



CITY OF ELY

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

ELY CITY COUNCIL MEETING

July 12, 2018 5:00 p.m. – Ely Volunteer Fire Hall - 499 Mill Street-Ely, Nevada.

1. Mayor Van Camp called the regular meeting of the Ely City Council to order at **5:00 p.m.**, led in the Pledge of Allegiance, Harry Rhea offered the Invocation and Mayor Van Camp asked for roll call.

Members present:

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

Members absent:

- Councilman Tony DeFelice

City Staff present:

- City Administrator Robert Switzer
- City Engineer B.J. Almborg
- City Building Official Brad Christiansen
- Municipal Court Judge Mike Coster
- City Fire Chief Ross Rivera
- City Police Chief Scott Henriod
- Deputy City Clerk Jennifer Lee

City Staff absent:

- City Attorney Charles Odgers

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

Ely City Council / attendance list. 7-12-18

Bill Kegan Trent Griffith

MAUREEN OTZELBERGER

Chris Wilson

Ray Kalle Wolfries Wood

John Kalle

Kevin Schantz

Tracey Corcoran

Sean Wagoner

Chet Wagoner

Tandy Hulse

Harry Rhea

Ken Dano

David Sturges

George Chachas

Scott Henriod

Mike Coster

Mark Basset

Pat Robinson

Cheryl May

2. PUBLIC COMMENT

David Sturlin stated my name is David Sturlin and I am on the agenda for items under 7: 2, 3 and 4. I had a fourth issue. I don't know if you can add anything to the agenda or does it need to be presented at a subsequent meeting?

Mayor Van Camp stated it has to go on another agenda.

David Sturlin stated I have one property that has three different accounts for the same property; can that be resolved without coming before the Board?

Mayor Van Camp stated those items go before the Utility Board and they weren't able to act on those, so we're going to put it on the next month's utility board.

David Sturlin asked so I won't be able to deal with those today?

Mayor Van Camp stated no, we're going to table all those items.

Councilman Carson stated they were tabled due to the attorney not being able to attend this morning and they needed some more clarification.

William Kogan stated my name is William Kogan from down to Lund. You were given copies of letters I wrote over the years, after making a bunch of phone calls, concerning a bill for a property down at Lund that was made out to my dad and he's been dead since 1983. I've tried for years to get it changed to my name and it never has been. Finally in March of '18 after I came out of the hospital from having my hip replaced, I wrote on the note that I'd probably go to a lawyer to get the name changed to mine because the amount of money that's owed is ridiculous. I just live on a pension. There's no way I could pay that kind of money. I go the mail three days ago and I read this letter from the City of Ely; it's got my name and address on it, stating that I owe a whole bunch of money. I can't understand why they didn't give it back in '16 and '15 when I could afford to pay. I'd like to sit down with somebody and figure something out.

City Administrator Switzer stated let's meet after the meeting.

Jason Woywood stated Jason Woywood, representing the *Holiday Pine* and *Holiday Express*. I want to give everybody an update and introduce our project manager. To date, we've contracted with *JCR*, who's doing the excavating; they're out there now fencing the area and have their machines on site. To my understanding, we'll be issued the building permit tomorrow. We're working with *Basin Engineering* as well and the *Reck Brothers*. We're excited about this project and thank you for your cooperation. It's going to be a twelve to fourteen month project, prior to us opening, and will employ around thirty-five employees. Our project manager from *Rimrock Construction* out of Salt Lake is here; he's going to be overseeing the entire project. I just got a phone call thirty minutes ago from *JCR* and the portion of Avenue D that you guys graciously deeded to us, the neighbor *Van Camp Towing* told *JCR* that if we fence that portion of Avenue D, he's going run it over with his truck. So I just wanted that on record that *JCR* is not comfortable putting the fencing on Avenue D because the neighbor is going to destroy it.

Rick Stork stated Rick Stork, City of Ely. On your agenda tonight number 7-5 on the scrap metal, you guys are foolish if you have Paul Holdaway take care of your metal pile; you're just giving away fifty percent (50%) of your profits. All it takes to do a metal shipment is the Landfill operator – which was me for eleven years - calls the scrappers and finds out what the going price is; if it's where we want to be, they bale it, haul it and we get a percentage. It works better because there's no middle man and the scrapping company is going to charge you forty percent (40%) of the scrapping profit to scrap it, so the other sixty percent (60%) – instead of that being all City of Ely money, now it's only thirty percent (30%) City of Ely money because you're splitting it with a contractor, just to make a couple of telephone calls for you. I'll do it for a dollar or for free. We had metal charges there at the Landfill for \$2.00.00; that paid for the Landfill people to stack, take care of the metal and put it anywhere they wanted to. At that time, we were putting \$65,000.00 to \$72,000.00 a year from scrap metal into the General Fund. You guys have gotten like \$36,000.00 off three years. You have to rebid that contract; if you don't, you're violating the law.

Patricia Robison stated I'm here to speak about the Animal Control Advisory Board. I'd like to thank Kay McMurray for her persistence in introducing this project and making it happen. This is a very-much needed board and I do hope for its success for the sake of the animals and our Animal Control facility. At this time, I would like to withdraw my letter of request to be on this board. The original five good applicants have been working with the Animal Control officer to find homes, fostering, adopting, paying for medical care, bottle feeding, donating, and transporting to no-kill shelters. The Mayor's unexplained action of tabling and removing the agenda item when it stated in the Legals of the newspaper a precise deadline for 'ap' letter and that "You must attend the June 14, 2018 City Council meeting"; all five applicants complied. No 'thank you', 'sorry' or explanation from the Mayor. So why not a courtesy call, Mayor, beforehand with a short explanation of it not being necessary to attend? It was quite a shock and a slap in the face to those who abided by your requests that were stated in the paper. A quote sums this all up: "We hope for the best and then we are shocked that things are just as they have always been. We believe in the goodness of people, but it seems that some of them always disappoint."

Chris Wilson stated my name's Chris Wilson. I'm the project manager from *Rimrock Construction*, building the new *Holiday Inn*. I have recently completed the exact same building in Lehi, Utah, so it's been a great move for these guys to have me build their project for them. I'm excited to see the progress and working with the local town and hiring out subs from other states to perform the work. It will add value to this area. If you need to get a hold of me, there will be a sign on the project, that you're able to get a hold of me on my cell phone or stop by and see a superintendent in our job site trailer that will be there every day of the week. If you have questions during the construction project, please get a hold of me too.

George Chachas stated I want to know if *S & S Shortline* has an Ely City business license; at the June 25, 2018 meeting, the *S & S* representative implied that reports have been sent to the City regarding track rental. On your agenda item 7-1, you're to consider a Will Serve for the new *Holiday Inn*; I've yet to see anything on an agenda to address the two junk yards in that vicinity. There are two commercial businesses on Avenue D near the construction site that have not put in curb and gutter, as required by City Code; I've heard they have litigation pending against the City to have things "done right" in that area. The City needs to address these issues before that twelve-million dollar facility opens. You're making the City look like 'hill billy heaven'. On one hand, you want to beautify the City and on the other hand, you're sending another message. Have you brought back the utility billing to City Hall?

Mayor Van Camp stated we've discussed that.

George Chachas stated you've yet to reimburse me for curing a sewer problem at 681 Parker that was the City's responsibility. The City paid for a larger size water line for \$60,000.00 extending from *Love's* to the Charter School area; that was the responsibility of the developer. NRS 268.512 and NRS 268.568 states the City cannot assist a private business and yet, you're doing that. I've yet to see any action to correct the non-ADA conforming curb/gutter/sidewalk at 790 Avenue I.

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

Mayor Van Camp stated I would like remove items 7-2, 7-3, 7-4 and 7-5. 5:17

Councilman Hanson moved to approve the agenda, minus Items 7-2, 7-3, 7-4 and 7-5.

Councilwoman Gardner seconded the motion. The motion carried unanimously.

4. CITY DEPARTMENT REPORTS

- FIRE CHIEF

City Fire Chief Rivera stated the Ely Volunteer Fire Department and myself assisted with safety protection for 4th of July fireworks. Councilman DeFelice mentioned illegal fireworks and I didn't see any on the mountain this year; I want to thank the people for not doing that. I want to thank Mark Bassett for allowing the fire trucks to pass through.

Councilman Carson asked how is the recruitment going of the spots we need to fill out there?

City Fire Chief Rivera stated slow. We had two applicants today on *Indeed*. I don't think plan A was executed as discussed.

Councilman Carson asked when does this close?

City Fire Chief Rivera stated tomorrow.

Councilman Carson asked where did you advertise, Bob?

City Administrator Switzer stated *Indeed*, today as you mentioned, and *Firehouse.com* and in the local newspaper.

Councilman Carson asked why would you put it on *Indeed* today if it closes tomorrow?

City Administrator Switzer stated because we already got two applications.

Councilman Carson asked do you know how much overtime we're in it right now, as of today?

City Administrator Switzer stated I realize we have overtime.

Councilman Carson asked how much is it?

City Administrator Switzer stated I don't know the exact figure. I've been very, very busy, so if you want to have this discussion later that's fine.

Councilman Carson asked do you want to call the high school and get an HR person too? At the last meeting, you said would put it on that Friday. For the record, the overtime, excluding what we're paying the firemen already – which is \$25.00 an hour on an average – is \$18.00 an hour overtime. Right now, we're at \$91,200.00. From Monday on, every ninety-six hours, we will be accruing \$1,700.00 just in overtime.

Councilman Kurt Carson emailed Deputy City Clerk Jennifer Lee on July 13, 2018 requesting that his email with attachment appearing below be added to the July 12, 2018 City Council record.

From: Kurt Carson [kcarson@elycity.com]
Sent: Friday, July 13, 2018 3:49 PM
To: Jennifer Lee
Subject: 7-12-18 City Council Meeting
Attachments: Lexmark_2018_07_13_14_28_49_938.pdf

Hi Jennifer,

At last night's City Council Meeting I unintentionally said that the paid firemen's overtime was 91,000 dollars, what I meant say was 9,100 dollars. I have attached a copy of the numbers that I had in front of me at the meeting and apologize for the mistake and inconvenience.

Thanks,
Kurt Carson

Difference of pay between straight time and overtime to cover vacant shifts is \$18.00 an hour.

If a person is hired and their start date is August 1 2018. There are 3 ea. 96 hr. shifts that are needed to be covered by overtime at a rate of \$41.00 per hour. (average).

$\$18.00 \times 96 \times 3 = \$5184.00.$

From August 1, 2018 to August 15 2018 this time would be used for training. 8 hrs. a day for 10 days.

Plus you have a person on overtime covering the vacant shift. 96 hrs.

$\$23.00 \times 80 = \$1840.00.$ (this would have been paid anyway)

$\$41.00 \times 96 = \$3936.00.$

$\$5184.00 + \$3936.00 = \$9120.00$

For each 96 hr. go around that is not filled by a new hire it will cost \$1728.00 more than if the position was filled.

- MUNICIPAL COURT JUDGE

Judge Coster stated you have this month's report early because we're finalizing the annual report. I'd like to thank you for the clerks.

- CITY ADMINISTRATOR

City Administrator Switzer stated I got a call from John Ogden with NDOT informing us the railroad crossing on Highway 93, on the east part of town, will be worked on starting Monday. We had our Road Rally visitors today where we closed down 5th Street; they had their event earlier this morning and most of them stayed overnight.

Councilman Carson asked I understand you hired some help in the office. I would like to know how this hiring process occurred.

City Administrator Switzer stated the help that was hired, who no longer is there, was a temporary help referred by a City councilman.

Councilman Carson asked was this job advertised for?

City Administrator Switzer stated no. We don't need to advertise temporary positions. We haven't before. We advertise career positions.

Councilman Carson stated the last time we advertised for a career position, it had to come in front of this Board for a position that's already been there.

City Administrator Switzer stated Kurt, that is an issue for this City Council to decide what they want to do. If we want to establish a procedure on how to hire, then, by all means, let's do it.

Councilman Carson stated last meeting, Chuck even said it himself, the Council chose for positions to come to this Board.

City Administrator Switzer stated career positions.

Councilman Carson stated so back when, you can hire whoever you want.

City Administrator Switzer stated I've done that for the last two or three years, at least three years.

Councilman Carson stated for summer time help, we always applied for it and we always interviewed for it.

City Administrator Switzer stated no, we haven't.

Councilman Carson stated that's not what I've heard from the paid staff. There's been an interview process and the whole nine yards.

Councilman Hanson stated we had a situation where a large number of accounts payable, which had been accruing for some time, which had not been addressed, suddenly arrived with some urgency on some of them, such as the City insurance premiums, which had not been paid for two months, and Bob took care of that one and asked at the conclusion of the recent meeting, at which we all were, how to address this emergency situation. So, I recommended to him a student, whom I know, who does similar work for an establishment here in town. He would simply be there to help process the coding of these things, not to get into the *Caselle* program, not to have access to City money. He would be simply coding the bills so that they can properly and expeditiously process them. When we found out that we had even more bills which were not being processed as we had thought they would be by the person we had trusted to do so, it was the emergency nature of it and, since it was part time and also temporary, it's my understanding that we've been hiring part time and temporary with not going through the City Council. We directed that only those career positions, staff positions, were the ones where the City Council would be directly involved in the hiring of them.

Councilman Carson stated that could be totally true, but my heartache is when Chuck lost his part time position, Chuck stayed here 'til midnight some nights and got his work done. I don't know why Bob didn't stay late and do it himself?

City Administrator Switzer stated Mr. Carson, if you want to have a personnel session, you need to put it on the agenda.

Councilman Carson stated I had a question for you, Bob.

City Administrator Switzer stated the question's been answered.

- CITY ENGINEER

City Engineer Almborg stated the meeting went well with NDOT and the affected property owners wanted modifications; on Wednesday I went over the revision, left a preliminary exhibit, met with the owners - who were comfortable with the revision - and I then had a conversation with DA's office. We got a letter from NDEP on concerns with water from our discharge tanks. We've been busy working on the water/sewer portion of the Aultman Street project. NDOT asked us to provide pothole locations that would help us and we gave them twenty; I believe that contract will be back in the community shortly.

5. NNRV FOUNDATION REPORT

NNRV President Bassett reviewed his report appearing below and stated we have started construction on the replacement of the gates on US 93; in the process of doing that, we found out the far east northbound lane is failing - we'll have a contractor come in Monday and re-build the track - and I have an email into Tina, the City and the Foundation's agent, to see if we can do that as an insurance claim. The crossing has been there for years and shouldn't fail after two years. It was the biggest June we've ever had. The 4th of July Fireworks Train sold out at a hundred fifty people.

Mayor Van Camp asked are all the Star Trains sold out?

NNRV President Bassett stated yes.

Councilman Flangas stated at the signal at 93, you have that old ore train car.

NNRV President Bassett stated yes.

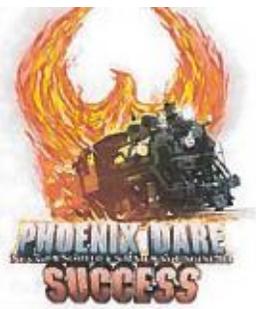
Councilman Flangas asked why is it in deplorable condition? Why don't you have it painted? It's been like that for thirty years.

NNRV President Bassett stated no. It's only been there for eight years.

Councilman Flangas stated it is an eyesore and you're advertising the Railroad.

NNRV President Bassett stated it always boils down to the almighty buck. In between doing locomotives, building maintenance, utilities, and that crossing, there just isn't the funds. If someone wanted to provide the funds, it's probably a \$4,000 job to re-paint it.

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 June 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 Machine Shop. We have removed her tubes. The boiler has been inspected as well as the running gear by a steam locomotive consultant. His report is that she is in excellent shape with no serious issues apparent. We have a lot of work to do, but we're 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 – 2015, 2014, 2013, 2012, 2011, 2010, 2009, 2008, 2007

2. Rolling Stock Status – No change

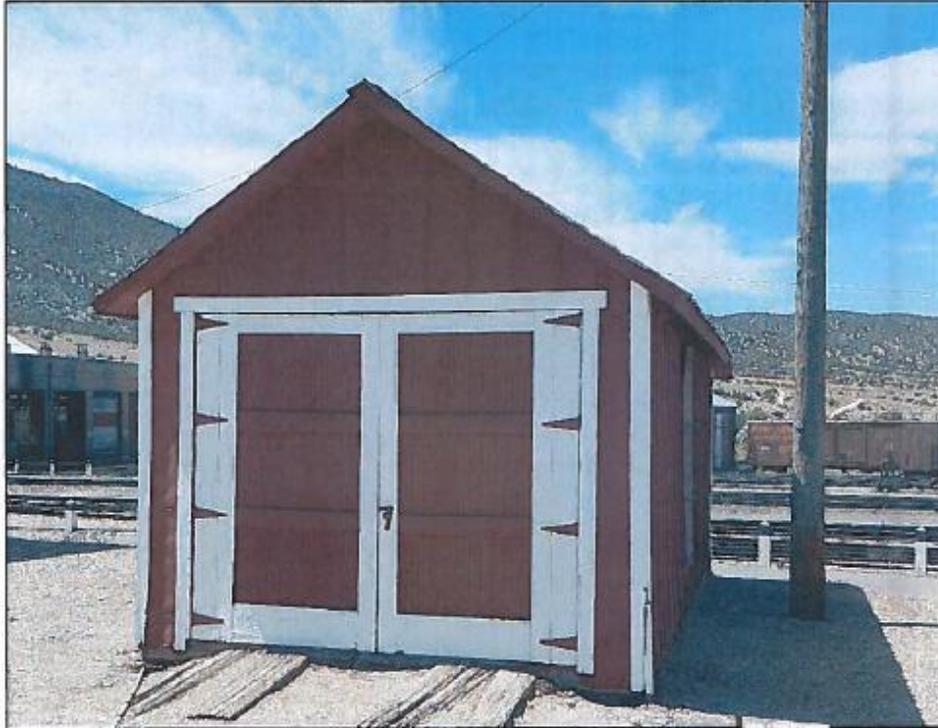
- a. Passenger equipment in service: #07, #08, #09, Flatcar #23, Coach #5, Baggage Car/RPO #20, Outfit Car #06.
- b. Passenger equipment out of service: #10, #2 and #05 needing heavy repairs.
- c. Caboose in service: #3, #6 and #22 are operational.
- d. Caboose out service: #5

3. Track Status – No change

- a. Keystone Branch is open
- b. Adverse Branch is open.
- d. The Foundation received a \$347,670.22 grant to replace the signals at the US 93 crossing. Construction has started on the signals.

4. Building Status – Updated

In continuing with our Paint the Railroad Red project, volunteers painted the Firehouse. We have one more building along Avenue A that needs painting, the Electric Shop. Painting these buildings really improves the overall appearance of the complex.



5. Ridership and Ticket Sales – Updated

- a. In June we carried 2,279 passengers. This is an increase of 643 passengers or 39%.
- b. Our annual ridership stands at 4,137. This is an increase of 898 passengers or 22% over last year. 2017 was the largest year we have ever had, our challenge will be to top it, early indications are that we will.
- c. Since operations began in 1987, we have carried 279,965 passengers.

6. Paint the Railroad Red Week

We had our first paint the railroad red week and we got two buildings painted. We could have done more but the weather did not cooperate at all! During Labor Day Weekend, we plan to paint the Electric Shop weather cooperating. This will be the last building along Avenue A that needs painting. Once this is completed, we'll move to the yard buildings. This will be a continuing initiative to keep the building painted and looking good.

6. REPORTS

CITY COUNCIL

Councilman Flangas stated I attended the NDOT public comment and was approached afterwards by NDOT personnel for a discussion. Signage is a key point. We'll be exchanging ideas on email. It's time we start promoting our good points.

MAYOR

Mayor Van Camp stated I attended the Rally North America start up; they had sixty cars, plus ten support cars. I attended the steering committee meeting Tuesday on beautification. I also attended the DOT meeting; it's a fabulous thirty million dollar project. Tomorrow will be the ribbon cutting for our new hotel.

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

1. Board Members – City Engineer AlMBERG – Discussion/For Possible Action – Approval of *Holiday Pine, LLC's* Will-Serve Application at 1505 East Aultman Street, Ely, Nevada (APN 002-261-05) for a 4" water main service and a sewer line servicing 640 new fixtures.

Mayor Van Camp stated I do have a conflict of interest on this because that property owner is my brother, so I'm going to let you take care of that.

Mayor Van Camp handed the gavel to Mayor Pro Tem Hanson.

Councilman Carson stated this went in front of the Utility Board this morning and they recommended approval, so I move to approve *Holiday Pine, LLC's* Will Serve application at 1505 East Aultman Street, Ely. Councilman Flangas seconded the motion. The motion carried unanimously.

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

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

A. CONSENT AGENDA

MOTION: Move to approve the Consent Agenda item 8A-1 Minutes and 8A-2 Bills.

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

1. Discussion/For Possible Action –Minutes.
 - June 14, 2018
2. Discussion/For Possible Action –Bills.
 - July 5, 2018

B. OLD BUSINESS

1. Mayor Van Camp – Discussion/For Possible Action – Mayoral Appointment of five (5) Animal Control Advisory Board Members, with the consent of the Ely City Council, from the following applicants: Robin Eldridge, DVM; Tracey Greenwell; Tandy Haslem; Ramona Maestes; KayLynn Roberts-McMurray; Patricia Robison; and Geri Whopschall. Two members will receive appointments through December 31, 2020 and three members will receive appointments through December 31, 2022.

Mayor Van Camp stated I called numerous people who had plenty to say about the animal control business here at the City; many of them didn't return my phone calls and some were not interested. I had many who would do donations at any time and help with Animal Control, so I do have that list to give to the new advisory board. I do feel bad that two applicants dropped out; I wish they wouldn't have, but we do have some new applicants. I would like to appoint Robin Eldridge, DVM and KayLynn Roberts-McMurray for the two year appointments through December 31, 2020. I would like to appoint Tracey Greenwell, Tandy Haslem and Ramona Maestes for appointments through December 31, 2022. I know the other applicants are behind the scenes helping and hope you would continue your input.

Councilman Hanson moved to approve the mayoral appointments of Robin Eldridge, DVM and Kay Lynn Roberts-McMurray to the Animal Control Advisory Board through December 31, 2020 and Tracey Greenwell, Tandy Haslem, and Ramona Maestes through December 31, 2022. Councilman Carson seconded the motion. The motion carried unanimously.

C. NEW BUSINESS

1. Councilman Hanson – Ely Shoshone Tribe Representative – Discussion/For Possible Action – Approval to direct City officials to negotiate with Ely Shoshone Tribal officials regarding terms for a marijuana dispensary compact between the two entities.

Trent Griffiths, Ely Shoshone Tribal Council Member, stated I'm Trent Griffiths and twenty-three years old. This started back in 2016, my first year on the Council when we passed medical marijuana ordinances, law and order codes and started our own medical marijuana program. During this time, we were issuing our own medical marijuana ID cards and through our efforts,

we were able to get reciprocity from the State. We saw opportunities to work with government entities around us to make something more acceptable for the Tribe's legitimacy in the industry. So I'm here one last time to see if we can come to an agreement on a dispensary compact, where you guys get a percentage of the tax monies. If you guys bring another dispensary in, you cut that tax money we're getting now into half; so when you do bring it in, you're not going to see the numbers we could offer you guys in tax revenues.

Councilman Hanson stated Mr. Dice sent out an email, I believe to all of us, with some of the numbers of revenue we could have been capitalizing on had we previously gone with the offer made by the Ely Shoshone Tribe. Moreover, they're a local entity whom we know and with whom we've worked successfully getting to this point with their operation. I think it would be highly desirable for the City, especially considering our present need for additional funds, to take advantage of the offer presented. I move to direct City officials to negotiate with the Ely Shoshone Tribe regarding terms for a marijuana dispensary compact between the two entities.

Councilman Flangas asked didn't we give a letter of intent for someone else to do medical marijuana?

Mayor Van Camp stated to date, the State did open up June 14-27 for any applicants for that marijuana dispensary license and there were twenty-two applications for this area; the Department of Taxation has not decided on who they're going to choose and I don't know how long that's going to be. As I understand, we can only have one. It's either one of those twenty-two applicants that the Department of Taxation will choose or we go with the Tribe. The Tribe is not one of those twenty-two applicants.

Cassandra Dittus, *Cannibus Consulting* marijuana program manager, stated I have been working with the Ely Shoshone Tribe for three years. We have put forth a great amount of effort to build the establishments that we have moved forward with at this point and have been successful in what we have built here in Ely. The Tribe is seeking re-consideration of the compact between the Ely Shoshone Tribe and the City of Ely concerning the establishment of a recreational dispensary. We believe since the last time of the discussion, the Tribe's substantial business development should be taken into consideration when evaluating how beneficial this government to government compact would be for both the Ely Shoshone Tribe and the City of Ely. Myself and Mr. Dice have continued to implore you for the consideration of this compact on behalf of the Tribe, as their contracted lobbyists and marijuana program managers. When first conceptualizing our business model we saw only the development of business, but were quickly exposed to the massive economic impact our marijuana industry would provide the entire community: Providing access to affordable medical marijuana cards; employment to small communities, tribal and non-tribal; and a chance to grant safe access in a primitive medicine to a larger base of patients. My ability to make a difference in people's lives has grown exponentially by working with the Native American tribes. I am a cancer survivor. I had cancer for roughly seven years until my early 20s, after which I immediately joined the marijuana industry. In private marijuana businesses, only few are the beneficiaries. We have struggled to stay positive during these discussions while we've watched the City turn their backs on their neighbors to consider a State-licensed facility that would make more than half their potential tax monies disappear from the community. We watched the City entertain a candidate that misrepresented himself and attested he had been sought out for this purpose. This is a historical opportunity to build a bridge that you might not get again.

Councilwoman Gardner seconded Councilman Hanson's motion. The motion carried 3 to 1, with Councilman Flangas voting Nay.

2. Council Members – City Administrator Switzer – Discussion/For Possible Action – Approval of Mutual Modification of Interlocal Agreement for Police Protection between White Pine County and the City of Ely, approved by White Pine County June 27, 2018.

City Administrator Switzer stated this modification has the monies paid from the County, as revenue, not being included in the calculation for police payments.

Councilman Hanson moved to approve the Mutual Modification of Interlocal Agreement for Police Protection between White Pine County and the City of Ely.

Councilman Carson asked Bob, is there a time frame on this? I've got some legal questions and I couldn't get a hold of Chuck today.

City Administrator Switzer stated this allows us to immediately begin excluding the County revenues we receive; from that standpoint, it would be beneficial to the City and they've signed it already.

Mayor Van Camp said we're going to have a special meeting next Thursday; we could stick it on there.

Councilman Hanson modified his motion to place this item on the July 19, 2018 special City Council meeting agenda. Councilwoman Gardner seconded the motion. The motion carried unanimously.

3. Council Members – City Attorney Odgers – Discussion/For Possible Action – Approval for the Ely City Council to meet with the White Pine County Commission, as per their July 3, 2018 request, for a joint meeting August 22, 2018 at 6:00 p.m. regarding a potential grant through the Governor's Office of Economic Development (GOED), a fire services mutual aid agreement and other items to be determined.

Councilman Hanson moved to approve for the City Council to meet with the White Pine County Commission August 22, 2018 at 6:00 p.m. Councilman Carson seconded the motion. The motion carried unanimously.

4. Council Members – City Attorney Odgers – Discussion/For Possible Action – Removal of Cease and Desist order on Ray Keller, d.b.a. *Wolfie's Wood* for failure to have the proper City licensing to sell second-hand merchandise.

Councilman Hanson moved to remove the Cease and Desist order on Ray Keller, d.b.a. *Wolfie's Wood*.

City Administrator Switzer stated subject to the successful completion of a business license to sell second hand merchandise.

Councilman Hanson added "subject to the successful completion of a business license to sell second hand merchandise" to his motion.

Councilman Flangas stated I would like to see the City terminate his license because he's brought more junk into our downtown area; it's not appealing to our community and could be put on a side street.

Ray Keller stated Ray Keller of *Wolfie's Wood*. If anybody has been by and noticed anything, I first had contact with the City Attorney and immediately, everything was removed. When this started four weeks ago and if anybody has driven by 1435 Aultman, they will say everything has been removed; there hasn't been anything there for second hand sales or signs. I even got a telephone call from the City Attorney thanking me for expeditiously getting that done; it was done by the twenty-four hour limit that was on it. I want to work. We will get everything. I want to apologize to the people because I am for the beautification of the street. I came to this town approximately a year ago, retired, looking to put a job to help people. It isn't a business that makes a lot of money; it's a lot of work, just the wood. All the money the business generates stays in this community. Maybe the wood doesn't look as good as the motel next to me, but I have about three hundred people who depend on it. My intention is not to do second hand.

Councilwoman Gardner asked is that trailer still there?

Ray Keller stated the trailer is going to be moved within the next six days. The place is well kept. I have people come two to three times a week; it has fire extinguishers, it has a bathroom, and ample parking.

Councilwoman Gardner seconded Councilman Hanson's motion.

Councilman Flangas stated I still don't think it's proper on our main street.

City Administrator Switzer stated Mr. Keller has his original business license still in force, which the nature of his business is selling firewood; under our current regulations, it is a permitted use.

Councilman Hanson's motion passed 3 to 1, with Councilman Flangas voting Nay.

5. Council Members – City Attorney Odgers – Discussion/For Possible Action – Approval of retainer agreement for the services of Larry Bertsch as the City of Ely's Expert Witness for the accounting required by the contract between *S & S Shortline Leasing, LLC* and the City of Ely, to review all relevant documents and accountings provided by *S & S Shortline Leasing, LLC*, to prepare an expert report and to provide expert testimony at trial.

Councilman Hanson stated Larry Bertsch was the firm that conducted the forensic investigation several years ago. I move to approve the retainer agreement for the services of Larry Bertsch as the City of Ely's Expert Witness for the accounting required by the contract between *S & S Shortline Leasing, LLC* and the City of Ely. Councilman Carson seconded the motion.

City Administrator Switzer stated the only concern that I have, the financial part, is we have to pay \$10,000.00 as a retainer and that's going to be a hit on the General Fund immediately. I understand the need for it, but we don't know what the full cost is going to be.

Councilman Flangas stated I will not vote on this issue because Mr. Bertsch has been a personal friend of mine for over twenty-five years.

City Administrator Switzer asked would that prevent you from making an independent decision?

Councilman Flangas stated it wouldn't.

Councilman Hanson asked would it be a conflict of interest?

Councilman Flangas stated no, it never would be because that would be something he and I would never discuss. I'll vote.

Councilman Hanson's motion carried unanimously.

6. Council Members – City Administrator Switzer – Discussion/For Possible Action – Approval to allow *Hinton Burdick CPAs* access to reporting functions ONLY of the City of Ely bank accounts with the *First National Bank of Ely*.

City Administrator Switzer stated this would allow *Hinton Burdick* - as you know we've had them doing our monthly accounting work and making sure our books are balanced on a monthly basis – this would give them more ready access to our bank accounts. They would have no functionality with the checking account or any of the accounts at all. This is strictly for reporting purposes because it would allow them to get in very quickly and take care of business.

Councilman Hanson moved to approve *Hinton Burdick CPAs* to have access to reporting functions ONLY of the City of Ely bank accounts with the *First National Bank of Ely*.

Councilwoman Gardner seconded the motion. The motion carried unanimously.

9. PUBLIC COMMENT

Rick Stork stated tonight on your agenda, number 7, you're willing to give away another \$5,000.00 in landfill money. A couple of meetings ago the Attorney boasted 'we used to have a \$450,000.00 debt and now we're down around \$350,000.00. The reason we're down around \$350,000.00 is because you're giving it all away. You file liens, but don't follow through to where the person knows they owe it, then they ask for forgiveness and you give away \$8,000.00 worth of landfill fees; that's not right. The rest of us are paying our landfill fees, everybody else needs to pay it too. I'm strictly against doing liens. If you put a lien on people's property, you won't get a penny if the person doesn't sell it. Take them to court. We did that in 2005. We took Zakula, Mr. Chachas and some of the others to court and we won; they had to come up with the money they owed up front, there and then. That's what needs to be done. Doing liens isn't getting us anywhere. It's costing us \$200.00 something a lien, plus the extra help with a secretary and the attorney's time. Make the attorney do his job; make him take them to court. A year ago in May at the Utility Board meeting, your guy from Wendover, Raul, told the Utility Board that

the cars that are in that containment pond have to be removed. I brought it to the City Council and Mr. Switzer said 'we're going to get rid of those cars, we just need a little bit of time'. It's been a year and the cars are still sitting there. I've turned in a complaint to the EPA. I don't care if you know I did it at the landfill. If the cars don't get removed out of that pond, we can't use it.

Patricia Robison stated Mayor, obviously you didn't hear my request to withdraw from the Animal Control Board.

Mayor Van Camp stated I did.

Patricia Robison stated I'll give Jennifer Lee my letter because you still acted like I was applying.

Patricia Robison
257 Nevada Ave.
Ely, Nev. 89301
7-12-18

Mayor Van Camp & City Council:

I wish to withdraw my letter of request to be on the Animal Control Advisory Board this is due to the mayor's rudeness towards the five applicants that complied to per request in the legal section of the paper.

Thank You.

Patricia Robison

let this be entered in the record per city council meeting July 12, 2018

George Chachas stated the gentleman that just left is part of your problem; he was in there all those years and nothing happened. I gave you the memo from when I was mayor. We had forty-two accounts, \$22,000.00 in arrears. You guys have \$400,000.00 and that's all bogus numbers. You're doing penalties and interest and that does not come even close to what is owed. Had you done your due diligence - Thirty days you're late, sixty days you're on notice and ninety days you're in small claims court - it would have been all over. A lien does not give you much of anything. Today I gave Mr. Carson the NRS, City Code and the County code for collecting. Recently I went to where one person was taken to court; within a half hour, it was resolved. You have staff that are not doing their job and you need to clean that up. You need to bring in an accountant. \$96,000.00 in overtime? Madam Mayor, in regards to your concerns regarding the suit, the Railroad gets \$200,000.00 plus from the Fair and Rec. Board; they were negligent in collecting that money and they have an obligation to help the City. Approximately a week ago I saw Sean Scott - the contractor that is yet to finish the repairs on my roof and screwed it up at 570 Aultman - working on a home in the 1,000 block of 15th Street East; I want to know if that man is properly licensed.

10. 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 **6:32 p.m.** Councilwoman Gardner seconded the motion. The motion carried unanimously.

MAYOR

ATTEST

DRAFT