked are there any other requests you'd like to make, or anything you'd like to add?

City Treasurer/HR Director Trask stated I would appreciate a 3% raise.

Councilman Alworth moved to give her a 3% increase per her financial ability, but I would like to knock it down to 1 ½% for the insubordination which I felt was totally unprofessional. The motion died due to lack of second

Councilwoman Elliott moved to endorse for a job well done regarding the annual Performance Evaluation of City Treasurer-HR Director Trask to include a 3% raise. Councilwoman Williams-Harper seconded the motion. The motion carried with four ayes and one abstention from Councilman Trask.

4. Councilwoman Elliott – Golden Gate Petroleum Representative – Discussion Only – Update on Golden Gate Petroleum's future location at 141-147 N US Highway 93.

Golden Gate Petroleum District Manager Jesse Nopens stated I would just like to give an update of what we have going on. We will be offering an RV Park, a drive through car wash, regular gas pumps up front, and Diesel pumps on the back side. We will have a full

KKC Deli that's expected to open September 23rd. We will also have a propane fill station, and slot machines. Our opening day right now is set for the week of September 16th.

Mayor Robertson asked about how many people will you employ at this location?

Golden Gate Petroleum District Manager Jesse Nopens stated when I did a job fair recently, we hired about twenty-eight. So far, we've got about twenty-three that have actually followed through on the onboarding process. We generally try to keep between twenty and twenty-five employees with such a large station.

Councilman Alworth asked how many units will be in the RV park?

Golden Gate Petroleum District Manager Jesse Nopens stated I believe there is going to be sixteen.

Councilman Trask asked can you give a breakdown of traffic flow. I saw the new median going in there and I am just curious to know how the traffic is coming in and out, or how you guys foresee that?

Golden Gate Petroleum District Manager Jesse Nopens stated my understanding is probably our biggest traffic will come from Wells. We have that right-hand turn going in but there will be no left-hand turns coming out of the lot. They will have to go around on that golf course road, so they're building up a median there.

Councilman Carson asked were you guys going to repave that road back there by the Golf Course because of the heavy truck traffic or not?

Golden Gate Petroleum District Manager Jesse Nopens stated I honestly am not sure. I can definitely write it down and ask my superiors and then email the ladies that have been emailing me, which I believe are Samantha and Jennifer, to provide that update for you.

Councilman Carson stated okay, thank you.

Mayor Robertson stated we appreciate you making the time to update us a little bit on your project and we're happy to see it going so far along.

Golden Gate Petroleum District Manager Jesse Nopens stated we are happy to be there and thank you for having me.

5. Councilwoman Elliott – Discussion/For Possible Action – Approval to increase Municipal Court Judge Michael Coster's annual salary.

Councilwoman Elliott stated we've been giving raises, and I think, with Judge Coster because he went first, it was fast and furious and great, but I think we kind of overlooked that piece with him and he does a great job.

Mayor Robertson stated for the Council's information his current salary is \$30,000.00 annually and with a 3% raise that is a \$900.00 increase. The range for the Municipal Court Judge is \$20,000.00 to \$35,000.00. Judge Coster's professionalism in the position is really unimpeachable, but he also goes above and beyond. He has taken the time to fly City employees to pick up equipment at his own cost and expense. He shows up and answers the phone and does all he can for the City. I don't think it would be out of line to offer him a \$2,000.00 annual increase; that would be my recommendation to the Council.

Councilman Alworth asked Treasurer Trask you budgeted a 3% raise which is \$900.00; can we afford \$2,000.00?

City Treasurer Trask stated I am sure I can find it somewhere.

Councilman Alworth moved to split the difference and increase his salary \$1,000.00. The motion died due to lack of a second.

Councilwoman Williams-Harper moved to increase Municipal Court Judge Michael Coster’s annual salary \$2,000.00. Councilwoman Elliott seconded the motion. The motion carried unanimously.

City Municipal Court Judge Coster stated I would like to thank the members of the Council.

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

Councilman Alworth reviewed the following report:

Activity Report for The City of Ely FOR THE MONTH OF July 2024

Appropriations Requests

- The following projects were submitted to the Appropriations Committee for consideration in the Senate:
 - First Responder Communication Equipment Upgrade Project - \$5,000,000
 - Fire Station Solar Panel Project - \$375,000
 - Historic Ely City Hall Renovation Project - \$3,525,000
 - Water Meter Project - \$4,051,000
 - Total of \$12,951,000
- The following project has been accepted by the Senate Appropriations Committee:
 - First Responder Communication Equipment Upgrade Project - \$5,000,000

Additional Grants

- Working with Mark Bassett on CRISI Grant application letters of support
 - We have secured letters of support from the entire delegation

Additional Activities

- Provided federal updates on variety of topics important to the City of Ely, including pending action in the House and Senate, potential legislative updates, and updates on grant award announcements.

7. Councilwoman Williams-Harper – Discussion Only – White Pine Chamber of Commerce monthly report on community activities.

Councilwoman Williams-Harper moved to table the White Pine Chamber of Commerce monthly report on community activities. Councilwoman Elliott seconded the motion. The motion carried unanimously.

8. Councilwoman Williams-Harper - Discussion/For Possible Action – Approval of Resolution 2024-10, A Resolution to Amend City Fire Chief Official Salary.

CITY OF ELY

Resolution Number 2024-10

RESOLUTION TO AMEND CITY FIRE CHIEF OFFICIAL SALARY

WHEREAS, the Ely City Council has the authority to pass resolutions that are not repugnant to the constitutions of the United States or of the State of Nevada or to the provisions of Chapter 266 of the Nevada Revised Statutes, necessary for good municipal government and the management of the city affairs pursuant to Ely City Code 1-5-4(B) and N.R.S. 266.105;

WHEREAS, pursuant to Nevada Revised Statute 266.450, all appointed officers are entitled to receive such compensation as may be fixed by ordinance;

WHEREAS, municipalities in Nevada of comparable size have a higher maximum city fire chief salary than the City of Ely;

WHEREAS, higher salary ranges attract qualified professionals to better serve the Citizens of Ely and the administration of the City; and

NOW, THEREFORE, in the best interest of the City of Ely and its citizens, the City Council of the City of Ely, State of Nevada, hereby resolves and orders, by way of this Resolution, that the following city fire chief salary shall be adopted:

Job Title	Minimum - Maximum Per Year
City Fire Chief	\$80,000.00 - \$ [redacted]

IT IS FURTHER ORDERED THAT the following provision under 1-6-1(E) of the Ely City Code be suspended until an ordinance amending the provision is passed and made effective:

“These salary ranges may be evaluated and changed from time to time by resolution, but the compensation of any such officers shall not be increased or diminished to take effect during the time for which the officer was appointed”

AYES: _____
 NAYS: _____
 ABSTAIN: _____

INTRODUCED AND PASSED this ____ day of _____, 2024

APPROVED:

ATTESTED TO BY:

 NATHAN ROBERTSON, MAYOR

 JENNIFER LEE, CITY CLERK

Councilwoman Williams-Harper stated I think the thing that we need to remember most is to be considerate, to be loyal, and to be thankful for the service that our Chief does and to realize that he really is severely underpaid if you look at these figures.

Jennifer Lee

From: Janette Trask
 Sent: Friday, August 16, 2024 6:19 AM
 To: Nathan Robertson; Jern Lynn Williams Harper
 Cc: Jennifer Lee
 Subject: Fire Chief Salary Survey

We contacted several counties & cities regarding their salary range for Fire Chiefs. Listed below are the ones we were able to get a response from.

- Storey County \$146,653 to \$199,467
- Elko County \$96,470 to \$139,901
- Elko City \$122,037 to \$164,127
- Lyon County
 - Smith Valley \$53,618 to \$87,844
 - Mason Valley \$97,061 to 142,737
- West Wendover \$148,703

Janette Trask
 Treasurer/HR Director
 501 Mill Street
 Ely NV 89301
 (775) 293-1411
 treasurer@cityofelynv.gov

Councilwoman Williams-Harper stated the other thing we have to continue to do is be forward looking, because if the Chief were to decide tonight and come in tomorrow and say; I think it's time, I'm tired; we won't get anybody for the salary that he is making now. I think we need to up this salary considerably. First of all, thinking about Chief Stork, and second of all, thinking that we should not have to continue to do this. We need to have a range, and we need to understand that this needs to be something palpable if someone else comes in behind him that we are worth looking at because we pay a good wage. This is an amazingly serious job and I just have to say, with all due respect, just as our Superintendent treated the teachers and the administrators; these positions are hard to come by, so we need to make sure that we are paying people fairly. My thoughts are to make the maximum \$150,000.00.

Councilwoman Elliott stated I would suggest the maximum be set at \$160,000.00 because of the vast area that is covered.

Councilman Alworth stated I have no problem with either one of those numbers because I know he deserves it, but I want everybody to keep in mind he's the City of Ely Fire Chief; that's fifty two miles of road in this town, when you talk about the area he serves.

Councilwoman Elliott stated we know he's out in the County.

Mayor Robertson stated just to be clear we are discussing the range.

Councilman Alworth asked Treasurer Trask, "Do any of these numbers include benefits?"

City Treasurer Trask stated the only one that included benefits was from Nevada Transparency, which was the bottom one. The others are the salary ranges without the benefits.

Councilwoman Williams-Harper stated we want to be sure that the salary range suits the first time out, or if we get somebody who says he's got as much experience as Chief Stork. We don't want to lose them because our salary isn't where it needs to be.

Councilman Trask moved to approve Resolution 2024-10, A Resolution to Amend City Fire Chief Official Salary establishing a range of \$80,000.00 to \$160,000.00.

Councilman Carson seconded the motion. The motion carried unanimously.

9. Councilwoman Williams-Harper – Discussion/For Possible Action – Approval to increase City Fire Chief Pat Stork's annual salary.

Councilman Carson stated I'll make my usual disclosure, Pat Stork and I have been great friends for many, many years, but I feel I can vote in the best interest of the City of Ely.

Mayor Robertson stated for the Council, I believe the Chief is currently at \$115,000.00 annual compensation.

Councilman Alworth stated we budgeted 3%, let's give it to him and there will be room to grow.

Councilwoman Elliott stated I don't know if that is enough for what he is doing.

Mayor Robertson asked City Fire Chief Stork, "Do you have any thoughts on this or anything you would like to say to the board?"

City Fire Chief Stork stated you know, it's kind of funny, one of the things that kind of gets me is at the last meeting, Jim made the comment that I'm the highest paid fire chief the City has ever had. In 2011, he was the highest paid city clerk we ever had at \$70,000 and thirteen years later we have a clerk who's barely making \$3,000 more than that. This was the point of those comments, every position here has been way below where they should have been for a long time. In December I'll be starting twenty-seven years. I've got enough time; I could retire tomorrow. I'm not trying to hold anybody hostage or

anything, but I probably have two more full years and I'll be maxed out completely on my retirement. It's got to be something that makes it worthwhile for me. I think forever this City has never compensated employees for what they do. It baffles me to hear Jim say that all of the Union positions should have gotten a 6%. When I was in a Union position arguing against him, we were hell pressed to get 2%. I can't figure out which end of the realm he's on.

Councilwoman Williams-Harper stated I would suggest \$130,000.00.

Councilwoman Elliott stated I would suggest between \$125,000.00 and \$130,000.00 and my next question would be for Treasurer Trask if that would be possible?

City Treasurer Trask stated I budget contingencies.

Councilwoman Elliott moved to approve increasing City Fire Chief Pat Stork's annual salary to \$130,000.00. Councilwoman Williams-Harper seconded the motion.

Councilman Alworth stated you know me like I know you. We're nose to nose, and we speak what we speak. Every time I give out numbers, they are the facts man, nothing but facts. You get riled and I get riled, and you and I've been together for a lot of fires, and I backed you up one hundred percent. I just throw out numbers and see what happens.

The motion carried unanimously

7. PUBLIC COMMENT

Keri Pintar stated I live at 1417 Mill Street. I think that's a good representation of Jim saying that he gets riled over different things tonight, awesome job, Jim. You held your decorum; you were calm, and it was a lot of information everybody took in. Whether or not it was insubordination; I think that was a really strong term that shouldn't have been used. Maybe Janette gets riled at some things you do; like I get riled; like you get riled, and you mistook that throwing of the paper as insubordination. Thank you to the rest of you for not penalizing her raise, because it didn't warrant that. As far as your magnificent seven remarks are concerned, I think all your employees are what keep the City running, whether it's these people or not. I think everybody deserves a raise that gets one. Your hourly people are just as important as your supervisors, but your supervisor should get to make more than them, same as having been Pat over his staff. Now I'll go back to my prepared comments.

Having been attending Commission meetings and Council meetings this past few months, as an outside looking in, I suggest instead of lighting a match and trying to burn the city down, you choose to spend your remaining months in office doing something positive which benefits the population as a whole.

Case in point, August 12, 2024, a local resident took advantage of a situation that has divided and negatively impacted this community. An 8x6 full velvet buck was shot and killed with a bow up behind our property on Bell Avenue that evening.

As the story goes, the hunter called NDOW and the Sheriff's Office and asked permission to take the buck with his bow. Having been told there was no specific law prohibiting it, it was considered "HIGHLY UNETHICAL" as these animals are somewhat domesticated having lived in the city limits for the past several years. Well, the hunter chose to take the shot, killing the buck.

You as a council have the opportunity to bring forward and pass a resolution prohibiting hunting with any weapon in the incorporated City

of Ely limits; so rather than focusing on questions asked and answered, please make this your priority/personal agenda going forward and draft and enact a resolution prohibiting hunting with any weapon in the incorporated city limits before you leave office so this does NOT happen again!

George Chachas stated a water leak developed on my property in 729 Great Basin from poor workmanship by Q and D and poor inspection by Basin Engineering. I don't want them inspecting any lines going to my properties involved in the Bell Avenue project; I've suffered enough. Mr. Chachas stated ongoing concerns regarding continuous break-ins at the Pine West property and the need to fence off the property as it is a safety hazard; illegal dumping behind 2113 South Street; who paid for the asphalt paving at 901 Avenue H and 1100 Avenue L; code violations not being addressed by the Planning Commission, some Council Members, and some Commissioners; and the drainage coming off the Bath property onto the west side of his property located at 622 High Street.

Public Comment for August 22, 2024 meeting

Regarding Kerri Pintar public comments against me for her understanding of what transpired at the Municipal Utility board meeting August 8, 2024, on agenda item #7.1.

1. I was not in "rare form", I did not "highjack" the meeting from the audience, nor did I "rant" outside of public comment period regarding the discussion only item for the Waterworth Utilities Rate Management proposal.
2. I requested permission during the opening public comment session for Chairman O'Flaherty to allow me to participate in the discussion as an Ely City Council Member. Chairman O'Flaherty and the other Board members welcomed me to participate.
- #3. After reviewing the proposal prior to the meeting, I did ask several questions to the Board members in attendance and to the City Engineer, City Clerk and a question to the City Attorney attending via Zoom, regarding the 14 pages of legal documentation, that I had. These questions went unanswered, other than the program could possibly be used in the future for managing long term capital projects. I also asked if the City of Ely could get some feedback from other entities our size, that are using their system.
4. There was no representation at the Utility Board meeting from the Waterworth team. They deferred to attend via Zoom during the City Council meeting later in the evening.
5. A motion was made to table this item until further information was obtained. Motion to table carried unanimously.
6. It is my understanding the Ely staff is recommending letting this item be put on hold till January or February of next year while they gather more data and feedback from other entities.

I suggest Ms. Pintar to get a copy of the minutes to verify my participation in this meeting. And in the future don't rely on hear say, and to attend meetings in person or better yet, run for a public office next time around.

Jim Alworth

City Councilmember Seat 4

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

Councilman Carson moved to adjourn the regular meeting of the Ely City Council at 6:25 p.m. Councilwoman Elliott seconded the motion. The motion carried unanimously.


MAYOR


ATTEST