



# CITY OF ELY

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

## ELY CITY COUNCIL REGULAR MEETING AGENDA

March 9, 2017 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 **5:01 p.m.**, led in the Pledge of Allegiance, Bob Winder offered the Invocation and Mayor Van Camp asked for Roll Call.

Members present:

- Mayor Melody Van Camp
- Councilman Bruce Setterstrom
- Councilman Kurt Carson
- Councilwoman Pat Robison
- Councilwoman Jolene Gardner
- Councilman Sam Hanson

City Staff present:

- City Administrator Robert Switzer
- City Attorney Charles Odgers
- City Engineer B.J. Almberg
- City Fire Chief Ross Rivera
- City Police Captain Scott Henriod
- City Building Official Brad Christiansen
- Deputy City Clerk Jennifer Lee

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

### PLEASE PRINT YOUR NAME

Please print your FIRST & LAST name clearly for the  
City Council attendance list. 3-9-17

Rick Stork \_\_\_\_\_  
BJ Abel \_\_\_\_\_  
Scott Henriod \_\_\_\_\_  
Jared Bunch \_\_\_\_\_  
George Chackas \_\_\_\_\_  
Karen Kirkoby \_\_\_\_\_  
Janette Trask \_\_\_\_\_  
Nichole Baldwin \_\_\_\_\_  
Scott Laity \_\_\_\_\_  
Mark Brassett \_\_\_\_\_  
Judy Wolf \_\_\_\_\_  
Bill Wolf \_\_\_\_\_  
Laura Laity \_\_\_\_\_  
Neville Spackall \_\_\_\_\_

## 2. PUBLIC COMMENT:

Rick Stork stated on your recycling, you guys did your first shipment of cardboard at the end of April and were paid \$1,890.16, after shipping costs were deducted. You had seventy-two (72) man hours at an hourly cost of \$40.00 an hour, coming to a total of \$2,880.00 to bale the cardboard; this is an average of three men for three days, including loading the truck to ship the cardboard. You had a twenty-four hours of loader time at \$60.00 per hour, for a cost of \$1,440.00. Your total cost for man hours and loader time comes to \$4,320.00. Once you deduct the \$1,890.16 from this, you went in the hole \$2,429.84 on this shipment. This doesn't include the time spent picking up cardboard and other items the wind has blown around. By being short one man at the Landfill and using them to run the Recycling Center, they're falling way behind on the pond and the drainage ditch needed for pit expansion; it has to be completed on time or you can be fined or shut down. Even if you use the Parks Department to run the Recycling Center, you still have to use a Landfill loader to bale the cardboard/load the truck and it's still going to shut down the work on the permit expansion when they have time to do it. The reason the permit expansion was done was to allow for burying the recyclables, as we lose too much money trying to recycle and ship it out. Using the numbers to recycle, everything that *J & M* recycled out of the Landfill for the time they had their bins there, calculating that out over a sixty-year period, you only saved four months of air space at the Landfill; that was the reason the permit was done and we got fifty additional years of life at the Landfill, so that we could bury the recyclables because we could not afford to ship them out. It's your responsibility to protect the monies you get from the residents and not squander it off. Ely/White Pine County are too small of a community to recycle without losing money doing it; that's why the NRS doesn't require recycling unless your population is 100,000 or more.

George Chachas stated his ongoing concern regarding revenue from *S & S* and the Railroad. On Item 7B-1, you're to consider an employment agreement with Janette Trask; that agreement needs to be thrown out. The City ordinance states that the treasurer must have a BA degree in accounting or three years in government accounting. Her track record was poor. She was part of the City's failure to collect the supposedly accrued \$330,000 or more in outstanding utility bills. When I was mayor November 9, 2006, the amount at that time was \$22,211. Another memo, on December 18, 2006 I asked if anything was being collected – I know I gave you this before; nothing. January 3, 2007, I vetoed an item in which the City Council wanted to let accounts go to \$350.00 before they went out to collections. If a person can't afford \$30.00 or \$60.00, how is it any easier to collect it from them when they're at \$350.00? January 15, 2007 again, memo in regards to the Railroad paying their share; nothing. Who was treasurer? Ms. Trask. You need someone who knows what they're doing. You people have enough problems as it is and so does the taxpayer. Did Ms. Trask have a bond as required by NRS? I don't believe she did. No other employee has been offered such a 'sweetheart deal' as the three-year agreement you're looking at, let alone a \$50,000 buyout at the end. Did you give Dave Berky a \$50,000 buyout when you replaced him? You can't treat one employee better or worse than the others. You've got to stop the discrimination. 7B-3 needs to be tabled; the County must build within the twenty-eight acres designated as the County seat in April 1887.

Ken Kliewer stated I'm from KELY Radio and want to announce to candidates here and the audience that we will have a candidates forum in the next couple weeks on the morning show from 8 to 9. I'll be sending information on this out to everybody.

Nichole Baldwin stated Nichole Baldwin, County Clerk. I want to commend Bob, Bruce, Jolene, Tom and Bill Calderwood for all their head work on the Recycling Committee. I'm happy to see progress at the Recycling facility. I hope the Recycling Committee can still meet to do things in the future.

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

Councilman Setterstrom stated I'd like to move 8 up.

Mayor Van Camp stated yes.

Councilman Hanson moved to approve the agenda with No. 8 being moved forward. Councilwoman Gardner seconded the motion. The motion carried unanimously.

## 4. CITY DEPARTMENT REPORTS

- CITY ADMINISTRATOR

City Administrator Switzer stated In Person voting begins tomorrow at City Hall. I hired Launa Laity as the full-time Utility Clerk. We also hired a full-time worker and a temporary worker for Parks/Cemetery. I directed Jennifer to advertise internally for a Landfill Equipment Operator. I've been meeting this week with Department Leads on the budget.

- CITY ATTORNEY

- ❖ Animal Control February 2017 Report
- ❖ Elderberry and Ice Plant Dam Removal Project letter
- ❖ Ward Mountain OHV Connector Trail Project letter
- ❖ Ward Mountain Road Decommissioning Project letter
- ❖ Request to NV Northern Railway Foundation (NNRF) for response to PUC on historic line
- ❖ Letter to NNRF requesting joint meeting on PUC/NDOT's north line recommendations

City Attorney Odgers reviewed the letters listed above and stated the public hearing on the Elderberry Dam Removal project will be March 23<sup>rd</sup>. B.J. has obtained responses from a couple federal agencies and NDOT is opposing the removal of the dam.

- CITY ENGINEER

City Engineer Almberg stated we had a kickoff meeting earlier this week with NDOT; they are doing locates of all underground utilities for their 2018 project. We also met with NOAA this week to help the community be storm ready.

Councilman Carson stated on the NDOT project, will we see final plans before they start?

City Engineer Almberg stated yes. They want input from community leaders and will get public input.

## 5. NNRV FOUNDATION REPORT

Mark Bassett reviewed his report appearing below and stated on the rebuild of 93, all the tubes were out of her as of this morning; the tubes are ordered. *Abstract Masonry* is working on the McGill Depot, which should be done next week. The Photo Shoots were a sellout; we had people from South Africa, France and Great Britain. 109 did a fabulous job in the photo shoots.

**NEVADA NORTHERN RAILWAY**  
A NATIONAL HISTORIC LANDMARK

**E A S T**  
**E L Y**



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 January 2017

1. Locomotive Status – Updated
  - a. Locomotives in service: #40, #105, #204, #310, Wrecking Crane A & Rotary B.
  - b. Locomotive 109 is back in service. Kudos to the shop crew and volunteers for all of their hard work.
  - c. Locomotive 93 was moved into the shop. We have started doing her tubes.
  - d. Locomotives out of service needing moderate repairs: #45
  - e. Locomotives waiting funding for restoration: Steptoe Valley Smelting and Mining #309, #81 and Rotary Snowplow B (for boiler overhaul.)
  - f. Locomotives out of service needing heavy repairs #801, #802, #81, #80 and the military locomotives
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. The mainline to MP 132 is open.
  - c. Adverse Branch is open.
4. Building Status – Update



### Award Winning Destination

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



- a. We're waiting the snow to melt before we start on the Carpenter Shop.
  - b. Abstract Masonry has been hired to work on the McGill Depot.
5. Ridership and Ticket Sales – Updated  
Both Winter Photo Shoots were sell outs! We had 62 attendees over the two weekends.



6. Upcoming Events – Updated
- a. Annual Meeting – March 11: 2017 at 11:00 pm.
  - b. We open the season with White Pine Weekend April 8 & 9. All White Pine Residents are invited to ride free.
7. 2017 is the 30<sup>th</sup> year of operations for the railroad. It is also the Centennial of Locomotive 81.

Councilman Hanson asked the *Pontiac*?

Mark Bassett stated Nathan is driving over to Reno as we speak. All the parts are done and they're putting it back together. We did find a person to put high rail gear on the *Pontiac*.

## 6. REPORTS

### CITY COUNCIL

Councilman Hanson stated I helped plaster at old City Hall.

Councilman Carson stated City Hall's remodel is going good. I'd like to thank everyone for volunteering their time.

### MAYOR

March 9, 2017

#### MAYOR'S REPORT

1. I approved Special Event licenses to:
- Ely Outdoor Enthusiast's 5K events March 18<sup>th</sup> and May 20<sup>th</sup>.

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

### A. CONSENT AGENDA

**MOTION:** Move to approve the Consent Agenda items 7A-1 Minutes & 7A-2 Bills.

Moved by: Councilwoman Gardner Second by: Councilwoman Robison Vote: Unanimous

1. Discussion/For Possible Action –Minutes.
  - February 9, 2017
2. Discussion/For Possible Action –Bills.
  - March 1, 2017

Councilman Hanson abstained from the February 9, 2017 Minutes due to his absence at that meeting.

**B. NEW BUSINESS**

8. Councilman Setterstrom – Discussion/For Possible Action – Selection of carpet proposal for Historic City Hall not to exceed \$10,322.00; bids received from *C & C Carpet Center* and *Majestic Flooring*.

Councilman Setterstrom stated *Majestic Flooring* came back the cheapest and has offered to do both bathrooms for free. I move to select *Majestic Flooring's* carpet proposal for Historic City Hall not to exceed \$7,850.00. Councilman Carson seconded the motion. The motion carried unanimously.

1. Councilwoman Gardner – Discussion/For Possible Action – Approval of Employment Agreement between the City of Ely and Janette Trask for the position of City Treasurer.

City Attorney Odgers stated in your packets you have the draft employment agreement I was asked to prepare.

Councilwoman Gardner moved to approve the Employment Agreement between the City of Ely and Janette Trask for the position of City Treasurer. Councilman Hanson seconded the motion. The motion carried unanimously.

Janette Trask stated I can start March 27<sup>th</sup>.

Mayor Van Camp recessed the regular meeting of the City Council at **5:27 p.m.**

Mayor Van Camp reconvened the regular meeting of the City Council at **5:32 p.m.**

2. Councilman Carson – Discussion/For Possible Action – Approval of Steptoe Valley Trap, Skeet, & Target Inc.'s written request to make the following improvements to the Shotgun Range, 3112 North State Route 490, City of Ely, County of White Pine, State of Nevada, APN 010-270-10, pursuant to the lease agreement, Article VI: 1. Install fencing around the perimeter of the shooting field; 2. Construction of a High House and Low House for Skeet; 3. Placement of a 40' connex container for storage/Low House; 4. Placement of gravel for parking area; and 5. Placement of 2 throwers for the new Skeet houses proposed.

City Attorney Odgers stated some of these improvements will be permanent and some will not.

Scott Laity stated we appreciate your help. We've got people ready to go and use the facility.

Councilman Carson stated some of these items are for safety.

Councilman Setterstrom moved to approve Steptoe Valley Trap, Skeet, & Target Inc.'s written request to make the following improvements to the Shotgun Range, 3112 North State Route 490, City of Ely, County of White Pine, State of Nevada, APN 010-270-10, pursuant to the lease agreement, Article VI: 1. Install fencing around the perimeter of the shooting field; 2. Construction of a High House and Low House for Skeet; 3. Placement of a 40' connex container for storage/Low House; 4. Placement of gravel for parking area; and 5. Placement of 2 throwers for the new Skeet houses proposed. Councilwoman Robison seconded the motion. The motion carried unanimously.

- 3. Mayor Van Camp – City Attorney Odgers – Discussion/For Possible Action – Review and possible response to White Pine County Commission’s February 9, 2017 letter, requesting the City of Ely’s transfer of its interest in 1785 Great Basin Boulevard.

City Attorney Odgers stated a month ago I submitted the Council’s resolution to the County. The County Commission, at their last meeting, discussed that and you have their response (appears below). I have no opinion one way or the other. We may get our own municipal court in the new building and not have to share it.

Richard Howe, Chairman  
 Steven Stork, Vice Chairman  
 Commissioner Gary Peres  
 Commissioner Carol McKenzie  
 Commissioner Shano Bybee

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 Ely, Nevada 89301  
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Nichole Baldwin, Ex-officio Clerk of the Board

**White Pine County**  
**Board of County Commissioners**

commissioners@whitepinecounty.nv.gov

February 9, 2017

Ely City Council  
 480 Campton Street  
 Ely, NV 89301

Esteemed City Council Members,

On February 8, 2017, at the White Pine County Commission meeting, the Board considered the City of Ely’s Resolution No. 2017-01, regarding the transfer of the City’s interest in 1785 Great Basin Blvd. and the City’s required conditions precedent.

After hearing from the Justice of the Peace during Public Comment, and discussion of the matter, the Board is unable to accept the City’s offered terms as written. The terms at issue are found in paragraph 4, which reads:


“that the Ely Municipal Court shall have sole access to that [courtroom] space on Tuesday, Wednesday and Thursdays of each week from 9:00am to 12:00 (noon) for the Municipal Court Judge to hold court proceedings.”

It is the humble opinion of this board, that such an exclusive and rigid schedule would not be practical for either the Justice of the Peace or the Municipal Court Judge, as scheduling court cases is a dynamic practice. This board believes that the best way to approach the shared use of the Courtroom should model our 7<sup>th</sup> Judicial District Court practice. In this case, Judge Dobrescu and Judge Fairman simply coordinate with each other to schedule the use of the large Courtroom. However, the Board recognizes your concern for assurance that your Municipal Court Judge has adequate time in the Courtroom to adjudicate his caseload, therefore the Board respectfully asks the City to consider the following:

Would the City be willing to convey its interest on the same terms as extended in its Resolution 2017-1, with the exception of the following amendment/addition to paragraph 4: “that the Ely Municipal Court shall have up to 15 hours of Courtroom time during business hours, as flexibly scheduled and mutually agreed to between the Municipal Court Judge and the Justice of the Peace, as each respective court calendar permits.”

Should the City agree to this arrangement, the Board believes the best interests of both entities would be served and protected. Please consider placing this on your next agenda for approval of an amended Resolution. The County is anxious to serve all citizens with this Justice Complex project. Thank you for your consideration.

Sincerely,



Richard Howe, Chairman, White Pine County Commission

Councilman Setterstrom asked why can’t we just keep what we have?

City Police Captain Henriod stated the County Commission wants to guarantee adequate space. Let’s get the land and the funds to do the build. It’s important you have a liaison when plans are being discussed and needs can be addressed. I’m sure our bill is coming forward soon in the Legislature. You do have a municipal court, but you have a jail that’s totally inadequate. You all had an opportunity to visit that jail and all came to the conclusion that it needs to be torn down.

Councilman Hanson moved to request a 1,000 square foot built-out facility for the City of Ely’s Municipal Court, appointing Council Members Carson and Gardner to the negotiating team. Councilwoman Robison seconded the motion. The motion carried unanimously.

4. Councilman Carson – Councilman Hanson – Discussion/For Possible Action – Review of the White Pine County Commission’s Agenda Item pertaining to a Mutual Aid Agreement for Fire and EMS and their action, if any, and possible responses to White Pine County Commission’s action on a Mutual Aid Agreement with the City of Ely for Fire and EMS Services including fee schedule, reciprocal training, and a schedule of set days for monthly/quarterly Chief’s Meetings.

City Fire Chief Rivera stated the County has it in their ordinance to charge you if you train there; I don’t think we need these ‘fences’ that have been set up. Communication is important to keep in the contract. We should have a contract with a set rate for fire responses into the County. Baker had a call and there was no response from other departments, so we finally got called; nobody in need of EMS should have to wait.

Councilman Carson stated I’m not worried about the money. It’s the response time and confusion about who to call.

City Fire Chief Rivera stated we get a lot of requests to provide EMS services for special events in the County. Years ago they were going to franchise White Pine County on their EMS services; I asked the DA whether that transpired, another fence.

Councilwoman Gardner asked Scott, is it up to the dispatcher who she calls out?

City Police Captain Henriod stated if the ambulance service is requested in the City, City Fire is first. What gets confusing is *KOA, Valley View Trailer Park* or Mineral Heights.

Councilman Carson stated I think we should have another negotiating team with the County. I move to direct Fire Chief Rivera to work with the White Pine County Fire Chief.

Councilman Hanson seconded the motion. The motion carried unanimously.

5. Councilman Carson – Discussion/For Possible Action – Direction to City Attorney to prepare and forward a letter to the White Pine County Commission requesting the City receive all of the EMS Tax revenue, received by the County, from the residents of the City of Ely.

Councilman Carson moved to send a letter, signed by the Mayor, to the White Pine County Commission requesting the City receive all the EMS tax revenue, received by the County, from the residents of the City of Ely. Councilwoman Robison seconded the motion. The motion carried unanimously.

6. Councilman Setterstrom – Discussion/For Possible Action – Appointment of a City Negotiating Team consisting of two Council Members, appointed by the Mayor, the City Administrator and the City Attorney to meet with White Pine County representatives regarding the re-establishment of a Regional Planning Commission.

Councilman Setterstrom moved that the Mayor appoint two Council Members, along with the City Administrator and City Attorney, to meet with White Pine County representatives regarding the re-establishment of a Regional Planning Commission. Councilman Hanson seconded the motion. The motion carried unanimously.

7. Councilman Setterstrom – Discussion/For Possible Action – Approval of First Reading of Ordinance 702, Bill No. 2017-01, An Ordinance amending Title 3, Chapter 5 in its entirety, establishing the Ely Gaming Licensing board, establishing the authority, duties and responsibilities of the board, defining the nonrestricted gaming license requirements, establishing application process for obtaining a restricted or nonrestricted gaming license in the City and setting the fees for the gaming license, establishing the application process for a restricted or unrestricted gaming license, establishing the reasons when a gaming license may be denied, revoked or suspended, and establishing an appeals procedure.

Councilman Setterstrom asked did we raise any rates in this?

City Attorney Odgers stated no.

Councilman Setterstrom stated this follows Nye County. The County Commission is going to mirror it. I move we approve the First Reading of Ordinance 702, Bill No. 2017-01. Councilman Hanson seconded the motion. The motion carried unanimously.



9. Councilman Setterstrom – Discussion/For Possible Action – Approval of an additional \$30,000.00 for Historic City Hall remodeling to be expensed equally from General Fund, Water Fund, Sewer Fund and Landfill Fund.

Councilman Setterstrom stated I made a mistake; it's not an additional \$30,000. We want a total of \$30,000 approved, so we don't have to come back every time. This would include the carpet we approved today and stuff we've already done.

Councilman Hanson asked have we gotten the soil report back on that yet?

Mayor Van Camp stated no, they just did that a couple weeks ago.

Councilman Setterstrom asked what did that soils report cost?

Deputy City Clerk Lee stated it's a grant.

City Administrator Switzer stated \$16,500.00.

Councilman Setterstrom stated I think we can do upstairs and downstairs for \$30,000.

Councilman Hanson stated if the soils report comes back with bad news, then all that work and money and we'll not be able to . . .

Councilman Setterstrom stated that wouldn't prevent us from moving back in.

Councilwoman Gardner stated this will be the second soil sample they've taken.

City Fire Chief Rivera stated they did something similar in the mid-80s.

City Administrator stated the discussions we had the previous year regarding that soils sample is based upon the architecture firm's observations, that came out to do the historic structures report; they felt the soils analysis would show remedies to shore that corner up.

Mayor Van Camp stated the SHPO (State Historic Preservation Office) rep. is coming at the end of the month.

Councilwoman Gardner stated the windows downstairs were made smaller.

Councilman Hanson moved to approve up to \$30,000 for Historic City Hall remodeling. Councilwoman Robison seconded the motion. The motion carried unanimously.

10. Council Members – City Administrator Switzer – Discussion/For Possible Action – Authorize the City Administrator to negotiate with John O'Flaherty, owner of 480 Campton Street, Ely, NV to extend the current lease agreement, at the current lease amount, to expire June 30, 2017 in lieu of April 30, 2017, due to the General Election notice requirements.

City Administrator Switzer stated we have to serve proper legal notice per NRS and have the election process solidified where City Hall will be.

Councilman Hanson moved to direct the City Administrator to negotiate with John O'Flaherty, owner of 480 Campton Street, to extend the current lease agreement, at the current lease amount, to expire June 30, 2017 in lieu of April 30, 2017, due to the General Election notice requirements. Councilwoman Robison seconded the motion. The motion carried unanimously.

11. Council Members – City Administrator Switzer – Discussion/For Possible Action – Direction to the City Administrator to ensure City Staff and functions are transferred from 480 Campton Street, Ely, NV back to Historic City Hall, no later than June 30, 2017.

City Administrator Switzer stated this would include IT services, the physical movement of office furniture and all other essential services we would need.

Councilman Hanson moved to direct the City Administrator to ensure City Staff and functions are transferred from 480 Campton Street back to Historic City Hall no later than June 30, 2017.

Councilwoman Gardner seconded the motion. The motion carried unanimously.

12. Councilman Hanson – Discussion/For Possible Action – Direction to the City Administrator to solicit proposals for IT Professional Services contract, for review by the City Council, to possibly replace the current service provider, *Dynaquest*.

Councilman Hanson stated some of our staff have not been able to obtain on-site service and staff have had to function as IT people.



Municipal Senior Court Clerk Launa Laity stated thank heavens for the County Sheriff's Department and their detectives helping and knowing that information, what server cords go here/there and to what boxes; they have rescued us several times. Otherwise, it would have been going in on my personal phone with *Facetime*, trying to have them look at what the machine looks like, what the cord looks like and where it possibly might go because *Dynaquest* is in Salt Lake City, Utah; I asked *Dynaquest* to come out to install our new server and they would charge us more for that service.

Councilman Hanson moved to solicit proposals for an IT professional services contract to possibly replace the current service provider, *Dynaquest*. Councilwoman Robison seconded the motion.

Councilman Setterstrom asked what do we currently pay *Dynaquest*?

City Administrator Switzer stated \$1,140.00 per month; that covers all IT services for all City departments.

Councilman Setterstrom asked does City Hall call them quite often?

City Administrator Switzer stated yes. Three months ago, I solicited a quote from the same IT provider that services the County and the School District; the advantage this outfit had at that time was they visit the County and City of Ely on a twice monthly basis. There were some cost differentials though that didn't make it quite as attractive as what I'd hoped. The initial amount was close to what we're currently paying and we would have to spend an additional approximately \$3,000 for hardware equipment to communicate with their equipment in Las Vegas.

City Fire Chief Rivera stated what I've seen with *Dynaquest* is they will remotely work on your computer, but the firehouse software they won't touch and we have had to hire somebody else for that.

Councilman Hanson's motion carried unanimously.

13. Mayor Van Camp – Discussion/For Possible Action – Approval to expend up to \$300.00 from the Landfill Fund, to provide cash prizes for the Mayor's Second Annual Recycled Art Contest, to be held during the month of April, 2017.

Mayor Van Camp stated we had a large amount of adults and children enter last year. The reason for this is to promote the Recycling Center and Earth Day. This year we have a place to hold it at the White Pine Museum for the whole month of April. On Earth Day, April 22<sup>nd</sup>, we'll hand out prizes. The Shoshone Tribe is also on board to do some recycling things for Earth Day.

Councilman Setterstrom moved to grant approval to expend up to \$300.00 from the Landfill Fund to provide cash prizes for the Mayor's Second Annual Recycled Art Contest, to be held during the month of April, 2017 and in conjunction with this, for Mayor Van Camp to meet again with the Recycling Committee. Councilman Hanson seconded the motion. The motion carried unanimously.

14. Councilman Carson – Discussion/For Possible Action – Review and possible revision to the City of Ely spending freeze program.

Councilman Carson stated I believe in the spending freeze, but when we first initiated this, I had a different concept and it was my intent to safeguard the General Fund because it was a little low. I've been talking to a few of the departments. Enterprise Funds have positive cash flow and should be able to operate more efficiently and smoothly than they currently are with this freeze in place. How does this freeze work right now?

City Administrator Switzer stated right now, per the Council's action, any purchases over \$25.00 require a purchase order number.

Councilman Carson asked for all departments?

City Administrator Switzer stated yes.

Councilman Carson asked how much does \$25.00 P.O.s tie you up a day?

City Administrator Switzer stated I issue anywhere from five to ten P.O. numbers a day.

Councilman Setterstrom stated the procedure before was if it was over \$50, they had to get a P.O.

Councilman Carson stated even at \$25.00, I don't think it's being adhered to. What's the reprimand if someone spends over \$25.00 without a P.O.?

City Administrator Switzer stated we start our normal disciplinary process of a verbal warning first, a written warning and then it escalates from there.

Councilman Carson asked how many people have been reprimanded for this?

City Administrator Switzer stated a verbal reprimand, one.

Councilman Carson asked how many people have been over the \$25.00?

City Administrator Switzer asked without authorization?

Councilman Carson stated yes.

City Administrator Switzer stated the one case that I'm aware of.

Councilman Carson stated I thought there was a lot more than that.

Councilman Setterstrom stated in an emergency situation, Enterprise Funds need to be able to order stuff right now.

Councilman Carson stated maybe Bob could monitor the bills every month and call them in on questions; I don't think the leadmen will abuse it.

City Administrator Switzer stated we have a policy that department leads approve/sign those purchases.

Councilman Carson I think only the department leads should be able to sign.

City Administrator Switzer stated yes, that's what we're trying to work with right now.

Councilman Setterstrom stated maybe revise it to where they don't need to get a P.O. right away if its an emergency item.

City Fire Chief Rivera stated I've been affected by this. Bob's the only one that signs the P.O.s and sometimes he's in full session with Council Members in his office, so I have to make several trips to Bath Lumber or back to City Hall; it's not a good use of employee time. I sign every ticket as the department head and know everything that goes through.

Councilwoman Gardner stated before they used to go the store, call and say 'I need a P.O.'.

Councilman Setterstrom stated that's what we stopped because we don't know what they're buying. You want to remove it for leadmen of the enterprise funds?

Councilman Carson stated or at least be signed off by the leadmen. Do we want to keep the \$25.00 in place?

Councilman Hanson stated \$50.00 would be more reasonable.

Councilman Carson moved to keep the spending freeze in place, the leadmen need to review their bills monthly and take them to Bob for further review; and the enterprise funds are allowed to spend more than \$25.00 in an emergency situation. Councilman Hanson seconded the motion.

City Attorney Odgers stated define emergency.

Councilman Carson stated if it's an emergency situation, they need to explain that emergency to Bob.

City Administrator Switzer stated for point of clarification – we've been doing this for several months now – no invoice gets paid unless the lead person has signed off and I've signed off on where that specific spending will be coming from.

Councilman Carson's motion carried unanimously.

15. Councilman Setterstrom – City Administrator Switzer – Review, revise and possible approval of draft policy and procedures regarding the use of the electronic time clock.

City Administrator Switzer stated I've entered twenty-nine job codes. We need to document how many minutes employees can be late. I will be working with the City Attorney to draft a policy for approval.

16. Councilman Carson – Discussion/For Possible Action – Review and possible modification of Section 3.10 (Interviewing Applicants) and Section 3.11 (Selection), of the City of Ely Personnel Manual, pertaining to the recruitment and selection process.

Councilman Carson asked when we interview, do we use the candidate evaluation form?

City Administrator Switzer stated we've developed a standard set of questions for different positions. The important thing on interviews is to ask the same questions of each candidate.

Councilman Setterstrom stated the Council liaison and leadman for each department should be included in the interviews.

Councilman Carson moved to amend Sections 3.10 and 3.11 of the City of Ely Personnel Manual to reflect when the City hires that the leadman is present, along with the City Manager and City Council liaison. Councilman Setterstrom seconded the motion. The motion carried unanimously.

17. Council Members – City Attorney Odgers – Discussion/For Possible Action – Pursuant to the requirement of NRS 241.0395, Acknowledgement of the Nevada Attorney General’s February 24, 2017 Findings of Fact and Conclusions of Law as a result of the Office of the Attorney General’s investigation in the matter of Attorney General File No. 13897-218; see corrective action agenda items 7B-18 through 7B-35.

City Attorney Odgers stated we received an Open Meeting Law complaint from Ms. Burleigh; we provided a response to that. In our initial response, we acknowledged that I had made an error and did not include the name of individuals that the Council was contemplating taking corrective action administratively upon, which is allowed under NRS to do. I sent this out to you when I received it. They also found a conclusion that the failure to identify the name of candidates that were being interviewed and selected was likewise a violation of NRS 241.030(5), in that they are now changing their position that when you don’t hire somebody, that is administrative action regarding that person. So, the next set of items that we’re going to be dealing with are the corrective action required pursuant to Findings of Fact and Conclusions of Law. At this point, I would need a motion to accept and acknowledge the Findings of Fact and Conclusions of Law in in AG File No. 13897-218.

Councilman Hanson moved to acknowledge the Attorney General’s Findings of Fact and Conclusions of Law as a result of its investigation in the matter of Attorney General File No. 13897-218. Councilwoman Robison seconded the motion. The motion carried unanimously.

City Attorney Odgers stated Madam Mayor and City Council, we’re going to break these down into segments, so the first segment will be agenda item 7B-18 through 7B-21; all of these agenda items arise out of the September 22, 2016 agenda where I failed to identify the name of the property owners. If there’s anybody in the audience that would like this read, I would ask them to speak up now. Otherwise, I’m going to ask that we open up items 7B-18 through 7B-21. We’ve already acknowledged the issue that we’re making a correction by identifying the property owner and that we’re going to ask that we ratify the prior vote of the Council for those four items.

Mayor Van Camp stated I will open up items 7B-18 through 7B-21. Does anybody have anything to say about adding the names on this?

18. Members – City Building Official Christiansen – City Attorney Odgers – Discussion for possible **Corrective Action, pursuant to the AG’s Opinion from Item 17, to September 22, 2016 Agenda pursuant to NRS 241.0365(2) and 241.0395 identifying the name of property owner only** – Enforcement of Civil Penalties on Wilbur E. Curtis and Helen A. Curtis owner of APN 001-143-03, across from 25 High Street, Ely.
19. Members – City Building Official Christiansen – City Attorney Odgers – Discussion for possible **Corrective Action, pursuant to the AG’s Opinion from Item 17, to September 22, 2016 Agenda pursuant to NRS 241.0365(2) and 241.0395 identifying the name of property owner only** – Enforcement of Civil Penalties on Wilbur E. Curtis and Helen A. Curtis owner of APN 001-161-01, aka 25 High Street, Ely.
20. Members – City Building Official Christiansen – City Attorney Odgers – Discussion for possible **Corrective Action, pursuant to the AG’s Opinion from Item 17, to September 22, 2016 Agenda pursuant to NRS 241.0365(2) and 241.0395 identifying the name of property owner only** – Enforcement of Civil Penalties on Wilbur E. Curtis and Helen A. Curtis owner of APN 001-161-02, aka 95 High Street, Ely.
21. Members – City Building Official Christiansen – City Attorney Odgers – Discussion for possible **Corrective Action, pursuant to the AG’s Opinion from Item 17, to September 22, 2016 Agenda pursuant to NRS 241.0365(2) and 241.0395 identifying the name of property owner only** – Enforcement of Civil Penalties on Wilbur E. Curtis and Helen A. Curtis owner of APN 001-333-05, aka the southwest corner of Pine Street and 2<sup>nd</sup> Avenue, Ely.

Councilwoman Gardner moved to accept the four corrected agenda items, 7B-18 through 7B-21, and ratify the prior action of the City Council. Councilman Hanson seconded the motion. The motion carried unanimously.

City Attorney Odgers stated it will be 7B-22 through 7B-30.

Mayor Van Camp stated I will open items 7B-22 through 7B-30. Does anybody have any comment on adding the names to these corrective actions?

22. Members – City Building Official Christiansen – City Attorney Odgers - Discussion for possible **Corrective Action, pursuant to the AG’s Opinion from Item 17, to October 27, 2016 Agenda pursuant to NRS 241.0365(2) and 241.0395 identifying the name of property owner only** – abatement: 436 Parker Avenue, Ely APN 001-053-02, owned by Kenneth C. Andrews (deceased), to include removing unregistered/inoperable vehicles, auto parts, household storage, high weeds and trash.
23. Members – City Building Official Christiansen – City Attorney Odgers – Discussion for possible **Corrective Action, pursuant to the AG’s Opinion from Item 17, to October 27, 2016 Agenda pursuant to NRS 241.0365(2) and 241.0395 identifying the name of property owner only** – Direction regarding abatement of 295 Ely Avenue, Ely APN 001-123-02, owned by Mike Rezaei and the White Pine County Treasurer as Trustee.
24. Members – City Building Official Christiansen – City Attorney Odgers – Discussion for possible **Corrective Action, pursuant to the AG’s Opinion from Item 17, to October 27, 2016 Agenda pursuant to NRS 241.0365(2) and 241.0395 identifying the name of property owner only** – Direction regarding abatement of 257 Ogden Avenue, Ely APN 001-125-05, owned by Scott Alan Layton and Amy Kristen.
25. Members – City Building Official Christiansen – City Attorney Odgers – Discussion for possible **Corrective Action, pursuant to the AG’s Opinion from Item 17, to October 27, 2016 Agenda pursuant to NRS 241.0365(2) and 241.0395 identifying the name of property owner only** – Enforcement of Civil Penalties on Wilbur E. Curtis and Helen A. Curtis owner of APN 001-143-03, across from 25 High Street, Ely.
26. Members – City Building Official Christiansen – City Attorney Odgers – Discussion for possible **Corrective Action, pursuant to the AG’s Opinion from Item 17, to October 27, 2016 Agenda pursuant to NRS 241.0365(2) and 241.0395 identifying the name of property owner only** – Enforcement of Civil Penalties on Wilbur E. Curtis and Helen A. Curtis owner of APN 001-161-01, aka 25 High Street, Ely.
27. Members – City Building Official Christiansen – City Attorney Odgers – Discussion for possible **Corrective Action, pursuant to the AG’s Opinion from Item 17, to October 27, 2016 Agenda pursuant to NRS 241.0365(2) and 241.0395 identifying the name of property owner only** – Enforcement of Civil Penalties on Wilbur E. Curtis and Helen A. Curtis owner of APN 001-161-02, aka 95 High Street, Ely.
28. Members – City Building Official Christiansen – City Attorney Odgers – Discussion for possible **Corrective Action, pursuant to the AG’s Opinion from Item 17, to October 27, 2016 Agenda pursuant to NRS 241.0365(2) and 241.0395 identifying the name of property owner only** – Enforcement of Civil Penalties on Wilbur E. Curtis and Helen A. Curtis owner of APN 001-333-05, aka the southwest corner of Pine Street and 2<sup>nd</sup> Avenue, Ely.
29. Mayor Van Camp - Council Members – Discussion/For Possible - **Corrective Action, pursuant to the AG’s Opinion from Item 17, to October 27, 2016 Agenda pursuant to NRS 241.0365(2) and 241.0395 identifying the name of individual candidates who were interviewed** – Individual Interviews of Candidates for the position of City Treasurer; candidates include Connie Burgwardt-Odgers and Shona Moseley.
30. Mayor Van Camp - Council Members – Discussion/For Possible **Corrective Action, pursuant to the AG’s Opinion from Item 17, to October 27, 2016 Agenda pursuant to NRS 241.0365(2) and 241.0395 identifying the name of individual candidates who were interviewed** – Appointment by Mayor and Confirmation by City Council of City Treasurer; candidates include Connie Burgwardt-Odgers and Shona Moseley.

Councilwoman Gardner moved to accept corrected agenda items 7B-22 through 7B-30 and ratify the prior action of the City Council. Councilman Hanson seconded the motion. The motion carried unanimously.



Mayor Van Camp stated I will open up item 7B-31 for discussion. Does anybody have any comment on adding the name?

31. Mayor Van Camp – Discussion/For Possible **Corrective Action, pursuant to the AG’s Opinion from Item 17, to December 22, 2016 Agenda pursuant to NRS 241.0365(2) and 241.0395 identifying the name of individual candidates who were interviewed**– Mayoral Appointment Municipal Utility Board Member, term expiring 2-11-19, and confirmation by the Ely City Council; applicants include Ken Ross.

Councilwoman Gardner moved to accept the corrected agenda item 7B-31 and ratify the prior action of the City Council. Councilman Hanson seconded the motion. The motion carried unanimously.

Mayor Van Camp stated I will open up items 7B-32 through 7B-33 for corrective action. Does anybody have comment on adding the names?

32. Mayor Van Camp – City Attorney Odgers – Discussion/For Possible **Corrective Action, pursuant to the AG’s Opinion from Item 17, to January 12, 2017 Agenda pursuant to NRS 241.0365(2) and 241.0395 identifying the name of individual candidates who were interviewed** – Interviewing of Candidates for the position of Municipal Court Judge; candidates are Stephen J. Bishop, Kevin R. Briggs, Michael J. Coster, Jane Eberhardy, JaNeal Mathews, Barry Stark and Theryn Waggener.

33. Mayor Van Camp – Discussion/For Possible **Corrective Action, pursuant to the AG’s Opinion from Item 17, to January 12, 2017 Agenda pursuant to NRS 241.0365(2) and 241.0395 identifying the name of individual candidates who were interviewed** – Appointment by Mayor and Confirmation by City Council of Municipal Court Judge; candidates are Stephen J. Bishop, Kevin R. Briggs, Michael J. Coster, Jane Eberhardy, JaNeal Mathews, Barry Stark and Theryn Waggener.

Councilwoman Gardner moved to accept the corrected agenda items 7B-32 through 7B-33 and ratify the prior action of the City Council. Councilman Hanson seconded the motion. The motion carried unanimously.

Mayor Van Camp stated I will open up items 7B-34 through 7B-35 to corrective action. Does anybody have comment on adding the names?

34. Mayor Van Camp – Council Members – City Attorney Odgers – Discussion/For Possible **Corrective Action, pursuant to the AG’s Opinion from Item 17, to February 23, 2017 Agenda pursuant to NRS 241.0365(2) and 241.0395 identifying the name of individual candidates who were interviewed** – Individual Interview of candidates for the position of City Treasurer; candidate is Janette Trask.
35. Mayor Van Camp – Council Members – City Attorney Odgers – Discussion/For Possible **Corrective Action, pursuant to the AG’s Opinion from Item 17, to February 23, 2017 Agenda pursuant to NRS 241.0365(2) and 241.0395 identifying the name of individual candidates who were interviewed** – Appointment by Mayor and Confirmation by City Council of City Treasurer; candidate is Janette Trask.

Councilman Hanson moved to accept the corrected agenda items 7B-32 through 7B-33 and ratify the prior action of the City Council. Councilwoman Robison seconded the motion. The motion carried unanimously.

## **8. THE MAYOR WILL RECESS THE REGULAR CITY COUNCIL MEETING FOR A CLOSED SESSION.**

1. Council Members – Discussion Only – Review for possible approval of February 9, 2017 Minutes of Shona Moseley’s Closed Personnel Session.

Mayor Van Camp recessed the regular City Council meeting for a closed session at **7:11 p.m.**

Councilman Carson moved to go into closed session. Councilwoman Gardner seconded the motion. The motion carried unanimously.

Councilman Setterstrom moved to go back into open session. Councilwoman Gardner seconded the motion. The motion carried unanimously.

Mayor Van Camp reconvened the regular City Council meeting at **7:15 p.m.**

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

1. Council Members – Discussion/For Possible Action – Approval of February 9, 2017 Minutes of Shona Moseley’s Closed Personnel Session.

Councilman Setterstrom moved to approve the February 9, 2017 minutes of Shona Moseley’s closed personnel session. Councilwoman Robison seconded the motion. The motion carried unanimously, with Councilman Hanson abstaining due to his absence at that meeting.

**10. PUBLIC COMMENT:**

Judge Michael Coster submitted his February 2017 report and stated I think the Council would be interested in comparing month to month how many new cases, how many closed and tracking community service time going into City projects. There’s no *Excel* on the computer out there. As far as progress generally in what we’re doing, we have to put two new things on Mondays, community service oversight and detained cases; that became disruptive, so we’re changing community service to Tuesdays and detained cases on Wednesdays. I’m concerned that we disrupt somebody that they might lose their job and are less able to pay the City fines. I learned yesterday by text that the full time employee is leaving to take another position at the City; I’ll talk to Bob about that because we have statutory obligations and we’ll have to figure out what we have to do. My experience with *Dynaquest* was fine.

George Chachas stated ongoing concerns regarding *Mt. Wheeler* installing a new power pole at 1080 Lyons; his October 2015 public information request to the Railroad; and wanting a refund for the building permit to re-roof his building. There are rumors that hundreds or thousands of dollars are missing from City Hall; did the City file a claim against her bond as required by NRS?

City Fire Chief Rivera stated since the Bank of America is closing our account, things are about finished up for changing all our accounts for EMS. Through an EMS grant, we were granted some pediatric equipment, a couple child seats that retail for over \$1,300 apiece. Tuesday we had a meeting with *Graham Fire*, spec’ing out the fire truck on each compartment; this is still at no cost to the City. We’re going to put in for grants for SCBA bottles, pagers and a gas detector. We’re doing a mock drill at White Pine High School; everyone in the County will be taking part. We’ve already had thirteen applicants for EMT training. In the past month, we’ve had six new recruits for the Fire Department. I’d like to place the new BLM contract on the next agenda to be ratified.

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

Councilman Setterstrom moved to adjourn the regular meeting of the Ely City Council at **7:31 p.m.** Councilman Hanson seconded the motion. The motion carried unanimously.

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**MAYOR**

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**ATTEST**