



CITY OF ELY

480 Campton Street Ely, Nevada 89301
City Hall (775) 289-2430 - Fax (775) 289-1463

ELY CITY COUNCIL SPECIAL MEETING AGENDA

January 18, 2017 5:00 p.m. – Ely Volunteer Fire Hall - 499 Mill Street-Ely, Nevada.

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

Members present:

- Mayor Melody Van Camp
- Councilman Bruce Setterstrom
- Councilman Kurt Carson
- Councilwoman Pat Robison via phone
- Councilwoman Jolene Gardner

Members absent:

- Councilman Sam Hanson

City Staff present:

- City Administrator Robert Switzer
- City Attorney Charles Odgers
- Municipal Judge Appointee Mike Coster
- Municipal Court Clerk Launa Laity

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.** 1-18-17

Richard Han _____

Ther Wapscott _____

Scott Henrich _____

George Chachas _____

Paul Holaday _____

Launa Laity _____

MIKE COSTER _____

Kay McMurra _____

2. PUBLIC COMMENT:

City Administrator Robert Switzer read the email appearing below into the record.

From: SAM SAM <mjsamhanson@sbcglobal.net>
Sent: Wednesday, January 18, 2017 5:31 AM
To: JenniferLee
Cc: Charles Odgers; Robert Switzer
Subject: Tonight's Meeting

Jennifer:

Would you kindly read the following at the appropriate time in the meeting this afternoon, which unfortunately coincides with a critical event I must oversee at the high school; indeed, it might not be a bad idea to print it and distribute it to council members in addition to reading it:

Esteemed colleagues:

I regret I am not able to attend the meeting at which you are presently assembled. However, I would like to make my feelings known to you all prior to a decision on the matter before you.

I concur that the donation of the property in question to White Pine County will serve the safety, security, and logistical requirements of our community—now and for the foreseeable future—which current accommodations cannot provide. In exchange for our property interest, I feel strongly that in addition to the unrestricted use of space sufficient for the present and potentially expanded future functions of the Municipal Court, that we as a Council insist that daytime and evening use of the proposed assembly space be made available when and if necessary to conduct any and all City meetings which do not create a scheduling conflict with County meetings.

I appreciate the work now undertaken by Bruce and Curt to refurbish the historic City Hall to allow it to be returned to service; however, in as much as the architectural survey has not been completed, and that moreover future problems with such an aging structure may at some point arise sufficient to preclude its continued use, it seems only prudent to reserve our right to use the facility under contemplation as a potential assembly location. Even if the renovation of the historic City Hall proves entirely satisfactory for the regular meetings of the City Council—as well as its ancillary organizations such as the various boards and committees we sponsor—there will in all likelihood still arise in the future issues which will so powerfully interest large numbers of the community to attend such meetings, it would be foolhardy in my opinion to not have access to the larger capacities I understand the facility will accommodate. Consequently, I again urge you all to insure that future negotiations guarantee our right to use the meeting areas of the proposed facilities—in addition to the Municipal Court requirements—as we move forward with the County in this project.

Truly, Sam Hanson

George Chachas stated ongoing concerns regarding his October 2015 public information request to the Nevada Northern Railway Foundation and a refund of his roofing permit. On your agenda item 3A-1, you're to consider the transfer of the City's ownership in 1785 Great Basin Boulevard to the County; their request needs to be denied. The proposed design is from the 1990s and poor. No one I know has seen the present-day sketch. What are we getting for twenty-nine million dollars? For that kind of money, it needs to go in front of the taxpayers for a vote. I can support a new courthouse complex, but not for that location. Do not rush into debt. The County was to build a two million dollar Olympic size swimming pool that ended up costing approximately seven million, with no Olympic size pool, access roads that don't meet the minimum standard width of thirty-six feet, and improper ADA access for the sidewalks up Veterans Boulevard to the facility. The proposed location is in a highly congested area near schools, restaurants, a grocery store, three gas stations and an incident could cut off north/south traffic on federal/state highways. A vehicle loaded with explosives could drive between the present City fire station and present jail complex, wiping out both facilities. There needs to be more study with more information. How are you going to justify asking the State legislature for ten million based on a 1990s, outdated sketch? We need a better proposal in a different location. At the last City Council meeting, the City was talking about remodeling the old City Hall and that Jolene would be . . . the expulsion of old records. The City has a policy: "No records will be disposed of until they're past the ten-year date."

Councilwoman Gardner stated seven years.

George Chachas stated ten. The ordinance hasn't been changed.

Councilwoman Gardner stated I'm not throwing anything out.

White Pine County Commission Chairman Richard Howe stated there seems to be a little misinformation. We are requesting the property so we can move forward through the State legislature to secure the funds to re-build a dilapidated building for the courthouse and the jail. It's a joint effort. The City and the County share that jail now; it was built in the early '70s. We have a million dollars set aside for doing the blueprints. An artist's sketch will be done after we receive the permission to address the State Supreme Court for a BDR. The County has nearly ten million dollars towards the building of this thing. It's a twenty-eight million dollar project, but it's probably going to be less. In the letter I read at the last meeting, we are offering Municipal Court and their staff the use of the facilities in perpetuity, in exchange for the property being handed over to the County. If we miss the opportunity in the 2017 Legislature, you're looking at five years down the road and that building will not sustain that length of time.

Councilman Carson asked are the SB74 funds – the eight million dollars – solely for the jail or is it for the jail and courthouse?

WPC Commission Chairman Howe stated in the '70s the County set aside money for the Courthouse. When the money ran short, the County gave up the idea of the Courthouse being out there and turned all the money over to the City for the jail. The eight million dollars is set aside for courthouse/jail expansion; if we can't do the money for one, we'll have to do it for the other. The primary thing is to allow us to go to the State Legislature and the Supreme Court with our BDR and request the funds; we're requesting twenty-eight million dollars total.

Councilwoman Gardner stated it was my understanding that eight million dollars is for the jail.

WPC Commission Chairman Howe stated yes, it's for the jail. It's jail/courthouse because hopefully, with low interest rates, we can get both of them done at the same time. The jail is priority one. Splitting the jobs makes it more expensive mobilizing contractors twice and the cost would increase at least twenty-five percent.

Councilwoman Gardner stated phase 1 would be the jail. Phase 2 would be the courthouse.

WPC Commission Chairman Howe stated I'm not the contractor, so I couldn't answer that question.

City Attorney Odgers stated phases won't be done until architectural designs are done.

WPC Commission Chairman Howe stated that's correct.

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

A. NEW BUSINESS

1. Mayor Van Camp – Discussion/For Possible Action – Consideration and possible acceptance of the request by the White Pine County Commission to transfer the City of Ely's ownership interests in 1785 Great Basin Boulevard (APN 002-280-15) for the purposes of the Jail Expansion and construction of a Community Justice Center, in exchange for a lifetime lease in favor of the City for its Municipal Court and office space for its clerks at no charge to the City for the duration of the lease or in the alternative to establish terms and conditions upon which the City of Ely would transfer its ownership interest in 1785 Great Basin Boulevard (APN 002-280-15) for the purposes of the Jail Expansion and construction of a Community Justice Center.

City Attorney Odgers stated this matter came before the County Commission January 11, 2017 with the draft letter, a copy of which you have (appears below). Any motion on this today would require me to begin the resolution process required by NRS 268.061. You could authorize a letter of intent.

*Richard Howe, Chairman
Steven Stork, Vice Chairman
Commissioner Gary Perea
Commissioner Carol McKenzie
Commissioner Shane Bybee*

*801 Clark Street, Suite #5
Ely, Nevada 89301
(775) 293-6561 or
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Nichole Baldwin, Ex-officio Clerk of the Board

**White Pine County
Board of County Commissioners**

January 11, 2017

Esteemed City Council Members,

White Pine County is undertaking the planning and development of a Community Justice Center (Jail expansion and Courthouse Complex) adjacent to the existing Jail/Public Safety Building on the property commonly known as 1785 Great Basin Boulevard (APN 002-280-15).

As you know, White Pine County and the City of Ely are equal and joint owners of this property. This property was originally deeded in the 70's to both the City and the County, for the exact purpose of working together in the development and construction of a Public Safety Building to include a new Courthouse. As the construction of this complex progressed, the need for the jail portion to be completed became more imperative, the funds the County had set aside for the Courthouse portion, were used to finish the jail project.

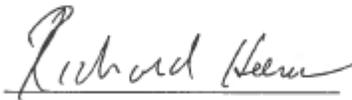
The County has now set aside over \$8 Million in SB 74 funds and net proceeds revenues, and has a fiscally conservative plan to secure additional funding to build the long awaited courthouse and expand the jail to address our community's current and future needs. This is only the beginning of the planning process, in which the County wishes to involve local building professionals, community members, and city officials in a cooperative and reasoned approach to this build.

However, for the County to proceed with securing the additional funding (applying for a low interest USDA loan) for this project, and unless the city wishes to partner in financing this project, the County needs to be the sole owner of the real property.

It is respectfully requested therefore, that the City of Ely deed its interest in this property unto the County of White Pine for these purposes. This would be a similar transaction to when the County of White Pine deeded a portion of its interest in this same property unto the City of Ely at no cost, for the purposes of building its current Fire Station, which the County recognizes serves the entire Community of Ely and White Pine County. Similarly, this Community Justice Center will serve all the citizens and patrons of the Court (Jury duty, etc.) equally. In an effort of good faith and to promote the service of all of the citizens in our community, in exchange for the City of Ely's deed unto the County of its interest in this property, the County will provide at no cost, office space in the new courthouse for the Municipal Court staff and scheduled access to a Courtroom for the Municipal Court's proceedings.

Please let this Board know if these terms are acceptable, at which time a final lease and deed will be provided unto you. A new era is upon all of us, and it is our solemn duty to work together to provide a safe, fiscally sound, and prosperous community for our citizenry.

Sincerely,



Richard Howe, Chairman, White Pine County Commission

Councilwoman Gardner stated it looks like there hasn't been any maintenance on that building.

Captain Scott Henriod of the White Pine County Sheriff's Department stated to give you a history of the maintenance on that building, every other day County Maintenance is out there doing something with the water, heating, air conditioning and leaky roof. Our building is falling apart, as you guys got the opportunity to see today. We have stripped the floors numerous times in the jail; we've painted it and modified toilets/showers, but it just keeps failing. You got to see how inmates sleep on the floor; we're overpopulated and have been for six years. Our facility holds thirty-six people and we average in the mid-forties now.

Councilman Setterstrom stated it's not up to the City Council to decide how much they spend on their structure. Right now we have a muni court there that's free of charge to us and we want to make sure that continues. For the provisionary clauses: 1. Two hundred (200) sq. ft. of office space guaranteed for the

muni court clerk and staff; 2. Guaranteed use of a courtroom on Tuesday, Wednesday and Thursday from 9:00 a.m. to 11:00 a.m.; 3. A lease in perpetuity, so long as there's a municipal court; and A reversionary clause about the land if they haven't broken ground after five (5) years it goes back to the City and the County the way it was. I don't think it's the County's responsibility to provide the City with meeting space.

City Attorney Odgers asked where are we going to keep the Judge's chambers and our files? Those are currently in separate rooms away from the court.

Captain Scott Henriod stated the Judge's chambers hooks onto the court room, so he could use that room for court business. You would need an office for the clerks – right now they're in about an 8' X 10' and they're kind of cramped – your courtroom and your judge's chambers, probably another 8' X 10'.

Councilman Setterstrom asked can the judge use the same chambers as the district court judge?

City Attorney Odgers stated each of the judges have their own offices for a number of reasons, not the least of which is maintaining certain files in those rooms; they do their research in those rooms. The Municipal Court Judge has an obligation to read his reports and make sure that the dollars are correct. The courtroom does not necessarily need to be attached to the Judge's chambers.

Councilman Setterstrom asked what do you think about a separate judge's chambers for Muni Court?

WPC Commission Chairman Howe stated we can't make specific office spaces because the architect hasn't even designed the building. I think all your requests are valid.

Captain Scott Henriod stated the Council should designate a liaison for the architectural meetings.

Municipal Judge Appointee Mike Coster stated the Judge's chambers and file room that are currently there – maybe 8' X 10' apiece – are adequate, so I would be inclined to adopt “existing” or “equivalent to existing”. The clerical office space is inadequate. A shared court room isn't an issue. You've got to have separate chambers or at least separate storage in those chambers. There are times when court goes beyond 11:00 o'clock; I think it ought to be the first half of the day. Your expectations, as a matter of good practice, ought to be in the deed or in the resolution.

City Attorney Odgers stated the resolution has to identify the terms.

Councilman Setterstrom moved to direct the City Attorney to send a letter of intent to transfer the City of Ely's ownership interests in 1785 Great Basin Boulevard (APN 002-280-15) to White Pine County and to direct the City Attorney to draft a resolution for the same containing the following provisions: 1. Guaranteed courtroom access on Tuesday, Wednesday and Thursday from 9:00 a.m. to 12:00 p.m.; 2. The Clerks' office will be a minimum of two hundred (200) square feet; and 3. A separate Judge's chambers for Municipal Court; and 4. If ground isn't broken in five (5) years, the property goes back to the City.

City Attorney Odgers asked the issue of the liaison?

Councilman Setterstrom stated we don't need that in the motion. The Mayor can appoint a liaison.

Mayor Van Camp asked how about the 'no charge'?

City Attorney Odgers stated “at no cost in perpetuity.”

Councilman Setterstrom stated yes, with Mayor Van Camp authorized to sign the letter of intent.

Councilwoman Gardner seconded the motion.

WPC Commission Chairman Howe stated do the letter of intent separately from the conditions.

Councilman Setterstrom asked can you do the letter of intent without the conditions on it?

City Attorney Odgers stated yes.

Councilman Setterstrom asked is that good enough?

WPC Commission Chairman Howe stated yes, that's good. Thank you.

The motion carried unanimously.

4. PUBLIC COMMENT:

Captain Scott Henriod stated thank you.

Municipal Court Clerk Laity stated thank you very much.

George Chachas stated ongoing concerns regarding his October 2015 public information request to the Railroad; money collected from S & S; a refund for his roofing job building permit because the contractor used duct tape; and the encroachment on Park Avenue and Avenue K off Great Basin Boulevard. This should have been done a long time ago, not waiting for the last minute when everybody's under pressure. I'm not against a new facility. I am for maintenance. If that jail is falling apart, it's because it hasn't been maintained; I've been in there and seen the ragged carpet and the paint flaking off the walls. If you can afford to pay people \$100,000 a year, you can paint a building, fix the roof and replace the carpet. Mr. Howe said that the City comprises forty-two percent (42%) of the County's population, but we pay the lion's share of taxes. We're taking it on the chin if there's a shortfall. If you're going to build a building, you need two courtrooms just for the district judges. You should be able to do two courtrooms, one for the Justice of the Peace and one for the Municipal Court. Two hundred square feet for the Clerks? A brand new building and you can't give them a little more room or do you plan on the City shrinking even more? What are your priorities and where are you going to get the money? If that mine shuts down, you better look hard at what's going on downtown. Where's some plans? You guys are voting on things you don't know and that's wrong. You have an obligation to the taxpayer and you're not fulfilling it.

Municipal Judge Appointee Mike Coster stated I think it's great to have Commissioners talking to Councilmen and Councilmen talking to Commissioners. People are noticing. A citizen I had breakfast with yesterday mentioned it and the County Assessor mentioned it to me today. I think this is the beginning of something. I'd like to speak on behalf of duct tape. Duct tape and WD40 can solve a good portion of major problems, notwithstanding those who want to spend more money.

Councilman Setterstrom stated we didn't ask for anything more than we have now, as a guarantee and to protect the City.

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

Councilwoman Gardner moved to adjourn the Special Meeting of the Ely City Council at **5:58 p.m.** Councilman Carson seconded the motion. The motion carried unanimously.

MAYOR

ATTEST