

# CITY OF ELY

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

## ELY CITY COUNCIL REGULAR MEETING

July 28, 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 5:04 P.M. Pastor James Woffinden offered invocation. Mayor Robertson led in the Pledge of Allegiance and asked for Roll Call.

Members present:

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

Members absent:

- Councilman Kurt Carson

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

- City Clerk Jennifer Lee
- City Treasurer/HR Director Janette Trask
- City Attorney Leo Cahoon
- Public Works Supervisor Mike Cracraft
- City Fire Chief Pat Stork
- City Engineer B.J. Almberg
- City Police Chief Scott Henriod
- City Building Official Craig Peterson
- 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, and Samantha Elliott.

### ELY CITY COUNCIL ATTENDANCE LIST

DATE: July 28, 2022

Print name below

David VanCleave

Kyle Horvath

Rev. James Woffinden

Jerri Pinter

George Chachas

Monica Coats

BRIAN ROSENGAR

Jessie Boushman

David Boushman

Print name below

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2. PUBLIC COMMENT:

July 28, 2022  
Ely Renaissance Village

Ely Zoning Committee  
Ely City Council

To the Committee and City Council:

I am Glenn Terry. I am currently manager and Docent of the Ely Renaissance Village at the 400 block of Ely Street.

The Renaissance Village is an important part of Ely. It is a living example of the Place where the world met and became one. It shows how the people here are united by our children and this is still evident today as witnessed by our girls softball team.

Third street provides a major access to the Renaissance village. As an access, it also provides an exit if there is an emergency or if Ely Street becomes blocked.

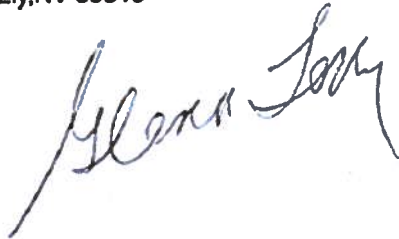
Third street contains water and sewer mains and provides a fire hydrants for the neighborhood. Emergency and fire vehicles must access that hydrant in the most timely manner in the case of a fire emergency.

A personal concern is that it's is a neighborhood with working families who must be able to have traffic flow and parking.

Civic services such as trash collection must be able to be uninterrupted.

Please reject a plan to. Vacate third street.

Glenn Terry  
P.O. Box 151978  
Ely, NV 89315



George Chachas stated on your agenda item 8B-1 regarding the evaluation of City Clerk Lee; she misled and failed to know the books as she stated she did. The billing on my property at 490 High Street has not been fixed to date. There was a large write off on 790 Avenue I the City Clerk overlooked.

Councilman Alworth stated Mr. Mayor I don't believe he can talk down on an employee. He can talk down on us but not on our employees. I need clarification on this.

City Attorney Cahoon stated if it is slanderous it goes across the line.

Mr. Chacahs continued with ongoing concerns regarding City Policy being followed and various items he feels the City has failed at; Curb and Gutter at different locations not being ADA compliant; and his request for a list of RVs permitted in the City and if they are paying utility fees.

White Pine County Director of Tourism Kyle Horvath stated I appreciate the time to talk about an opportunity I am going to be pursuing in partnership with White Pine Mainstreet and hopefully the City of Ely. The T-Mobile Company is doing a hometown revitalization grant program awarding \$50,000.00 to twenty-five (25) communities quarterly until something like \$50 million is met. They are looking for projects that fall in that range. On behalf of property and business owners in the downtown area we are going to be submitting a grant for a Façade Improvement Incentive Program. This would help property and business owners with things like repainting windowsills, doors, borders with windows and awning coverings with light architectural features and potentially signage. In the process of applying for this grant we will hopefully develop some branded design elements such as color schemes by working with a design company. I think this is an opportunity to enhance the esthetics on somebody else's dime. I encourage any City Council Member that is interested to work with us on this proposal and to help with details of what this incentive program could look like and something that could carry long into the future. I am requesting consideration of a letter of support for this opportunity.

Ely City Council – Regular Meeting – July 28, 2022

TO: City Council (As a Whole)  
Mayor Nathan Robertson

FROM: Robert & Gayle Robison  
1116 East Aultman Street  
Ely, Nevada

We as lifelong residents of White Pine County and raised our family here, found ourselves in the past months in need of the services of the Building Official, Craig Peterson. We found him to be very knowledgeable, caring, efficient, and dependable. He is a very good representative of the City of Ely and has been working diligently to resolve our neighborhood problem.

  
Gayle Robison

7-27-2022

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

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

4. **CITY DEPARTMENT REPORTS**

➤ **CITY FIRE CHIEF**

City Fire Chief Stork stated I just got an update on Rescue 6. It is in Salt Lake City at the Ford Dealership getting the air conditioning fixed, and we hope to have it back soon. We lost an alternator on Rescue 1, which should be in tomorrow so we will have it back up and running tomorrow afternoon. We are still doing water testing completing fourteen hundred feet today. I have taken on most of the billing so am working to learn that and work on a long-term plan.

➤ **MUNICIPAL COURT JUDGE**

Municipal Court Judge Coster stated I can inform the Council that the County Clerk, City Attorney, and our office are joined in an effort to update and share the cost of the Jazz Court Reporting System in the new courthouse. I think the budget we have already set will be more than enough. It will be an improvement over all for us.

➤ **CITY ATTORNEY**

City Attorney Cahoon stated my office has begun the collection of landfill fees that have liens and hopefully we will start to see a return on those. I will have more to update at our next meeting.

Mayor Robertson asked these will be going to small claims court?

City Attorney Cahoon stated anything under \$2,500.00 can go to Municipal Court and anything above that has to go to Justice Court.

➤ CITY CLERK



**CITY OF ELY**

501 Mill Street Ely, Nevada 89301  
City Hall (775) 289-2430  
Fax (775) 289-1463

**REPORT**

**DATE:** July 28, 2022  
**TO:** Mayor Robertson and City Council Members  
**FROM:** City Clerk Jennifer Lee

**NEGOTIATIONS**

I prepared for and participated in negotiations with Robinson Mine regarding our dewatering agreements on July 18<sup>th</sup>.

**WEED ABATEMENT**

As Public Works Supervisor Cracraft is taking delivery of the Street Department's new truck, he requested I report that Tri-County Weed has begun spraying weeds around City facilities.

**WEBINARS**

I attended POOL PACT's Cybersecurity webinar July 19<sup>th</sup> and based on information presented, recommend their e-learning KnowB4 training for all employee onboarding.

I attended the Planning Instructions webinar yesterday for Community Project Funding recipients; quite a number of federal requirement links were provided, which I will be reviewing in order for the City to receive its Central Ely Sewer earmark.

➤ CITY ENGINEER

City Engineer Almborg stated I have been out of town and trying to catch up. The Murry Street Sewer Project is underway and going well.

**5. REPORTS**

➤ **COUNCILWOMAN WILLIAMS-HARPER**

Councilwoman Williams-Harper stated I attended the Rural Development Dinner the other night with the Mayor. I was really impressed and wanted to give kudos to Mary Kerner for the job she does. I learned a lot of history. There was a lobbyist from the State that came to talk to us.

➤ **MAYOR ROBERTSON**

Mayor Robertson stated you have my report on approvals and would additionally like to note that I couldn't be prouder of our White Pine teams that have been out at games. I am also really happy to see all the community support. It is really an expensive endeavor for them and if you can find a way to donate to the little league please do. It is a big effort by those kids, the volunteers that run that program and the parents. I would also like to let the Council know I was informed by Mike Wurm that the Pennington Foundation came through with the rest of the funding for the Early Child Learning Center on Murry Street and couldn't be more excited for that. They have been very gracious in thanking the City, because without some of those anchored donations from the City and the Mine the Pennington Foundation is not usually as eager to get involved.

**8. 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. I feel I have a just duty to approve or deny those bills.

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

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

1. Discussion/For Possible Action – Minutes

- June 23, 2022
2. Discussion/For Possible Action – Bills.
    - July 15, 2022

**B. NEW BUSINESS**

1. Mayor Robertson – Discussion/For Possible Action – Annual Performance Evaluation of City Clerk Jennifer Lee including, but not limited to consideration of character, alleged misconduct, professional competence, or physical or mental health. Possible action includes, but is not limited to, termination, suspension, demotion, reduction in pay, reprimand, promotion, endorsement, engagement, retention, or “no action.”

Councilman Alworth stated I have noticed the work you have done as City Clerk that carry huge responsibilities. You have carried the workload of the City Clerk very well and speaking for yourself you have guided time to better understand why some decisions and actions are made. It is amazing how you keep track of agendas, grants, schedules, and attend many Zoom calls and presentations. It is greatly appreciated the history you have with the Mine, and the issues and lawsuit that went on with the Railroad. It is amazing what you are able to accomplish in your time. Can you tell me, has your assistant been able to help you in some of your past responsibilities?

City Clerk Lee stated yes, last September we received a request from the County to add more detail to their SNPLMA application and I handed that off to Patti and she did most of it with my final review. It goes without saying I am constantly giving her new permanent assignments.

Councilman Alworth stated I know questions I relay to her I get quick responses which are greatly appreciated. Even though you have a small statute, you have large shoulders; many times, you are a listening post for complaints and concerns filed from the public, staff, and elected officials. Do you gain any knowledge or ideas from these encounters and if so, can you name a few?

City Clerk Lee stated yes, the first one would be by listening. You usually gain essential information to help understand what is going on. The second thing is I believe most people want to do the right thing especially with nuisances and complaints.

Councilman Alworth asked do you feel you have an open-door policy in which you can be approached by employees with suggestions, complaints, issues with fellow employees or even members of the Council? Do you feel like you are able to sit through listening to these things even with your busy schedule?

City Clerk Lee stated yes, I feel being open to suggestions is beneficial. If an employee brings issues to me that really need to go to their supervisor, I encourage them to start there and follow the chain of command.

Councilman Alworth asked do issues like this happen on a frequent basis?

City Clerk Lee stated no.

Councilman Alworth stated now it is time for you to toot your own horn, relay to the group your recent academic achievement.

City Clerk Lee stated I was accepted into Utah’s MBA Program. I haven’t completed it yet but am into my second class.

Councilman Alworth stated being accepted is very important. Have you been able to schedule management and leadership training for certain employees that report directly to you to try and improve their skills working for the City? If so, can you expand on the training they have attended to improve their skills in leadership?

City Clerk Lee stated I have and training that has been included is POOL/PACT's Essential Management Skills and Anti-Bullying.

Councilman Alworth asked do you feel you have the skills and training to empower subordinates to be better supervisors?

City Clerk Lee stated I do. I completed POOL/PACT's Essential Management Skills Training in January of 2020. I am enrolled for Advanced Management Skills this fall and I have three leadership classes in my program.

Councilman Alworth asked what would you consider your biggest challenges being the City Clerk?

City Clerk Lee stated work/life balance.

Councilman Alworth asked what would you like the Mayor and City Council to do to support your position as City Clerk?

City Clerk Lee stated I wasn't intending on asking for a raise but with inflation the way it is I know three percent (3%) was budgeted and I would be happy with that.

Mayor Robertson stated before we go to deeply into the finances of it, I would also like to add in the past three years as the delegation has gone, I have noticed you are at City Hall less and less after hours which I think is great. I also sincerely appreciate your thoroughness and I think our process for complaints has improved vastly in the past three years under your leadership and certainly with the help of your staff. A lot fewer things if anything at all seem to fall through the cracks. I think that is one of the biggest things is that we get things taken care of sooner or later and we don't lose track, that is one hundred percent kudos to you and your staff on that. I do appreciate the thoroughness in which you do your job.

Councilman Spear stated I would like to echo what Jim said and say that when I contact you, I get instant response even when you are out of the office. You are very diligent in this job and do a great job. It has been a pleasure working with you.

Councilwoman Williams-Harper stated I would also like to say thank you because there is a lot of wisdom behind the things that you tell me. When I need to make a decision or ask a question you are very kind and forthcoming with information you think I need to make that decision. It is always a pleasure to talk with you and I learn a lot when talking with you.

Councilman Flangas stated I worked with Jennifer before she was the City Clerk and was a staff member at City Hall when we had some enormous problems. Consequently, she has been capable of solving them over the period of time within the last four years. I can always call her and get an answer or go visit in her office and ask questions about certain things. I commend you for the job you do; it is fantastic.

Mayor Robertson stated the Clerk has requested a three percent (3%) raise. What is the pleasure of the Council?

Councilman Spear stated I don't think that is enough. We gave a thirteen percent (13%) raise last meeting and I think Jennifer's responsibilities are comparable as the buck stops on her desk and she deserves just as much. I appreciate the three percent (3%), but right now the cost of living is going up and I don't think it is enough. I don't know if we want to go the thirteen percent (13%) like we did with the City Treasurer/HR Director, but I would like to see at least doubling the three percent (3%).

Councilman Alworth stated I would like to share a little history the Treasurer provided us. In August of 2020 the City was generous because she was way underpaid then and increased her from \$56,000.00 to \$64,000.00 and last year received the same raise as the rest of the employees and went to \$65,922.00. They budgeted a three percent raise which would be \$1,978.00 and I agree she deserves more than that.

Councilwoman Williams-Harper stated I agree. We have had conversations about making sure we take care of our employees in that they are appreciated and respected for the work they do. It is a big job and I think you have heard us all say that Jennifer handles it well and if she doesn't know it, she is johnny on the spot trying to figure it out. We have also said as a Council it is important to keep our leadership, because if we lose these people, it is very hard to bring people up to speed with all of the knowledge you have. I am also in agreement for a larger number.

Mayor Robertson asked if there was any consensus on the amount; Councilman Spear said six percent (6%) at least.

Councilman Spear stated I came here thinking she deserved a thirteen percent (13%) raise and she asked for three percent (3%).

City Clerk Lee stated I did get a raise last year and it had been two years for Treasurer Trask, which was incorrectly stated on the record last meeting.

Councilwoman Williams-Harper stated I have a number I would like to throw out, \$73,500.00.

City Clerk Lee stated I have to be really honest, with this MBA program I am leaving at 5:00 p.m. most nights to keep up with it. I come in at 7:00 a.m. and leave at 5:00 p.m. with having to come sometimes in the evening. I just want you to know that I can't fit in the kind of hours I did before.

Mayor Robertson stated I certainly appreciate your honesty, but I have been committed to this from the get-go that we are paying our employees for forty (40) hours, and I don't feel good expecting more than that. Our employees have been very dedicated and come in when they need to, and you are no exception. We need to make sure our positions are being compensated so when we do have to replace someone because they retire or move on that we are not stuck with a pay scale that is not attractive.

Councilwoman Williams-Harper stated Jennifer, I know you are quite capable of speaking for yourself, but I am also going to say I think I know you well enough already in that you don't leave until your job is done.

Councilwoman Williams-Harper moved to increase City Clerk Lee's salary to \$73,500.00 annually. Councilman Alworth seconded the motion. The motion carried unanimously.

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

1. Council Members – City Building Official Peterson – Public Hearing – Discussion Only – Consideration of a petition for vacation or abandonment of a road or easement by applicants, Joseph and Kerri Pintar, who wish to have a section of the street frontage abutting their property abandoned. The section would be 21' on the north end and 9' on the South end, by 134.82' street frontage. The property address is 1049 Bell Avenue, Ely, NV. The APN is 001-451-14.

Kerri Pintar who lives at 1417 Mill Street stated we are asking the Council today for the possibility of abandonment of the section of street on Bell Avenue. It came to our attention when we had our staking engineer up there staking the corners so we could put in a fence there is a fire hydrant on the corner of the property on the north end. We checked on what the setback was for the fire hydrant, so we made sure to leave enough room for the Fire Department when we started the fence. When we took our staking engineer up there, they located the corners that had been done by the survey we had done in 2012 and it came to our attention the corner of the abutting property, which is Karl and Jennifer Lee's house is not the actual corner on our property. Our property from where it is stake marked is twenty-one (21') feet back from the road on the north end of our lot. On the south end of our lot where the property corner is staked it is correct. However, every homeowner on the west side of the street from the south end of our property and at least five houses up are all landscaped and have curb and gutter. In the process to

connect the curb and gutter we cannot make that connection for the continuation of the existing street that was done back in 1966 by Greg Chachas incorporated and built that subdivision up there. It has opened a big can of worms. We have done our paperwork and went to the Regional Planning Commission (RPC). The Road Department, Building Department, and Fire Department signed off with everyone in favor. I attended the Regional Planning Commission (RPC) Meeting last month and it was brutal. They spent an hour and five minutes on all the what if's; what if they want to put in fiber optics, what if they want me to put in a sidewalk, and my neighbor will want his nine feet if you give me nine feet. It was just a nightmare and came down to this. We met with the City Engineer, and he is going to go shoot the grade, Reck Brothers are on deck, and they have agreed to put the curb and gutter in. Whether or not you guys agree to abandon that whole section that is marked out, and I have had the opportunity to show each and every one of you, great. If you choose to withhold five feet which I have been told by the Engineer may be requested from the City. Whatever you do tonight, do with conscience because I will not come back to this board again. What I have been through on 1907 and a city map on Cannon Street; I will not do that on Bell Avenue. Jody and I are trying to do what's right as we were admonished for what we did on the property behind the house that we currently live in. This time we came to the Council trying to get everything done prim and proper and we are asking for permission instead of forgiveness and we would like to see this go through. We are under the understanding it is required to have curb and gutter to get an occupancy permit to put a house up there. This has been a long process and we have been working on it for five months now trying to get the paperwork done so we don't have anything holding us up when it is time for us to build our house. I understand that I am paying for this curb and gutter and the tie in for the asphalt and it will be over a \$15, 000.00 project that we are getting ready to spend for this. I understand the City will own my curb and gutter, but that is ok. We are coming to you in good faith effort to grant us the abandonment because unlike others building homes they are not following through and putting in infrastructure, curb and gutter, and things that are required and it seems to be passing through the City. I understand the County Assessor sent a letter in and we have talked to him over this. He has told me that he was in favor of me getting this done, but he is requesting that I have that parcel surveyed before you approve it. It is my understanding that is not how this works; I have to wait for approval from the Council and then have a new legal description written and filed with the Assessor. He was fine with that as long as I understood that just because you made this decision today doesn't mean my responsibilities ended. There are still steps I have to follow to ensure this process can be completed timely and correctly. I am not asking the City to pay for any of that; I am asking you to help me clean up that corner so I can make it an available lot and start on what my next vision is.

Councilman Flangas stated I would like to suggest going up there and looking at what was happening there which is a total mess, nothing is uniform. I think it is time we require our Engineer to look at property lines because up there on one side of the street the curb and gutter is many feet from the house and the other side the curb and gutter is almost at the front door. As the City Council, we should straighten this out, so people know where their property lines are. If there are parcels like Ms. Pintar is describing it would be a benefit to the City to abandon them so the property owner can put in curb and gutter that lines up with the other curb and gutter rather than having indentations.

George Chachas stated if you don't grant the request and she puts in curb and gutter as it is you are going to have twenty feet of water encroaching. It is not that big of a piece to abandon.



Administrative Assistant Cobb read the following email into the record:

**Jennifer Lee**

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**From:** Burton Hilton <BHilton@whitepinecountynv.gov>  
**Sent:** Monday, July 25, 2022 3:33 PM  
**To:** Jennifer Lee  
**Subject:** Pintar abandonment

Hi Jennifer,

In reference to item 6(1) – Public Hearing for consideration of abandonment for Joseph and Kerri Pintar. After looking at the backup material for this agenda item, I do not see a map with a legal description of the property that is going to be abandoned. With out this information, my office will have no way to process this abandonment. We don't know how many square feet this is or what angle the curve is, etc. I think that this abandonment makes sense to do, however more information / documentation is needed for us to do it. My recommendation is to have a survey done prior to approving the abandonment.

Burton Hilton  
White Pine County Assessor  
297 Nevada Northern Rail Way, Suite 3  
Ely, NV 89301  
775-293-6542

City Attorney Cahoon stated if I can interrupt, I allowed Ernie Flangas to speak, but with how the hearing takes place this is the public hearing section and then once we get into the Discussion/For Possible Action that would be a more appropriate time for Council to speak on the issue. This is not a violation of the Open Meeting Law.

2. Council Members – City Building Official Peterson – Public Hearing – Discussion Only – Consideration of a petition for vacation or abandonment of a road or easement by applicants, Robert and Joseph R H Biamonte, who wish to have the streets and/or easements between APN's 001-141-02, 001-141-03, and 001-141-04 abandoned and also an 82' x 15' strip of Third Street abutting 001-141-02, Ely, NV. The general location is Ely Street and Third Street, Ely, NV.

Councilman Spear stated this agenda item is improper; I read in the Regional Planning Commission (RPC) minutes and this abandonment is actually 82' x 25'. If the public has been noticed of a 15' and it is a 25' I don't think that is proper and we cannot move on as the agenda item has to be specific.

Buzz Rosevear stated there was a typo on the application and the application has been adjusted and discussed during the Regional Planning Commission (RPC) Meeting.

Councilman Spear stated I am not against the abandonment, but the agenda has to be specific.

City Attorney Cahoon asked did the notices that were sent out to the property owners' reference 15' or 25'?

City Clerk Lee stated it is in the packet material.

City Attorney Cahoon asked City Building Official Peterson if he could confirm the correct notice was sent.

City Building Official stated I did not witness the packet.

Mayor Robertson asked what is the protocol here?

City Attorney Cahoon stated if the correct notice was sent to the property owners, I think proper notice would have been given. Where we can't confirm that we may need to table it.

Mayor Robertson stated this is for discussion only to table will need to be during the next item. I do want some clarification. We are not closing Third Street?

Buzz Rosevear stated no, and further discussion was unable to be heard.

Councilman Flangas asked how far from the center of the railroad is the right of way? Is it encroaching right up to the property?

Buzz Rosevear stated the center of the physical railroad to the right of way is forty (40) feet on the south side.

Councilwoman Williams-Harper stated the latest notice is proper. The notice is dated July 15, 2022 and it does have 82' x 25'.

Councilman Spear stated the Open Meeting Law says your agenda has to be accurate no matter what the notice says.

City Attorney Cahoon stated slight deviations can be made to the agenda.

George Chachas stated I support the abandonment. However, the Open Meeting Law says you have to be specific. If you go ahead without proper notification, you are in violation of the law.

3. Council Members – City Clerk Lee – City Engineer Almberg – Public Hearing – Discussion Only – Consideration of citizen comments regarding eligible activities the City of Ely should apply for under the State CDBG program.

City Clerk Lee stated the State Community Development Block Grant Program has provided the City of Ely over \$4 million in renovation, infrastructure, and equipment since 1983. Highlights include the Senior Center kitchen expansion, and the lighting and sidewalks on Bobcat Drive in the six grants we have received in the last four years. The City also received \$270,000.00 for the Business Revolving Loan Program, \$412,668.00 for housing, \$153,000 for planning, and \$250,000.00 for economic development. The estimated funding for the 23/24 CDBG Grant Cycle is \$3,400,000.00. Eligible activities include public improvements, public service programs, planning, and business assistance. Activities paid for with State CDBG Funds must meet one or more of the three national objectives: benefit low-income households or persons, elimination of slum blight, or meeting an urgent community development need. The community project funding webinar I attended yesterday brought to my attention that the Statute for the HUD funds where we get CDBG allow for them matching other federal grants so if we get additional earmarks in the future, we could apply for that to take care of our twenty percent match or a portion of it if we wanted to. The City Engineer is asking the public for CDBG project ideas and those can be submitted to City Engineer Almberg. The next City Council Meeting that potential projects will be discussed is going to be September 8<sup>th</sup>.

George Chachas stated he had two water lines that should have never been taken out and would like to see them included in a project.

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

1. Council Members – City Building Official Peterson – Discussion/For Possible Action – Consideration of a petition for vacation or abandonment of a road or easement by applicants, Joseph and Kerri Pintar, who wish to have a section of the street frontage abutting their property abandoned. The section would be 21' on the north end and 9' on the South end, by 134.82' street frontage. The property address is 1049 Bell Avenue, Ely, NV. The APN is 001-451-14.

City Engineer Almberg stated I don't have a problem with the easement but the City does need to continue to own five feet behind the curb and gutter for possible future sidewalks, water meters, and those things associated with that. I also expressed the same thing to her that Burton Hilton put in his email that if the City chose to abandon this tonight, she will have an obligation to get the legal description prepared so Burton would know exactly the area we are talking about.

Mayor Robertson stated for clarity you are saying the existing curb should still be connected to the existing curb just five feet behind that?

City Engineer Almberg stated no, we would connect curb to curb, but not abandon five feet behind that so we would have room for a sidewalk and meter pit if needed.

Councilman Alworth asked there won't be a problem with the fire hydrant on that property?

City Fire Chief Stork stated as long as there is a thirty-six-inch clearance around them, and we can access them there won't be a problem.

Councilman Alworth stated as the property owner you have to understand that if we have to dig that up it will be on your property to replace the hydrant.

Kerri Pintar stated yep.

Councilman Spear stated I support this because that area has been an issue for years.

Councilman Spear moved to abandon 21' on the north end and 9' on the south end of 1049 Bell Avenue's street frontage, reserving 5' of the requested amount to the City of Ely, contingent on Joseph and Kerri Pintar obtaining a property survey; this section of street frontage abutting their property is 134.82' long. Councilman Alworth seconded the motion. The motion carried unanimously.

2. Council Members – City Building Official Peterson – Discussion/For Possible Action – Consideration of a petition for vacation or abandonment of a road or easement by applicants, Robert and Joseph R H Biamonte, who wish to have the streets and/or easements between APN's 001-141-02, 001-141-03, and 001-141-04 abandoned and also an 82' x 15' strip of Third Street abutting 001-141-02, Ely, NV. The general location is Ely Street and Third Street, Ely, NV.

Councilman Spear stated I am in favor of this abandonment, but I feel it needs to be tabled until the agenda item is corrected.

City Attorney Cahoon stated the notice that was sent to the property owners does say the fifteen feet (15') and the notice to the Ely Daily Times says the twenty-five feet (25') so there is some confusion there.

Mayor Robertson asked does this cause any undue burden on the Biamontes if this is tabled until the meeting on August 18<sup>th</sup>?

Buzz Rosevear stated I don't believe it will cause a burden on them. This abandonment will have zero impact on traffic and utilities.

City Clerk Lee stated it will have to be noticed again and it is not the Biamontes error so the City will be responsible to take care of that.

City Attorney Cahoon stated the Open Meeting law requires a clear and correct statement of the agenda. There are a ton of Attorney General opinions that interpret what that means. It can account for slight deviations or errors on the agenda. Where this is a ten-foot error, and it was properly noticed in the Ely Daily Times it is on the fence.

Councilwoman Williams-Harper asked if we would have noticed that discrepancy could we have made that change at the beginning of the meeting?

Councilman Spear stated no because it has to be noticed prior.

Councilman Spear moved to table the Consideration of a petition for vacation or abandonment of a road or easement by applicants, Robert and Joseph R H Biamonte, who wish to have the streets and/or easements between APN's 001-141-02, 001-141-03, and 001-141-04 abandoned and also an 82' x 15' strip of Third Street abutting 001-141-02,

Ely, NV. The general location is Ely Street and Third Street, Ely, NV. Councilwoman Williams-Harper seconded the motion. The motion carried unanimously.

## **B. NEW BUSINESS CONTINUED**

2. Mayor Robertson – Discussion Only – Review of City Engineer’s recommendations for Murry Street speed control options.

Mayor Robertson stated this was an item that came up at the last meeting and wanted to make sure we had a chance to discuss some of this. B.J. came up with some standard methods that could conceivably be solutions.

City Engineer AlMBERG stated the following are a few options to manage and control the speeds on Murry Street. As previously expressed, YIELD or STOP signs should not be used for speed control. Speed enforcement would be the easiest and most non-intrusive way of controlling traffic speeds. There are multiple physical ways of providing speed controlling devices.

- Horizontal Deflections hinder the driver’s ability to drive in a straight line by creating horizontal shifts in the roadway or reduce the width of the travel lane. Both options do not appear to be viable for Murry Street.
- Vertical Deflections create a change in the height of the roadway surface which tends to get vehicles to slow down to reduce the unpleasant bump. This is a potential viable option for Murry Street
- Intelligent Transportation System (ITS) Technology has some options that tend to reduce traffic speed and increase pedestrian safety. Some examples are speed display units and flashing pedestrian crosswalks. This technology is expensive and probably not an option for Murry Street.

Of the available options, vertical deflections seem to be the only viable option. This could be completed as a speed hump or speed bump. A speed hump is a larger but less aggressive speed control device compared to a speed bump. A speed bump forces traffic to slow to approximately 5-10 miles per hour. Coordination with the Road Department is essential to determine their capabilities of constructing a speed hump and the potential impacts to the snow removal process.

Mayor Robertson stated I have been in neighborhoods where they do speed tables which you go up and it is about ten feet and then you go down. Are those easier for snow removal?

City Engineer AlMBERG stated snow removal is a concern if you put something like that on the road. If you want to look into options a little deeper, I can work with the Road Department and make sure we don’t have drainage issues. The other option is Intelligent Transportation Systems with putting flashing signs that make people aware of how fast they are going but could be expensive.

Councilwoman Williams-Harper asked you are saying the vertical deflections would probably be the best option?

City Engineer AlMBERG stated yes, I believe it would be the best affordable option for the City and something we could possibly do in house.

Councilman Alworth stated I would like to stall out on this until all the construction is completed and see if the traffic is going to pick up speed wise after taking out the STOP signs. We already will have slow children signs when the school goes in there. That is a terrible street for snow removal and in previous years we have had residents get upset because we are putting snow where we can. I like your ideas, but I think putting some signage up to slow down and let law enforcement do their job until we can study it further.

Mayor Robertson stated this item is for discussion only. I don’t know if it is too early, I know we are planning to pave that later this year.

City Engineer Almberg stated once we get through this project and the paving is done our desire with the RTC and next year's funding is to complete all the way to where Murry and Mill meet. At that time, I think it would be very wise at looking at making Mill Street one way out of town and Murry Street one way into town because of the very narrow roadways. I think by making these one-way streets you would be able to park on both sides of the road. It would change some traffic patterns for a week or so until people figured it out. It is just something to consider.

Councilman Spear stated it makes good sense to make those one-way roads because they are so narrow and on Mill Street you can't park on both sides.

Mayor Robertson asked would that tend to increase traffic speed?

City Engineer Almberg stated I would have to look and see, but another thing you could look at is now you would only have to look for one-way traffic when crossing the road.

Mayor Robertson stated as I stated earlier this is a discussion only item and if a Council member would like to pursue this further approach the Clerk.

Councilwoman Williams-Harper stated I thoroughly agree we should wait until the construction is done because most people will slow down if they see signs because the last thing, they want to do is hit a kid.

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

The following report was reviewed by Councilman Spear:

**Jennifer Lee**

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**From:** Cameron Gresh | PORTER <cgresh@portergs.com>  
**Sent:** Thursday, July 28, 2022 4:31 PM  
**To:** Jennifer Lee  
**Cc:** Nathan Robertson, Ed Spear, Jim Alworth, BJ Almberg  
**Subject:** Porter Group Federal Update (From The Road)  
**Attachments:** INTFY23RPT.PDF

Good evening City of Ely,

Apologies for the lateness of this update, I've been moving this week and am on the move right now with limited cell signal (riding the metro underground) so I'm writing my update and will send it as soon as I can get some signal.

The big news this week is that today, the Senate Appropriations Cmte released its draft spending bills and the City of Ely has been approved for \$2,430,000 for the East Ely Water Mains project!

While the bills are only drafts now, the Senate will not be marking them up, which means they'll get voted off the floor and head right to conference with the House's bills to be signed by the President likely right before Christmas, as spending bills usually are these days.

- ✓ We're still not sure about the local match requirement but I've posited our questions to the Senators' offices after the guidance we got from EPA gave us no direction, hoping to hear back soon on that, they went to the agencies to try and get a straight answer for us.

The railroad is pursuing a brand-new FRA grant designed to help improve safety at rail-grade crossings. As discussed on one of our last calls, the City would need to submit the actual grant, but the railroad and I will do all the heavy lifting/writing. We're getting our ducks in a row regarding local matches for that grant (20%) right now, with the goal of driving down the cost of our match with in-kind contributions that DOT would accept (we discussed that today and pored over some Federal guidance to help us understand what DOT expects from us there).

Other than that, the biggest news this week is the deal that Senators Manchin and Schumer have struck regarding their agreement on a topline deal of a smaller version of the Build Back Better Act – this version will focus on clean energy tax credits and various other climate-related provisions, below is a summary of the bill that I wrote up on the road, still reviewing because we don't actually have the text yet, just an agreement between Manchin and Schumer, will follow up with more once I've been able to review the bill draft – we're unsure of how the Senate will handle since every D is critical and we have no word from Sinema yet on where she stands (she was one of the other holdouts on the original bill besides Manchin.)

Apologies for the lateness of today's update, but I've attached the explanatory statement of the bill in which Ely's FY23 Senate CPF request appears, you'll find it on page 179!

Take care Ely and have a great evening! Summary of Manchin-Schumer deal to follow:

**Title: Inflation Reduction Act of 2022**

- 15% minimum corporate tax which would mean that corporations would not be able to claim deduction which would lower their tax responsibility below 15% (15% corporate AMT)
  - This would only apply to corporations who make \$1 billion or more in annual revenue
  - It would also apply this as a domestic minimum tax
- Elimination of interest carry over rate for private equity

- Interest carried over will be taxed at capital gains levels (37%) instead of the 23% current special rate
- Significantly increases IRS funding for enforcement over 10-years
  - Increase of \$45.6 billion over 10/years for enforcement specifically
  - \$25.3 billion for operations and support of enforcement
- \$4,000 tax credit for used electric vehicles and \$7,500 for new
- Fee on methane emissions for manufacturers which will reach \$1,500 by 2026
- \$30 billion in tax credits for manufacturing of solar and wind energy including critical mineral extraction
- Individual tax credits for making home improvements toward clean energy
- Caps Medicare drug prices for consumers at \$2,000/year and allows Medicare to negotiate drug prices
- Extend ACA premium subsidies
- Overall raise in spending \$436 billion and raise in revenue \$739 billion

**The political landscape for the bill**

The bill still has to clear the Senate without Kristen Sinema (unless she changes her mind, which she may do) due to the inclusion of a corporate tax increase and the interest carry over change. Additionally it has to survive negotiations with the House democrats including the more active progressive wing which wants a lot more than what this bill achieves. Overall, the chances of final passage is at this time very high. We will keep you informed as the bill develops.

Best,

Cameron Gresh

Senior Director

702.933.3972

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Councilman Alworth stated there are entities that cannot come up with the match and we are very fortunate. We have \$3.3 million in sewer projects and \$2.4 in water projects that PORTER has helped us with.

Mayor Robertson stated the lobbying efforts of the PORTER Group have certainly paid off and the work done by Councilmen Spear and Alworth is very appreciated.

4. Councilman Alworth – Discussion/For Possible Action – Approval to participate in the Geotechnical Study Environmental Assessment for the Proposed White Pine Pumped Storage Project as a cooperating agency.

Councilman Alworth stated the key word here is “cooperating agency” so we can have input in the meetings. Mr. Bybee with the BLM came and encouraged us to be a cooperating agency.

Councilman Spear moved to approve participating in the Geotechnical Study Environmental Assessment for the Proposed White Pine Pumped Storage Project as a cooperating agency. Councilman Alworth seconded the motion. The motion carried unanimously.

5. Councilwoman Williams-Harper – Discussion/For Possible Action – Approval to hold quarterly joint City Council Meetings together with the White Pine County Commission to discuss and take action on mutual issues of concern, to be scheduled and set by the Ely City Clerk, in collaboration with the County Manager, at a time and place convenient for both entities.

Councilwoman Williams-Harper stated I had discussed earlier that both the County Commission and the City Council serve the same people and often times find we have issues that butt up against each other, or all hands on deck would help things push forward. I went to the Commissioners meeting yesterday and they said they would like to meet with us and how that had been a successful endeavor in the past. They thought we could start with two meetings a year.

Councilman Alworth moved to approve holding quarterly joint City Council Meetings together with the White Pine County Commission to discuss and take action on mutual issues of concern, to be scheduled and set by the Ely City Clerk, in collaboration with the County Manager, at a time and place convenient for both entities two times a year. Councilwoman Williams-Harper seconded the motion. The motion carried unanimously.

**9. PUBLIC COMMENT:**

George Chachas stated ongoing concerns regarding his opinion of the Regional Planning Commission failing to address his concerns; attractive nuisances around town including the broken-up boat parked near the railroad; selective enforcement; the lack of ADA access at William Bee Ririe Hospital with the newly constructed sidewalk and entrance; graffiti on downtown businesses and his opinion of it starting to look like a ghetto; and alleged NDOT ADA inadequacies.

Councilman Alworth stated I prefer not to go to the podium because it is contaminated. I am speaking as a private citizen who lives at 805 Avenue I. We have got to do something about Mr. Chachas's cough. It is major symptom of the new COVID variant with the dry, hacking cough and rough sounding voice. He comes here and there are fifteen to twenty people here and he doesn't know and takes his mask down when he talks. Why is he wearing a mask to begin with; to prevent the spread of germs, but he pulls it down and keeps contaminating the podium. We have got to enforce the law of contaminating the whole building.

Kerri Pintar stated thank you it was a pleasure getting through the meeting with you tonight. I want to say thank you to the City Water Department. We had an emergency when we were going out of town a week ago. It was prior to 7:00 a.m. in the morning and I called Mr. Cracraft on his cell phone, and he met to assist me with the water department regarding the water problem in my house until I could get a plumber there to repair it. I think that Janette and Jennifer very much deserved their raises as well as everybody else because the City employees do respond when you have dire emergencies and they are there to help the little guy.

**10. 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 **6:29 p.m.** Councilwoman Williams-Harper seconded the motion. The motion carried unanimously.

  
\_\_\_\_\_  
MAYOR

  
\_\_\_\_\_  
ATTEST

