

# CITY OF ELY

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

## ELY CITY COUNCIL REGULAR MEETING

May 12, 2022 5:00 p.m. – Ely Volunteer Fire Hall – 499 Mill Street – Ely, Nevada

1. Mayor Robertson called the regular meeting of the Ely City Council to order at 5:03 P.M.; Harry Rhea offered invocation. Mayor Robertson led in the Pledge of Allegiance and asked for Roll Call.

Members present:

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

Members absent:

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 Engineer BJ Almberg  
City Fire Chief Pat Stork  
City Police Chief Scott Henriod  
City Municipal 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, Paul Ward, and Cody Coombs.

### ELY CITY COUNCIL ATTENDANCE LIST

DATE: May 12, 2022

Print name below

Samantha Elliott  
Tony Mendez  
Tim Vidrine  
Marietta Henry  
George Chachas  
Wm. Ward  
Michael Cohen  
Mark Bennett  
Caroline McIntosh  
Supervisor  
Cody Coombs

Print name below

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## **2. PUBLIC COMMENT**

George Chachas stated on your agenda item 10B-2 you are to consider letters of support for NDOT's application for the Multimodal Project Discretionary Grant. If you consider sending a support letter it should be conditioned on them cleaning up the fiasco, they created on Great Basin Boulevard and East Aultman they did this last year. They failed to meet minimum ADA access on street corners, failed to address the leak and repair on 745 Great Basin Boulevard when the shutoff valve was damaged, failed to install a meter pit and sewer connections at 733 Great Basin Boulevard, failed to replace established access at 733 Great Basin, and required poor old George to pay for a new permit and demolition of the newly installed curb and gutter prior to installing the new access. There was another made whole when they were initially denied for their previous access at no charge or permit fee. I believe that is intentional discrimination. NDOT failed to address the installation of the rolled curbing at my property on 710 Avenue G resulting in me losing parking and access. They have left me with a one foot drop from the parking lot to the sidewalk on the corner of Great Basin and Avenue G. NDOT has created traffic safety hazards by requiring two sets of double yellow lines to access NAPA and Cal Ranch. Give me a break here (there was an interruption of a cell phone). Where is the Sheriff?

Mayor Robertson stated Mr. Chachas please continue if you have comments.

George Chachas stated well don't interrupt me Mr. Mayor.

Councilman Flangas stated nobody is interrupting you; talk louder.

George Chachas stated he is next on the list by the way. I said there was a safety hazard to the access to NAPA and Cal Ranch with similar situations created to get to Nevada Bank and Trust, as well as CMC Tire. Those are just a few discrepancies, and they need to be cleaned up first. On your agenda item 12, you are to consider granting the White Pine Horse Races \$25,000.00. I want to remind you that they receive \$20,000.00 or more from the Fair and Rec Board. Yet I know of three businesses owned and operated by women that have applied for grants through the American Rescue Plan Act Funding and haven't received a dime. Those people need to receive some consideration.

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

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

## **4. CITY DEPARTMENT REPORTS**

### **➤ CITY POLICE CHIEF**

City Police Chief Henriod stated we did get the parts in for our speed trailer finally and it is up and working. We will be able to get the traffic study done on Murry Street and hopefully at the next City Council Meeting I will have that report for you and provide that information that has been requested.

### **➤ CITY CLERK**

City Clerk Lee stated on our broadband, CommNet informed me that the main system firewall will be delivered around June 10<sup>th</sup> and all other requirements to install the City's wireless network are in process. To date, my office has received fifteen complaints; three of those remain active with the two remaining complaints from last year for a total of five active complaints.

Councilman Alworth stated it has been several weeks since the area was blasted by seventy-two mile an hour wind gusts sending trash flying off the landfill working face. I did address this with you a couple of days later after receiving phone calls from citizens asking when the City was going to clean up the blown trash not only within the landfill fenced area, but also what had blown onto the Georgetown Ranch and north of the landfill of more than a quarter mile. You informed me they had a community service working on the mess. I did see one individual alongside Lackawanna Road with a trash bag in one hand and his cell phone in the other. The next time I seen him he was sitting down in the tall brush, and it appeared he had gathered three large bags of trash. What is

the City's plan to gather up the blown trash both inside the fenced area facing Lackawanna Road and north of the landfill and when can we expect this to be completed?

City Attorney Cahoon stated I need to interject. When giving a report I don't think there can be any discussion.

Councilman Alworth asked just comments?

City Attorney Cahoon stated yes if you want to give that report during your time.

Councilman Alworth stated I do, but this is a question for an appointed official by the Council who reports to the Council, Mr. Attorney. I am asking her a question.

City Attorney Cahoon stated the Attorney General and Nevada Open Meeting Law strictly prohibit any kind of deliberation or discussion on reports.

Councilman Alworth stated okay I will save all of this for my report, thank you.

➤ **CITY FIRE CHIEF**

City Fire Chief stated to update you, today we did send out email notices to the three applicants that we have for the open position, and we are going to try and get those scheduled for interviews on the 25<sup>th</sup>. As of today, I don't think we have had anything returned from the three, so we are hoping they read their email and get back to us because we haven't had the best of luck lately.

Mayor Robertson asked for clarification, can the Council ask questions regarding an item that is given in the report for clarification.

City Attorney Cahoon stated there really can't be any deliberation during a report because it is not on the agenda and that is the concern with the Attorney General. It needs to be an itemized topic for there to be back and forth discussion or deliberation.

Councilman Alworth stated I don't understand. I can give a report, but I can't ask any questions?

City Attorney Cahoon stated yes, there just can't be back and forth communication because it is not something that is on the agenda, so the public hasn't been noticed.

Councilman Alworth stated that's fine, the agenda is going to get a lot longer, I'll tell you that right now.

➤ **PUBLIC WORKS SUPERVISOR**

Public Works Supervisor Cracraft stated the compacter was rebuilt and delivered today, and I will let you know more about the dozer when we hear from Wheeler Machinery, and they can give us a better idea of what's wrong with it.

➤ **CITY ENGINEER**

City Engineer Almberg stated we started the environmental assessments for our CDBG Central Ely Sewer Project and Bell Avenue Water Project. We have decided we are going to expand the scope of our Central Ely Sewer one to cover the area of our sewer earmark down in that area. We will encompass it all in one instead of having to do one for each project. The contractor got notice to proceed on May 6<sup>th</sup> on the Murry Street Sewer Project, which is our current CDBG project, and we have been going through their submittals. I think the work will start on that as soon as their materials arrive. I have not heard back from them about any supply chain issues now, and they may not know yet. We did complete all of our submittals into our State Revolving Loan Fund that we needed as part of the earmark for the Central Ely Sewer Project. This year they went to electronic format, and we were able to get that all completed, finalized, and signed off on yesterday. Leo had contacted me about the RNMC agreement that we are working through, so I gathered information and spent some time with him trying to get him up to speed since he hasn't been here since the beginning. We got an update for the RW-7P well that has been out for a while. The temporary pump is scheduled to ship tomorrow,

and the Mine has the drill company set up to install that when it arrives. We are anticipating that will be up and running in the next week and a half or by the end of the month. The Public Works Supervisor, Carl, and I had a conversation this morning with NDEP regarding this temporary pump that is going into the ground to make sure we are all on the same page and to make sure we were doing exactly what they are looking for. I want to update you on well usage as we come into summer and with 7P and North Street well being down. We are closely monitoring and keeping tabs on all this daily with our Scada System and close contact with Carl and Mike on anything we need to do to keep our tanks full. At this point in time our tanks are staying very full and there are no issues with our demand. To help you understand as far as our capacity, just for this part of May I went back and compiled all our run times associated with these wells so you can get a general idea of how we are doing. The 10<sup>th</sup> Street well for the last eleven days has averaged about twenty percent of run time. The 17<sup>th</sup> and Avenue M well, which is our largest well in the community is running at forty-eight percent the first part of this month, so there is still a lot of capacity left there. The Terrace well, which is very beneficial to us because every time it runs it basically pumps water that we don't have to pump out of our Murry Booster Station, has ran at about fifty-nine percent the first part of the month. The Golf Course Well is the only well we have up and running full time. 17<sup>th</sup> and Avenue M is on about once a day to help fill up our two biggest courthouse tanks. I just wanted to update everyone on where we are with the situation of our wells, and we are in very good shape at this time. We anticipate 7-P back online long before our demands come up.

Councilman Alworth stated Mr. Attorney if I am off base; throw the towel in. This is an engineering question. He is not an employee; he is a contractor. Just south of Ely on the Pioche side of the highway down below Cedar Park there has been and continues to be a lot of homes being built and a few having garage shops added. It also appears there is future development considered because the land being cleared of brush and leveled. There is a lone fire hydrant on the far east end of this area out in the brush. Is this hydrant in the loop system? Several years ago, there were only a few homes in the area and the people living nearby complained about the smelly water. The Water Department Personnel went down and opened the hydrant and let it flow for quite some time and it wasn't pleasant what came out of it. If it isn't looped, do you know if the hydrant is being flushed on a regular basis or does it even need to be flushed? The property is in the County, and there is no doubt a water line in the area due to several hydrants in place on the most westerly road. I am just wondering, again it's a question, are all the homes out there getting proper will serves? I am impressed with the amount of development going on down there, but down where Martin Burdick used to live is the hydrant I am talking about, and it was terrible. They must have run it for thirty minutes.

City Engineer Almberg stated that is not a looped system down there. The waterline that goes to that area comes from the highway by the Methodist Church, crosses by the Methodist church, goes around the dirt road, and then goes back behind Cedar Park east and then back down that road. There is a hydrant on the property where the last connection is and then it also turns down and t's and dead ends down that other road that you are referring to. If there is not enough demand there, it is something we can definitely put on our maintenance schedule to routinely flush to make sure it is always being refreshed.

Councilman Alworth asked it basically depends on the demand on it? It is not if the water is not being used it keeps backing up?

City Engineer Almberg stated It does depend on the demand and probably would need flushed more often in the wintertime. We will put it on our maintenance list to flush regularly.

Councilman Alworth stated if you get time, you and the Building Inspector should go out there and check it out. There is a contractor out there building pole barns, and it is pretty active out there. They are outside the City.

City Engineer Almberg stated I don't recall doing a will serve recently down on that road. My last will serve was this last week and it was in the Mineral Heights area.



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

## **5. NNRy FOUNDATION REPORT**

President Mark Bassett stated I was a little concerned with gas prices that it might affect our ridership but doesn't seem to have impacted us. In May we are starting our Astro-Tourism Trains. The first Astro-Tourism Train is next Thursday. The Sunset, Stars, and Champagne Train followed by the Stars Train, and then followed by the Sunset, Stars, and Champagne Train again. We are gearing up for the summer. On May 28<sup>th</sup> it's our 35<sup>th</sup> anniversary celebration and we will be sending you all official invites. Work is continuing on Locomotive #40. We did have an issue with Locomotive #93; the shop is finishing that up. Once Locomotive #93's issues are taken care of we are going to be dropping the drivers on Locomotive #40 and they will be going to Salt Lake City to have the axels replaced. The axels that are in there were put in April of 1924 so after ninety-eight years they need to be replaced. The following report was reviewed.

**NEVADA NORTHERN RAILWAY**  
NATIONAL HISTORIC LANDMARK



### **Nevada Northern Railway Foundation**

A Nevada 501 (c) 3 Non-Profit Corporation

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Mailing Address: PO Box 150040, Ely, Nevada 89315

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### **Monthly Operations Report for April 2022**

1. Locomotive Status – No change
  - a. Locomotives in service: #81, #93, #105, #109, #204, Wrecking Crane A & Rotary B.
  - b. Locomotive 40 is out of service for her heavy repairs. We have started on her repairs; she will be out of service until 2023.
  - c. Locomotives out of service needing moderate repairs: #201, #310 and #34
  - d. Locomotive 801 is being brought back into service. It is a very rare Baldwin VO diesel locomotive that is one of only eight left in existence.
  - e. Locomotives waiting funding for restoration: Steptoe Valley Smelting and Mining #309, Kennecott 802 and Rotary Snowplow B (for boiler overhaul.)
  - f. 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 April we carried 614 passengers, this is a 27% increase over 2021.
  - b. Year to date, we have carried 1,312 passengers, this is a 17% increase over 2021.
  - c. Since operations began in 1987, we have carried 331,673 passengers.
6. Social Media: Our reach on social media continues to expand, in the last 28 days:
  - a. We reached 1,230,291 people.
  - b. Post engagement was 165,507.
  - c. We have 116,279-page likes.
  - d. 157,076 people follow our page.

### **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

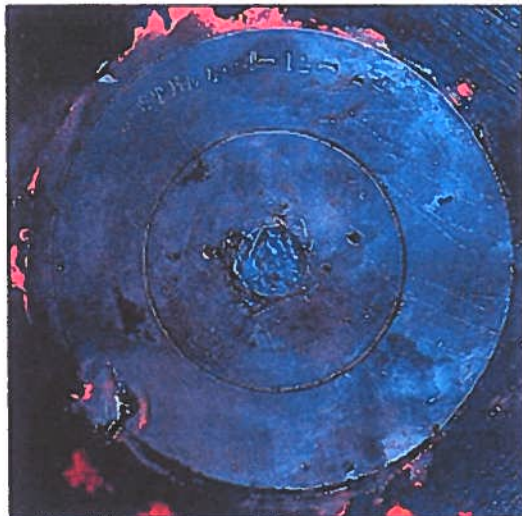
Best Place to Take the Kids in Rural Nevada - 2020, 2019, 2018, 2015, 2014, 2013, 2012, 2011, 2010, 2009, 2008, 2007

7. Locomotive 40 - Update



Locomotive 40 is stripped down; we will be removing her drivers next. The work is under the supervision of John Henry, Master Mechanic and Lennox Purinton, Shop Foreman. The crew consists of (from left to right,) Chris, Lennox, John Henry, Josh, Michael, (above Michael) Nicholas and Will; average age is 24.

Locomotive 40's axle, showing the date of 4-12-24 across the top of the axle. After 98-years of service, all three axles need to be replaced.



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

**6. REPORTS**

➤ **COUNCILWOMAN WILLIAMS-HARPER**

Councilwoman Williams-Harper stated I am happy to say my 1<sup>st</sup>, 2<sup>nd</sup>, and 3<sup>rd</sup> graders are going to partake in a ride on the railroad and that is exciting because we want them to be invested in what goes on in their City.

➤ **COUNCILMAN ALWORTH**

Councilman Alworth stated I will try to phrase this, so I don't get in trouble. In my observations there was a heck of a windstorm almost a month ago and blew trash all over out of the landfill, a quarter mile out on Lackawanna Road. They had a service worker out there and he didn't hardly do anything. Do I need to put this as an agenda item, or can I bring this up? I would like to know when the trash is going to be picked up and a completion date. Do I state that now as a future agenda item?

City Attorney Cahoon stated I think exchanging information is permissible, where it gets into an issue is deliberation and when you started getting into reading that I thought that was where it was going.

Councilman Alworth stated you didn't even give her a chance to answer it, Attorney. When she started to say something, you threw up your arms. Get the law straight first.

City Attorney Cahoon stated I think the correct procedure would be to approach the official prior to the meeting for them to give a report, because it feels if you are asking about something they are not reporting on that it should maybe be an agenda item that should be discussed.

Councilman Alworth stated I will get to that, but when you say you think it puts a big doubt in my mind that I have the freedom of speech to ask a question to an employee that is appointed by the Council that we respond to, and she responds back.

City Attorney Cahoon stated as long as it doesn't get into too much discussion or deliberation. I can read the Attorney General's opinion.

Councilman Alworth stated I was going to ask her a question of when it will be done and she could answer in two days, three months, or we are never going to do it: that's the end of it. I will get into this as we go on. This is talking about mismanagement of our government. It is a prime example right now. Anyway, continuing, the landfill is a mess. I want to know when it is going to get cleaned up. Inside the landfill property, the old building that was the office that is sitting there to me it either needs to be cleaned up, maintenance done on it, or hauled to the class III. It looks like heck. This is a safety item: on the back side of City Hall there has been a large wooden bookcase leaning against the wall for almost a month. What are the plans for this bookcase? In my opinion, it is a liability waiting to happen with the winds we are experiencing there could be a chance of it blowing over and falling on the cars parked down below, or even worse could land on a person. I recall in the past the wind blew a set of stadium lights off the pole alongside City Hall. These next questions I direct to the City Treasurer/HR Director and the Budget Committee, and I welcome other members of the Budget committee to chime in if they want to. I have a few questions and observations. To be clear, the payments the City has received from the American Rescue Plan were payable to the City of Ely, correct? I assume, right Budget Committee? It is not a debate it is a yes, or no?

Mayor Robertson stated they came to the City.

Councilman Alworth stated so it is for the City of Ely, very clear. I inquire of the other members meaning the Treasurer, Mayor Robertson, City Clerk Lee, Councilman Carson, and Councilwoman Williams-Harper is it true that these all should be used in good faith for the City of Ely infrastructure and benefits the business of the City of Ely? I am trying to get to a point as I lead into this and just a comment I am asking about. In reviewing the distribution of expenses today the amount committed is \$2,060,269.00 and the funds paid are \$1,137,588.00 and they have been expended entirely for the benefit of the business, safety of the citizens, and future improvements of the City, excellent. Remaining of the first distribution is \$621,998.00 and the City is scheduled to receive another \$2,682,259.00 which will be distributed very soon. Combining the amounts remaining and forthcoming comes to \$3,304,248.00 left to spend. This is a huge amount of money the City of Ely will most likely never receive again. The financial lady said they have reclassified and renamed the ARPA Funds to an account called Community Support Expense. This brings me to the following, for myself and maybe two other council members; Ed is not here. I need information, backup, and understanding of how the Budget Committee decides what to forward to the Council for approval. Is there an application process requesting consideration for funding for the three of us to read prior to making a decision? For example, this is my opinion, the questions should be such as: how were you made aware of this funding opportunity; Were there other sources of funding available from other agencies and if so who were they and how much did they receive; how does your request benefit the City of Ely and the residents of the City; and explain both long-term and short-term benefits the funding will provide to the City of Ely and its residents. As it is right now, we get stuff thrown on the table and we don't get a chance to review it until this meeting right here. In my opinion, if there is not an application there should be. I know there was one on the small businesses, which we took very well good care of. If nothing else, it is for fairness. In my opinion, at a minimum these five simple questions should be required. They are the normal questions



the City has to answer when we are making submissions. If Governor Sisolak gets approval to end the State of Emergency related to COVID 19 on May 20<sup>th</sup> does the Budget Committee intend to continue paying premium pay for City employees designated as essential workers through the end of June 2022? According to the spreadsheet that is distributed it is around \$15,200.00 per month. This is the last item I have to mention and will figure out how to do this with agenda items. During this meeting as the liaison for the Road Department I respectfully request the Budget Committee to consider spending the total amount remaining including the next distribution of Community Support Money to be used in repairing streets in the City of Ely. This question is for the HR Director. Is the City hiring graduating high school students for the summer work?

City Treasurer/HR Director Trask stated it has been advertised as seasonal workers that I sent to the High School to tell them that is what we are targeting, but it is not limited to them if we don't get high school students to put in. So far, I have not gotten any from anywhere.

Councilman Alworth stated posting the notice at the high school... You said you posted, and I did read the one about the four seasonal workers. I was under the understanding the City was going to once again sponsor the program for hiring a few graduating students, letting them start to experience the real world after high school. Getting hired is scary. Starting with an interview process, what is it going to be responsible to be to work on time, working with other individuals, and being told their job performance will be reviewed mid-way through their employment. Most importantly, giving them a chance to have employment with a seasonal lead. Who made the decision not to advertise this as a high school program? It has been going on for fifteen years minimum and my belief on that is we are picking the high school kids and let's make them feel special by advertising for high school students. I will continue with the reason some of this is coming about. In my opinion I am being stonewalled by certain City Council Appointed City Staff and the Mayor. I am defining stonewall: to delay or block a request, process, or person by refusing to answer questions or by giving elusive replies especially in politics, to be uncooperative and obstructive. As witness by most of my comments right here, I will continue to do the same in public meetings. The citizens need to be aware that their questions and comments that they ask of me will be addressed and relayed to the Mayor and Council Members. Several items that I brought up between the two staff people in this meeting tonight could easily be handled by using the Community Support Funds. For example, hire as many workers as possible to clean up the blown trash mentioned on the landfill; don't rely on community service workers as there are hardly any of them left. It might take a day or two. Has there been any thought of contacting JOIN and researching for day workers? No, because we're in a paradigm and that's my belief is we don't want to go outside the comfort zone. As elected and appointed officials we took an oath to be mindful of the fiscal condition of the City and be responsible for the protection and upkeep of City assets including buildings and mobile equipment. If your home was damaged by mother nature such as high winds ripping the shingles off your home, you would attend to the problem as soon as possible. If nothing else to prevent further damage until you could either repair the damage yourself or hire a contractor. Damaged City property, by our sworn oath, must be repaired and secured post-haste. Once again, use of the Community Support Funds could be the answer to replacing damages. Have a contractor do it if we don't have the manpower. The housing situation in our area is increasingly getting worse. Some progress is being made, but I received a call Tuesday, May 10, 2022, asking why is the Mayor holding up progress on a housing development? All I can offer to the individual is come to the City Council Meeting and ask the question to the Mayor in a public meeting to hopefully get some action. This is another observation of mine. Whoever the Council Member is that is the liaison over the landfill What is being put in place to what appears the collecting of used motor oil? It is a great idea to avoid illegal disposal, but there are several businesses that accept used oil and there could be some complications of having the container being emptied when oil is mixed with solvents and gasoline being dropped at the landfill. Finally, probably the second most popular day that former residents and their families return to Ely is for Memorial Day to pay respect to our fallen Veterans and family members laid to rest in our City Cemetery. As they travel around our area visiting with family and friends looking to see what is damaged, changed, or added we want all the City property to be



presentable and appealing. We want visitors leaving with pleasant and good memories and not a bad taste. To be continued, Thank you.

➤ **COUNCILMAN FLANGAS**

Councilman Flangas stated I would like to thank the staff and Council for the card that was presented to me. I would also like an update on the Pope property with all the junk on the other side of the railroad tracks. They had thirty days to clean it up and it is messier now than it was before. I own part of that property and I am disgusted with the condition it is in. What do I need to do to have something done about that?

Mayor Robertson stated if you follow up with the City Clerk, she can update you on where that property is in the process.

Councilman Flangas stated okay, thank you.

➤ **MAYOR ROBERTSON**

Mayor Robertson stated you do have my report that shows road closures for upcoming events. I would also like to comment that this spring I have been attending some of the youth sporting events and I think our community has a lot to be proud of in our young people. They have been doing a great job in their endeavors and as graduation comes upon us, I would also like to make a note that a lot of our students Kindergarten through high school are down in Texas at Worlds for Robotics Competition this week. I think it is an amazing thing they were able to make it that far and the reports I hear is they are doing quite well and representing our community quite well.

**8. THE MAYOR WILL RECESS THE REGULAR CITY COUNCIL MEETING FOR A PUBLIC HEARING AT 5:30 P.M. ON THE FOLLOWING TOPICS.**

1. Mayor Robertson – Public Hearing – Discussion Only – Approval of Second Reading of Ordinance 745, Bill 2022-01, a proposed Ordinance annexing certain territory, owned by Lemich Family Trust, to the City of Ely, repealing conflicting Ordinances and providing other matters properly relating thereto.

George Chachas stated where is this property located?

Mayor Robertson stated it is located between the VFW and the railroad tracks along Avenue C.

**9. DISCUSSION/POSSIBLE ACTION ITEMS PERTAINING TO THE PUBLIC HEARING.**

1. Mayor Robertson – Discussion/For Possible Action – Approval of Second Reading of Ordinance 745, Bill 2022-01, a proposed Ordinance annexing certain territory, owned by Lemich Family Trust, to the City of Ely, repealing conflicting Ordinances and providing other matters properly relating thereto.

Councilman Alworth stated for my own knowledge on the second whereas on the Ordinance it says, “authorizes the City to utilize an alternate method of annexation.” Can I have that explained to me? What is an alternate method of annexation versus the normal annexation?

City Attorney Cahoon stated the NRS provides for an exception to the general rule. It has been a while since I read the general rule, but I believe the general rule has to do with a petition being made and there are long procedural steps that have to take place before property can be annexed. The alternate method would be where all one hundred percent of the property owners petition. In this case there was only one property owner petitioning the City to annex.

Councilman Alworth moved to Approve the Second Reading of Ordinance 745, Bill 2022-01, a proposed Ordinance annexing certain territory, owned by Lemich Family Trust, to the City of Ely, repealing conflicting Ordinances and providing other matters

properly relating thereto. Councilwoman Williams-Harper seconded the motion. The motion passed unanimously.

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

1. Councilman Carson – Discussion/For Possible Action – Approval to waive commercial fees to deposit metal at City Landfill May 15, 2022 thru May 31, 2022 to encourage commercial property owners to clean up their property.

Councilman Carson stated the Municipal Utilities Board recommended approval of this item. There was also a discussion to place an item on the City Council agenda possibly waiving the fees for commercial metal depositing permanently.

Councilman Carson moved to approve waiving commercial fees to deposit metal at City Landfill May 15, 2022 thru May 31, 2022 to encourage commercial property owners to clean up their property. Councilman Flangas 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 \$6,671.79 from 8400 North SR 892, Ely, Nevada at the request of property owner, Donald and Sandra Garrett.

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

Councilman Alworth moved to approve the removal of past due utility fee penalties up to the amount of \$6,671.79 from 8400 North SR 892, Ely, Nevada at the request of property owner, Donald and Sandra Garrett. Councilwoman Williams-Harper seconded the motion. The motion carried unanimously.

3. Council Members – City Attorney Cahoon – Discussion/For Possible Action – Approval of Joint Development and Beneficial Use Agreement between the City of Ely and Cody Bliss, Cody Coombs and Ben Noyes for the 18.83-acre Georgetown Ranch section.

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

Councilman Alworth asked on that property down there who owns the old dog pound? Is that part of the area these guys are tied in with?

Mayor Robertson stated as I recall that was part of that section the property line ran right through when we were doing the lease for the corrals. It may be on the County line.

City Clerk Lee stated it is my understanding the Tree Board is using the old dog pound area for a tree nursery. Is that correct Chairman Wolf?

Tree Board Chairman Wolf stated yes.

City Clerk Lee stated that was per Council action several years ago.

Councilman Alworth moved to approve the Joint Development and Beneficial Use Agreement between the City of Ely and Cody Bliss, Cody Coombs and Ben Noyes for the 18.83-acre Georgetown Ranch section. Councilman Carson 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. On the payments to Hunt & Sons Inc. they all seem normal and then there are a couple of larger ones. One is for \$1,170.00 and the other is \$1,422.00 and most of the charges are around \$200.00, any idea what that is?

City Clerk Lee stated those are diesel fuel deliveries to the Landfill.

Councilman Alworth asked on the O’Flaherty Plumbing bill, I believe it was for the Armory. It states recovery infilon dual something and Armory for around \$6,400.00; what’s that for? The question I have is what account is that charged to? Is this still charged to the same account the revenue is or is it going to Redevelopment because it sounds like it is something to do with that?

City Treasurer/HR Director Trask stated if the expense is a repair it is going into the Redevelopment and if it’s normal day to day it is going to the Public Works.

Councilman Alworth stated okay, I will send you an email so I can get that broke down because we have got to keep track of costs and make sure the Redevelopment isn’t getting overcharged. Does Mike know what the invoice is for recovery infilon as he probably had to approve the invoice?

City Public Works Supervisor stated it was on the boiler system.

Councilman Alworth asked was it a repair to the system for normal use?

City Public Works Supervisor stated yes.

Councilman Alworth asked will it be an ongoing charge for repair?

City Public Works Supervisor stated no, it shouldn’t be.

Councilman Alworth asked again is it a redevelopment charge or out of wherever it is going to go? We can overload the Armory with redevelopment expense so easy if we don’t keep track of it.

City Treasurer/HR Director Trask stated I have kept track of it. It is still within the budgeted amounts of what is in the Redevelopment’s budget. I know I had discussed this with you and we had talked with Jennifer how we were going to put together, and possibly go back to the State, to adjust the rent on that with these unexpected expenses that have come up.

Councilman Alworth asked the charge to Riverton Elko for \$17,693.33, what is that for?

City Public Works Supervisor stated it was for a four-wheeler.

Councilman Alworth asked the charge to Thomas Petroleum for \$766.56, where is that fuel going to?

City Treasurer/HR Director Trask stated that is the propane for the Fire Department.

City Public Works Supervisor stated the invoice for Riverton Elko is actually for the Wastewater Treatment Plan truck, crane, and snowplow. If we use Semi Services through Utah, they charge us tax so they run it through Riverton Automotive so we don’t get charged tax.

**MOTION:** Move to approve the Consent Agenda item 10A-1 Bills.

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

1. Discussion/For Possible Action –Bills.

- April 28, 2022

**4. CITY DEPARTMENT REPORTS CONTINUED**

➤ **CITY TREASURER/HR DIRECTOR**

City Treasurer/HR Director Trask stated for HR I would like to remind the Council that you do have the option if you are unhappy with your appointed officials to call a personnel session, that way we could avoid having to put a bunch of agenda items on if we are being questioned.



## B. NEW BUSINESS

1. Mayor Robertson - Discussion/For Possible Action - Direct City Attorney to draft Conduit License Agreement between the City of Ely and Commnet of Nevada, LLC for the use of City conduit for telecommunication services starting at or near the Zayo ILA near the KOA and ending at or near 10<sup>th</sup> street in the City of Ely.

Greg Rivero with CommNet of Nevada, LLC stated what we are requesting, is there is existing fiber conduit in the NDOT right-of-way that is designated for the City of Ely. It starts near the KOA Campground, runs underground along the highway near Cedar Apartments, crosses the street and runs in front of O'Flaherty's, runs down the east side of the highway, turns onto Aultman, and ends up at 10<sup>th</sup> Street. Currently, the City of Ely has one fiber cable in there of one hundred and forty-four strands that are not being used. What we would like to do is utilize that conduit to help Ely phase II, which is fiber to this building and to the Armory. It is not being used and we would like to use it to augment our system and your system with true fiber.

Mayor Robertson stated a little bit of background here. CommNet came to the City and we were not aware we owned this and apparently NDOT installed this.

City Attorney Cahoon stated yes, there is specific conduit that has been designated as the City's.

Mayor Robertson stated what CommNet is wanting to do is lease that from us. I know there has been a lot of research regarding how, who, or when, but to start any of that the Council needs to be aware of what's going on and provide direction to the City Attorney to draft that agreement up or not.

Councilman Alworth stated to me it sounds like a win-win situation for the City.

Councilwoman Williams-Harper stated I would like to know what kind of money we are talking.

Mayor Robertson stated I don't know that we will know that until we come back to review this. There has been some research on general rates of what a linear foot of conduit are as I understand.

City Clerk Lee stated my research showed that rural areas typically charge forty-two cents per foot and that is the ballpark we are looking at. We still need to calculate how many feet we are talking about. City Attorney Cahoon would work on the license agreement if the Council approves this item and then I'll continue to work on the fee and calculating what that would be. In my opinion, we certainly want to encourage CommNet's installation and expansion in our area.

Mayor Robertson stated so the agreement including the fee would be brought back for the Council to review.

Councilman Alworth asked in the community support expenses committed is \$281,835.00. Would that come out of that funding?

City Clerk Lee stated that has already been spent and paid to CommNet for the WAN network for the City.

Councilman Alworth asked again, would this qualify under the community support expense money?

Mayor Robertson stated we are not going to be expending anything. We are going to be getting paid for the use of our conduit.

Councilman Alworth stated cool, thank you for the clarification.

Councilman Carson moved to Direct the City Attorney to draft a Conduit License Agreement between the City of Ely and Commnet of Nevada, LLC for the use of City

conduit for telecommunication services starting at or near the Zayo ILA near the KOA and ending at or near 10<sup>th</sup> street in the City of Ely. Councilwoman Williams-Harper seconded the motion. The motion carried unanimously.

2. Mayor Robertson – Discussion/For Possible Action – Approval of Support letter for Nevada Department of Transportation’s application for the Multimodal Project Discretionary Grant (MPDG) which includes three funding opportunities: the National Infrastructure Project Assistance grants program (Mega), the Nationally Significant Multimodal Freight and Highways Projects grants program (INFRA), and the Rural Surface Transportation Grant program (Rural).

Councilman Alworth moved to approve the Support letter for Nevada Department of Transportation’s application for the Multimodal Project Discretionary Grant (MPDG) which includes three funding opportunities: the National Infrastructure Project Assistance grants program (Mega), the Nationally Significant Multimodal Freight and Highways Projects grants program (INFRA), and the Rural Surface Transportation Grant program (Rural). Councilman Carson seconded the motion. The motion carried unanimously.

3. Mayor Robertson – Discussion/For Possible Action – Approval to participate in Bald Mountain Mine Plan of Operations Amendment #6 Juniper Project Environmental Impact Statement as a cooperating agency.

Councilman Carson moved to approve participation in the Bald Mountain Mine Plan of Operations Amendment #6 Juniper Project Environmental Impact Statement as a cooperating agency. Councilman Alworth seconded the motion. The motion carried unanimously.

4. Mayor Robertson – Discussion/For Possible Action – Approval for mayor and city council members to attend the Nevada League of Cities & Municipalities’ 2022 Annual Retreat June 8-10, 2022.

Councilman Carson moved to approve for the mayor and city council members to attend the Nevada League of Cities & Municipalities’ 2022 Annual Retreat June 8-10, 2022. Councilman Flangas seconded the motion. The motion died.

5. Mayor Robertson – Discussion/For Possible Action – Approval for mayor and city council members to attend the Nevada League of Cities & Municipalities’ 2022 Annual Conference August 9-12, 2022.

Councilman Flangas moved to approve for mayor and city council members to attend the Nevada League of Cities & Municipalities’ 2022 Annual Conference August 9-12, 2022. Councilman Alworth seconded the motion. The motion carried unanimously.

6. Mayor Robertson – Discussion/For Possible Action – Approval to reschedule the August 11, 2022 City Council meeting to August 18, 2022 so City officials attending the Nevada League of Cities Conference August 9-12, 2022 will not miss August’s first meeting.

Councilman Alworth moved to approve rescheduling the August 11, 2022 City Council Meeting to August 18, 2022 so City officials attending the Nevada League of Cities Conference August 9-12, 2022 will not miss August’s first meeting. Councilwoman Williams-Harper seconded the motion. The motion carried unanimously.

7. Councilman Spear – 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 we are still in a holding pattern waiting on all the big shots back there in D.C. Horsford’s office wasn’t very good to us on the first go around and I really don’t expect much from them this time. Cameron and the crew are working hard to get some action out of them. The PORTER Group and the City drafted a letter to Governor Sisolak requesting money for the Hospital Housing Project.

Mayor Robertson stated I did have a conversation with the Lieutenant Governor regarding that letter and I am hoping to have a conversation with Senator Goicoechea and RanDee Brems in the Governor's office as well.

8. Councilman Alworth – Discussion/For Possible Action – Authorization to send a letter from the City of Ely to both Senators and our Congressman saying we would like their support of correcting the Safe, Accountable, Flexible, Efficient Transportation Equity Act, Public Law I 09-59, to transfer the HiLine to the City and correct other errors in the bill.

NNRY President Mark Bassett stated back in 2005 Senator Harry Reid got the SAFETEA-LU Bill passed and as part of the SAFETEA-LU they transferred all the Railroad right-of-way that used to be United States Land Office property to the City of Ely. As part of that bill the BLM has to do a Cadastral Survey, which is the most precise survey that there is. In the process of starting this survey they are now finding errors. The largest error they found was in the case of the HiLine; the south end of the HiLine was transferred to the City of Ely, the north end of the HiLine was transferred to the City of Ely, but the land in the middle was not transferred. The BLM has already surveyed that land because they thought it was supposed to be transferred. The other thing we are finding is as they are doing this, they are doing the transfer in eloquent parts. In other words, the north quarter of the southwest quarter and the whole bit. Some of those are typos so instead of the quarter section being on the railroad right-of-way it's ten miles to the east so the City of Ely owns a mountain top just east of the HiLine. We have been talking with the PORTER Group and what we would like to do is send a letter to the Senators to ask them to correct the SAFETEA-LU Bill and make these corrections to the original law.

Councilman Alworth moved to authorize a letter from the City of Ely be sent to both Senators and our Congressman saying we would like their support of correcting the Safe, Accountable, Flexible, Efficient Transportation Equity Act, Public Law I 09-59, to transfer the HiLine to the City and correct other errors in the bill. Councilman Flangas seconded the motion. The motion carried unanimously.

9. City Attorney Cahoon - Discussion/For Possible Action - Approval of the 2022-23 Victim/Witness Service Program (VWS) Memorandum of Understanding between VWS and Ely City Attorney's Office establishing a cooperative relationship to better serve victims of crime within the City of Ely.

City Attorney Cahoon stated as the item indicates this MOU merely establishes a relationship between my office and Victim/Witness Service Program. There is nothing binding on my office to use their services and there is no cost to the City at all. It is essentially establishing that relationship and having a cooperative agreement to work together.

Councilman Alworth moved to approve the 2022-23 Victim/Witness Service Program (VWS) Memorandum of Understanding between VWS and Ely City Attorney's Office establishing a cooperative relationship to better serve victims of crime within the City of Ely. Councilman Carson seconded the motion. The motion carried unanimously.

10. Council Members – City Attorney Cahoon – Discussion/For Possible Action – Direction to City Attorney to draft proposed ordinance updating and amending the applicable chapters of Title 9 of the Ely City Code thereby adopting operative building standards, an energy conservation code, and an off-site modular and prefabrication construction code, and providing other matters properly relating thereto.

City Attorney Cahoon stated what this will do is allow the City Building Codes to mirror the County Building Codes. I think there has been an issue in the past where those haven't been and it's hard for our Building Official to enforce anything when those codes aren't in harmony with one another. Building Official Peterson also asked that we include an energy conservation code and an off-site modular and prefabrication construction code. I will be getting with Building Official Peterson to learn more about these codes as I draft the ordinance.



Councilman Carson moved to approve directing the City Attorney to draft proposed ordinance updating and amending the applicable chapters of Title 9 of the Ely City Code thereby adopting operative building standards, an energy conservation code, and an off-site modular and prefabrication construction code, and providing other matters properly relating thereto. Councilman Alworth seconded the motion. The motion carried unanimously.

11. Council Members – HR Director/City Treasurer Trask – Discussion/For Possible Action – Approval of revision to Section 5.2 Workweek Defined of the City of Ely Personnel Manual.

City Treasurer/HR Director Trask stated this was brought to you guys due to Union negotiations right now at the Fire Department. With the possible shift change and working with POOL PACT Experts on the Fire Department, it was recommended that we change what our defined work period is. It would work for all the employees within the City. It should be a smooth transition and I am just asking for the policy change so we can redefine the work period.

Councilman Alworth asked when does this go into effect?

City Treasurer/HR Director Trask stated it would go into effect the first pay period in July.

Councilman Alworth stated probably after the Union's contract is approved it will go into effect because the contract may be stalled out. The proper wording is if the contract is not approved this will not go into effect until, let's say the contract is not approved until August.

City Treasurer/HR Director Trask stated hopefully it won't and I am hoping it is approved at the next meeting. We could still do this because it is not solely based on the Union contract it would just help if we have this in place.

Councilman Alworth stated start it sooner than later, I guess. It doesn't make any difference to your budget, does it?

City Treasurer/HR Director Trask stated no.

Councilman Alworth moved to approve the revision to Section 5.2 Workweek Defined of the City of Ely Personnel Manual to start the first pay period in July. Councilwoman Williams-Harper seconded the motion. The motion carried unanimously.

12. Council Members – HR Director/City Treasurer Trask – Discussion/For Possible Action – Approve Budget Committee's recommendation of Community Service Fund expenditures, to include, modify or exclude the following:

- White Pine County Search and Rescue Request for \$45,100.00
- White Pine Horse Races Request for \$25,000.00
- Ely Tree Board Landfill Planting Project for \$4,602.37

City Treasurer/HR Director Trask stated the Budget Committee met, reviewed this, and brought it to the Council.

Councilman Alworth stated since Mark is not here, I will direct these questions to the Sheriff since he is in charge of the budget. My questions are regarding the first \$45,000.00. Mr. Attorney can I ask the Sheriff to respond to these questions?  
City Attorney Cahoon stated yes.

Councilman Alworth stated this is regarding the letter from Mark Van Tassel. I will go back to the five original things I asked earlier. I am sorry I am putting you on the spot Sheriff, it should be Mark up here. It is really upsetting that you make a request for money, and you don't show up. How were you made aware of the funding opportunity?

Sheriff Henriod stated I wasn't aware of it until I got your agenda.

Councilman Alworth asked were other sources of funding available from other agencies and if so, who were they? Did the applicant receive any other funding for the request and if so, who did it come from and how much was received? How does this request benefit the City and the residents of the City?

Sheriff Henriod stated I do know what they are asking for because once I got the agenda I started digging and talked to the Mayor on who had put this on the agenda and what it was. Their goal is to obtain a UTV with capabilities of a backboard so they can use it to transport those individuals that are injured. The benefit to the City and County would be for medical purposes.

Councilman Alworth stated so the key word there is this money as I stated earlier is for the City of Ely even though the change has been made to community support; keep that in mind. This is the first time I can remember the group, Search and Rescue, requesting any funds from the City. It is, as you stated in your letter, ARPA is earmarked for disbursements to businesses and organizations within the City of Ely. I may be wrong, but I don't believe the wording "earmarked for distribution" is one hundred percent correct, but that is just my comment. What is the dollar amount White Pine County budgets for Search and Rescue?

Sheriff Henriod stated \$800.00 a year.

Councilman Alworth asked did the group request White Pine County Commission to increase the budget or to budget purchasing the equipment listed.

Sheriff Henriod stated I have actually asked the County to increase the budget this year, but this request was not made.

Councilman Alworth asked did White Pine County give any of their ARPA Funding to this group?

Sheriff Henriod stated not to my knowledge.

Councilman Alworth has your group went to LEPC, the Local Emergency Protection Committee seeking any assistance either in money or equipment?

Sheriff Henriod stated no.

Councilman Alworth stated the Tourism and Recreation Board does an outstanding job promoting our outdoor wonderland inviting thousands of people to come and explore what is offered. Did the Search and Rescue Group approach them for funding opportunities they offer for groups?

Sheriff Henriod stated I would not know.

Councilman Alworth asked do you have a list of mobile equipment associated with the Search and Rescue Group at their disposal meaning vehicles, ATVs, UTVs, transport trailers, for example.

Sheriff Henriod stated I do because that is property of the Sheriff's Office.

Councilman Alworth stated when I worked for the County they had two pickups, a trailer, and I think once when we worked on it there was a side by side or a four-wheeler.

Sheriff Henriod stated the side by sides belong to the Eastern Nevada Task Force.

Councilman Alworth stated he mentioned in his letter about the cost of fuel and when I say are you, I am meaning Mark. Are you aware the group has access to the fuel storage located at the County shop for reimbursement of the volunteer's fuel? Sheriff Deputies have access to the fuel pumps and two of the Search and Rescue vehicles had keys for the fuel pumps,

which if they follow the lead on the Search and Rescue people, they can fuel their vehicles up. It is the cheapest fuel in White Pine County right now.

Sheriff Henriod stated correct, we fuel their vehicles after use.

Councilman Alworth stated don't get me wrong or mistake my questions as being negative to the fine group of men and women who volunteer their time, equipment, and long hours away from home to help friends and other people. It is a very important organization for those in need. Several years ago, my sister lived in Fallon and requested the Search and Rescue try and locate her husband and grandson hunting on Mount Moriah because their spot device was activated. They were located and followed back to camp. To me that is the type of questions that need to be asked to have history instead of just looking at a letter. Those are my comments on that item.

Mayor Robertson stated I would just like to remark that any request that comes to the City ends up here. The Budget Committee has not weeded out any requests, solicited requests, or done anything of the sort. Please back me up if I am wrong, but the City has the discretion to spend this money however they would like in the benefit of the community.

Councilman Alworth stated once again, I think this is where the government part of this is wrong, wrong, wrong, and why I got off the Budget Committee. You guys sit at this table, and we don't even know all the background; we are just being asked to do it. There should have been a disclosure because you are a business partner with Mark Van Tassel, so I feel that comment you just made was biased to his request. All I am asking is give us some background. Ernie has been gone, Ed is gone, and Jerri-Lynn is new and needs the information. I am probably the only loudmouth in here that knows the questions to ask, so are we going to vote on the first one to give them \$45,000.00?

Mayor Robertson stated you have all the background that the Budget Committee had, Councilman Alworth.

Councilman Alworth stated the questions I just asked, did they know they have two vehicles and access to fuel pumps?

Mayor Robertson stated neither did the Budget Committee and I don't think it's the Budget Committee's job to ask that.

Councilman Alworth stated it is the job of the Councils.

Mayor Robertson stated it is, and that is why it is here so you can ask those questions.

Councilman Alworth stated if I don't ask the questions because you guys don't have a proper application process the questions don't ever get asked Mr. Mayor.

Mayor Robertson stated that is because we have the process the Council gives us. If there is no process approved by the Council, all we can do is look at it and pass the information on that we got, and you have it.

Councilwoman Williams-Harper stated I don't see anything wrong with the questions and it is helpful for all of us to know. You are right I am still learning some things and I think those questions are viable. I think that helps the Budget Committee and very transparent for those sitting on the other side of this table. I learned a lot today and I think it solidifies public trust and puts us all on one page because we do want to know where our money is going and what the history is. Whether it is those exact questions, or we expand those or collapse them some personally, I think it is a good idea and it cuts down on making people feel like somebody doesn't know something. As a Council we want to put our best foot forward and I want to make sure the public knows that we all know the same thing. I don't think the questions are a bad idea and that we ask them. When we come as a Budget Committee having those questions answered already and providing more information for everyone is transparency.



Councilman Alworth stated I agree with everything you said. If we had an application, we look at it and they answered every question it's a no brainer, but once again this money was for the City of Ely, and I have no problem with White Pine County. The search and rescues we have done in the City of Ely were handled by our Fire Department; people walking away from the Care Center, a young lady missing on White Pine Hill, and a dog fell in a mine shaft just to name a few. It's like an octopus there are hands out all over. This money was for the City of Ely Mr. Mayor and the Budget Committee. You are all intelligent people, come up with an application is what I would like to see so we don't have to go through this.

Mayor Robertson stated we are happy to put that on the agenda.

Councilman Alworth stated you had an application for the three hundred and some thousand dollars for all the businesses and that worked out well. In my opinion Mr. Van Tassel should have been here and the Sheriff is here. Eight hundred dollars a year is not enough money to buy gasoline for those folks and that is a White Pine County Commission problem. Take some of their money and do it that way. I am against funding this one here.

Mayor Robertson stated so noted.

Councilman Alworth asked does there need to be a motion to say that or the blessing of the Budget Committee because we have already had this discussion in the past of having to bring it in front of the Budget Committee. There was a big blow up over that stating that is why we are the committee.

Mayor Robertson stated if there are druthers from the Council that these should go back and have an application done, I am not against that in the least. I would echo what Councilman Alworth and Councilwoman Williams-Harper noted about the questions. I don't think they are a bad idea, but the previous application was one the Council approved and instructed the Budget Committee to use and if they would like to do that again, I would welcome that.

Councilman Alworth stated you should have just extended the application process you started with.

Mayor Robertson stated it is a different process with different requirements now Councilman Alworth. The past application does not fit this new system.

Councilman Alworth stated just give away the money. Give away the money to the City of Ely not to every swinging you know what coming to this table asking for something and that's my opinion. I am here to represent the City of Ely and the residents and people that voted me in. I only got thirty-four more votes than I needed, but I am still here to stand up for them. The County better stand up and help their own departments out.

Mayor Robertson stated let's hear each request and comments and after we have heard all three, we will vote on each one if that is ok with the Council. White Pine Horse Races Request for \$25,000.00. You have the backup documentation for that, and Marietta Henry is here if you have any questions for her.

Councilman Alworth stated I read her letter and she basically covered all the questions. This is not her first rodeo. She answered almost everything in there that I would have asked. It is all spelled out with where it is going to go and why are you asking. I think that was a good letter compared to the one Van Tassel wrote.

Mayor Robertson stated are there any questions or discussion on the Ely Tree Board Landfill Planting Project for \$4,602.37?

Councilman Alworth stated I think Bill knows trees better than anybody. The only question I have is for the finance lady. This is basically a reclamation expense if we had to reclaim what we started and decorate everything. Is there a spot to transfer from wherever you want to pay for it from the community support funds, or can you create a reclamation expense because we have to account for so much money in the landfill closure, correct?

City Treasurer/HR Director Trask stated we account for the Landfill closure, but there are certain requirements that have to be met that are a long way down the road before we can touch that money. It is locked up in a trust that First National Bank can't cut loose to us until certain requirements are met and that won't be until it is closed. Right now, with how things are going with the Landfill and things going on; this being a Tree Board item usually hits the General Fund. It was my recommendation that we possibly put it through the Community Service Funds.

Councilman Alworth stated I think it is a great thing to cover that with something. We started that with a grant from the forest service many, many years ago. I think it is a good idea I am just asking is it a reclamation expense or a beautification expense?

City Treasurer/HR Director Trask stated to me right now it is just a beautification expense.

- White Pine County Search and Rescue Request for \$45,100.00  
No action was taken
- White Pine Horse Races Request for \$25,000.00  
Councilman Alworth moved to approve the Budget Committee's recommendation of Community Service Fund expenditures to include the White Pine Horse Races request for \$25,000.00. Councilman Carson seconded the motion. The motion carried unanimously.
- Ely Tree Board Landfill Planting Project for \$4,602.37  
Councilman Alworth moved to approve the Budget Committee's recommendation of Community Service Fund expenditures to include the Ely Tree Board Landfill Planting Project for \$4,602.37. Councilman Flangas seconded the motion. The motion carried unanimously.

#### 11. PUBLIC COMMENT

George Chachas stated the Redevelopment Funds cannot be touched I believe for the National Guard Armory; that's a restricted building. You need to look at your Redevelopment Plan, I have read it in the past and you can't use it there. On March 30, 2022 a family member of mine was given a Notice and Order for his rental property because the individual had a game room set up in the garage adjacent. The Building Inspector wanted water and sewer service there. I want to know who filed the complaint and if they filed a complaint for the business next door that just opened up and doesn't meet ADA standards. When I asked for a copy of the complaint out of your office I get "not document responsive." Really, how did this start? For months I have been coming to you folks asking for a list of those property owners that have been permitted to park their RVs on the City streets or lots. I had asked for a list of those that were approved under the American Rescue Plan Act funding on what they received and who was turned down and I yet to get that. Earlier I mentioned there were at least three businesses operated by women that put in an application and did not get a dime. The Regional Planning Commission to date has not addressed City Code violations by previous and present members of the Planning Commission as well as some of the City Council and the County Commission.

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

Councilman Alworth moved to adjourn the regular meeting of the Ely City Council at **6:25 p.m.** Councilwoman Williams-Harper seconded the motion. The motion carried unanimously.

  
\_\_\_\_\_  
MAYOR

  
\_\_\_\_\_  
ATTEST

