



CITY OF ELY

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

ELY CITY COUNCIL REGULAR MEETING

January 10, 2019 5:00 p.m. – Ely Volunteer Fire Hall - 499 Mill Street-Ely, Nevada.

1. Mayor Van Camp called the regular meeting to order at **5:04 p.m.**, led in the Pledge of Allegiance, Father McShane 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
- Councilman Sam Hanson

Members absent:

- Councilwoman Jolene Gardner

City Officials and Staff present:

- City Administrator Robert Switzer
- City Attorney Charles Odgers
- City Engineer B.J. Almberg
- City Building Official Brad Christiansen
- Municipal Court Judge Michael Coster
- City Fire Chief Ross Rivera
- City Police Chief Scott Henriod
- City Animal Control Officer Andrew Hayes
- Deputy City Clerk Jennifer Lee

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

Ely City Council **ATTENDANCE LIST**

DATE: 1-10-19

<u>Print name below</u>	<u>Print name below</u>
<u>George Chachas</u>	
<u>Kerri Pinter</u>	
<u>Bill Safford</u>	
<u>Leah Brown</u>	
<u>MIKE COSTER</u>	
<u>Toni Dohy</u>	
<u>Kay Murray</u>	
<u>ANDREW HAYES</u>	

2. PUBLIC COMMENT

George Chachas stated ongoing concerns regarding the 490' of Murry Street Project pipe.

Mayor Van Camp stated we've already had that discussion.

George Chachas stated ongoing concerns regarding reimbursement for curing the sewer problem at 681 Parker Avenue.

City Attorney Odgers stated maybe Mr. Chachas should file a civil lawsuit. NRS is on our side saying the City is not liable.

George Chachas stated ongoing concerns regarding the City paying for the \$60,000.00 water line upgrade; and in-house utility billing.

Mayor Van Camp stated we've already had that discussion.

George Chachas stated ongoing concerns regarding misbilling him; and the City needing to hire someone with a bachelor's degree in accounting.

City Administrator Switzer stated that issue's been addressed in a prior Council meeting. The ordinances of the City do not require someone to have a bachelor's degree to do the accounting.

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

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

4. CITY DEPARTMENT REPORTS

- MUNICIPAL COURT JUDGE

Municipal Judge Coster stated I have some required training this week and will be out of town.

- CITY ADMINISTRATOR

City Administrator Switzer stated the candidate filing period to run for available seats this June starts January 22, 2019 through February 1st. I've been chosen to serve on the NDOT committee to select the contractor for the Aultman Project.

- CITY ATTORNEY

City Attorney Odgers stated we will need to have a litigation session following City Council regarding the mandatory re-opener on the Collective Bargaining Agreement and for an update on S & S.

- CITY ENGINEER

City Engineer Almberg stated the street light is flashing now by the Hotel Nevada; we had one of the poles that were down. There is a procedure to take a traffic light off line and one is to flash it for ninety days. I went to NDOT about the flashing STOP signs on 11th Street East, but they will only flash it for two months. We got a letter on our revolving loan from the State; we're not seeking but any projects, but if we need a loan, we have to get them a letter to be on their list. I have a list of possible upgrades at the Treatment Plant. 6-P will be coming off line shortly. Carl and I met with our SCADA people last week; we have the equipment in place and they can program our wells to run off peak hours and get better rates. Our first meeting in February, we will have a public hearing on our road certifications. Bob has been working on our CDBG applications and the State requested phases, so we've assisted Bob. We've upgraded our quarterly report on Landfill samples to the State. We're still working on Aultman water stuff.

Councilman Carson stated I'd like to disclose that my father and stepmother own KP Investments and they pulled a building permit December 11, 2018.

Councilman Hanson stated I'd like to disclose I've applied for two building permits.

5. NNRV FOUNDATION REPORT

NEVADA NORTHERN RAILWAY A NATIONAL HISTORIC LANDMARK



Nevada Northern Railway Foundation

Depot: 1100 Avenue A, Ely, Nevada 89301
Mailing Address: PO Box 150040, Ely, Nevada 89315
Voice: (775) 289-2085 • Web: www.nnry.com • E-mail: info@nnry.com

Monthly Operations Report for December 2018

1. Locomotive Status – Updated.
 - a. Locomotives in service: #40, #93, #105, #109, #204, #310, Wrecking Crane A & Rotary B.
 - b. Locomotives out of service needing moderate repairs: #45 – We have started repairs on this locomotive.
 - c. Locomotives waiting funding for restoration: Steptoe Valley Smelting and Mining #309 and Rotary Snowplow B (for boiler overhaul.)
 - d. Locomotives out of service needing heavy repairs #801, #802, #81, #80 and the military locomotives.
 - e. Locomotive 81 is in the Engine House over the drop pit, work continues on the locomotive. Axles 1, 2 and 4 have been removed. We still have a lot of work to do. The good news is that we are not facing anything unusual at this time.



Award Winning Destination

Best Tour in Rural Nevada – 2017
Nevada State Treasure – 2013 & 2012
Trip Advisor Certificate of Excellence – 2017, 2016, 2015, 2014
Best Preservation Effort in the West • Attraction of the Year – 2012
Best Museum in Rural Nevada – 2017, 2016, 2014, 2013, 2010, 2009, 2008
Best Museum - Special Recognition – 2010 • Favorite Nevada Attraction – 2008
Best Event in Rural Nevada – The Polar Express – 2017, 2016, 2015, 2014 & 2013
Best Place to Take the Kids in Rural Nevada – 2018, 2015, 2014, 2013, 2012, 2011, 2010, 2009, 2008, 2007

2. Rolling Stock Status – No change

- a. Passenger equipment in service: #07, #08, #09, Flatcar #23, Coach #5, Baggage Car/RPO #20, Outfit Car #06.
- b. Passenger equipment out of service: #10, #2 and #05 needing heavy repairs.
- c. Caboose in service: #3, #6 and #22 are operational.
- d. Caboose out service: #5

3. Track Status – No change

- a. Keystone Branch is open
- b. Adverse Branch is open.

4. Buildings Status – Nothing to report.

5. Ridership and Ticket Sales – Updated

- a. In December we carried 3,530 passengers. This is a decrease of 471 passengers or 12% from the previous year.
- b. Our annual ridership was 16,028. This is an increase of 38 passengers over last year. 2017 was the largest year we have ever had, our increase over the previous year 13%. We were looking good going into the Polar Express season but the ridership on the Polars was less than last year and that ate up our increase. In 2019 we are dropping the Polar Expresses and doing Santa's Reindeer Flyer. Ticket prices will be less because we will not have to charge for the Polar Express royalty. The combination of a lower price and a new story may increase ridership in 2019's Christmas trains.
- c. Since operations began in 1987, we have carried 289,399 passengers. We should carry our 300,000th passenger sometime in August. Just to review, we carried our 100,000th passenger in 2004 after 17 years in operation. In 2012, we carried our 200,000th passenger in just 8 years. Now we will have carried another 100,000 passengers just 7 years later.

6. Media Report Placements – Update

- a. [Vegas News, Ride the Polar Express Train This Christmas at Meet Santa at the North Pole](#)
- b. [KSNV, News 3, Las Vegas, Polar Express Comes to life for the holidays with Nevada Railway Museum](#)
- c. [Vegas News, Nevada Northern Railway's \\$100,000 Phoenix Challenge Keeps History Alive and Helps Future Generations Develop Engineering Skills](#)
- d. KTNV Channel 13 Action News Morning Blend [Live Interview on the Polar Express](#)

7. Two Spikes Celebration – Update

2019 marks the 150th Anniversary of the completion of the Transcontinental Railroad at Promontory Summit Utah on May 10th 1869. The Union Pacific Railroad and the State of Utah are planning a massive \$2,000,000 celebration of the event right, over the Nevada state border. With \$2,000,000 they are planning, "...the biggest and best party ever held in the state of Utah. I mean, move over Winter Olympics ... we're bringing back the golden spike..."

What does this mean? The celebration committee is planning on 1,500,000 visitors in 2019 to visit the 150th Anniversary celebrations.

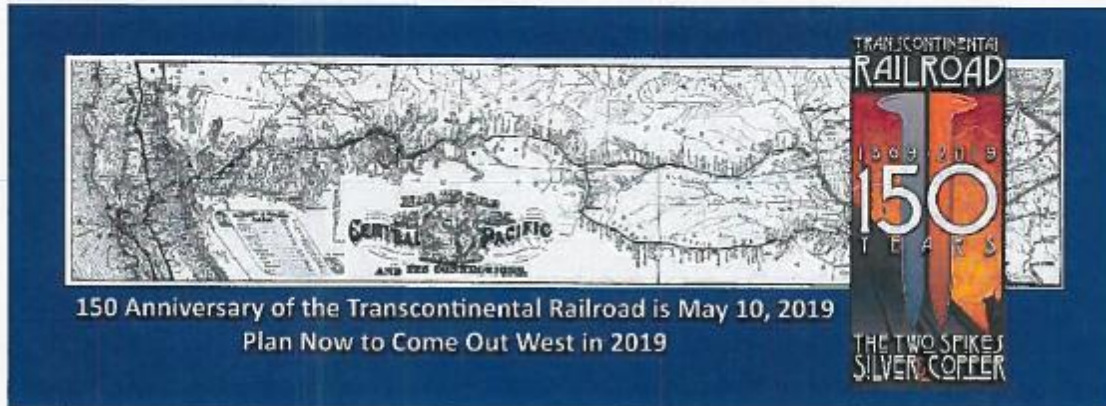
What does this mean to Nevada? A huge majority of those visitors will be coming through Nevada. Why? Because about 25% of the 1,776 mile transcontinental railroad was built and still exists in Nevada.

We are working on travel itineraries that will feature Nevada Rail History and of course feature the Nevada Northern Railway National Historic Landmark.

We have done a soft launch our yearlong Two Spikes promotion. The hard launch will be January 29, 2019 on *National Plan for Your Vacation Day*. Why two spikes? The completion of the transcontinental railroad was signified with three spikes, a Gold one from California, a Silver Spike

In cooperation with the Great Basin Heritage Area Partnership, and the White Pine Tourism and recreation Board we are building an event here in Ely for May 10, 2018.

On January first we changed our Facebook header to and did two postings. The first posting was viewed by 13,285 people in two days with 1,963 engagements. The second posting was seen by 12,540 people with 3,041 engagements.



We are going to start doing #TransconTuesdays to highlight different events that are happening during 2019 every Tuesday.

6. REPORTS

CITY COUNCIL

Councilman Flangas stated the paper from Vegas yesterday had a column that they want to re-name Jefferson Davis Peak; they ought to talk to the local people before they do things like this.

MAYOR

Mayor Van Camp reviewed her report appearing below and stated I attended the grand opening of the Kellogg Art Center and the Main Street committee meeting Tuesday; we've applied for a signage branding grant and to hire a professional people to assist. We had huge attendance on that meeting. We're going to send four locals to Seattle for the National Main Street meeting in March: Kyle from the Tour and Rec. Board, Nate Robertson, a member from the Great Basin Heritage and Brad Simpson.

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

- *The Copper Queen* for the Ely Rotary Club at Convention Ctr. 1-25-19.

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

B. NEW BUSINESS

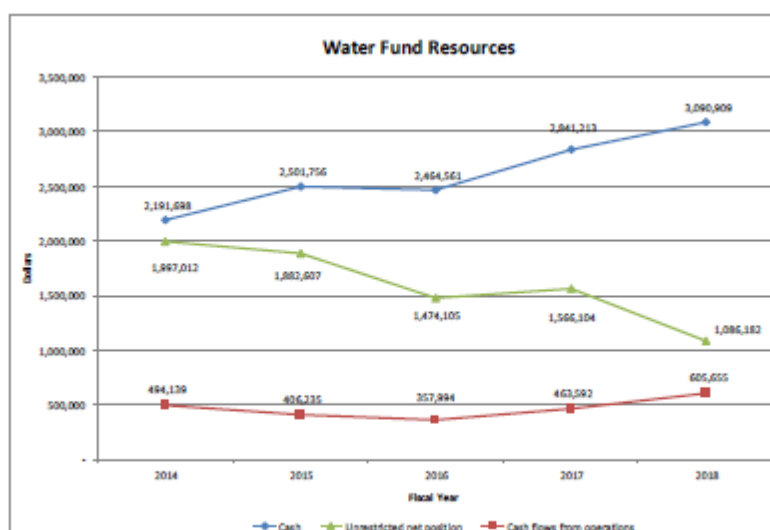
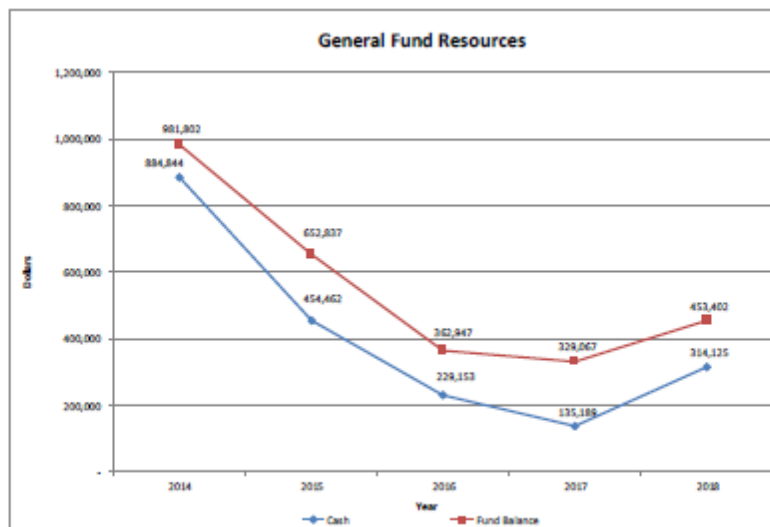
2. Council Members – City Administrator Switzer – *Hinton Burdick CPAs* representative(s) – Discussion/For Possible Action – Presentation and possible acceptance of the Year Ended June 30, 2018 fiscal audit for the City of Ely, prepared by *Keddington & Christensen, CPA's*.

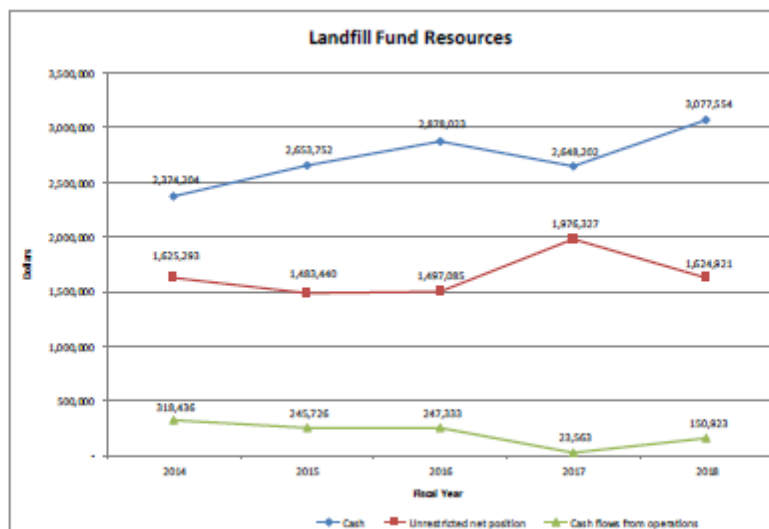
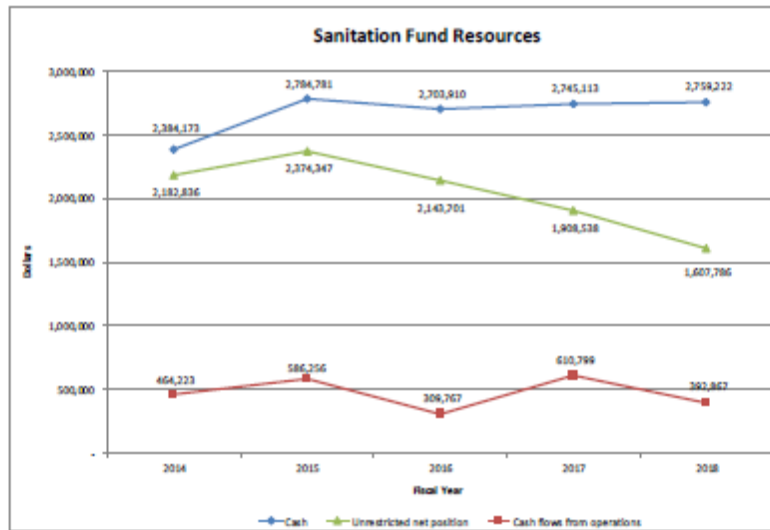
McKay Hall, CPA, CISA, CTP & CFE reviewed his presentation appearing below and stated I am a partner with Hinton Burdick. Keddington and Christiansen performed this year's financial audit and we are representing on that this evening. They've given an unmodified opinion. The main purpose of the financial audit is not to test the internal controls of the City, but in assessing their risk and testing the transactions, they do have to have an understanding of the internal controls. Keddington and Christiansen felt the internal controls were reasonable and that there were no significant deficiencies. In assessing the City's compliance with State regulations, there were two findings: No. 2018-001 is related to closure and post-closure insurance; that was re-issued from the prior year; and 2018-002 Budgetary Compliance. On the first one, the City had the money, it just didn't have it in a trust fund; now the City has a trust account set up with the bank, so the City's compliant. On 2018-002, there were expenditures in excess of budget in the

Landfill fund, as a result of GASB 68 and 75. GASB 68 requires the City to show their portion of the State’s retirement plan. As of the end of 2017, the General Fund decreases have stopped; the City needs to continue to build that back up.

Findings & Recommendations

- **See Schedule of Findings – page 94**
 - Findings related to internal control over financial reporting:
 - Material Weaknesses
 - None noted
 - Significant Deficiencies
 - None noted
 - Compliance Findings
 - 2018-001 Closure and Post Closure Financial Assurance
 - 2018-002 Budgetary Compliance





Councilman Hanson moved to accept the Year Ended June 30, 2018 Fiscal Audit. Councilman Carson seconded the motion. The motion carried unanimously.

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

1. Mayor Van Camp – Discussion Only – Approval of Second Reading of Ordinance 718, Bill No. 2018-13, An Ordinance amending City Code Title 6, Chapter 12 Off Highway Vehicles, revising the OHV routes authorized for use as ingress and egress from the City of Ely to public and private lands.

There was no public comment.

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

1. Mayor Van Camp – Discussion/For Possible Action – Approval of Second Reading of Ordinance 718, Bill No. 2018-13 , An Ordinance amending City Code Title 6, Chapter 12 Off Highway Vehicles, revising the OHV routes authorized for use as ingress and egress from the City of Ely to public and private lands.

Councilman Hanson moved to approve the Second Reading of Ordinance 718. Councilman Carson seconded the motion. The motion carried unanimously.

9. ITEMS FOR DISCUSSION/POSSIBLE ACTION OF THE ELY CITY COUNCIL AS RECOMMENDED BY THE ANIMAL CONTROL ADVISORY BOARD.

1. Board Members – City Animal Control Officer Hayes – Discussion/For Possible Action – Recommendation for Approval for Officer Hayes to sign Letter Agreement and Grant Recognition Plan in order to receive a \$25,000.00 grant from Maddie’s Pet Project in Nevada for the Trap/Neuter/Release program – \$10,000.00 – and to increase local pet adoptions - \$15,000.00.

City Attorney Odgers stated the Animal Control Advisory Board passed this unanimously last night with the change that the Mayor must sign.

City Animal Control Officer Hayes stated this contract will give us money to start the TNR program; it has stipulations that we have to give them the numbers we’re dealing with, so I’m thinking about combining their report with our monthly. The other money will be helped to get better cages and dog housing facilities. We’re thinking of extending the holding time to be able to spay/neuter.

Councilman Hanson moved to accept the recommendation by the Animal Control Advisory Board granting approval for the Mayor to sign Letter Agreement and Grant Recognition Plan to receive a \$25,000.00 grant from Maddie’s Pet Project in Nevada. Councilman DeFelice seconded the motion.

Mayor Van Camp stated there’s no matching funds.

Councilman Hanson’s motion carried unanimously.

2. Chairwoman Roberts-McMurray – Discussion/For Possible Action –Approval to give administrative rights to a Board Member, or volunteer, for the City of Ely Animal Control Facebook page.

Chairwoman Roberts-McMurray stated Teri Doty was a recommendation we talked about; she’s been willing to volunteer with our animals. We would be posting animals available for adoption. We’d like to start publishing people’s donations, including paying for veterinarian services. I invited Teri to come.

Teri Doty stated I did volunteer to assist them in any way. I would weekly update their Facebook page.

Councilman Hanson moved to give administrative rights to Teri Doty for the City of Ely Animal Control Facebook page. Councilman DeFelice seconded the motion. The motion carried unanimously.

3. Chairwoman Roberts –McMurray – Discussion/For Possible Action –Approval of Trap/Neuter/Release Program Mission Statement.

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

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

1. Board Members – City Administrator Switzer – Discussion/For Possible Action – Approval to purchase Kundel V-Panel box, to be expensed between the Water and Sewer departments.

City Administrator Switzer stated I’m requesting the Council approve the purchase of this trench box. I was listening to the Union representative this morning at the Utility Board; he knew of an incident where a crew suffered a fatality in a two-foot trench. The Utility Board recommended purchase of this, but wanted to include a 4th side. With the four walls, the total cost would be \$18,332.00.

Councilman Hanson moved to purchase a Kundel V-Panel box with a fourth side. Councilman Carson seconded the motion. The motion carried unanimously.

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

A. CONSENT AGENDA

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

Moved by: Councilman Hanson Second by: Councilman Carson Vote: Unanimous

1. Discussion/For Possible Action –Minutes.
 - December 13, 2018
2. Discussion/For Possible Action –Bills.
 - December 31, 2018

City Attorney Odgers stated my son received a check on December 6, 2018.

B. NEW BUSINESS

1. Mayor Van Camp – Discussion/For Possible Action – Mayoral Appointment of one (1) Municipal Utilities Board Member, with the consent of the Ely City Council, from the following applicants: Jeremy Lilly. The member will receive an appointment through June 30, 2021.

Mayor Van Camp stated I would like to appoint Jeremy Lilly to the Municipal Utility Board.

Councilman Hanson moved to approve the Mayor's appointment of Jeremy Lilly to the Municipal Utility Board through June 30, 2021. Councilman Flangas seconded the motion. The motion carried unanimously.

3. Councilman Carson – City Fire Chief Rivera – Discussion/For Possible Action – Acknowledgement of Assistant Fire Chief Mike Peterson's resignation effective January 16, 2019 and authorization to begin the recruitment process to fill the position, including advertising locally, in Reno, Las Vegas, and Elko Nevada, as well as online through Indeed and Firehouse.com.

City Administrator Switzer stated it's \$1,300.00 for each newspaper for two weekends of insertion and an online presence for thirty days. We got our biggest response from Indeed.com last time; it's free initially, but to keep it in the top ten it was \$17.50 per day.

City Fire Chief Rivera stated maybe it would be better to pay for another search engine.

City Administrator Switzer stated Elko was approximately the same. Firehouse.com has a one-time monthly fee of \$500.00.

Councilman Carson moved to acknowledge Assistant Fire Chief Mike Peterson's resignation and begin the recruitment process to fill the position, including Job Connect, Indeed, Firehouse.com and give Bob the authority to put it in the newspapers. Councilman Hanson seconded the motion. The motion carried unanimously.

4. Councilman Carson – City Fire Chief Rivera – Discussion/For Possible Action – Approval of Confidentiality and Data Sharing Agreement between the Nevada Division of Public and Behavioral Health and the City of Ely.

City Attorney Odgers stated I went through this agreement. There's no legal impediment.

Councilman Carson moved to approve the Confidentiality and Data Sharing Agreement between the Nevada Division of Public and Behavioral Health and the City of Ely. Councilman Hanson seconded the motion. The motion carried unanimously.

5. Mayor Van Camp – Discussion/For Possible Action – Approval of proclamation declaring January 2019 as “National Radon Action Month in Ely, Nevada.”

Mayor Van Camp read the National Radon Action Month Proclamation (appearing below) into the record.

**A PROCLAMATION DECLARING JANUARY 2019 AS
“NATIONAL RADON ACTION MONTH IN ELY, NEVADA”**

WHEREAS, many residents of the City of Ely don’t know about radon, yet need to know, for the safety and health of their families, as radon is a colorless, odorless, naturally occurring radioactive gas that is the primary cause of lung cancer among nonsmokers; the second leading cause of lung cancer for smokers; and

WHEREAS, the U.S. EPA estimates 21,000 people in the U.S. die each year from lung cancer caused by indoor radon exposure, and lung and bronchus cancer kills more people in a year than any other cancer; and

WHEREAS, radon kills more people than secondhand smoke, drunk driving and home fires combined; and

WHEREAS, any home in Ely may have elevated levels of radon, even if neighboring homes do not, and living in a home with an average radon level of 4 picocuries per liter of air poses a similar risk of developing lung cancer as smoking half a pack of cigarettes a day; and

WHEREAS, testing is the only way to know if a home has an elevated radon level, and testing is easy and inexpensive, and when identified, homes can be fixed; and

WHEREAS, University of Nevada Cooperative Extension, the Nevada Division of Public and Behavioral Health, and the U.S. Environmental Protection Agency support efforts to encourage all City of Ely residents to test their homes for radon, mitigate elevated levels of radon, and have new homes built with radon-reducing materials and features.

NOW, THEREFORE, I, the Mayor Melody VanCamp, do hereby proclaim January 2019, as

**“NATIONAL RADON ACTION MONTH”
In Ely, Nevada**

Councilman Hanson moved to approve the proclamation declaring January 2019 as “National Radon Action Month” in Ely, Nevada. Councilman Carson seconded the motion. The motion carried unanimously.

6. Council Members – City Attorney Odgers – Discussion/For Possible Action – Approval of 2019 Victim/Witness Service Program Memorandum of Understanding. There is no fiscal impact to the City of Ely.

City Attorney Odgers stated there’s no direct fiscal impact. Whenever we have a crime, Victim Witness Service walks them through the process. It’s helpful to Muni Court and myself.

Councilman Hanson moved to approve the 2019 Victim/Witness Program Memorandum of Understanding. Councilman Carson seconded the motion. The motion carried unanimously.

Mayor Van Camp passed the gavel to Mayor Pro Tem Hanson stating I need to abstain on this next item because my brother is involved in this issue.

2. Council Members – City Attorney Odgers – Discussion Only – Review of order denying Judicial Review of Case No. CV-1803035.

City Attorney Odgers stated you've been provided a copy of the Order Denying Petition for Judicial Review in the Lemich and Van Camp case v. the City Council.

Councilman DeFelice asked so this is the end of the suit?

City Attorney Odgers stated the plaintiffs appeal, but their time to appeal ends on the 14th.

Councilman Hanson stated we asked the Court to pay our attorneys' fees, but they declined.

Mayor Pro Tem Hanson passed the gavel back to Mayor Van Camp.

12. PUBLIC COMMENT

George Chachas stated ongoing concerns regarding ADA compliance in the 400 block of Murry Street, plastic sheeting being placed on Centennial Fine Arts Center without a permit; and rip rap against his fence at 622 High Street. On November 7, 2018, I talked to Dave Miller at Basin Engineering regarding curb/gutter/sidewalk work at R Place 2 and Mark Bassett's home on 11th Street and compared it to work that was required at Avenue C at 9th, with Vernon Bradley, and Avenue M, which was owned at one time by Jesse Valdez; the Code had to be followed. On November 8, 2018, I talked to B.J. Almberg at the City Council meeting about the curb/gutter/sidewalk ordinance, as well as what was talked about with Dave Miller. The two jobs at R Place 2 and Bassett are not to Code and need to be re-done.

Mayor Van Camp asked Brad, can you address the Centennial Fine Arts Center?

Brad Christiansen stated on the Centennial Building, there's no permit required; all they're doing is protecting what's underneath there. When it comes to Mr. Chachas' building, he hired incompetent contractors; the State Contractor's Board forced them then to hire some people out of Elko. The State Contractors Board came in and 'finalized' that roof at the expense of the other contractor, not George.

Bill Sanford asked what were the dates again for the filing?

City Administrator Switzer stated January 22 through February 1st.

Bill Sanford asked what Council seats are up?

Deputy City Clerk Lee stated 2, 4, and Mayor.

13. 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 **6:20 p.m.** Councilman DeFelice seconded the motion. The motion carried unanimously.

MAYOR

ATTEST