



# CITY OF ELY

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

## ELY CITY COUNCIL REGULAR MEETING AGENDA

**February 22, 2018 5:00 p.m. – Ely Volunteer Fire Hall - 499 Mill Street-Ely, Nevada.**

1. Mayor Van Camp called the Regular Meeting of the Ely City Council to order at **5:00 p.m.**, led in the Pledge of Allegiance, Ian Bullis offered the Invocation and Mayor Van Camp asked for Roll Call.

Members present:

- Mayor Melody Van Camp
- Councilman Ernie Flangas
- Councilman Kurt Carson
- Councilman Tony DeFelice
- Councilwoman Jolene Gardner
- Councilman Sam Hanson

City Staff present:

- City Administrator Robert Switzer
- City Attorney Charles Odgers
- City Treasurer Janette Trask
- Building Official Brad Christiansen
- City Fire Chief Ross Rivera
- City Police Captain Swetich
- Deputy City Clerk Jennifer Lee

City Staff absent:

- City Engineer B.J. Almberg

Also in attendance: Members of the public signed in (appears below).

**PLEASE PRINT YOUR NAME**  
Please print your **FIRST & LAST** name clearly for the  
Ely City Council attendance list. 2-22-18

<u>Lincoln Davis</u>	<u>George Chachas</u>
<u>Devin Anderson</u>	<u>Jason Anderson</u>
<u>Paul Peterson</u>	<u>Burton Asthal</u>
<u>Robert McArthur</u>	<u>Kay Mc Murray</u>
<u>Cheryl Noriega</u>	<u>Kevin Dunlap</u>
<u>Carol McKinney</u>	<u>Jennifer Rivera</u>
<u>Blaine Edger</u>	<u>PAT STOK</u>
<u>Carrie Odgers</u>	<u>Mike Connor</u>
<u>Jasmit Singh</u>	<u>Sed Peeler</u>
<u>Melissa Hudg</u>	<u>Ernie Rivera JR</u>
<u>April Both</u>	<u>Frederick Parkey</u>
<u>Mike Peterson</u>	<u>Nichole Baldwin</u>
<u>Wendy Sanchez</u>	<u>Diana Bueland</u>
<u>Bill Wolf</u>	<u>Trent Griffith</u>
<u>Jim Alworth</u>	_____
<u>Rewyn Alworth</u>	_____
<u>Brett North</u>	_____
<u>Ian Bullis</u>	_____
<u>Victoria Givens</u>	_____

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

City Attorney Odgers stated NRS statutes do not allow this Council to reduce or increase their salaries; any action you take would affect your replacements.

Councilman DeFelice stated then Items 9B- 7 through 15 should be removed.

Councilman Carson stated I agree with Tony on that.

Councilman Hanson moved to approve the agenda, removing Items 9B 7-15. Councilman DeFelice seconded the motion. The motion carried unanimously.

### **2. PUBLIC COMMENT**

Bill Wolf read his statement appearing below into the record.

Comments to the Ely City Council, 2/22/18

It was only a couple months ago that elected officials at the table before us told us that the concerns about the budget were overblown. Now we are looking at a budget crisis. I give our elected officials credit for being willing to step up and take cuts to their compensation before going to the rank and file employees. The broader question isn't how to deal with the problem, though certainly a critical question. The broader question is how did the budget, despite warnings, get to this point. I believe it's because this council has followed the example of the last two or three councils by becoming too involved in the day-to-day operations of the departments. Councilman A tells a department to spend a thousand on this, Councilman B tells a department to spend a thousand on that. That adds up pretty quickly though no one councilman sees themselves as being a spendthrift. By being that deeply involved in daily operations, no one individual can be held responsible. By dictating daily operations, you put the city manager in the position of having to say no repeatedly to individual city councilmen. No doubt he understands that saying no quickly puts him on my side of the lectern.

If you are closely involved in day-to-day decisions, how can you ask the city manager what went wrong? I've heard no explanation as to why we are at this point with the budget. I'm certain the cost of snow removal didn't get us here. Nobody is saying the city manager is at fault for this even though it is his responsibility.

I believe the majority of the community understands the council is ultimately responsible for the successful functioning of city government. I also believe this council has usurped the city managers' authority to meet his responsibility and that is one reason we are here today.

We expect you to solve this problem but I ask you to look at how you and other councilmen might be contributing to it. The best long term solutions come from understanding the underlying problem.

Bill Wolf

Burton Hilton stated Engine 1 has arrived. We will put it into service tonight. This is a tremendous asset for all the people and the grant was done by the Volunteers and career staff. In 2017, the Volunteer Fire Department spent \$23,031.00 of our own money for things that the City normally should have been paying for, but because of the budget cuts we had to step up. In the past three years, the Volunteers and career staff have gotten grants in the total of \$519,537.38 for the citizens of Ely and all of White Pine County. I'm asking you as a Volunteer and a resident of Ely, keep your end of the bargain and keep the Ely Fire Department whole. Don't go looking to cut career staff's pay. Don't reduce the staff with a hiring freeze. We've had the same model of four shift workers and a chief for more than sixty years, but we used to have an additional staff member who did fire prevention, code enforcement, and filled in to cover vacations/sick time ; this position was cut by the Council a few years ago. We've proven our model works; between the Volunteers and the career staff, one doesn't function without the other. This blended model works well for the community. Over the years the call volume has dramatically increased. Last year we responded to a record number of calls and we did so really well. We're a very capable and successful department. In fact, we're the biggest asset that the City has, not just the new fire engine but the career staff and Volunteers. I think you for your consideration as you work through this budget situation, but make sure you keep the community safety first and our department whole.

Deputy City Clerk Lee read the three letters appearing below into the record.

2018 February 15, 2018

Dear Mayor and Councilmembers:

I am writing to voice my concern and opposition regarding several items listed in the agenda for consideration at this council meeting.

Closing the recycling center is not only short sighted but provides terrible optics for potential visitors to Ely and businesses considering moving to the city. If the recycling center, is closed potential visitors may perceive Ely as a city that does not care about wise use of resources. Ely has the potential to be a well-thought of tourist destination providing access to Great Basin National Park, several state parks, and the Schell Creek Range. Tourists researching places to stay and spend money on their next vacation may very well shy away from Ely as their google searches reveal a city that built and then immediately shuttered its recycling center. The perception of this would be terrible and is likely to hurt local businesses in the long run.

Similarly, cutting the city attorney's and city administrator's pay by 25% would be optically terrible and destroy the morale of city employees. Recruitment and retention of critical city positions would be negatively impacted. City administrator and city attorney are positions that require specific skill-sets and education that is not widely available in a county where only 14% of adult residents hold a bachelor's degree (data from U.S. Census Bureau). If those draconian cuts are approved these two positions are likely to go unfilled or filled by persons who are less than qualified in the future.

Speaking of optics and public perception, it seems common sense that the public perception of any councilperson voting to lay off or reduce the pay of city employees without also voting to withhold pay from themselves would be severely negatively impacted. Please keep that in mind. Every councilperson who intends to vote to lay off or reduce the pay of city employees should first support the measure to eliminate their own pay.

Sincerely,

Alexander Jones

Ely Resident

February 17, 2018

2018

To: The Mayor and The City Council, City of Ely:

From: Brenda Alexander

I and many other people need to know where the offer from PETA regarding help in funding the injection method of euthanasia versus the use of "The Kill Box", stands? This issue is being ignored by you. Why? Didn't you read the newspaper article(s), the letter to the editor, my letter to this council and others? Why can't we get this done? Also, why on earth aren't you sending the animal control officer for certification to use the injection method to be ready when you finally make the right decision? We are only talking about \$200.00 or even if was \$500.00, SO WHAT! I realize we all have our own priorities, but all the money you are spending and are going to spend regarding beautification of the streets of Ely and other expenses on "something" will never hide the dirty secret that goes on at that dog pound. There is no beauty there for the animals that are "put down". And you call it a shelter, but it IS a dog pound and you know it. You only get away with that because there are some people taking these animals out of the pound and sending them to God only knows where so you can say none are being subjected to that "box" or are the records not correct as to how many animals are actually dying at that pound? You tell me, us!

Brenda Alexander

READ AT FIRST PUBLIC COMMENT PERIOD

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February 22, 2018

Mayor, City Council Members, I would like to have the following read into the February 22, 2018 City Council Meeting during public comments.

It is time to stop playing games and get down to business on trying to salvage the General Fund. On February 13th Councilmen Carson & DeFelice served notices to Robert Switzer & Charles Odgers that they were proposing to recommend a 25% pay cut for each of them. These letters were served to them at 3:45pm & at 3:50 pm. Within a few minutes the Mayor, Councilwoman Gardner, Robert Switzer and Charles met in Roberts Office and they were talking so loud they could be heard at the front desk. They were very upset that letters were served on Robert & Charles and they were yelling about what to do. One comment that was heard at the front desk by the citizen that contacted me was they were going to have to make sure Councilman Flangas was on there side. The same night after City Hall closed I was told by 3 different citizens that the Mayor, Councilwoman Gardner, Councilman Hanson, City Attorney Odgers & Muni Judge Costner were all meeting at City Hall. Which is against a newly passed City Ordinance. The next morning Robert Switzer, Fire Chief Rivera & City Treasurer Trask were served Letters that an open meeting on this would be on the agenda for the City Council Meeting. All three letters talked about a proposed 5% pay cut for them but Janette's and Ross's also had language about discussing their character, misconduct mental health which could lead to further administrative action could be taken against them. Why didn't Roberts & Charles have the same wording? This is nothing but pure retaliation. The letters were written By Councilman Hanson and Dated February 13th. It is very obvious these letters were written after they all had their meeting, otherwise they would have been served that same day. The proof of delivery by Councilwoman Gardner showed that Robert, Janette & Ross were all served at 9:45am the next day. Kind of strange she shows all the letters being served to all of them at the same time when they all in different places. I would like to know if she was so eager to serve at least 2 of these letters she got confused on the times.

This kind of petty actions by the Mayor, Councilman Hanson & Councilwoman Gardner being duly elected City Officials can not and will not be tolerated. They need to be looking where the excess expenditures are at and make the necessary cuts and not play these games. I'm sure Janette & Ross would take the 5% cut if required but cutting 5% would be a savings to the General Fund for Janette of \$808.06 and Ross It would be \$4,999.31 for a savings of \$5,808.37 to the General Fund. Cutting Robert 5% would be a savings to the General Fund \$1,355.02 and cutting Charles 5% would be a savings to the General of \$1,741.51 for a total savings of \$3,096.53. This would be a total savings of \$8904.89 to the General Fund by all 4 of them.

If you cut Robert and Charles 25% as proposed by Councilmen Carson & DeFelice it would be a savings of \$18,018.52 to the General Fund. Robert makes \$121,495.47 per year with benefits and 25% of that equals \$30,373.87 reduction in pay and he would still be making \$91,121.60 per year. Charles makes \$166,798.76 with benefits and 25% of that equals \$41,699.69 Charles would still be making \$125,099.07 per year after the 25% cut in pay.

This would be the responsible way to go and if you cut Ross & Janette 5% along with the 25% for Robert & Charles It would be a savings to the General Fund In the amount of \$23,826.89 verses the \$8,904.89.

Cutting the Administrators position all together and having the Deputy City Clerk and City Treasurer manage it until the General Fund rebounds will save an additional \$22,780.40 and cutting the Attorney to part time with no benefits would save the City an additional \$45,099.07 with paying a part time Attorney \$80,000 a year you would save the General Fund an additional \$11,274.77. Doing all of this would make a total savings of \$57,882.06 for the General Fund.

Rick Stork

Kerri Pintar read her statement appearing below into the record.

Kerri Pintar  
1417 Mill Street

Madame Mayor,

As to the monetary items being discussed on tonight's agenda...

- The city cannot afford to establish it's own police force. Period!
- If we are going to decriminalize selected offenses in the city code, what purpose is our municipal court judge and his staff going to serve. Certainly, we can save money by contracting judicial services Ely Justice Court.
- The recycling center was never going to be profitable. This was an ill conceived idea from a previous sitting council (like the scales), again, contributing to the current financial mess you find yourselves in. Close it!
- Your worries were continually expressed about alienating people from running for office by changing the meeting day/time and yet now a proposal to eliminate the salaries for yourself and council members? This will only surely make it more difficult to find people who want to serve on future councils in the event the city isn't in receivership of Taxation or brought to an end due to disincorporation.
- Mr. Switzer's position is unnecessary. When a prior council elected to fire Jim Alworth is was a BIG mistake...you traded a knowledgeable, dedicated, fiscally minded city clerk who gave unpopular advice but ALWAYS worked to keep the city in the positive, and for what? A new inexperienced city clerk and a highly overpaid City Administrator. In the absence of ridding the city of it's pointless administrator, his salary absolutely needs to be cut by 25%.
- As to the city attorney's salary, this was a part-time position someone decided was best served by a full-time attorney. If you are going to continue to allow him to sit BEFORE you, not WITH you, then absolutely you should continue to overpay him for his services, and perhaps even give him a raise, because public perception Madame Mayor is he is the one running the city, certainly not you or the city council.
- Next, are we picking and choosing whose salary to cut by 5%? Ms. Trask and Mr. Rivera are vocal at these meetings and it appears this is retaliatory in nature to cut these two employees salaries when no other department heads or employees were singled out. Why? Ms. Trask is the ONLY person you employ who is trying to correct the financial mess created by firing Mr. Alworth.
- And not to leave the white elephant out, what about engineering services; another position/mess created from part-time position to a include a generous retainer and out of sight overages on monthly billings. Why isn't the city engineer being asked to give up 25%?

I hope you will apply sound financial reasoning tonight to these items before you. Please do the job YOU were elected to do, not what the city attorney TELLS you to do.

Jim Alworth read his statement appearing below into the record.

February 22, 2018

Mayor and Council Members,

Regarding the agenda items dealing with agreements, I would hope you don't act on any of them until you have the final copy in hand. Gentlemen agreements in the past have proven to bite you folks in the butt. Pete Seegar quoted, "Education is what you get by reading the fine print, experience is what you get if you don't read it." Words of wisdom, take heed!

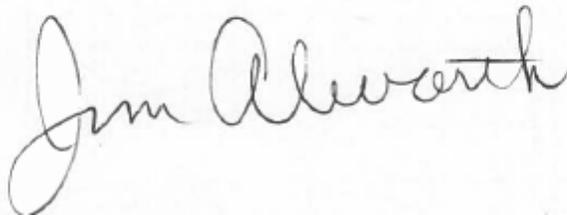
Cutting the wages of the Council, you can't do it per NRS 266.450. Nice thought, but one can refuse to take the pay. How many of you people have insurance through the City?

City Police Department idea, better first check with Pool Pact on how much the insurance coverage will cost for law enforcement. Do your homework first. You already have outstanding law enforcement through the County. You plain got out negotiated and your Attorney failed you by not putting a "No out" clause in the agreement.

Shut down the recycling center? Sam what are you basing this on? Is it to make the public happy that you brought it up or is it based on actual revenue verses expenses? Once again you need to make sound business decisions! Think before you speak Sam, because your nose continues to grow.

The most distributing agenda item is part of the fallout from your secret after hours meeting Feb. 13, 2018, is to eliminate the City Treasurers position. That has to rank towards the top of "STUPID" things you have come up with. After 5 years of total mismanagement of the finances of the City, you finally hire an individual that has held the position in the past and during her 6 months notified all of you about the financial condition, she inquired with your auditor about their findings and they told you the same thing she reported. So you don't like the facts, so get rid of her. Now that is retaliation, plain and simple. I would think your Attorney would have advised you better on this item. Ambrose Bierce's definition of a lawyer is "One skilled in the circumvention of the law."

Reduce the Attorney and Administrator wages by 25% best idea on the whole agenda, congrats to Councilmembers Carson and DeFelice for trying. What have the rest of you come up with, oh yea, get rid of the City Treasurer!



George Chachas stated on your agenda Item 9-1 you're to talk about approval of compact with the Ely Shoshone Tribe; if you do that, there needs to be no monopoly. In reading the contract, it's very vague. On your Item 9-3 to solicit police service, forget it; you can't afford it. You need to go back to the County and re-negotiate. At the last County Commission meeting I asked the Commission to give the City a \$300,000.00 loan which would be payable four months after the new fiscal year. I don't want the Department of Taxation in at all; anything you think you can do, they will do and they will do it with a vengeance. You have an obligation to the taxpayer, the voter that put you in. If you have to make some hard cuts, make them. Anybody making over \$40,000.00, ten percent (10%) cut, twenty, thirty, forty. You've got four months to come out happy and it's not going to be pretty. You put yourselves in this position! I'm not going to blame Mr. Switzer. I'm not going to blame anybody else in particular. All of you have an obligation to look at the books monthly, if not more. 9-6 to look at the possibility of In House billing: you're paying another entity and you have not corrected my billings in years. If you haven't corrected mine, I know you haven't corrected anybody else's. What do you pay a Treasurer for? What do you pay a CPA for? \$51,000.00 last year. \$21,000.00 this year. The City Code says your accountant must have a degree in accounting. On elimination of salaries, the law says you can't eliminate it, but you can donate it back. Reduction in force, 9-12 the treasurer's position: I'm all for that; bring in an accountant who knows what they're doing. When you're paying seventy some thousand dollars over a one year period of time to correct the books, there's something wrong. I'm not in favor of hiring *Hinton Burdick*, the CPA; you should have that completely separate. You need a person who's going to be here tomorrow and the next day and not worrying about bringing somebody else on and starting to train them.

Councilman Flangas walked to the podium and stated I'm speaking as an individual. There's a rumor circulating around town that there was a secret meeting taking place on February 13<sup>th</sup> after 5 p.m. in City Hall. The rumor also includes that I was part of that particular meeting. I have no knowledge of that meeting, I did not attend any meeting. Somebody said to me, 'Well, there was

a red truck there. You have a red truck and you must have been in the vicinity'. I do have a red truck. I only live two blocks away, but I was not in that meeting. If that meeting took place, I'm not responsible for anything that was said or done. I want the public to know I'm innocent of that rumor.

City Attorney Odgers stated on February 13<sup>th</sup>, Sam and Jolene were in the office. We had our agenda items to do that night, so that Jennifer could prepare the agenda for the next day. Sam got off work at 4:30 p.m., showed up, we went through the agenda items that Sam wanted to have placed on the agenda. From there, Jolene agreed she would serve the papers because Sam had to be in Battle Mountain. There were no other City Council Members present. The Mayor wasn't present. Mr. Flangas wasn't present. So the people that were watching and following got it wrong. After I met with Sam and Jolene, Jolene left, Sam went upstairs to my office and Mike Coster, the Municipal Court judge, was sitting outside in Jennifer's area, waiting for his turn to see Bob. NRS 241(A) says that a meeting, an illegal meeting as Mr. Alworth wants to say, is when you have a quorum of your city council members present. A quorum wasn't present because that would require three. So, in order for this rumor to have any kind of push, somebody threw Ernie into the mix. Ernie wasn't there. Melody wasn't there. Kurt wasn't there. Tony wasn't there and it was for purposes of doing our job, which is the councilman had agenda items, we had to get them ready. And if you think there was a problem, file it with the Ethics Commission and the Open Meeting Law because at the end of the day, nothing happened. I was given direction to create the agenda, to create the paperwork that I was requested to create, so it could be served. Nothing more. Nothing less.

Councilman DeFelice stated anything after five o'clock is after business hours and I think something was said that we're not to conduct business after the City's hours.

City Attorney Odgers stated correct. We generally don't, but with the change that's been made on when agenda items have to be done and to Jennifer, so that it can be published, and because it was a short week because of the holiday, I had to meet with Sam after hours because I had no other choice; it was the only time he had available to meet with me.

Councilman DeFelice stated just for the record, this all took place after five?

City Attorney Odgers stated yes, for the most part. It took place between five and six thirty.

#### **4. CITY DEPARTMENT REPORTS**

- **FIRE CHIEF**

City Fire Chief Rivera stated after the last meeting I looked up the NRS that referenced the franchise fees. The Council should look at NRS 354.6256: The use of postage for certain obligations between operating expenses prohibited. I know right now my operating expenses are being used from the franchise fees, so that might be an issue for next year's audit.

- **MUNICIPAL COURT JUDGE**

Municipal Judge Coster stated with all of your permissions for collecting on our eleven-year old debt, the bench warrants have been turned over to the Collection Agency.

- CITY TREASURER

City Treasurer Trask read her report appearing below into the record.

Date: February 22, 2018

To: Mayor VanCamp  
Council Members

From: Janette Trask, City Treasurer 

RE: Treasurer's Report

The work on the budget for fiscal year 2019 has been slow. I have had a chance to calculate another yearend estimate for fiscal year 2018. The estimate for revenues is look slightly better than the last estimate by approximately \$60,000. Unfortunately, the estimate on expenditures is still higher than the revenue by approximately \$104,000.

I looked back to the minutes of July 13, 2017, agenda item B-20 that addressed a memo that I had sent to all the Council Members and Administration. In the minutes, I, along with MaKay Hall, Hinton Burdick, discussed with the Council the need to address the short fall of revenues and the over expenditures of expenses. It was also discussed that the Council and Administration would start looking at ways to cut expense at that time. At the end of the discussion it was motioned and carried that the City Treasurer would be included in all financial matters. (See attached minutes from July 13, 2017.) Unfortunately, it has been just the last month or so that these issues have been looked at. Also, I believe the City Treasurer is not being included in certain items that have a financial impact to the City.

Addressing the public comment from George Chachas where he stated that the City ordinance for City Treasurer requires an accounting degree. In City ordinance Article B. City Treasurer 1-6B-6: Employment Requirements: C, states: Education and Experience: A degree in accounting or three (3) years of experience in management and governmental accounting (see attached). My qualifications are as follows: I held the position of Deputy Treasurer, Treasurer and Deputy City Clerk for the City of Ely for a more than seven years. This matter should be put to rest.

If there are any questions, please contact me.

- CITY ATTORNEY

City Attorney Odgers stated I've been working on agenda items and court.

## 5. REPORTS

### CITY COUNCIL

Councilman Hanson stated I attended the County Water Advisory Board meeting; they are putting their annual report together. For the record, we've spent a lot of time on agenda items. The agenda item pertaining to closing the Recycling Center is in response to what people have brought up in this meeting.

Councilman Flangas stated as I receive pay from the City, I've been paying the Chamber of Commerce dues for the City of Ely. Also, the City couldn't afford to have membership in the Nevada League of Cities, which is very important, so I've been putting money aside from my account. It's important that the City participate in these functions.

### MAYOR

February 22, 2018

### MAYOR'S REPORT

#### 1. I approved a Special Event license to:

- Ralph Werber III for *KG Mining Bald Mountain* event at the Convention Center from 2-12-18 thru 2-14-18.
- Ely Rotary Club, sponsored by *Ramada Copper Queen*, for a benefit dinner at the Convention Center on February 24, 2018.

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

1. Chairman Peeler – Public Hearing – Discussion Only – Consideration of a Petition for Vacation or Abandonment of Road or Easement. The desire is to have the street and/or easements on Avenue D between Highway 93 and the East side of 16<sup>th</sup> Street abandoned. The proposed abandonment is located primarily between APN 002-261-05 and APN 002-042-01 in Ely, Nevada. The applicants are Robert James and Mikki Van Camp d.b.a. *Van Camp Towing & Road Service*.

Mayor Van Camp stated I have a conflict of interest; my brother is the applicant on this.

Mayor Van Camp handed the gavel to Mayor Pro Tem Hanson and stepped away from the City Council table.

George Chachas stated I was in favor of this on the condition that the abandoned portion would have curb/gutter and be paved like the *Holiday Inn*. If we fence 40' of that street, we have a dilemma. That street now needs to be left as is and not abandoned. You're going to have a ten-million dollar project, which is a change for the better. You need to do something about the salvage yard.

2. Councilwoman Gardner – City Administrator Switzer – Public Hearing – Discussion Only – Approval of Second Reading of Ordinance No. 708, Bill No. 2018-01, an ordinance amending City Code Title 1, Chapter 8 Elections by replacing the current version of Title 1, Chapter 8 based upon the Inter-Local Agreement for Elections with White Pine County, with a completely new version of Title 1, Chapter 8 Elections and to provide for the removal of the new version and reinstatement of the original version upon termination of the Inter-Local Agreement.

Deputy City Clerk Lee read the letter appearing below into the record.

**READ AT PUBLIC COMMENT DURING PUBLIC HEARING ON #6 ITEM 2 (changing voting)**

**I think in the best interest of the voters this ordinance needs to be re-written to have these changes made after the next City Elections as you would only be extending the affected positions 3 months with the voters knowing ahead of time than extending the Mayors and Councilwoman Gardner's position 1 year 3 months without any say from the voters. If this passes you're not going to save any money on the election as you will be paying the cost of a recall as we don't want nor can we afford to extend their time in office.**

**Rick Stork**

3. Councilman Hanson – Public Hearing – Discussion Only – Approval of Second Reading of Ordinance 709, Bill No. 2018-02 amending City Code Title 12, Chapter 14, Section 1 titled Home Occupations, to remove the annual home occupancy permit fee and amend the one-time home occupation permit application fee and remove the ability of the City Council to amend these fees by resolution.

George Chachas stated those fees need to stay as is. Home Occupations don't pay the same taxes. You don't inspect as you're supposed to. You're in a cash crunch and you're giving away money. Do not cut fees now. Home Occupations should be inspected.

## **7. DISCUSSION/POSSIBLE ACTION ITEMS PERTAINING TO THE PUBLIC HEARING.**

1. Chairman Peeler – Discussion/For Possible Action – Consideration of a Petition for Vacation or Abandonment of Road or Easement. The desire is to have the street and/or easements on Avenue D between Highway 93 and the East side of 16<sup>th</sup> Street abandoned. The proposed abandonment is located primarily between APN 002-261-05 and APN 002-042-01 in Ely, Nevada. The applicants are Robert James and Mikki Van Camp d.b.a. *Van Camp Towing & Road Service*.

City Attorney Odgers stated I have provided you with a legal analysis. NRS 278. discusses whether the public would be materially injured. The Planning Commission voted 4 to 1 to reject the abandonment and found that the public would be materially injured if the application was allowed to go through. Mr. and Mrs. Van Camp admit they can't satisfy Ely City Code 8.1.0.

The item died for lack of a motion.

Mayor Van Camp returned to the City Council table and Mayor Pro Tem Hanson passed the gavel back to her.

2. Councilwoman Gardner – City Administrator Switzer – Discussion/For Possible Action – Approval of Second Reading of Ordinance No. 708, Bill No. 2018-01, an ordinance amending City Code Title 1, Chapter 8 Elections by replacing the current version of Title 1, Chapter 8 based upon the Inter-Local Agreement for Elections with White Pine County, with a completely new version of Title 1, Chapter 8 Elections and to provide for the removal of the new version and reinstatement of the original version upon termination of the Inter-Local Agreement.

Councilman Carson moved to table this item. Councilman Hanson seconded the motion. The motion carried 4 to 1, with Councilwoman Gardner voting Nay.

3. Councilman Hanson – Discussion/For Possible Action – Approval of Second Reading of Ordinance 709, Bill No. 2018-02 amending City Code Title 12, Chapter 14, Section 1 titled Home Occupations, to remove the annual home occupancy permit fee and amend the one-time home occupation permit application fee and remove the ability of the City Council to amend these fees by resolution.

Councilman Carson moved to approve Second Reading of Ordinance 709. Councilman Hanson seconded the motion. The motion carried unanimously.

## **8. ITEMS FOR DISCUSSION/POSSIBLE ACTION OF THE ELY CITY COUNCIL AS RECOMMENDED BY THE CITY PLANNING COMMISSION.**

1. Chairman Peeler – Discussion/For Possible Action – Approval of Home Occupation permit to Randy Weaver to conduct an internet sales business, d.b.a. *Weaver Machinery* located at 1290 Mill Street, Ely, Nevada.

Councilman Carson stated Randy Weaver has been a personal friend for over thirty years, so I will be abstaining.

City Attorney Odgers stated the City Planning Commission recommended approval.

Councilman Hanson moved to approve a Home Occupation permit to Randy Weaver to conduct an internet sales business, d.b.a. *Weaver Machinery* located at 1290 Mill Street, Ely, Nevada. Councilman DeFelice seconded the motion. The motion carried unanimously, with Councilman Carson abstaining.

2. Mayor Van Camp – Caroline McIntosh, Downtown /Public Plaza & Nevada Northern Railway Beautification Steering Committee Member – Discussion/For Possible Action – Approval of Downtown /Public Plaza & Nevada Northern Railway Beautification Teams’ Request to utilize a City dump truck and employees for a city-wide clean up; discarded items would be picked up at the curb.

Caroline McIntosh stated a lot of people do not have a truck. I’ve talked to Dave Berky and Tom Lawrence to make sure they’re on board. We’re asking the City to supply the garbage bags and our road department would specify which area; we would help on the public relations on that via the newspaper, social media and the radio.

Councilman Hanson moved to approve the Downtown/Public Plaza and Nevada Northern Railway Beautification Teams’ request to utilize a City dump truck, employees and garbage bags for a city-wide clean up, with a report to be given on a monthly basis. Councilwoman Gardner seconded the motion. The motion carried unanimously.

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

### **A. CONSENT AGENDA**

**MOTION:** Move to approve the Consent Agenda items 9A-1 Minutes & 9A-2 Bills.

1. Discussion/For Possible Action –Minutes.
  - January 11, 2018
2. Discussion/For Possible Action –Bills.
  - February 6, 2018
  - February 13, 2018

Councilman Hanson stated I’ll abstain from the minutes because I was not here, so I’ll move to approve payment of the bills. The motion died for lack of a second.

Councilman Flangas stated I will make a motion to approve the January 11, 2018 Minutes as written. Councilwoman Gardner seconded the motion. The motion to approve the January 11, 2018 Minutes passed unanimously, with Councilman Hanson abstaining.

### **B. NEW BUSINESS**

1. Mayor VanCamp – Councilman Carson – Discussion/For Possible Action – Approval of Compact with Ely Shoshone Tribe for the cultivation, production and manufacture of cannabis products at 16 Shoshone Circle, pending compliance with zoning, building and life safety matters for a period of five (5) years with renewals in five (5) year increments at the rate of 6% of gross sales of cannabis products on the wholesale price.

Trent Griffiths stated I’m a member of the Ely Shoshone Tribal Council.

Diana Buckner, Ely Shoshone Tribal Council Chairwoman, stated I’m here to support this compact.

Trent Griffiths stated everything has been submitted. The commercial backflow device has been installed and inspected. The compact you’re seeing is the one that’s been approved.

City Building Official Christiansen stated what we’re waiting for in the Building Department is documentation from the architect, engineer and results from the State Fire Marshall. I can’t issue permits on anything because at this point it’s non-compliant.

Councilman Hanson moved to approve the compact with the Ely Shoshone Tribe for the cultivation, production and manufacture of cannabis products at 16 Shoshone circle, pending compliance with zoning, building and life safety matters. Councilwoman Gardner seconded the motion.

Caroline McIntosh asked is this 6% revenue for the City?

City Administrator Switzer stated yes.

Caroline McIntosh stated I would ask the Council to consider some of that revenue for our schools. We are here to protect our children and here to consider any ramifications.

Councilman Hanson’s motion carried 4 to 1, with Councilman Flangas voting Nay.

2. Councilman Carson – City Administrator Switzer – Discussion/For Possible Action – Approval to direct City Administrator to send written Ely Fire/EMS Services proposal to White Pine County with a monthly fee of \$6,000.00, \$72,000.00 annually.

City Fire Chief Rivera stated \$72,000.00 annually is half of what we should be getting. An annual fee would eliminate more issues we're having. Make sure we have an out in the contract. In 2010 we received \$142,000.00 for our services.

Councilman DeFelice asked should we start higher?

City Attorney Odgers stated we were getting \$147,000.00 prior to the County backing out. If you want to go higher, you'll have to have a new agenda item. Let the City Treasurer and Ross give you the information on what we should be asking for.

Councilman Carson moved to table this item. Councilman Hanson seconded the motion. The motion carried unanimously.

3. Councilman Hanson – Discussion/For Possible Action – Direction to City Administrator to solicit proposals for police services or establish the City of Ely's own police force.

Councilman Hanson stated smaller cities than ours have made bank by setting up speed traps. The idea is to generate enough income to make it worthwhile. I'm not proposing we do speed traps. Our own police force could respond quicker.

City Attorney Odgers stated I have a son that works for the White Pine County Sheriff's Office.

Councilman Hanson moved to direct the City Administrator to solicit proposals for police services or look into establishing the City of Ely's own police force. Councilman Carson seconded the motion. The motion carried unanimously.

4. Councilman Hanson – Discussion/For Possible Action – Direction to City Attorney to prepare ordinances decriminalizing selected offenses listed in the City Code.

Councilman Hanson stated the idea is to generate more fine income and not have to incarcerate as many.

City Attorney Odgers stated there are some statutes that if you have a private police force, you still have to enforce: DUIs, domestic violence, and driving revoked.

Councilman Hanson moved to table this item. Councilman Carson seconded the motion. The motion carried unanimously.

5. Councilman Hanson – Discussion/For Possible Action – Approval to close the Recycling Center.

Councilman Hanson stated it is my understanding that the Recycling Center does not have any impact on the General Fund.

City Administrator Switzer stated we knew when we began this operation that it would take awhile for us to develop processes that would be more efficient over time; we've been working on that. The Council placed our Parks Department Leadperson, Mike, in charge of the Recycling Center. In deciding the cost, there are a lot of things that go into this: materials to put together bales of recycled products, labor per ton to put these together and our shipping costs. To get a fair assessment would be to produce a cost per ton. Preliminary data indicates – and so far we've used two recyclers – we've taken in \$11,147.00; what I don't have for you at this time is what it costs to produce that amount of recycled products.

Councilman Hanson stated we're saving space in the Landfill.

City Administrator Switzer stated the State of Nevada has noticed our operation; they've been here.

Mayor Van Camp stated three times.

City Administrator Switzer stated the Mayor and Mike are working on a grant to help offset our costs.

Councilwoman Gardner stated when we started this recycling and Tony was involved, he was going to quit recycling totally, but he's still taking cardboard; we would get all that if he would have held up to his bargain. We would have gotten more money out of it.

Councilman Hanson moved to direct the City Administrator to look into the costs associated with closing the Recycling Center. Councilman Carson seconded the motion.

Councilman Hanson stated it is not in the agenda item, is it?

City Attorney Odgers stated it is not.

Councilman Hanson stated scratch the whole thing.

6. Councilman Carson – Discussion/For Possible Action – Instruction to City Administrator and City Treasurer to investigate the feasibility and possible cost savings of in-house billing of utilities.

Councilwoman Gardner stated you don't have the equipment to do it yourself. It would have to be sorted the way the Post Office wants it to be sorted.

Councilman Carson stated McGill-Ruth is a third of Ely, but I have a part time person do it in four hours. It's nothing but a \$100.00 printer. We chose to get a separate printer just because we didn't want any issues with that going down; they could use any printer they wanted. We have the exact same program you guys have. It works well for us because the gals in the office are checking for errors when they're pre-sorting.

Councilman Carson moved to instruct the City Administrator and City Treasurer to investigate the feasibility and possible cost savings of in-house billing of utilities. Councilman Flangas seconded the motion. The motion carried unanimously.

#### **10. PUBLIC COMMENT**

Kerri Pintar stated Kerri Pintar, 1417 Mill Street. I want to address the Mayor Pro Tem from the abandonment request that did not pass. There's no rhyme or reason to how this Council passes or denies those abandonments, but what we learned from Gloria Labra versus the City of Ely is that because the paperwork is never forwarded to the person after you've done whatever you choose to do or not do, that's how we end up in outside litigation. So I would ask you to please direct the attorney to send proper notification to Mr. Van Camp, saying that no action was taken, so that it doesn't too end up in court and end up costing him lots of money. As far as this Ordinance 8-1-0, the seven elements that no abandonments are answered 'yes' to, I don't know why that policy's on the books because we're not enforcing it; I was a victim of that. Who's in charge of the City Master Plan? Where is it? When was the last time it was updated? It keeps being referenced in a lot of different things. As to Mr. Van Camp being denied, I would again ask this Council to consider refunding the fees he outlaid to have this hearing heard because his request was denied. I understand he that can't get back publication or certified mailing fees, but it's unfair for this Council to take money from an individual and then do nothing with it. As far as this alleged meeting on February 13, 2018, public perception is everything. Whether or not it was only Councilman Hanson and Councilwoman Gardner, your sixth Council person that runs this city was present at that meeting and that's why everybody's in a snit.

City Attorney Odgers stated the Planning Commission has the legal obligation to control the Master Plan; a copy of that is with Mr. Switzer or Brad at City Hall, so people are free to come in and look at it.

Jim Alworth stated Jim Alworth, 805 Avenue I. I appreciate the time and the effort you took to tell me your story and I'm sure you're going to stick with your story because that's all it is. I agree with what Kerri said, the public does not trust any of you. You've run the money in the toilet. You're sneaking around. You guys are like a bunch of quail, you're all scattered. Somebody has to take the lead and pull you guys together; that's your job, Mayor. You have done a terrible job. You haven't even done it. You've got every councilman going a different way. Tonight there was finally some communication. Four months. You guys are cooked turkeys. I've got a question on the Fire Chief's proposal, or whoever's going to submit it, to the County, on \$72,000.00 or a million dollars; remember, the County's going to get twenty-five

percent (25%) of it, so you've got to go to the County and say 'we screwed up'. We all make mistakes, but to sit here and keep squandering. The public comes in here and nobody does nothing. Then two councilmen put the agenda item to reduce wages and it was thrown on the bottom of the agenda, even though they were turned in earlier. She read the minutes as they came in, by order. Public perception is retaliation has taken place there. Public perception is the Mayor and Jolene got it big for the Fire Department; it's all over the City. So what do they do, they cut the Chief's wages. Then they find out you can't do it anyway because he's not a public official. You guys need to do your homework on that late night meeting. This was an embarrassment to put stuff on this agenda that didn't even hold water.

Deputy City Clerk Lee read the letter appearing below into the record.

**READ AT THE END OF THE MEETING 2nd PUBLIC COMMENT PERIOD**

**You need to look at cutting the Muni Judges position along with all of his associated costs for the 2018 - 2019 budget as his Department is slated to lose \$41,364 for the budget period. He is requesting a total budget of \$122,177.00 with an estimated revenue of \$80,813.00. This means it is going to put the General Fund in the RED \$41,364.00. We can't afford this. I am sure the City can get the Justice of the Peace Judge to hear all City cases and collect the fines and be able to contract him for less than \$80,000 which would be a savings to the General Fund and not a loss.**

**The City Council and the Utility Board needs to have the City Attorney and Paul Holdaway Investigated for ethical misconduct for not disclosing that Paul is using his trucking company Outwest to do private work for Charles Odgers. Paul also needs to be investigated for not disclosing that he owned Outwest Trucking when bid on the metal pile at the landfill.**

**The City Attorney also needs to be investigated for writing the contract between Outwest and the City on the metal pile especially when it was written in favor of Outwest and there're not being an out clause in the contract. The City needs to have their Pool PAC Attorney look at all of this and see if the contract is legal.**

**Rick Stork**

George Chachas stated in regards to elections, check with the County Clerk; I think they just spent 130,000.00 for election machines; they sign an agreement with you, you're going to pay half. Then there's \$100,000.00 or more consulting/regulating the machines and you'll pay half of that. I don't want any of that. I want separate elections. It's the voter that decides. You guys are protecting your own territory. We talked about the fire contract; I believe the reasons you have problems with the fire contract now is a couple years ago the voters – City and County – in an election created a new fire district. That fire district for the County runs under an NRS and the County does not need you; if you get something for help fine, but don't put too much hope in getting \$70,000.00, \$100,000.00 because that's pie in the sky. In regards to the sewer issue at 681 Parker, I still want my money back; I told you last September that amount accrues at two percent (2%) a month. I asked Mr. Hanson and Jolene in regards to a public information I gave in October 2015; I want that information that's not under the 'so called' new foundation. I have a problem with \$200,000.00 of Fair and Rec. money, room tax money, going to that Foundation – it's not a foundation, a corporation is what they are – and there is no public accounting. You need to bring that Railroad back under the guise of the City. Also there's fifteen years of track rental you haven't done anything about. When people say 'let's just settle', baloney! You have millions out there and they offer you \$750,000.00? No way, folks.

City Attorney Odgers stated like to address Mr. Stork's slanderous comments. Mr. Holdaway's contract was drafted at the direction of City Council; the City Council reviewed that contract. On December 22, 2016, there was an exit clause in there, that the City Council unanimously instructed me to remove. Mr. Holdaway's never hauled hay for me; he has hauled two pieces of equipment for me and I have paid the same price that everybody else pays for that. There is nothing in Rick's letter that is factually true. With that being said, I would invite Rick to file an

ethics complaint. I'd invite anybody on the Council to file an ethics complaint relative to that contract because the minutes reflect what the Council instructed me to do. To continue to spread false statements about me is highly slanderous.

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

Councilman Hanson moved to adjourn the regular meeting of the Ely City Council at **7:17 p.m.** Councilwoman Gardner seconded the motion. The motion carried unanimously.

\_\_\_\_\_  
**MAYOR**

\_\_\_\_\_  
**ATTEST**

DRAFT