



# CITY OF ELY

501 Mill Street Ely, Nevada 89301  
City Hall (775) 289-2430  
[Cityofelynv.gov](http://Cityofelynv.gov)

## ELY CITY COUNCIL REGULAR MEETING

November 18, 2021 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 invocation. Mayor Robertson led in the Pledge of Allegiance and asked for Roll Call.

Members present:

- Mayor Nathan Robertson
- Councilman Ernie Flangas
- Councilman Kurt Carson
- Councilman Ed Spear
- Councilwoman Jerri-Lynn Williams-Harper

Members absent:

- Councilman Jim Alworth

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

- City Clerk Jennifer Lee
- City Attorney Leo Cahoon
- Public Works Supervisor Mike Cracraft
- City Engineer BJ Almberg
- City Fire Chief Pat Stork
- City Police Chief Scott Henriod
- 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, Melissa Crump, Wyatt Cox, Chris Stanko, and Caroline McIntosh.

### ELY CITY COUNCIL ATTENDANCE LIST

DATE: November 18, 2021

Print name below

Jared Byham  
George Chachas  
S. Marcus  
MARK FASSETT

Print name below

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**2. PUBLIC COMMENT**

Melissa Crump stated I live at the corner of Opal Drive and Bobcat Drive which is in the County. The County has recently put in a new STOP sign in that area and what I am asking the City for is to install a new 15-mph speed limit sign between the college and Bobcat Drive before Opal Drive, as that area is in City jurisdiction. We are having a lot of issues with high schoolers and a lot of other traffic speeding through that area, which is the reason for the new STOP sign. The only 15- mph speed limit sign that is on Bobcat Drive coming this direction is before the high school. When students are turning out of the high school parking lot, they are not seeing that 15- mph sign on Bobcat Drive which is why we asked for an additional STOP sign for our neighborhood. There are a lot of children in our neighborhood and it is a dangerous intersection. If we could get a 15-mph sign before our neighborhood in City jurisdiction it would really help.

Administrative Assistant Cobb read the following into the record:



**MT. WHEELER POWER**

1600 Great Basin Blvd.  
Ely, Nevada 89301

775-289-8981  
800-97-POWER  
Fax: 775-289-8987 / 1471

November 2, 2021

Mayor Nathan Robertson  
501 Mill Street  
Ely NV 89301

Dear Mayor Robertson,

Mt. Wheeler Power Board of Directors has elected to gift at no cost, the power used for public holiday lighting throughout the communities that we serve. The crediting will begin December 1, 2021, and end on January 2, 2022. The adjustment will appear on your January 15, 2022, billing statement.

Please notify Mt. Wheeler at (775) 289 8981 regarding any lighting your entity or community may display, so that we can ensure that you are given the proper credit.

Mt. Wheeler Power would like to wish you a Christmas season that is merry and bright.

Shellie Watts  
Member Services/HR Manager



www.mwpower.net



A Touchstone Energy Cooperative

George Chachas stated at the railroad crossing where Avenue C transitions to North Street the railroad track has been replaced and a fence has been installed on railroad right-of-way which will impair reinstallation of the track. I was led to believe that the NDOT project was to restore whatever it had to move to accomplish the project; there must be a misunderstanding. Mr. Chachas stated ongoing concerns regarding lack of water and sewer connections on his property on Great Basin Boulevard; the reported leak in front of 475 Great Basin Boulevard that he believes was caused from construction vibration that needs to be fixed; curb and gutter codes for homeowners; and ADA compliance on Great Basin Boulevard.

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

Councilman Carson moved to approve the agenda as presented. Councilman Spear seconded the motion. The motion carried unanimously.

**4. CITY DEPARTMENT REPORTS**

➤ **CITY FIRE CHIEF**

City Fire Chief Stork stated I have one update. On the American Rescue Plan Act Funding I submitted a list and then a second list. The second list got denied and there are things on the second list that are more of a priority than what is on the first. I'm going to go back to both lists, re-evaluate all the items and submit it back to the Budget Committee for their review. I will keep the same dollar amount that was approved initially. I want to prioritize the items and get what will benefit the department the most.

➤ **CITY MUNICIPAL JUDGE**

City Municipal Judge Coster stated the move has been completed into the new court space and almost everything is operational and running smoothly.

➤ **CITY CLERK**

City Clerk Lee stated Administrative Assistant Cobb and I, assisted by the other City departments continue to manage the eighty-seven complaints my office has received this year. To date, we have nine invalid complaints, ten turned over to other City departments, fifty-nine property owners have complied, and nine complaints remain active. Our SNPLMA Round 19 Grant application for Broadbent Park was submitted by White Pine County on November 5, 2021. Carson City's BLM Officer has notified me that the City was not awarded the Green Up Grant, but there will be another funding and we can reapply. The City received a \$200.00 donation from Margaret Pence of Baker for animal control, to be put towards trap, neuter, and release of feral cats. On our broadband, Commnet has ordered the equipment for the buildings near the wastewater treatment plant and due to supply chain issues, they are expecting that to arrive in early January. The fiberfixed wireless is moving through Commnet's implementation process and they will continue to keep us updated.

➤ **CITY ENGINEER**

City Engineer Almberg stated we have been coordinating with the PORTER Group and getting projects together that will hopefully qualify for some funding. I have been involved with meetings regarding the lack of housing and working with the hospital in finding housing for their doctors which will be an overall help to the community. We are working on sixty percent plans for the next phase of construction on Aultman that will go through the town. One of the areas we wanted as a priority to fix was where the sewer line goes directly under the middle school. We are hoping to be able to route the line around the school. We compiled some reports for the State Historic Preservation Office (SHPO) as part of the Community Development Block Grant (CDBG) Funding. Murry Street was paved this week.

Mayor Robertson asked when is the deadline for everything to be done on Murry Street?

City Engineer Almberg stated at the end of this month.

Mayor Robertson passed the gavel to Mayor Pro Tem Williams-Harper

5. NNRV FOUNDATION REPORT

NNRV President Mark Bassett reviewed the following report:

**NEVADA NORTHERN RAILWAY**  
A NATIONAL HISTORIC LANDMARK



**Nevada Northern Railway Foundation**  
Depot: 1100 Avenue A, Ely, Nevada 89301  
Mailing Address: PO Box 150040, Ely, Nevada 89315  
Voice: (775) 289-2085 • Web: www.nnrv.com • E-mail: info@nnrv.com

**Monthly Operations Report for November 2021**

1. Locomotive Status – Updated
  - a. Locomotives in service: #81, #93, #105, #109, #204, Wrecking Crane A & Rotary B.
  - b. Locomotive 40 is out of service for her heavy repairs and will be out of service until 2023.
  - c. Locomotives out of service needing moderate repairs: #310 and #45
  - d. Locomotives waiting funding for restoration: Steptoe Valley Smelting and Mining #309, Kennecott 801 and Rotary Snowplow B (for boiler overhaul.)
  - e. Locomotives out of service needing heavy repairs #802, #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, #6 and #22 are operational.
  - d. Caboose out service: #5
4. Track Status – No change
  - a. Keystone Branch is open
  - b. Adverse Branch is open.
5. Ridership and Ticket Sales – Updated
  - a. In October we carried 1,762 passengers. This is an increase of 36% over 2020, and an increase of 29% over 2019. September was largest October we have ever had.
  - b. Year to date we have carried 14,080 passengers. This is an increase of 80% over 2021 and a 16% over 2019. In fact we have carried more passengers this year than we did in all of 2020.
  - c. Since operations began in 1987, we have carried 326,404 passengers.
  - d. Ticket sales for Santa’s Reindeer Flyer are very strong.
6. Social Media: Our reach on social media continues to expand, in the last 28 days:
  - a. We reached 12,875.622 people, a 554% increase.
  - b. Post reach was 947,972, a 216% increase.

---

**Award Winning Destination**  
 Best Tour in Rural Nevada – 2017  
 Nevada State Treasure – 2013 & 2012  
 Best Adrenalin Rush in Rural Nevada - 2020  
 Best Preservation Effort in the West • Attraction of the Year – 2012  
 Trip Advisor Certificate of Excellence – 2020, 2019, 2018, 2017, 2016, 2015, 2014  
 Best Museum in Rural Nevada – 2020, 2017, 2016, 2014, 2013, 2010, 2009, 2008  
 Best Event in Rural Nevada – The Polar Express – 2017, 2016, 2015, 2014 & 2013  
 Best Place to Take the Kids in Rural Nevada 2020, 2019, 2018, 2015, 2014, 2013, 2012, 2011, 2010, 2009, 2008, 2007

- c. Our page likes increased 1,659, a decrease of 142%
- d. We have 114,453 page likes.
- e. 146,901 people follow our page.

7. 201 – 401 Bring'em Home

We have successfully brought Locomotive 201 home from Snoqualmie Washington.

The total weight of the locomotive was 100 tons and is 60 feet long. The truck and trailer that brought her here was 225 feet long. The trailer had 96-wheels under it.

Locomotive 201 was purchased for ore service on the Nevada Northern Railway by Kennecott in 1951. She was here almost until the end and was given to the railroad museum in Washington in 1983.

Sher is an RSD-4. There were only 36 made and she is the sole survivor. She competes our collection, we have a RS-2 and a RS-3 too.

The move was extensively reported on in Washington, Oregon, Idaho and Nevada.



Mayor Pro Tem Williams-Harper passed the gavel back to Mayor Robertson

## 6. REPORTS

### ➤ MAYOR ROBERTSON

Mayor Robertson stated I have sent thank you letters out to Q & D Construction and an email to the Director of NDOT thanking them for a job well done this summer on their project. It is going to be election season and we should see a lot of candidates coming through in the next few months.

### ➤ COUNCILMAN ALWORTH

City Clerk Lee read the following report into the record:

November 14, 2021

Mayor Robertson  
Council Members  
City Clerk Lee

City Council Member Alworth's report for the November 18, 2021, Ely City Council meeting are as follows:

- I set in on a meeting with representatives from LSPower regarding their upcoming power line project originating near Jerome, Idaho to the Robinson Substation located in Jakes Valley. Opportunities for locals to be involved in the project are possible. The project is expected to start in 2022.
- Meet with a group of citizens regarding the housing shortage in White Pine County and Ely and are brainstorming on ideas and plans to seek funding through grants and other sources to try and offset the need.
- During the October 28, 2021, Ely City Council meeting under item B. New Business, item number 8, it was approved to fund those expenditure approved by the City of Ely budget Committee as presented. I am a past member of the Ely Volunteer Fire Dept. and I did not disclose this information during the discussion. As of November 12, 2021, no funds were expended toward the items approved. I believe the expenditures requested by the City Fire Dept. along with the increase in stipends to the Ely Volunteer Fire Dept. EMT's are in the best interest of the not only the citizens of our community but also for the travelers coming through our area. My vote at that time was in the best interest of the public.

Regards,  
Jim

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

### A. CONSENT AGENDA

**MOTION:** Move to approve the Consent Agenda item 9A-1 Minutes and 9A-2 Bills.

Moved by: Councilman Spear Second by: Councilman Flangas Vote: Unanimous

#### 1. Discussion/For Possible Action –Minutes.

- October 14, 2021
- October 20, 2021

Councilman Spear stated on the October 28<sup>th</sup> bills on page four under Nicholas and Company it shows the invoice date is January 2, 2012. I am pretty sure that is a mistake; that bill is ten years old if it isn't. Can we table one set of bills and move on the others until we can find out for sure if it was a typo?

Mayor Robertson stated for clarification the bills listed have already been sent out and this motion is to verify that we reviewed them. City Clerk Lee would there be a problem tabling the October 28, 2021 bills for clarification on the date of invoice in question?

City Clerk Lee stated no, that would not be a problem.

Councilman Spear moved to approve the November 10, 2021 bills and table the October 28, 2021 bills for an invoice dated 2012 on page four to be investigated to verify it was indeed a



clerical error. Councilwoman Williams Harper seconded the motion. The motion carried unanimously.

2. Discussion/For Possible Action –Bills.
  - October 28, 2021
  - November 10, 2021

## **B. NEW BUSINESS**

1. Mayor Robertson – Discussion/For Possible Action – Approval to reappoint the following Council Members as liaisons to the following White Pine County Boards: Reappoint Jim Alworth to the Debt Management Commission, the Board of Equalization, and Regional Transportation Commission; reappoint Ed Spear to the Local Emergency Planning Committee; reappoint Kurt Carson to the Tourism and Recreation Board; and reappoint Ernie Flangas to the Water Advisory Committee and Soil Conservation District; all appointments will be through December 31, 2022.

Councilman Spear stated these appointments are through December 31, 2022 and three of the Council terms end the middle of November; will that make a difference?

City Clerk Lee stated these are liaison appointments to the County and they can be adjusted after the election next year.

Councilwoman Williams Harper moved to Approve the reappointment of the following Council Members as liaisons to the following White Pine County Boards: Reappoint Jim Alworth to the Debt Management Commission, the Board of Equalization, and Regional Transportation Commission; reappoint Ed Spear to the Local Emergency Planning Committee; reappoint Kurt Carson to the Tourism and Recreation Board; and reappoint Ernie Flangas to the Water Advisory Committee and Soil Conservation District; all appointments will be through December 31, 2022. Councilman Flangas seconded the motion. The motion carried unanimously.

2. Mayor Robertson – Discussion/For Possible Action – Approval to participate in the Cross-Tie 500-kV Transmission Line Project Environmental Impact Statement as a cooperating agency.

Mayor Robertson stated it is an exciting project and I am glad to see they are progressing, and I recommend that we do participate with them.

Councilman Spear moved to approve the City of Ely’s participation as a cooperating agency in the Cross-Tie 500-kV Transmission Line Project Environmental Impact Statement. Councilman Carson seconded the motion. The motion carried unanimously.

3. Mayor Robertson – Discussion/For Possible Action – Approval to grant Nevada Radio, LLC’s request for an extension through July 31, 2022 to bring their Georgetown Ranch Lease payments current.

Mayor Robertson stated I would like to note their Chief Financial Officer (CFO) has been working with City Clerk Lee. They had one of their principal members pass away this year which has made it a little difficult, but they are making good faith efforts.

City Clerk Lee stated I would like to note for the record that Wyatt Cox with KELY is on Zoom and may have some comments.

Wyatt Cox stated I wanted to make people aware that our Chief Executive Officer (CEO) did pass away not long ago and we have been making good faith efforts. We are a profitable and ongoing entity without any issues. We are just finding there are a number of things that weren’t being handled by our CEO. We have been a good faith messenger for Ely to our seven-station radio network. We have been carrying the message of Ely to

Reno, Carson City, Hawthorne, Pahrump, and across the State to our newest station in Fallon. For thirteen years we have tried to give Ely a news source that is immediate. We have always cooperated with the City and will resolve this issue; it is just going to take us a little bit of time.

Mayor Robertson stated they have set up a plan with the Treasurer and the Clerk to resolve the issue in a timely manner.

Councilman Carson moved to approve Nevada Radio, LLC's request for an extension through July 31, 2022 to bring their Georgetown Ranch Lease payments current. Councilman Spear seconded the motion. The motion carried unanimously.

4. Mayor Robertson – Discussion/For Possible Action – Approval of Proclamation to declare November 27, 2021 Small Business Saturday in the City of Ely.



Councilwoman Williams-Harper moved to approve the proclamation to declare November 27, 2021 Small Business Saturday in the City of Ely. Councilman Carson seconded the motion. The motion carried unanimously.

5. Councilman Spear – Discussion/For Possible Action - Direct City Police Chief to conduct a traffic study regarding possible future installation of two-way traffic signs placed on 8<sup>th</sup> Street between Aultman Street and Clark Street and to provide the results of that traffic

study to the City Engineer in order for both officials to make recommendations at the City Council meeting following completion, pursuant to City Code 6-3-2(B).

Councilman Carson moved to direct City Police Chief to conduct a traffic study regarding possible future installation of two-way traffic signs placed on 8<sup>th</sup> Street between Aultman Street and Clark Street and to provide the re results of that traffic study to the City Engineer in order for both officials to make recommendations at the City Council meeting following completion, pursuant to City Code 6-3-2(B). Councilman Flangas seconded the motion. The motion carried unanimously.

Mayor Robertson recessed the meeting at 5:33 p.m. for technical issues.

Mayor Robertson called the meeting back in session at 5:37 p.m.

**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 2022-2023 Program Year application submission.

City Clerk Lee stated I would like to recommend that we rank the Parker Sewer Upgrade Project as number one, and the Bell Avenue Waterline Project as number two, and submit them both.

Councilman Spear stated on the back of the Bell Avenue quote there is a picture and it shows two Bell Avenues.

City Engineer Almberg stated that is Orson and I will fix that before submission.

Mayor Robertson asked City Engineer Almberg do you have a recommendation of how we prioritize these?

City Engineer Almberg stated I am supportive of City Clerk Lee's recommendation. The Parker Sewer Upgrade Project is potentially a portion of our earmarked money would be the only other thing to consider.

Mayor Robertson asked is that a problem?

City Engineer Almberg stated no, if we are granted the CDBG money our earmarked money will just go farther.

George Chachas stated I would like to see Parker Sewer Upgrade Project done. You have yet to reimburse me for the problem that I took care of on your behalf of cleaning out the sewer line.

**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 2022-2023 Program Year application submission.

Councilman Spear moved to approve City Clerk Lee's recommendation to prioritize the Parker Street Sewer Project and the Bell Avenue Waterline Project respectfully for final selection of CDBG projects for the 2022-2023 Program Year application submission. Councilman Carson seconded the motion. The motion carried unanimously.



**B. NEW BUSINESS CONTINUED**

6. Councilman Spear – Councilman Alworth – Discussion Only – Update on PORTER Group efforts on behalf of the City of Ely.

Councilman Spear stated we met on Tuesday morning and it is probably one of the best meetings so far with a lot of optimism. After reviewing the opportunities that are out there, our need for a grant writer is paramount. I think our rural communities are at a real disadvantage not being able to reach out and take advantage of some of these programs because we can't afford a grant writer or an administrator of them. There is a lot mentioned of FEMA wanting to get people out of flood plain. The Downtown Project will remove about ninety percent of Central Ely from that flood plain so that is a top priority.

7. Councilman Alworth – Discussion/For Possible Action – Review of City Police Chief's and City Engineer's recommendations in regards to the removal of STOP signs on North Street at the following intersection, based upon a traffic study: Ogden Avenue and North Street AND possible direction that a public hearing be held prior to Council's final action to remove said signs.

City Police Chief Henriod stated the traffic study has been completed and it was a little confusing as to where we placed the speed trailer on North Street and Nevada Avenue. We had to back it up so we could catch the traffic on North Street and Ogden Avenue. What we found is when we placed it on North Street and Ogden Avenue, we were catching a lot of the traffic prior to that intersection on Strandman and Parker; so, the traffic that was captured is for North Street and Ogden Avenue. You can see in the traffic report there is a good volume of traffic that travels through that intersection with 4,277 vehicles weekly. Some of the speeds were a little bit excessive and we don't like to see that in residential areas. My recommendation because of the volume of traffic and some of the speed violations would be to leave the STOP signs.

Councilman Carson stated I have often heard the argument that STOP signs are not meant to control speed.

Sheriff Henriod stated you are correct. It is to control and intersection for safe travel.

City Engineer Almborg stated my recommendations are straight from the Manual on Uniform Traffic Control Devices (MUTCD) which is the accepted federal standards for street signs. You are right it says right in there do not use STOP signs for speed control. When you look further into that they believe it increases speed because people will roll to a stop and may not even fully stop and then go faster to try and make up time. My recommendation would be to take the STOP signs off North Street but on Ogden place something letting people know that cross traffic does not stop.

City Police Chief Henriod stated without those STOP signs you have zero traffic controls and it is a straight shot.

Councilman Carson stated Councilman Alworth has been leading this item and may have comments to add.

Councilman Carson moved to table the review of City Police Chief's and City Engineer's recommendations in regards to the removal of STOP signs on North Street at the following intersection, based upon a traffic study: Ogden Avenue and North Street AND possible direction that a public hearing be held prior to Council's final action to remove said signs. Councilwoman Williams-Harper seconded the motion. The motion carried unanimously.

**Mayor Robertson passed the gavel to Mayor Pro Tem Williams-Harper**

8. Councilman Alworth - Discussion for Possible Action - Termination of the Settlement, Sale, and Mutual Release of All Claims Agreement, dated as of November 12, 2020, by and among Nevada Northern Railway Foundation, Inc., a Nevada nonprofit corporation, formerly known as White Pine Historical Railroad Foundation, Inc., a Nevada nonprofit corporation, the City of Ely, Nevada, a Nevada municipal corporation, and S & S Shortline Leasing, LLC, a Utah limited liability company, and all exhibits thereto.

City Clerk Lee stated the City's legal counsel on this issue is on Zoom.

Chris Stanko, Esq. with the Law Firm of Maupin, Cox, and LeGoy stated as a condition of the closing of the Settlement Agreement, the Service Transportation Board was supposed to approve the potential transaction and on September 29<sup>th</sup> of this year they gave notice that they have not approved the transaction and rejected the filings related to the transaction. They left the door open to refile under a different type of application so that is still a potential possibility. We would have to refresh all the Settlement documents to bring the dates more current, but it could be done. The matter at hand here on the agenda is to terminate the Settlement Agreement and there is wide authority to do so. We drafted the Settlement Agreement with S & S's counsel, and we knew there would be a lot of conditions to closing, and we knew the transaction might not close. The main provision that gives the Council the authority to terminate the Settlement Agreement is from Article III, Section P. paragraph 6(a)(iii), which states any party may terminate the settlement agreement if the closing has not occurred for any reason as of April 9, 2021. We have been working in limbo with the Settlement Agreement pending for over a year now. Judge Dobrescu of the 7<sup>th</sup> Judicial District Court here in Nevada has made it clear that he opposed finding of facts and conclusion of law that had been submitted to him by the parties because he had significant questions and we didn't get into that because we were waiting on the Service Transportation Board. The Agreement says that whether a condition to closing has been satisfied will be liberally construed in favor of the party terminating the Agreement and then the effect of the termination will be that the current document titled "Joint Development/Lease Agreement" will come back into effect and the case will have to be unstayed in the 7<sup>th</sup> Judicial Court.

Councilman Carson moved to approve the termination of the Settlement, Sale, and Mutual Release of All Claims Agreement, dated as of November 12, 2020, by and among Nevada Northern Railway Foundation, Inc., a Nevada nonprofit corporation, formerly known as White Pine Historical Railroad Foundation, Inc., a Nevada nonprofit corporation, the City of Ely, Nevada, a Nevada municipal corporation, and S & S Shortline Leasing, LLC, a Utah limited liability company, and all exhibits thereto. Councilman Spear seconded the motion. The motion carried unanimously.

9. Councilman Alworth - Discussion/For Possible Action - Approval for and direction to City Clerk to send Notice of Contract Termination to all parties to Settlement, Sale, and Mutual Release of All Claims Agreement by and among Nevada Northern Railway Foundation, Inc., a Nevada nonprofit corporation, formerly known as White Pine Historical Railroad Foundation, Inc., a Nevada nonprofit corporation, the City of Ely, Nevada, a Nevada municipal corporation, and S & S Shortline Leasing, LLC, a Utah limited liability company (the "Settlement Agreement") in accordance with Section 21 of the Settlement Agreement.

Councilman Spear moved to direct the City Clerk to send Notice of Contract Termination to all parties to Settlement, Sale, and Mutual Release of All Claims Agreement by and among Nevada Northern Railway Foundation, Inc., a Nevada nonprofit corporation, formerly known as White Pine Historical Railroad Foundation, Inc., a Nevada nonprofit corporation, the City of Ely, Nevada, a Nevada municipal corporation, and S & S Shortline Leasing, LLC, a Utah limited liability company (the "Settlement Agreement") in accordance with Section 21 of the Settlement Agreement. Councilman Carson seconded the motion. The motion carried unanimously.

10. Councilman Alworth - Discussion/For Possible Action - Approval of Fifth Amendment to the Development Agreement between the City of Ely and Nevada Northern Railway Foundation, Inc., extending the term of the Development Agreement to January 1, 2023.

Councilman Carson moved to approve the Fifth Amendment to the Development Agreement between the City of Ely and Nevada Northern Railway Foundation, Inc., extending the term of the Development Agreement to January 1, 2023. Councilman Spear seconded the motion. The motion carried unanimously.

**Mayor Pro Tem Williams-Harper passed the gavel back to Mayor Robertson**

11. Council Members – City Treasurer Trask – Discussion/For Possible Action – Establishment of an application deadline for City American Rescue Plan business grant.

Mayor Robertson stated this is a housekeeping item to come up with an end date so we can move forward and do some other things with that money.

City Clerk Lee stated City Treasurer Trask is ill tonight or she would have been here. She did ask me to request that it be effective immediately, with the deadline being tonight, if you do approve this.

Councilman Spear stated I have to think about that.

City Clerk Lee stated we have not received an application in quite some time is the basis for it.

Councilman Spear stated if they have been sitting on it, they have no warning and I don't like that. I would like to move to table this until our next meeting on December 9<sup>th</sup>.

City Clerk Lee stated you could set an application deadline farther out and we could notice as the Council sees fit.

Councilman Spear stated I don't like this ending without giving any notice.

Mayor Robertson stated I think the Clerk's question Councilman Spear is you make it effective tonight or you vote on it again on December 9<sup>th</sup> it still doesn't give anybody any notice.

Councilman Spear stated I wouldn't vote on anything to end at that time. When we do an Ordinance change it is a twenty-day notice and I know this is not an Ordinance, but I am saying we give them notice.

Councilman Carson stated I say December 1<sup>st</sup> as a deadline.

Councilman Spear asked can we get them all notified?

Councilman Carson asked why is it our responsibility to notify everybody?

Councilman Spear stated that is why I wanted to see the application. Is there a deadline on the application?

Mayor Robertson stated there is not currently a deadline on the application.

Councilman Spears stated that is my point.

Councilman Carson stated I think we have spread the word around town, and it is fizzling out.

Councilman Spear stated I would like to set the deadline for grant applications to be submitted by December 9, 2021. I don't like the short deadline especially with Thanksgiving coming up.

Mayor Robertson stated the staff and I don't think the notice is short because we have distributed all of them that are able to be distributed. We will do the notice and it is not a

hard application to fill out. I would not support this going any further past December 1, 2021.

Councilman Carson moved to establish a deadline of December 1, 2021 for City American Rescue Plan business grant applications noticing all those noticed initially. Councilman Flangas seconded the motion. The motion carried with three ayes and one nay from Councilman Spear.

**10. PUBLIC COMMENT**

George Chachas stated you need to do something about your sound system it is pathetic. Mr. Chachas stated ongoing concerns regarding lack of water and sewer connections on his property on Great Basin Boulevard; ADA compliance on all corners on Great Basin Boulevard; his request for a copy of all parking permits required on Great Basin Boulevard; acquiring a parking permit to park behind the sidewalk on the west end of his property to Town and Country on Great Basin Boulevard; code violations and selective enforcement on nuisances throughout the community.

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

Councilman Carson moved to adjourn the Regular meeting of the Ely City Council at **6:05 p.m.** Councilwoman Williams-Harper seconded the motion. The motion carried unanimously.

  
\_\_\_\_\_  
MAYOR

  
\_\_\_\_\_  
ATTEST