CITY OF ELY
501 Mill Street Ely, Nevada 89301
City Hall (775) 289-2430
Cityofelynv.gov

ELY CITY COUNCIL
REGULAR MEETING

November 9, 2023, 5:00 p.m. **– Ely Volunteer Fire Hall – 499 Mill Street – Ely, Nevada**

1. Mayor Robertson called the regular meeting of the Ely City Council to order at **5:00 P.M**. Joshua Baek offered an invocation. Mayor Robertson led in the Pledge of Allegiance and asked for Roll Call.

Members present:
- Mayor Nathan Robertson
- Councilman Terrill Trask
- Councilwoman Samantha Elliott
- Councilman Jim Alworth
- Councilwoman Jerri Lynn Williams-Harper

Members absent:
- Councilman Kurt Carson

City Officials and staff present in the building or via video conference:
- City Clerk Jennifer Lee
- City Treasurer/HR Director Janette Trask (Zoom)
- City Attorney Leo Cahoon
- City Engineer B.J. Almberg
- City Municipal Court Judge Mike Coster
- City Administrative Assistant Patti Cobb

Also, in attendance: Members of the public in attendance at the Ely Volunteer Fire Hall signed in (appears on the following page) and the following persons attended via video conference: Geri Wopschall, Carol Ruth Silver, Ron Olsen, Cody Odgers, Josh Lieberman, Melony O'Flaherty, Michael Mushkin, Bill and Holly, Burton Hilton, Gina Brown, Courtney Snodgrass, Bernadette, and John O'Flaherty.

DRAFT

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ELY CITY COUNCIL ATTENDANCE LIST

DATE: November 09, 2023

Print name below	Print name below
Bill Wolf	Sage Noyes
Sandy Moreno	Robert Zehr
Benjamin Moreno	Ethan Marshall
Robert Neilson	Sadie Leyba
George Chachas	
Derek Steiner	
Paul Podborny	
Christina Sandoval	
Anna Kellogg	
Peter Davidson	
Mark Bassett	
Monique Portanger	
Donna Bath	
Diana Buckner	
Don Panagopoulos	
[illegible]	
[illegible]	
[illegible]	
[illegible] Clinton Hunsid	
Terri Borghoff	
Ben Noyes	

2. PUBLIC COMMENT

From: Julie Townsend Studio <jtownsendstudios@gmail.com>
Sent: Tuesday, November 7, 2023 8:22 AM
To: Patti Cobb
Subject: Opinion for Nov 9, 2023 scheduled meeting

I understand there will be discussion regarding a proposal for a solar farm to be installed off the 490 highway. I live in Cross Timbers at 2199 N. 35th St and both my husband, **Brad Townsend and I strongly oppose this plan**. Any development that should take place inside the valley, where we all live should have strong benefits to the community and not to another state. The impact of this proposed solar farm would be great. The beauty of open pastures, running springs and views of the wildlife would be ruined for us.

There are solar farms all over the Las Vegas area and they are such an eye soar. I hate how they have ruined the beautiful desert. Don't let that become our fate here in Ely.

Sincerely,
Julie Townsend
2199 N. 35th St W
Ely, NV 89301

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My comments are in regard to future uses of the Georgetown Ranch. Whatever uses may be in store for the property, I feel it is better to lease the land than to sell it. The city is fiscally sound and does not need the income from the sale of the property. To quote Mark Twain, "Buy land, they're not making it anymore."

Thank you.

Dale Derbidge
PO Box 151854
Ely, NV 89315

Jennifer Lee

From: Tedd Heggie <teddmheggie@gmail.com>
Sent: Thursday, November 9, 2023 2:50 PM
To: Jennifer Lee
Subject: Georgetown lease

This is Tedd Heggie
I have some concerns about selling city property to the solar panel company.
The property they are interested in is productive ground, I would rather these facilities were built on ground that is unproductive like the ground near Las Vegas. Once the facility is built there is no income to the city. The other concern I have. what is the length of productivity of the solar panels, and how will they be disposed of? I also wonder how efficient these will be with snow on them. All in all I would like to see the ranch remain in production agriculture .
Thank you
Tedd Heggie

Patti Cobb

From: Paula Day <Paula.K.Day@hotmail.com>
Sent: Thursday, November 9, 2023 3:20 PM
To: Patti Cobb
Cc: Paula Day
Subject: Solar Project State Hwy 490
Attachments: IMG_8743.jpeg

I'm against this project 100%. White Pine County touts itself as a 'place for outdoor enthusiasts'. The glass and metal from these ugly solar panels will ruin the image we are trying to project.

The location is a detriment to pilots flying in and out of Ely. The glares reflecting off these panels will blind a pilot's vision.

Solar panels can potentially kill birds through a phenomenon known as the "lake effect." Migrating waterfowl and shorebirds may perceive the reflective surfaces of photovoltaic (PV) panels as bodies of water and collide with the structures as they attempt to land on the panels.

Golfers at the WPC Golf Course will have the glares reflecting into their eyes.

State Highway 490 is used during the Silver State Races! A driver careening out-of-control during the race wouldn't have a chance if he/she hit one of those panels.

This is a populated area. One would think a county of 8,876 square miles that these ugly solar panels would be placed in an unpopulated area.

I am against this project.

Paula Day
700 W 343rd St N
Ely, Nevada 89301
702.332.5517

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PMKI LLC. HOTEL NEVADA Hot Potato Properties

Anne Kellogg
Partner Hotel Nevada and Gambling Hall
Four Sevens, Grand Central, Fireside Inn, Postal Palace CC, 421 Aultman
Owner Postal Palace Townhouses, Hot Potato Properties
Partner PMKI LLC
370 Aultman, 448 Aultman, 598 Aultman
Partner Ely Duck Creek Lodge

510 E. Fairview Lane
Ely, NV 89301
(702) 595-4985
kelloggal@gmail.com

November 9, 2023

Reminder: the original ordinance gaming that was passed in 2017 outlined that gaming establishments with 15 or more slot machines also have 50 hotel rooms. The April 2023 compromise indicated 30 or more slot machines would require 40 hotel rooms. You are currently looking at an ordinance that would call for a restaurant and or/rooms for a business with 40 or less slot machines.

Mayor Robertson, Ely City Council:

- The idea of planning a bar and restaurant with 40 slot machines in such a way as to make it less of a slot parlor is impossible.
  - And if history is any indicator my guess is that the developers of this space with send in another round of people who will be able to bypass your building codes.
- The City of Ely's two economic impact studies have both been inadequate and lack any real analysis of the relevant economic sectors in this community that will be impacted by this development.
  - I'm talking about restaurants, bars, coffee shops, gas stations, liquor stores and convenience stores.
- What's worse is that you will vote to completely ignore the results of it anyway.
- As someone with a variety of business efforts in this community, I am deeply troubled by the lack of understanding that some of you have with regards to the gaming business and what it means to White Pine County.
- Does Ely want to be a 'GO TO' or 'Go THROUGH' place?
- I am all for another hotel/casino in White Pine County. Competition is a good thing for all of us.
- Every time one of Hotel Nevada's competitors closes a restaurant or a bar it is a blow to all of us. Fair competition is healthy and good for the market.

  - There have been two restaurants inside other hotel-casinos that have closed since we started this gaming ordinance conversation a little under a year ago.
- This is new ordinance is intended to benefit one single end user and it would not be healthy for the people of this community.

The following are cut and pasted from my original email and comments to you in April 2023.

- The room requirement ordinance means a substantial financial investment should be required for this coveted gaming license. It doesn't take much to build a 12,000 square foot building and prepare it for slot machines and cigarette sales.
- Counties all across the state have severe restrictions on predator operators who apply for an unrestricted gaming license without offering ample room accommodations, food and beverage.
- Ignoring this ordinance will give a slot parlor operator a distinct and noticeable advantage over the community's current casinos that have been operating under market conditions for many, many years.
- The Ely market can not support a flood of more slot machines.
- It is not likely the new developers will bank locally. There will be no room tax revenue and the gaming tax will go straight to Carson City.
- Ultimately, a slot parlor would create a drain on the local economy with very little sales tax or liquor, tobacco sales revenue.
- Slot parlors are not created to draw tourists. The business model is to prey on locals while they take the money and run.

I apologize that all I could come up with for you tonight is bullet points and an ask that you return my calls, texts and emails so I might have an opportunity to speak with you all personally one-on-one before you make a terrible mistake for our community.

All my best,

Anne Kellogg

Sandy Moreno stated I live adjacent to the proposed Starbucks/restaurant project and that's what I'm here to speak about again. We support it and everyone I know supports it except for the local business owners. It's kind of ironic that they will come up here and argue against this much smaller project when someone else in the community has openly proposed a ninety-room motel with a restaurant and a full-sized casino that would take all of the business away from the downtown and basically land lock the people that visit that hotel. Personally, I have not heard any of these businesspeople that are opposed to this small project object to a much larger project. As far as restaurants failing, I can't be the only one that's gone into some of these restaurants and had absolutely the worst meal ever. I understand you have trouble getting help, but when you call yourself a steak restaurant you should know the difference between raw, medium, and well

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done. There is a lot more to losing business, not just competition. It's about the sales and the service presentation. A lot of us are looking forward to having something new in town because there is only one decent breakfast in town. The Tourism Board works really hard to get people into this City, and I commend them for that, but once they get here there's kind of a lack of concern of what happens to those tourists. We need restaurants and even Starbucks sells little breakfast sandwiches that are clean and easy to get. I am for this project because we need something different. It's time for the control of this town by a few certain business owners to end and it's time to move on and grow a little bit and get some new blood in town. Thank you.

George Chachas stated on your agenda item 11-6, the requirement for minimum hotel/motel rooms must be mandated, as has been met by others in the local gaming industry. I did not see any written response to the letter, dated January 25th, 2023, from the law firm of Greenberg Traurig, regarding concerns of Prospector Enterprises, and they deserve the same consideration as anyone else. The Council should take heed to what was presented by those affected. The Council needs to bring back the thirty to fifty room requirement for those who operate sixteen or more slots. I remind you regarding competition, the private sector pursuant to NRS the City may not assist any manufacturing, industrial warehousing, or other commercial enterprise, or any other organization within ten miles. No one has said, don't bring this project in, they just want the same playing field; bring in the rooms. I want to remind you that the Jailhouse Casino closed the Cell Block Restaurant as of October 31, 2023. I've yet to receive an answer in regard to NRS 278.235, which deals with adoption of measures to maintain and develop affordable housing. In section three it states on or before January 15th of each year the governing body shall submit to the Housing Division of the Department of Business and Industry, a report in the form prescribed by the Housing Division, of how measures adopted, pursuant to subsection one assisted the city or county, and maintaining and developing affordable housing to meet the needs of the community for the preceding year, you haven't done that. If the Bon Aire Trailer Park is eliminated there's no other place for those folks to go as many of them are economically challenged. I remind you the City eliminated the Apache Trailer Park, which existed for decades. You failed to give me permits as requested, only citations for so-called zoning issues. Where do you plan on putting the Bon Aire residents? On your agenda, item 11 B, you are to consider an update on Ely Shoshone Tribe Life Center with a request for financial support from the City of Ely. I support their request on the condition that I'm given the same consideration, since the City's not allowing me and my family to rent our property.

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

Councilman Alworth moved to approve the agenda as presented. Councilman Trask seconded the motion. The motion carried unanimously.

4. CITY DEPARTMENT REPORTS

- **FIRE CHIEF**

  Councilman Alworth asked Treasurer Trask, in the Fire Chief's report in his equipment maintenance he bought new tires and wheels for the command vehicle. Do you know why he had to buy new wheels?

  Mayor Robertson stated I know the answer to that. The size those came in because it was purchased with State Purchasing were too small to get the high-duty wheel or tires that he needs for the weight he carries so we bought new wheels to get the tires he needed.

- **CITY ATTORNEY**

  City Attorney Cahoon stated I have a quick report on the liens. To date my office has collected $12,961.38 as a result of sending the foreclosure letters. Eight property owners are making monthly payments equaling to about $720.00 per month to get caught up on their accounts.

- **CITY ENGINEER**

  City Engineer Almberg stated we're working diligently with NDOT to finalize the Aultman Street plans. We meet with them every other week to go over things. We're getting close to the point where that whole package, along with their improvement plans, will go to a separate team or committee within NDOT to get a third-party review of what has been put together for that project. We have been working diligently on our Bell

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Avenue Project and that's getting really close to being submitted to the State NDEP, for the approval of our waterline, because it's a waterline project. We are also working on our Central Ely Sewer Project. The Water/Sewer Department has been assisting us with that because there are some locates that they have got to do in the field, that are buried underneath asphalt and everything else.

Councilman Alworth stated I got dollar amounts from Treasurer Trask on the sewer lift station and it is amazing. I know it's not in yet and I'll have you give us an update on where it's going to be at, but currently after they get the install done it looks like it's going to be between $575,000.00 and $580,000.00 for this replacement. At that time, we'll have a new system. It ran for forty-some years, but I think it'll be an interesting discussion we need as a council. I know Clerk Lee is doing some research on who actually owns the place. We need to look at putting something in place in the future. Can you give us an update where it's at? I drove by there, and I saw they were still pumping the sewage.

City Engineer Almberg stated they are. Carl and the crew have basically drained the old line because we need that to be drained to replace some of the check valves and stuff associated with it. They've got it drained down and Carl and the crew, I believe, have gone in there and actually sprayed it down, and sanitized it because those guys will be down there working in that vault when they show up. The last conversation I had with Carl and Mike was that they anticipate they will be here and hopefully the pump will be installed prior to the end of this month.

5. NNRY FOUNDATION REPORT

Mayor Robertson stated I would like to disclose that I am a part-time employee of the Foundation, but this is just a report, and I don't vote anyways.

NNRY President Mark Bassett reviewed the following report:

NEVADA NORTHERN RAILWAY
NATIONAL HISTORIC LANDMARK

EAST ELY

Nevada Northern Railway Foundation
A Nevada 501 (c) 3 Non-Profit Corporation
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 October 2023

1. Locomotive Status – Updated
   a. Locomotives in service: #93, #105, #310, 801, Wrecking Crane A & Rotary B.
   b. Locomotive 81 is out-of-service with running gear and boiler issues.
   c. Locomotive 204 is out of service with governor issues.
   d. Locomotive 109 is out of service with a wheel set issues.
   e. Locomotive 40 is out of service for her heavy repairs. We have started on her repairs; she will be out of service until 2025.
   f. Locomotives out of service needing moderate repairs: #109 and #201.
   g. Locomotives waiting funding for restoration: Steptoe Valley Smelting and Mining #309, Kennecott 802 and Rotary Snowplow B (for boiler overhaul.)
   h. Locomotives out of service needing heavy repairs #80 and the military locomotives.
3. 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. Cabooses in service: #3 and #22 are operational.
   d. Cabooses out service: #5 and #6. Caboose #6 needs a 50-year waiver.
4. Track Status – No change
   a. Keystone Branch is open.
   b. Adverse Branch is open.
   c. Museum Branch is open.
5. Ridership and Ticket Sales – Updated
   a. In October we carried 2,407 passengers, this is an 26% increase over last year.
   b. Year to date we have carried 14,322 passengers, this is even with 2022.
   c. Since operations began in 1987, we have carried 359,760 passengers.
6. Economic Impact – Data from Travel Nevada Visitor Facts Pony Express 2016-2020
   The average non-gaming & gaming daily expenditure per overnight visitor $140.
   Economic impact for October 2023 is 2,407 x 80% x 140 = $269,584
   Economic Impact Year To Date is 14,322 x 80% x 140 = $1,604,064

Award Winning Destination
Best Historic Railroad of the West – 2022
Best Adrenaline Rush in Rural Nevada – 2020
Best Museum in Rural Nevada – 2022, 2020, 2017, 2016, 2014, 2013, 2010, 2009, 2008
Trip Advisor Certificate of Excellence – 2022, 2021, 2020, 2019, 2018, 2017, 2016, 2015, 2014
Best Place to Take the Kids in Rural Nevada - 2020, 2019, 2018, 2015, 2014, 2013, 2012, 2011, 2010, 2009, 2008, 2007

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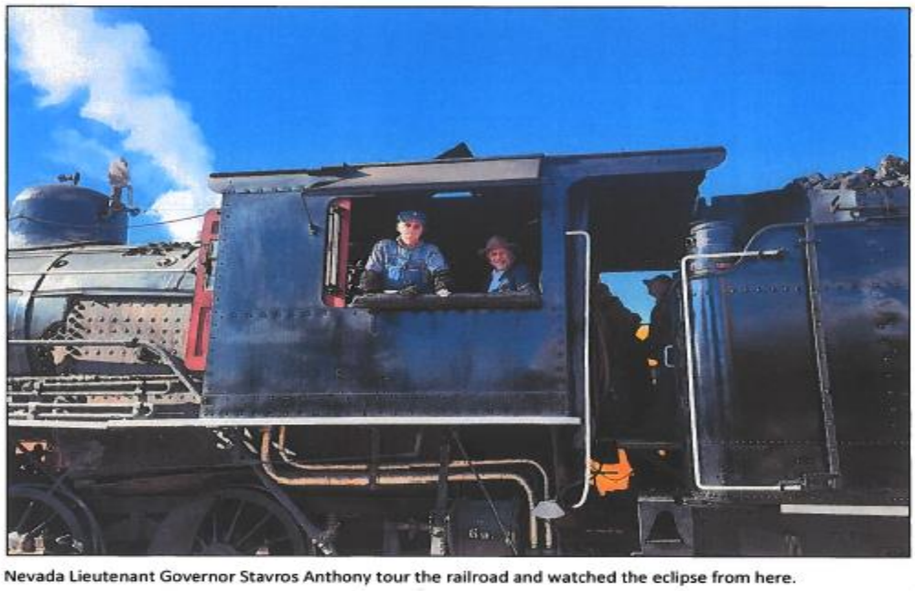
These numbers only reflect the economic impact of our train passengers and does not include visitors who did not ride the train.

7. Social Media: Our reach on social media continues to expand:
   October:
   a. We reached 541,168 people.
   c. We have 132,529-page likes.
   d. 181,755 people follow our page.

8. The Eclipse

The Exploratorium was here for the eclipse and broadcasted the eclipse live from the railroad and Jack Caylor Park. We had over 2,000 people visit the railroad that weekend.

The Exploratorium provided eclipse glasses to the railroad. It was quite the honor to have the railroad's logo next to NASA's.



Nevada Lieutenant Governor Stavros Anthony tour the railroad and watched the eclipse from here.

6. REPORTS

- **COUNCILWOMAN WILLIAMS-HARPER**

  Councilwoman Williams-Harper stated I just want to piggyback on the railroad and talk about how appreciative I am of businesses having our kids. We have a few high school kids that work at the railroad from my work study program. Their eyes just light up whenever I talk to them about the railroad. They talk about how appreciative they are of the experience, and they talk about how they're treated. Just about all of them that I have talked to say their intent is to make a career being on the railroad, so that just speaks to some good things going on in one of our major businesses in the City so thank you.

- **COUNCILMAN ALWORTH**

  Councilman Alworth stated I received a newsletter from the Great Basin Water Network Heartland. There's a great article in there, titled "Our Pump Storage Project, The Threat to the Aquifer Health water Project to tap Ely Steptoe Valley water table." They bring up some great information in there of what possibly, or I should say, what will happen if that White Pine Pump Power Project goes through. It's a good read and if you're interested, I'll leave this copy at City Hall. I also received a letter from Samantha Fletcher who works for Strategies 360, and they would like to meet with council members to discuss this pumped energy storage project which I just mentioned is proposed to be built outside of Ely. She stated we're really just trying to get the community's feel on the project. How do we avoid a conflict if the council members want to go talk with her.

  City Attorney Cahoon stated during the sit down, there'd be two council members. They can discuss things all they want, but for those two council members to then go share what they learned with other council members would be a violation outside of a meeting.

- **COUNCILWOMAN ELLIOTT**

  Councilwoman Elliott stated to piggyback off of Mr. Bassett, I think Tourism and Recreation released there was about twelve thousand people in our county for the eclipse. I think that's pretty cool to know that there were that many people. I also wanted to publicly congratulate Jennifer Lee for winning Women in Excellence in Government for the year.

- **COUNCILMAN TRASK**

  Councilman Trask stated I just want to say that I had the pleasure of stopping into the Small Business Expo last week and set in on one panel discussion. It was very informative and there was a lot of good information there. I was very appreciative of all the information that was there for small businesses, but also the opportunity for the community to have that. It was well run, and I hope we are able to continue doing that.

  Mayor Robertson stated, "I think at the Small Business Expo we had people from the Secretary of State's office, the Office of Small Business Advocacy, SBA, SBDC, RNDC, and all the other letters. The City did one of those breakout sessions, and Jennifer Lee did a very good job talking about the City's available resources and the licensing. It was a great event. We had a lot of participation, and I was glad the City was there to be a one-stop shop for small businesses. It was good that we participated, and I appreciate the Council's support in that.

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

1. Council Members – Public Hearing – Discussion Only – Discussion on future uses for the Georgetown Ranch.

   Donna Bath stated by now we're all very aware that our community is the new crossroads for the increased electrical transmission and with that is going to come, business and utilities wanting to locate near those lines and substation. Unfortunately for us and for them, our airport sits right in the middle of those lines and very near the substation. Currently, White Pine County does not have a plane, a bus, a car rental, nor a taxi to get in and out of Ely. Currently, if someone is visiting our community and has a vehicle breakdown their only option out of our community is unfortunately a U-Haul. Many of

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our citizens rely on our Med flights as their only way to get to larger medical facilities if they need urgent medical care, greater than what our local hospital can provide. They're stuck without an airplane. We as a community welcome and encourage new businesses and economic development for our community. However, we cannot grow, attract, nor encourage economic development without basic components. Transportation in and out of our community is one of those basic components. Housing is another basic component, absolutely necessary for economic development and community sustainability. White Pine County, as large as it is, with over 9,000 acres, is 97% owned by governmental agencies. We don't have the land, the infrastructure, nor the money to build another airport for our community somewhere else, nor do we have enough available land to build the homes and apartments that our communities so desperately need. There are good reasons that these companies are approaching the City and the County to be able to use what little land we have available for expansion in our community; location, permitting, time, and money. If these companies build on non-governmental land, it will reduce their cost to build their project tremendously and it will cut the permitting time by a quantum. I can't blame them for that; It's economics. We need to utilize what little land and infrastructure we currently have for the good of our community and not consider the good for the rest of Nevada when they don't consider what's good for us. The power that they're proposing to build out of pump storage, which is directly or indirectly tied to all these solar projects whether they be here, out in Jakes Valley or Newark's Valley; It's all tied together. It's the green link that's coming across Nevada and It's going to go East Nevada. My ideas would be to keep what little land that we have, and utilize it for the good of our community, whether it be keeping our airport Or using that land for much needed houses.

Bill Wolf stated one of the things I've heard, and whether or not it's true, I guess I'll find out here is that there was a proposal to sell six hundred and some odd acres of Georgetown Ranch. I would oppose that kind of use, or any kind of sale at all of any of the City property. The going rate for solar in southern California is about $700.00 an acre per year. So, if you had six hundred acres over there by the water treatment plant that you were looking to sell that would be foregoing $420,000.00 a year in income. It's not uncommon to value something at five years' worth of income. If that were the case, you could expect an offer of $2 million for that property, but over the twenty-year term of the lease it'd be $8 million for the City. If you guys are considering selling anything, please don't do it? I think that kind of steady stream of income that would be coming to the City would be something that could be earmarked for certain improvements over the long haul.

George Chachas stated the Georgetown ranch should be held for future recreational purposes only and that is where Heritage Park should be. The Georgetown Ranch has been held as it is for years for that reason alone and you need to do the study of what was proposed in the past when they purchased the Georgetown Ranch. The Heritage Park should not be next to a truck stop, as is being proposed. Now, national studies tell you do not to build a school or a park next to a truck stop. Historically, you can look back and see that you had an incident here and we were lucky that it didn't turn any worse. The area between Love's and the High School should be for housing. There is no need to pump sewage uphill. Mr. Alworth just received information and if the city spent $580,000.00 to fix a sewer problem you don't need to have it come back uphill, it needs to flow downhill. Selling any portion to the solar farms may only cause more litigation from the Historical Railroad Foundation, because they have concerns of the present aesthetic views that may be lost. They're in litigation now to stop rPlus Energy in their project because the proposed lower reservoir would affect aesthetic views of the rail passengers. We either have views or we don't. We can't just look the other way to take care of special interests. The Georgetown Ranch needs to stay as it is. If solar panels are going to come in, they need to go farther north or farther west as those transmission lines go quite a ways; putting them near the airport, in my opinion, is not good. I don't care about the aesthetic views as much as others, but the airport is a major concern of mine. Someday we may want to expand, and I find it hard to believe that it wouldn't hinder them to some extent. I go to Las Vegas and see nothing but a sea of black. I don't want to see that along the corridor that comes into our community.

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Ben Noyes stated I'm very opposed to the Solar farm going in there as well. We have in the State of Nevada roughly ninety percent federally owned land, so you're talking about ten percent that's privately owned. Anywhere across the State you can see windmills and solar farms and all this renewable energy taking place, but there's really only ten percent of private land or land owned by the City, if you will, you really have control of and a say. A lot of the federal land goes across the country and obviously we can see that the local people don't get a big say on stopping windmills or solar farms on federal land. However, we do have a say, and we're local here on this particular piece. I would like to say that I'm very opposed to putting the solar farm within the city area and we know it's going to happen on federal land further away. I think, where you have control over this, we need to be very mindful of what's going on here and how it really does affect the community. We're going to have a lot of renewable projects on millions of acres before we're done just the way the climate is right now, and I don't think this is the right spot for it.

Mayor Robertson asked, "Mr. Noyes do you have any ideas of what you would like to see happen on the Georgetown Ranch Property?"

Mr. Noyes stated I think it needs to keep the historic value of farming and ranching.

Clinton Henriod stated I would like to echo Ben Noyes in saying that we should keep this as a historical aspect. White Pine County has been either mining or ranching for its entirety. Ely was built on those things, and I think that needs to stay that way. If we're going to listen to ads on radio where it talks about "Ely-vated," how can you reconcile that with a solar field? Either we can be industrial, or we can try to be a place where tourists want to come. Tourists do not want to come to a place with a bunch of solar fields.

Ethan Marshall stated I'd like to echo the last two speakers and respect the agriculture community we have here. It's one of the three major industries we have in the State of Nevada. We need to keep that and maintain that, especially within our city limits. I believe maintaining the Georgetown Ranch as a ranching operation would be more beneficial than an energy sector. Thank you.

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

1. Council Members –Discussion/For Possible Action – Discussion of ideas presented during public hearing regarding possible future uses.

   Mayor Robertson stated I'll just reiterate that in the past we've just continued to bid this lease without much discussion. This process is to hear and discuss any other possible options the community may want to see happen with the Georgetown Ranch and to hear their feelings on it.

   A discussion was had on the availability of water on the property and options to bring water to the property by lessees.

   Mayor Robertson stated I just found out last week that the Georgetown Ranch goes all the way out to the Gap or includes the Gap.

   City Engineer Almberg stated it includes some parcels out at the Gap. If you were to sell this land, I would definitely sell or lease it without the water rights, because this project does not need the water.

   Councilman Alworth stated I don't want to sell nothing with the Georgetown Ranch because I think there's possibility of what they're talking about, but south of that where the Georgetown Ranch property is sagebrush and so forth could possibly be for housing out there. I see if they start here, where else are they going to go; six hundred and forty acres is a lot of land. Our City is never going to expand if we can't get some kind of housing in here. I am dead set against selling it and they are not going to lease it for a dollar a year. If we have somebody come in and wants to buy part of Georgetown Ranch

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for housing, I'm all for that, but it's outside the ranching area right now. The only problem we have had from previous renters is the cows get out on the road.

Councilwoman Elliott stated I'm against selling it as well. If we were to do anything it would be potentially leasing.

Mayor Robertson stated we were getting prepared to let it out to receive lease proposals again. Is that what the Council wants to do?

Councilman Trask stated I missed the meeting on the lease. I just want to make sure that's buttoned up, cause I don't think we should sell that land out there. If anything, look at leasing the north side of that road just because of the water issues, but I think the agricultural side of it needs to stay agricultural. I think there needs to be higher expectations for that land and the use of the water. I don't know, Leo, where we stand on the lease.

Mayor Robertson stated we talked about making some amendments to that lease agreement to clear up who's responsible for weed abatement and stuff like that, and did that get done?

City Clerk Lee stated the bid invitation was addressed and certainly can be brought back to the Council if the Council wants to look at that again as to what was in that bid invitation.

Mayor Robertson stated would the Council like to have the advertising for proposals and the agreement come back at the next meeting for approval to go out, and we can look at the details and suggest any corrections before it goes out at the next meeting.

Councilman Alworth stated I think that's a good idea, because the guy that presented for that proposal stated if the County backs off that's a dead deal, and if we back off it's a dead deal.

Mayor Robertson stated I think we could look at those proposals next time and decide if we want to just let out for agricultural lease on the part south of there? If we're accepting proposals, we could accept proposals for any of that including that company that had a proposal for solar farms. They could look at that and say, hey, we want to lease it for this and then you could look and see what they're offering or maybe the Council doesn't want to do solar farms at all, and they'd say, sorry we're not accepting it for that. That leaves it open so we could accept all proposals.

Municipal Court Judge Coster stated just as some points of information not to express an opinion I can tell you the Airport Board had a lengthy initial presentation from the solar vendor earlier this week and it will be a formal and detailed agenda item on the December meeting, the first Tuesday of December. I would welcome Jim or any other council member that would like to know more about the project, City and county side, to attend as well as Leo. I can tell you the numbers they were talking about was approximately 640 acres of City land and 2,100 acres of County land, all contiguous, but of unusual shape, running mostly the west side of the airport, on airport land and at the north end wrapping around towards 93. It's a big project, and if I understood them correctly, they said they need at least 2,000 acres to make the project economically viable, meaning there's several hundred acres that could be taken out of their initial drawings. The BLM Has a number of land restrictions starting with the White Pines Land Act and transfers as far back as 1931 on whether the County could dispose of various parcels of what are now inside the airport fence, figuratively speaking. I wanted to mention that we're largely satisfied that the glare requirement on appropriately placed solar panels would not be an issue. The FAA, as is the sign of the times as Jim suggested, has reduced their requirements for engineering approvals on solar glare, because some of the solar panels have been improved to avoid glare, but we're working on that as well as the land transfer privilege. The last point I would make is not a reference to a BLM, well it is a reference to a BLM regulation circular, as to a bond for restoration of land used by solar and wind projects. They have a separate regulation on those purposes in particular, and should the City consider a lease rather than a sale, I would hope you would want to

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attend to the idea that perhaps forty years down the road there was sufficient funds to remove concrete, conduit, wires, and materials off the site. The vendor that made the presentation said, most of those materials are so valuable they would want to remove them, but the idea of a bond is to make sure that the site is fully restored back to the original contours and that underground waste is removed or deemed to be not obstructing the future uses and things like that. I will make sure that the City Clerk has access to any materials that come out of the next Airport Board meeting, and I will send to the City Attorney the BLM and FAA regulations, none of which were long for his perusal, as well to assist the Council at the next consideration.

Item died due to no motion.

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

1. Councilman Carson – Eastern Nevada Climbers Alliance President Derek Steiner Discussion/For Possible Action – Review of request from Eastern Nevada Climbers Alliance (ENCA) for a Memorandum of Understanding (MOU) between the City of Ely and ENCA to allow ENCA to maintain and preserve land on APNs 010-270-07 and 010-270-09 for climbing, establish certain ENCA obligations, and waiving all City liability for incidents arising out of ENCA activity on the land, with possible approval to direct the City attorney to draft the Memorandum of Understanding.

   Eastern Nevada Climbers Alliance President Derek Steiner stated we are a non-profit and our mission statement is, “we are an advocacy group dedicated to protecting, maintaining, and building climbing access while promoting stewardship and ethics in Eastern Nevada.” The issue we have is there's been an uptick in climbing activity in Ely, and it's going to create an issue with other land managers and in the process of me trying to round them all up, I found out that you owned property out at the gap and those parcels that we stated earlier. As a part of our plan, we want to steward these areas, build trails, and replace bolts. To rebuild that area for the most part is to make it safer and more accessible to people who want to access that, and it will provide more variety of activity to build a fit and active community as well. It'll release the City from taking care of the area, as we will have the people and resources to do that. As far as liability goes, we could put up a kiosk, because there's a lot of liability assurances that you won't be held liable within recreation reason in the State of Nevada, and I sent that over to Jennifer earlier this week or last week. If we just state that climbing is a risky thing, I'm a climber and if I had gotten hurt out there, it would have just been on me, cause that was my decision. I mean, I don't know who would be able to prove that you guys forced them to climb that rock. As a nonprofit we will be getting liability insurance as well to cover our hides on that one as well.

   Councilman Trask moved to direct the City Attorney to draft the Memorandum of Understanding between the City of Ely and Eastern Nevada Climbers Alliance (ENCA) to allow ENCA to maintain and preserve land on APNs 010-270-07 and 010-270-09 for climbing, establish certain ENCA obligations, and waiving all City liability for incidents arising out of ENCA activity on the land. Councilwoman Williams-Harper seconded the motion. The motion carried unanimously.

2. Board Members – City Engineer Almberg – Discussion/For Possible Action – Approval of C & B Auto Parts LLC / Cody Bliss’s Will-Serve Application to tap the City’s water line at 20 High Street for one ¾ inch water service fixture and one 4-inch sewer fixture.

   City Engineer Almberg stated this is pretty straightforward, very small fixtures, just normal residents’ size and we have plenty of water and sewer capacity to be able to serve

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it. I do want to disclose that my sister is a partner in C and B Auto Parts, but this has nothing to do with me.

Mayor Robertson stated please make a note verification of the contractor's license needs to be done before tearing into the project.

Councilman Alworth moved to approve C & C Auto Parts LLC / Cody Bliss's Will-Serve Application to tap the City's water line at 20 High Street for one ¾ inch water service fixture and one 4-inch sewer fixture. Councilman Trask seconded the motion. The motion carried unanimously.

3. Board Members – City Clerk Lee – Discussion/For Possible Action – Approval to remove past due utility fee penalties up to the amount of $20.62 from 1377 Murry Street, Ely, Nevada at the request of Property Owner, Luis Tristan.

   Councilman Trask moved to approve removal of past due utility fee penalties up to the amount of $20.62 from 1377 Murry Street, Ely, Nevada at the request of Property Owner, Luis Tristan. Councilwoman Elliott seconded the motion. The motion carried unanimously.

4. Board Members – City Clerk Lee – Discussion/For Possible Action – Approval to remove past due utility fee penalties up to the amount of $39.84 from 921 Avenue I, Ely, Nevada at the request of Property Owner, Juliet Noyes.

   Councilwoman Elliott moved to approve the removal of past due utility fee penalties up to the amount of $39.84 from 921 Avenue I, Ely, Nevada at the request of Property Owner, Juliet Noyes. Councilwoman Williams-Harper seconded the motion. The motion carried unanimously.

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

1. Chairman Wolf – Discussion/For Possible Action – Approval of an "Adopt a Corner" Program for businesses and organizations to care for future vegetation on Aultman Street, to be installed by the Nevada Department of Transportation as part of their Ely Downtown Project, and other possible methods to minimize care and upkeep of proposed planters.

   City Tree Board Chairman Bill Wolf stated when this project originally came down the City was asked two things, one being could they maintain the trees once NDOT Put them in, and two would they be able to maintain these decorative planters and trees. The City Clerk had some concerns about the corners being maintained with the small amount of staff the City has, but the tree board and their resourcefulness have come up with the solution and is being ramrodded by Member Tami Church. The idea was, instead of leaving these planters on each of the four corners, on the ten-block stretch for the City to maintain an adopt a garden program and is being put together. So far, I believe she's got six classes from the schools and also the teachers' union that are going to adopt corners. As the program proceeds, she'll see if we can get businesses to adopt a particular corner or a garden, and that way we can maintain these things. Each corner piece would only take a couple hours a year really to maintain, because you go in the spring and weed, and you go in again later on in June. You weed and you put in some preen or some preemergent suppressant in the fall, and that helps keep your weeds down. The amount of time it takes to maintain them should be attractive enough that we shouldn't have a problem getting volunteers.

   Councilman Trask asked three years down the road when someone's adopted it, but they're not upkeeping it, who does that fall on?

   City Tree Board Chairman Wolf stated Ultimately, it'll be the City's responsibility. At that point, the City will have to decide if they want to abandon the program and just

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hardscape it. The Department of Transportation will not be responsible for maintaining the plants or the trees. There's irrigation equipment going in as part of the development plan.

City Clerk Lee stated for the record if we're talking one corner that's not being maintained, hopefully the Tree Board can find some other volunteers if we only have one or two corners drop off.

City Tree Board Chairman Wolf stated correct, and I think the important thing to consider here is the fact that the initial planting is going to be perennial plants and so if a corner a group decides they don't want to do it any longer, it's not going to instantly turn into weeds because if there's nothing planted there that year the perennial plants that are planted there will still continue to thrive and maintain. So, it's not going to turn into an eyesore in a year or even two years.

Councilwoman Williams-Harper moved to approve an "Adopt a Corner" Program for businesses and organizations to care for future vegetation on Aultman Street, to be installed by the Nevada Department of Transportation as part of their Ely Downtown Project, and other possible methods to minimize care and upkeep of proposed planters. Councilwoman Elliott seconded the motion. The motion carried unanimously.

2. Chairman Wolf – Discussion/For Possible Action – Review of Nevada Department of Transportation's Downtown Ely Landscaping and Green Infrastructure Project plans, with approval to send letter of appreciation, with any requests, to the Nevada Department of Transportation.

   Councilman Trask moved to approve sending a letter of appreciation, with any requests, to the Nevada Department of Transportation regarding the Nevada Department of Transportation's Downtown Ely Landscaping and Green Infrastructure Project plans. Councilwoman Williams-Harper seconded the motion. The motion carried unanimously.

3. Chairman Wolf – Discussion/For Possible Action – Approval to apply for Nevada Division of Forestry Fuels Reduction Grant in the amount of $148,000 with the required 10% match to be provided in-kind by several entities through wood chip donations.

   City Tree Board Chairman Wolf stated what we're looking at is when you're driving down Main Street, and you look off to the south, you can see that ridge up above the terrace. Along that ridge, part of that is owned by Mount Wheeler Power, part of its owned by the County, and part of its owned by the City. The pinions do not look really healthy and Fire Chief Stork agrees it is a fire hazard and is in support of it. The ten percent match would be the city having dump trucks available for NDF to blow the chips into and get hauled out to the golf course or something and be reused out there. We won't know until late 2024, for implementation in 2025.

   Councilwoman Elliott moved to approve for the City Tree Board to apply for Nevada Division of Forestry Fuels Reduction Grant in the amount of $148,000.00 with the required 10% match to be provided in-kind by several entities through wood chip donations. Councilman Trask seconded the motion. The motion carried unanimously.

4. Chairman Wolf – Discussion/For Possible Action – Approval to apply for an Urban Forestry Grant through the Nevada Division of Forestry in the amount of $30,000.00.

   City Tree Board Chairman Wolf stated I came to the Council this spring talking about money that the Inflation Reduction Act had available, and we applied for a large sum of money directly from that and unfortunately that grant wasn't accepted. What ended up happening was Reno and Vegas got about $30 million of that money. The Division of Forestry got about $2.1 million and so we're going to be going after that $2 million. I had anticipated about one hundred thousand for the work that we wanted to get done. The bid came in at $30,000. I still am holding on to the target of a one hundred thousand because I think that is something that the Division of Forestry could bear as it's not an amount that's too excessive and there's a lot of work to be done. In particular we're looking at getting rid of all the hazardous trees in the cemetery. This initial request is going to be

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for the $30,000.00 for the work at the cemetery, but I may be coming to you guys soon after I get a chance to talk with Mike to identify other work. The City is in a Justice 40 area so there is not a match.

Councilman Alworth moved to approve the City Tree Board to apply for an Urban Forestry Grant through the Nevada Division of Forestry in the amount of $30,000.00. Councilwoman Williams-Harper seconded the motion. The motion carried unanimously.

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

Councilman Alworth disclosed I am a past member of the Ely Volunteer Fire Department and some payments benefit the Volunteers in which I have certain privileges by my association, but I will vote in good faith of the City of Ely.

Mayor Robertson stated my husband is a member of the Volunteer Fire Department and is not treated any differently than any of the others so I will not be abstaining, and I also don't vote.

A. CONSENT AGENDA

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

Moved by: Councilwoman Elliott Second by: Councilman Alworth Vote: Unanimously

1. Discussion/For Possible Action – Minutes
   - September 28, 2023

2. Discussion/For Possible Action – Bills.
   - October 26, 2023

Mayor Robertson recessed the Regular Ely City Council Meeting at 6:24 P.M.

Mayor Robertson reconvened Regular Ely City Council Meeting at 6:29 P.M.

B. NEW BUSINESS

5. Council Members – City Clerk Lee – Discussion/For Possible Action – Review of bids to purchase City of Ely personal property, no longer required for public use, with possible awarding of bids.

   City Administrative Assistant Cobb reviewed the following bid tab:

CITY OF ELY
501 Mill Street Ely, Nevada 89301
City Hall (775) 289-2430
Fax (775) 289-1463
Cityofelynv.gov

City of Ely
Personal Property Sale
Bid Tabulation

Present for Bid Opening: City Clerk Lee and Administrative Assistant Cobb
Bids were opened in the order they were received.

Bid Items	Bidder Tim Vidrine	Bidder Madeline Birch	Bidder Bruce Holthus	Bidder Gerald Garcia	Bidder Javier Ciscar	Bidder Janet VanCamp	Bidder Richard Stultz	Bidder Jeff DeSteuhder	Bidder Mike Wheable	Bidder Conrad Schaller	Bidder Troy Hester	Bidder Dave Weaver	Bidder Chris Kaamasee	Bidder Charles Marques	Bidder John O'Flaherty	Bidder Ryan and Melony O'Flaherty	Bidder Corey Rowley	Highest Bid for Property
1993 Chevrolet 1500 V8 Mileage: 137327 **Minimum Bid:** $2,000.00																		No Bids
1996 Chevrolet 1500 V6 Mileage: 98405 **Minimum Bid:** $3,500.00																		No Bids
2001 Dodge 2500 4X4 V8 with Plow Mileage: 77898 **Minimum Bid:** $5,000.00						$5,676.00												1 Bid Janet Van Camp $5,676.00
2013 Ford Escape Mileage: 79773 **Minimum Bid:** $7,549.00		$8,000.00		$8,500.00	$7,826.00											$8,451.00		4 Bids Gerald Garcia $8,500.00
2006 Ford F250 Super Duty Regular Cab with Plow Mileage: 91000 **Minimum Bid:** $6,000.00	$6,005.00		$7,150.00	$7,500.00			$6,810.00	$6,500.00	$7,102.02	$7,506.00	$7,550.00				$8,100.00		$10,105.00	10 Bids Corey Rowley $10,105.00

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Bid Items	Bidder Tim Vidrine	Bidder Madeline Birch	Bidder Bruce Holthus	Bidder Gerald Garcia	Bidder Javier Ciscar	Bidder Janet VanCamp	Bidder Richard Stultz	Bidder Jeff DeSteuhder	Bidder Mike Wheable	Bidder Conrad Schaller	Bidder Troy Hester	Bidder Dave Weaver	Bidder Chris Kaamasee	Bidder Charles Marques	Bidder John O'Flaherty	Bidder Ryan and Melony O'Flaherty	Bidder Corey Rowley	Highest Bid for Property
1999 Ford F250 Super Duty Regular Cab Mileage: 171000 **Minimum Bid:** $4,000.00																		No Bids
1999 Ford F250 Regular Cab Long bed Mileage: 136541 **Minimum Bid:** $2,500.00																		No Bids
RZ 4219 Husqvarna Zero Turn Riding Mower 42" **Minimum Bid:** $1,000.00						$1,162.00						$1,100.00						2 Bids Janet Van Camp $1,162.00
Champion Grader 720A Series III **Minimum Bid:** $20,000.00				$25,000.00										$24,050.00				2 Bids Gerald Garcia $25,000.00
Diamond Products Concrete Saw **Minimum Bid:** $500.00													$501.99					1 Bid Chris Kaamasee $501.99
Husqvarna Concrete Saw **Minimum Bid:** $500.00													$502.00					1 Bid Chris Kaamasee $502.00

Councilman Alworth stated on the last two items that Mr. Kamasee was the high bidder on I will abstain as he is a good friend of mine.

Councilwoman Elliott asked what will we do with the items that didn't get any bids on them?

City Clerk Lee stated it's my understanding from Public Works Director Cracraft that we will wait a bit and then reduce the minimum bid and release those again.

Councilwoman Williams-Harper moved to award bids to the highest bidder on each item listed in the bid tabulation. Councilman Trask seconded the motion. The motion carried unanimously with Councilman Alworth abstaining from the decision on the Diamond Products Concrete Saw and the Husqvarna Concrete Saw in which Chris Kamasee was the highest bidder.

4. Councilwoman Williams-Harper – Ely Shoshone Tribe Representative - Discussion/For Possible Action – Update on Ely Shoshone Tribe Life Center with request for financial support from the City of Ely.

Ely Shoshone Tribe Chairwoman Diana Buckner stated I have Micheal Dalton with me who no longer is an employee of the Tribe but is consulting with us and Christina Sandoval who is in our Human Resource Department. We appreciate the opportunity to be here and speak tonight. I'd like to just mention Native Americans in the U.S. that have diabetes which are documented with the CDC is approximately 14.5% for those eighteen years and older. Ely Shoshone Tribe has approximately 8% of our tribal members that have been diagnosed with some type of diabetes. The percentage of Native Americans and Alaskan Natives in Nevada is 10.6% that have diabetes. We have four hundred and fifty Native Americans in the White Pine County service area. I'd like to mention it is critical to maintain good health and prevention for diabetes for our local tribal communities and while we do not have percentages for White Pine County, we know that diabetes is present and prevalent in all communities. We know that William Bee Ririe offers treatment for diabetes, but our life center would offer the maintenance of diabetes with cooking classes, exercise equipment, counseling classes, and daily or weekly opportunities for the prevention and management of diabetes. the first of the year we will have a physician whose specialty is diabetes visiting our facility monthly. I really believe that our facility will be an asset to our community for offering these services to maintain and prevent diabetes. We will have a manager in the building at all times that will know how to do blood sugar checks and all kinds of things.

Councilwoman Williams-Harper asked can you talk to the Board about non-members of the tribe if they want to take advantage of those opportunities?

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Ely Shoshone Tribe Chairwoman Diana Buckner stated we go by IHS rules, and we want to maintain our credibility with ever other agency that has sponsored us, but this is our facility, and we will be able to offer those services to White Pine County. So, if you want to come up, you'll be able to do whatever it is that you feel like doing in our facility, as far as blood sugar checks, use our equipment, or do counseling.

Councilwoman Williams-Harper asked do people have to pay or use medical insurance?

Ely Shoshone Tribe Chairwoman Diana Buckner stated I'm not sure as we haven't come to that point yet, as far as what that is going to look like, but we will certainly be able to once we get things going, and of course we have a doctor on board there, and we'll have a pharmacy up there also to be able to help with those.

Councilwoman Williams-Harper stated I am understanding that you have invested $700,000.00, and you still need a million dollars?

Ely Shoshone Tribe Chairwoman Diana Buckner stated No, the total cost will be a million dollars.

Councilwoman Williams-Harper asked how much are you seeking from the Council?

Ely Shoshone Tribe Chairwoman Diana Buckner Stated we are going to ask for the $350,000.00 and whatever you think is reasonable we will gladly accept.

Councilman Alworth asked where has the $700,000.00 come from?

Ely Shoshone Tribe Chairwoman Diana Buckner stated from HIS, Diabetes Funds, and from the CARES Act monies.

Councilwoman Williams-Harper asked so that has come from within your own ranks, as that only the tribe can get from that agency. Is that what I'm understanding?

Ely Shoshone Tribe Consultant Mike Dalton stated the funds so far have come from IHS, the CARES Act, and the diabetes funds.

Councilman Alworth asked do your cannabis sales contribute anything. I assume that is pretty successful on both sides of the street.

Ely Shoshone Tribe Chairwoman Diana Buckner stated every tribe in the State of Nevada has grown cannabis and every city and county has dispensaries, so what that means is that the cost of cannabis has come down and the profits have come down because of the competition being so good. Our dispensary has managed to stay open, even though we have competition in White Pine County, With the overhead and production of the grow we haven't had a profit in over a year and a half, but we're breaking even, and we feel like that's good at this point. With our diabetes program, what we have done for the children in our community is we pay for some of the things they are in for physical exercise anywhere, whether it be softball, baseball, basketball, dancing, or whatever. As you know, diabetes is prevalent and so that's our way of trying to get our kids moving so that they are not adults with diabetes.

Councilwoman Elliott asked if the City can't fund the remainder of the project how will get the rest of the funding?

Ely Shoshone Tribe Chairwoman Diana Buckner stated we are going to ask the mines or whoever will appreciate the fact that this is going to be a project that would benefit all of White Pine County along with our tribal community.

Councilwoman Williams Harper stated when the tribe came and talked to me what I said to them that I would do is, I would ask them to come and speak with us again, because now, of course, they have so much more information, and that, hoping that we could make some sort of decision at our December meeting.

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Councilwoman Elliott stated I would like to see more partnerships. I think we have some money we would like to put towards this project, but I would like to see some other stakeholders come to the plate too.

Ely Shoshone Tribe Chairwoman Diana Buckner stated we have an application into Nevada Gold Mine and as far as the County I am not sure how to address them. We went in front of them a couple of times on different projects and I guess we can try again.

Councilman Trask asked if we are making an investment, we want to make sure there is a plan for longevity in operational and upkeep costs?

Ely Shoshone Tribe Chairwoman Diana Buckner stated absolutely, we will be maintaining with IHS and Tribal Funding.

Councilman Alworth moved to contribute an amount to be determined at a later date. Councilwoman Elliott seconded the motion. The motion carried unanimously.

1. Mayor Robertson – Discussion/For Possible Action – Approval to participate in the Selena Exploration Project Environmental Assessment (EA) as a cooperating agency.

   Councilwoman Elliott moved to approve participating in the Selena Exploration Project Environmental Assessment (EA) as a cooperating agency. Councilwoman Williams-Harper seconded the motion. The motion carried unanimously.

2. Councilman Trask - Discussion/For Possible Action - Approval of seventh Amendment to the Development Agreement between the City of Ely and Nevada Northern Railway Foundation, Inc., extending the term of the Development Agreement to January 1, 2026.

   Councilwoman Williams-Harper moved to approve the seventh Amendment to the Development Agreement between the City of Ely and Nevada Northern Railway Foundation, Inc., extending the term of the Development Agreement to January 1, 2026. Councilman Alworth seconded the motion. The motion carried unanimously.

3. Councilwoman Elliott– Discussion Only – Update on Porter Group efforts on the City of Ely's behalf to secure federal and State funding.

   Mayor Robertson stated we just talked about partnering with the Railroad on that CRISI Grant and looping in the Department of Defense on some of the mining projects to make that a better application going forward. I know Mr. Bassett has stepped out, but I want to say that is coming up for application soon. I spoke with Councilman Alworth and the Clerk, and I think we need to talk with Brian on some of those projects to see where they are.

6. Council Members – City Clerk Lee – Discussion/For Possible Action - Approval of Business Impact Statement regarding Business Impact Study completed on amending Title 3 Chapter 6 "Gaming Code" to require gaming license applicants who intend to operate 16 or more slot machines to have a restaurant and bar or at least 30 hotel rooms.

   Councilman Trask asked City Attorney Cahoon so this is the next step, and then the next step will be the second reading?

   City Attorney Cahoon stated yes, the second reading will be at the December meeting.

   Councilwoman Elliott stated we have spent the last year looking at this Ordinance and fixing it from the wording in 2017, but also looking at it as a new council to say, does this Ordinance make sense for our City?

   Councilman Trask stated I will point out; we have dropped the hotel room requirement from when we started out and I go back and forth.

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The following Business impact Study was reviewed:

CITY OF ELY
501 Mill Street Ely, Nevada 89301
City Hall (775) 289-2430
Cityofelynv.gov

Business Impact Statement

RE: Business Impact Study completed on amending Title 3 Chapter 6 "Gaming Code" to require gaming license applicants who intend to operate 16 or more slot machines to have a restaurant and bar or at least 30 hotel rooms.

The Ely City Council, at its August 24, 2023, meeting, considered the following agenda item:

Councilman Alworth – Discussion/For Possible Action – Approval of First Reading of Ordinance 751, Bill No. 2023-05, proposed ordinance amending Title 3, Chapter 5, Section 13 of the Ely City Code to require gaming license applicants who intend to operate 16 or more slot machines to have a restaurant and bar or at least 30 hotel rooms; and providing other matters relating thereto.

The motion made was as follows:

Councilwoman Elliott moved to approve the first reading of Ordinance 751 with the changes that City Attorney Cahoon recommended. Councilwoman Williams-Harper seconded the motion. The motion carried unanimously.

Request for Comment:

On September 5, 2023, a Request for Comment Letter was sent out by Mayor Robertson to twenty-five current businesses in the City of Ely that this proposed rule is likely to effect by imposing a direct and significant economic burden on the business or directly restrict the formation, operation or expansion of a business. The letter invited these businesses to submit data or arguments as to whether the proposed rule will impose a direct and significant economic burden on the business or directly restrict the formation, operation or expansion of a business.

The chamber of commerce and businesses notified are attached in Exhibit A.

No workshop was held because no such requests were submitted.

The following input was gathered and provided to the City Council with packet material for the October 12, 2023, meeting and made public through the City of Ely Website. The material can also be requested from the City of Ely as a Public Information Request.

In Favor Comments:

- There were no letters agreeing with the unanimous Council decision made on August 24, 2023, to direct the City Attorney to amend Section 3-5-13(F) of the Ely City Code to require all gaming license applicants who intend to install 16 or more slot machines to have a restaurant and bar or at least 30 hotel rooms.

Opposed Comments:

- There were eight responses opposed to the proposed change and below are comments from those constituents:
  - "My concern is that as we grow in the retail sector adding more "like" businesses to our community without increasing demand through increased population, existing businesses will struggle to survive. The City of Ely requiring hotel rooms to be built, when a casino is built, benefits the community, by helping to increase opportunities for more people to come and stay, increasing demand for the goods and services provided by local businesses, allowing growth, without jeopardizing existing businesses."
  - "Adamantly against the proposal as it both (a) imposes a direct significant economic burden upon a business and (b) directly restricts the formation, operation, or expansion. Giving out of town operators an unfair advantage will directly restrict positive growth to our community."
  - "This proposal will negatively impact local motel and casinos that rely mostly on local gaming players as additional gaming establishments with no hotel/motel rooms will also rely on local players and if this goes through, we anticipate a decrease in gaming revenues which could result in reduction of staff and restaurant closures."
  - "The proposed change would syphon the local customer market and employees. Currently, the businesses in White Pine County that exist with over 16 machines also have traditional rooms or overnight parking and some type of food service to support the slot machine business. It's not an either rooms or food; it is both lodging and food. I advocate a compromise of 30 machines or less with 50 plus hotel rooms."

Estimated Economic Effects:

- Established Businesses: The proposed change will not impose a direct or significant economic burden upon any businesses or directly restrict the formation, operation or expansion of a business or affect current businesses in any negative way as they are already operating under this provision or stricter provisions. The benefits of having other options, is it provides for other businesses to come into the City of Ely and making it appealing to do business here, as well as cleaning up some environmental concerns and eyesores to making it more esthetically pleasing and bringing services to the City of Ely that would benefit the residents and provide additional jobs.

Methods Considered to Reduce the Impact of the Proposed Rule:

Pursuant to the August 24, 2023, City Council meeting, the Council considered the following recommendation from the first proposed rule on mitigating and reducing the direct impact on current businesses and new businesses coming in:

- A gaming license applicant may operate more than sixteen (16) slot machines at one establishment but not more than forty (40) machines if the commercial establishment meets the following criteria:

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- Occupies an area of at least 2,500 square feet which is open and available to patrons 6 days a week.

On October 12, 2023, the Ely City Council considered the proposed recommendation that would reduce the adverse impact of restricting the formation of businesses that fall within the proposed rule's regulatory jurisdiction. The Council approved to implement the proposed rule requiring gaming license applicants to either have 30 hotel rooms or have at least one bar and one restaurant with certain seating capacities to mitigate the restriction of incoming businesses and confirmed it does not pose a direct impact on existing businesses.

Since the council found no economic impact or restriction of formation of business on the new proposed rule, no further consideration of mitigation was necessary.

Estimated Cost of Enforcement:

The estimated cost to the City of Ely for enforcement of this proposed rule is $0.00.

Fees:

The proposed change would not increase or decrease the amount of money the local government expects to collect. However, if new businesses come in there could be an increase in revenue and tax dollars.

Federal, State and Local Standards:

The proposed rule is more stringent than what is required by State Law. NRS 463.1605 only requires hotel rooms for nonrestricted gaming licenses in counties whose population is 100,000 or more. Counties with less than 100,000 populations are free to govern themselves on this topic. White Pine County requires 30 hotel rooms: Clark requires 200 rooms; Washoe requires 300 rooms; Carson requires 100 rooms; Douglas requires100 rooms; Lincoln requires 50 rooms; West Wendover requires 150 rooms; and all other counties and cities have no hotel room requirements.

The reason for the proposed rule being more stringent is to maintain and increase the amount of lodging tax brought into the community, but also provide for diversity and to make it appealing for new businesses to come to Ely.

I am certifying that, to the best of my knowledge or belief, the information contained in the statement was prepared properly and is accurate.

Jennifer Lee
City Clerk

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Conclusion:

The City Council feels it is in the best interest of the City of Ely to adopt the proposed rule requiring gaming license applicants who intend to operate 16 or more slot machines to have a restaurant and bar or at least 30 hotel rooms. The Council has come to this determination after listening to many public comments, reading written correspondence, visiting one on one with business owners, and reviewing the Business Impact Study.

Nathan Robertson
Mayor

Date

Councilman Trask moved to approve and accept the Business Impact Study with a correction to the title of the Business Impact Study to read Business Impact Study completed on amending Title 3 Chapter 6 "Gaming Code" to require gaming license applicants intending to operate between 16 and 40 slot machines to have a restaurant and bar or at least 30 hotel rooms and applicants intending to operate more than 40 slot machines to have at least 30 hotel rooms. Councilwoman Elliott seconded the motion. The motion carried unanimously.

12. PUBLIC COMMENT

Bill Wolf of White Pine Mainstreet stated the last two days we spent meeting and working on our strategic plan. The facilitator for that was Fred Steinman, from the University of Nevada, and he was telling us that the Federal Government two weeks ago announced thirty-one tech hubs in the United States, and these tech hubs generally are around a university, an industrial park, or something like that. Mr. Steiman wrote one of the proposals for one of the tech hubs, and his proposal was accepted and the tech hub that has now been established that he wrote for includes all sixteen counties in the State of Nevada: every county but Clark County. The reason that became a tech hub was because he pitched Nevada as being the source for raw materials. I

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would highly recommend that the Mayor or some designee of his get him over here and talk about that, and maybe in conjunction with the County because there is a huge opportunity here.

Clinton Henriod stated I listen to everything we're talking about regarding beautification projects downtown. We're talking about trying to make sure that we have more rooms for tourists, and I'm just wondering why we're trying to make this part of town pretty and if we're going to continue taking offers or thinking about leasing out ground to a solar field, how those two ideas mesh! I feel like if we're going to pick a trajectory, we need to pick one. We're either going to be industrial or we're going to try to attract tourists. I don't think those two can walk hand in hand. There's nothing pretty about a solar field, so I don't know how you're going to entertain those ideas. I want you to cognitively think about if we're going to be "Ely-vated," or if we're going to be industrial and we need to pick. The thing about farming and ranching is the pastoral aspect of that always has an aesthetic image. Nobody gets grumpy about green grass. You talk about treated sewage, you can use treated sewage for a pivot, takes nine hundred gallons a minute, does one hundred twenty-five acres wherever you plant under it. However, I don't know how much comes out of the sewage plant, honest to God don't know, but I think it's counterintuitive to say I want it to be pretty, but I'm going to make it ugly if that makes sense. So, I urge you to not entertain those ideas of leasing out our finite resources to somebody that just wants to make it ugly and the opportunity cost of a section of ground six hundred and forty acres is something that you have to think about. I understand $700.00 an acre, do the math, It's money. My family has Been here for five generations and those people come and go; they don't stay. That's what I have to say. Thank you for your time.

Anne Kellogg with the Hotel Nevada stated I'm not exactly sure where the conversation got sideways with regards to the slot machines and the rooms, but when the original ordinance from 2017 called for fifteen machines and fifty rooms that was based on industry standards throughout the State. It was intended to protect he community from slot parlors, not to protect casinos from competition, that's just flat out wrong. You've gone from fifteen to thirty, which is double and now you're doubling with forty machines: that's a lot of machines. That corner is going to have a lot of other revenue sources. It's going to have fuel, booze, cigarettes, coffee, snacks, sodas and all that fun stuff. These guys aren't going to be losing a bunch of money. The machines are going to prey on the community. I would encourage you in the next month before we get together again in December to kind of chew on that a little bit and think about that corner. I thought the thirty machines were a really healthy compromise when that happened in April, and I'm just dumbfounded as to why it had to be up to forty. The only thing I can think of is that people are looking to be heroes to the developer. Thank you for your time and your consideration. I would really love to sit down and talk to you guys in person if you could make some time for me, I would really appreciate it. Thank you.

Jess Trask with Perigo Hay and Cattle stated I missed the public forum on the Georgetown Ranch, but I wanted to just talk about Georgetown Ranch kind of as a big picture. My family has a ranch in Lund, but we also lease the City of Porterville's farm in California, and we run the affluent water for them and the biosolids and with that we have an extensive lease. I got a copy of what you guys require of your leases here in Ely and I just want to say you can require a lot more than what you are currently doing. It's great to have weed management. A crop schedule is also super great, soil samples, properly using fertilizer rotating your fields that were planted thirty years ago are also super beneficial if you want to have a productive ranch. If you guys have any questions about that or want to see a copy of what we have with the City of Porterville. I'd be happy to get that to you. I am just a citizen who saw the potential this ranch could have.

Sandy Moreno stated in regard to the solar panels have any of you ever noticed some of the pastures out here. They're not really pastures, and once you put some livestock on it, it just turns to dirt and what little vegetation was there that held the dirt down disappears. I realize they said they would put a bond to repair the property to its original state. I can't even imagine two thousand acres, it will never, ever be the way it was. It would take decades and decades and decades to return it to the natural beauty that you're used to, and it won't only just change that area, it will change the areas around it just because of the travel of the wildlife, the insects, and the weeds. Let them do it on federal land and keep it away from your town. I like the idea of planning more for housing and planning more for the community. I like what the lady said about not having transportation for people here. If your car breaks down you can't get it fixed right away, and there's no alternative. I know there was a company that started something, but they didn't succeed it sounds like. In regard to the slot machines, we haven't lived here that long, but

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we have friends that have. I have been told the Hotel Nevada used to have a dance floor and you know what they put on it slot machines, so there must be a reason for the slot machines. A lot of people are upset that the fun is gone from this town and they kind of blame a couple prominent families for that. They chose to take away the fun and bring in slot machines. Thank you for your time.

George Chachas stated ongoing concerns regarding break ins on his property located at 622 High Street and his neighbor in the 500 block and what the City is paying for in police protection; his opinion of needing to keep hotel room requirements to bring in more revenue; his concern of a bank putting up a sign that does not meet City Code; his request for a complete list of RVs permitted in the City and if they are paying utilities; his opinion that the City and County are not addressing Code violations; and he would like to be treated the same as others and be able to use his property as others do.

Jim Alworth stated I go to numerous meetings because I like to be educated and the County enforces Section 705 of the Nevada Open Meeting Law where it indicates that the public body may prohibit comments if the content of the comments is not relevant or within the authority of the public body, or if the content of comments is woefully disruptive of the meeting by being irrelevant and repetitious. I hear him at the County say the same thing that we hear about being discriminated against and flip his yellow pages. Commissioner Howe said to George, we've heard it, and we don't want to hear it again, and it works. I've heard this for twenty years, some of the same stuff. The public does not need to hear Mr. Chachas's personal complaints. I'm just saying we need to enforce this repetition. We went by the law, so we only talk about the agenda items in the first public comment, and it works so we don't have to listen to that. The City of Ely needs to enforce Section 705, Nevada Open Meeting Law against repetitious comments from Mr. Chachas. Thank you.

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

Councilwoman Elliott moved to adjourn the regular meeting of the Ely City Council at **7:22 p.m.** Councilwoman Williams-Harper seconded the motion. The motion carried unanimously.

_____

MAYOR

_____

ATTEST

DRAFT

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