



CITY OF ELY

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

ELY CITY COUNCIL REGULAR MEETING

December 14, 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.** Harry Rhea 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 Attorney Leo Cahoon
City Public Works Director Mike Cracraft
City Engineer B.J. Almberg
City Police Chief Scott Henriod
City Municipal Court Judge Mike Coster (Zoom)
City Administrative Assistant Patti Cobb

Also, in attendance: Members of the public in attendance at the Ely Volunteer Fire Hall signed in (appears below) and the following persons attended via video conference: Geri Wopschall, Carol Ruth Silver, E. Harp, K. Rains, Wyatt Cox, Caroline McIntosh, Michael Mushkin, Esq., and Tyler West.

ELY CITY COUNCIL ATTENDANCE LIST

DATE: December 14, 2023

<u>Print name below</u>	<u>Print name below</u>
<u>Derac Steiner</u>	
<u>Geri Alquist</u>	
<u>Sandy Moreno</u>	
<u>Bonifacio Merano</u>	
<u>John Guntz</u>	
<u>Kyle Hornath</u>	
<u>Josh Lieberman</u>	
<u>Nicholas Sheehan</u>	
<u>Tasha Leach</u>	
<u>George Chachas</u>	
<u>SPENCER ROBERTSON</u>	
<u>Anne Kellogg</u>	
<u>Matthew Bisher</u>	
<u>Christina Sandora</u>	
<u>Oran Burdum</u>	

2. PUBLIC COMMENT

Kerri Pintar
1417 Mill Street

Public Comment
12/14/23

New Business Item #10 – Review of other potential funding for Ely Shoshone Tribe project. I'm sorry to say I am not in favor of the City Council contributing monies to this worthwhile project. As you know, the tribe is federally funded and as such should be looking into how to accomplish their construction. They don't pay fuel, tobacco or cannabis taxes and as such should look at other opportunities to raise the needed funds.

New Business Item #12 – Thanksgiving came early this year for me when I received the notice from the Nevada State Contractor's Board that on November 6, 2023 JCR's license had been suspended due to no qualifier on the license...Rowdy Olds was removed. I Immediately disseminated the document city and county wide on November 21st and asked it be shared with all involved in the ongoing failure of JCR's numerous projects.

I would like to say a big thank you to those responsible for taking the matter and beginning the process to revoke JCR's business license immediately due the city code. This is certainly the right step given the problems created by having an absentee qualifier for the past 3 years while Casey Jones has run the business into the ground...taking many government projects with him. Revoking the license is just the first step necessary to ensure no more monies are expended in an incompetent businessman doing government work.

It is evident to me that our city engineer needs to be held accountable and due his due diligence to file the necessary paperwork on the failed

Murry Street project as well as any other projects in which JCR has done inferior work for the city as it is not likely in my lifetime these projects will ever be reconsidered for repair. You have the opportunity now to correct the situation as Mr. Wheable alluded to yesterday, he's banking on Rowdy Olds expressed desire of wanting to step back into the community and clean up these failed projects over the next few months in an effort to salvage their reputation.

Personally, I think that is a long shot and just adding time to the county's timeline to try and save face but let me remind you we are so very fortunate to have other contractors who do excellent work in this community who should have been chosen in the first place for these projects. Perhaps they would be gracious enough to provide clean up should you exercise the bond. The cheapest bid is not necessarily the best choice.

That said, I would encourage you to revoke JCR's business license effective immediately. Should the pipe dream that Mr. Wheable indicated to the County Commission materializes, then feel free to make the business jump through the necessary hoops to have the license reinstated.

And to end on a positive note, public service is a thankless job and you are definitely not compensated nearly enough for all you do but I would like to personally thank each and every one of you for listening and taking the time to keep the City of Ely running. 😊 Merry Christmas and I will see you in 2024!!!



PMKI LLC
Hot Potato Properties
Postal Palace Townhouses
Ely Duck Creek Lodge

Anne Kellogg
Partner Hotel Nevada and Gambling Hall
Four Sevens, Grand Central, Fireside Inn, Postal Palace CC, 421 Aultman
Owner Postal Palace Townhouses
Owner 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
kelloggaj@gmail.com

Dec. 14, 2023

Hello, Mayor Robertson and the members of the city council.

I am Anne Kellogg from the Hotel Nevada.

Thank you for the opportunity to speak on Agenda item No. .

As you embark on the second reading of the currently proposed ordinance that will replace a mostly good ordinance that was set in place in 2017, I have been tasked with coming here to tonight on behalf of my partners at the Hotel Nevada and my family's former partners at the Prospector to ask you to please consider making a friendly amendment to the current proposed ordinance that would put the number of machines at 30 which is the number that was already passed in June.

This is double what the 2017 ordinance outlined and still allows for a 'restaurant' without the 40-hotel room requirement.

The current proposed ordinance was opposed by 100 percent of the respondents to your own business impact survey. It conflicts with many other gaming regulations in the state of Nevada. And it is clearly intended to satisfy the unique demands of one single end-user who is looking to develop a precious corner in our community in a very specific way.

In a letters to you dated Feb. 7, 2023 both the Prospector and the Hotel Nevada indicated to you that:

- A room requirement should go along with this type of licensing ordinance because it would indicate a substantial financial investment in the community.
- It really doesn't take that much effort to build a 12,000 square foot building and prepare it for slot machines and cigarette sales when you compare it to building a hotel casino with all the bells and whistles.
- Counties all across the state have severe restrictions on predatory operators who apply for an unrestricted gaming license without offering ample room accommodations, food and beverage.
- Slot parlors are not created to draw tourists. The business model is to prey on locals while they take the money and run.

While I will forever believe in the spirit of the 2017 gaming ordinance, I recognize that there is a deep commitment to this project and a community-wide appetite to fix a severely blighted corner.

So tonight I along with my current and former partners respectfully urge you to make a slight change that would embrace the June compromise before you vote this proposal into law.

Thank you for your time.
Anne Kellogg
Hotel Nevada etc.

Director of Tourism Kyle Horvath stated in regard to agenda item 7-1 the second reading of the ordinance change pertaining to gaming facilities and the room requirements. I'm here in support of my hotel gaming properties, who would be most affected by this change, and to acknowledge the immense contribution that room tax makes collected by lodging properties to this community. Room tax positively impacts over two hundred and fifty businesses, nonprofits, events, and organizations by being reinvested back into the community. It's the industry that's been driving better quality of life for locals, and it creates an exceptional visitor experience resulting in \$60 million in visitor spending in 2022 alone. This contribution is something that our lodging properties, my staff and my board are very proud of. I do still wish that the results of our

discussion over the last couple of months would have gone a different way, so that I could say that this project in particular was going to help expand and further the impact that tourism has on this community. At the very least I appreciate your time and the time that you took to speak with me and have a conversation and share your opinions because I do appreciate the open dialogue with the City Council. Through those discussions I'm confident that the City Council understands the impact of tourism and is in full support of what we're trying to do for the community, and I look forward to working with all of you to accomplish the goals laid out in the recently completed Destination Development Plan that sets a target on doubling visitor spending over the next ten years. Many of the items on tonight's agenda will help accomplish that plan. In regard to agenda, item 9-2 Eastern Nevada climbers Alliance, developing and stewarding rock-climbing infrastructure and programs at Hercules Gap, I'm for it; agenda Item 11-1 approval to appoint me to a Redevelopment Advisory Committee to help implement the City's incentive programs, I'm for it; agenda item B-1 selling of Belfort property for much needed residential development, I am absolutely for it; agenda item B-4 letter of support for a grant proposed by the County to construct the Steptoe Valley Trail leading south to access Cummins Lake, Cave Lake, State Park, and Ward Charcoal ovens, absolutely for it; agenda item B-5 permitting of cannabis lounges in the City, oh, I'm for it; and agenda item B-6 letter of support for tourism's Grant proposal to Travel Nevada for countywide branded, informational, directional, and interpretive signage for our non-motorized trail system and urban trail centers, I'm for it. Thank you all for your support.

Wyatt Cox with KELY stated in speaking to tonight's Ordinance much as college football's play off committee changed the rules to push Florida State out of the National Title Picture, the City of Ely is snubbing local casinos by dramatically changing the rules, allowing Las Vegas based Terrible's to build a slot parlor in Ely all on the pretext of clearing a blighted corner at Aultman and Great Basin. With the building of a new truck stop near the White Pine Golf Course this slot parlor development is absolutely unnecessary. Hotel rooms contribute more to the city tax base than a truck stop, and slot parlor. Proposed Ordinance 751 is a slap in the face to local businesses and will discourage them from expansion and community development because they played under the old rules, and lest anyone think I'm speaking on behalf of my advertisers, I don't. In fact, we offered one of these establishments \$10,000.00 in free advertising three years ago, following their fine by State Regulators that our ownership felt was unfair and either Ms. Kellogg or her predecessors thought it was a scam; It was not. We stand up for the local business community, not only in Ely, but statewide, because without them we don't have a city. Thank you.

George Chachas stated on your agenda. Item 9-3 and 9-4 you're reviewing past due utility fee penalties on those properties. Again, I don't have a problem with that, however, you continuously fail to give me the same consideration of my property at 490 High Street. You must stop the discrimination. The Council is in violation of the Federal Civil Rights Act, and I don't know how many times I have to keep reminding you of that. Mr. Mayor, on your agenda. Item B-1 you're to consider selling or leasing property on Belfort Avenue and Center Street. The City has no business competing against the private sector. Again, there's plenty of property for development. You're discriminating against ethnic minorities. In particular, you put the Apesche Trailer Park out of business. You refuse to give me and my family's so-called permits, so we can use our properties as others do all around me. You need to stop the discrimination. You have rules and regulations that pertain to everybody, or they pertain to nobody. On your agenda item B-5 you're to consider permitting a cannabis lounge and that needs to be eliminated Mr. Mayor. There are enough problems involving drugs in our community. Those that want to do cannabis can do so in their homes so they can take care of their children. My property on High Street was broken into again yesterday or last night, that makes five times within month and a half. You're losing your grip on maintaining law and order, step up and set up a victim's fund, so those that have suffered a loss can be compensated. On your agenda item B-10 you're looking for contributors to assist the Ely Shoshone Tribe for their facility. I want to know why the City Council is ignoring other minority owned businesses, and private individuals. Again, stop the discrimination. The Council needs to review the Federal Civil Rights Act requirements. on your agenda item B-9 regarding the White Pine Chamber of Commerce. The city should not be supporting a private club or association that leaves out everyone but their members. You're forgetting your governmental duties. Why should the taxpayer pay for membership when they

don't get any benefit. I've yet to receive contact information for the Porter Group that I've asked for numerous times.

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

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

4. CITY DEPARTMENT REPORTS

➤ PUBLIC WORKS DIRECTOR

Public Works Director Cracraft stated I am happy to report that Munford Contracting has installed the pumps at the lift station, and it is running properly after a year.

5. NNRY FOUNDATION REPORT

NEVADA NORTHERN RAILWAY
NATIONAL HISTORIC LANDMARK



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 November 2023

1. Locomotive Status – Updated
 - a. Locomotives in service: #93, #105, #109, #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 310 is out of service with a prime mover 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: #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. Caboose in service: #3 and #22 are operational.
 - d. Caboose 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 November we carried 653 passengers, this is about the same as last year.
 - b. Year to date we have carried 14,975 passengers, this is even with 2022.
 - c. Since operations began in 1987, we have carried 362,820 passengers.
6. Economic Impact – The average non-gaming & gaming daily expenditure per overnight visitor \$170.
Economic impact for November 2023 is $653 \times 80\% \times 170 = \$88,808$
Economic Impact Year To Date is $14,975 \times 80\% \times 170 = \$2,036,600$
These numbers only reflect the economic impact of our train passengers and does not include visitors who did not ride the train.

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

7. Social Media: Our reach on social media continues to expand:

October:

- a. Our Facebook reach last month was 2,189,426.
- c. We have 132,816 page likes.
- d. 182,229 people follow our page.

8. Santa's Reindeer Flyer is offering round trip service to the North Pole!



The Foundation's staff and volunteers did an astounding job on decorating.

6. REPORTS

➤ MAYOR ROBERTSON

Mayor Robertson stated I want to let the Council know that we did get our annual letter from Mount Wheeler Power donating the energy for the community light displays. We appreciate their participation in our community Christmas celebrations. I also want to make mention that a citizen of our City, her name is Lucy Berg, is turning 105 tomorrow, and her family asked for a special mention of that. We sent her a letter and a city pin. She apparently was born in McGill and has been living on Avenue D for a number of years. She used to work in our hospital as a nurse. One hundred and five is quite a milestone.

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

1. Councilman Carson – Discussion/For Possible Action – Approval of Resolution 2023-12, establishing that the City's water operators will determine responsibility for water or sewer line issues and verify that repairs performed in public rights-of-way by licensed contractors are correct prior to backfilling, subject to confirmation by the City Director of Public Works.

City Clerk Lee stated chairman O'Flaherty needed to abstain from this item, and they only had three present. This will be back on their agenda for January 11th so I'm requesting that we delay consideration of this by the Council until you receive their recommendation.

Councilman Trask moved to table the approval of Resolution 2023-12, establishing that the City's water operators will determine responsibility for water or sewer line issues and verify that repairs performed in public rights-of-way by licensed contractors are correct prior to backfilling, subject to confirmation by the City Director of Public Works. Councilwoman Elliott seconded the motion. The motion carried unanimously.

2. Councilman Carson – Discussion/For Possible Action – Approval of a Memorandum of Understanding with Eastern Nevada Climbers Alliance for the stewardship of recreational climbing activities on City property known as the Hercules Gap, APN 010-270-07, and APN 101-270-09.

City Clerk Lee stated Municipal Utilities Board recommended approval on this item.

Councilman Alworth moved to approve the Memorandum of Understanding with Eastern Nevada Climbers Alliance for the stewardship of recreational climbing activities on City property known as the Hercules Gap, APN 010-270-07, and APN 101-270-09. Councilwoman Williams-Harper 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 \$3,513.73 from 37 Second Street, McGill, Nevada at the request of Property Owner, Robert Cluck and Radu Dumitrescu.

City Clerk Lee stated Municipal Utilities Board recommended approval on this item.

Councilwoman Williams-Harper moved to approve the removal of past due utility fee penalties up to the amount of \$3,513.73 from 37 Second Street, McGill, Nevada at the request of Property Owner, Robert Cluck and Radu Dumitrescu. 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 \$124.90 from 15 Keystone Street, Ruth, Nevada at the request of Property Owner, William Peters.

City Clerk Lee stated Municipal Utilities Board recommended approval on this item.

Councilman Trask moved to approve the removal of past due utility fee penalties up to the amount of \$124.90 from 15 Keystone Street, Ruth, Nevada at the request of Property Owner, William Peters. Councilwoman Elliott seconded the motion. The motion carried unanimously.

10. THE MAYOR WILL RECESS THE REGULAR CITY COUNCIL MEETING FOR A MEETING OF THE ELY LIQUOR LICENSING BOARD.

1. Board Members – Discussion/For Possible Action – Approval of Class IV Liquor License to Tasha Leon d.b.a. *Smash N Grab* located at 211 5th Street, Ely, Nevada.

Councilman Trask moved to approve a Class IV Liquor License to Tasha Leon d.b.a. *Smash N Grab* located at 211 5th Street, Ely, Nevada. Councilwoman Williams-Harper seconded the motion. The motion carried unanimously.

THE MAYOR WILL RECESS THE ELY LIQUOR LICENSING BOARD MEETING FOR A MEETING OF THE REDEVELOPMENT AGENCY OF THE CITY OF ELY

11. ITEMS FOR DISCUSSION/POSSIBLE ACTION OF THE REDEVELOPMENT AGENCY OF THE CITY OF ELY.

1. Member Trask – Discussion/For Possible Action – Approval to appoint Council Member Trask, Kyle Horvath representing White Pine County Tourism and Recreation, Shadrach Robertson representing White Pine Chamber of Commerce, Business Owner Bryan Reed, and Redevelopment Area Community Member Kendal Cracraft to the Redevelopment Advisory Committee.

Mayor Robertson stated I would like to disclose Shadrach Robertson is my husband, but I don't vote on this.

Councilman Trask stated this is just the next step in trying to get our committee together so the funds we set aside, we can start to take applications for.

Councilwoman Elliott stated I just have a couple of suggestions. I think a group of five is great, but maybe a group of seven and add a couple of females. Did we do any sort of advertising for business owners to apply? White Pine Tourism and Recreation, the Chamber of Commerce, and then have maybe four other positions where business owners could apply, and this group could appoint.

Councilman Trask stated I agree that there might be need going forward, but maybe the next time around we can have this conversation. I have no problem putting out an application if that is what the rest of you would like to do. I am just trying to get this moving forward.

Councilman Alworth stated I think we need to get it rolling as soon as possible with adding on as you develop.

Councilwoman Elliott stated this group of five is the good core five, but if we can add maybe two more and some diversity in there, I would be all over that.

Councilman Alworth moved to approve appointing Council Member Trask, Kyle Horvath representing White Pine County Tourism and Recreation, Shadrach Robertson representing White Pine Chamber of Commerce, Business Owner Bryan Reed, and Redevelopment Area Community Member Kendal Cracraft to the Redevelopment Advisory Committee. Councilwoman Williams-Harper seconded the motion. The motion carried unanimously.

2. Member Trask – Discussion/For Possible Action – Approval of Residential and Commercial Redevelopment Grant Application forms.

Councilman Trask stated City Clerk Lee, Treasurer Trask, and I worked on these grant applications to clean up some ones that we've had in the past and make them simpler.

Councilwoman Williams-Harper moved to approve the Residential and Commercial Redevelopment Grant Application forms. Councilwoman Elliott seconded the motion. The motion carried unanimously.

THE MAYOR WILL RECESS THE REDEVELOPMENT AGENCY OF THE CITY OF ELY AND RECONVENE THE REGULAR CITY COUNCIL MEETING

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

A. CONSENT AGENDA

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.

MOTION: Move to approve the Consent Agenda item 12A-1 Minutes and 12A-2 Bills.
Moved by: Councilman Alworth Second by: Councilman Trask Vote: Unanimous

1. Discussion/For Possible Action – Minutes
 - October 12, 2023
 - October 26, 2023
2. Discussion/For Possible Action – Bills.
 - November 9, 2023
 - November 15, 2023
 - November 30, 2023
 - December 5, 2023
 - December 6, 2023

B. NEW BUSINESS

3. Mayor Robertson – Discussion/For Possible Action – Report on additional Commission for Cultural Centers and Historic Preservation (CCCHP) funding received in the amount of \$118,100.00 to the City of Ely's CCCHP Grant No. CCCHP-21-13 to complete historic City Hall specification and construction drawings, with timeline review.

Mayor Robertson stated we've completed phase I of the design process and that's done and paid for. Phase II exceeded the amount of funding that we'd received, but coincidentally the State had extra funds and were taking applications. I put in for that and they had enough funds to fund the whole thing, and they gave it to us, so that's the good news. We have enough funding to get us through to the end of phase II which will produce the construction drawings and have us ready to go out to bid. We will then have to start fundraising for the actual project. Paul Cavin's group has done an excellent job. They will be here for another inspection tune up in January and after they complete that I anticipate within the next month or two they'll be coming to the City showing where we're at. The Council's already reviewed the program of kind of where rooms and things are going to go. They're now doing the minutia of the fine details in electrical, mechanical, and seismic retrofit is also part of this which is going to make the building a lot safer in the event of a seismic event. They've come up with some really great suggestions on a lot of things. They've done a lot of this kind of work working on the State Capital Building and at UNR as well. I've just been really pleased with the professionalism they've exhibited. I'd like to encourage the Council, and we can have this conversation in the coming months, to commit some of our funds towards this. There are a lot of programs that will help fund this, but the City is going to have to put some skin in the game for the construction. A thought might be funding \$500,000.00 out of our Community Service Funds, and maybe \$500,000.00 from capital works to say, okay, we've got a million to start this and then start looking for funding through USDA, or the Pennington Foundation. The nice thing about how they're doing this project is it's going to fall under a lot of the requirements and eligibility for a lot of these fundings from the Pennington Foundation and some other arts and historic type grants. I think we're going to be able to make the money that the City puts in stretch really far. I just kind of wanted to get that on the on the Council's radar. My goal is to get this done by the time the building hits one hundred years old and hopefully get another one hundred years out of this building. I think it'll be a great project for the community and dovetailing hopefully with the work that's going to be taking place in Broadbent Park. It is going to really shine this area up in a way that it hasn't been for a long time.

Councilwoman Elliott moved to accept the report from Mayor Robertson on additional Commission for Cultural Centers and Historic Preservation (CCCHP) funding received in the amount of \$118,100.00 to the City of Ely's CCCHP Grant No. CCCHP-21-13 to complete historic City Hall specification and construction drawings, with timeline review. Councilwoman Williams-Harper seconded the motion. The motion carried unanimously.

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 – City Clerk Lee – City Engineer Almberg – Public Hearing – Discussion Only – Prioritizing and final Selection of CDBG project(s) for the 2024-2025 Program Year application submission; the City's eligible projects include Morley Avenue Water-Sewer Project for \$895,500.00; Stevens-Orson Sewer Project for \$637,400.00; Central Ely Drainage Improvement Project for \$426,700.00; and 7th St. Drainage Improvement Project for \$251,600.00.

City Engineer Almberg stated these are projects that were brought to us by the public and some obviously did come from the City as far as what our desires would be, and some improvements that we need in the city. I would recommend to you guys the number one priority be the Central Ely Improvement Project that is down in Central Ely on North Street. During heavy rainstorms the water comes through the railroad tracks and last summer we had a couple of pretty good downpours that didn't necessarily wash out our street, but it washes in a bunch of mud and gets into the neighbor's houses. It caused some problems, and it causes us quite a bit of clean up anytime we get a good rainstorm.

I think that would be a very viable project for the community and benefit those people that live in that neighborhood to reduce potential flooding down there.

Mayor Robertson asked how many projects can we select?

City Engineer Almborg stated we can select two projects out of this list, and we prioritize them.

City Attorney Cahoon stated this is the public hearing so the public should be making comments.

Mayor Robertson stated we'll entertain any comments from the public on recommendations, thoughts, or requests on this item.

George Chachas stated I would support the Central Ely Drainage project as those people have suffered quite a bit over the years, especially when that water comes down the hill. The Railroad put in that drain and then didn't follow up with the other improvements and impacted that part of the community.

Mayor Robertson stated actually, Mount Wheeler Power put in that drain, If I'm not mistaken.

George Chachas stated it's not their railroad track.

Mayor Robertson stated it's not, but they took the liberty to direct that away from one of their poles, and I think they have exacerbated the problem.

George Chachas stated, then they have the obligation to collect the calamity being created. The other concern I've got is I'm for the Stevens/Orson Sewer Project because it affects quite a few more people than the Morley Project. Then depending on the funding, the Drainage Improvement Project on 7th Street.

2. Councilman Alworth – Public Hearing – Discussion Only – Approval of Second Reading of Ordinance 751, Bill No. 2023-05, an ordinance amending Title 3, Chapter 5 of the Ely City Code requiring gaming license applicants who intend to operate between 16 and 40 slot machines to have a restaurant and bar or at least 30 hotel rooms, and applicants who intend to operate more than 40 slot machines must have at least 30 hotel rooms.

Anne Kellogg with Hotel Nevada stated I feel like we've been at this for a year; it has been one year. I'm not sure if you guys are aware or not, but the unrestricted license is a privileged license, and what that license does is it allows the operator to have Casino games, slot machines, and also allows live gaming. It allows the unrestricted license holder to participate in online gaming and things, so, it's an extremely privileged license, and there's only about twelve or thirteen in the State, last count. They usually go with bigger properties and typically you have a lot of slot machines for these types of licenses. This for me has always been kind of a weird fit in terms of what Ely has to offer with offering this license to the operator who wants to develop the corner of Great Basin Highway and Lincoln Highway. I just think that for this community and the size of the community and everything that's happening, that thirty machines is a reasonable number of machines. We arrived at that in June and anybody in the gaming industry considers a twenty-five-machine operation a slot parlor. This will be that, but I know you guys are going to have a restaurant and all that stuff, but I just don't think that you're going to get what you think you're going to get. I've met with someone this week who told me that they thought it was going to be like Margaritas and it's not going to be like Margaritas, I promise you that. It's going to be like nothing you guys have ever seen before. I think that if you limit it to thirty machines, it's something that we can live with as the current gaming operators and offer the new developers what they want. Keep in mind that they have other sources of revenue on that corner as they're going to be selling fuel, beer, wine, soda, candy bars, and probably groceries. They're going to be selling coffee so you can get your Macchiato, Fran Pacino, or whatever it is and some pastries. There's going to be a restaurant and a lot of other revenue sources so really from my perspective and from the perspective of the other people who I consider my peers, I think that thirty

machines are okay. It's the best bad choice for lack of a better term. I have to say I never see the Pine West Team get up here and take a stand. I don't know when they're communicating with you, but they are.

Kerri Pintar
1417 Mill Street

Public Hearing Comments
12/14/23

In reference to Item #2 – Ordinance 751. I have been a staunch proponent of amending this ordinance to allow Pine West Development to come into this community and erect new businesses on the corner of Aultman and Great Basin and I am still unwavering in my support.

The Jailhouse, Hotel NV, Prospector and Reed's will no doubt follow me with their reasons why this is bad for their business, but is it really? Why is it we haven't and don't see the Bybee's here (tonight or in the past) arguing to keep these businesses out? They seem unfazed by the possibility of bringing in new businesses which will offer direct competition to the Copper Queen.

And I would be remiss to say the residents of the proposed new luxury apartments out my front door on Bell Avenue will certainly appreciate having options of where to spend their hard-earned monies should they have any left after paying in excess of \$2000 per month or more for a one-bedroom apartment.

Now, having grown up working in my parent's Hallmark store for 22 years, it was evident to me if you treat your customers right, they will be loyal and continue to support you...a premise which obviously my parents and the Bybee's have embraced. Kudos to them all for taking the high road.

Please let's give Ely an early Christmas present and vote in favor of amending this Ordinance to allow Pine West Development to join our community and put the issue to bed once and for all. 😊

George Chachas stated on numerous occasions I've dropped forth my concerns in regard to Ordinance 751. Again, I want to remind you the Council must take heed to what was presented by those affected. The Council needs to bring back the thirty to fifty Room requirement. You've stepped it down three different times now and that needs to stop. Those that operate sixteen or more slots need to step up to the same standards. I remind you regarding competition with the private sector pursuant to NRS 268.527, Restrictions on Powers of the City, Subsection 2 states the City may not under NRS 268.512 and 268.568 inclusively, assist any manufacturing, industrial warehousing, or other commercial enterprise or organization for research and development within the City of Ely, or within ten miles of which the City would substantially compete with an enterprise or organization already established in the City or the County in which the City is located. NRS 278.235 deals with adoption of measures to maintain and develop affordable housing. Section 3 states on or before January 15th of each year, the chair of the governing body shall submit to the Housing Division of the Department of Business and Industry Report in the form prescribed by the Housing Division, of how the measures adopted pursuant to subsection 1 assisted the city of the county in maintaining and developing affordable housing to meet the needs of the community for the preceding year. Have you done that? All we have is fiasco's going on from the City and the County that needs to stop. I want to know if you've done that. If you have, I'm requesting a copy. If the Bon Aire Trailer Park is eliminated, there is no other area that they can move to within the City. I remind you that the City eliminated the Apeceche Trailer Park, which existed for years by selective enforcement. What does the City plan on doing with the Bon Aire residents? The City Council is tailoring the Ordinance to accommodate one development. Not one existing business has objected to the Pine West Development as long as they meet the same conditions and standards that have been in place for years. The City Council's selective enforcement continues to be the biggest detriment to growth in this community. I want to remind you that we don't need a gas and go. There's another gas station/convenience store going in. We need to stay and play right now. The Hampton Inn is on hold which is a \$25 to \$50 million dollar project. What's that going to do to your property tax assessment? Why are you discouraging people that have a real foothold in this community, and a real commitment. The property on the corner is blighted, but it's owned by a contractor, and no one can do it cheaper than those people.

Wyatt Cox stated I want to reiterate what I said earlier and furthermore, as Mr. Chachas has said the Golden Gate Project, that is going up will generate probably as much money, in fact, more money than this existing project that is being proposed. Primarily because that project is going to have RV spaces that's going to generate a little bit of room revenue. This will generate zero room revenue and bring nothing to the City of Ely. Quite frankly, all it does is clean up a property that is blighted and needs to be cleaned up. It does nothing else except encourage people to drive through Ely and keep on going. As Mr. Chachas has said, and George and I don't agree on a lot, but we agree on this; we need to encourage people not to gas and go, but to stay and play and enjoy our community. We need hotel rooms. As I mentioned to you in the last meeting, we have more jobs currently available in the City of Ely than we have people to take them. Where do these people propose to get employees, stealing from other businesses? Until we're able to settle our housing crisis, which Mr. Chachas has brought up, we are not going to be able to grow as a community. I strongly oppose this Ordinance revision and will continue to oppose this Ordinance revision.

Sandy Moreno stated I live on East 8th Street, and I would just like to remind everyone that Love's has fifty machines. Is it a slot parlor now? Laws are made to be changed and grow with the times, and it's time to change. You have empty motel rooms all over town. On the Fourth of July you had a whole forty room motel that was empty. I don't think having another motel here is going to help your existing community. Someone got up here and mentioned that they don't know what kind of a restaurant is going in, but it's not going to be what you think. If you don't know what it is, how can you comment that it's not going to be what someone's saying it's going to be. I think there's still a lot of confusion out there. We have friends that are still being told by someone in town that it's a Dotty's; someone still using scare tactics. It's not a Dotty's. It's an upper-scale restaurant. There will be a Starbucks and a gas station, not a truck stop as someone else mentioned. I think there's still an awful lot of rumors going on around town. I think the Council knows what's true and what isn't true, and we appreciate your time and your due diligence in doing the research. Everyone's put in over a year on this project. You've done the research and I think you came to a good compromise for current businesses and future businesses. I find it very ironic that the people in town that seem to have the most money and influence are standing there telling someone else you can't do this, and you can't do that. The people that live here are also tired of those same people, telling us where we can and cannot spend our money and where we work. I have got a lot of friends that work and maybe if you treated them a little better by not making them work double shifts, telling them to come in to work and then sending them home, and letting them have their breaks; maybe they would be happier to be employed by some of you. I think there's a lot of stuff going on behind the scenes that the public doesn't see. I do know the working-class people here are tired of a certain few people telling them where to work and where to spend their money, and it's time to open up this city for some new businesses, not just this project, but other projects as well. Thank you for your time and I appreciate you guys really paying attention for the last year and getting to know what's really going on, and not just listening to the blabbing of certain people who are just trying to kill this project. Thank you.

3. Mayor Robertson – Public Hearing – Discussion Only – Discussion and determination of the fair market value for the future sale or lease of real property located at APN: 001-121-01, a.k.a. the “Belfort property”, pursuant to NRS 268.059(1)(a) and 268.063.

City Attorney Cahoon stated normally two independent appraisals are required for this, but under the Statutes it allows for one appraisal if the Council can also make a determination of fair market value during a public hearing, which is sort of the purpose here. I understand that it was quite difficult just to get one appraiser out, so this is sort of a way around that. We do have one appraisal, and this would be the next step to push this forward.

Kerri Pintar
1417 Mill Street

Public Hearing Comments
12/14/23

In reference to Item #3 – Sale or lease of the Belfort Property. I spent the better part of 1.5 hours yesterday listening intently to the cluster the County has gotten themselves into with regards to JCR and the 17th Street as well as Caleb Sumrall's projects trying to bring affordable housing into this community. In this economic climate it is just not possible. It is evident that no contractor is going to be willing to put in the million-dollar infrastructure necessary to build new homes here.

Certainly, this was the case when in 2014 I appeared before a prior council asking to have an adjacent piece of property behind my house on Mill Street abandoned so I could build a shop/garage. I was told those 23 lots were developable and after 5 months of back and forth had to abandon the project. The infrastructure to make those lots developable would have exceeded one-million dollars and I didn't and don't have that; hence why today they sit in the original condition since 1907. 😞

I would strongly caution this board from joining the slippery slope the county has created because at the end of the day I think there are many better ways to allocate any and all of our economic development funding rather than following in the county's footsteps to save face attempting to bail out Commissioner Howe's failed housing project as was the county's choice yesterday.

The infrastructure alone will cause those lots on Belfort to not be profitable to any contractor trying to create your tiny home community. And I would then ask...what happens then? Please be responsible and reconsider your intent to sell Belfort as this board is not nor should not be in the real estate business. Please consider a NO vote on Belfort.

George Chachas stated I want to reiterate my concerns that I expressed earlier. Again, the City has no business competing against the private sector. Dumping additional property on the market is only going to devalue those that have property and can't use it. If you had a situation where all the properties were taken, I'd be the first one saying, open it up, but you don't have that. You're selectively shutting the door on some individuals and yet here you are now contemplating selling City property. At a former meeting Mr. Alworth said he knew a person that had thirty properties but won't sell them; I think it was me. You're not going to put me out of business, and I'm going to fight you tooth and nail If you do this without giving me due consideration to use my property. You can't force me to sell, and you can't force others to sell, but you're basically doing that by competing against the private sector with property that the City owns.

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

1. Council Members – City Clerk Lee – City Engineer Almberg – Discussion/For Possible Action - Prioritizing and final Selection of CDBG project(s) for the 2024-2025 Program Year application submission; the City's eligible projects include Morley Avenue Water-Sewer Project for \$895,500.00; Stevens-Orson Sewer Project for \$637,400.00; Central Ely Drainage Improvement Project for \$426,700.00; and 7th St. Drainage Improvement Project for \$251,600.00.

City Clerk Lee stated I just want to note for the record that the reason the museum's project and also the suggestion to do a study on utilizing non-potable water to irrigate the golf course were dropped is we are not an LMI community right now. For each of these projects the project area has to have an income survey, and both of those projects would have required surveying the entire town.

City Engineer Almberg stated the Municipal Utilities Board recommending prioritizing the Central Ely Drainage Improvement Project for \$426,700.00 as first priority and the Morley Avenue Water-Sewer Project for \$895,500.00 as second priority. Carl and the

crew are up there quite a bit with maintenance issues that are going on. It was questioned by the Utility Board this morning regarding the number of houses it will have an impact on as this is a pretty large number for the number of residents that will benefit. Central Ely does have a more congested area that might serve more people, which was definitely discussed this morning in the Utility Board, but they did choose the Morley Avenue Project.

Mayor Robertson asked do you concur with that suggestion, or did you have other thoughts you wanted to provide as the city engineer?

City Engineer Almberg stated I concur with it from the standpoint of it does definitely cause the City crews quite a bit of maintenance up there. One of the things I will pass on that I did pass on this morning with the Central Ely Project is we currently have a CDBG Project down there that will go out to bid in the spring and construction in the summer. We also have an earmark that's going to follow that up as far as a larger second phase. There is a lot of work going on down there in Central Ely and so I think that's another reason why they support going with the Morley Avenue Project.

Councilman Alworth asked is there any way we could split the Morley Avenue Project into two phases? I sat on the CDBG Board for like seven years and am looking at when they have all these requests, that is a lot of money we are asking for. Could we add in the wording the consideration of phasing the project?

City Engineer Almberg stated we could put in the application this is how we'd like to see the project phased as we could get by with this amount or that amount. I think that's a very good way of going about doing it, and we would just prepare that application so that it could be two phases if that's what they so choose to do.

Councilman Alworth stated I agree with the storm drainage issue, that's terrible. I would like to just make a comment on 7th Street where it flows down the gutter by the old Ely Grade School may be something the City could go in front of the RTC, because that's basically a road issue more than a hazard to human life as the roads chipping away.

Councilman Alworth moved to approve the recommendation of the Municipal Utilities Board and City Engineer Almberg with prioritizing the Central Ely Drainage Improvement Project for \$426,700.00 as first priority and the Morley Avenue Water-Sewer Project for \$895,500.00 as second priority with the caveat on the application to possibly phase the Morley Avenue Water-Sewer Project. Councilman Trask seconded the motion. The motion carried unanimously.

2. Councilman Alworth – Discussion/For Possible Action – Approval of Second Reading of Ordinance 751, Bill No. 2023-05, an ordinance amending Title 3, Chapter 5 of the Ely City Code requiring gaming license applicants who intend to operate between 16 and 40 slot machines to have a restaurant and bar or at least 30 hotel rooms, and applicants who intend to operate more than 40 slot machines must have at least 30 hotel rooms.

Councilman Alworth stated it has been a year we have been working on this and I think it is time to hammer it out. I think it has been thought out. Again, times have changed since 2017 and we want to be progressive in the City. It's not always what some people want, but it's what I feel is, in my opinion, good for the City and the community.

Councilman Trask stated I agree that we've gone through this diligently and it seems like it's been a long thing. I do think we need to at least have a conversation about the thirty machines, which was my original idea from day one. The original plan of this whole thing was to change one word and now we've got a restaurant and a bunch of different things in there. I've gone back and forth on this a lot. I've slept on this quite a bit, had quite a few conversations of thirty slot machines versus the forty, I think if that's the point, it's at least fair to have a conversation about it since that's where we started this whole adventure. We kind of came up with the forty number because we didn't like the thirty, because it was the County, and we had fifty before, so there was no real reason why we came up with forty. It was just a number that we picked.

Councilwoman Elliott stated the developer wanted a hundred then we found out Love's had fifty, then the thirty number came up and we were happy with that. Then there was the meeting it was said to split it with forty, and I think that's kind of where we ended up with forty.

Councilman Trask stated the forty just came out one night when Jim didn't like the idea of thirty, because I threw it out, and that was what the County had and anytime I say, the County, Jim's going to say nay.

City Attorney Cahoon stated I think you might be confusing the hotel rooms versus the machines. The county requires thirty hotel rooms, which we did.

Councilwoman Elliott stated if a developer is going to put forty-one machines or more in it's an automatic thirty hotel rooms.

Councilman Trask stated I just wanted to have that conversation of lowering that to the thirty versus the forty slot machines since we have had quite a few opposed tonight.

Councilwoman Elliott moved to approve the Second Reading of Ordinance 751, Bill No. 2023-05, an ordinance amending Title 3, Chapter 5 of the Ely City Code requiring gaming license applicants who intend to operate between 16 and 40 slot machines to have a restaurant and bar or at least 30 hotel rooms, and applicants who intend to operate more than 40 slot machines must have at least 30 hotel rooms. Councilman Alworth seconded the motion. The motion carried 3 to 4 with Councilman Trask voting nay.

3. Mayor Robertson – Discussion/For Possible Action – Discussion and determination of the fair market value for the future sale or lease of real property located at APN:001-121-01, a.k.a. the “Belfort property”, pursuant to NRS 268.059(1)(a) and 268.063.

Councilman Alworth moved to accept and approve the determination of the fair market value of \$120,000.00 for the future sale or lease of real property located at APN:001-121-01, a.k.a. the “Belfort property”, pursuant to NRS 268.059(1)(a) and 268.063.

Councilwoman Elliott seconded the motion. The motion carried unanimously.

B. NEW BUSINESS CONTINUED

1. Mayor Robertson – Discussion/For Possible Action – Adoption of Resolution 2023-14, a Resolution finding that it is in the best interests of the public to sell or lease City property located on Belfort Avenue and Center Street, APN 001-121-01, for purposes of redevelopment and economic development to establish residential housing pursuant to NRS 268.063, without offering the property to the public and for less than fair market value.

City Attorney Cahoon stated I do want to make one correction. I was under the false impression that this property was located within the Redevelopment District. I don't believe that that is the case so I would just ask that the verbiage in the item actually, where it says for purposes of redevelopment be struck and then I will have to make an amendment prior to signing of the Resolution just removing redevelopment from the last, whereas it says, the Belfort property is located within the Redevelopment District of the City of Ely. It will read, the Belfort property will be used for economic development.

Mayor Robertson stated in order to take bids that are less than fair market value the Council just needs to pass this Resolution that says it's in the best interest of everybody that the City disposes of this property so it can be used.

City Attorney Cahoon stated the only other thing that I would ask is that in order for it to to comply with this NRS provision I believe the Council needs to make a finding that it is for economic development which the statute defines as the establishment to support retention or expansion of existing commercial enterprises or facilities within the city or

the establishment of residential housing needed to support the establishment of new commercial enterprises or facilities, or the expansion of the existing.

Councilman Alworth asked when it goes out for bid will it be worded that it has to be done by a certain date?

Mayor Robertson stated we didn't do that on the Reno Road property.

City Clerk Lee stated it is actually in the RFP and that is the next item.

Mayor Robertson stated I'm opposed to that for the reasons of if we're doing that, the builder needs to have the latitude depending on market. My only real hardcore stipulation being that they can't sell the property unless there's a house on it and if not, it reverts to the city.

Councilman Alworth moved to adopt Resolution 2023-14, a Resolution finding that it is in the best interests of the public to sell or lease City property located on Belfort Avenue and Center Street, APN 001-121-01, for purposes of economic development to establish residential housing pursuant to NRS 268.063, without offering the property to the public and for less than fair market value with the amendment of where it says for purposes of redevelopment be struck from the Resolution prior to signing as it is not in the Redevelopment area. Councilwoman Elliott seconded the motion. The motion carried unanimously.

2. Mayor Robertson – Discussion/For Possible Action – Approval to send out Request for Proposals for the purchase of APN: 001-121-01, Belfort Property, to construct housing.

Mayor Robertson stated continuing the discussion on a timeframe, I think what the City did better than the County's process on Reno Road is that we're taking bids. We're not just handing property out for next to nothing. As I recall, we got \$6,000.00 for Reno Road, and as the Council receives bids, I think they have the discretion to look at that and say what is the highest bid we're getting that's going to provide the most housing. You may get a housing bid that's going to provide more housing that didn't offer quite as much as somebody else and if the Council decides they would rather have the six houses for \$3,000.00 rather than one house for 10,000.00.00, you can make that decision, but there's skin in the game from the contractor. I don't want to be in the position where the County is, where they're now faced with the contractor that didn't do it in the prescribed amount of time, and now they're stuck trying to figure out what to do about that. I just don't think the City needs to be in that kind of position. I do think they need to have the wherewithal to be able to say, we've disposed of this for housing, and you need to build a house, or you give it back to us. You can't just go and sell it to somebody else and walk off.

Councilman Alworth stated there are capable contractors in this community. What happened with the County, shame on the county. That was the biggest screw up and they're not done with that yet. These contractors have \$121,000.00 sitting there, they want to recover that money, and we're telling them you have got to put a house on it. I truly believe if you get a good contractor they will get in there and get the job done, but I think we do need a timeframe.

Mayor Robertson stated I think a good contractor, like you said, is just going to do that and we won't have to tell them to do it. With the extenuating circumstances, I don't want to get back into minutia of them having to come back and say, we had another project come up, so we're going to be extended a little bit longer, or there was a material shortage, and I just don't want to be in the business of policing that.

City Clerk Lee stated if everyone will look at the draft that was handed out, that's in it. It's provision 4C.

Mayor Robertson stated it's part of their proposal to offer a price for the property and say what they're intending to do with it whether that's three homes, a duplex, or whatever and then what timeline they're planning to do it in. I'm in favor of listening to that and having them submit that, but I'm just a little leery of putting it in the deed, so that we don't back

ourselves into a corner for unforeseen circumstances. I don't want the City to be put in a position where we're the developer because we're not. We're just disposing of property for someone else to develop and that's the intent is to have them build a house. The intent is not for them to sit on property and resell it once it goes up. The intent is for them to build a house and that increases property value for everybody in the neighborhood, whether you have raw property or not; that's how property values work. If the restriction is they can't sell the property except if it has a building on it, then that's the incentive. Are there druthers from the Council on what they think the minimum bid should be?

Councilwoman Williams-Harper moved to approve sending out Request for Proposals for the purchase of APN: 001-121-01, Belfort Property, to construct housing with a minimum bid of \$12,000.00. Councilman Trask seconded the motion. The motion carried 3 to 4 with Councilman Alworth voting nay.

4. Mayor Robertson – Discussion/For Possible Action – Approval of support letter for White Pine County's Conserve Nevada grant application to pay for engineering and design of the South Steptoe Valley Trail.

Councilwoman Elliott moved to approve the support letter for White Pine County's Conserve Nevada grant application to pay for engineering and design of the South Steptoe Valley Trail. Councilman Alworth seconded the motion. The motion carried unanimously.

Mayor Robertson recessed the Regular Ely City Council Meeting at 6:23 P.M.

Mayor Robertson reconvened the Regular Ely City Council Meeting at 6:30 P.M.

5. Councilman Trask – Discussion/For Possible Action – Approval of First Reading of Ordinance 748 , Bill No. 2023-01, a proposed ordinance regulating and permitting the licensing of cannabis consumption lounges, and amending Title 3 Chapter 14 of the Ely City Code establishing a comprehensive chapter regulating all cannabis establishments authorized under Nevada law to include, but not limited to, medical cannabis establishments, recreational cannabis establishments, cultivation and testing facilities, support businesses, and cannabis consumption lounges, and making other necessary changes throughout.

City Attorney Cahoon stated we started with the consumption lounges as the catalyst for this. The Cannabis Consumption Board reached out to us to see if we were going to allow lounges within the City of Ely, so that's sort of what got this ball rolling? As I looked into it, I took a close look at Las Vegas's Municipal Code, and how they regulate these things. They sort of allow everything that the NRS allows. This ordinance would allow for any related cannabis businesses and if the Council isn't in favor of that, we can certainly limit it. It was easier than trying to restrict some and allow others I felt like if we didn't reinvent the wheel and kind of followed slightly what Las Vegas does, and just move forward with allowing all the different businesses.

Councilman Trask stated the way I remember this is that we just wanted to be ahead of the game and we're not saying this is happening. We still have to approve it if it ever was to come forth, and I still think that it probably would be very hard for them to come in with the current State Laws and how many are allowed. We want to make sure we have our ducks in a row if someone does ask and we don't have to go through another year process.

City Attorney Cahoon stated it's come to my attention that the State Legislature has made additional changes to this that will come into effect January 1st of this coming year. I anticipate having to make a few more slight changes to this prior to the second reading if it does go forward just to comply and follow the NRS. With that, I believe the new law that was passed allows for dual licenses.

Mayor Robertson asked, dual licenses as in you get a license for selling and a license for a lounge?

City Attorney Cahoon stated yeah, or medical versus retail. You could do both, I think, originally you had to do one or the other. It took a lot of work to get this to fit within our Code and another thing is the City also allows prostitution and gaming, so to go along with this I would like to have the Council consider another ordinance that would simply regulate all privileged businesses and that would include cannabis as well. In my mind, because I haven't drafted it yet, it wouldn't add any additional regulations that don't already exist on those regulated businesses. It would just kind of place it all under one chapter where we can refer to. It would be like the application process for these privileged businesses. The application process is a little bit more extensive as we're allowed to do background checks and have the sheriff's office dig into the owners and operators of these businesses to make sure they qualify. I would like to bring that forward at the January meeting to follow this.

Councilman Trask stated I would like to add in there about having a physical sign stating you can't be under the influence of cannabis and drive.

Councilman Alworth asked do we have to have a Cannabis Licensing Board?

City Attorney Cahoon stated that is something I certainly can add in there if the Council would like.

Councilman Alworth moved to approve the First Reading of Ordinance 748 , Bill No. 2023-01, a proposed ordinance regulating and permitting the licensing of cannabis consumption lounges, and amending Title 3 Chapter 14 of the Ely City Code establishing a comprehensive chapter regulating all cannabis establishments authorized under Nevada law to include, but not limited to, medical cannabis establishments, recreational cannabis establishments, cultivation and testing facilities, support businesses, and cannabis consumption lounges, and making other necessary changes throughout with the additions of requiring public information signage stating you cannot drive under the influence of cannabis and that a Cannabis Licensing Board be formed. Councilwoman Williams-Harper seconded the motion. The motion carried unanimously.

6. Councilwoman Elliott – Discussion/For Possible Action – Retroactive approval of support letter for White Pine County Tourism and Recreation's grant application to contract with the International Mountain Bike Association (IMBA) to design, manufacture, and install county wide, branded informational, directional, and interpretive signage on our non-motorized trails, trailheads, and urban trail centers.

Councilman Trask moved to retroactively approve the support letter for White Pine County Tourism and Recreation's grant application to contract with the International Mountain Bike Association (IMBA) to design, manufacture, and install county wide, branded informational, directional, and interpretive signage on our non-motorized trails, trailheads, and urban trail centers. Councilwoman Williams-Harper seconded the motion. The motion carried unanimously.

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

Councilman Alworth stated we voiced some concern with the Porter Group that we've got two asks, and when are we going to get the money? Those in Washington D.C. are on a break and we are pushing our local delegation to light a fire and they're fighting so much with themselves that nothing's happening, and we're upset with that. They are hearing us, and the Mayor Talked with John Porter expressing all of our concerns as well. We are going to work with a plan to throw something at them in the next couple of weeks to hopefully speed the process up.

Councilwoman Elliott stated we're getting earmarks and we're getting money, but we're just waiting on getting the physical money. We are looking at how we can leverage our resources with them better.

Mayor Robertson stated the next steps are going to be coming with a list of things they could be doing in the interim and things the City could be looking at; kind of a menu. The Council can then look at that and say, we like some of these, we don't like this one, or we don't like any of them and maybe we need to go a different direction. We anticipate that being on the agenda in January, so the Council can discuss that as a full council. We'd also like to discuss taking advantage of Porter Group while we have them to maybe do a fly into D.C. with any council members who are interested in meeting with our delegation to go over some of our concerns face to face with them. I think there's some funding and availability for that next spring. We would be doing that apart from any other entities, so that the facetime would just be the City of Ely, which I think is irreplaceable with some of these things, and we've gotten a really good return for the efforts we've put together with Porter Group. It's been a really big boon and I know we've come a long way in that. We just kind of need to have a plan of where we're going and what we're doing in the model, so we don't look down the road ten years and say, boy, we paid Porter for a long time, but what have we been doing.

8. Councilman Alworth – Discussion/For Possible Action – Approval of Resolution 2023-15 requiring the holding of a City Council Budget Work Session, prior to submission of the Tentative budget to the State, to review the next fiscal year's budget and supporting documentation in detail.

Councilman Alworth stated the main thrust behind this in my opinion is to get more transparency in our budgeting process. I felt this last budget there were some surprises that really upset me, and it was mentioned it was "because you didn't come in and talk to me" and that's not the idea of that. I'm retired and I come down here and bug everybody. I just think it's more of a transparent thing that we sit openly and talk. I think it'll go fast and don't actually see it lasting longer and 45 minutes. It will create more transparency, so the public can come down and see where we're spending their money if they want to.

Councilwoman Elliott asked is this something outside of a regular meeting?

Councilman Alworth stated I would like to try it that way so we could just focus on that.

Councilman Trask asked does this create any issues during negotiations?

Councilman Alworth stated I talked to the Treasurer, and she said negotiations usually don't get completed until June, but the tentative budget usually goes out by April 15th so we could have all this in place by then. The negotiations with the Operating Engineers will not be discussed in this meeting because we won't even know.

Mayor Robertson stated for a little background information on the Council, we've done the budgeting process a number of different ways in the last few years. I think the first couple of years we did a budget committee. I think Councilman Alworth, Councilwoman Williams-Harper, and Councilman Carson have sat on that. There were some things we didn't like about how that went as it kind of excluded a lot of the discussion from some of the council members. Last year we tried, instead of doing the budget committee, just sending out the worksheets for the Council to review, and that if they had questions once they reviewed it, they could go talk to the Treasurer about any of their concerns. There were things that didn't go out for various reasons, and I think this would be another way of trying this.

Councilwoman Williams-Harper stated I think the transparency thing is good. It's everybody's money, and it gives the public an opportunity to ask questions because they don't understand it like we do.

Mayor Robertson asked to be clear, at this budget hearing you're expecting the officials to come so they can defend their asks and their budget as well.

Councilman Alworth stated I think that'd be appropriate because they're the ones asking for it. The Public Works Director could probably cover it all because they report to him.

Councilman Trask stated Jim the one thing you said with this budget is the one that kind of got you was the wage and benefits and we just talked about that's not going to be something we're going to be able to talk about, is salaries and benefits.

Councilman Alworth stated I said salaries, not benefits.

Mayor Robertson stated I've discussed this with Councilman Alworth and I wouldn't want this to become a personnel review prior to the personnel reviews; I don't want it to evolve into that, but we had discussed in a previous meeting with Councilman Carson here that if the Council wanted to say Okay, as a rule for this budget year we're only going to be considering wages up to three percent for salary or whatever you guys wanted to put in. Something like that would just be kind of a general policy rather than getting into we don't want to give so and so more than this, and we don't want to give so and so more than that. It would just be if they are putting in asks for salary increases, they know that the Council only wants to see increases up to X amount or none at all, or whatever they're depending on how the review goes.

Councilwoman Williams-Harper asked do we need to suggest a tentative time?

Councilwoman Elliott stated maybe the second meeting in March is this item only and the first meeting in March would be a regular meeting.

Mayor Robertson stated we could try to move every item to the first meeting, and if we have one or two items that have to happen during that no big deal, but maybe we could try to focus on that, so we are not doing an extra meeting.

Councilwoman Williams-Harper moved to approve Resolution 2023-15 requiring the holding of a City Council Budget Work Session, prior to submission of the Tentative budget to the State, to review the next fiscal year's budget and supporting documentation in detail with the meeting being held the second City Council Meeting in March 2024. Councilwoman Elliott seconded the motion. The motion carried unanimously.

9. Councilwoman Williams-Harper – Discussion Only – White Pine Chamber of Commerce monthly report.

Mayor Robertson stated I would like to disclose the Chamber of Commerce Director is my husband. I don't vote on this, and it is just a report.

Shadrach Robertson stated I do first want to extend about a thirty foot and five thousand watts thank you to the City Parks Department. Mike Craycraft, Dale Chilson, and the crew helped the White Pine Chamber of Commerce and the downtown area businesses facilitate the taking down of the Christmas tree in May, after it had been frozen to the ground for five months, and they just put it back up right after Thanksgiving. It was a tremendous success to have it put up in time for the downtown community Christmas tree lighting. The chamber is celebrating its one hundred and fourth year in 2024. We are celebrating a highly successful year. 2023 saw the Chamber participate on a higher level, across a multitude of industries and across the County. In fact, we have grown to extend outside of the White Pine County borders and are now representing businesses in Eureka County. We are happy to celebrate being a Regional Chamber of Commerce, that is also representing ourselves on a state level having been a founding member of the Silver State Chambers of Commerce. We have also joined the U.S. Chamber of Commerce and now have become a federal affiliate. We are partnering with the Better Business Bureau and we're doing more to help this County and City thrive and grow businesses and opportunities. We're looking forward to assisting the City on the Redevelopment Advisory Committee to reinvigorate the business sector and the residential growth of our community. The Chamber of Commerce represents over two hundred members across the County and now in Eureka. We are looking to do more in 2024 and are happy to have the City as a partner. Anything you ever need, the Chamber of Commerce is happy to assist in any way, shape, or form. There are lots of events going on this weekend so get out and support the local events and businesses.

10. Councilwoman Williams-Harper – Discussion/For Possible Action – Review of other potential contributors to assist the Ely Shoshone Tribe with completion of their Life Center facility, for the management and prevention of diabetes, with possible approval to contribute up to \$200,000 in Community Service Funds.

Ely Shoshone Tribe Chairwoman Diana Buckner stated we're pleased to be on your agenda, and we are looking forward to presenting any other information you may need concerning our ask last month. Whatever it is that you need us to address, we're here to do it.

Councilwoman Williams-Harper stated I'm asking my fellow Council Members to think about giving the Tribe an amount up to \$200,000.00. We talked about you seeking funds from other people. I think this is a wonderful opportunity as it will serve the City of Ely and not just the Tribe. We have a lot of people with diabetes, and it is on the rise. There are not many places that will offer such a full service. We've got the doctors, the exercise, the cooking, and a way for people to learn how to manage. I just think it says a lot, and I think it's a partnership that we should try to support any way we can.

Councilwoman Elliott asked were you able to go to the County?

Ely Shoshone Tribe Chairwoman Diana Buckner stated we didn't go to the County, but we did put an application in with Nevada Gold Mine and it looks very promising with them. They have been really good partners with us in different sustainable projects in the past, and we think this is one of the most important ones that we've had and asked for with any of our local folks.

Mayor Robertson asked how much are you requesting from Nevada Gold Mines?

Ely Shoshone Tribe Consultant Michael Dalton stated we have put in an application to Nevada Gold Mine for \$250,000.00 and we are probably going to start negotiations in January and hopefully have an award in February. We did reach out to Robinson Mine, but due to the change of the General Manager, they have pushed that into next year. We are developing partnerships as we continue to go.

Mayor Robertson asked what is the total you guys need to finish this project again?

Ely Shoshone Tribe Consultant Michael Dalton stated the application that we submitted to the Nevada Gold Mine is \$1.1 million and that's the total project to date. The tribe has put in \$750,000.00 and we asked Nevada Gold Mine for \$250,000.00. If everything lines up, we will still have about \$100,000.00 left to fund the project completely.

Councilman Alworth stated kudos to the community out there. What you've done out there over the years has been successful. The home you're building, and the medical facility are outstanding. You're a sovereign nation and you get way more than the City of Ely, and so forth. You know I was somewhat, and I say this in a not a mean way, sort of setback to see a parking lot go in versus a center to help your diabetic folks. Again, I don't know your budget and the parking lot is pretty and the driveway going in there is beautiful. You guys do a first-class job when you do something. I don't know what the parking lot cost and it is none of my information, that's your business, but I would have sort of thought you've been having gravel and a beat-up parking lot for a long time, so I don't know why you would have put a parking lot in instead of taking care of your Tribal members.

Ely Shoshone Tribe Chairwoman Diana Buckner stated that was budgeted when we first got our funding of the things that we were going to do. Some of the funding that we thought we had for the for the Life Center fell through with the IHS folks. We thought we had that covered and unfortunately, we didn't. Like all things with budget constraints, things get diverted to some other tribe or entity and that's what happened to us with the

diabetes center. We had Reck Brothers already scheduled for a year, and so we had to follow through with that. I want to make a comment about the homes you talked about. We built four homes within a year, so we do commit. We try to follow through with our commitments, and what we do for our community because everything we do is either for tribal members, or for our entire community at large. This is one of the things that will benefit the entire community.

Councilman Alworth stated again kudos to your Council Members. We know how difficult it is and you guys have got a lot of different personalities in your tribal community. What you guys do is always first class and I just wanted to put that out there. Keep doing what you're doing, you know, and you'll get it done.

Ely Shoshone Tribe Chairwoman Diana Buckner stated thank you, I appreciate your comments on that.

Councilwoman Williams-Harper stated you are a sovereign nation and I think everyone assumes that you get anything that you ask for or all of the money. I think people need to understand how that works.

Ely Shoshone Tribe Chairwoman Diana Buckner stated the budget we get every year doesn't increase with our tribal membership increasing. It's a set amount that we get from IHS every funding cycle and we have to work within that budget, and it's never enough as wages continue to go up. You try to hire or employ the best people you can for whatever it is that you're applying them for. If you can't give them the wage that they deserve because of their training, you're compromised in what you can get, and that's what we are doing. The budget does not allow us to grow with the times and with what wages are now, so we have to add to our budget somehow or another and that's with businesses that we try to build, to try to supplement what we have. We do not get increased Federal funding every year. It's a standard amount that we've had for ten to twenty years. It hasn't increased, but our membership certainly has. So that's what we operate under. We do not get an increase. We don't get enough to give out to our tribal communities like some tribes that are very well off because they have casinos, or they have other big businesses. When you're in Ely Nevada, and there's already a number of casinos here that's not profitable, or that's not even aligned with our community to try to build something like that. We're like you guys, we figure out what it is that we can do to be able to increase our budget, and we try to follow through with what we say.

Ely Shoshone Tribe Consultant Michael Dalton stated thank you for all the things that you said about the Tribe. We do take pride in what we do, and we also want to provide for our members as much as possible. We do see ourselves as part of the community and with the Life Center it's not just a Native American thing; It is a white, Asian, Mexican, and all races. The Life Center will be built with or without help from the Nevada Gold Mine, and with or without help from the City of Ely and our doors will still be open to all population no matter what race they are. The Tribe is looking for partnerships to address this diabetes issue. We have a cultural park that we're looking at doing. Our council people are proud of their heritage, and they want to display it to the public. We are proud, we want to educate and show who we are. We're just proud, and if we could get some money to help supplement that part which brings in more tourism, more people to our area, that's our goal. We just want to be partners with the City of Ely and White Pine County.

Councilman Alworth asked when you budgeted for this life center, when did you do that and what was your budget amount?

Ely Shoshone Tribe Consultant Michael Dalton stated when we decided to do the clinic, we knew what the number was going to be, because it's identical square footage as the other clinic and that was \$1.1 million, and our architect confirmed that.

Mayor Robertson stated I would like to disclose that I am an employee of Reck Brothers, who's done work up there on the parking lot, you referenced Councilman Alworth, and also on some of the site work for these projects, but I don't benefit personally from these items.

Councilman Alworth stated I truly believe you folks will be successful in getting it done because that's the way you guys roll. I just think we still have got a lot of needs within the City with the Community Service Funds, so I prefer to hold off on that to make sure we have all those needs met.

Councilwoman Elliott stated I'm willing to say today we want to be a partner and here's what we're committing, so that you can have a conversation with Robinson Mine or Nevada Gold Mine or anybody else in the county, to say look, the City gave us \$25,000.00. What can you do? Then, potentially, if there are more partnerships, maybe the City would give more. Let's maybe give them something today, so that gives them leverage for more partnerships. I see the value of this project and I'd like to potentially do something today to help.

Councilwoman Williams-Harper stated Sam, I think you have a good idea, because it's hard to ask for money when nobody's giving you anything. I think it's a good idea, at least for us to try to do something and I know that they're still working on some other things. Jim has also given some other suggestions, but it is easier to get money when you have money. While they're looking, they'll be able to tell people we've got some other people that are interested and have made some commitments and maybe that would be helpful for them to ultimately get what they need, and maybe only have to come back to us for a lot less than they thought that they would. If we could make a small commitment because this benefits everyone and is not just for the Tribe.

Councilwoman Elliott moved to approve a contribution of \$25,000.00 in Community Service Funds to assist the Ely Shoshone Tribe with completion of their Life Center facility, for the management and prevention of diabetes. Councilwoman Williams-Harper seconded the motion. The motion carried 3 to 4 with Councilman Alworth voting nay.

11. Council Members – City Public Works Director Cracraft – Discussion/For Possible Action – Approval to purchase a \$89,492.25 Rugby Dump Truck for the Water and Sewer Departments in place of the \$165,348 Water/Sewer building currently budgeted.

City Public Works Director Cracraft stated where this stems from is the Water/Sewer Department's dump trucks' PTO is bad and it's been bad for over a year. We have ordered parts for it, but they keep saying five more weeks and this has been going on for a year. If you read my report, you'll see that the Street Department lost a motor in one of their snowplows. We are borrowing the big dump trucks from the Landfill, and you have to have a CDL to drive those. We have talked to the City Treasurer, and she is okay with this exchange. What we are wanting to do is still get the Water/Sewer Department building but budget the remainder that we would like to use to get the dump truck this year in next year's budget. We know we are not going to be able to get the building by July so we could put that off until the next budget.

Mayor Robertson asked when can they deliver the dump truck?

City Public Works Director Cracraft stated about three to four months.

Councilman Alworth stated I had a problem with the agenda item, as is wrote. I said, "What is a Rugby dump truck." That's just a dump bed. They have a cab and chassis for the base price of \$62,000.00 and the Rugby is \$23,646.00 for the total of \$89,492.00. It's not just a dump bed, it's a cab and chassis and has all the stuff on it.

City Public Works Director Cracraft stated they have the chassis in Reno. This is done through State Purchasing.

Mayor Robertson asked, “it still takes them four months?”

City Public Works Director Cracraft stated to get the bed.

Councilwoman Williams-Harper asked they don't have the bed? You can't go pick it up?

City Public Works Director Cracraft stated No, they have to mount it on there. We ordered a smaller version for the cemetery that we should get any day now and that was ordered in June or July last year.

Councilman Alworth moved to approve to purchase a \$89,492.25 Rugby Dump Truck for the Water and Sewer Departments in place of the \$165,348 Water/Sewer building currently budgeted. Councilman Trask seconded the motion. The motion carried unanimously.

12. Council Members – City Clerk Lee – Discussion/For Possible Action - Approval of Resolution 2023-16 revoking JCR Development LLC’s business license due to their suspended Nevada State Contractor’s License per Ely City Code 3-1-6 and 3-1-12.

Councilman Alworth moved to approve Resolution 2023-16 revoking JCR Development LLC’s business license due to their suspended Nevada State Contractor’s License per Ely City Code 3-1-6 and 3-1-12. Councilwoman Williams-Harper seconded the motion.

Mayor Robertson stated I would just like to point out for the Council and the public's benefit that if they reinstate this, the City process even if they had to start at square one to get a license is not complicated. Assuming that all their other state licenses are in order, they could have a license in a matter of days, so I don't think we'd be holding up anything on our end if they are ready to go; just so that's clear.

The motion carried unanimously.

13. Council Members – City Clerk Lee – Discussion/For Possible Action – Approval of First Reading of Ordinance 753, Bill No. 2023-07, proposed ordinance amending Title 1, Chapter 8, Section 7 of the Ely City Code to increase candidacy filing fees from \$25.00 to \$50.00 for the mayor and councilman offices.

City Clerk Lee stated I included the backup from our last election in 2022 to point out that GID offices cost more money to file for than our offices. Our fees haven't been raised for twenty-two years, so I would encourage approval of this.

Councilwoman Williams-Harper moved to approve the First Reading of Ordinance 753, Bill No. 2023-07, proposed ordinance amending Title 1, Chapter 8, Section 7 of the Ely City Code to increase candidacy filing fees from \$25.00 to \$50.00 for the mayor and councilman offices. Councilwoman Elliott seconded the motion. The motion carried unanimously.

14. Council Members – City Clerk Lee – Discussion Only – Discussion regarding the Nevada statutory requirement to File Annual CE Report and Annual FDS with the Secretary of State by January 15, 2024.

City Clerk Lee stated this was requested by the Secretary of State. They're trying to help everyone not get penalties. Set a reminder on your phone New Year's Day, and you have only got two weeks to do it.

13. PUBLIC COMMENT

Sandy Moreno stated just really quick on the cannabis lounges. I don't know if any of you have neighbors that smoke a lot. I have a neighbor who just moved and even with their windows closed and their doors closed they smoked so much I couldn't be in my backyard, and I couldn't open my windows. When you get to the point or if you get to that point, please consider location and maybe there should be something about recirculation. I've even done construction work down below the freeway and there's a house that does that, and it made me sick. I've only been sick from work two days in my life and that was one of them so please think about that if it comes to that. That is a very big deal to some of us that are very sensitive to smells.

George Chachas stated ongoing concerns regarding his request of complaints made on Pine West, LLC development area and to date has received nothing; his request for a complete list of RVs that have been permitted in the City and if they are paying utilities; the drainage from the Bath property onto his property at 622 High Street; the drainage from the Park View motel draining onto the Community Choir Building property; his opinion that the City and County are not addressing Code violations; his mention of attractive nuisances and selective enforcement on them; and alleges the NDOT project on 14th and 15th Street does not meet ADA regulations.

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

Councilman Alworth moved to adjourn the regular meeting of the Ely City Council at **7:30 p.m.** Councilwoman Elliott seconded the motion. The motion carried unanimously.

MAYOR

ATTEST