



CITY OF ELY
501 Mill Street Ely, Nevada 89301
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**ELY CITY COUNCIL
REGULAR MEETING**

June 11, 2020 5:00 p.m.

June 11, 2020 5:00 p.m. – Ely Volunteer Fire Hall - 499 Mill Street-Ely, Nevada.

Pursuant to Governor Sisolak’s Directive 021 limiting gatherings to fifty people or less and the March 20, 2020 White Pine County Public Health Decree requiring six-foot social distancing, the Ely City Council meeting can also be accessed via videoconference/teleconference.

1. Mayor Robertson called the regular meeting of the Ely City Council to order at **5:03 P.M.**, led in the Pledge of Allegiance and asked for Roll Call.

Members present:

- Mayor Nathan Robertson
- Councilman Ernie Flangas
- Councilman Ed Spear
- Councilman Jim Alworth
- Councilman Kurt Carson
- Councilwoman Michelle Beecher

City Officials and Staff present:

- City Clerk Jennifer Lee
- City Treasurer Janette Trask
- City Building Official Brad Christensen
- City Engineer B.J. Almberg
- Public Works Supervisor Mike Cracraft
- City Fire Chief Ross Rivera
- City Police Chief Scott Henroid

Also in attendance: Members of the public in attendance at the Volunteer Fire Hall signed in (appears below) and the following persons attended via video conference: Geri Wopschall, Caroline McIntosh, Maureen Otzelberger, Marietta Henry and Ty Peterson.

Ely City Council ATTENDANCE LIST

DATE: 6-11-20

<u>Print name below</u>	<u>Print name below</u>
<u>Georgie Chachas</u>	_____
<u>Shannon Barngrover</u>	_____
<u>Amanda Hilton</u>	_____
<u>Grey Fisher</u>	_____
<u>Belinda Dallegan</u>	_____
<u>Robert Bessy</u>	_____
<u>Sharon [unclear]</u>	_____
<u>SHARON [unclear]</u>	_____
<u>Mark Bassett</u>	_____
<u>[unclear]</u>	_____

2.PUBLIC COMMENT:

Gary Phillips stated my name is Gary Phillips with the Stardust Ranch. We would like to open the bar section and keep the brothel closed until the Governor opens that up to us.

Belinda Gallagan stated on behalf of the Stardust Ranch, this is a small business. Please consider we're just trying to keep our doors open. All the other bars are open.

George Chachas stated ongoing concerns regarding whether recent squatters were billed; his October 2015 public information request to the Railroad; whether Bath Lumber paid for a Will Serve and his utility account for 490 High Street. You need to deny Item 3C-3; the Railroad failed to put back curb and gutter along Orson Avenue, between Center Street and North Street when they had to redo the rail; that's caused some flooding on nearby property below. On Item 3C-4, there is no letter of authorization for the City Attorney to represent Mr. Bida. On item 8B-1 you're to consider removing \$548.03 in water/sewer fees; this item should go before the Utility Board first. It appears Jennifer Lee is sucking up when she should be following established procedures. This item needs to be denied.

City Clerk Lee read the letter appearing below from Cheyenne Gibson regarding the 2020 Census.



Commenter: Cheyenne Gibson
Organization: Nevada Census 2020

Ely City Council, Public Comment:

Good evening, my name is Cheyenne Gibson and I am a regional coordinator with the Nevada Census 2020 Outreach team. I wanted to take this opportunity to give the Ely City Council a census update.

Nevada's response rate is 59.4%. The City of Ely response rate is 50.8%. White Pine County response rate is 37.8%.

The U.S. Census Bureau has begun its update leave operation, where 2020 Census forms are hand-delivered to residences that either do not have mail delivered to the physical location of the home, or the mail delivery information for the residence cannot be verified. This process is to ensure all Nevadans — particularly in rural communities — are counted. Once the paper forms begin to be submitted there should be a jump in our response rates.

There will be no contact between census employees and household members during the Update Leave process. Forms will be left at the residence.

All of us will be receiving our paper form, if we haven't already. If you have already filled out your census online or by phone, the paper form can be disregarded. Any reminders that come in the mail can also be disregarded.

A large majority of White Pine County and the City of Ely still needs to be counted. We have until the end of October 31st, 2020 to self-respond.

In light of public health concerns, we continue to encourage our communities to complete their census from the safety of their homes. As community leaders and trusted voices, you can help by:

- Achieving a 100% response rate from your agency.
 - If your agency reached 100%, send me an email and our team will shout your out on our social media platforms!
- Highlight the 2020 census in your agency e-mails, bulletins, newsletters, and mailings to increase awareness of why the census important.

- Use your social media pages to get the word out. Post your own social media messages and videos about the importance, security and ease of completing the Census.
- Follow, like, and share content from the official Nevada Census 2020 social media platforms @NVCensus2020.
- Volunteer to write a letter to the editor or a guest column in your local newspaper about participating in the 2020 Census will improve your community.

The census informs where billions of dollars of federal funding will go for the next ten years. It is crucial for our community to be counted so we do not lose out on funding that keeps us safe, healthy, and educated.

Thank you.

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

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

4. CITY DEPARTMENT REPORTS

➤ CITY FIRE CHIEF

From the last EMS class we did, we had four new EMTs. From our last Firefighter I class, we had six participants. I went to Baker and did the COVID testing in Baker and there's testing here tomorrow; negative results are good for our stats.

➤ POLICE CHIEF

This week I was contacted by a citizen with concerns; his wife had picked up a slug from a bullet in their yard; I went up there with one of my range masters, walked the area and verified it. This caused me great concern, so I shut off access to that range and talked to the Mayor.

➤ CITY PUBLIC WORKS SUPERVISOR

I was contacted by Rope Ashworth of Tri-County and they'll start doing the mapping and spraying next Wednesday. The Street Department is going to be starting work on Belfort, Mill and Avenue D.

➤ CITY ENGINEER

City Engineer Almberg stated I've been working on some Terrace drainage issues with Mike. This week we had some CDBG training with Jennifer. We got some responses back from State Drinking Water on our Aultman Street project; that project was put back online. The other thing we've been working on is our Murry Street project bid packages.

5. NNRV FOUNDATION REPORT

NNRV President Mark Bassett reviewed his May 2020 report appearing below and stated the big news is we're open and the first train was May 30th. The other big news is we did receive an extension from the federal railroad administration on Locomotive 40; Locomotive 40 can stay in service until October of this year.

6. REPORTS MAYOR

Like B.J. said, our NDOT project did get approved due in large part by constituents. Our CCCHP grant application for \$70,000 worth of masonry/window repairs on City Hall was approved this week. The Governor contacted me and we will be receiving over \$700,000 in CARES act money; there are stipulations on how it is to be spent.

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

1. Mayor Robertson – Discussion/For Possible Action – Renew #1Murry Springs Circle Assignment of Lease of Real Property between City of Ely and Robinson Nevada Mining Company.

RNMC General Manager Amanda Hilton stated we are open to exploring other options with the building. What we need access to are the monitoring points.

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

2. Mayor Robertson – Discussion/For Possible Action – Direction on comment draft regarding Robinson Nevada Mining Company’s proposed mine life extension to be submitted for the Bureau of Land Management’s Environmental Impact Statement and Proposed Resource Management Plan Amendment; comment draft to be approved by City Council June 25, 2020.

Robinson Mine General Manager Hilton stated this environmental impact statement would take Robinson Mine operations to 2028. The EIS we’re operating under is from the ‘90s.

Councilman Carson stated the Utility Board did recommend to send a letter of support; they would like to see some verbiage in there that we are still in negotiations on the dewatering impacts to the City of Ely.

Mayor Robertson stated this is to approval to send a letter. We would draft a letter and have it at the next meeting. This is for an entire EIS or just a modification to the EIS?

Robinson Mine General Manager Hilton stated we are amending our plan of operation and this is a new EIS, so we’ve been spending several years getting baseline data together.

Councilwoman Beecher moved to send a letter of support.

Councilman Carson stated Frederick also mentioned this morning that this extension would be great for the City of Ely because they wouldn’t be dewatering in the block they are now and impacting our drinking water; they’d be at a different aquifer.

Robinson Mine General Manager Hilton stated yes. This expansion would be back in the Liberty Pit, but Liberty does not require any dewatering activities that would impact the South Block aquifer.

Councilman Spear seconded Councilwoman Beecher’s motion. The motion carried unanimously.

3. Councilwoman Beecher – Nevada Northern Railway Foundation President Mark Bassett – Discussion/For Possible Action – Approval of Memorandum of Understanding wherein the City of Ely grants Nevada Northern Railway Foundation permission to install a National Historic Landmark sign in the City of Ely sewer easement on Avenue A and Nevada Northern Railway Foundation assumes all responsibility to temporarily remove sign if, at the City of Ely’s discretion, sewer repairs become necessary.

Councilwoman Beecher moved to approve a Memorandum of Understanding granting Nevada Northern Railway Foundation permission to install a National Historic Landmark sign in the City of Ely sewer easement on Avenue A. Councilman Carson seconded the motion. The motion carried 3 to 1, with Councilman Flangas voting Nay.

4. Council Members – City Attorney Townsend – Discussion/For Possible Action – Approval to write off \$438.98 for 2160 Crawford Street due to no livable structure on the property since 2013.

This item died for lack of a motion.

5. Chairman O’Flaherty – Discussion Only – Review of April 28, 2020 Division of Water Resources letter approving the City of Ely Water Conservation Plan, including recommendations.

6. Board Members – City Clerk Lee – Discussion/For Possible Action – Select capital projects for requested placement on Nevada Drinking Water/Clean Water State Revolving Fund Priority Lists.

Councilman Carson moved to replace the NDOT project with customer meter installation on the Nevada Drinking Water/Clean Water State Revolving Fund Priority lists. Councilwoman Beecher seconded the motion. The motion carried unanimously.

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

A. CONSENT AGENDA (These items may be approved in one motion by the Council as its first action of business under For Discussion/Possible Action items.) Approval of the Consent Agenda approves each of these items. Council Members may remove any item from the Consent Agenda by notifying the Mayor or Mayor pro tem.

MOTION: Move to approve the Consent Agenda item 9A-1 Minutes and 9A-2 Bills.

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

1. Discussion/For Possible Action –Bills.
 - May 27, 2020

B. NEW BUSINESS

1. Council Members – City Clerk Lee – Discussion/For Possible Action – Consideration/possible approval of Mike Lemich’s appeal for removal of \$548.03 in water and sewer fees/penalties charged to 463 Aultman Street, pursuant to City Code 10-2-5(B)(c)(6), service discontinuance.

Councilman Spear abstained due to his marital relationship with Utility Clerk Julie Spear.

Mike Lemich stated the problem I have is I received a bill and I’d never received a prior bill in relationship to that. At 463 Aultman Street I had a tenant and I understand my obligation in regards to the water, sewer and landfill bills; this last fall 2019, we had a failure on the roof and my lease with the tenant was terminated the middle of November. I came into City Hall to pay my regular bill and informed the clerk 463 Aultman was shut down.

City Clerk Lee stated Mayor, Mr. Lemich never spoke with me last fall.

Mike Lemich stated I’m not talking about you, but the utility clerk; she informed me the tenant had recently made payment arrangements, but I never knew what that bill was. Six months later I get a bill for \$811.00 for sewer and water for 463 Aultman, but I hadn’t gotten a bill. In my opinion this was very mishandled. If the City negotiated the bill with the tenant, I never knew it; since the City is very adamant these bills should be addressed by the owner, I should have been part of that negotiation too and I never was. I didn’t know a thing about previous history on that account. When I got that \$811.00 bill, I asked the City for a rundown on that account and I did get it.

Councilwoman Beecher asked you came in November and said because of the failure of the roof, the building was not occupied or in use - you wanted the water service discontinued?

Mike Lemich stated well, I just told them there was nobody there and it was shut down because the tenant was gone and they said the tenant had negotiated a payment plan with the City.

Mayor Robertson stated but the services were in the tenant’s name not the landlord’s name.

Councilwoman Beecher asked whose name are they in now?

Mayor Robertson stated the service bills follow the property independent of who’s paying them.

City Clerk Lee stated the bills are never sent to a tenant without the owner’s permission.

Mayor Robertson asked is there an affidavit or something that gets signed?

City Treasurer Trask stated it's done verbally.

City Clerk Lee stated the owner can also come to City Hall or send an email.

Councilwoman Beecher stated the City was notified the tenant was no longer there. Was the billing address changed?

City Clerk Lee stated our utility clerk asked Mr. Lemich if he wanted the bill sent to him and he said "No! I'm not paying it"; she also asked him if he wanted the water turned off and Mr. Lemich said "No. When my contractor can work on that building, I want water to be available." So, he specifically asked that the water not be turned off.

Mayor Robertson asked but at that time no address was given for the change of address?

City Clerk Lee stated correct.

Councilwoman Beecher asked Mr. Lemich, you agree that you wanted water to continue to be available in that building?

Mike Lemich stated it's still not usable. All I'm saying is that if I had been aware of it December 1st or December 6th when I came in, I would have been able to address it. The other issue is this has just kept accumulating and nobody's been there and I do understand, and I guess that's true, that if you turn the water off it's over, right?

Mayor Robertson asked he'd still be getting a landfill bill?

City Clerk Lee stated correct.

Mike Lemich stated I pay a landfill bill for the building next door, but on this one there was obviously an agreement with the City because after the tenant was out of there for two months – he was out of there November and December – he made a payment after that and he wasn't even in there.

Mayor Robertson asked the tenant had a payment agreement, but hadn't completed it?

City Clerk Lee stated correct, but he did pay \$100.00 in December.

Mike Lemich stated you'd think I'd be a party to the agreement if I'm responsible for the bill.

Councilwoman Beecher asked so the fees you're asking that we remove were accrued by your tenant, not the fees that you have accrued since regaining the property?

Mike Lemich stated well I don't think any of it because the water should have been shut off. It should have been shut off last year.

City Clerk Lee stated when Mr. Lemich and I discussed his appeal item on the phone, he stated he would take care of \$290.30 that was accrued by his tenant and that he would ask for the \$548.03 to be waived.

Mayor Robertson asked what is included in that \$548.03?

City Clerk Lee stated penalties, water and sewer for that time period. Landfill fees are pulled out.

Mike Lemich stated the bill was \$811.47.

Mayor Robertson stated what's on the agenda Mr. Lemich is to waive \$548.03.

Mike Lemich stated that's what I'm asking for credit. It wasn't my obligation. If you take \$548.03 from \$811.47, you end up with \$263.44. Then there was a payment made on that account for \$100.00 by the tenant, so that brings it down to \$163.44. Then I've got six, maybe

seven, months of landfill I know I'm responsible for, so if you add that in, I owe the City \$225.24 to settle the issue.

Councilman Alworth asked if they would have sent you a bill every month, would you have paid that?

Mike Lemich stated yeah.

Councilman Alworth stated the City was told not to turn the water off. The water and sewer have got to be paid.

Councilwoman Beecher asked if a customer says 'I want the water turned off', does he have to sign something?

City Clerk Lee stated it can be a verbal. We take phone calls all the time like Jim's example of an owner in Vegas or the owner can be physically in City Hall; a lot of times those are taken care of same day.

Councilwoman Beecher stated so it could have been a misunderstanding and he did want the water off until his contractor got there.

City Clerk Lee stated no, we've discussed that at length. There was not a misunderstanding on that point. Mr. Lemich, correct me if I'm wrong, you wanted water for when your contractor was free to work on your building.

Mike Lemich stated we had two broken pipes and I personally shut the water off last December.

City Clerk Lee stated inside the building.

Mike Lemich stated we finally got our insurance issues solved, but it was really delayed with the virus. My suggestion was the water is on, check it and see if you have a leak. By your policy, that water should have been shut down last January, last July. Every month since July that has been in violation. The water bill, sewer and landfill at that address is about \$75.00 a month.

Mayor Robertson asked so we shut the water off for non-payment?

City Clerk Lee stated correct.

Councilwoman Beecher asked how long do we let a water bill go before we turn it off?

City Clerk Lee stated the Code states two months or over \$250.00, unless the normal bill is over \$250.00. Prior to Mr. Lemich approaching me, I was working with the utility clerk on shutoffs and she had been printing the master list and then doing the accounts and letters for me to sign. I discussed with her that it would be best for me to see that master list just to make sure I'm aware of everything.

Councilwoman Beecher stated but typically it wouldn't have gone on this long.

City Clerk Lee stated typically it wouldn't have.

Councilman Flangas stated I had a similar situation to Mr. Lemich, but as the legal property owner I was responsible to pay off the bill, even though the tenant was a City employee.

Councilwoman Beecher stated he said he was willing to pay for what the tenant had accrued.

Councilman Alworth stated the City failed to shut the water off.

City Clerk Lee stated correct.

Councilman Alworth asked what month was that because from that point he shouldn't be charged for anything after.

City Clerk Lee stated it should have been October.

Councilwoman Beecher stated I move to forgive anything accrued after October. Councilman Alworth seconded the motion.

Mike Lemich asked what just happened?

Councilwoman Beecher stated I moved to forgive anything accrued after October.

Councilwoman Beecher's motion carried 3 to 1, with Councilman Carson voting Nay and Councilman Spear abstaining.

Mike Lemich asked now what happened?

Mayor Robertson stated they're forgiving anything that accrued after October, when they would have shut it off.

Mike Lemich stated I understand about paying landfill. I guess I get credit for what was paid towards it?

City Clerk Lee stated of course.

Mike Lemich stated I appreciate it. Thank you.

2. Councilman Spear – Discussion/For Possible Action – Approval of Memorandum of Understanding between City of Ely and Basin Engineering.

Councilman Alworth moved to approve the Memorandum of Understanding between City of Ely and Basin Engineering. Councilman Carson seconded the motion. The motion carried unanimously.

Mayor Robertson stated the understanding is that this memorandum of understanding is good until we put everybody's pay back; this also goes back to the regular.

City Attorney Townsend stated yes. It all goes back again.

9. PUBLIC COMMENT:

George Chachas stated ongoing concerns regarding bringing the billing back to City Hall; the 490' 16" steel pipe from the Murry Street project; reimbursement for curing the sewer problem at 681 Parker; and the City paying for a water line from Love's to the Charter School. I'm very disappointed in you guys. Another example of selective enforcement. On your agenda item 8B-2, you need to lessen costs. I understand the City paid for curb and gutter along Van Camp's junk yard; when did the City Council put that on the agenda? When was it approved? Who approved it? \$16,000! I understand the Charter School may be opening soon, yet I don't see the curb and gutter along 15th Street. I paid for advertisements with the newspaper back on April 7, 2020; they have yet to run it and that's fraud, so pull their license. I have the same right as anybody else to run an ad. On the ingress/egress on Avenue D, this is the fourth time that STOP sign has been knocked over; a person in a wheelchair can't go past that turn.

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

Mayor

Attest