



CITY OF ELY

501 Mill Street Ely, Nevada 89301

City Hall (775) 289-2430

Cityofelynv.gov

ELY CITY COUNCIL REGULAR MEETING

July 24, 2025, 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.** Mayor Robertson led in the Pledge of Allegiance and asked for Roll Call.

Members present:

Mayor Nathan Robertson
Councilman Terrill Trask
Councilwoman Melody Van Camp
Councilwoman Michelle Yeoman
Councilman Dennis Perea
Councilwoman Jerri Lynn Williams-Harper

City Officials and staff present in the building or via video conference:

City Clerk Jennifer Lee
City Treasurer Janette Trask
City HR Director Desiree Ramirez
City Engineer B.J. Almberg
City Attorney Chris Arabia
City Building Official Don Hendrickson
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 people attended via video conference: Geri Wopschall; Eugene Harper; Edwardo Martinez, Adam, and Wyatt Cox, KELY.

ELY CITY COUNCIL ATTENDANCE LIST

DATE: July 24, 2025

<u>Print name below</u>	<u>Print name below</u>
Bill Wolf	Todd Fincher
Randy Adams	
Maitani Burton	
Timothy Olsen	
Dwayne Pope	
Amade Rameau	
Janet Undermyer	
Deserei Barasa	
Kurt Cuisson	
Dean Reynolds	
Lisa Ortel	
Uma Hign	
Wage Lutz	Wayne Lawson
MARK MOATAR	
Mishon Hurst	
Katy Gresh	
Brynn Anderson	
Shane Rodrick	
Mark Bassett	
Patricia Colville	
Hector Briseno	

2. PUBLIC COMMENT

Randy Adams stated I'm at the White Pine Mobile Home Park and I just want to know when do we have to be out and are we going to get an extension? I work at Ridley's, my cousin and my brother are on SSI, and I have another young brother who is employed at McDonald's. I'm just wondering what I need to do and what the extension is.

John Taylor stated I am also a resident at the White Pine Mobile Home Park with my roommate Steven Hoy. Steve is disabled and I have physical limitations. We're facing displacement of our current housing along with about seven other families there. The problem is, there's no affordable capacity in this town right now, we've looked and looked. We're on waiting lists and there's really no place to go. Mark has been cleaning up. You guys put the fire under him, and he's been working around the clock cleaning the place up. Our place has always been clean and the rents paid up. We ask, whether it's conditional or not, for renewal of his license to give us more time to figure out perhaps a resolution. One of the resolutions is a checklist of things that he needs to complete with timelines and whatnot, and perhaps City oversight to make sure that he's following those. The other thing that needs to be addressed is we have a TV Council here and this town needs something for housing. Housing is a big issue here, not just for us, but for other people looking to move into this town. I hope you can do what you can to give us the time as ninety days isn't even enough to look, perhaps a year with stipulations.

Patricia Helen Colville stated I'm the one that was in space #22, and I lost everything in the fire. I have been homeless, skipping from place to place for over a year; It happened in May of last year. I hope that you all can find homes for these people, because those are not living conditions; it's better to live in a tent.

Kailani Burton stated I have worked for this man for a year and a half off and on. Every time I do, he gets mad at me and fires me. He does not go by code. He gets people that are on drugs, and they do patch work. The last time I was working for him was about two and a half weeks ago. I had come down here to find out what was going on for my three boys, and my cousin. I was told that he couldn't have anybody work for him and after that, me and my husband were fired. Mr. Moattar verbally gave me an RV and then he changed his mind and said I had to pay \$900. My friend sent him \$900, and he cannot find it. He says it was never mailed to him, and I know it was. He's a liar. He's a thief and just today he stole my keys to my scooter and my belongings that were on that property. When my friends went to move one of the trailers the other day, they had sewer coming out of the pipes. I have pictures on my phone to show you guys that there's piles of dog shit in one of the end properties; #24. I got very sick and am now on medications. I'm at my breaking point with this man. He has not done anything for any of them. I took my cousin, Timothy Olson, to the hospital last week. He had pneumonia due to black mold. He's not cleaning up these places, he's not. He goes, and he gets other people to do it for him, and when it doesn't happen, he gets mad at them, and he fires them. You guys said that you wanted an inspector, an official person. I found Mr. Moattar one and guess what he sat there and yelled at that man because he wanted him to hurry and get the electrical done in his motel. I have seen this man walk into that motel and stay there and I have fixed up the downstairs for this man all to get fired, and him not to pay me.

Wayne Lawson stated I live at the White Pine Mobile Home Park, and I have been back up here for about three years. I went to high school here in the early 80's where the middle school's at. I moved up here, sight unseen. I thought I was going to be getting into something good where I could come, retire, and relax, but I met a slumlord that y'all know his name. I am not going to mention it, you understand that? We've had a mayor that's been here for six years. I saw what that place looked like three years ago. Who do you think got it cleaned up? Where were you? Yeah, I'm a citizen of this town. I'm also disabled. I've had heart surgery. I've had spine surgery, and I have a right to fair housing. Mr. Moatar better familiarize himself with the Disabilities American Act of 1973, because I have an attorney retained. I am also an insulin dependent diabetic, and I am also on oxygen at night. Where am I supposed to live?

Amanda Rambeau stated I live in the White Pine Mobile Home Park as well in space #2 with my husband and kids. I have two disabled kids, and my husband has medical issues as well. My family found another home, but we need a little more time before we can move into it. We are just asking for an extension so we can get moved into the other home.

Shane Roderick stated I'm not affected by Mr. Moattar at this time. We were living in one of his places, and the rent was a little too high, so he suggested that we move over to Ely Street. We moved over there into a dilapidated place that had holes in the ceiling. When you wash the dishes, you get electrocuted, there was black mold, and it came furnished with roaches. My wife got sick and went into the hospital for five days for respiratory issues due to the black mold. He had us evicted after we had a conflict about some work I was doing for him out back digging a hole and did some yard work on the side. He propositioned my wife. We were put out on the street, well, we went to a motel, but he kept our \$900 deposit from 171 Fay Avenue.

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

Councilman Trask moved to approve the agenda as presented. Councilwoman Van Camp seconded the motion. The motion carried unanimously.

4. CITY DEPARTMENT REPORTS

➤ CITY ATTORNEY

City Attorney Arabia stated I just wanted to give a general update that both on the civil and the criminal side things are going well. We had a motion to suppress on a DUI from a fancy Reno lawyer which the City won. I was going to comment about the RV Park, but there are plenty of people here to do that. Mark Bassett and I are having various discussions about the Pumped Water Storage Project with our Counsel, and we had a discussion with some people from rPlus. It would take me hours to explain the whole

thing, but I can tell you that the City's interests are being looked out for, and I understand what's at stake for the people who live here.

➤ **CITY CLERK**

City Clerk Lee stated RCAC notified me on Monday that they've secured federal funding for our city-wide income survey and will be able to start September 1st. I am working with NDOT to amend our Campton grant agreement to add the \$893,000 Congress appropriated last year; it will be designated for Engineering and Right-of-Way Acquisition, which can be moved over to construction if any of those funds are left over. My office continues to address citizen complaints as it has for the past six years; so far to date we have processed approximately 80 so far this year.

➤ **CITY ENGINEER**

City Engineer stated a good thing to report is as of today 7P is back to actually pumping. It's been down for a couple of months while the Mine did a new test well up there. Carl and his crew turned it on, and they are flushing it today. He's going to flush it for several days and then he'll do some back T tests. Once those come back good, he will be able to put it back into our system. Our Morley Sewer Project, which is a CDBG project, is out on the street. So far, we've had four contractors pick up packets. The Aultman Street sewer and water project is very busy. Some of the highlights are we've completed a portion of the sewer and our sewer main no longer goes underneath the middle school; it has been rerouted around it. Another area that's been taken care of is down there by the Big 8 tire, there's a portion of that sewer that was going through the backyards of people's properties, and so the majority of that has been all diverted around it.

Councilman Perea asked, "B.J. was that the old 7P that came back online, or is that the new well?"

City Engineer Almberg stated it was the old 7P. It will be a while for the new one as it has to go through State approval and a bunch of things.

➤ **CITY BUILDING OFFICIAL**

City Building Official Hendrickson stated I just want to update the Council on 2160 Crawford Street that was on the agenda for last session. The permit for demolition was pulled earlier this week. I've been working with Sir Holdaway's company, and he's been moving along very fast with that. Right now, they are just wrapping things up at the site with the demolition of the structure, and everything's looking good.

5. REPORTS

➤ **COUNCILWOMAN WILLIAMS-HARPER**

Councilwoman Williams-Harper stated we had a meeting with the Porter Group, and Senator Rosen's office notified us last Friday that our \$5 million request for the first responder communication equipment upgrades project was included in the Appropriations Bill. It will still need to be passed by Congress and signed into law by the President. Brian also reached out to the Congressional offices regarding their August recess plans to visit Nevada, and they will keep us apprised of the situation. Our request to add the City of Ely as an eligible entity to request SNPLMA funds will be included in Congressman Amode's Northern Nevada Lands Bill before the end of the year.

➤ **COUNCILWOMAN VAN CAMP**

Councilwoman Van Camp stated on Tuesday, July 15th, I attended the Natural Resource Advisory Committee meeting. The main discussion was drafting ordinances to get ahead of the many solar farms coming this way. Some of the issues were the noxious weeds, reclamation of roads, and the aftermath of a shutdown. There will be a protest by this committee regarding the SWNA Stock water application. Several agencies were not in attendance, but BLM reported on the hot and dry conditions. They're preparing for fires, receding some fire areas, and they are going to do a wild horse roundup due to the severe drought conditions. The Department of Wildlife reported on past projects and the drought and fire conditions. Community service folks are still doing trash pickup and I'm pleased to announce that our community cleanups have morphed into a volunteer cleanup group

called the Trash Troopers. This past Saturday we picked up twenty-eight bags of trash from the Ruth turn off to Decatur Avenue. Monday, a representative from KGHM Mine contacted me, and they want to join our group with donations of supplies, advertising with social media, a logo, and the use of many employees, and much more; I'm happy about that.

➤ **MAYOR ROBERTSON**

Mayor Robertson stated we had a board meeting for the NNRDA. They're kind of being our intersection with the new housing funds that are coming from the State and possible developments that could come in. We are following that and seeing where they could go. We're working with the County to identify possible parcels that developers could work with and shoveling that over to Sheldon, so fingers crossed.

B. NEW BUSINESS

8. Council Members – City Attorney Arabia – Building Official Hendrickson – Discussion/For Possible Action – Update on implementation of Resolution 2025-03, a Resolution Revoking White Pine Mobile Park's business license with possible Council direction regarding further action necessary.

City Building Official Hendrickson stated I'll start with what I have observed recently with the actions that have been taken. As of the 22nd, the Mobile Home Park had a total of ten mobile homes still in the park, four RVs in the park, and two abandoned vehicles along with various trash throughout the park. There has been significant removal of other RVs prior to that day, and cleanup of the area that is acknowledgeable. As of today, at 3 p.m. I did another follow-up inspection, and three of those four RVs were removed, and as I was on my way back to City Hall, I was informed that the fourth one was in the process of being removed. Obviously, nothing changes the fact that the deadline for Mr. Moattar to clean up the park was the 22nd of this month. The other fact of the matter is that Mr. Moattar gave his notice of eviction to his tenants on approximately the 26th of June, which does not afford a proper amount of time in order for him to remove tenants and comply with the order of the sixty days that was given to him to vacate the park. Based on that, my recommendation to the Council is to grant a thirty-day extension to Mr. Moattar at the White Pine Trailer Park to afford a due process for his tenants. Thirty days, I believe, would give ample time. Just in the last few days there have been several tenants that have been able to move out. There are other tenants there that need a little bit more assistance and when they call my office they have been directed to contact social services, and some of those tenants have been able to receive assistance in relocating. In order to afford a due process for the remaining tenants, I think it would be advisable to grant an extension.

Mayor Robertson stated with that extension, are you proposing that this get revisited at the August 28th Council meeting?

City Building Official Hendrickson stated correct.

City Attorney Arabia stated I would just suggest maybe we make the deadline the 26th of August, that will give a couple of days for Don to go out and have a look. I just want people to know that Don, myself, and other officials have discussed this at length and the concern that Don expresses for the tenants is one that I think we all feel. Part of the reason that we think this is a good idea is because the position that they've been put in is bad enough. If we go out to August 26th We will see where we are then and hopefully some solutions can be had. I think at a minimum we should make sure that the tenants are being treated fairly, and I think this is a good way to do that.

Councilman Perea asked is there anything we can do to make sure that is thirty days rent free, and he doesn't collect any rent during that extension period? I don't want him to get another cent.

City Attorney Arabia stated I hear what you are saying and it's kind of a tricky one. The statute that has to do with this situation says that the rent can't be increased, it doesn't specify what else that might mean. It's not a hundred percent clear and we certainly can't

encourage anyone to do anything that's illegal. I don't know if the City necessarily has enforcement power. Now I know that the City Code says that if you have a license that's canceled that that can potentially be a misdemeanor. The problem here is, it's a little more complicated, because when you have landlord and tenant, there's a whole other set of rules. It's kind of like real property versus contracts for goods and services are a whole other thing going on. Let's say hypothetically, I'm not saying that Mr. Moattar would do this, but if there was some sort of violation of the revocation of the license, it's not a hundred percent clear, because I think he still has obligations to the tenants as the landlord, and there are certain things that could happen where he would have to do something for the Park, and that, in a sense, would be conducting business. So, it's sort of a tangle, and I get what your sentiment is, but I don't know what the City's remedy would be in that situation, because I think that you could make an argument that the City ordinance regarding a misdemeanor in this context might conflict with the statute, the statute doesn't really have any case law or anything. These things have apparently never gotten to the point that they were litigated. So, I hear you, but I'm not sure that that's for us to deal with. There might be other parties that have opinions or thoughts, or whatever course of action, but you know we're kind of in a tough spot here, and I just want to say again that what Don is clearly very sincere about, and I think I am as well that this is a bad deal for the tenants, no matter how you slice it, but we want to make sure that we certainly don't do anything to make it worse.

Councilwoman Williams-Harper stated I'm just really awestruck that we are even in this situation, and I hope as a council this is not an isolated thing, that we are much more stringent. We have people who have nowhere to go. It's not the Council's job to find them someplace to go, and I wish that we could do that, but in the same vein, I am really very disgusted that they're living in the situations that they're living in. I do feel whatever we need to do, going forward as a council that we can keep these kinds of situations from ever happening again, because we shouldn't even have to be sitting here listening to this kind of thing, and we can't offer a solution. It's just something that's not in our hands, you know, by saying they have to find some place else to live don't sit well with them, but in the same tone, they can't continue to live in that kind of squalor.

Councilman Trask moved to implement a thirty-day extension with August 26th being the deadline to give time for tenants to find other housing. Councilwoman Van Camp seconded the motion. The motion carried unanimously.

3. Mayor Robertson – Discussion/For Possible Action – Approval to donate \$10,000 to White Pine County Social Services for relocation assistance.

Mayor Robertson stated in trying to address some of the issues here. I know we've had some conversations with Desiree Barnson, who is the County's Social Services Director. With the changes in federal administration, I know some of their funding has been up in the air. Their fiscal year ends at the end of September and so they're already short of funds and they're uncertain whether they're going to get more funding. These funds would come out of our budget contingency for the year, and I have a little heartburn about that, since we are only a few weeks into the budget year, but this seemed like a needed contribution with the situation that's in front of us trying to assist residents and citizens of the City. Desi's already in a position where they have the infrastructure set up to deal with these issues and the City wouldn't have to be inventing a new rocket ship but just assisting one that already works in our community.

White Pine County Social Services Director Desiree Barnson stated I do want to let you know social services emergency funding for stuff like this is one hundred percent grant funded; we get about \$40,000 annually. I've helped move a couple families from Mr. Moattar's, and it's ran from \$3,000 to \$5,000 per family. There's a lot more sitting here, so any amount is super appreciated and helpful. I know there's nothing in lieu of the rent question, but I have had clients in my office telling me that he's been collecting rent up to this week. So, for these people on minuscule incomes trying to find somewhere affordable in White Pine County right now, that is non-existent. It's really hard, just so you guys can keep that all in mind with these extensions and everything moving forward.

Councilman Perea asked, “Would we be able to earmark this money for those specific families?”

White Pine County Social Services Director Desiree Barnson stated, “Absolutely.”

City Attorney Arabia stated I can try to get a more definitive answer to that question. If I have to bring the other side of the office to bear, I will, but I need to make sure that I'm on steady ground, and I guess I should have had a better answer to that question, but it is vague at this point.

White Pine County Social Services Director Desiree Barnson stated we don't have housing we just assist with the move. They have to find their own housing.

Councilman Perea moved to approve donating \$10,000 to White Pine County Social Services for relocation assistance earmarked for current residents of the White Pine Trailer Park. Councilwoman Yeoman Seconded the motion.

Councilman Perea stated if I might just say to Mr. Moattar, this is \$10,000 of taxpayer money bailing you out.

Mayor Robertson stated I appreciate the Council taking this into consideration; I know this is a difficult situation.

The motion carried unanimously.

6. 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 – Consideration of citizen comments regarding eligible activities the City of Ely should apply for under the State CDBG program.

City Clerk Lee stated before we get into the public hearing portion, I just wanted to cover a few things that are required by CDBG in this hearing. To date the City has received over \$6.3 million in CDBG grants and total estimated funding for this year for the State is \$2.8 million. Eligible activities include public improvement projects and planning studies. They must meet one or more of the three national objectives which is benefiting LMI households individuals, elimination of blight, or urgent community need. Potential project ideas can be submitted to City Engineer Almberg and the next public hearing is August 28th. We have an idea that we'd like to present, but we'll turn it over to the public first.

No public comments.

City Clerk Lee stated Congress appropriated \$4.8M last March for our \$6M Wastewater Treatment Plant Upgrade; I have submitted the required grant application, which EPA notified us would be awarded by September 30th. The Treatment Plant's federal assistance requires a 20%-cost share and CDBG funding is acceptable. On May 23, 2024, the City Council voted to commit \$600,000 in Community Service funds to the Treatment Plant Upgrade's cost share. GOED emailed me last Thursday that the Census Bureau has revised the City's LMI status in Census Block 2 to 57.4% and 56.6% in Census Block 1; due to this change, GOED confirmed the City can now apply for CDBG funding for the Treatment Plant because it services those LMI areas. I am requesting the Council prioritize the Wastewater Treatment Plant Upgrade as #1, when you select CDBG projects in November to apply for.

City Engineer Almberg stated CDBG is one of the very few funding agencies that is actually eligible to be used as a match for our earmark project.

THE MAYOR WILL RECESS THE REGULAR CITY COUNCIL MEETING FOR A MEETING OF THE REDEVELOPMENT AGENCY OF THE CITY OF ELY

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

1. Redevelopment Agency Members – City Treasurer Trask – Discussion/For Possible Action – Approval of Redevelopment Area Commercial Grant Application submitted by Property Owner, Kurt Carson for \$13,565.50.

Councilman Trask asked, “How close are we to our allotted amount for the year?”

City Treasurer Trask stated not close yet; I am keeping a spreadsheet and will keep you all updated.

Councilwoman Williams-Harper moved to approve the Redevelopment Area Commercial Grant Application submitted by Property Owner, Kurt Carson for \$13,565.50.

Councilwoman Van Camp 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.

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

A. CONSENT AGENDA

Councilwoman Van Camp stated I would like to disclose my granddaughter is an employee of the City of Ely Fire Department.

Mayor Robertson disclosed 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 8A-1 Bills.

Moved by: Councilwoman Van Camp Second by: Councilman Perea Vote: Unanimous

1. Discussion/For Possible Action – Bills.
 - July 10, 2025
 - July 17, 2025

B. NEW BUSINESS CONTINUED

1. Mayor Robertson – Mishon Hurst, Deputy Executive Director, Nevada Rural Housing– Discussion/For Possible Action – Approval of Resolution 2025-05 providing for the transfer of the City of Ely's 2025 private activity bond volume cap to the Nevada Rural Housing Authority.

Nevada Rural Housing Deputy Executive Director Mishon Hurst stated we come before the Council every year requesting any unused private activity bond cap, which is the ability to leverage affordable financing, and we use that for our single-family homeownership programs. Since June of last year, we have had six additional homeowners in the City of Ely, due to our programs, they secured \$1.4 million in affordable mortgages. Within White Pine County, an additional eight homeowners utilized our programs for 1.5 million in affordable mortgages. The private activity bond cap is not a cash amount that you receive, it's just the ability to leverage affordable financing. If it is not earmarked for an allowable use, which affordable housing is one of those uses, then it does revert back to the State, and they typically pool those bonds together and complete a project either in Clark County or Washoe County where the largest need is. We appreciate your support and be happy to answer any questions.

Councilman Trask moved to approve Resolution 2025-05 providing for the transfer of the City of Ely's 2025 private activity bond volume cap to the Nevada Rural Housing Authority. Councilwoman Yeoman seconded the motion. The motion carried unanimously.

2. Mayor Robertson – Discussion/For Possible Action – Approval of First Reading of Ordinance 764, Bill No. 2025-04, An Ordinance amending Title 1, Administration, Chapter 6, City Officers and Employees, Section 6, Requirement to Be a Resident of White Pine County, Part 1, Purpose, and Part 2 Requirement, to bring the Ely Municipal Code into alignment with Nevada Revised Statutes 266.400 by exempting the City Attorney from the requirement that City employees reside in White Pine County.

City Attorney Arabia stated we're just making a little bit of an adjustment to align ourselves with the NRS; that's all it is.

Councilman Perea moved to approve the First Reading of Ordinance 764, Bill No. 2025-04, An Ordinance amending Title 1, Administration, Chapter 6, City Officers and Employees, Section 6, Requirement to Be a Resident of White Pine County, Part 1, Purpose, and Part 2 Requirement, to bring the Ely Municipal Code into alignment with Nevada Revised Statutes 266.400 by exempting the City Attorney from the requirement that City employees reside in White Pine County. Councilman Trask seconded the motion. The motion carried unanimously.

4. Mayor Robertson – Discussion/For Possible Action – Approval to allocate \$10,000 for assistance to businesses affected by utility interruptions due to construction activities and discussion on which parameters a business must meet to apply for assistance.

Mayor Robertson stated as many of you are aware, we have a fairly large construction project going on through our main corridor in town. As part of that, a lot of the utilities are being replaced to make way for the State's upgraded storm water infrastructure. This has impacted a lot of our businesses, and I've discussed this issue with NDOT from our local resident engineer all the way up to Carson City and they've been discussing this as well. I know this isn't the first kind of project that's gone through a downtown. Austin has had one and Carson City has had a big one. That being said, no two situations are exactly alike. We're looking for some options to assist some of these businesses through some of these shutdowns. I know this is prime tourist season and a lot of these businesses rely on that as well. In discussing this with staff and Councilman Perea, we came up with a proposal of some parameters that do still need some tweaking, but I'm anxious to hear some thoughts from the Council on this.

Councilman Perea stated since our last conversation you were able to meet with NDOT, and they did have something?

Mayor Robertson stated they have a process where a business may file a claim. The example that NDOT proffered was that while they were doing the main road through Austin, they did inadvertently end up flooding a business's basement. They filed a claim through the State. He says it's very lengthy, you have to provide a lot of proof, and it goes on for a long time. He's not sure that's the easiest thing to do.

Councilman Perea stated I was just curious if they had a set of parameters we could copy or plagiarize, but it doesn't sound like that would be beneficial.

Mayor Robertson stated it was something for actual damage or loss. This contemplates more of an impact on regularly scheduled business. I want to say we have had around four or so shutdowns give or take. I know we have another one coming this Tuesday. City Staff, the City Engineer, and Public Works Staff have tried to do it in a way to have the least impact on businesses. They have been working with the contractor to do the shutdowns in the middle of the week instead of on the busier days.

City Engineer Almborg stated we've actually delayed and pushed off some connections and turning water off because it was having impact against some businesses. The contractors have been very good at being flexible and trying to work through that. Some

of the things that we've done in we try to start very early in the morning on those days so that they can be back on as early as we can in the afternoon so that they could continue to work in the afternoon. They're definitely doing everything that we can conceivably do, but unfortunately the water does have to go off.

Councilwoman Van Camp asked has the water been turned off for twenty-four hours or more?

Mayor Robertson stated I think the longest one was about fourteen hours.

City Engineer Almberg stated yes, there was one we started at four in the morning and by the time it was turned back on it was about eight that night.

Mayor Robertson stated I've had a conversation with Rene Park, our health inspector, as you know, when we shut the water down, they're under a 48-hour boil water notice. As you can imagine, for a restaurant that it's very difficult to be open. In discussing that with Rene Park, she says they either have to use bottled water or boil it. She says most of the time her recommendation is just to be closed, because it's so cumbersome to do that when you're talking about needing to use that water for washing dishes, food prep, and cooking. I mean, the stuff that shows up on the table is really the least of your problems, as far as a jug of water. Where they are having to use dishwashers and things there is really no way to use that with a bottled water system. The impact can go on a lot longer than just the few hours they ended up shutting down.

Councilwoman Williams-Harper stated I am in support of this. Do you think we could have an application by the next meeting we could look at?

Mayor Robertson stated there's really no application. What we're thinking of is just asking for what we need. We can't just write a business a check, we have to have some kind of verifiable loss and a number to put that to.

Councilwoman Williams-Harper stated we do need some kind of paper trail.

Mayor Robertson stated this is what this is proposing is we need a paper trail of x, y, and z.

Councilman Trask stated I don't know if we need to push it off to another meeting. I feel like if we come up with the parameters we could put them in some type of form.

Mayor Robertson stated I have discussed one of my concerns with Councilman Perea in how do we verify that loss in a fair way? My initial thought was if we compare this quarter's gross revenues to last year's same quarter's gross revenues, and, you know, give a fudge factor of 15%. Could we do that? It was brought to my attention by Councilman Trask that some of these businesses haven't been in business that long so that would be hard to do. We thought about saying if the shutdown was on a Tuesday and Wednesday or the shutdown was on a Tuesday, and they were impacted Tuesday and Wednesday could they provide six weeks of previous Tuesday/Wednesday revenues.

City Treasurer Trask stated I think as long as you have those bullet points, we can hand them, and they see what they have to do is sufficient. All I'm doing is gathering that information from them and putting pen to paper to make sure what they're saying they lost is so. I don't think you really have to have a form; you just have to have the bullet points of what requirements are needed.

Councilwoman Van Camp stated years ago I had a flood in my shop and was shut down for almost two weeks. I contacted my insurance writer, and I was reimbursed.

Mayor Robertson stated thank you for mentioning that. One of the parameters would need to be a denial from their insurance stating they don't cover this because I know I have a similar writer; I know not everybody does. We need a letter that they have actually applied to their insurance and have been denied. I would still like to see those parameters for revenues for a week because if we're just analyzing those days they were

shut down, of course there was a loss, but it doesn't take into consideration whether they had increased traffic outside of those days. So, if we said maybe the six preceding months to the losses that we're considering, or something like that.

Councilman Perea stated revenues are seasonal, but it seems like a previous quarter encompasses the springtime and it seems like it would probably be a statistically relevant sample, and we are not talking about replacing all of the revenue.

Mayor Robertson stated no business could be reimbursed for more than \$5,000.

Councilwoman Van Camp asked are any of these businesses getting their water shut off numerous times?

Mayor Robertson stated yes, there are a handful of businesses that have been shut off two or more times because they'll replace part of the system. There are still businesses, especially right down in the spaghetti bowl of the system, that end up getting shut down quite a bit.

Councilman Perea asked, "Who would be evaluating these applications?"

Mayor Robertson stated my thoughts would be Treasurer Trask and maybe one council member.

Councilwoman Williams-Harper stated I think it needs to be something formal.

Councilman Trask stated I think this is formal, because really this is them providing information. I mean, it would be no more than us putting check marks next to this.

Councilwoman Yeoman asked, "Is this going to be on a first come, first serve basis for the applicants?"

Mayor Robertson stated I need to be upfront with the Council on this, there is a chance, because there's the people you hear from and then there's the people who are being impacted you haven't heard from, when this comes out, we may get more asks than currently allocated. It may be a situation where we say we have got this many asks, and it actually goes above and beyond this quite a bit. Does the Council want to do other funding for this, or do they want to go back to the drawing board?

Councilman Perea stated if we have a date that they have to submit by and then we take a look at what was submitted and allocate that \$10,000 based off of a percentage across those so it doesn't go over.

Mayor Robertson stated okay. B.J. will there only be two more shutdowns next week?

City Engineer Almberg stated two more shutdowns downtown in this area that we're talking about next week. The shutdowns kind of vary throughout the community where there will be impact. We have had the biggest impacts in the downtown area. The following week there will be shutdowns in East Ely for that big line that went down in East Ely. Every shutdown doesn't impact everybody. It only impacts the local area around each shutdown. The portion of the downtown we are talking about won't be impacted after next week.

Councilwoman Yeoman asked what was the reasoning for the \$5,000 since that is half of the potential fund?

Mayor Robertson stated I literally pulled that out of the air, because there has to be a limitation. If we do what Dennis was suggesting having a deadline and award them at the following Council meeting.

City Treasurer Trask stated just remember, this is unbudgeted money you're spending here and pulling out of your contingency fund. We are not even through our first month of the new fiscal year so just keep that in mind, please.

Councilwoman Yeoman stated if we use the \$10,000, can you remind us how much we would have left in that contingency fund?

City Treasurer Trask stated you've already committed \$10,000 of it for a donation, and if we use this, there will be \$60,000 left.

Councilwoman Van Camp stated years ago my shop was in the construction zone and was closed when NDOT did that deal, and it was nothing but a disaster and a nightmare. This project is much bigger, and they have really done a stellar job in making it accessible for people to get into the businesses. This is really a much better deal.

Mayor Robertson stated that anytime I've talked to the State and the contractors, I have been sure to reiterate that this has gone about as well as we could have possibly hoped for. They've been excellent at trying to be accommodating, like I said earlier, they've moved dig dates to accommodate reservations businesses had. Digging up 120-year-old water system you never know what you're going to find.

Councilman Perea stated to Councilman Williams Harper's comment, they have a responsibility to mitigate their damages if they see a shutdown coming, instead of saying I'm just going to take the day off; there's a bit of a judgment call on that. That's why I was wondering if there would be a group or a panel that would look at this, because I think we need to ask them, did you get denied by your insurance and what else did you do to mitigate your damage? Then it is a judgment call and that's where it gets kind of icky.

Mayor Robertson stated I don't disagree with that at all and again, my purpose in bringing this to the Council's attention is the community bent over backwards to try to make sure we didn't lose any businesses during the pandemic. I would hate to have made it through that only to have some businesses lost because we were remodeling our living room.

City Engineer Almberg stated the only thing I was going to say is I wouldn't put a date on it, but I would maybe look at it from the standpoint of within thirty days of the day you were impacted. The reason I say that is because we'll be working on this water project for quite a long time and if you put a date for next month, there'd be portions of town that haven't even been turned off yet that will potentially be impacted.

Mayor Robertson stated there's a limit to the funds they're committing here and if there's much more impact, I think the Council is free to revisit this. Was the program successful? Was it a disaster? Do we do more? Do we do less?

Councilwoman Williams-Harper asked, "Is this just applicable one time?"

Mayor Robertson stated the way the construction is going. Once that section of town is taken care of, they won't be shut off again, and hopefully, that system won't have to be touched in any of our lifetimes. Once it's brand new and shiny and the valves work, and we can isolate things the way they need to be isolated, it's a different story. What I'm hearing from the Council, if I might summarize, is a checklist form they can turn in, and they know what they're doing, adding a question of what else are you doing to mitigate, a denial letter from their insurance on this kind of coverage, and possibly lowering the limit from \$5,000.

Councilwoman Yeoman stated I'm also wondering if it's at all possible that we can collect these applications without making any promises of what we could reimburse them and then we can see what we're working with.

Mayor Robertson stated we could put a disclaimer on the form.

Councilman Perea moved to approve allocating \$10,000 for assistance to businesses affected by utility interruptions due to construction activities. They must provide one quarter of corresponding days of auditable revenue to show the loss; they must provide an insurance denial if it was requested; and they must provide information on what they did to mitigate the damage that was caused by the water shutdown. A disclaimer that says

there is no guarantee of funding from the City of Ely; and the maximum amount granted per application would be \$5,000 added to the form.

Councilwoman Van Camp asked the people that are impacted by this will they be getting notified this funding is available?

Mayor Robertson stated we will do our best to get that notification out to all those businesses that have been affected.

City Clerk Lee stated just to clarification, there's other bullet points that weren't included in the motion. Did you assume Councilman Perea you wanted those included as well?

Councilman Perea stated yes, the bullet points in the motion are in addition to the backup documentation bullet points.



CITY OF ELY

501 Mill Street Ely, Nevada 89301
City Hall (775) 289-2430
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New Business

1. Mayor Robertson – Discussion/For Possible Action – Approval to allocate \$10,000 for assistance to businesses affected by utility interruptions due to construction activities and discussion on which parameters a business must meet to apply for assistance.

Parameters:

- \$10,000 from budget contingency committed for the program
- No applicant will be eligible for more than \$5,000
- Applicants will have to have had business interrupted for 2 or more days due to interruption(s) of a City utility service.
- Applicants will need to be able to demonstrate a verifiable loss. Loss will need to be verified by providing the following:
 - o Gross revenue for corresponding days for the 6 preceding weeks (i.e. If utility shutdowns were on Tuesday-Wednesday or a Monday and Thursday the applicant will need to provide documentation of gross revenues for the Tuesday-Wednesday or the Mondays and Thursdays of 6 preceding weeks)
- Can demonstrated loss will need to be more than 15% of the average of the gross revenue for the 6 weeks preceding the days in question. Program will reimburse loss above 15% and under \$5,000.
- Applicants will need to be current on utility bills.
- Applicants will need to have a City of Ely business license.

Councilwoman Williams-Harper seconded the motion. The motion carried unanimously.

5. Councilman Trask - Councilwoman Williams-Harper – Discussion Only – Update on Porter Group efforts on the City of Ely’s behalf to secure federal and State funding

Councilwoman Williams-Harper reported during her Council report.

6. Councilwoman Williams-Harper – Discussion/For Possible Action – Confirmation of the City of Ely’s Consent to the representation by Thompson Hine LLP in connection with entering a wireline crossing agreement and easement with Beehive Telephone Co., Inc., Nevada and Beehive Telephone Company, Inc. concerning the City’s and the Nevada Northern Railway Foundation’s property at or near Nevada Northern Railway Track Mile Post 7.

NNRY President Mark Bassett stated Beehive is a division of Verizon, and Thompson Hine has done these agreements for us in the past, and they had a conflict with Verizon. Verizon has okayed their conflict resolution so if the Council passes this, then Thompson Hine can go ahead and do the wire crossing agreement.

Councilwoman Williams-Harper moved to confirm the City of Ely's Consent to the representation by Thompson Hine LLP in connection with entering a wireline crossing agreement and easement with Beehive Telephone Co., Inc., Nevada and Beehive Telephone Company, Inc. concerning the City's and the Nevada Northern Railway Foundation's property at or near Nevada Northern Railway Track Mile Post 7. Councilman Perea seconded the motion. The motion carried unanimously.

7. Council Members - City Attorney Arabia - Discussion/For Possible Action - Approval to grant the releases set forth in Exhibit K Subdivision Participation and Release Form for the Purdue Bankruptcy - Sacklers Settlement Opioid Litigation Settlement Estimated Allocation in the amount of \$2,152.50 to the City of Ely.

Councilman Trask moved to approve granting the releases set forth in Exhibit K Subdivision Participation and Release Form for the Purdue Bankruptcy - Sacklers Settlement Opioid Litigation Settlement Estimated Allocation in the amount of \$2,152.50 to the City of Ely. Councilwoman Yeoman seconded the motion. The motion carried unanimously.

9. PUBLIC COMMENT

Vincent Fleischman stated this trailer Park is filled with people with special circumstances. I regularly talk with people about renting, but these aren't necessarily the people that I would get to, and they wouldn't get to me either. One of them waited outside a rental last night for a long time, because he thought the landlord was just going to show up and that never happened. I think you really should consider ninety days, and then they need coaching on what to say to landlords and how to find a place because they're not going to find a place. You have a family of ten that's probably not going to find a place, and you have seniors that make no money, and they pay five hundred bucks a month, and there's no rentals for five hundred bucks a month. The four younger men probably could find a place, but they need a lot of help. As an owner it's probably easy to say you have a lot of places and all that, but I have seven mortgages, so I leverage everything trying to get more. I am going to be talking to Mr. Moattar about purchasing one or many properties, but that's a thirty-to-ninety-day process; It doesn't happen overnight. I did talk to Don, and I appreciate the conversation I had with him yesterday. I appreciate everybody having a focus on these people. They were left for a reason, because they didn't go to social services; they didn't know to go to social services. I told them, hey, you guys have got to go there, and it is working. So, I'm glad that social services are doing that. On the road when the cops were there people were obeying the speed limit, and now they're not. I had guys honking at me at thirty-five miles an hour because they're trying to get somewhere. So, I'd recommend putting a presence out there because the workers are right there. So, let's hope there's not a mistake there.

Paula Carson stated I would like to say thank you to the Council for your donation to the County Social Services Department. I've been in frequent contact with Desi, our social services director over the past month, and she is working very hard, and I have full faith and confidence in her abilities to do everything that she possibly can. Thank you to Don for also keeping me informed and updated on the situation because I think we are all as concerned as you are in trying to do the best for these people. Thank you.

Mark Moattar, owner of White Pine Trailer Park, stated most of these tenants have not paid for June or July and one of them has not paid for May, June or July. The only person who paid in July out of ten tenants was trailer #8 of \$500. A couple of them didn't pay in June because they said his park is closing, why pay rent, so they are already not paying rent. I am paying for water, and I am paying for maintenance. I took three trailers to the landfill that were not in good shape and three more trailers the owners moved today. The lady who was here, Kailani, she's not even my tenant and they have been trespassed from my mobile home park. She moved into one of the trailers without paying anything. The gentleman who asked for the \$10,000 bailout, don't worry they are not paying rent, and now, if they know there is a thirty-day extension they are not going

to pay. I'm lucky if one person pays out of ten. I am the one paying about a \$2,000 water bill for the park. There is only one travel trailer left in the park, and the owner is trying to move. I am trying to sell the park. The photo that was in the paper is not from White Pine Mobile Home Park.

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

Councilman Trask moved to adjourn the regular meeting of the Ely City Council at **6:22 p.m.** Councilwoman Williams-Harper seconded the motion. The motion carried unanimously.

MAYOR

ATTEST

DRAFT