



CITY OF ELY

501 Mill Street Ely, Nevada 89301
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Cityofelynv.gov

ELY CITY COUNCIL REGULAR MEETING

November 17, 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 5:00 P.M.; led in the Pledge of Allegiance and asked for Roll Call.

Members present:

- Mayor Nathan Robertson
- Councilman Ernie Flangas
- Councilman Kurt Carson – Left the meeting at 5:25 p.m.
- Councilman Jim Alworth
- Councilwoman Jerri-Lynn Williams-Harper

Members absent:

- Councilwoman Ed Spear

Newly Elected Officials present:

- Councilman-elect Terrill Trask
- Councilwoman-elect Samantha Elliott

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
- City Engineer B.J. Almberg
- City Building Official Craig Peterson
- City Municipal Court Judge Mike Coster
- 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, Arlene Gonzalez, J. Drew, Steve E., P. White, M. Tulman, Rebecca Filipas, Brandy Thompson, Nora Tadic, and Gayel Elliott.

ELY CITY COUNCIL ATTENDANCE LIST

DATE: NOVEMBER 17, 2022

Print name below

BIRDELL GOFFINET
DONICA BARK
Paul Mallman
Lane Smiley
TONY ENFIDUEZ
Caroline McIntosh
Brianna Hedger
SMARQUEZ
Chris Stanton
SHADACH ROBERTSON
George Chachas
COSTER
JOSS TRASK

Print name below

2. PUBLIC COMMENT

LS Power Project Manager Paul Mallmann stated I am joined tonight by my associate Lane Singleton, who is the other project manager. I would like to thank you for your time and congratulate the two new council members, Samantha Elliott, and Terrill Trask. I would like to thank the outgoing members, Ernie Flangas and Ed Spear, for their service to the community. We are here tonight representing Great Basin Transmission which is a fully owned affiliate of LS Power specifically in regard to the Swift North Project which is that 500 kilovolt electric transmission line that is planned between here and Idaho. I know there has been a long beneficial mutual relationship between LS Power and the City, several of you have worked with our staff and our goal here is to continue to strengthen that relationship moving forward. We are going to be here after the meeting if anyone has any questions. We saw in previous meetings there were some inquiries and questions around the interaction with the project and the Nevada Northern Railway. Our goal is to be as clear and transparent as possible.

George Chachas stated on your agenda items 7B-4 and 7B-5 the Railroad should be paying their own costs. The City receives no value from the Railroad. They have failed to collect track property rental fees for approximately twenty years. They fail to respond to public information requests; they fail to operate under the Nevada Open Meeting Law while spending hundreds of thousands and possibly millions of taxpayers' dollars with no disclosure of how the money is spent. The City Council representatives have failed to ensure the question to whether the Railroad has suffered the embezzlement of tens of thousands of dollars. The City pays for the Railroad audit yet it is not available to the City's citizens. The City receives no benefit or shared revenue from any entity the Railroad deals with and that needs to stop. Mr. Chachas stated ongoing concerns regarding the new curb and gutter put in between 14th and 15th Street on Avenue D by NDOT and states there is not adequate ADA access.

City Building Official Craig Peterson stated my public comment has to do with the public comment which I think you will find on the agenda tonight. I just want to talk about the rules in regard to public comment. There is a weaponized public comment in this community. People use it to slander individuals and they use it to spread false information. They claim there are requirements that exist in which do not exist, and they use those fake requirements to disparage people publicly. As an employee I have the right not to be slandered at my workplace. I do appreciate the work that everybody has done to try and hold the line during public comment and keep it respectful. There is certainly no criticism of the Board or any of the members. I do appreciate the outgoing members and welcome the new members as well; it is going to be a constant struggle as it has been a constant struggle here for quite some time. Slander is essentially erroneous statements of facts that are directed at people and that is what I have been facing here since the minimum of July. It is not just City Council Meetings, but RPC, County Commission meetings, and throughout. To be honest with you I am done with it and I am looking for a best path forward as how we address some of these erroneous, slanderous comments that are made. I understand it is tough during a public comment to decipher what is legitimate and what is not a legitimate complaint. I would just like some sort of process to be able to either answer back to some of those erroneous statements and/or call a point of order at the time those erroneous statements are made. I provided somebody recently a copy of the ADA requirements that they run around saying that I am not enforcing so that way if it is brought up again in my light of profession, I can understand that it comes from a place of malice and not from a place of ignorance. The way I am looking at it is it is a constant attack that is baseless, I am tired of it, and I just wanted to express my feelings on that matter.

Councilman Flangas stated I just want to thank the people that I have served with for the last four years and the public that has an interest in this community to attend these meetings. I am grateful for the knowledge I have gained from all of you, and I am grateful for knowing you. I want to thank you and have a good term.

3. SWEARING IN NEWLY ELECTED OFFICERS BY CITY CLERK

1. Council Member Seat 1 – Four-year term

Terrill Trask was sworn in as City Council Member Seat 1 of the City of Ely for a term until City elections are held in November 2026, as Nevada Assembly Bill No. 50 was signed into law.

2. Council Member Seat 3 – Four-year term

Samantha Elliott was sworn in as City Council Member Seat 3 of the City of Ely for a term until City elections are held in November 2026, as Nevada Assembly Bill No. 50 was signed into law.

3. Council Member Seat 5 – Four-year term

Jerri Lynn Williams-Harper was sworn in as City Council Member Seat 5 of the City of Ely for a term until City elections are held in November 2026, as Nevada Assembly Bill No. 50 was signed into law.

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

Councilman Carson moved to approve the agenda as presented. Councilwoman Williams-Harper seconded the motion. The motion carried unanimously.

B. NEW BUSINESS

4. Council Members – City Attorney Cahoon – Discussion/For Possible Action – Approval to engage the law firm of Maupin, Cox & LeGoy for legal services regarding the Northern Line of the Nevada Northern Railway pursuant the terms and waivers in the engagement letter between Maupin, Cox & LeGoy and the City of Ely, Nevada.

City Attorney Cahoon stated Chris Stanko, Esq. is here, and I would defer to him for any comments or questions.

Chris Stanko, Esq. with Maupin, Cox, and LeGoy Law Firm stated I know some of you and have for some time. Congratulations to the new council members. It is great to be back in the City of Ely. Our law firm has represented the City of Ely before. The engagement letter speaks for itself in regard to the potential engagement regarding the Northern Line of the Nevada Northern Railway which is between mile post 0 and mile post 127. They have been split into two legal paradigms. I am happy to answer any questions in respect to the engagement letter or with regard to the different scopes that our firm could possibly be engaged with the City of Ely on.

City Attorney Cahoon stated I will just add under the engagement letter there are three options. One being to engage the law firm specifically for the LS Power Crossing, the second being for all crossings, and the third being for all issues present on the Northern Line. At this time, I would recommend the Council choose option two because there are several other companies other than LS Power that are seeking to put lines over the track so that would allow the City and the Foundation to handle those cases while not being too broad in the scope of representation of Maupin, Cox, and LeGoy.

City Treasurer/HR Director Trask stated I would like to discuss the finance part of this. At this time what I have in the budget for outside legal services majority has already been committed to other projects. I would like to recommend that we set a cap at \$7,000.00 with the option of coming back later if more is needed.

Mayor Robertson asked are there any recommendations of how much this will entail?

City Attorney Cahoon stated I think \$7,000.00 is a good cap and then the City Council can always entertain increasing that at a later time.

Chris Stanko, Esq. with Maupin, Cox, and LeGoy Law Firm stated I think it is going to run over \$7,000.00.

Mayor Robertson asked is it going to run over \$7,000.00 in this fiscal year?

Chris Stanko, Esq. with Maupin, Cox, and LeGoy Law Firm asked when does this fiscal year end?

Mayor Robertson stated June 30th.

Chris Stanko, Esq. with Maupin, Cox, and LeGoy Law Firm stated I don't know it depends. Once I get involved and there are a lot of complex issues with respect to these potential engagements. There is additionally not just us who is State Law Counsel but Federal Railroad Counsel.

Mayor Robertson stated at the time we reach that limit we can come back and visit that.

Chris Stanko, Esq. with Maupin, Cox, and LeGoy Law Firm stated I am not sure I am going to commit to doing that if that is the case. The engagement letter that I provided that is on the agenda is with our costs and fees in respect to our law firm, but it doesn't include a cap.

Mayor Robertson stated this isn't a cap per se, but we only have so much in the budget, and we would have to have a lengthier conversation about where that money would come from, which we can't have tonight. We would like to sign the engagement letter and move forward, but we would like to come back and visit where we are going with this.

Chris Stanko, Esq. with Maupin, Cox, and LeGoy Law Firm stated in that case then I think we should try and have that lengthy conversation because I don't want to commit to the joint representation at that time if it is going to be capped and not knowing where we are going to go in respect to the funds if we get into this project, we hit that cap, and where we are. Our law firm is going to need some clarity as well from this potential client before I can commit to engaging. Obviously, I think we have done a great job for the City with respect to the other things we have done.

Mayor Robertson stated Chris, the Council just has a problem writing an open-ended check when there isn't a plan there either.

Chris Stanko, Esq. with Maupin, Cox, and LeGoy Law Firm stated so that we are clear it is not an open-ended check. The Council can always tell us to hold off in terms of not authorizing any more work regardless. The client can always say that, and I would never keep going if you said stop, we don't have any more money. I don't want to commit our law firm to something not knowing if the other client potentially has the funds for this project. I think we should have that lengthier conversation before the law firm and my partners commit to a joint engagement.

Mayor Robertson stated we don't have another meeting until December 8th, is there a problem waiting until then?

Chris Stanko, Esq. with Maupin, Cox, and LeGoy Law Firm stated I know LS Power wants to get moving on it, but I don't have a problem waiting until then.

Councilman Alworth stated we had a meeting regarding the Railroads 45G tax credits which are going to be a substantial amount to help with this expense. The word "cap" is probably the wrong terminology to use. We have the agreement and I think we should go ahead with it without the wording of a "cap" because the Treasurer can augment.

Councilwoman Williams-Harper stated if we are in the middle of something we are not going to change course in mid-stream.

Mayor Robertson asked Treasurer Trask is there anything you would like to add about the 45 G tax credit?

City Treasurer/HR Director Trask stated yes, that will be going out tomorrow to the rest of the Council with the information I have. You do have to remember I have a contingency fund in there, but an open check book I am not comfortable with.

Councilman Alworth stated I would like to follow up on the Treasurer's comment on that. The tax credit we will be receiving is the amount we could cap out on. My opinion is to use that tax credit for legal fees only.

Mayor Robertson stated there is a number of these agreements that we have entered into.

City Attorney Cahoon stated they have all had limits on them. I believe there was a \$25,000.00 limit and a \$14,000.00 limit.

Mayor Robertson stated it would probably be healthy to have a conversation within the next couple of months where we sit down and review those agreements and how much has been spent so the Council knows and those things don't get away from them.

City Attorney Cahoon stated Chris, the only reason this has been brought up is because our legal budget is coming to its end, but like they mentioned there are funds that will be coming into that potentially pretty soon. That is why we discussed putting a potential limit on that. It is not necessarily a cap but a point where we can come back and discuss where these funds are going to come from.

Chris Stanko, Esq. with Maupin, Cox, and LeGoy Law Firm stated so you understand me and my law firm's perspective; first of all, I don't need this project as I have a lot of great work that pays me more. I obviously have a big connection to this community and that is why I have gotten involved. I think we are really efficient and there is obviously a history with our law firm, City, and the Foundation. Hence why that one thirty is now available. I don't want to get into a position where I have two clients and one is saying they are no longer going to pay because of whatever constraints, and we are sitting there and now we have a potential conflict.

Mayor Robertson stated I fail to see the difference whether we review it at \$7,000.00 or like you said we can quit anytime.

Chris Stanko, Esq. with Maupin, Cox, and LeGoy Law Firm stated by quitting anytime we are still the Foundation's Counsel. I have to then determine what to do with the Foundation with respect to the same matter that had been ongoing. We have had an engagement before, and I guess there was no cap about what it was.

Mayor Robertson stated again, I think "cap" is the wrong word. I think \$7,000.00 was just the point where we would review whether further funds would be coming from the tax credit, or we would have to augment from somewhere else. It wasn't necessarily a cap, but we would have to internally review where the money was going to come from. Does that make sense?

Chris Stanko, Esq. with Maupin, Cox, and LeGoy Law Firm stated it makes sense, like you saw in the engagement letter I am giving a pretty big discount off my rate, and I have more work than I can do at this time. The question is how difficult of an engagement is this going to be? The last engagement worked great and was obviously very successful. I don't want to commit, and three months go by and then you say we are going to go a different route, so maybe there should be some more in-depth conversations with the Foundation before there is a joint engagement.

Mayor Robertson stated the motion was to sign the engagement letter as it is, and the \$7,000.00 cap part of the motion was an internal review that we would need to do.

City Attorney Cahoon stated there is an issue with the Line the City and the Foundation both have an interest in seeing through to get these agreements in place. I don't think the City has any interest in backing out once we use the money, we will just augment or find it elsewhere.

City Treasurer/HR Director Trask stated I would like to apologize, what I am trying to do is make them understand how we have to manage our money. It has nothing to do with the contract itself. I just need to make sure we follow the proper procedures if it hits a certain point, or we go over the budget how I am going to have to deal with putting it back into the budget to cover it.

Chris Stanko, Esq. with Maupin, Cox, and LeGoy Law Firm stated if it was any other client I would say let's hold off and let's have another meeting, but because it is the City of Ely, it is very important to me, and these are issues that need to be resolved. I would be happy moving forward based on all of that.

Councilman Alworth stated a lot of people don't know the City owns the rail line. We are not going to fail if we work together.

Chris Stanko, Esq. with Maupin, Cox, and LeGoy Law Firm stated I wrote the engagement letter to Councilwoman Williams-Harper based on past protocols since you have been mayor as you have always usually stepped off. I am fine if you want to sign it as well or whatever the City Attorney thinks.

Mayor Robertson stated thank you for pointing that out. I do need to disclose that I am a part-time employee of the Foundation. This agreement does not personally affect my employment, or my bank account and I won't be voting on it, so I will not be withdrawing on this.

Councilman Alworth moved to approve the engagement with law firm of Maupin, Cox & LeGoy for legal services regarding the Northern Line of the Nevada Northern Railway pursuant the terms and waivers in the engagement letter between Maupin, Cox & LeGoy and the City of Ely, Nevada, option two with a point of internal review regarding funding at \$7,000.00. Councilwoman Elliott seconded the motion. The motion carried unanimously four to zero as Councilman Carson left for the evening.

5. Council Members – City Attorney Cahoon – Discussion/For Possible Action – Approval of the Common Interest and Joint Representation Agreement between the City of Ely, Nevada, the Nevada Northern Railway Foundation, Inc., and Great Basin & Northern Railroad, Inc. for legal services provided by the law firms of Maupin, Cox & Legoy and Thompson Hine LLP regarding matters involving the Northern Line of the Nevada Northern Railway.

City Attorney Cahoon stated I think it speaks for itself but will answer any question if there are any.

Mayor Robertson disclosed I am a part-time employee of the Foundation. This agreement does not personally affect my employment, or my bank account and I won't be voting on it so I will not be withdrawing on this.

Councilman Alworth moved to approve the Common Interest and Joint Representation Agreement between the City of Ely, Nevada, the Nevada Northern Railway Foundation, Inc., and Great Basin & Northern Railroad, Inc. for legal services provided by the law firms of Maupin, Cox & Legoy and Thompson Hine LLP regarding matters involving the Northern Line of the Nevada Northern Railway. Councilman Trask seconded the motion. The motion carried unanimously.

5. CITY DEPARTMENT REPORTS

➤ CITY CLERK

City Clerk Lee stated at the last meeting Councilman Alworth asked about a potential surplus vehicle sale. I did discuss that with Public Works Supervisor Cracraft. He has discussed that with the leads and in December they will be putting that list together and then we will get the legal published in the paper and proceed through that process.

➤ **CITY ENGINEER**

City Engineer Almborg stated congratulations to the new council members and welcome. I have always told everybody here that I am here to help you implement your policy and not to dictate policy or direct things. If you ever have any questions, please feel free to come visit me. I had a meeting today on the NDOT Aultman Street Project and things are still proceeding forward. I asked if the new Governor would have any impact on this project and their feelings were it would have no impact and they feel comfortable that things will move forward. On the last phase of the Aultman Project they had an agreement in place with the City for some of the engineering so they actually paid for a very large percentage of our engineering we did on that project because of how our infrastructure is over theirs. It will be happening on this next phase as well, so I just need to get them some information and they anticipate getting that agreement together by the end of the year. We are still working on the SHPO stuff for the Central Ely CDBG Project. We did get the information out on the Bell Avenue Project and that is now in SHPO's hands at this point in time. We are also working on the southern landfill runoff ditch. I met with the Public Works Supervisor earlier this week and as we were working through that we came up with some other ideas to make it a much cleaner solution and in the end hopefully save the City some money. We are getting close to finalizing our landfill quantities and the life of the landfill early next week.

➤ **CITY TREASURER**

Councilman Alworth stated I talked to the City Treasurer today on another issue, but I forgot to ask about one bill here and if you don't have it off the top of your head I can wait until next week. It was for DC Frost Associates, Inc. for \$1,002.96.

City Treasurer/HR Director Trask stated I will have to get back to you on that.

6. REPORTS

➤ **MAYOR ROBERTSON**

Mayor Robertson stated for my report you have the permits I approved. I also wanted to make the Council aware that Mt. Wheeler Power sent their letter donating power for the community Christmas lights which they do every year, and we appreciate their support in our community endeavors.

➤ **COUNCILMAN ALWORTH**

Councilman Alworth stated I would like to make a comment. The Ely Fire Department Volunteers do all the maintenance on the Christmas Star.

7. 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.

Mayor Robertson disclosed my spouse is a member of the Volunteer Fire Department, he doesn't get treated any different than any other volunteer.

Councilman Trask disclosed my mother is City Treasurer Trask.

MOTION: Move to approve the Consent Agenda item 7A-1 Minutes and 7A-2 Bills.

Moved by: Councilwoman Williams-Harper Second by: Councilman Alworth Vote: Unanimous

1. Discussion/For Possible Action – Minutes
 - October 13, 2022
2. Discussion/For Possible Action – Bills.
 - November 9, 2022

B. NEW BUSINESS

1. Mayor Robertson – Discussion/For Possible Action – Approval to send City elected and appointed officials to the Nevada Public Official Orientation and Symposium Level I presented by the University of Nevada Reno in partnership with the Nevada League of Cities and Municipalities and the Nevada Association of Counties at the University of Nevada Reno February 3-4, 2023.

Mayor Robertson stated we do have a POOL PACT training here in Ely on January 10th. This is a new program the League of Cities is doing. I spoke to most of the Council Members prior and they were not interested but wanted to make sure they all had a chance to review this if they wanted to attend.

City Clerk Lee stated the training in January with the University will be different. They are going to go over some things such as financials and budget oversight.

City Treasurer/HR Director Trask stated this was not budgeted for. I am going to tell you that right up front, especially after I found out the fee is \$500.00 per person. Right now, in the budget we have less than \$800.00 left for things like this in the fiscal year. I am not saying we couldn't try and find it from somewhere else.

Councilwoman Williams-Harper stated because I have been working with Janette on the personnel committee and would like to recommend that one of our new folks go so they can get that experience.

Mayor Robertson stated the Council's choices are they could send one Council Member as that is in the budget and if they wanted to send more than one, they would have to have a discussion at the next meeting of where those funds would come from to send additional people.

Councilwoman Williams-Harper moved to send one council member to the Nevada Public Official Orientation, and Symposium Level I presented by the University of Nevada Reno in partnership with the Nevada League of Cities and Municipalities and the Nevada Association of Counties at the University of Nevada Reno February 3-4, 2023. Councilman Alworth seconded the motion. The motion carried unanimously.

2. 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 there is no update at this time. There will be more information after the first of the year.

3. 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 Assembly Bill 341 passed last year, changed the law to permit cannabis lounges. Currently, the City Code does not allow for the consumption of cannabis within any public area or within the building of an establishment that sells marijuana. The Cannabis Compliance Board has reached out to the City to see whether the City has any intention on amending our Code to allow for this and if we do allow for it how many licenses we will permit.

Mayor Robertson asked it is up to the City to determine how many permits? This isn't like the dispensaries where the State dictated.

City Attorney Cahoon stated it is my understanding the City can limit the amount.

Councilman Alworth asked has there been any thoughts from users or is this just by law that we need to do this. People are happy lighting up in their back yard or their house why would we want to create something else?

Mayor Robertson stated I believe this is a requirement of the State that we say yes or no.

City Attorney Cahoon stated per the letter we received from them they asked whether we would permit it or not in the City limits. The City Council has the option of saying no to cannabis lounges or to permit it and set up a license instruction.

Councilman Alworth asked will they sell product in this lounge, or will the people bring in their own?

City Attorney Cahoon stated my understanding, and I could be wrong because I don't know the specifics, but under the law it specifies it is a one-time consumption so that would be an edible or a single joint that they consume on site.

Mayor Robertson stated Councilman Alworth brings up a good point here. We have already distributed all of our allowed dispensary licenses, so this would either have to be in conjunction with the existing dispensary license or they would have to do something else.

City Attorney Cahoon stated I believe this would be a separate license.

Mayor Robertson stated I guess what I am saying is they couldn't sell it there then?

Councilwoman Williams-Harper stated so it is just a place you can go and do that and have nothing to do with the dispensary?

Councilwoman Elliott stated from what I have looked at in what the State has already determined there have to be several things involved such as having a taxi or a rideshare. There are a lot of things that Ely would need to do first to be progressive. It is only cannabis consumption. You cannot sell, you cannot have nicotine, or drink.

City Attorney Cahoon stated there is an issue with this causing DUI's in the City. I already have a stack of DUI's on my desk and I am getting them with marijuana consumption as well so that may exacerbate the issue with people driving under the influence.

Mayor Robertson stated once again I don't have a vote on this, but my two cents would be the City lacks the infrastructure to support this kind of business currently. Not saying if the City said we are not doing it we couldn't go back and change our minds later?

City Attorney Cahoon stated you can always change your mind.

Councilwoman Elliott stated given the opportunity should there be somebody that would come with a business idea to provide Ubers, Lyfts, or taxis could this be a catalyst to help drunk driving or decrease DUI's; I am just forward thinking.

Mayor Robertson stated I suppose anything is possible.

Councilman Trask stated for clarification we are out of permits for selling, correct?

Mayor Robertson stated I think we are only allowed one dispensary permit per the State's formula, and we have issued that.

Councilman Trask stated so you would have to bring your own to this establishment.

Mayor Robertson stated I am guessing that would have to be the case. If they don't have a permit to sell it, they would just have to be a place where you would bring it and consume it there and I am not sure how that business model works.

Councilwoman Elliott stated I think right now the permits that are being issued are for existing dispensaries to add on to their current buildings which is separate from the dispensary, but still on the premises.

Mayor Robertson asked has our one dispensary come to us with that request?

City Attorney Cahoon stated I haven't received anything.

City Clerk Lee stated no.

City Attorney Cahoon asked doesn't the Tribe have a dispensary with a consumption lounge?

Mayor Robertson stated they are regulated completely different.

City Attorney Cahoon stated I know they are regulated different, but I thought they had a consumption lounge.

Councilwoman Williams-Harper stated my suggestion would be not to dabble in this unless someone is coming to us with a request or a plan.

Mayor Robertson stated if our one dispensary showed up and said this is something we would like to do we could always look at it then. Correct me if I am wrong Leo, but we would have to do an Ordinance structure around this?

City Attorney Cahoon stated we would have to change our Code. Regardless, we may have to change the Code because the definitions are moot. There are some provisions in our Code now since the passage of this law that no longer apply.

Councilwoman Elliott asked do we have any information from other cities in Nevada on how they are handling this?

Mayor Robertson stated the secondhand research that I had discussed with someone, was there was only one of these consumption lounges currently in the State and it was in Vegas.

Councilman Trask stated it is my understanding that they do sell it there, so there is a dispensary attached to a lounge.

Councilman Alworth asked if we quash this item can we bring it back at a later time?

City Attorney Cahoon stated yes, I believe it is an annual licensing round with the Cannabis Consumption Board so they will probably send us this once a year.

Mayor Robertson stated the two options the State is looking for tonight is we will authorize, or we will not authorize cannabis consumption lounges.

Councilman Trask stated let's say we move forward with this; they would still have to come to us and ask for the permit to do that and then we could have further discussion. It is not like we are saying yes to the dispensary opening one right now.

Mayor Robertson stated we could say yes tonight and drag our feet on changing the Code until someone approaches us for it.

Councilwoman Williams-Harper stated I am kind of standing in the gap here. I think I would like to wait until we are approached about it.

Councilman Trask stated I am just afraid if we wait a whole year, it may deter conversations if someone came to us.

Councilwoman Williams-Harper stated Leo, I think we need more information.

City Attorney Cahoon stated in reviewing this response the two options are the City will not issue cannabis lounge permits and the other is it will offer those licenses and the City Code will be revised to reflect. Those are our two options to respond to their letter.

Mayor Robertson stated if we say yes, like Councilman Trask is suggesting, it doesn't give us a timeline in which we have to have the Code revised does it?

City Attorney Cahoon stated no, I don't think so. I think it would just place us on the Cannabis Consumption Board's licensing.

Councilman Trask stated it just gives us the option; it is not saying yes.

Councilwoman Williams-Harper stated I am going to be honest. The biggest turn off when you are in Las Vegas is when all the air you breathe is nothing but cannabis. I don't want to see that here.

Mayor Robertson stated the City Code could say we will only offer a permit with a dispensary license.

City Attorney Cahoon stated I think they are wanting a response tonight.

City Clerk Lee stated to clarify we don't have to respond tonight. I see no issue with tabling this until December 8th.

City Attorney stated Jennifer correct me if I am wrong, but you sent an email saying we could have a response to them by January 13, 2023 and that was accounting for if the Council did pass it and would give us time to amend the Code and get back to them.

City Clerk Lee stated right, that is the standpoint I was looking at. As I expressed to City Attorney Cahoon their letter says that the Council will or they won't, but that is discounting the fact that once it goes to a public hearing for a second reading you might have a room full of people that have concerns or opinions. I don't see the issue with delaying it two more weeks and getting more information.

Councilwoman Williams-Harper moved to table the 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 until further information is obtained. Councilman Trask seconded the motion. The motion carried 3 to 1 with Councilman Alworth voting nay.

8. PUBLIC COMMENT

George Chachas stated ongoing concerns regarding proper ADA access on Avenue D between 14th and 15th Street. I would like some kind of answer other than someone saying I am slandering them. You either have a law or you don't, ADA is specific. Mr. Chachas also stated ongoing concerns regarding the traffic flow from Campton onto Great Basin with semi's blocking traffic; his alleged one foot drop off his parking lot on his property at 710 Avenue G; ADA access on the road in front of the clinic with no sidewalk to access; ADA access on Avenue M and Great Basin Boulevard; vehicles unloading at the Copper Queen with a ramp across the sidewalk and impeding traffic; no permit or contractor for the work being done on the Centennial Building; upgrade at the Golf Course and no curb/gutter or sidewalk was installed; and his concern the City Clerk has not moved her fence back from the curb and gutter.

9. 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 **5:55 p.m.** Councilwoman Elliott seconded the motion. The motion carried unanimously.



MAYOR



ATTEST

