



CITY OF ELY

501 Mill Street Ely, Nevada 89301

City Hall (775) 289-2430

Cityofelynv.gov

ELY CITY COUNCIL REGULAR MEETING

May 27, 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 5:01 P.M.; Pastor James Woffinden 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
Councilman Jim Alworth
Councilwoman Michelle Beecher

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

City Clerk Jennifer Lee
City Treasurer-HR Director Janette Trask
City Attorney Shain Manuele
City Administrative Assistant Patti Cobb
Public Works Supervisor Mike Cracraft
City Building Official Lee Walker
City Engineer BJ Almberg
City Police Chief Henriod

Also, in attendance: Members of the public in attendance at the Ely Volunteer Fire Hall signed in (appears on the following page) and the following persons attended via video conference: Mike Coster, Geri Wopshcall, Marietta Henry, and Karl Lee.

ELY CITY COUNCIL ATTENDANCE LIST

DATE: May 27, 2021

Print name below

Pastor James Woffinden
Jed A. PEELER
LUIS TRISTAN
Mike Ciser
Casey Jones
Kyle Herrick
George Chachas
Juliet Noyes

Print name below

2. PUBLIC COMMENT

Luis Tristan stated I am here under protest of the continuous government harassment since I have bought my first commercial property in Ely. It is illegal and against the law and you will soon find out more. I got a letter about my property at 2143 Aultman and made an appointment with the City Attorney. I showed up and he thought he had cancelled it, but he did not because if he would have, I would not have shown up. In the past four years I have met with the past Fire Chief, past Building Official, and past City Attorney and nothing I am doing on the commercial property is illegal. The tires are there because I am building a retaining wall. The wrecked cars: not all cars are wrecked. One of the wrecked cars is one of my ex-employees and he is going to come back to pick it up. The other one is missing parts and I am going to pull the engine on it. The accumulation of scrap metal is because the City of Ely wants to charge me for every refrigerator. I own eighty doors in town. If I take it to Las Vegas I get \$30.00 a pop so why should I pay the City to dispose of something when I can take it and get money for. I make enough trips to get reimbursed, so I am staging the material there until I transport it to Las Vegas and sell it. It has been four years and continuous harassment. I don't understand why you are telling me I am breaking the law when I am not. You have towing companies and welding shops that have cars with missing pieces and we have the same zoning; what am I doing illegal? Quit telling me I am doing something illegal and let's work together to clean it up. I tried to clean the property up before. I was denied taking any cars to the dump without titles, so I am stuck with them. Last year I was allowed by Jennifer Lee to dispose of two of them that were missing a lot of parts and I took them to the dump and got rid of them. You write me this letter, but you have a councilman that has a yard that looks like this (showed picture of the yard). Your ordinance is based on residential and has nothing to do with my commercial property; harassment, harassment, harassment. I am waiting to meet with my attorney next week and I'll be going to the EOC to file a federal complaint and I will be sending a copy to the Governor; it has to stop. Last year the City of Ely illegally posted notices on my apartment because of a water bill that was 30 days late or whatever it was; that is against the law. If you want to put a lien on my property, go for it, but quit harassing me. It has been continuous since I bought my first commercial property. I am not going to put up with it. I am going to fight back, and I am going to raise hell; thank you.

White Pine County Tourism Director Kyle Horvath stated I am here to give a preamble for an agenda item that will be on the next agenda. The Nevada Mainstreet Association opened a grant program in the eleventh hour before the end of the fiscal year for murals and monuments and the White Pine Mainstreet Association who is a part of that Nevada Mainstreet was awarded \$30,000.00 to increase our mural inventory in the downtown. I know we have to go through the process of the City Council approving that. I wanted to state with the short timeline, you may start to see the walls being prepared. I didn't want it to seem like a surprise to the City Council that we were moving forward without your knowledge or approval. We have met with the Ely Renaissance Society and Virginia has given her blessing on the three murals that we applied for which will be wildlife on Success Summit scene on 2517 Aultman Street, 1919 Military Convoy on 1676 Aultman Street, and an Ely Shoshone Pow Wow/Fandango on 648 Aultman Street. There will be more sketches coming in for the agenda item. I just wanted to come in prior to let you know what the Mainstreet Association is working on.

George Chachas stated I want to agree with Mr. Tristan. This community has a problem with ethnic minorities. What you are doing with some of these citations is targeting people and that is wrong. I came to talk to the Building Official regarding an item at 692 Parker. I got rid of the vehicle that belonged to a neighbor of mine and the building is not charred; some of the roof is and that will be changed out when I do the roof. The wood on the side that is not sided is weathered and I am going to paint that. I told him you come down and disagree with me, I will do what you tell me but make sure you bring a tape recorder. As I drive around town, I saw a house that is on Avenue G that is charred, not fenced off and is an attractive nuisance; my property is fenced off. The other notice I got was on my commercial property at 710 Avenue G regarding the building being charred. The building is not charred; it is black fiber board and there are four pieces that are damaged and will be fixed when I can get a contractor. Over a year ago I talked to White Pine Construction, recently I talked to JCR, and all those guys are busy. Prior to that I talked to other roofing companies. I got a bid from CTR on another property that was \$22,800.00 and for the same job from a contractor, Broken Arrow, that I waited for a couple of months for a bid was \$14,900.00. I am willing to do the work, but I am not willing to be gouged by anybody. The vehicles that I have on that property: it is commercial. Here we have a councilman's property (showed picture): Mr. Flangas with a parked car with no licensing and no

fencing, there is a tree encroaching on to the sidewalk and older buildings in the back with no fencing. Pictures were shown by Mr. Chachas of other properties regarding nuisances located on Campton Street, Avenue C, a boat next to a park, and a warehouse with the tin coming off.

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

Councilwoman Beecher moved to approve the Agenda as presented. Councilman Carson seconded the motion. The motion carried unanimously.

4. CITY DEPARTMENT REPORTS

➤ **CITY POLICE CHIEF**

City Police Chief Henriod stated I want to give an update on the vandalism at Broadbent Park. We have identified the individuals that are responsible; they are juveniles. We will be working with juvenile probation and hopefully there will be restitution paid to the City.

Mayor Robertson asked the ATV pamphlets that were made, does your department find those helpful?

City Police Chief Henriod stated the deputies hand them out frequently. We are trying to work with people and educate because we still deal with issues mainly with underage operators. We are trying to do the best we can, but it is kind of a losing battle right now.

Mayor Robertson asked City Police Chief Henriod would you mind elaborating on the conversation you and I had previously about the possible changes to the County's park code and what we might be doing to abate some of the vandalism going on around town.

City Police Chief Henriod stated yesterday the County Commission met and they have some of the same concerns and are dealing with the same issues as the City parks with the vandalism, garbage and graffiti. We are going to work with the District Attorney's office, and I asked the Mayor if we pursue down this avenue if the City would follow suit, so we have consistency county wide. One of the things we are going to explore is a curfew. If someone needs to occupy the park after the curfew or closure of the park, they can apply for a Special Use Permit. We are not trying to restrict the parks in anyway. We are trying to make sure they are closed at a certain time and the vandalism issues go away. We are also looking at getting cameras, as you all know that is the future in recording. We rely on video footage a lot to resolve issues. We are looking at lighting, if there is funding, to deter some of the things going on. We are trying to look for solutions and looking for the public's input on this and working together, not against each other.

➤ **CITY ATTORNEY**

City Attorney Manuele stated I was asked to look into and report on the ambulance service franchise ordinance, that we have. Just so the Council is aware under our ambulance service franchise ordinance any ambulance service within the City of Ely must have two things: a State permit and a franchise agreement with the City of Ely to offer any of those services within the City of Ely. If an entity wants to be considered for a franchise agreement with the City of Ely, they must provide us with an application set out in the ordinance for all the things the application must include. Once the application is submitted to the City, the City Clerk places notices for a public hearing, and we have a hearing on whether that franchise agreement should be issued, and if issued it is an exclusive franchise agreement for five years. That is the process if anyone wants to provide services outside of our City ambulance services.

Mayor Robertson asked that is inclusive of any ambulance service that originates within the City even if it is a transport coming from the hospital to the airport?

City Attorney Manuele stated yes, that is correct. There are exceptions as far as transports coming from the outside in; those would not fall under it, but as far as any services initiated in the City of Ely, they need to be in compliance with this ordinance.

Councilman Alworth asked does the City of Ely Fire Department currently have the franchise?

City Attorney Manuele stated correct. It allows for is the City of Ely Fire Department to issue another franchise if we so choose and feel the help is needed.

➤ **CITY CLERK**

City Clerk Lee stated I wanted to update the Council on workshops that I have been attending. I attended the CDBG application workshop yesterday and the American Rescue Plan workshop with Councilman Alworth and Councilman Spear and then a follow-up with not much new information given in the follow-up. I have also been spending a lot of time providing information to our POOLPACT Attorneys for litigation on the Ely Disposal Case and on the Bobby Van Camp case, which was about two days. On the opioid litigation, they have needed a lot of information. Cody Coombs contacted us yesterday and stated in a few weeks the Green-up Grant will re-open and we will apply for that. I wanted to bring the Council up to date on the Armory. Public Supervisor Cracraft and I had training last Friday from the Enviser Engineer and it really is a neat system. As part of their fee we have two months of remote lookup and you can look at every part of the armory heating system. We can control it remotely. The Enviser Engineer stated that right now it is set optimally and that the air conditioning bills should be between \$200.00 and \$300.00 a month during the summer and in the winter the cost of oil and electricity combined should run around \$2,000.00 a month. Our monthly lease is \$3,200.00. We can re-approach the State and ask them to re-look at the lease if the Council chooses due to utility costs. I would welcome any of you to come look at it with me.

Mayor Robertson asked do the settings need to be changed from season to season or does it account for all that?

City Clerk Lee stated it accounts for all that with the heating and air conditioning.

➤ **CITY ENGINEER**

City Engineer Almberg stated he attended the Monday morning PORTER Group meeting and we were able to compile all the information needed based on what we talked about the previous Monday and I think it is all good news. We got the final draft of the vulnerability assessment out this week. The Aultman project is basically, as far as the City improvements are concerned, winding down and all the main stuff is taken care of. We are just dealing with a couple of odds and ends of services that need to be reconnected. We may be dealing with them a little bit when they complete the storm drains in central Ely as they cross through our utilities. The Murry Street project is ongoing. The due date was May 15, 2021 and there are some days they have the right to claim regarding things they ran into so as far as I am concerned, they are not over the timeframe yet. They have about 300 feet of sewer yet to go in as well as one manhole. They are replacing everything as they go up that road, so they will not have to come back and add in services. The project will hopefully be wrapped up in the next week or two.

5. REPORTS

➤ **COUNCILMAN FLANGAS**

Councilman Flangas stated I just want to mention the Planning Commission is working diligently and coming up with some good ideas for future plans for White Pine County.

➤ **MAYOR**

Mayor Robertson read the following into the record to accompany his report.

Report on Fire/EMS w/ County

- As you are aware the County Commission had their meeting yesterday to consider the proposal that was previously approved by the Ely City Council. By way of information for the Council I'd like to report that the discussion for this one agenda item went on for over an hour. I was very disappointed by the mis-characterization and false statements made by some county staff as well as by some county officials. There was much talk initially about loyalty during this item and I sincerely hope those that were involved in that discussion consider that the loyalty demand by the residents of this county is loyalty to their job and their duty and the volunteers and the facts and **NOT** loyalty to any elected officials. City Fire Chief Stork was also able to offer comments during this agenda item and was able, I'm very pleased to say, to respond succinctly and professionally to all the unverified issues that were given with reference to the logistical operation of City Fire Department. Comments made that City of Ely was unable to provide figures and operating costs for our department are untrue. The City's negotiating committee did state repeatedly that we had little faith in the historical figures of the department of FY19 and earlier as accounting for the City at that time had issues as shown in the audits, but that we were very confident of the figures we provided for the department's realized costs and billings from 2019 forward. Among other statements, the City was accused of offering a bait-and switch on their proposal. The county kept referencing what they referred to as "dollar-for-dollar" refund on any revenue over \$450,000 that our billing brought in, but the only proposal I ever saw was the percentage rebate as was proposed by the council. The only difference being that rebate would be determined in the 4th quarter instead of for each quarter for logistical reasons.
- Notwithstanding those comments from some, it appears that a majority of the commission was in favor of the City's proposal although one commissioner had some additional questions. I'm not exactly sure what the County's next move is, but currently they have not approved the proposed terms of the agreement.

Report on Fire/EMS with Tribe

- I met with the tribal chairwoman and a member of their council regarding the Fire/EMS protection for the Shoshone reservation. We had a very productive conversation. They are discussing the matter with their council as a whole and then we'll come up with suggestion on how to proceed and bring that back to City council for discussion.

Report on Landfill Issues for the record

- After speaking with staff and doing some research regarding the landfill billing issue that was discussed in the last council meeting I'd like to report the following for the record:
- Our attorney has researched the City and County code as they pertain to the billing for the regional landfill run by the City. There are issues with the code itself that leaves some gaps between what our current billing policies are, resolutions that were passed previously by the council, and the code itself. That combined with the fact that a comprehensive audit of the landfill billing of both County and City properties has not been undertaken for some years if not ever. This is simply due to the fact that such an audit would require more time and manpower than the City offices have. This is a very similar situation to the current business license system.
- My suggestions to the council on this matter would be to look at and revise the code to, at the very least, address the deficiencies and bring the code in-line with practiced policy.
- Ideally, after speaking with staff, I think a total revision of the code to make a system that is easier and less time consuming to implement and verify would be the way to go.
- Having a system that could be verified by information already being collected and updated by the assessor's office would most efficient.
- I believe every property with any kind of structure on it should be getting some kind of landfill bill.
- The code should spell out that the landfill fee each property owner pays is for the operation and maintenance of the landfill as the having a regional landfill affects their property values. The fee they pay entitles them to dispose of typical trash generated in the operation of a business or residence. Demolition waste will be billed by the load at the gate.

- Much like the TV District assessment, I think it should be ultimately incumbent upon the property owner to make sure that they are being billed correctly and to notify the city of changes to their property that would impact their billing. I also think that for sake of simplicity that corrections, refunds, etc... should only be able to go back a certain amount of time. The TV District Assessment, if I'm not mistake can only be reviewed for the prior three years.
- Not addressing these issues in some fashion leaves the City as an entity open to needless risk.
- I would again encourage the council to address the landfill billing as well the business license system. It will take time to sort out and I don't think we have the staff or time to sort them out consecutively but decide which one is most urgent and address the issues. I think sorting out both would do a lot for amount of time staff has to deal with these items and improve the operation of the community for citizens and for future development.

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 Treasurer Trask – Public Hearing – Discussion Only – Adoption of the Tentative Budget for the fiscal year ending June 30, 2022 as FINAL. Budget to be submitted to the Department of Taxation pursuant to NRS 354.598.

George Chachas stated I just received the tentative budget a few minutes before the meeting and the Nevada Open Meeting Law states all materials should be provided a minimum of three days prior to the meeting and you have failed to do that.

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

1. Council Members – City Treasurer Trask – Discussion/For Possible Action – Adoption of the Tentative Budget for the fiscal year ending June 30, 2022 as FINAL. Budget to be submitted to the Department of Taxation pursuant to NRS 354.598.

City Treasurer/HR Director Trask stated pages seven and eight show an overview of all non-enterprise funds. Page seven shows the estimated fund balances that I projected for this fiscal year we are in now. We have the revenues consolidated. If you flip over to page eight, that consolidates all the different expenses and what our estimated fund balances are going to be. The budget stabilization funds are included in the general funds on beginning and end balances and the balance is just over \$136,000.00 right now.

Councilman Alworth asked how do you think the department heads looked at their expenses.

City Treasurer/HR Director Trask stated I usually send out budget requests in January and tell them to shoot for the moon and we'll trim down. I think most of the department heads know what they need and all of them came in reasonable and brought in back up for their requests for capital improvement.

Councilman Alworth stated on page seven, the beginning fund balance is the end of June. I realize there is still two and a half months left. How do you feel the balances will roll over with the streets fund and the general fund? It looks like we have a pretty healthy balance.

City Treasurer/HR Director Trask stated I feel comfortable with the balances.

Mayor Robertson stated for the Council's benefit, could you describe what we are doing with the EMS/Fire agreement since we don't have an approved agreement yet?

City Treasurer/HR Director Trask stated if you go to page ten, this is a list of the general fund's revenue. Because I was waiting to see what the Commission did yesterday, and they did not make a decision, I have taken the money out of the agreement and put a zero for the County so if they don't go with the City for services, I don't have that revenue budgeted. If they do go with us, I can always augment it back in as it is easier than

putting it in and having to remove it and tell people they cannot spend money. Also as an affect to that, I reduced the Fire/Ambulance service revenue by \$100,000.00 to take in account that we will not be running out in the County. The ending fund balance in the revenues will look a lot better if the contract stays in place. On page nine, this is an overview of the Enterprise funds, it is pretty basic, and the net income does not always look good when you have big capital projects. When year-end comes, the expense of the capitals included on this page becomes converted to an asset and if not finished, it gets converted to construction in progress and gets pulled out of the expenses. This page gives you an idea of the revenues and expenses.

Councilman Spear asked on page fifteen the opening fund balance shows \$800,000.00+ and we are dropping that to a closing fund balance of \$408,000.00; that cannot be sustained, so is that something we will look at next year?

City Treasurer/HR Director Trask stated the decrease is due to the EMS/Fire Contract with the County not being included. Everything effects the fund balance, so if the revenue is put back in, the closing balance will go back up. The Street fund is status quo and is doing well. This is one of the first years I don't think I am going to have to do any transfers of funds to that fund. You always want to make sure because you don't know if the gas revenue is going to cover their wages and benefits and it's a good precautionary. This is the first year in awhile that I budgeted for contingency and that is money that does not have to be spent, but there is if any budgets go over.

Councilman Alworth stated it is very important on the Street department how much money RTC is sharing with the City and the County. We are seeing the generosity in the improvements over the last few years that have been a long time coming; we have seen almost a half million dollars for the past three years.

Mayor Robertson asked the diesel tax that got instituted, is that going to the RTC?

City Treasurer/HR Director Trask stated the diesel fuel does go to the RTC and they keep it in a separate fund. The thing to note is the public transit funding and the RTC funding show as revenue and an expense every year and is a wash. The other small funds like the courts is at their discretion of how they use it as needed, so I try to budget as much as I can for them. I did on the last page give you a copy of the capital expenditures for the year and for informational purposes the Street, Fire, and Redevelopment fund. The Street department was budgeted to get their new pick-up this year and they were not able to get it delivered in time, so that will roll that over for them and everything else has been requests that we could handle in the improvement fund. When we go to the Enterprise funds, the water connections on Great Basin Boulevard were added to the NDOT projects and the project will be done the end of June but we will not pay until April 2022. It will come out of expenses this year as a payable so you will not see any capital projected for NDOT projects in this year's budget because the next phase will not start within this next budget period. The nice thing is it will be converted to an asset, so it won't hit our expenses. The cash that we have put away that is generated from the capital improvement fee has been reserved over to a restricted fund and we have the cash available for the estimated cost of the first project.

Councilman Alworth asked could you give us a recap in less than two minutes on the revolving loan fund, what we have done so far in redevelopment and what you are projecting for next year?

City Treasurer/HR Director Trask stated right now I have the possibility of two more loans going out before the end of this year which taps out the \$100,000.00, we had budgeted in the revolving loan. What I did was put one more \$10,000.00 loan in the budget for next year, just based on revenues we should be getting back in on loan payments.

Councilman Alworth stated when you say tapped out, you set a limit?

City Treasurer/HR Director Trask stated you still have a fund balance, but I cannot give any more loans out because the funding is not there until the payments build up to give

out more. The Redevelopment has four loans, but the rest of that got put over to the Armory and what we are expecting in expense is why I did the augmentation to add another \$10,000.00 to cover that because I had additional revenue over what was budgeted. This funding is spent as far as this year, but I put City Hall and the Cemetery under loans/improvements so we still have the ability to give out some loans next year.

Councilman Alworth asked our pick-up fleet is about wore out and they were ones that we got from the City of Las Vegas for \$100.00 or so. I see our Public Works Supervisor's truck sitting in front of the repair shop for four or five days at a time.

City Treasurer/HR Director Trask stated we would be splitting it between the parks and the cemetery. The Street department was supposed to get one this year, but we were just not physically able to get it and then the Public Works Supervisor pick-up is budgeted in this year.

Mayor Robertson stated the budget looks better every year, thank you.

Councilman Alworth moved to approve the tentative Budget for the fiscal year ending June 30, 2022 as final, to be submitted to the Department of Taxation pursuant to NRS 354.598. Councilman Flangas seconded the motion. The motion carried unanimously.

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

A. CONSENT AGENDA

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

Moved by: Councilwoman Beecher Second by: Councilman Alworth Vote: Unanimous

1. Discussion/For Possible Action –Minutes.
 - April 22, 2021
2. Discussion/For Possible Action –Bills.
 - May 20,2021

B. NEW BUSINESS

1. Mayor Robertson – Discussion/For Possible Action – Retroactive approval of support letter to the Governor's Office of Economic Development (GOED) to select the Northeastern Nevada Regional Development Authority (NNRDA) as a Regional Development Authority (RDA) as outlined in *Nevada Revised Statutes* (NRS) 231.009 and utilize them for Economic Development Services as requested by RFP:21-152601.

Councilman Spear moved to approve the support letter to the Governor's Office of Economic Development (GOED) to select the Northeastern Nevada Regional Development Authority (NNRDA) as a Regional Development Authority (RDA). Councilman Flangas seconded the motion. The motion carried unanimously.

2. Mayor Robertson – Discussion/For Possible Action – Approval of comment letter to Nevada State Historic Preservation Office (SHPO) regarding the area of potential effects for the White Pine Pumped Storage Project.

Councilwoman Beecher stated I am confused as there are two different letters.

Mayor Robertson stated the first letter was based on previous letters we have submitted and looking at that, I wanted to make sure we had a letter that was pointed to the issues the State Historic Preservation Office (SHPO) would be looking at. They are both drafts, so we can approve either or combine them.

Councilwoman Beecher stated I prefer the second letter over the first, but in the second paragraph I would like the "will" changed to "may" and consistent with changing the "wills" to "mays" throughout the letter as it is unknown at this time if there will be an effect.

Mayor Robertson stated I would support that change. I am sure it will have an effect one way or another, but the request in the letter is whatever effect there is will be mitigated.

Councilwoman Beecher moved to approve the comment letter to Nevada State Historic Preservation Office (SHPO) regarding the area of potential effects for the White Pine Pumped Storage Project with corrections. Councilman Alworth seconded the motion. The motion carried unanimously.

3. Mayor Robertson – Discussion/For Possible Action – Approval for City of Ely Elected Officials to attend the Nevada League of Cities & Municipalities' 2021 League Congress June 16-18, 2021.

Mayor Robertson stated they are having this in Elko, and I will be making the effort to attend. If any Council Members would like to go, there is always good information.

Councilwoman Beecher stated there is a possibility I could get away to go, but will have to see.

Councilwoman Beecher moved to approve for Mayor Robertson and one Council Member to attend the Nevada League of Cities & Municipalities' 2021 League Congress June 16-18, 2021. Councilman Alworth seconded the motion. The motion carried unanimously.

4. Councilman Spear – Discussion/For Possible Action – Approval of draft priority list for City of Ely's American Rescue Plan funding..

Mayor Robertson stated this list has some really good suggestions and one I would add is to consider a public campaign on encouraging vaccination to get as many young people vaccinated before the next school year; not making people get vaccinated but encouraging them to do so and giving them information.

Councilman Spear stated the Mayor asked us to put together some ideas and the first thing that struck me was infrastructure. We should be getting two payments; the first one being around June 11th, 2021 and the second one about a year later. We have until December 31, 2024 to spend the 3.6 million. We have time to work on it, but the faster we get to working on it the better so we can have grant opportunities for people to apply for.

Councilwoman Beecher stated is this list a prioritized list of projects we want to complete?

Mayor Robertson stated this is just a list of ideas because the sooner we start talking about it the sooner, we can start prioritizing.

Councilman Spear stated the first paragraph stated all ideas are welcome. This is a wish list to add to and have as a working list.

Mayor Robertson stated in one of the webinars I watched they did recommend having a public hearing to let the public have a voice in some ideas they may like to see this funding used for and I think that would be a good idea.

Councilman Alworth stated one thing I noticed on this list is we could use every dime for infrastructure but the idea is they are giving back to the communities whether it is the employees, the businesses, speeding up our internet, updated phone system, supporting the Railroad, Boys and Girls Club, and restaurants. This money is a gift to the City, and we are giving back to the city. I think we need to continue to come up with good ideas and when the money comes, we will sit down and see how it turns out. Ideas could be sent to Jennifer to keep the list going.

Mayor Robertson stated I think going forward it would be a good idea to schedule a public hearing for the public to provide input and possibly having the Council form some

kind of committee that can do some further research on costs of ideas. These are things that could be added to the next agenda.

Councilwoman Beecher moved to table the approval of the priority list for the City of Ely's American Rescue Plan funding for further discussion at upcoming Council meetings. Councilman Spear seconded the motion. The motion carried unanimously.

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

Councilman Alworth stated we had our regular Monday morning meeting and at this time everything is at a standstill. As we mentioned last meeting, we were eleventh and so someone had to be disqualified or lower their amount to get in the top ten. It is now with the Senate and they are delaying the process, so not much to report. They asked BJ to submit some higher numbers in which he did. We went from the \$2 million to the \$3 million and we are waiting on the Senate for an update.

6. Councilman Alworth – Discussion/for Possible Action – Approval of monthly balance sheets for general fund, street fund and enterprise funds.

Councilman Alworth stated I looked it over and everything looks good.

Councilman Spear stated at the last meeting I made a statement on the opening and closure of the landfill and I saw someplace about 3.4 million to close it and I thought we had 1.8 million. On this balance sheet it shows we have 1 million and forty-four thousand, so I don't know where I got the 1.8 million. Is there something I missed?

City Treasurer Trask stated we are building it each year.

Councilman Spear stated I know we are building it each year. Didn't we have to send something to the State not to long ago and they approved it?

City Treasurer Trask stated we accrue an expense every year on that and then we can put into it. We just have to have in it what we have stated to the State.

Councilman Alworth moved to approve the monthly balance sheets as presented. Councilwoman Beecher seconded the motion. The motion carried unanimously.

7. Council Members – City Treasurer Trask – Discussion/For Possible Action – Approval of Collective Bargaining Agreement between City of Ely and Operating Engineers, Local 3 July 1, 2021 through June 30, 2024.

City Treasurer/HR Director Trask stated we negotiated and came up with this as a possible agreement between the two.

Councilman Alworth asked who is on the negotiating committee?

City Treasurer/HR Director Trask stated it is City Clerk Lee, City Attorney Manuele, and myself.

Councilman Spear stated I have one question. We got the letter from the leadman and I have to agree with what he had to say in that all the leadmen had the same amount of salary.

City Treasurer/HR Director Trask stated they did not all have the same amount. Carl who has the most certifications has the lowest wages. We were trying to even them out based off the responsibilities these people have to the State.

City Attorney Manuele stated Michael Sturgeon, our Streets department Leadman, did send an email to the City Council and the Mayor and in that email, he expressed his displeasure with the Collective Bargaining Agreement. City Treasurer Trask responded to that email indicating that only those three Wastewater Treatment Plant Leadman,

Water/Sewer Leadman, and Landfill would receive an additional increase above and beyond due to their direct responsibility to the State of Nevada and their State Certifications. I just wanted to add this background to the record.

Councilman Spear stated they have always had that, but prior to that the landfill lead was \$26.69, the maintenance lead, which is gone, the streets leadman was \$26.69, the water treatment plant leadman was \$26.30, and water/sewer leadman was \$26.30. They are all within thirty cents and then we open them up to over a buck difference. All of them have the same now with exception of the Streets leadman and I don't think that is fair. The guy has been there a long time and it shocks me that it will be a dollar or two more for the other three and I understand there may be more permitting and licensing, but I think all these guys work very hard for us and I am a strong supporter of all of our crews and would like to see them more even.

City Treasurer/HR Director Trask stated I explained the reasoning behind that in the email that I sent, and the Union agreed to it, so that is all I can give you there as to the reasoning behind it.

Councilman Carson stated I am not disputing the money, but I do have a question on the job description. At this point, I am not sure what the job requirements are and what certifications we are requiring at this point. This is something I should have done earlier, but just thought about it this afternoon. I would feel more comfortable looking at the job descriptions and making sure we have the right certifications for each leadman.

Councilwoman Beecher asked does the Streets leadman just require a CDL and the other leadmans require additional state required certifications?

City Treasurer/HR Director Trask stated the Landfill Leadman I am not too sure of the certifications he needs but my understanding is he has requirements he needs to meet at the State level. I know we talked about it and BJ is involved in it and when I talked to him he said all that information needs to be compiled and brought to him for what they do and I can't tell you right now what that is. I do know the landfill has the largest crew and that was the theory behind it.

Mayor Robertston stated the pay is based not on crew size, but solely certifications required.

City Treasurer/HR Director Trask the whole thing was based on their responsibility to the State and their certifications.

Councilman Carson stated my concern is if we approve this as is if we look at the job descriptions and they don't have the correct qualifications or certificates, they are going to want an additional raise to go get certified.

City Treasurer/HR Director Trask stated they are all certified where they need to be right now under the requirements.

Councilman Carson stated are we sure about that?

City Treasurer/HR Director Trask stated they would not have gotten them if they didn't have to.

Councilman Carson stated I think there is some grey area.

City Treasurer/HR Director Trask stated the job descriptions need to be updated.

Councilman Carson stated I think if we have a more fluent way to work your way up the ladder it might help with retention and recruitment and also be an incentive for people to go get certified.

City Treasurer/HR Director Trask stated that is what we were working towards is having levels in each department to move up and not be just a service worker and never get to

advance. We are trying to give them some steps, so we broke out the Service Worker I and II along with Equipment Operator I, II, and III was the same across the board. What we wanted to do, and the Union agreed, was we separated it out by department and that gives us the leeway to go in and look at job descriptions and give them a chance to move up. It might be the Service Workers within two years, like we did with the Wastewater Treatment Plant, has to get their first certification and then they advance up to a higher level and it gives them a chance to move up the wage scale. Before, the only opportunity to move up was to become an equipment operator and get their CDL and if there was not an open position for that they weren't able to move up which has changed; they now can move up to an Equipment Operator I if they get their CDL. We are trying to give them incentives to stay and work their way up and it is just a process we need to work on.

Mayor Robertson stated in the case of the Street Leadman there is just no other certifications for him to get, so what would be the incentive we are offering for him to stay?

City Treasurer/HR Director Trask stated at some point, you are going to hit the top level as there is only so far we can take this. I talked with Kurt about possible other areas of working up and those positions could maybe work their way out of the Union and into a supervisor or appointed position.

Mayor Robertson stated so your recommendation in the case for the Street Leadman is exactly what you proposed here?

City Treasurer/HR Director Trask stated yes, and that is based off what I gave you.

Mayor Robertson stated I suppose the flip side of this is if you made it equal then the other lead people that we have, that do have the certifications, would feel like they are getting paid the same for doing more work to have the certifications.

Councilwoman Beecher stated I was going to say the same thing. I am supportive of all our crews, but I think if you have positions that require certifications and you don't incentivize them to get those certifications by giving them additional pay, then what is the motivation?

Mayor Robertson stated if the Street Leadman wants to move up, they can get the certifications and if there is an opportunity in one of these other lead positions, they can move up?

City Treasurer/HR Trask stated yes, they can.

Councilman Carson stated I would like to make sure we have the correct certifications for the Wastewater Treatment Plan Leadman and Water/Sewer Leadman; not so much the Street Leadman.

City Treasurer/HR Trask stated I know Carl has the two certifications that are required for his job.

Councilman Carson stated I believe it is three certifications.

City Treasurer/HR Trask stated like I said, I am still digging up job descriptions, but I have never heard they have to have three.

Mayor Robertson stated we could have the Council review the job descriptions and have this item at the next meeting or is it time sensitive?

City Treasurer/HR Director Trask stated we can put this on the next meeting because we will also have the agreement for the Fire Department as well.

Councilman Alworth stated first of all, I believe this is a 5% raise across the board, which is the biggest raise the City has given in probably fifteen years. As for the Street Leadman having a CDL license for the equipment, at Q & D you have guys that can run

every piece of equipment but if the person is a supervisor that puts his pay grade higher because he is a supervisor. Mike who is the Street Leadman is doing an outstanding job and doing the job we hired him to do, and that is all I will say about that. Raul, who is our go to man, states on every report that we have to get these people certified, so that is our incentive to do this. Whatever the certifications are I don't know. The Sewer Plant is an important position and we don't have anybody certified to run it and that is why we are paying Raul a lot of money. What happened about six years ago when the water tank was tampered into; one of our employees could have went to jail for that. He had a legal obligation to do that job right and report to the State. I think we need to have the job description, but it is a waste of time to go through that. Another thing I want to point out is these different levels of operators and service workers is a big plus. If the individual is motivated, they will go get a CDL. We had an employee retire last year in June who stayed a service worker for thirty-two years, he did not want a CDL license and was happy with that. You can take someone working in the parks who gets a CDL and stays working in the parks, but makes a higher rate of pay. It's how much motivation they want to put out to go do this. We are offering them full-time employment and good benefits. There is a plus to this when you look past the hourly wages. It is a tough deal but to hold it up to check on the certifications, homework should have been done beforehand. We are getting word from Raul that we need to get these certifications.

Councilman Carson asked do you think we should just do this and look up the certifications later? I tried to look them up this afternoon, but we could not provide them.

Councilman Alworth stated I think it is like any job description. We had job descriptions but look at the Fire Chief position; for one hundred and six years there was no job description and now we finally have one.

Councilman Carson stated we just approved one for the Building Official too and we are encouraging him with step increments to get certified.

Councilman Alworth stated exactly, so what is the difference. Is this a year long contract?

City Treasurer/HR Director Trask stated this is a three-year contract with a one-year opener on negotiations on wages, so we have time to develop these different things if you want to.

Councilman Carson moved to table the approval of Collective Bargaining Agreement between the City of Ely and Operating Engineers, Local 3 to have time to review the existing job descriptions. Councilwoman Beecher seconded the motion. The motion carried 4 to 1 vote, with Councilman Alworth voting nay.

8. Council Members – City Treasurer Trask - Discussion/For Possible Action – Approval of Resolution 2021-2 for the purpose of augmenting the City of Ely's Redevelopment Fund using unbudgeted revenue collected in the Redevelopment Fund to apply towards supply and service expenses in the Redevelopment Fund.

Councilman Spear moved to approve Resolution 2021-2. Councilman Alworth seconded the motion. The motion carried unanimously.

9. Council Members – City Fire Chief Stork – Discussion/For Possible Action - Approval of recommendation to immediately suspend open burning in City of Ely limits thru September 30, 2021; this proposed action would not affect previously approved Open Burning permits.

Mayor Robertson stated does this apply to back yard fire pits?

Councilwoman Beecher stated I think it does not include backyard fire pits.

Councilman Alworth moved to approve suspending open burning in City of Ely limits immediately thru September 30, 2021. Councilman Spear seconded the motion. The motion carried unanimously.

10. Council Members - City Clerk Lee – Discussion/For Possible Action – Consideration of appeal by Sam Bida regarding Nuisance Notice on his residence located at 2160 Crawford Street.

Councilwoman Beecher stated I took a drive by this property today and there looks like there has been progress made.

Mayor Robertson stated Mr. Bida is requesting additional time.

Mr. Bida stated no, I would like you to drop the abatement on the property. I have gone above the call of duty to clean up my yard and I am asking you to drop the abatement. I pay a water bill and trash bill for the property for six years and nobody lived on the property. I asked you to drop this bill and you went ahead and put a lien on my property and said you wouldn't drop the water bill and I think it's criminal. So please leave me off your agenda and stop the abatement. I have been a citizen here all my life and I think some of your actions are criminal.

Councilwoman Beecher stated so the letter that we have is requesting more time and there appears to be work being done. I think an extended amount of time sounds fine to me, but there are ordinances that need to be followed.

Mr. Bida stated I would just like you to drop the abatement and I will clean my yard up. There is only a couple of things I need to do such as a trailer in the yard with a busted axle and I will need some heavy equipment to move it. As far as the rest I have the weeds all cleaned up and the garbage gone. I think it should be dropped.

Councilman Alworth asked what are your plans for your burned building Sam?

Mr. Bida stated I would like to rebuild. I recently deeded the property to my son, and he may want to tear it down and start over, I don't know.

Mayor Robertson stated for clarity on the record Mr. Bida is withdrawing his request for a time extension and asks for the complaint to be dropped.

Councilman Alworth stated we have ordinances on the books that the action the City is taking has been passed and I think we need to keep moving forward as we have been making progress at getting this done. I am sorry the building burned. There is a lot of time to clean this up and he doesn't even want to give us a timeline to clean this up.

City Attorney Manuele stated the options are to decide if there is a nuisance, not a nuisance and if there is a nuisance, a thirty-day timeline is given, and then legal action can happen for the abatement process.

Councilman Alworth moved to move forward with a legal abatement as there is still a nuisance on the property located at 2160 Crawford Street. Councilwoman Beecher seconded the motion. The motion carried unanimously.

11. Council Members – City Attorney Manuele – Discussion/For Possible Action – Approval of abatement action to include the removal of excessive tires, wrecked cars, and scrap metal on private property located at 2143 Aultman Street, Ely, NV, APN 001-226-02.

Property owner, Tristan Luis, stated I don't believe the ordinance applies to commercial and if it does, when are the other commercial yards going to get cleaned up? Once again government harassment and bullying. One of your councilmen has his own yard with a trash truck covered. The tires are construction material and the cars are support for my crews in automotive. The metal you want to charge me to dispose of here; I take it to Las Vegas and make money. I bought that commercial property so I could operate my business, so what is it that I am doing illegal?

Councilman Alworth stated if I could offer, contact that scrap metal crusher when he comes to town; he will come to your property and haul it off for you.

Mr. Tristan stated I have asked him twice and he ran out of time. He will take them without titles, but not all of them I can dispose of because I am working on a lien because they owe me money. The ones you are complaining about: one belongs to an ex-employee that moved out of town during COVID and is planning on coming back to get it; the other one I need an engine out of, I need time to get it out and just so you know, thirty days is a hardship on a business. I haven't even recovered from COVID. I don't believe this ordinance applies to this property and when you guys stop telling me I am doing something illegal and work with me there are things we can do to remediate that property and make it more attractive.

Councilman Alworth stated that is what the process is. We are giving you the opportunity. Can you mark which vehicles you can dispose of? Can you do something with the white metal, washing machines, and refrigerators that are piled up in there and why do you collect those?

Mr. Tristan stated because you charge me to put them in the yard and if I put them in my trailer and take them to Vegas, I get paid for them.

Councilman Alworth stated can you give us a date you will be doing that?

Mr. Tristan stated no, because I wait until I have a full load. I do have solutions, but I am not going to agree to do anything as long as you tell me it is illegal. Since I have bought that yard, I have cleaned it up drastically by putting a fence on the side street, which by the way I have talked to the City about the street draining into my property and causing erosion. It is one of two properties that I have that problem with as the water rips right through my property and floods me out. I could take that metal and move it around the corner, but that is labor and costs money. Have you tried to find labor lately at even \$15.00 to \$20.00 per hour?

Councilman Alworth stated why did you put the fence up?

Mr. Tristan stated I put the fence up to create more privacy at my property.

Councilman Alworth stated privacy or trying to hide something?

Mr. Tristan stated I don't need to hide anything because what I am doing is not illegal. I will take it back down as I am not doing anything illegal. I don't agree with you. Do what you have to do if you don't agree with me. I am extremely upset that the attorney couldn't call and cancel the meeting that I specifically rushed back to town for; that is not respectful or professional.

City Attorney Manuele stated I asked for a message to get to you and you did not receive it and I apologize. This is not an item that goes to the City Attorney but rather the Council to make those decisions and I did not want to waste your time as there is no reason for you to meet with the City Attorney.

Mr. Tristan stated I appreciate your apology. When you talk to Jennifer Lee all you get is dancing around in circles and never get a straight answer. If you feel what I am doing is illegal, you take your next step and I will get my attorney and we will go argue it out. I am not doing anything illegal and how many other yards are you forcing to do the same thing? I put that fence up as a courtesy, and if it is offending you, I can remove it and use it at one of my houses.

Councilman Alworth stated I think the fence is nice and many neighbors have commented that it was a welcome site as it was ugly to look in your yard.

Mr. Tristan stated many yards are ugly.

Councilman Alworth stated if you have a complaint on a property, go to City Hall and fill out a complaint form, we have a process to do that.

Mr. Tristan stated I don't need to complain about anybody else. I'm trying to run a business like they are and trying to be respectful to them.

Mayor Robertson stated for clarity and to make sure we are continuing with what is under consideration on this agenda item for the Council to approve some action or no action.

City Attorney Manuele stated the Council can order the City to do an abatement at the cost being the responsibility of the owner, give the owner more time to continue cleaning up the lot, or do nothing.

Mr. Tristan stated so you are going to get rid of cars that I don't own?

City Attorney Manuele stated that does pose an issue if the cars do not have a title; we cannot remove them.

Mayor Robertson stated the City has been in that position before with taking a car without a title and trying to figure out what we are going to do with it and we would be in the same situation with Mr. Tristan.

Councilwoman Beecher stated cars aside, he does acknowledge there is scrap metal accumulating that he has a plan for so I think the best route would be either for you to execute that plan or take them to the landfill as those are your two options.

Mr. Tristan stated why can't I store them around the corner where it is not in the line of site? It is still a commercial property. Why would you buy a commercial property at a premium if you can't stage your materials or run your operations?

City Clerk Lee stated the property is zoned MH3, which includes all the permitted uses for C1, C2, and C3.

Mr. Tristan stated that is commercial.

City Clerk Lee stated if you look at the zoning there are different types of businesses that handle metal and that particular lot is not any of those businesses. I would recommend the Council work with Mr. Tristan where he is here.

Councilman Alworth stated another thing with these ordinances is we want residents and tourists coming through our town to see it as a beautiful site and if there is a way for him out of sight, out of mind. When you drive down the main street and look over there what do you see? A huge pile of tires, a whole perimeter surrounded by cars, and a big pile of white metal in the middle. The people that live on South Street are happy he put the fence up, so he needs to work with us. I don't know where he is going to push all this stuff to, but there are cars with flat tires, and it says right in the ordinance if the tires are flat and in disarray they need to be removed. We need to draw a line in the sand. He is willing to work with us, but he has to do something in a timely manner. Do you go down main street and look in your backyard and what do you see?

Mr. Tristan stated I don't disagree. The part I am offended by is that you tell me I am doing something against the law. The tires are building material that I am using to build a retaining wall to cut back on erosion to my property; you might call it waste, I call it building material. Look it up on the EPA, it is totally legal. I went through it with the prior Building Official prior to his departure. I follow all the steps and get offended when I am treated poorly and am harassed.

Councilman Alworth asked how far have you progressed with your wall?

Mr. Tristan stated I have done right behind my pit where the dump is. I need to do the side where the sidestreet is because that is where my biggest drop off is. I need a minimum of ninety days to move the stuff out of there. I would like to get it around the corner and out of site and I can slowly build the wall.

Mayor Robertson stated so the options under consideration for the Council are grant more time with the plan, order an abatement by the City, or no action.

Councilman Alworth stated if he is willing to do it in ninety days, put it in the minutes and we will have our Public Works Supervisor go up there and take pictures from numerous angles and we will compare them in ninety days.

Mr. Tristan stated let's clarify what I am going to do please. It is moving the tires and the white metal. The cars that are wrecked I will take around the corner out of site, but the other cars that are there those are support from crews in and supporting my business. The ones that do not have titles, I will contact the recycler for and try to get him to pick them up.

City Attorney Manuele stated I did find the reference to M2 and the reference is City Ordinance 12-9-3 regarding M2 heavy manufacturing district. The heavy manufacturing zone will be characterized by the location of open and enclosed manufacturing, processing, and assembly uses which may potentially create hazards, nuisances, or disturbances. Some peripheral landscaping will be provided, where appropriate, to reduce the effects of the detrimental characteristics of permitted uses. It has to be products that are permitted within the business. Does your business use metal? I think that is one of the issues is your business does not require the use of metals.

Mr. Tristan stated I bought that yard to support my business and I own eighty doors in town, so part of my business is old refrigerators, old dishwashers, and washers and dryers.

City Attorney Manuele stated the background of it is that anything there has to be permitted use for the business and then peripheral landscaping can be required to reduce detrimental characteristics. It sounds like we have a motion and a resolution. I just wanted to get that information to you.

Mr. Tristan stated sixty percent of the stuff that is in that yard was there when I bought it and it was worse and I have cleaned it up three times. Last year when I was given the opportunity, I took it to the landfill at no charge; if I have to pay, I am going to stage it and take it to Las Vegas. I will start putting it around the corner out of site, but it is supporting my businesses.

Councilman Alworth stated so you are suggesting if the City had a free metal disposal day at the landfill you would get it all out there?

Mr. Tristan stated I did, and I will again.

Councilwoman Beecher moved to approve a ninety-day extension of abatement action to allow the property owner time for the removal of excessive tires, wrecked cars, and scrap metal on private property located at 2143 Aultman Street, Ely, NV, APN 001-226-02. Councilman Spear seconded the motion. The motion carried unanimously.

12. Council Members – City Attorney Manuele – Discussion/For Possible Action – Approval of abatement action to include the removal of excessive wood bark and debris on private property located at 2150 Ruby Street., Ely, NV, APN 001-036-10.

Councilwoman Beecher stated I went by this property today and it is interesting as there is a lot of debris and some of it someone might characterize as décor. What my question is how do we determine what would be allowed as décor and what is determined debris?

Mayor Robertson asking you are asking the difference between trash and treasure?

Councilwoman Beecher stated I suppose that it is my question.

Councilman Alworth stated there is excessive wood bark that is visible. The fact is that somebody is going to have to dig it out with a backhoe with an extended boom to drag it out of there.

Mayor Robertson stated the fire issue is the main concern.

Councilman Alworth stated the individual stated he is using the material for flood control and it will just wash away. The question I have, with the Sheriff is if the City was to go in there and abate the property, are we going to have to have a guard?

Mayor Robertson stated I know there is always a concern sending City staff onto private property. What is our authority and how does that work?

City Attorney Manuele stated as I saw these coming up on the agenda, understanding abatement orders would likely be issued, and the concern of the safety of staff entering on private property to do removal. I did talk to the Sheriff this morning and he indicated with an order from the Council he would have a sheriff's deputy on standby.

City Police Chief Henriod stated as long as we have a judge's order, that gives us the authority in assisting the City staff. We would be happy to assist, but we do need a court order.

Mayor Robertson stated how does that get issued?

City Attorney Manuele stated I will double check with the Municipal Court if they are able to issue that order; I believe the Municipal judge has the authority to do that.

Mayor Robertson stated so once again the options on this item for the Council to consider are to order abatement, grant more time, or no action.

City Attorney Manuele stated I did want to indicate regarding Councilwoman Beecher's question we just have to look to the ordinance and make our best effort to define rubbish is what this would fall under. Rubbish has a number of things listed such as charred or partially burned roofing material, boards, timbers or other building material remaining after fires in any building, scrap building material, cardboard boxes or cartons, rags, paper, sawdust, packing material, shavings, boxes, barrels or other wooden containers, lawn trimmings, manure, tree branches or trunks, dead flowers or flower garden waste material, weeds, grass, waste hay, and other combustible materials. I did receive from Public Works Supervisor Cracraft what the estimate would be for the City staff to abate the property and that was \$2,054.08 with the use of a backhoe, bobcat, dump truck, and the hours of an equipment operator.

Councilman Alworth moved to move forward with City Attorney Manuele acquiring a court order for abatement on the property located at 2150 Ruby Street, Ely, NV, APN 001-036-10. Councilman Carson seconded the motion. The motion carried unanimously.

13. Council Members – City Attorney Manuele – Discussion/For Possible Action – Approval of abatement action to include the removal of junk/abandoned vehicles, weeds, and debris on private property located at 201 Ogden Avenue, Ely, NV, APN 001-125-06.

Mr. Peeler stated a couple years ago I had some severe medical problems and I lost my business. We had some people from Chicago come and they were kind enough to help us rehabilitate that building. They are going to invest a lot of money in that property and they purchased that building for \$128,000.00 from a trust. They never put one penny into that building and between Tom Bath and myself we have probably put a half a million dollars into that building. It has gone through a lot of restoration by us but the vehicles that are in the back are from dead people and I couldn't get rid of them. The DMV wouldn't let us even look at them. Eight of those vehicles were Tom Bath's because the titles were given to him and he has done nothing with them over the years and there was nothing I could do and felt very frustrated. We did recently get rid of three of the vehicles from people that had hardships in that neighborhood, and we were just helping them out. None of the cars are ours, but the cars are not junk all you have to do is put a battery in those vehicles and they will run, so we are not running a junk yard. The City wasn't very specific with what they want us to do regarding the weeds. There really isn't any debris back there and the weeds keep the dust down. I hired two people and one got

attacked at the Prospector and got his jaw broken and the other one had a mental breakdown, so it is hard to get good help here even when you pay out the money. We want to run a really nice business here and the people from Chicago are coming out in about a week to see what is going on here with the abatement and we just want to know what is expected of us. Right now, we are trying to run a business on a very limited budget and right now I am not taking a salary. I am trying to bring money to this town and put people to work. I would like to have my letter that I sent in as part of the record. We are trying to do our best, but it feels like we are getting the bums rush. Thirty days is not enough time to get rid of a bunch of vehicles that the DMV doesn't even want to give us a title to; they have been fighting us for thirteen years on some of those.

Mr. Jed A. Peeler
General Dental products, inc.
201 Ogden Avenue
Ely, Nevada 89301-1888

Shain Manuele, Esq.
City Attorney
City of Ely
501 Mill Street
Ely, Nevada 89301

May 24, 2021

Dear Sir,

I received your most recent letter with regard to the remaining five vehicles on our enclosed commercial property.

Tom Bath met with me on Thursday, May 20, 2021. He is fully co-operating with me in getting titles, once again, for these old vehicles, so that they can legally be removed from our property to be disposed of. Since our last correspondence, we have legally disposed of three vehicles. We simply cannot just bring these vehicles to the dump without proper paperwork. With Tom Bath's co-operation, we will only have one car and one trailer left on the property, and we are working on that.

We recently received a quote for replacing two of our three garage doors, after the investors purchased the building at 201 Ogden Avenue. The investors have every intention of renovating our building, including removal of any objectionable weeds. They have spent over \$128,000.00 already, on the purchase of a building that had been seriously neglected by the previous owner, the Miller Trust.

We are also going to replace our roof for \$90,000.00. We are doing more to make our property up to date than the numerous dilapidated business properties along Aultman Street that have been allowed to deteriorate for decades, and that have contributed nothing to the welfare of the City of Ely. We have contributed millions of dollars in revenue in the twenty-three years that we have been here, and we intend to expand our operations here, with the help of outside investors from the Chicago Metro Area.

We can only work so fast, with the capital that we have raised so far. We do not not understand why we are under attack by some local people who supposedly want business to come here, yet do everything that they can to keep it out.

I will be at the Thursday, May 27, 2021 City Council Meeting to answer any of your questions.

Sincerely,



Jed A. Peeler
(775) 296-2759

Councilwoman Beecher stated vehicles aside there are several broken signs and regardless of where they are from, they are there, and it is very overrun with weeds. What we need is a plan from you.

Mr. Peeler stated some of that property is Tom Bath's.

Councilwoman Beecher stated he is not an owner of the property and if it has been there over thirty days it is abandoned, correct Sheriff?

City Police Chief Henriod stated yes.

Councilwoman Beecher stated now it is the responsibility of the property owners.

Councilman Alworth asked when the owners from Chicago were planning to be here.

Mr. Peeler stated about a week from today.

Councilman Alworth stated we have people that pull up to go to the museum and that is what they see across the street. Tom has equipment or you could hire someone to scrape the weeds out of there and with the vehicles that have flat tires, they need to go as the ordinance says they cannot be sitting there with flat tires and in disarray. You know what needs to happen, so you need to make it happen. You have a tree on the backside growing into your building and motel signs that don't even belong there. Your company has an issue with this, and it needs to be corrected.

Councilwoman Beecher stated maybe we need is to table this item until the next meeting for you to meet with the property owners and get a timeline as to when this could all happen.

Mayor Robertson stated would you be prepared with a plan at the next meeting?

Mr. Peeler stated sure.

Councilwoman Beecher moved to table the decision of the abatement action to include the removal of junk/abandoned vehicles, weeds, and debris on private property located at 201 Ogden Avenue, Ely, NV APN 001-125-06 to the next meeting when Mr. Peeler will be back with a plan. Councilman Alworth seconded the motion. The motion carried unanimously.

9. PUBLIC COMMENT

George Chachas stated ongoing concerns of receiving his permit application to be able to rent his properties to RV's as others do; permitting of RV's; RVs squatters; curb/gutter codes not being enforced; and selective enforcement of City Codes throughout the City. I could move a little quicker on my properties, but I don't have any income coming in because you won't allow me to do what you allow others to do. I am going to paint that property on 692 unless I am told different and it is over. I can't do anything until I find a contractor to take down the low fiber board at the motel and the rest is going to be painted. The rest is asphalt shingles and I will paint it over just like Tom Bath did at the Silver State on main street. I have to have a contractor. If I don't have to have a contractor I have plenty of handymen and I can do that much faster. I am running up against a problem. I showed you the two bids that I got from roofers. I am not going to pay \$9,000.00 more and you cannot force me to pay that. I am willing to do it, but if I can't find anybody I am going to need additional time.

Marietta Henry stated Mayor Robertson and members of the City Council, I would like to read a letter to you that the White Pine Horse Races received from the Nevada Gaming Control Board. Pursuant to NRS 463.320 (2)(C) you will not be receiving monthly distributions for calendar year 2021, as you did not tax on Pari-Mutuel wagers range per NRS 466.125 for the calendar year 2020. If you have any questions you can take it up with the Nevada Gaming Control Board, Tax and License Division. I would like to respectfully request that you consider putting White Pine Horse Races on your list of agencies to be considered for funding under the CARES Act. My understanding is the CARES Act has to do with COVID and because of COVID we have been penalized for not racing and therefore cannot get this funding. The funding we usually get is between \$22,000.00 and \$25,000.00 a year and we will not be able to recover this funding. We respectfully request your consideration.

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

Councilwoman Beecher moved to adjourn the Regular meeting of the Ely City Council at **7:01 p.m.** Councilman Alworth seconded the motion. The motion carried unanimously.



MAYOR



ATTEST

