

CITY OF ELY

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

ELY CITY COUNCIL REGULAR MEETING

December 8, 2022, 5:00 p.m. – Ely Volunteer Fire Hall – 499 Mill Street – Ely, Nevada

1. Mayor Pro Tempore Williams – Harper called the regular meeting of the Ely City Council to order at 5:00 P.M.; led in the Pledge of Allegiance and asked for Roll Call.

Members present:

Mayor Pro Tempore Jerri-Lynn Williams-Harper
Councilman Terrill Trask
Councilman Kurt Carson
Councilwoman Samantha Elliott
Councilman Jim Alworth

Members absent:

Mayor Nathan Robertson

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

City Clerk Jennifer Lee
City Treasurer/HR Director Janette Trask
City Attorney Leo Cahoon
Public Works Supervisor Mike Cracraft
City Fire Chief Pat Stork
City Police Chief Scott Henriod
City Engineer B.J. Almberg
City Building Official Craig Peterson
City Municipal Court Judge Mike Coster (Zoom)
City Administrative Assistant Patti Cobb

Also, in attendance: Members of the public in attendance at the Ely Volunteer Fire Hall signed in (appears below) and the following persons attended via video conference: Geri Wopschall, Carol Ruth Silver, Wyatt Cox, Tyler West, and Phil Herring

ELY CITY COUNCIL ATTENDANCE LIST

DATE: December 8, 2022

Print name below

Tim Vidine
Michael Conner
Josh Lieberman
Sandy Moreno
Dominic Moreno
George Chachas
Ten Bingham
Ben Bailey
Mark Bassett
Sherie Marquez
GARY D FAIRMAN
Ken KIRKBY
Bryan Reed
John Kramer

Print name below

2. PUBLIC COMMENT:

George chachas stated I want to repeat my concern in that you folks have changed the format of public comment as comments should be open for anything. With that being said, on your agenda item 10B-1 I do not see where your auditors address the \$100,000.00 of expenditures to the Armory which is now used as the Nevada Highway Patrol office. Money was used from the Redevelopment Fund for the repairs. That expenditure is not allowed under the Redevelopment Fund because that facility was restricted; it is not widely available to the public. I also do not see where the billing for my different properties was addressed. The Mayor stated the auditor reviewed my billings. I want equal protection under the law. Federal law prohibits discrimination in any federally funded or assisted program. I am again requesting a copy of the worksheets as I have asked for in the past. I am being overcharged and none of you have addressed that concern. On your agenda item 10B-3 you are to consider supporting a donation for temporary housing. I want to remind you NRS 268.512 to NRS 268.568 inclusive, city men may not assist any enterprise which would compete substantially with an enterprise which is already established in the city or county in which the city is located. I am reminding you that you do not allow me and my family to use our property as others do. On your agenda item 10B-7 you are to consider interlocal police protection services. I do not agree with that as the City is overpaid now. If the jail needs to be used pay the same daily rate the Eureka County pays to use the local jail. You do not need your own jail facility. On your agenda item 10B-15 you are to consider reappointment of Councilman Alworth to the White Pine County Equalization Board, and you need to appoint someone else. He is not fair and balanced and does not address discrepancies that have been pointed out for years. He intentionally and selectively discriminates against some people and that needs to stop. On your agenda items 10B-18, 19, 20, and 21 you are to consider various things which include the Nevada Northern Railway Foundation, and these items need to be tabled until they start operating under the Nevada Open Meeting Law. They spend hundreds of thousands of dollars of the taxpayer's money, yet the citizens have no idea on how that money is spent. They have a nepotism problem, they have yet to address the rumors of embezzlement, they have failed to collect track rental from S & S Shortline and costing legal fees with no positive results for the City.

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

Councilwoman Williams-Harper stated I would like to have the agenda approved with the removal of items 20 and 21 under New Business.

Councilwoman Elliott moved to approve the agenda with the removal of items 20 and 21 under New Business. Councilman Alworth seconded the motion. The motion carried unanimously.

4. CITY DEPARTMENT REPORTS

➤ PUBLIC WORKS SUPERVISOR

Public Works Supervisor Cracraft stated the dozer at the Landfill lost its transmission and the plan, as of yesterday, is Wheeler Machinery will start the repairs on it next week. The other thing is we have what is called a lift station out at the Industrial Park and it takes the waste from the BLM buildings and Aspen Heights and pushes it to the Wastewater Treatment Plant. We had two pumps and motors in it and they both failed. They were able to fix one of the motors and they were going to rebuild the pump, but the parts are obsolete now, so we contacted the manufacturer, and they are going to help us out with all the parts we need to fix it. It is going to take about four weeks. We are going to have to budget and purchase a new one in the next fiscal year.

Councilman Alworth asked so we have one pumping right now?

Public Works Supervisor Cracraft stated no, we have hired Sanitary Septic to come pump it daily until we get the next pump working.

Councilman Alworth asked, have you received the high-pressure rotor rooter machine yet?

Public Works Supervisor Cracraft stated we will receive it in January.

➤ **CITY ENGINEER**

City Engineer Almberg stated every five years we have to do an aerial on the Landfill so we can project the remaining life. We recently finished the calculation on the Landfill, and we obtained one extra year of life based on our projection and what is going on today. I believe the year 2066 is the year the Landfill is projected to run out of life. Every five years it is a requirement of the State to keep up to date of what we have left so we are prepared for that. Janette takes that information and there is an approved amount of money we need to have in place at the closure of the landfill to be able to close it out efficiently. Also, out at the Landfill we are working on the south drainage ditch for the runoff water. When we started working on that we came up with another option as a part of the Landfill Expansion Plan with roughly the same length of that ditch using the contours, we can use one draw north to the south, so we don't run into our shop building down at the bottom. I think this will be much better for the Landfill when this is completed and a safety factor. I have coordinated with Mike to make sure he is on board with it and showed him what we are planning on doing. It will be roughly the same amount of a ditch, but what it does save us is down at the bottom there was a retention pond that needed to be created to stop the water from hitting the shops down there. I believe at the end it will be a savings for the City. We are working on our earmarked project. They just came out with the guidelines of how we need to proceed with this project. We are thinking we may be able to get away with a categorical exclusion instead of having to do a one hundred percent completed environmental assessment (EA) in that area. We have been working on an EA for that area and have completed it as far as the requirements for the CDBG. We were waiting for the requirements for this other federal funding because a lot of times they have different requirements. The EA is still a benefit to us for the project we just prioritized today and is good for five years for future projects. Our Bell Avenue Project which is a CDBG Project has been in for a while, and we are hoping to get word back in that everything is ok by the end of December or in January. Once we get that back we can move on to designing and get that project to the street and constructed. Our North Street Well went out last year and has been down for quite a long time. We waited for the new fiscal year as it was budgeted then and have ordered the pump and motor, but there is quite a lead time on it. We are hopeful it will be here the end of December or in January.

5. NNRy FOUNDATION REPORT

NNRY President Mark Bassett reviewed the following report:

NEVADA NORTHERN RAILWAY
NATIONAL HISTORIC LANDMARK



Nevada Northern Railway Foundation
A Nevada 501 (c) 3 Non-Profit Corporation
Depot: 1100 Avenue A, Ely, Nevada 89301
Mailing Address: PO Box 150040, Ely, Nevada 89315
Voice: (775) 289-2085 • Web: www.nnry.com • E-mail: info@nnry.com

Monthly Operations Report for November 2022

1. Locomotive Status – No change
 - a. Locomotives in service: #81, #105, #109, #204, #310, Wrecking Crane A & Rotary B.
 - b. Locomotive 93 is out-of-service. She needs repairs to her valve chest.
 - c. Locomotive 40 is out of service for her heavy repairs. We have started on her repairs; she will be out of service until 2024.
 - d. Locomotive 801 still needs some work to bring her into compliance with modern locomotive standards.
 - e. Locomotives out of service needing moderate repairs: #201 and #34
 - f. Locomotives waiting funding for restoration: Steptoe Valley Smelting and Mining #309, Kennecott 802 and Rotary Snowplow B (for boiler overhaul.)
 - g. Locomotives out of service needing heavy repairs #80 and the military locomotives.
3. Rolling Stock Status – No change
 - a. Passenger equipment in service: #07, #08, #09, Flatcar #23, Coach #5, Baggage Car/RPO #20, Outfit Car #06.
 - b. Passenger equipment out of service: #10, #2 and #05 needing heavy repairs.
 - c. Cabooses in service: #3, #6 and #22 are operational.
 - d. Cabooses 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 November we carried 633 passengers, this is a 33% decrease compared to 2021. Most of the decrease was from reduced attendance on the annual food trains.
 - b. Year to date, we have carried 15,074 passengers, this is slightly ahead of 2021.
 - c. Since operations began in 1987, we have carried 345,435 passengers.
6. Economic Impact – Data from Travel Nevada Visitor Facts Pony Express 2016-2020
The average non-gaming & gaming daily expenditure per overnight visitor \$140.
Economic impact for November 2022 is 633 x 80% x 140 = \$70,896
Economic Impact Year To Date is 15,074 x 80% x 140 = \$1,688,288
7. Social Media: Our reach on social media continues to expand, in the last 28 days:
 - a. We reached 1,199,913 people.

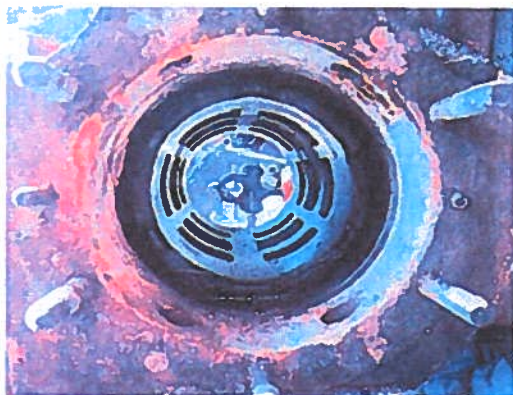
Award Winning Destination
Best Adrenalin Rush in Rural Nevada - 2020
Trip Advisor Certificate of Excellence – 2020, 2019, 2018, 2017, 2016, 2015, 2014
Best Museum in Rural Nevada – 2020, 2017, 2016, 2014, 2013, 2010, 2009, 2008
Best Place to Take the Kids in Rural Nevada - 2020, 2019, 2018, 2015, 2014,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

- b. Post engagement was 218,588.
- c. We have 118,614-page likes.
- d. 162,636 people follow our page.

8. Special Trains

- a) The ticket sales for our Christmas Train, Santa's Reindeer Flyer Train have been brisk.
- b) The 2023 Sunset, Stars and Champagne Train is on our website and tickets are selling well.

9. Locomotive 93 developed a valve issue. To repair her valves, the valve chests had to be opened. In the process of doing this a bolt broke. It was quite the task to free the bolt.



The above photo shows the valve chest disassembled. The view is through the valve bore. It is out-of-round and needs to be trued. The yellow arrow points to the broken bolt.



Using the shop crane, some percussive maintenance and just sticking to it, the staff was able to remove the valve chest, which allowed them to remove the broken bolt. Pictured is John Henry, Master Mechanic, Nick, Shop Lead and Lennox, Shop Foreman. The next step is to reinstall the valve box and then true it up.

Our current thinking is that this is the first time the valve chest has been removed from the steam cylinder in over 100 years.

Councilman Alworth stated kudos to the writer of the article in a magazine about the repair to the track using the old steam engine. Everything was old and you guys did an outstanding job.

NNRY President Mark Bassett stated one of our projects is “Be the Engineer” and it was Locomotive 93. As it was backing around a curve one of the rear tender wheels flanges broke off. When the flange broke off it went bumpety bump and now she is on the ground. All of the tricks to put that back on the rail didn’t work. That Saturday morning was also “Race the Rails” and so the shop crew went out with our 1907 steam crane and had to lift up the tender and change out the wheels underneath the tender. At the same time the other operating part of the railroad did all the trains for “Race the Rails;” our excursion train; our 4:30 p.m. train; and our Sunset, Stars, and Champagne Train. We were able to bring Locomotive 93 down the hill about 7:00 p.m. that day. The shop crew came in and fixed the broken wheel and 93 rolled out the door on Monday. Kudos to all the guys that worked on it as it was a team effort. We checked the track, and it was fine. We made the repair and continued operating trains through all of this.

Councilman Alworth asked if you didn’t have that crane what would have been your options?

NNRY President Mark Bassett stated we would have had to bring in a heavy crane. I can’t think of the tender weight off the top of my head, but even with the water drained out of it, it is probably somewhere around twenty tons. We could bring heavy jacks up there; we have those and air jacks we could have jacked it up to remove the wheel set and put another set in, but it would have been incredibly labor intensive. We restored the crane back in 2004 because I knew someday, we would need it and we did.

6. REPORTS

➤ COUNCILMAN ALWORTH

Governor Sisolak is out, but he was sitting on over \$500 million in what is called “Home means Nevada” Affordable Housing Initiative and he allocated all of it as he was leaving office. A massive amount of the funding was allocated to the Las Vegas and Reno areas. The Nevada Rural Housing Authority is trying so hard to get housing in rural Nevada including Ely, Eureka, Elko, and Carlin. They gave a total of \$3.4 million for down payment assistance if you want to buy a house for the very first time. We are all talking about housing in this community and there is no affordable housing or housing to speak of. This is a terrible thing. We had a housing committee that struggled with letter after letter to Sisolak and that is what you do when you lose, you throw it all away. We are in big competition with Las Vegas and Reno is not so bad. Vegas uses our backyard for their playground, and we have to afford them. \$3.4 million for all rural Nevadans is not going to go very far.

➤ COUNCILWOMAN ELLIOTT

Councilwoman Elliott stated on the 1st I went to a meeting about the annular solar eclipse that is coming up in October. I think that will be something pretty big for our community and I will keep you all updated.

➤ COUNCILMAN CARSON

Councilman Carson stated I would like to thank the City Road Crew, and everyone involved in snow removal. They worked diligently to get the snow out of the curb and gutter to the center of the road and get it picked up and hauled off. It really helps save the life of our roads.

➤ MAYOR PRO TEMPORE WILLIAMS-HARPER

Mayor Pro Tempore Williams-Harper stated I am pretty excited in representing the School District. I just came back from a CTE Conference and saw some things in which I am going to write up a report and bring it to the Council. As you know our students are able to get several different kinds of certifications in welding and so forth. While I was there, we saw the automated machines where you can learn how to drive all of the trucks and things at the mines and in the City. I would love to see us get a couple of those machines for the kids to get their certifications and for our own people in the City to have those as well. I am going to look at some other monies because it was nice to see something that would benefit the mine, school, and City.

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

1. Board Members – City Clerk Lee - Discussion/For Possible Action – Approval to remove past due utility fee penalties up to the amount of \$2,223.45 from 1000 Georgetown Ranch Road, Ely, Nevada at the request of Business owner, Nevada Radio LLC.

Wyatt Cox with Nevada Radio, LLC stated in September of last year our CEO died and left a lot of things undone that we did not know about. I agree with Councilman Alworth in that the business community in Ely is in horrible condition, thanks to what has rolled in. Our six radio stations that carry the programming originate in Ely, but less than ten percent of our advertising comes from Ely. We get more advertising out of Hawthorne. We have tried to be responsible in handling all the arrearages. We not only got the lease caught up, but have next years handled and the arrears on our utilities besides the penalties. We are asking for the penalties to be waived so we can continue to make certain that this facility maintains its ability to serve the City of Ely.

City Clerk Lee stated Nevada Radio, LLC paid their principal Landfill fees due of \$900.20 and are requesting the penalties be waived.

Councilman Carson stated the Utilities Board recommended approval of this item.

Councilman Carson moved to approve the removal of past due utility fee penalties up to the amount of \$2,223.45 from 1000 Georgetown Ranch Road, Ely, Nevada at the request of Business owner, Nevada Radio LLC. Councilwoman Elliott seconded the motion. The motion carried unanimously.

2. Board Members – City Clerk Lee - Discussion/For Possible Action – Approval to remove past due utility fee penalties up to the amount of \$2,433.30 from 22 Main Street, Ruth, Nevada at the request of Property owner, White Pine County Commissioners.

City Clerk Lee stated the County acquired this property and we did receive a check for the principal Landfill fees due and they are requesting a penalty waiver.

Councilman Alworth moved to approve the removal of past due utility fee penalties up to the amount of \$2,433.30 from 22 Main Street, Ruth, Nevada at the request of Property owner, White Pine County Commissioners. Councilman Trask seconded the motion. The motion carried unanimously.

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

A. CONSENT AGENDA

Councilman Alworth disclosed I am a past member of the Volunteer Fire Department and bills that are paid on behalf of the City of Ely Fire Department I believe are paid in the best interest of the citizens.

Councilman Trask disclosed my mother is the City Treasurer Trask. My vote will be in the best interest of the City of Ely.

MOTION: Move to approve the Consent Agenda item 10A-1 Minutes and 10A-2 Bills.

Moved by: Councilman Alworth Second by: Councilman Carson Vote: Unanimous

1. Discussion/For Possible Action – Minutes
 - October 27, 2022
 - November 10, 2022
 - November 15, 2022
2. Discussion/For Possible Action – Bills.
 - November 22, 2022
 - November 30, 2022

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 Building Official Peterson – Public Hearing – Discussion Only – Consideration of a petition for vacation or abandonment of a road or easement by applicants, Thomas W. Stagg and Ann Wilson, who wish to have the section of 3rd Avenue that is located between their two properties abandoned. The property address or general location is 3rd Avenue between 994 Murry Street, APN 001-337-01 (Block 20, Lot 9) and 1000 Murry Street, APN 001-345-04 (Block 26, Lots 1-4), Ely, NV. The total area to be abandoned would be approximately 50' x 97.45'.

City Building Official Peterson stated this abandonment petition is based on the County Assessor bringing to our attention that there were some encroachments on this area that existed long before I did, and they were in the public way. The area we are looking to abandon really has no development potential. There is really no feasible way to continue that road on past where we currently are, and this really just remedies that situation that has existed for a long time that has went unrecognized or undiscovered.

Councilman Alworth asked what did the RPC say?

City Building Official Peterson stated the RPC recommended approval.

2. Council Members – City Clerk Lee – City Engineer Almberg – Public Hearing – Discussion Only – Prioritizing and final Selection of CDBG project(s) for the 2023-2024 Program Year application submission; the City's eligible projects include Morley Avenue Sewer Replacement for \$358,200.00 and Stevens Avenue and Orson Avenue Alley Sewer Replacement for \$490,400.00.

George Chachas stated I think both projects are good, but I would hope that Stevens and Orson Avenue would receive number one designation as that area is growing. I have property on Stevens and haven't been able to rent any of it because I couldn't get a variance. I am very curious to see if you are going to give any variances to anyone else that is moving in there now.

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

1. Council Members – City Building Official Peterson – Discussion/For Possible Action – Consideration of a petition for vacation or abandonment of a road or easement by applicants, Thomas W. Stagg and Ann Wilson, who wish to have the section of 3rd Avenue that is located between their two properties abandoned. The property address or general location is 3rd Avenue between 994 Murry Street, APN 001-337-01 (Block 20, Lot 9) and 1000 Murry Street, APN 001-345-04 (Block 26, Lots 1-4), Ely, NV. The total area to be abandoned would be approximately 50' x 97.45'.

Councilman Alworth moved to approve a petition for vacation or abandonment of a road or easement by applicants, Thomas W. Stagg and Ann Wilson, who wish to have the section of 3rd Avenue that is located between their two properties abandoned. The property address or general location is 3rd Avenue between 994 Murry Street, APN 001-337-01 (Block 20, Lot 9) and 1000 Murry Street, APN 001-345-04 (Block 26, Lots 1-4), Ely, NV. The total area to be abandoned would be approximately 50' x 97.45'.

Councilman Carson seconded the motion. The motion carried unanimously.

2. Council Members – City Clerk Lee – City Engineer Almberg – Discussion/For Possible Action - Prioritizing and final Selection of CDBG project(s) for the 2023-2024 Program Year application submission; the City's eligible projects include Morley Avenue Sewer Replacement for \$358,200.00 and Stevens Avenue and Orson Avenue Alley Sewer Replacement for \$490,400.00.

City Clerk Lee stated the Utilities Board recommended the Stevens and Orson as first priority and Morley as second. Both of these projects are eligible. We did apply for two projects last year and received both.

Councilman Alworth asked on Morley Avenue, what is the exact problem?

City Engineer Almberg stated the sewer is a maintenance issue for the Water Department. They go up there a couple times a year and clean it out because it gets backed up. This would eliminate a fairly routine maintenance issue.

Councilman Alworth asked did we ever fix the low water pressure on Morley?

City Engineer Almberg stated Morley does always have low water pressure and the way to fix that is we would have to do a small booster pump or something so no, it has not been fixed. However, the water is not the reason for the sewer replacement there.

Councilman Alworth moved to prioritize Stevens Avenue and Orson Avenue Alley Sewer Replacement for \$490,400.00 as primary and Morley Avenue Sewer Replacement for \$358,200.00 as secondary in the final selection of CDBG projects for the 2023-2024 Program Year application submission. Councilman Trask seconded the motion. The motion carried unanimously.

B. NEW BUSINESS

1. Council Members – City Treasurer Trask – *Keddington & Christensen, CPA's* representative (s) - Discussion/For Possible Action – Presentation and possible acceptance of the Year Ended June 30, 2022, fiscal audit for the City of Ely.

Keddington & Christensen, CPA's representative Ben Bailey, CPA stated thank you for having us conduct your audit this year. I am the manager of the Ely audit. As part of our generally accepted standard auditing procedures we are required to report certain things to governance. We consider this Council to be governance and that you are in charge of the direction of the City and ultimately responsible for overseeing the financial reporting process. Just a reminder, an audit does not relieve governance or management from their responsibilities with regard to the financial statements. As part of performing an audit under generally accepted auditing standards we are required to obtain reasonable assurance rather than absolute assurance about whether or not the financials are materially misstated. We issued our opinion on this on page 1 which stated the financial statements are presented fairly so it is a clean opinion. We didn't have any issues on the issued financials, and it also states we did perform certain limited procedures on the front and certain schedules in the back. Our second opinion that we issued is the opinion on page 68 which is on internal controls. Internal controls generally are to keep honest people honest, protect employees, and to detect any problems. We designed our procedures to understand the internal controls and not necessarily to form an opinion on their effectiveness. A part of those procedures is reviewing the cash receipting process and the payroll area is in addition to the testing that we do in addition to the financial statement balances. I want to say the cash receipting process here in Ely is something you don't always see in smaller cities. It is documented very well here. There was a finding here and it was related to the financial close. The main reason for this finding was a new standard related to generally accepted accounting principles which the State requires the City to present their financials under those principals and framework. It was the implementation of a process known as GASB Statement 87 regarding the leases of the City. We worked with Janette on this, she proposed adjustments, and we went back and forth, but we figured it out. The real purpose of the finding is without the audit the statements would have been materially misstated under this framework. It doesn't have anything to do with the day-to-day operations or anything like that. Our next opinion is related to NRS 354.624. We test the City's compliance with certain State laws, and we don't express an opinion whether or not the City complied. There was one finding with this as well. It was related to the Landfill Fund being over budget. This didn't have anything to do with activity throughout the year, but a special item that needed to be accrued related to a lawsuit settlement that put the Fund over budget. The significant accounting policies and the estimates used by the City are described in one of the financial statements. The policies did not change during the year, but there was the implementation of this new standard. We didn't have any disagreements with management or encounter any difficulties. Janette and her staff were great to work with. We take fraud very seriously, so we analyzed the fraud risk to the City and we ask fraud

questions of members of the Council and also employees. We do additional analysis and analytical work and also audited the journal entries.

Councilman Alworth asked on that finding about leases, why is that so important? It is the first time the Treasurer and I have ever heard of it, and I used to do this job. I believe it was on the Armory.

Keddington & Christensen, CPA's representative Ben Bailey, CPA stated it is basically a situation of following the principals and like I said it doesn't have anything to do with the day-to-day stuff. It is basically following rules.

Councilman Alworth stated there is a saying that an auditor will find something, and he found something. In the Enterprise Fund you have water, sewer, and Landfill, but I don't see a page for the Railroad Fund.

Keddington & Christensen, CPA's representative Ben Bailey, CPA stated I think it was left out because there was no activity on the income statement.

Councilman Alworth stated my last question, and I have asked this of every auditor, the last page of Schedule of fees imposed subject to the provision of Nevada Revised Statutes 354.5989: Limitation on fees for business licenses, what is that page worth?

Keddington & Christensen, CPA's representative Ben Bailey, CPA stated it is something the State wants.

Councilman Alworth stated I have gotten the same answer from two auditors now and I would really like to have a clarification from someone at the State to say what this means. I would like to ask the City Treasurer what her opinion was working with this firm.

City Treasurer/HR Director Trask stated I enjoy working with them. There are times I get tired of the questions, but they handle my responses well. They are great to work with and have provided guidance moving forward by helping me to understand some of the entries I am unsure of that they have done in the past.

Councilwoman Elliott moved to accept the Year ended June 30, 2022 fiscal audit for the City of Ely as presented. Councilman Alworth seconded the motion. The motion carried unanimously.

2. Council Members - City Treasurer Trask – Discussion/For Possible Action – Acceptance of Corrective Action Plan for Findings noted in the City's FY 2022 audit.

City Treasurer/HR Director Trask stated my responses were in the backup material. On the second finding I did talk to Taxation and the person I spoke with said this happens and to let them know if anything like this is happening in the future. They were not to upset about this one and hopefully we don't have any more.

Councilman Carson moved to accept the Corrective Action Plan for Findings noted in the City's FY 2022 audit. Councilman Alworth seconded the motion. The motion carried unanimously.

Mayor Pro Tempore Williams-Harper opened items 3, 4, and 5 together.

3. Council Members – City Attorney Cahoon – White Pine Youth Center, Inc. Representative Lynette Gust – Discussion/For Possible Action – Presentation regarding a temporary safe housing development and requested support donation.
4. Council Members – City Engineer Almberg – Discussion/For Possible Action – Approval to donate APN 001-163-05, owned by the City of Ely, to the White Pine Youth Center, Inc. for the development of temporary safe housing OR approval to trade APN 001-163-05, owned by the City of Ely, for a portion of APN 001-163-07, owned by the White Pine Youth Center, Inc. for the development of temporary safe housing, with possible approval to pay for the necessary survey.

5. Council Members – City Treasurer Trask – Discussion/For Possible Action – Discussion regarding approved uses of Opioid Settlement monies the City of Ely will receive with possible commitment regarding the use of those funds.

White Pine Youth Center, Inc. Representative Lynette Gust stated I am one of the juvenile probation officers and also a board member on the White Pine Youth Center. The Youth Center was formed in the 1960's and it is a 501c3 non-profit corporation. The main purpose of it is to support youth related projects and promote activities in White Pine County. Through years of experience the 7th Judicial Court Judges have identified there is a substantial need in our area for safe temporary housing for victims of domestic violence and their families; Drug Court recipients to get back on their feet; and for parents and children that have been abused by the other parent or spousal abuse that need a safe place to go. The project we are doing is intended to provide a short-term one-to-three-week housing so the parents and children can have safe housing until they can get sustainable housing on their own. The proposed location for two safe houses is owned by the Center and is adjacent to the 7th Judicial Court building. The Center plans to purchase two tiny houses. The cost of them is approximately \$146,000.00 and the site improvements would include electricity, and a sewer and water extension which is estimated to be an additional \$50,000.00 to \$60,000.00. I am here today to request financial assistance to this community project and the other agenda item is to acquire the small triangular piece of land that is located in the middle of the Centers land. It is deemed useless land to the City, but it is impeding us from putting the tiny homes on our own property. If the City is interested in doing a land swap with our land that is located on Aultman Street, it would be a benefit to you to enhance your entrance to the gateway to Ely. Judge Fairman is here, and he will address any questions you may have regarding timeframes, financials, or anything else. On a side note, the Center will be asking the County, larger corporations that do business in White Pine County, and the E.L. Cord Foundation to support this project.

Judge Gary Fairman stated I am one of the Judges in the 7th Judicial District Court. We appreciate Lynette coming forward today. I can give you a little more of the backstory as to how this came about and why the courts have seen this as something that is really important to our community. Approximately five to six years ago Judge Dobrescu and myself really saw the need for temporary housing not only appearing in our court in situations of child abuse and neglect cases but domestic cases at the felony level as well. Many of these cases are handled in the Justice Court and Municipal Court levels. In cases of abused and neglected children there is a need for one of the mates to find safe housing from the perpetrator and their children as well. We have had a very difficult time finding temporary safe housing and a lot of other jurisdictions do have safe homes. The importance is to provide safety and security on a short-term basis so these victims and their kiddos, who many times are victims as well, can be housed in a safe environment until they can find alternate sources. We started on this project about three or four years ago and the reason we haven't brought it to you beforehand is we just couldn't find a good lead on housing; something we could place on this property and stay within a budget and with enough contributions that we could make this viable. We have gotten in touch with Stephanie Hues from Housing Partners International in regard to tiny homes as those homes really seem to suit our purpose. They are small in nature, we could have them constructed so they would be spartan, they would be safe, nothing elegant, but within our budget. She has provided to us a cost of about \$146,000.00 in a written proposal and that is delivered. We have reached out to some contractors in the community and our site improvements for the electrical utilities and water/sewer are about \$20,000.00 each to put those homes in. Last year we had a mini summit of law enforcement officials, Justice Court Judges in the 7th Judicial District including White Pine County, representatives from the Division of Child and Family Services, our Drug Court treatment provider, as well as representatives from Victims Witness. For White Pine County this need was specified as one of the top priorities that we should focus on. We would like to get these houses placed on our property if at all possible. We can have delivery of these houses with a few months lead time. We anticipated we would come to the City first and Lynette came because she is one of the Board Members and District Court Judges cannot directly solicit funds, so I am just talking about the backdrop of all of this and how important it is and the need we see as far as the court system. Lynette is going to reach out on behalf of the Youth Center, who owns the property. The Youth

Center was established in the 1960's and was a result of the Bradley Family. We have talked with prior Mayor's in an idea of a land swap because the section of your land in the middle of the Youth Center's is useless to the City, but the piece of property we would swap would be beneficial as a gateway to the City of Ely.

Councilman Alworth stated Gary I talked with you five or six months ago; do these two homes include the home we talked about with Stephanie?

Judge Fairman stated I don't recall the one we discussed.

Councilman Alworth stated the one you discussed was for domestic violence for both male and female adults.

Judge Fairman stated most of the time females are the victims in those situations and you have a small portion of male adults that are victims of domestic violence. In many cases, whether it is mom or dad being the victim, have kids. Most generally we see domestic violence cases in younger adults.

Councilman Alworth asked so we are talking just two tiny homes?

Judge Fairman stated yes, just two as we really didn't have any more room than that. We anticipate the use not to be non-stop; thankfully we don't have that level of violence and abuse. We see these homes being occupied a couple times a month maybe for two or three days at a time. For people that are involved in our Drug Court Program there is a lot they have to do and for those people and their children they may be there for a couple of days. We want to get them away from where they are, which is basically couch surfing with all their friends which either supply them or sell them drugs. Unfortunately, some of these people have been abandoned by their families or because of these peoples disorders they push their families away who dearly love them, but they have harmed their families so much by stealing from them or by just being the way they are. They have no one to turn to so we need to get them and their kiddos away from their drug using friends immediately because if they continue to associate with people that use, they will never change their behavior and manage their disorder. Once we get them to a safe place, we assist them in locating other housing through our Drug Court Team. These homes are not big, but enough to suit our purposes. Whoever stays there will be responsible to clean up before they leave. We will provide the cleaning materials and of course inspect it before we put the next family in there.

Councilman Alworth stated I am all for it, but I am looking at it as a business decision with the City possibly making a monetary donation. Have you guys put together a business plan? You mentioned you have electrical hookups, water/sewer hookups, fencing, and security lights. Are the tiny homes going to be on a permanent foundation? The list goes on and on. I would like to see a plan with a checklist of how you are going to do this because water and sewer is from the City and are you going to come back and ask, because we fight that all the time. It is a good project; I just want to see a detailed plan. Are we the first ones getting this proposal?

Judge Fairman stated you are because of the land issue.

Councilman Alworth stated you are right, I went to look at that piece of land and it is a triangle and about the only flat piece there. You mentioned in your letter after completion it will be leased to White Pine County who will assist the Center with ongoing maintenance and repairs, explain that to me.

Judge Fairman stated they do it right now for us. The White Pine Youth Center owns the Drug Court building, and we currently lease it to the County right now for I think a dollar a year. The County does the maintenance and they pick up the utilities. The demand for utilities on the Drug Court building is minimal and we don't see it increasing much more because it is not going to be used that often for these two tiny homes. As far as the water and sewer I have talked to John O'Flaherty, and he has indicated the use on the Drug Court building is minimal and his proposal is that he be allowed to extend out from the Drug Court building as far as the extension of those utilities instead of going back to the

main. We have looked at those costs and the County has been so gracious in doing whatever maintenance is necessary for the Drug Court building for years now. We have not approached the County, but we don't anticipate resistance on that based on the working relationship the County has had with the 7th Judicial District Court.

Councilman Alworth stated again, I am not against this, I am just looking at the taxpayer's involvement. It's a great location and the County has way more land than we do, but to have to move your one building, it makes common sense to do it there.

White Pine Youth Center, Inc. Representative Lynette Gust gave examples of cases she has worked with that would utilize the homes, but unable to document verbatim as it was inaudible.

City Attorney Cahoon stated the Municipal Court would not likely have a great need for these services, but would the housing be available to the Municipal Court given a domestic violence victim has a need.

Judge Fairman stated certainly.

Councilman Alworth asked so you get cash and buy these two homes, how can you lease them back to the County if they were free?

Judge Fairman stated here is why, if we lease them to the County part of the contractual agreement is the County maintains them.

Councilman Alworth stated there are questions regarding the flow of water and sewer if John O. said they were good I trust him, but I need to know for my own wellbeing. I would like to see the tiny homes in our community. Some of the lots that Mr. Chachas is talking about they are so small that a tiny house would fit fine. We need to get a start somewhere and this could be it.

Councilwoman Williams-Harper stated it is my understanding we have opioid monies that come to us every year. Is that a certain amount every year? Could it increase from year to year? Is there a way for us to earmark money on an annual basis for this.

City Treasurer/HR Director Trask stated that is basically what agenda item number five is about. As of right now we have collected just over \$1900.00. I don't think it is going to be a huge amount we are just required to put it towards certain things. I am asking you guys how you want to commit it or what you want to commit it to.

City Attorney Cahoon stated the amount is likely to increase as there are ongoing litigations, but I don't anticipate it to be by much.

Councilman Alworth stated following up on what the City Treasurer stated, the documents supplied here states the City got \$1,981.00 and on the same sheet the County got \$261,179.00 so that is a substantial difference.

Judge Fairman stated I can address that to. We haven't approached the County, but we anticipate the County being very generous and helping us with the project. We feel like everyone needs to have a buy in as substantial as possible and if it can fund the whole project great and if not, the Youth Center is going to go to the E.L. Cord Foundation. You have a fair observation, so we are not leaving that off the table.

Councilman Alworth stated on item three there is not a dollar amount requested. I think it is good getting this out into the public, but until we get all the partners who are going to get in the game here. I will have to talk to B.J. regarding if it would be better to do a land swap or just give our portion up. As for the monetary donation I would like to see what other entities are going to give.

Councilman Trask asked can we get B.J. to talk about the land options so we can at least get the ball rolling. To appease what you are talking about Jim, maybe we can figure out this land thing. It is hard to get a business plan together if you don't know if you can

actually get a business going. This would allow you to go to contractors and say we have the land and then bring concrete numbers back.

Judge Fairman stated we have numbers within a couple thousand here and there.

Mayor Pro Tempore Williams-Harper stated I agree with that, and I agree with Jim, but can we get the land piece figured out and then maybe the money, so they don't have to keep coming back, because I don't think there is anyone that doesn't want you to have the money.

City Engineer Almberg stated you have an exhibit of where this property is. There is a little piece of land owned by the City and for lack of better word encroaches their ability to develop this piece the way they want to. Their request was to come back and ask to do a land swap possibly giving the City some land near Aultman Street in exchange for this triangular piece. I am supportive of that, and I also see on here the possibility of donating that piece because it is not worth much anyway. We may want to consider the land swap and the reason I say that is because the next phase of Aultman Street the intention is there will be sentinel signs and that would be an ideal location for the sentinel sign to go.

City Clerk Lee asked B.J. could you speak to if a survey would be required if the swap happened?

City Engineer Almberg stated there would be a survey required because we would have to swap and create a parcel or something along those lines. It will probably just be a parcel map showing what was given to the County and City in the swap.

Mayor Pro Tempore stated so they can get the ball rolling should we say something to the effect that we will look at the survey, swap, and so forth in preparation of doing this?

City Engineer Almberg stated what I envision to go on with this, is that you do agree we want to make this happen and then doing the survey. Instead of doing all of those things and then coming in and you say we are not interested is the hurdle they are trying to stop. Once there is a commitment, we can do a survey and come back and answer those questions of square footage to square footage and come up with a plan.

City Attorney Cahoon stated the agenda item does allow for the Council to approve paying for the survey and is that something they would need to do tonight?

City Engineer Almberg stated I have to say something about the payment. I would do that under our normal City retainer and not looking for additional pay. The reason I am telling you that is because this project is the project I rode my bike for three days in a row to raise money for and I surely don't feel correct in asking people to raise money and then coming back in and getting paid on the backside, so I would not want to do that.

Councilman Carson moved to trade APN 001-163-05, owned by the City of Ely, for a portion of APN 001-163-07, owned by the White Pine Youth Center, Inc. for the development of temporary safe housing and have the City of Ely complete the survey. Councilwoman Elliott seconded the motion. The motion carried unanimously.

Councilman Alworth stated on item three I like the part regarding temporary housing development, but I would like to see a business plan before we commit any money. There is so much more money out there. Right now, White Pine County has \$261,179.00; they could do the whole thing. I don't think the whole burden should be on the City of Ely. We need to get more community involvement. I think it is a good idea, but everything you read in here is White Pine County, but City of Ely we need your land.

Judge Fairman stated Jim you are not going to see a business plan because this is not a business.

Councilman Alworth stated I would like to see a breakdown of water, sewer, landfill, electrical, fencing, security lighting, and the bids for labor being done. I want to see the

Building Inspector sign off on these homes that you are going to get a hard foundation on. If we go into this and the Building Inspector says nope then everything is dead.

Judge Fairman Stated I understand that part of it, but as far as the continued operations they would be the same as the Youth Center is operating now.

Councilman Alworth stated I want to see your building design.

Judge Fairman stated we can give you the tiny homes in what they look like and the dimensions as we have that.

Councilman Alworth asked do you have a sign off from the Building Department?

Judge Fairman stated we want to get the land before we go anywhere else.

Councilman Alworth stated you just got the land.

Judge Fairman stated ok, that was the first step and one comment that you made as far as the Counties money in relation to the City funding carrying all the burden, that is not the case. We have a piece of land that is virtually useless to the City under any circumstances. Our thought was let's give the City some land that is valuable to them and they could use to enhance the City. We didn't want the City to carry the burden on this and we thought giving them the land that bordered Aultman Street that is a gateway to the City they could use to enhance was huge for the City and clearly in their best interest in trading away this triangle of land. We talk about the County being involved in it; this is not a White Pine County project. It is a White Pine Youth Center project who is putting this together and the County doesn't own this land. We are going to approach them to see how they can financially help us, and nobody expects the City to fund all of this, but truth be known probably eighty percent of all the people we place in here live in the City.

Councilman Alworth stated that is because eighty percent of the population is in the City of Ely.

Judge Fairman stated right, that's why it is for city people, and they live in the County as well, but it is going to benefit the residents of the City of Ely.

Councilman Alworth stated you are missing what I am trying to say. Again, this letter says projects in White Pine County. When it gets down to White Pine County, Ely is not part of White Pine County until they need something. When I say they it is the whole County. I think before we go with any money you need to come up with a construction design,

Councilman Trask stated I personally think this is a good thing. In the Community Expense Report, we have housing that we have committed \$500,000.00. Can we take part of that since this is community support and this is housing? I think we go ahead and show a commitment. I see where you are coming from with the County versus the City of Ely, and I think that is a different thing we are arguing about. I think with this we step up and say we are going to commit x amount of dollars to this project to show good faith.

Councilman Carson stated I agree, and what else would we do with this opioid money? Does anyone else have a plan for it?

Councilman Alworth stated stop right there. He just wanted to use Community Support money and we have a plan for opioid money. We are talking apples and oranges here. It is a good idea Terrell that is what that money is for.

Councilman Trask stated I don't think the \$1,900.00 we are going to be getting from the opioid funds is going to be enough of a commitment and I think we should commit money from the Community Support Funds.

Councilman Alworth stated I fully support that if I can see their numbers and where these funds are going to.

Judge Fairman stated we suggest that the City is inclined to commit to some kind of additional monetary donation over and above the opioid that you make a condition on the project receiving the appropriate City and County approvals.

City Treasurer/HR Director Trask asked what is the dollar amount you are asking for?

Judge Fairman stated the Youth Center didn't put a specific dollar amount in. The Youth Center thought they would allow the City Council to use their discretion.

Councilman Trask stated you are at about \$15,000.00 in donations right now so that leaves about \$185,000.00 to come up with between all entities.

Councilman Trask moved to donate \$25,000.00 from the Community Support Funds to White Pine Youth Center, Inc. in support of the temporary safe housing development pending approval of Building Official and completion date of the project being December 31, 2023. Councilman Carson seconded the motion. The motion carried unanimously.

Councilman Trask asked what are the things the opioid money can go to?

City Attorney Cahoon stated essentially drug related things. The two that would be most relevant in this case would be services to reduce the harm caused by substance abuse, and housing for those who are in recovery from substance abuse disorders. Since the housing will be used for those purposes, I believe this is an appropriate use. I spoke with Judge Coster and we couldn't think of anything the Municipal Court could use it for. Typically, what we do for people that are struggling with drug disorders is we send them to Alcoholics Anonymous (AA) or they voluntarily volunteer for inpatient treatment, and we monitor that. Municipal Court doesn't have a program like the 7th Judicial District Court has with the Drug Court which is a phenomenal program and I think this would be a good use of the money.

Councilman Carson stated since we don't know how much we are getting each year we can say we will donate ninety percent to this particular cause and keep ten percent in the fund.

City Treasurer/HR Director Trask stated I did want to recommend that we do one payment a year in July, so we know what we collected the prior fiscal year.

Councilman Carson moved to donate ninety percent (90%) of the City of Ely's Opioid Settlement monies to the White Pine County Youth Center Inc. annually. Councilman Trask seconded the motion. The motion carried unanimously.

Judge Fairman stated on behalf of the 7th Judicial District Court thank you for your commitment. We think this is a very progressive and sends a clear message to everyone else the Youth Center is going to seek funds from that there is a commitment from the City of Ely for this project.

6. Councilwoman Elliott - Josh Lieberman of Pine West Development– Discussion Only – Presentation on proposed convenience store-casino development project in the 700 block between Avenue D and East Aultman Street, Ely, Nevada.

Josh Lieberman of Pine West Development stated we just wanted to have an open discussion with the Council Members. My business partner and I have currently been working on this for a long time and we are finally under contract and in escrow on ten different parcels across four different entities in the 700 block. I brought two plans for you: one that shows the current aerial today, outlining the 3.9 acres; and our proposed development that consists of two structures. The structure up on the corner is a 9000 square foot building which will consist of a 6000 square foot convenience store with a coffee drive through attached. We have already been approached by Starbucks and they have approved for us to use their name. They have not signed anything, and we have

nothing in writing, but they would like to be here with our tenant that will be operating the convenience store as well as the 12000 square foot proposed casino and restaurant. The tenant on this property we have worked with for many years; they are based out of Vegas. They are moving forward with the design which we are presenting this evening before we move forward with the rezoning on some of the parcels that are not currently zoned C-2 as well as an abandonment of a portion of Avenue E that theoretically we would own both sides of.

Councilman Alworth stated you took out, since the first time we chatted, the diesel fuel stations?

Josh Lieberman of Pine West Development stated we did. The diesel islands were based on the tenants that we were in discussion with at the beginning and the tenant we have now has decided to take it out as they prefer to have the Casino, restaurant, c-store, and coffee drive through.

Councilman Alworth asked both buildings are a single story.

Josh Lieberman of Pine West Development stated correct.

Councilman Trask stated I am assuming since this is private property you have talked to the current neighbors.

Josh Lieberman of Pine West Development stated we have talked to some of them. The Morenos are here this evening, and they are the most impacted being right on Avenue E. We have been working with them for the last several months to understand their concerns from drainage and other issues in the area and adjoining property owners as well. We have been in discussion with the bank as well with some items regarding their parking lot that we want to work together on.

Councilman Alworth asked coming off East Aultman the access to your property will be on your property, correct?

Josh Lieberman of Pine West Development stated it will be on NDOT right of way so there will have to be some sort of encroachment with a combination of driveways. We have a pretty good relationship with NDOT as we own property in Carlin, Winnemucca, and a thirteen-acre project up in Wells that we will be closing on in February. The nice thing is there will be multiple driveways there combined into one driveway so they will be very happy.

Councilwoman Elliott asked what is your timeline for this project?

Josh Lieberman of Pine West Development stated if we could move dirt by the end of next year, I would be very happy. It will depend on how long it takes to get through the rezoning process, abandonment process, and the rest of our civil work. We did complete all the survey work earlier this summer. It did take us a while to get all the properties in escrow, but we do have all ten in escrow and we are in a position to full pedal down and get this thing moving. If we could be in a position to close on all the properties by the beginning of summer that would be ideal.

Councilman Trask stated I heard this in passing and I don't know this to be true or not, but I have heard there is an ordinance stating casinos have to have hotel rooms or something along those lines?

City Attorney Cahoon stated it is not a "shall" it is a "may", so the City Council has the authority to withhold the business gaming license. It is a reason they may preclude granting that license.

Mayor Pro Tempore Williams – Harper recessed the Regular City Council Meeting at 6:53 p.m.

Mayor Pro Tempore Williams – Harper reconvened the Regular City Council Meeting at 6:58 p.m.

7. Mayor Robertson – Discussion/For Possible Action – Approval for City Treasurer to form a committee to negotiate an interlocal police protection services agreement with White Pine County, with direction to contact appropriate White Pine County officials.

Councilman Alworth moved to approve for City Treasurer to form a committee to negotiate an interlocal police protection services agreement with White Pine County, with direction to contact appropriate White Pine County officials. Councilman Carson seconded the motion. The motion carried unanimously.

8. Mayor Robertson – Discussion/For Possible Action – Retroactive approval of the City of Ely's Thriving Communities Letter of Interest, in partnership with the Nevada Northern Railway Foundation and White Pine Main Street.

Councilman Carson moved to retroactively approve of the City of Ely's Thriving Communities Letter of Interest, in partnership with the Nevada Northern Railway Foundation and White Pine Main Street. Councilman Alworth seconded the motion. The motion carried unanimously.

9. Mayor Robertson – Discussion/For Possible Action – Approval of Greenlink MOU between the City of Ely and the U.S. Department of the Interior Bureau of Land Management regarding development of the Environmental Impact Statement/Resource Management Plan Amendment for the Greenlink North Project.

City Attorney Cahoon stated I have reviewed the agreement and I don't have any issues with it.

Councilman Alworth stated I have a question and it is on page 4 item VIII. It says the BLM acknowledges that City of Ely handling of these materials may be impacted by the Inspection of Public Records Act and then further down it says The City of Ely will keep confidential and protect from public disclosure. If we discuss it in an open meeting, how are we supposed to keep it confidential?

City Attorney Cahoon stated it would depend on what documents. There may not be future discussion required that will require the attachment of those documents.

Councilman Alworth asked if we had a meeting with the BLM and two City Council Members attend that meeting those two people cannot have loose lips because it is a meeting held in confidential?

City Clerk Lee stated they have bi-weekly meetings on these different projects that are going on. What it is referring to is documents, agendas, and discussions that are had during that. It is all a work in process and a lot of what they are working on is never going to come back to the City. It is more like completing environmental assessments and that sort of thing.

City Attorney Cahoon stated I think if there were any discussions that were needing to be had or any documents that were attached, they would be approved by them for us to discuss them prior. My understanding is that is a pretty typical provision in these agreements with the BLM.

Councilman Alworth moved to approve the Greenlink MOU between the City of Ely and the U.S. Department of the Interior Bureau of Land Management regarding development of the Environmental Impact Statement/Resource Management Plan Amendment for the Greenlink North Project. Councilman Trask seconded the motion. The motion carried unanimously.

10. Mayor Robertson - Discussion/For Possible Action – Reappointment of Municipal Utilities Board Member Sherrie Marquez with term through December 31, 2026.

Councilman Carson moved to reappoint Municipal Utilities Board Member Sherrie Marquez with term through December 31, 2026. Councilwoman Elliott seconded the motion. The motion carried unanimously.

11. Mayor Robertson – Discussion/For Possible Action – Appointment of Council Member Kurt Carson to the Soil Conservation District Board and Mayor Nathan Robertson as the designated alternate per NRS 548.335, with terms through December 31, 2024.

Councilman Alworth moved to appoint Council Member Kurt Carson to the Soil Conservation District Board and Mayor Nathan Robertson as the designated alternate per NRS 548.335, with terms through December 31, 2024. Councilman Trask seconded the motion. The motion carried unanimously.

12. Mayor Robertson – Discussion/For Possible Action – Confirmation of Mayoral appointment of Council Member Samantha Elliott to the Local Emergency Planning Committee, per NAC 459.99131.

Councilman Carson moved to confirm Mayoral appointment of Council Member Samantha Elliott to the Local Emergency Planning Committee, per NAC 459.99131. Councilwoman Elliott seconded the motion. The motion carried unanimously.

13. Mayor Robertson – Discussion/For Possible Action – Confirmation of Mayoral appointment of Council Member Terrill Trask as the City of Ely’s liaison to the Regional Planning Commission.

Councilman Alworth moved to confirm Mayoral appointment of Council Member Terrill Trask as the City of Ely’s liaison to the Regional Planning Commission. Councilman Carson seconded the motion. The motion carried unanimously.

14. Mayor Robertson – Discussion/For Possible Action – Confirmation of Mayoral appointment of Council Member Samantha Elliott to the White Pine County Natural Resources Advisory Committee through December 31, 2023.

Councilman Carson moved to confirm Mayoral appointment of Council Member Samantha Elliott to the White Pine County Natural Resources Advisory Committee through December 31, 2023. Councilman Alworth seconded the motion. The motion carried unanimously.

15. Mayor Robertson – Discussion/For Possible Action – Confirmation of Mayoral reappointment of Council Member Jim Alworth to White Pine County Debt Management Commission, and the White Pine County Board of Equalization through December 31, 2024.

Councilman Carson moved to confirm Mayoral reappointment of Council Member Jim Alworth to White Pine County Debt Management Commission, and the White Pine County Board of Equalization through December 31, 2024. Councilman Trask seconded the motion. The motion carried unanimously.

16. Mayor Robertson – Discussion/For Possible Action – Confirmation of Mayoral designations of Council Liaisons for following City Departments: Animal Control – Council Member Terrill Trask; and Parks and Recreation – Council Member Samantha Elliott; the primary function of a liaison is to be a two-way communication vehicle between the Council and the department to which appointed; liaison designations are not supervisory roles per City Code 1-5-6.

Councilwoman Elliott moved to confirm Mayoral designations of Council Liaisons for following City Departments: Animal Control – Council Member Terrill Trask; and Parks and Recreation – Council Member Samantha Elliott; the primary function of a liaison is to be a two-way communication vehicle between the Council and the department to which appointed; liaison designations are not supervisory roles per City Code 1-5-6. Councilman Trask seconded the motion. The motion carried unanimously.

17. Councilman Alworth – Discussion Only – Update on Porter Group efforts on the City of Ely’s behalf to secure federal and State funding.

Councilman Alworth stated I would like to say that Councilwoman Elliott will be a part of our team. There is no report at this time.

18. Councilman Alworth - Discussion/For Possible Action - Approval of sixth 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, 2024.

Councilman Alworth moved to approve the sixth 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, 2024. Councilman Elliott seconded the motion. The motion carried unanimously.

19. Councilman Alworth – Discussion/For Possible Action – Appointment of two City Council Members to work with the Nevada Northern Railway Foundation and legal counsel, designated pursuant to the November 17, 2022, Common Interest and Joint Representation Agreement between the City of Ely, Nevada, the Nevada Northern Railway Foundation, Inc., and Great Basin & Northern Railroad, Inc., to develop a power line crossing agreement with LS Power.

Councilman Alworth moved to appoint Councilwoman Williams-Harper and myself to work with the Nevada Northern Railway Foundation and legal counsel, designated pursuant to the November 17, 2022, Common Interest and Joint Representation Agreement between the City of Ely, Nevada, the Nevada Northern Railway Foundation, Inc., and Great Basin & Northern Railroad, Inc., to develop a power line crossing agreement with LS Power. Councilwoman Elliott seconded the motion. The motion carried unanimously.

22. Council Members – City Treasurer Trask – Discussion/For Possible Action – Direction on which fund to record and commit revenue of the City of Ely’s portion of the Great Basin & Northern Railroad’s 45G tax credits.

City Treasurer/HR Director Trask stated I gave you my memo and my suggestions.

Councilman Alworth stated I will give you some feedback. I think it is very important for the new members to understand the difference between governmental accounting and enterprise accounting. Enterprise accounting is just like a business, you can go bankrupt. Our water, sewer, and Landfill can go bankrupt if you don’t manage it right. The quick and dirty of governmental accounting is if you don’t play your cards right, the State comes in and takes you over. We have a Railroad Enterprise Fund already established and we have \$1.7 million in it, which is the land the railroad sits on. I think it is best we put this money in the Railroad Enterprise Fund. It is the first time we actually have any funding coming through. Treasurer Trask mentioned about the lawsuits in past years and that started in 2006. We had no money coming in, we were just spending money. We could start with \$103,000.00 and we can track our costs when we have to pay Thompson Hines, and Stanko’s group. If the City Attorney works on it, he has to allocate his time to the Railroad Fund; don’t do a five way split. Right now, the Clerk, Treasurer, and Attorney; for example, are split four ways. If we do the allocation, she wants to do by a general fund it is going to lower everyone down and they are saying the City Attorney is going to have to be paid \$18,149.00 through the Railroad Fund. I don’t think there is going to be that much action. You can track the cost of each attorney and if we get going along and all of a sudden, we see these lawyer costs are getting over and above we can look at it in a month’s notice. She made a comment we can’t transfer money from the Enterprise Fund to the General Fund. They did that; \$150,000.00 from the Landfill.

City Treasurer/HR Director Trask stated it was an inter-loan fund.

Councilman Alworth stated you can do the same thing.

City Treasurer/HR Director Trask stated it was a loan that we had to pay back. The General Fund did take a short-term loan to pay attorney fees out of the Landfill Fund. The General Fund paid that money back to the Landfill. That is the only way you can transfer, and it is not a transfer, it is a loan.

Councilman Alworth stated what I am saying is there was an option that was used in this case. I don't see why we want to co-mingle 45G revenue into the General Fund. It has never been there, and we have never received it so put it in the Railroad Fund where it belongs. We can look at it really easy and if we get to a point we can't afford it anymore, we sell our part to the Railroad. Instead of breaking it out in the General Fund, why not just keep it in one account. We have the Railroad Fund established and it has been established for many years and nothing has been done because there is no money going into it, and now we have roughly \$103,000.00 going into it and there will be more. I will give an example, the Railroad wants to go out and do a big project, we are still part owners of this Railroad. We can show them really quick we don't have the money to do it. If it is in the General Fund, we are going to keep going back and forth. We have a Railroad Enterprise Fund so use it. The auditor said nothing has been done with it, so what do we even have it for? It was established for some reason.

City Treasurer/HR Director Trask stated it was established because we needed to record the value of the land was my understanding, because it was established when I was gone. This Fund has no money in it. I disagree with your thought about how to track it in the General Fund because it is two funds: revenue and expense. You might show a detail of that expense to show the different ones, but it is not hard to track. Once again, the General Fund is the one that has paid. It paid for a forensic audit that cost a fortune, and the S & S Lawsuit. I see no reason why this money shouldn't be allowed back into the General Fund. You can commit it to whatever you want and at this point I am recommending we commit it to the legal fees. You have more flexibility with it in the General Fund that you don't in the Railroad Fund. We have never in the history of this Enterprise Fund spent any money that the Railroad has asked for on their projects.

Councilman Alworth stated going back to your statement about the lawsuits, that's water under the bridge. It is paid off, but no money was coming from the Railroad to offset that. The City and the Railroad ate it. Let's just say all of a sudden, the Railroad goes into a project that starts bringing in big money, are you going to keep throwing that in the General Fund?

City Treasurer/HR Director Trask stated no, and that is why I said it is very easy for the General Fund to transfer money over to that Enterprise Fund if we need it at that point.

Councilman Alworth stated the Treasurer or whoever it is doesn't need to make that transfer that goes directly to.....

Councilman Trask stated can someone else speak too. I think I could play the devil's advocate on that. What if that money just sits there. There is no big fund you are just pulling from and there is no need for it. I think you can say one thing and there is a direct opposite as well. Why not give us the most flexibility in that situation. My understanding of this is it sounds like we can go that way and if we went the other way, we would have to loan it and then still pay it back to this same fund.

Councilman Alworth stated only if somebody requests the loan. We don't have to do nothing with it. It sits there. The \$103,000.00 belongs to the Railroad Enterprise Fund, just like the Water Fund, Sewer Fund, and Landfill Fund.

Councilman Trask stated if we said we earmarked the money to legal fees, that is what it is going to right?

Councilman Alworth stated this lawsuit could go on and on and on. It is going to sit there and every month and year making transfers back and forth. Why not leave it in one account. The Railroad Enterprise Fund you see where it is.

Councilman Trask stated what if it ends in a month. We don't know, so why not give us flexibility.

Councilman Alworth asked what is the flexibility you are talking about in the General Fund?

City Treasurer/HR Director Trask stated it stays in the General Fund. I am not talking about transferring it to the Enterprise Fund to pay the lawsuit. It stays as an expense in the General Fund. As you asked me, even though I knew the answer to it, I did get a hold of the auditors and they were fine either way with this. They said it is doable and allowed.

Councilman Alworth stated I don't care what the auditors say. What I am saying is what do we have a Railroad Enterprise Fund for?

City Treasurer/HR Director Trask stated I don't know.

Councilman Alworth stated so you don't know. Why don't we try this and see how it works.

Councilman Carson asked is there a way to split the funds?

City Treasurer/HR Director Trask asked why? We need the money to pay the latest legal fees. I need to be able to use that money because it is unbudgeted revenue to do an augmentation. I have given you my thoughts on this and I am standing by it and will not stand up here and argue anymore about it.

Councilman Alworth stated that is your position to debate this, Treasurer.

City Treasurer/HR Director Trask stated I just did, but I am not going to keep going back and forth with you here in a public meeting when I have stated why, and I feel like I am getting brow beaten by you.

Councilman Alworth stated I am saying we have a Railroad Enterprise Fund and why don't we use it, and you say I don't know why we have it.

City Treasurer/HR Director Trask stated I know why we have it. We have it to record the value of the properties we own. How many years did we not have that. I wasn't here during the time that was created.

Councilman Carson asked if it goes in the General Fund does a percentage of that go to the Sheriff's Office?

City Treasurer/HR Director Trask stated no, we are done with that contract. If you commit this, then that money is committed.

Councilman Alworth stated on the General Fund Side we have this \$103,000.00 sitting in there, what account are you going to have it sitting in if it rolls for the next ten years because we don't get another attorney fee? How do we differentiate that from the rest of the General Fund cash?

City Treasurer/HR Director Trask stated if it rolls forward and we don't use it then it comes back to you guys to commit it to something else. At that time if you have a reason to send it over there then great, but at this time I still say until you have a need to put it in the Enterprise Fund, where we don't have access to it except for specific things out of the Enterprise Fund, then do it at that time.

Councilman Alworth stated you just said it, in the Enterprise Fund we don't have access to it unless it is for exactly stuff in the Enterprise Fund. This \$103,000.00 is generated through the Railroad Foundation.

City Treasurer/HR Director Trask stated I still think there is no reason we shouldn't be able to leave it in the General Fund where you can use it for other things if you so choose to.

Councilman Alworth stated it is not for other things if we so choose. It is for attorney fees.

City Treasurer/HR Director Trask stated no, if you decide to commit it tonight to that then it is. It is this Council's right to commit it to whatever they choose. Yes, it is coming from the Railroad, but it doesn't always have to be spent on the Railroad.

Councilman Alworth stated if it is in the Enterprise Fund the Council cannot go after it and use it for parks or the cemetery. If it is in the Enterprise Fund and we need to do a parking lot replacement, we are not going to go to the General Fund, we are going to go to the Enterprise Fund and say yes, we can afford it. A budgeted item: put in a parking lot, fix streetlights out of the Enterprise Fund.

City Treasurer/HR Director Trask asked where?

Councilman Alworth stated to go to the Railroad parking lot for example. The General Fund is not going to pay for it.

City Treasurer/HR Director Trask stated you have your Capital Improvement Fund that can fund that type of project also.

Councilman Alworth stated you have the City parks and everyone else using that Capital Improvement Fund. The money in the Railroad Enterprise Fund needs to stay in the Enterprise Fund and used on the Railroad.

Mayor Pro Tempore Williams-Harper stated I hear what you are both saying. You are both saying we can use the money if it is in either.

Councilman Trask stated no, if it is in the General Fund, it can be used for whatever.

Mayor Pro Tempore Williams-Harper stated what I am saying is if the money is sitting in the Enterprise Fund and we want to use it for something else we could earmark it.

Councilman Trask stated it has to be for that entity, so you lose freedom if it goes into the Enterprise Fund.

Mayor Pro Tempore Williams-Harper asked does it all need to sit in one fund, or can it be split?

Councilman Alworth stated what I am saying is the General Fund is flush and why would we want to take money from this 45G money and put it someplace else; put it where it belongs.

Councilman Trask stated from my understanding there can be a line item that states that is where it is going.

Councilman Alworth stated the General Fund is for the whole community so why do we want to keep hampering the General Fund by taking money away from them. Let the Railroad support itself and if they can't support it then sell it back to the Foundation and we are done with the Enterprise Fund.

City Treasurer/HR Director Trask stated the Railroad to me at this point has never been in danger of being shut down or needed to be sold. I don't think \$130,000.00 is going to make or break them. We can spend out of the General Fund, like we have been, for the legal expenses.

Mayor Pro Tempore Williams-Harper asked is this padding?

City Treasurer/HR Director Trask stated there is no padding on anything. This is unbudgeted revenue. We have an expense that is going to be coming in with the legal fees; commit it to that and let it ride for now. You can always switch if you come up with a different need, thought process, or whatever at that point. You have flexibility in one that you don't in the other.

Mayor Pro Tempore Williams-Harper asked you can only use the funds for Railroad stuff?

City Treasurer/HR Director Trask stated yes if it is in the Enterprise Fund and no if it is in the General Fund.

Mayor Pro Tempore Williams-Harper stated if you put it in the General Fund, it can be used for other things?

City Treasurer/HR Director Trask stated not if it's committed to something, which right now we need it committed to legal fees.

NNRY President Mark Bassett stated there is actually two Railroads here and that is the other thing that becomes confusing. The original Railroad, which we call the Historic Railroad that goes from the McGill Junction south. The Northern Line, which we had the S & S Lawsuit over, goes from McGill Junction north. I would have to check my notes, but I think the Enterprise Fund was created specifically for the Northern part of the Railroad. If you put all that money in the Enterprise Fund, I believe technically it could only be used for anything up north. If there were issues on the southern part of the line that money couldn't be used for those issues. Again, this is the complications of the Railroad. There are actually two sections of it and until we solve that problem it might be best to put it in the General Fund designated to the Railroad and hopefully someday the Railroad generates other revenue that can be used for other things in the community. We are always spending money on the Railroad, so that is never going to end. One of the things we have talked about on the Management Board is doing car storage up there on the northern end of the line and that would be a way of generating revenue for the Railroad Enterprise Fund that can be used for Railroad improvements on the northern end. We are looking at two large projects right now. We have the LS Power crossings and the White Pine Water Project issues. The City in the past has agreed to pay half of those bills moving forward.

Mayor Pro Tempore Williams-Harper stated now we really need to know if we are going to be stuck because we have north and south. Do we need to find that out before we do anything?

NNRY President Mark Bassett stated that would be my suggestion. The City and the Foundation purchased the Northern Line from the City of Los Angeles I want to say in 2006 and I believe the Railroad Enterprise Fund was created for the purchase of the Northern Line so they could record the value of the Railroad. I am not one hundred percent sure that the value of the historic part of the Railroad is part of your books. When I took over the value of the historic part of the Railroad had never been established. It was established in 2004 and I am not sure that ever flowed over to the City.

Mayor Pro Tempore Williams-Harper stated I guess for me I hear both sides, but this helps if there is something in black and white that tells us what we can and can't do.

Councilman Trask stated we need to make a commitment with this money, so that would mean it would go to the General Fund and we can do further research. Correct me if I am wrong, but we can put it in the General Fund tonight and if we need to in the future, we could always move it.

NNRY President Mark Bassett stated I can work with Janette to see when the Enterprise Fund was created.

City Clerk Lee stated it was created by resolution I believe in 2005. It would have to be reread to make sure of what it states.

Councilman Alworth stated I will be all over this. When we are talking attorney fees for Thompson Hine, Stanko and his bunch, and Mr. Leo here I hope you will divide it five ways. Whenever he works on Railroad issues he is going to have to turn in a sheet because he is not always working on Railroad issues.

City Treasurer/HR Director Trask stated this is for outside attorney fees. It is not going to change how Leo's wages get allocated.

Councilman Alworth stated I will give you a prime example. You guys are so smoking the books on attorney fees now. If he is working on the Enterprise side of it, he needs to charge the Enterprise Fund. You guys are taking the business out of the Railroad Enterprise Fund; it is a business and you guys don't understand the concept of it.

City Attorney Cahoon stated that is why we hired outside counsel. Other than reviewing their work I let them handle the S & S Lawsuit and everything else.

Councilwoman Elliott stated we have a very competent Treasurer so if this is what her recommendation is I think we go with that. We had a good audit, so I think we trust her judgement in this.

Councilman Carson moved to record the City of Ely's portion of the Great Basin & Northern Railroad's 45G tax credit revenue to the General Fund with it being committed to legal fees. Councilwoman Elliott seconded the motion. The motion carried 4 to 1 with Councilman Alworth voting nay.

23. Council Members – City Attorney Cahoon – Discussion/For Possible Action – Review of Nevada Cannabis Compliance Board's request regarding whether Ely's governing board intends to legalize cannabis consumption lounges within City limits, with possible direction to City Attorney to prepare an ordinance revising City Code Title 3 Chapter 15.

City Attorney Cahoon stated with regard to our response to the Cannabis Compliance Board's letter dated September 1st of this year I spoke with Tyler Klimas, who is the point of contact and he informed me that essentially because they had not received a response, we were automatically opted into their licensing phase. I am not sure why they were expecting such a quick response from a governing body that has to go before a public meeting. The Cannabis Compliance Board used the City of Ely as a cooperating jurisdiction so if a company were to apply to the Cannabis Board for a consumption lounge license, they would grant that, but it would still be contingent on the City of Ely allowing it. It is still up to the City whether we want to allow these lounges. There are limitations in that Nevada Law that only permits one medical marijuana establishment in a county with one hundred thousand or less and two recreational establishments within a county of fifty-five thousand or less. At this point the City could have one more recreational facility and lounges can only be associated with a recreational facility and not a medical. There is a total of two lounges that could be within the City, but it is pretty unlikely we would even get a request because under the law every business is only allowed one lounge. I was informed by Mr. Klimas that Curaleaf has an application or has been granted a license for a lounge down in Las Vegas. I spoke with the person answering the phones this week and they didn't know of any lounges, so I was receiving conflicting information. I am sure Mr. Klimas knows more than the person answering the phones. They probably are precluded from another lounge since they have one in Vegas. The only other option would be if a new recreational establishment came to the City of Ely, and they did not have a lounge elsewhere in the State. The chance of us getting an application for a lounge is very slim. The Council can still choose to permit that through our Code if they so wish, but really, I don't know if it is necessary at this time unless we want to be forward thinking.

Councilman Trask asked we will need to make some Ordinance changes if we go with forward thinking because what we have now would not allow for them?

City Attorney Cahoon stated correct.

Councilman Trask stated it looks like there were twenty licenses given out last week. Was that just Clark County or all of Nevada?

City Attorney Cahoon stated my understanding is that is all of Nevada. It is limited to twenty and there are two different kinds of lounges. One that can be disconnected from a recreational establishment and one that needs to be physically connected to the establishment. The twenty are for those that are disconnected. There is not a set limitation on lounges that are connected to an establishment.

Mayor Pro Tempore Williams-Harper stated so we could get the ball rolling, or we can wait and cross that bridge when we get there.

Councilman Trask stated the problem there would be if someone came to us and wanted to do this.

Mayor Pro Tempore Williams-Harper asked does it put us under a time crunch if someone comes to us wanting to do it and do we have a certain timeline to apply?

City Attorney Cahoon stated I don't think we would be under any time constraint other than them wanting to start their business as soon as possible. I believe there was a question at the last meeting whether this would create an issue with impaired driving and the regulations for the Cannabis Board actually address that. They require any lounge have signs and they also require there is no 24-hour towing. I think it was more open ended in that they just had to have a plan in place, but some of the examples were no 24-hour towing and an agreement with a rideshare.

Councilman Trask stated I am sure there are ordinances we can look at out there and not reinvent the wheel.

City Attorney Cahoon stated I am sure Las Vegas and others have them I could look at.

Mayor Pro Tempore asked are we asking him to review or prepare an ordinance?

City Attorney Cahoon stated because we no longer have to respond to their request, I guess the only thing up for action would be potentially directing me to prepare an ordinance if the Council wants to allow for this.

Councilman Carson stated I kind of like it the way it is now. I say we cross that bridge when we get there.

City Clerk Lee stated I was just going to point out and I believe you noted it in your memo that our Code only provides for one recreational marijuana establishment. If two licenses are an option that part would have to be amended too.

Councilman Trask stated my thoughts on this are if we go ahead and revise the Code it does no harm. If someone comes to us and we are still not comfortable with it, we can say no. I think we have to look at the world in whole and I think we all see it going the same direction in that it is not going away anytime soon. As a business side and revenue side if we can somehow tap into that as well and be on the forefront, I think you have to look at that too.

City Attorney Cahoon stated I would have to look at that too if someone comes and it is permitted there may be procedures or requirements for denial. I don't know if the Council would be able to deny anything just because they were uncomfortable with it.

Councilwoman Elliott stated I think when it comes down to it, it is a business opportunity, and it is something that is not going to go away like Terrell said so why not be forward thinking. The State also says you have to have certain things in place because we don't want to overburden the Sheriff or law enforcement. This may be a jump off point for someone to start a cab company that may help with DUI's or bring rideshares to town and be something that could help.

Councilwoman Elliott moved to direct the City Attorney to prepare an ordinance revising City Code Title 3 Chapter 15. Councilman Trask seconded the motion.

Mayor Pro Tempore Williams Harper asked for further discussion.

Councilman Alworth stated we sat here for two hours talking about substance abuse among kids and here we are. The parents get a ride home and they are higher than a kite and don't know what they are doing. I am not saying it happens all the time, but that is my comment on it is we are promoting this activity. If it is a law that is fine as drinking is a law too. Drinking causes domestic violence. I indulge in alcohol, but I have never gone to that extent. This is the new way I guess, but I will vote the way I feel.

City Clerk Lee stated for clarification this is just direction as the ordinance has to go through the two-month process to be approved.

Mayor Pro Tempore Williams-Harper stated I am saying yes to him drafting the ordinance, but not saying yes to a lounge. Can I do that is what I am asking?

City Attorney Cahoon stated I would prefer not to do all the work and then not have the Council approve it. It might be good to table this and reword this for approval of lounges and that would give you guys more time to think about it.

Councilman Carson asked how does that work? We are mid-stroke here through a vote and if it dies someone would have to put it on for a future vote and it's like we are stopping short and saying we are going to lose so let's table it. I don't know if I agree with that.

Councilman Alworth stated I don't either. I think what they are trying to do is when we get a full Council it will be a go. I think you have to look at your conscience of what you are doing with the younger youth of this community.

City Clerk clarified the motion is Councilwoman Elliott moved to direct the City Attorney to prepare an ordinance revising City Code Title 3 Chapter 15. Councilman Trask seconded the motion.

The motion carried 3 to 2 with Councilmen Alworth and Carson voting nay.

11. PUBLIC COMMENT:

George Chachas stated you folks have a lot of guts. You spend all that time talking about drugs and problems in this community and then you want to do a lounge. There was a comment made in regard to the Governor not giving us any money. Let me remind you that he gave us \$5 million for the Justice Center. He was generous and you don't have to like the guy or any politician, but when they give you \$5 million just respect the office. I reported five additional cobra lights out to Patti Cobb as well as a leaky fire hydrant at 490 High Street. We need to clean up our community, it is looking like a ghetto and that needs to stop. At the Regional Planning Commission held on November 16, 2022, the Building Inspector stated to the Board that I was slandering him, and he threatened to sue me. I have not slandered him. I point out discrepancies to the Board and if their employee can't do the job then they have a problem, not me. The inspector then came over to the table where I was at and slammed down a code book which he stated was for me to have a copy. The book is dated 2004 and I would like to remind you that the City Council and County Commission adopted the new International Code earlier this year. I did inspections for years, and inspections are tougher now. Mr. Chachas stated ongoing concerns regarding a request of the person previous mentioned that owned thirty properties in White Pine County; the old Carson Trailer Park now owned by a mining company has three modulares in it and not being allowed the same on his property; and the fence at City Clerk Lee's residence that is encroaching on the sidewalk.

12. 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 7:56 p.m. Councilman Alworth seconded the motion. The motion carried unanimously.



MAYOR



ATTEST

