

CITY OF ELY

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

ELY CITY COUNCIL REGULAR MEETING

October 26, 2023, 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 Terrill Trask (Zoom)
Councilman Kurt Carson
Councilwoman Samantha Elliott
Councilman Jim Alworth

Members absent:

Councilwoman Jerri Lynn Williams-Harper

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 Municipal Court Judge Mike Coster (6:15 p.m. by 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, Mary Ruth Silver, Caroline McIntosh, Wyatt Cox, Betsy Horton, Desiree Ramirez, Lauren Landa, Cody Coombs, Forest Johnson, Jeremy Draper with Reeve Associates, Rhiannon Scanlon, and Sara.

ELY CITY COUNCIL ATTENDANCE LIST

DATE: October 26, 2023

Print name below

Gregory Rivero
Tedd Haggie
Adrian Markovic
Ren Olsen
Donna Bate
George Chachas
ANDREW HAYES
Anne Kellogg
Tom Conarty
Victoria Parky
Kurt VanLange

Print name below

2. PUBLIC COMMENT

The following email from Ethan Marshall was read into the record:

Jennifer,

Is the purchase of the 650 acres going out to bid as well? Would there be an opportunity to match or beat the purchase offer? What part is considered in the sale? If this piece does sell it will entirely affect usage of the property and my entire bid.

Thanks,

Ethan

On Friday, October 13, 2023 at 09:36:53 AM GMT-8, Jennifer Lee <cityclerk@cityofelynv.gov> wrote:

October 25, 2023

Mayor Nathan Robertson
Members of Ely City Council
501 Mill Street
Ely, Nevada 89301

Dear Mayor & City Council:

I'm writing today as a former motel owner in Ely, Nevada for over eleven years.

I fully support the City Ordinance which was passed in 2017 which stated an establishment would need to have 50 rooms, if they would have 16 gaming machines (which is the industry standard). All 17 counties in the State of Nevada have similar laws. The premise is that lodging drives business.

Initially, Pine West proposed we comprise to 30 slot machines and 40 hotel rooms.

The City of Ely derives much-needed room tax funding from hotel/motel facilities. This funding also assists local organizations through grants which are administered by the White Pine Tourism and Recreational Board, so our entire community benefits.

Now, the recent revised ordinance states we would allow 40 slot machines, and a restaurant with NO rooms were mentioned. It appears the city seems to be looking to erase or erode the consequences of its' own economic impact study to benefit Pine West.

The current market cannot sustain more slot machines without seriously jeopardizing the existing hotels-casinos.

Sincerely,

Marietta Henry
2375 Iron Drive
Ely, NV 89301

Caroline McIntosh stated First of all, I would like to thank the Mayor and the City Councilman for their service. It is a lot of dedication, and I appreciate that. However, looking at this newest of the new proposals, I would like to say that, looking around the room. Councilman Trask and the Mayor are the only folks out of this body that are actually in business. Businessmen do invest a lot of their own time, their resources, and have developed the expertise and it seems that that has just been washed away with the current proposal that the Council is not necessarily looking at businessman's desires or their experience. We seem to want to solve a blight problem with the Great Basin Inn, with slot parlors. It would probably be better to look at the blight problem all over the community and make some ordinances and actually enforce them. Last month the September room tax rates were up 14% from last year; that's huge.

We need more lodging rooms. I'm not sure how slot machines are going to solve our real need for our tourism economy to grow. I appreciate your time and your interest, and I hope that you will actually listen to the people that have expertise in this subject. Thank you.

Wyatt Cox with KELY stated thank you, Mr. Mayor and thank you, ladies, and gentlemen. I want to first echo Caroline Macintosh's comments on this. One item that is my concern is that as we grow in the retail community, adding more like businesses to our community without increasing demand through increased population will cause existing businesses to struggle to survive. Ladies and gentlemen, our community is stagnant without additional diverse businesses, the ability to house these people and grow our workforce. Ely cannot and will not thrive. We have over a hundred job openings in Ely as of today, and according to the latest report from the Department of Training, Employment, and Rehabilitation, one hundred and eighty-seven people are unemployed, but many of those are not employable for one reason or another. Our unemployment rate is the lowest in the State at 3.3%. Until we give businesses a reason to locate here and give people a place to live, Ely will not grow as diversity in business is the only reasonable solution. This ordinance, and the project it is designed to address is not the answer. The Ministerial Association has done yeoman's work with what little they have to work with. I hope that the city can see their way clearly to address and assist on this. The Silver Lions' letter is a no brainer. Diversity and business are something our community desperately needs. My other concern is that this Silicon Ranch proposal might impede operations of the airport and I hope that this issue will be addressed. A glare of the sun might cause issues in an aircraft landing. Thank you, counsel, and thank you, Mr. Mayor, for the opportunity to address the council.

Anne Kellogg with the Hotel Nevada stated I am at a loss for words with regards to item number ten, so much so that I want to go on record with the statement that from the beginning this entire City of Ely gaming ordinance reworking process has been completely unfair to those of us who have abided by the existing laws of the City, County, State, and Country. It's unfair and it's wrong. Item number ten is asking you all to once again, look the other way and sidestep your own governing processes to give the proposed developers another break that will create an uneven playing field for the rest of us. As indicated in my response to the Economic Impact Study, we believe that embracing this second proposed ordinance will jeopardize jobs and potential customers at the Hotel Nevada which impacts our ability to serve our employees, our customers, and our appetite for improvement and expansion. This proposed slot parlor will prey on the economically delicate residents of Ely, who will be their natural target customers because they will not have the lodging draw necessary to sustain the slot machine and restaurant business. If built, it will choke down the intersection, going west, and hinder travelers from finding their way to downtown Ely. In April you decided to rework a perfectly fine industry standard gaming ordinance that allowed for fifteen machines with a requirement for fifty hotel rooms if more machines were sought. We compromised, and we allowed for a bar/restaurant with thirty slot machines with any number above that requiring forty hotel rooms. This was double the amount of proposed slot machines that was allowed in the 2017 ordinance, and it was more than favorable to the proposed developers. Then out of nowhere, you quashed the first proposal and passed a new proposed ordinance that called for forty machines with a bar, restaurant, or hotel rooms, and then rooms only for above forty games. If you read through the current ordinance thoroughly, what you are looking at makes no sense, because an operator could offer above forty gaming machines without a bar or restaurant, which would conflict with the White Pine County Code and also create an uneven playing field. This is unfair, and it's wrong. Thank you.

Tim Pauly stated I am here to voice my opinion on the Silicon Ranch regarding the sale of that property out there for solar panels. I'm probably one of the only property owners that will have to look at this and I am highly against it.

George Chachas stated on your agenda. Item 9B-10 you are to determine the effects of ordinance 751. I want to state that the Council must take heed, and what was proposed by those affected. The Council needs to bring back the thirty to fifty room requirements for those who operate sixteen or more slots. I remind you in regard to the competition with the private sector NRS 268.527, Restrictions of Powers of the City, subsection 2 states the City may not under NRS 268.512, to 268.568 inclusive, assist any manufacturing, industrial warehousing, or other commercial enterprise, or any organization for research and development: so, on and so forth. I told you that before. I'm also concerned because recently on Facebook I have seen that the Jail House Casino is closing its Cell Block Restaurant as of October 31, 2023. When there is no

traffic, there is no business. You folks are not doing enough to take care of downtown, let alone the rest of the community. Your revenue is going to come from room tax and property tax and you're ignoring that. Mr. Mayor, I brought out NRS 278.235, dealing with the adoption of measures to maintain and develop affordable housing to subsection 3 on or before January fifteenth of each year. The governing body.....

Mayor Robertson asked Mr. Chachas what agenda item is this in reference to? Item ten has nothing to do with housing.

Mr. Chachas stated it's all part of the requirements, Mr. Mayor, and that's why I am bringing it forward. The same with if the Bon Aire Trailer Park is eliminated, and you're talking about housing. Where are those people going to go? That's all inclusive and you need to address that. Mr. Mayor, on your agenda item 9B-9 you're to consider a bond acceptance of Golden Gate Petroleum for mitigation regarding the development impact on the Golf Course Road. I want to remind you that they have not addressed the ingress/egress off of the development. The design that was done and presented to the Regional Planning Commission showed a forty-foot entrance off of Highway 93 and a forty-foot exit at the west end of the development, which would take the Semi trucks onto the Golf Course Road and exit right to Highway 93. If the Semi trucks turn left then they access Avenue C and/or 15th Street, near NDOT and the Prospector Casino and Hotel. The City Code does not allow semis on city streets.

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

Mayor Robertson stated my understanding is that all the tree board items were requested to be removed to a future meeting due to the unavailability of any tree Board members.

Councilwoman Elliott moved to approve the agenda with the removal of the City Tree Board items. Councilman Carson seconded the motion. The motion carried unanimously.

4. CITY DEPARTMENT REPORTS

➤ FIRE CHIEF

City Clerk Lee stated I do have an announcement from Fire Chief Stork. He wanted me to state that effective today they are going to issue open burning permits again with the weather turning colder.

➤ CITY CLERK

City Clerk Lee stated Accounts Clerk Ramirez and I attended the POOL PACT Human Resource (HR) Conference last week. It provided beneficial updates on risk management topics and employment open meeting law requirements. I've been attending the cooperating agency meetings, and the Juniper and North Tripp Expansion projects will have a comment period for cooperating agencies next month. Regarding grants, we were notified last Tuesday that all of our CDBG projects are eligible, and so the next step will be for the Council to select two in December. We've received over \$13,000.00 in funding for our Greenup grants, and the \$7,000.00 remaining carries over to next year. To date, my office has received seventy-eight complaints and eight remain active.

➤ PUBLIC WORKS DIRECTOR

City Clerk Lee stated Public Works Director Cracraft stated that the Water Department is meeting with Munford Contracting Monday to set an installation date on the lift station pumps.

5. REPORTS

➤ MAYOR ROBERTSON

Mayor Robertson stated you have my report. We are still receiving some applications for the Building Inspector and sorting through those, In the meantime, Craig has been filling in and Brad will be back in town soon. My understanding is things keep getting accomplished, so we're good there.

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

A. CONSENT AGENDA

Councilman Alworth disclosed I am a past member of the Ely Volunteer Fire Department and some payments benefit the Volunteers in which I have certain privileges by my association, but I will vote in good faith of the City of Ely.

Mayor Robertson stated my husband is a member of the Volunteer Fire Department and is not treated any differently than any of the others so I will not be abstaining, and I also don't vote.

MOTION: Move to approve the Consent Agenda item 9A-1 Minutes and 9A-2 Bills

Moved by: Councilman Carson Second by: Councilwoman Elliott Vote: Unanimous

1. Discussion/For Possible Action – Minutes.
 - September 14, 2023
2. Discussion/For Possible Action – Bills.
 - October 9, 2023
 - October 17, 2023

B. NEW BUSINESS

8. Council Members – City Treasurer/HR Director Trask – Discussion/For Possible Action – Leavitt Group Insurance Representative – Renewal proposal of healthcare coverage for the City of Ely, December 1, 2023-November 30, 2024.

Leavitt Group Insurance Representative Mike Leavitt stated we were pleased to see that the insurance renewal went up 4.7% this year. It's always more than you'd like to see, but with the national trend we've seen 8% to 11%, so to see that come in under 8% was positive. A couple of plan changes, as you can see with minor changes to the deductibles and out of pocket maximums. The dental and vision plans stayed exactly the same, so we're pleased that there were no rate increases there. After discussion, our proposal would be that we keep things the same with Sierra Health and Life. We renew that policy as is, barring minor changes, and also the dental and vision.

Councilman Alworth stated the \$3,000.00 increase from \$2,500.00 Is the main increase right there that makes up the 4.7%.

Leavitt Group Insurance Representative Mike Leavitt stated the \$3,000.00 is in addition to the 4.7%, so what the insurance companies are kind of doing is they're trying to keep insurance renewal rates low, and therefore sometimes they'll water down the plan a little bit. Instead of getting a 12% increase and keeping your deductible the same, they'll do the 4.7% increase and increase that deductible from \$2,500.00 up to \$3,000.00 in a way to curb the cost increases. It is unfortunate that it went from \$2,500.00 to \$3,000.00, but that's fairly common from what we've been seeing. Like I said, the carriers are trying to keep a good mix of keeping the rates down with keeping the plans in check.

Councilman Alworth asked, "Do you know if most of our employee claims are able to be handled in our local vicinity as far as care goes.

Leavitt Group Insurance Representative Mike Leavitt stated Yeah, If the hospital will treat it, then it's all in network, and it's all good. If there's something more urgent or more specialized, then obviously people would go elsewhere, but for everything that can be done here, it's in network and should be covered just under the plan.

Councilman Alworth stated the one thing I've been wondering about for several years is care flights are a real popular way to get people to Salt Lake, Las Vegas, and Reno. Does any of this insurance cover that?

Leavitt Group Insurance Representative Mike Leavitt stated there is and I don't know the specifics. I do know that generally speaking, it's been kind of a hot topic, just because if you are getting air flighted, then you don't really have a chance to look at whether it's in network or what the situation is, because it's more of an emergency situation. So, what some people have seen is that if you say, okay, the insurance is only going to pay this and we're going to bill you the difference of \$90,000, or something crazy that those flights cost, there have been some laws passed so that there's no balanced billing so that the insurance will cover it. As far as the specifics of what's covered, I would need to look at that and can get back to you, but I know that, generally speaking, they've taken steps to make sure that the members don't get left with a huge bill if there is an accident.

Mayor Robertson stated I was reading an article where a lot of group plans we're seeing increases as much as 25% this year. So, I was pleasantly surprised to see that ours only increased by 4.7%.

Leavitt Group Insurance Representative Mike Leavitt stated we've seen some as high as 37% this year; 4.7% is not the lowest we have seen, but it is pretty close. Realistically, people always want to see it the same as it was before or go down. but that's just not very realistic in today's climate.

Mayor Robertson stated my understanding is we typically budget for a 15% increase, so that's a good result there.

Councilman Carson moved to approve the renewal proposal of healthcare coverage for the City of Ely, December 1, 2023 – November 30, 2024. Councilman Alworth seconded the motion. The motion carried unanimously.

1. Mayor Robertson – Discussion/For Possible Action – Approve donation of \$10,000 in Community Service Funds to the White Pine Ministerial Association Food Bank's renovation project located at 685 Lyons Avenue, Ely, Nevada.

Mayor Robertson stated so what's happening here, if the Council and public aren't aware is that the food bank, which is currently located at 351 Clark Street, in the back of Charles Gallagher's old photo studio, is they've been needing some more space for a while now. They don't even have enough space there, so they have to farm out storage amongst members of the Ministerial Association's garages. The White Pine Tourism and Recreation Board has donated some space to them in the old Lions building right behind Economy drug. We've had some donations from some contractors who've donated some of their work, in part, to do some of the demolition. The County donated \$10,000.00, and the LDS church is going to be donating. They have some donation funds from the Nevada Department of Agriculture, and this is just a donation to help get them across the line, so we can get that space renovated for their use. Andy and April Bath have generously donated use of their parking lot for the space as well. It's going to be a much better logistic space for the Ministerial Association who do a great job in our community. They've gone from serving, I'm told, about thirty families a month to about ninety in the last year, every month. So, their patronage has gone up quite a bit by the people who use their services. I'm certainly very proud of the work they do. It's a wonderful non-governmental service, and I think these funds would go a long way in helping them.

Councilman Alworth stated you're talking about the \$10,000.00 we gave back in 2021 when you say the City donated \$10,000.00.

Mayor Robertson stated this would be a further \$10,000.00 donation.

Councilman Alworth stated I understand that. So, we've only made one donation right?

Mayor Robertson stated right and that that was to help them with I want to say the Christmas dinner or Thanksgiving dinner. This would be specifically going towards their remodel.

Councilman Alworth asked what's the estimated cost on the total remodel?

Mayor Robertson stated we're hoping we can get out of there under \$80,000.00. They had some previous donations of equipment, I think, from the State, as well for coolers and things that they have to set up. This will cover demolition of the space, putting in a bathroom for their staff to use, electrical for other coolers and things, and a double door so they can roll pallets in and out.

Councilman Alworth asked who did you say owns the building?

Mayor Robertson stated White Pine Tourism and Recreation and there will be a no charge lease; they'll just be covering utilities there for their electrical use.

Councilwoman Elliott moved to approve donating \$10,000 in Community Service Funds to the White Pine Ministerial Association Food Bank's renovation project located at 685 Lyons Avenue, Ely, Nevada. Councilman Carson seconded the motion. The motion carried unanimously.

2. Mayor Robertson – Discussion/For Possible Action – Approval of a support letter for Silver Lion Farm's USDA grant application to purchase two biomass boiler systems for their farm located 60 miles north of Ely on US 93.

Councilman Alworth stated I would like to disclose that I have a real close friend, that if this goes through is going to benefit financially so I'm going to abstain from voting on this item.

Donna Bath stated good evening Mr. Mayor, Council Members, and staff. Thank you very much for placing this item on the agenda. As a short background, Silver Lion Farms came to White Pine County in 2018 and started building a vertically integrated what is now a 300,000 square foot greenhouse to grow hemp. Due to circumstances beyond our control, the State never passed the regulations to do the hemp for the products that we were going to do. We've had an opportunity to do cultivation for medical cannabis and we are currently right now seeking a medical cannabis license and hoping we will do research with that medical cannabis. To say that it's been a long road is an understatement, but we're plugging along. We currently employ about fifty employees, with about forty-two of those being local from around the area. A couple of them are from the Wells area, one from Elko, and the rest of our staff are spread around California and Texas. I think I'm the only one permanently in Ely. What we're trying to do is lower our costs from propane. Propane is about killing us out there as we pay an exorbitant amount. We have an opportunity to apply for a federal USDA Grant and a Forest Service Grant to purchase two boilers to utilize biomass from the products that we grow on the farm right now, which is currently hay, alfalfa, and hemp. We're also looking to partner with a local businessman who has a stewardship with the BLM to cut wood, and we would use the wood chips from that product to fire up our biomass boilers. If you have any questions, I'd be happy to answer them, and when we can get on our feet, we'd love to have you come out and do a tour.

Councilman Carson moved to approve a support letter for Silver Lion Farm's USDA grant application to purchase two biomass boiler systems for their farm located 60 miles north of Ely on US 93. Councilwoman Elliott seconded the motion. The motion carried with four ayes and one abstention from Councilman Alworth.

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 Attorney Cahoon – Public Hearing – Discussion Only - Approval of Resolution 2023-12 suspending/revoking Chevron Food Mart's Business License for selling tobacco products to minors in violation of NRS 370.521.

City Attorney Cahoon stated Mayor, if I could just give some background before anyone from the public or Sara, one of the owners of the Chevron, speaks. There's been a serious problem in this county and in our schools, with children and minors receiving tobacco products, specifically vapes that they smoke which are being given to them by

businesses and by irresponsible parents. NDI has been conducting some investigations to determine which, if any, of these businesses have been selling them to minors. In this case, there was a business, the Chevron Food Mart on Aultman, that did provide a vape to a minor. The general process and what's required under the law is that any business owner has to actually obtain a driver's license and look at it before they can provide those products. In this case the clerk working at the store at that time was told that the minor told him he didn't have a license, and he just asked for a birth date which is not sufficient and because of that a minor was able to obtain this product. I will note, NDI conducted a subsequent investigation at that same location, and a different clerk was working at that time, and the item was not sold to the miner at that time. I have two options available to me. I can criminally prosecute or seek civil fines against the individual who sold the item. In this case, however, we didn't have the identity of the actual clerk who sold it. The other thing is that under our City Code if any business violates Nevada State law or any City ordinances, their license can be suspended or revoked. My intent here is not necessarily to see this business's license be suspended or revoked, but I wanted to bring attention to this serious issue in the City and in the County, and essentially have it act as a warning and an opportunity for these businesses to implement procedures to ensure that this doesn't happen again in the future. I believe Sara, one of the business owners, is on Zoom, and she would like to address the Council at this time.

Mayor Robertson stated I think I would prefer to have her speak during the item to be able to ask questions.

George Chachas stated Mr. Mayor, I'm really concerned in regard to the way the ordinance is written by suspending and revoking their business license; vapes are all over the place and had this been a violation of hard drugs such as heroin, cocaine, fentanyl, hallucinogenic mushrooms, or unlicensed cannabis I could understand the harshness. They made a mistake. Yes, maybe a fine or maybe a warning, but to revoke a license, that's wrong. This is very minor. You have faults on the parent side and on the juvenile side and yet you're punishing the business, and that's wrong. I'm not saying they're free and clear, but it is way too harsh. I'm completely against taking that type of action against those people or that business. Thank you.

Anne Kellogg stated this is very interesting that you're discussing this item when you're willing to throw away what you normally would do with impact studies, laws, and ordinances with regards to gaming, but you're going to throw the book at a small business that made a mistake. However, you're willing to acquiesce to the whims of Pine West in the same meeting and the same agenda. It's wild to me. It's just absolutely wild to me, and I'm not for kids smoking vapes, but I think you guys have got to be consistent in your enforcement of the rules. It seems odd to me that you would be having this discussion tonight at the same time as you're just going to basically in item number ten, throw caution to the wind and not even enforce your own rules is just bizarre. Thank you.

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

1. Council Members – City Attorney Cahoon – Discussion/For Possible Action - Approval of Resolution 2023-12 suspending/revoking Chevron Food Mart's Business License for selling tobacco products to minors in violation of NRS 370.521.

Sara, owner of Chevron Food Mart, said good evening, everybody. I am representing my business, and I'm really far away right now in California, but I'm aware of the things going on in my business. I have been running this business for almost eighteen years and we didn't have this problem at all in our business until the guy who sold the tobacco that day was on training. This is the reason we didn't have his name because he was in training. I fired that guy already, and he is not working for us anymore. The employees I have in my business now are already trained. I have already taken care of this problem and was not happy either, so whatever you guys think I have to do next, I'm ready for it but suspending my business license I think it's too harsh, because I'm surviving on that business. If you have any questions, I would be happy to answer them.

Mayor Robertson stated just to restate here what was stated by the City Attorney; this doesn't mean we're necessarily pulling the license, but this is the only avenue that the Code offers us currently. The operation didn't get the name of the clerk, otherwise that would have been an option.

City Attorney Cahoon stated if the name of the individual that sold it was available, I would have pursued prosecution.

Mayor Robertson stated I think this is a good opportunity to have the discussion on the Council level. This has been a problem and I know the middle school administration has a box of vapes they have confiscated from kids. I know it's been a problem at the high school and I'm not exactly sure what the solution is. Our businesses are a part of that, but they're like what was stated, they're not the only part.

Councilwoman Elliott stated I would have to agree with what people in the audience have said is that it sounds like they have taken care of it, and I don't really think suspending their license is just in this case. I think this has put them on notice and I don't think they will be doing it again.

City Attorney Cahoon stated that is my recommendation to the Council. I don't necessarily want to see the Council suspend the license, but I did want to bring it to the Council's attention and act as a deterrent to future violations.

Councilman Carson asked do we need to revisit the solution to come up with steps, so we don't have to go through this every time.

City Attorney Cahoon stated yes, that is a potential.

Mayor Robertson asked is there a mechanism for issuing a fine from this body on their business license or not?

City Attorney Cahoon stated I would have to take a look, to my knowledge as of right now there's a revocation or a penalty section under the business code, and that's where it only speaks of suspension and revocation. We could add a section in there that fines for violations as well or has other measures to address issues like this.

Councilman Carson stated why don't we look into that with a warning level, fine level, and then revoking the license.

Mayor Robertson asked, "Sara, could you explain the training your employees receive on this issue."

Sara, owner of Chevron Food Mart, stated they have to look at the birth date and their identity on their driver's license to make sure their date of birth is correct and their picture matches. They can sell if it's over eighteen years old by calculating the birth date and not just being told verbally. They may look older, but they can't sell the tobacco without verifying their age, so they have to verify their age first, and then they can sell if the ID matches their identity.

Councilman Trask asked to be clear that's twenty-one, not eighteen, right?

Sara, owner of Chevron Food Mart, stated yes, twenty-one not eighteen.

Councilman Trask asked Leo is there any State training or any formal training that we know of, that we could maybe have these convenience stores, and like businesses participate in for checking ID's other than just the owners training their own employees?

City Attorney Cahoon stated not to my knowledge, but that's something I can certainly look into. I don't know if there are regulations that require specific training in this area.

Mayor Robertson stated the training on the requirement is ostensibly pretty simple by looking at the ID and if the dates don't match, you don't sell.

City Attorney Cahoon stated Mayor, I believe during our conversation earlier there was reference to Ridley's having some sort of machine that they swiped the ID's, so maybe that's a solution as well.

Councilman Trask stated I still think there has to be human part of it, in a sense, it could be an older brother, or older sisters. You still have to have that human part where you have to look at the ID's and make sure that it's the same human.

Mayor Robertson stated I didn't think of that. Can they go to Ridley's and scan their own ID at self-checkout?

Councilwoman Elliott stated yes, you can, and it actually shows you on the self-checkout how to scan so the clerk doesn't have to come do it for you.

Councilman Alworth stated I agree with what Samantha is saying. You know they got their hands slapped and a person lost their job. Sarah and her gang are going to do a better job and I'm sure of that. I'm totally against any kind of vaping, but as for the ID's I'll tell you there are fake ID's out there, and a lot of kids have them. I think it needs to be in their training to ask trick questions such as what's your birth date, or where were you born at? You know, something that's on your driver's license, because people traveling through town, we don't know one way or the other. They stop there, and they may look twenty-one and they are not. I agree, I think shutting the whole place down is too harsh. I like Kurt's idea of a step process with strike three and you are out.

Mayor Robertson stated the item dies for lack of motion.

City Attorney Cahoon stated I can bring a proposed ordinance to the Council at a later date.

Mayor Robertson stated I'd like to, in connection with this item, just thank the Nevada Department of Investigation (NDI) officers for the attention they pay to these issues. It's not easy to set up these kinds of things and to monitor that kind of stuff. It takes a lot of manpower and a lot of work. I'd also like to thank our business community for the attention they paid to this. I appreciate Sara coming to the meeting virtually and speaking on it and letting us know what's going on there. I know it takes all parties to kind of address this kind of thing as there's no silver bullet.

Councilman Trask stated I do think when we look into this further, maybe it's a strike two and you are out, starting with a fine. I do agree that we need to make sure it's known publicly that this is not okay, and this is something that we are not handling lightly, it's just something that the way it's worded right now seems a little drastic to the circumstance. If this continues to be an issue even the second time, I do think we act by looking at suspending or revoking licenses.

Mayor Robertson stated we have that informal direction, but the item has died for lack of motion.

B. NEW BUSINESS CONTINUED

3. Mayor Robertson - Discussion/For Possible Action - Acceptance of proposal from Ninjo and Moore to provide geotechnical recommendations regarding Historic City Hall's foundation for \$2,500, to be paid for with the Commission for Cultural Centers and Historic Preservation (CCCHP) grant funding the City of Ely has received.

There was a soils report that was done as part of the Historic Structures Report about ten years ago. The architectural firm needed some expansion on that, so this is just approval of that agreement. This is the same company that did the original one, so we got a pretty good price on that.

Councilman Alworth stated I have a question on this. I didn't take the time to get a copy of the minutes, but I believe several meetings ago you mentioned when we had the design

paid for, and I could be totally wrong, I thought you said there would be no expansion and that they could do everything we want in the original building.

Mayor Robertson stated that is correct.

Councilman Alworth stated their letter says the twenty-three architectural plans indicate proposed construction of a new building in the South parking lot of the fire Station and City Hall buildings.

Mayor Robertson stated what they're talking about there is, in addition to addressing that back corner that's failing on the old fire station. The expansion and the new building they're talking about is just the elevator shaft and new stairs that have to go in there; that's what they're referencing. It is technically a new building, but they have to put in new structural supports for the new fire escape stairs, and elevator shaft. That's the only thing that's going to be going on the outside is the elevator building.

Councilman Alworth stated thank you for the clarification.

Councilman Alworth moved to accept the proposal from Ninyo and Moore to provide geotechnical recommendations regarding Historic City Hall's foundation for \$2,500, to be paid for with the Commission for Cultural Centers and Historic Preservation (CCCHP) grant funding the City of Ely has received. Councilman Trask seconded the motion. The motion carried unanimously.

4. Councilwoman Elliott – Discussion Only – Update on Porter Group efforts on the City of Ely's behalf to secure federal and State funding.

Councilwoman Elliott stated I am going to defer to Councilman Alworth as I was not at the last meeting.

Councilman Alworth stated they're still trying to get the clarification if we qualified for the grant for the Wastewater Treatment Plant. At the time of the meeting the electric car charging stations still didn't work and that's an issue so, Brian from the Porter Group was going to help work on that with different representatives, and I don't know if the mayor made any headway with side talk when he met with a senator that was in town.

Mayor Robertson stated we didn't make any headway there. We are still waiting to hear from NDOT about that and of course Brian is still working on the grant. We did have a discussion in our meeting about the Railroads CRISI Grant, and kind of dovetailing some of our critical mineral exploration with that to make that a better application for the community. I think we've made some connections there which is, going to be good.

5. Councilwoman Elliott – Councilman Alworth – Discussion/For Possible Action – Presentation by Silicon Ranch regarding their proposed solar project located near the White Pine County Airport, with possible review of Silicon Ranch's request to purchase or lease 650 acres of the Georgetown Ranch north of Nevada Highway 490 to facilitate the project, and determination of whether the City is willing to receive a purchase/lease offer.

Silicon Ranch Strategic Planning and Initiatives Director Adrian Markocic stated back in May when we first spoke, we had submitted an interconnection application for this project to Nevada Energy and since that time Nevada Energy has responded to that application, reviewed it, and the essence of the results of that application are that this is an economic project. There are typically two gating factors with any type of energy project. The first is whether it can be economic, and then the second is whether there's a customer to take that energy. There's a major developer who's going to be locating in the State who's looking for large amounts of renewable power and there will be an announcement, probably within next month identifying both Silicon Ranch and this particular customer, stating that we're working jointly to develop both projects and renewable energy within the State.

Silicon Ranch Strategic Planning and Initiatives Director Adrian Markocic reviewed the following presentation:

Silicon Ranch

Silicon Ranch is a leading provider of climate solutions and one of the largest independent power producers in the United States. The company's portfolio currently includes more than 5 gigawatts of solar and battery storage systems that are contracted, under construction, or operating, including ~150 operating facilities in 16 states coast to coast.

The company has been hailed as "pioneering" for its leading role in the development of the solar industry in the Southeast, including the first large-scale solar projects in Tennessee, Georgia, Mississippi, Kentucky, and Arkansas.


Select Customers



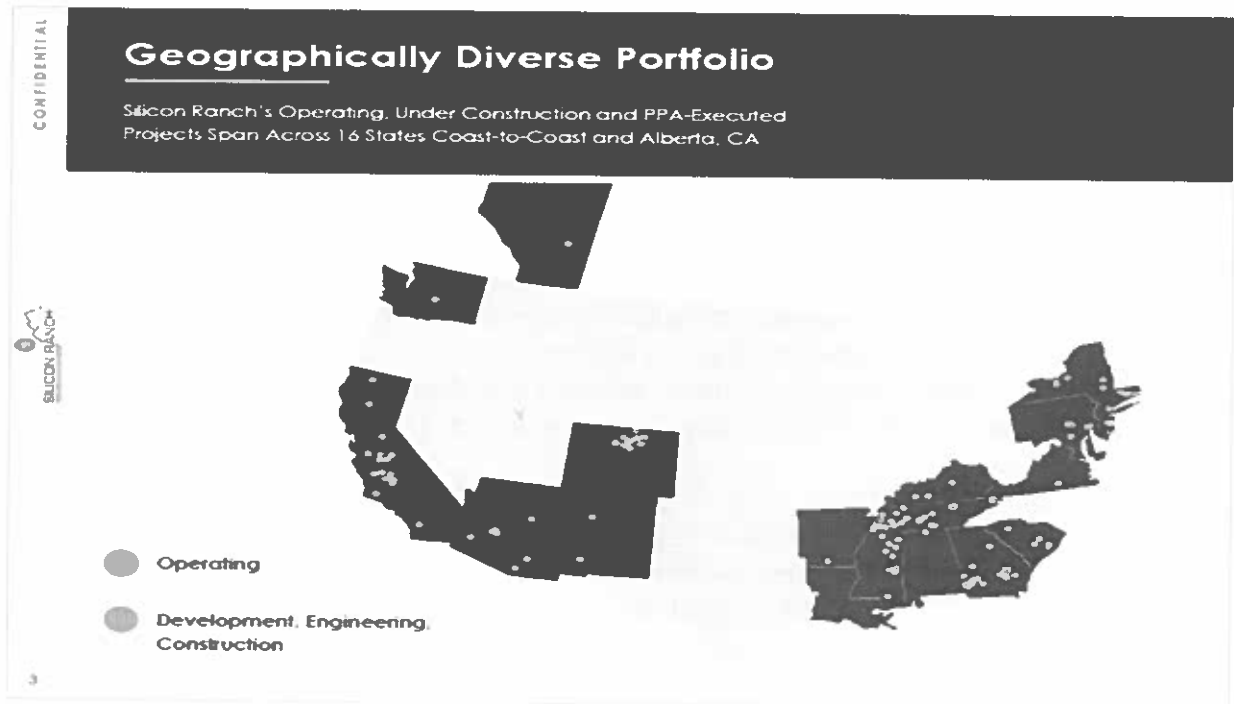








Silicon Ranch Strategic Planning and Initiatives Director Adrian Markocic stated as noted, we have projects all across the United States primarily in the southeast. We just completed and turned on a project down in Arizona about three weeks ago. It was a 20-megawatt project, so a little bit smaller but nonetheless still a major size project with 80 megawatt hours of battery storage for a local electrical co-op in the area. We have approximately 4,000 megawatts of proactive projects across the United States.



Silicon Ranch Strategic Planning and Initiatives Director Adrian Markocic stated what this slide is really conveying is that at silicon ranch we do everything. There's a lot of developers who obtain some land, file for an interconnection application, and then they'll flip that to someone else. They're not the end owner of a project. We have the exact opposite approach where we do every single component of a project from the development phase; we design, we engineer, we construct, we operate, and we own. We own everything for the lifetime of all the projects that we've developed. We've never sold any of them, and we continue ownership throughout the project so that makes it beneficial for the communities in which we operate because you're going to be dealing only with one entity throughout the entire life of the project. It also means that we're vested in the project and the communities in which we operate, and it behooves us to do the right thing from the outset.

Silicon Ranch Business Model: A Fully-Integrated Platform

The diagram illustrates a circular business model with five stages: DEVELOP, DESIGN, FUND, CONSTRUCT, and OWN/OPERATE. Arrows indicate a clockwise flow between these stages, forming a continuous loop.

In-House Expertise

- 1. Develop**
 - Originate development process based on customer demand
 - Secure favorable interconnection in consultation with community partners
 - Secure quality buildable sites through strong community relations
- 2. Design**
 - Projects engineered for 40-year design life
 - Tier 1 equipment selected to maximize long-term performance
 - World-class O&M team provides continuous feedback to improve fleet performance and asset portfolio
- 3. Fund**
 - Access to captive finance companies allows for asset optimization and streamlines project financing process
 - National-level in-house financial team has deep experience with all tax equity structures
- 4. Construct**
 - S&P Inc. is a licensed general contractor in 30+ states, allowing Silicon Ranch to control all aspects of plant and interconnection construction
 - S&P Inc. subcontract with leading national construction firms and directly procure from equipment, cable, and transformer manufacturers
- 5. Own**
 - Unlike most solar developers, the Company owns 30,000+ acres of prime solar sites and has purchase options on tens of thousands of acres, strategically located to support its controlled backlog and development pipeline
 - Regenerative (energy) model of land management sequesters carbon and restores land to functioning grassland ecosystem
- 6. Operate**
 - In-house O&M team advances robust designs to drive higher standards of quality and extend the facility's lifespan
 - State-of-the-art control center at headquarters

Silicon Ranch Strategic Planning and Initiatives Director Adrian Markocic stated I’m not going to dwell a lot on this but solar itself is a growing technology. I think a lot of people have this idea that it’s a niche technology and it's not going to survive without government funding. It's actually quite the opposite where it's growing rapidly, and prices are dropping substantially.

Why Solar?

- Worldwide solar photovoltaic (PV) prices have fallen 30x & total installed capacity has grown 2 million-fold since 1976
- PV modules and batteries are manufactured technologies which benefit from learning curves
 - Production growth results in both cost decreases and performance increases
- Components are modular and construction processes are repeatable
- Combination of learning curves and modularity create efficiency and cost savings making solar one of the lowest cost forms of energy

The graph shows two trends from 1980 to 2020. The left y-axis represents Solar PV module cost in 2019 US\$/watt, ranging from \$25 to \$100. The right y-axis represents cumulative installed capacity in gigawatts, ranging from 250GW to 1000GW. The x-axis shows years from 1980 to 2020. The cost curve (solid line) starts at approximately \$100 in 1980, drops sharply to about \$25 by 1990, and then continues a gradual decline to around \$20 by 2020. The capacity curve (dashed line) starts near zero in 1980 and shows exponential growth, reaching approximately 1000GW by 2020.

Silicon Ranch Strategic Planning and Initiatives Director Adrian Markocic stated if we look at just how fast different types of energy technologies grow, solar itself has grown at the fastest rate of any energy technology to date, and it's going to continue growing. Recent estimates and recent statistics have shown somewhere around six to eight percent. I believe the U.S. generating mix, Department of Energy, and International Energy Agency are predicting and that's going to be over thirty percent within the next ten years.

Solar Growth

- The electrical sector is undergoing a transformation at unprecedented pace
- Coal-fired generation has dropped by 42% in the past 12 years
 - As a percent of total US electrical generation coal has decreased from 36% (1950) to under 10% today
- Solar power has grown 12x in the past decade and there are now over 153GW of installed solar across the US
- Conservative estimates indicate an additional 83GW of solar will be installed by 2026 with potentially up to 214GW; there is over one terawatt of solar projects in interconnection queues nationwide

Clean Energy Rising at Historic Pace

Years taken for the energy source's share of global energy consumption to rise from 0.1% to 1%.

Solar	8 years
Wind	11 years
Electricity	About 15 years
Oil	Over 20 years
Natural gas	Over 30 years

This is the project area itself that we're looking at. We've been in conversations with the County regarding obtaining property. There's also an additional private landowner with whom we've spoken about acquiring property of theirs, and then, lastly, the City's property, the Georgetown Ranch property, which we're interested in. The project itself would be 200 megawatts in size, with 800 megawatt hours of battery storage interconnecting with Nevada Energy at their Gondor substation, which is just northeast of the airport. Even though this project is outside of Mount Wheeler Power territory or rather the load wouldn't be serving this area specifically. There's been ancillary benefits from a project like this where anytime you introduce batteries it's a network service and helps to stabilize the grid. We also had a great conversation yesterday with Mount Wheeler Power and we're exploring potential options where we could work with Mount Wheeler Power, and they could potentially acquire part of this project; that's a very, very preliminary conversation. We feel that if we can make this project a little more local there's many benefits outside of the ones which I'll get into.



Silicon Ranch Strategic Planning and Initiatives Director Adrian Markocic stated I know there's always questions about, can you develop property with a solar project near an airport? This is a photo of Indianapolis airport and as you can see, there's a solar farm right in the approach of the primary runway so I think that's kind of indicative that if you can have solar at a major airport, that solar is a compatible use here in Ely, as well.

Mayor Robertson asked, does the FFA weigh in on those when they get proposed?

Silicon Ranch Strategic Planning and Initiatives Director Adrian Markocic stated They do, or they used to, I should say up until 2021 a solar developer would have to file or prepare a glint and glare study and submit that to the FAA. In 2021 the FAA reviewed that after consulting a number of different airports, and there's a quote from the Federal Register here, and what it says is the FAA has determined that solar produces no more glare than the glass facade of office buildings or reflection from water bodies; it has the same exact impact. So, as a result of that, they're no longer requiring glint and glare studies, all that is required nowadays for airports that are either federally funded or have an air traffic control tower is to provide a letter stating that there is no impact. Silicon Ranch is happy to conduct a glint and glare study if that's something that will assist in providing comfort to the users of the airport. We believe that the development of solar and airports around the country is in fact indicative of the fact that it is compatible. With this particular property we think solar is the best use because it's already existing disturbed land and a lot of the property's located within a flood plain. It's very difficult or challenging to develop land in a flood plain, because it's often uninsurable, whereas with solar it's not going to impact either the water flowing through that area and it's also not going to be harmed if there is any type of flooding. Additionally, it's near existing transmission so there's not going to be a whole bunch of new transmission lines. In fact, the only place where there would be above ground transmission lines would be up in the


very northeast portion of the project, where it would be crossing over to get to the existing substation.

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SILICON RANCH

Airport Compatible Development

- White Pine County airport property is ideal for solar
 - Existing disturbed land
 - Large areas of floodplain make the property unsuitable for other forms of development
 - Near existing transmission and substations
- Solar development on airport grounds has become a common occurrence (see inset of Indianapolis airport)
- New rule requires that only federally-obligated airport with an air traffic control tower (ATCT) analyzes the potential for glint and glare and then determine there is no potential for ocular impact to the airport's ATCT cab



"FAA has subsequently concluded that in most cases, the glint and glare from solar energy systems to pilots on final approach is similar to glint and glare pilots routinely experience from water bodies, glass-façade buildings, parking lots, and similar features."

FAA Policy: Review of Solar Energy System Projects on Federally-Obligated Airports

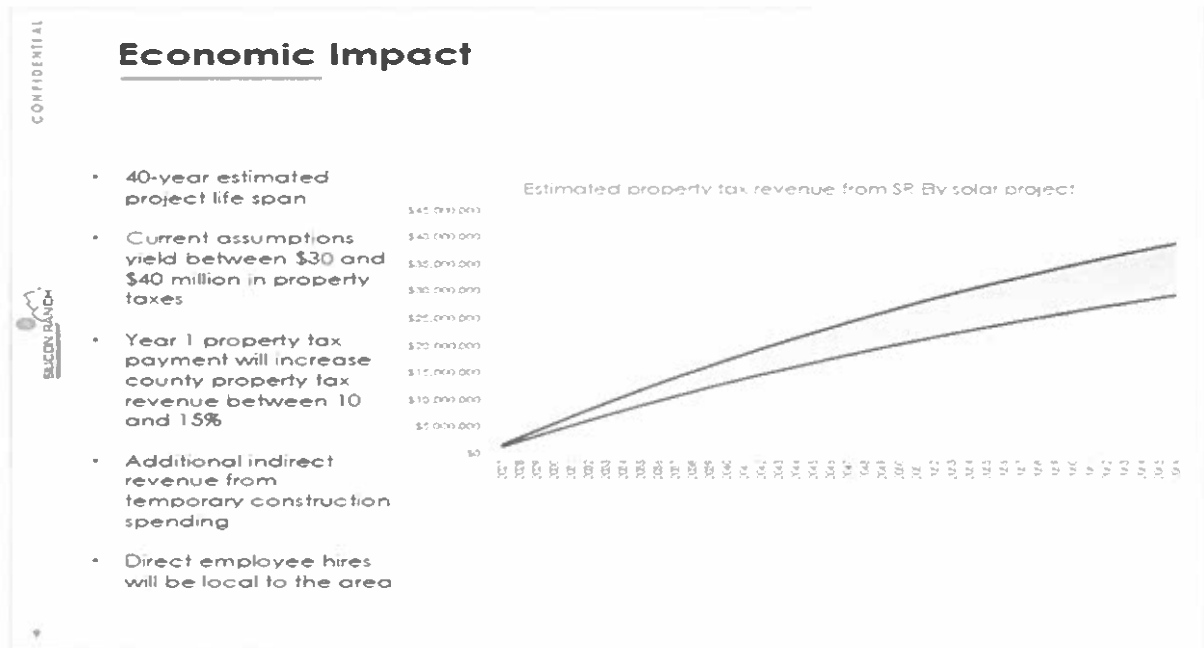
Silicon Ranch Strategic Planning and Initiatives Director Adrian Markocic stated there's a number of benefits as well. Just looking from the economic side, we modeled what potential tax impacts would be like and understand that the County would be the beneficiary of the property tax. A project of this size would result in somewhere between thirty and forty million dollars in property taxes over a forty-year lifespan. I looked the other day at White Pine County's property tax revenue, and I think last year was like \$10.5 million, so the first year it would be an increase of somewhere between ten and fifteen percent of the tax revenue and property tax revenue; it's a substantial boost. There's also other indirect revenue from workers who are going to be constructing a site. There are always two sides to things, and fully understanding that there are concerns regarding housing, and that's something that we're willing to work with the County and City on to ensure that there's an amicable solution.

Councilman Carson stated since you guys are going to be the agreeing entity, won't you just have the Governor's office sign a waiver and be tax exempt at that point, like the wind farm did?

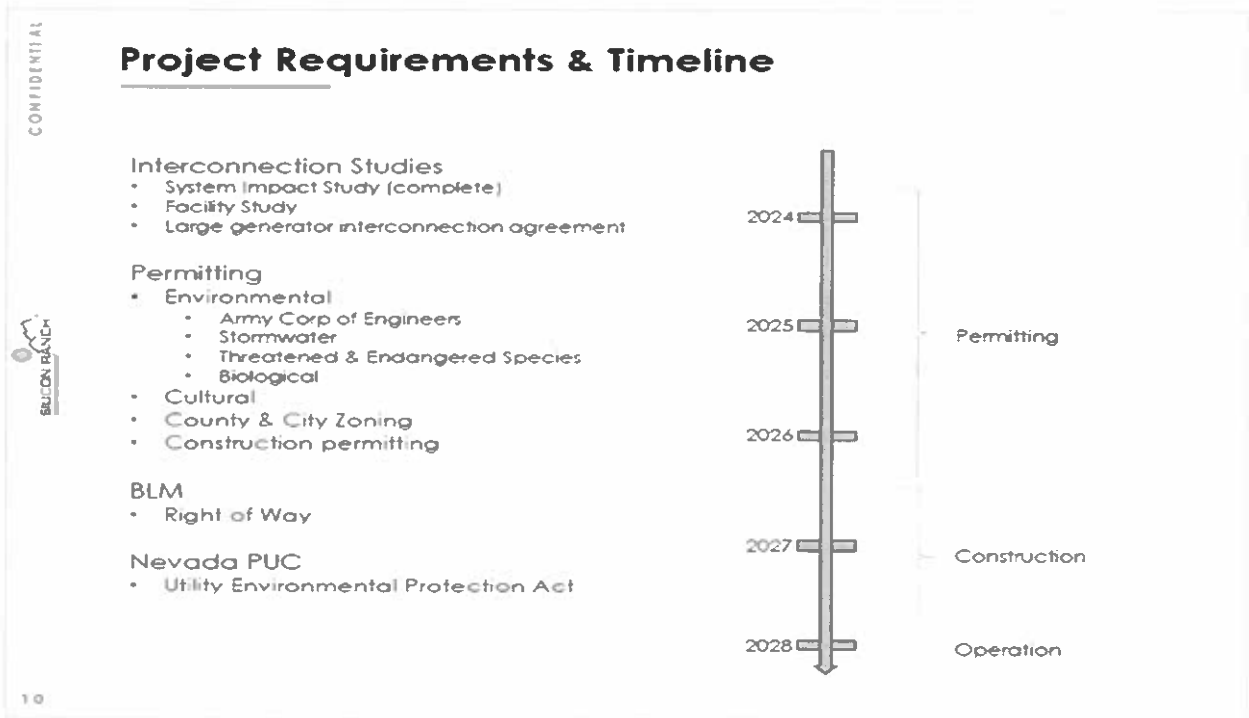
Silicon Ranch Strategic Planning and Initiatives Director Adrian Markocic stated I don't know what the Wind Farm did. There are different types of abatements, and this range of estimated revenue does take into account abatements and no abatements. From my understanding and from our tax departments understanding you can't fully abate all the property taxes away. So that's what this is showing; thirty million dollars would be with all the available abatements, and then forty million dollars would be with no abatements.

Mayor Robertson asked is there a concern about dust and how you guys will keep the dust down, because I assume you have to get rid of any of the vegetation out there?

Silicon Ranch Strategic Planning and Initiatives Director Adrian Markocic stated typically, what we do in our other locations is we have a policy where we actually try to introduce sheep at our solar farms in order for them to manage the vegetation. I understand the soil here may not be as conducive to completely vegetating it, but that's something that we would look into, is trying to reduce as much dirt as possible, because we don't want dust, either. Dust accumulates on the solar panels, and it degrades the amount of energy that they would be generating so, keeping dust down is actually a priority for us and in our economic interest.



Silicon Ranch Strategic Planning and Initiatives Director Adrian Markocic stated in terms of the timeframe that we'd be looking at; our times are dictated by Nevada energy. In speaking with Nevada energy, they're anticipating that they would be able to interconnect this project sometime in 2027 or 2028 and the sole reason for that is supply chain. There are numerous projects going on all across the country so there's shortages in almost every single component of transformers and other types of substation equipment. With that, we have to work backwards from that timeframe and there's approximately an eighteen-month construction window and then, in the period before that, we would be engaging in various types of environmental and other forms of permitting. There is a two-hundred-and-fifty-foot stretch of BLM land that we have to cross to get to the substation, so there's a federal nexus as a result, and there will be some type of environmental impact assessment that would have to be required. It's probably not going to be anything super lengthy, but there are different types of federal permitting that will be needed.



Silicon Ranch Strategic Planning and Initiatives Director Adrian Markocic stated again, just to reiterate Silicon Ranch owns and operates every single project in our portfolio. We're the owner, not just of the project, but underlying land on all of these, and that makes us vested in the communities in which we operate. We have a community outreach organization within the company. I just want to say thank you for the opportunity to speak and ask for your consideration in putting this property up for sale in the upcoming months.

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Commitment to Community

Silicon Ranch owns and operates every project in our portfolio for the long-term. When we invest in a project, we become a dedicated member of the community.

Silicon Ranch takes pride in being a good neighbor. Our number one priority is making a positive impact on the communities in which we locate.

"Well, when [Silicon Ranch] purchased the property there, they became owners just like anyone else who owns a house, owns land. They are taxpayers. They are part of the community, just like I am."

- June Merrit, former Eddy County Board of Commissioners Chairman, Georgia



Councilman Alworth asked if White Pine County or the City doesn't go for this then does it kill the project?

Silicon Ranch Strategic Planning and Initiatives Director Adrian Markocic stated it does. We met with the County yesterday and it's going to be on their agenda, probably for November. Our hope is that in December, this would be something that could be put up for auction, or maybe January, but within the next few months understanding that this is connected. I think one of the ways to potentially mitigate any type of mismatch would maybe be for the City, if the City is interested in following their action at a subsequent month.

Councilman Alworth asked other than in your construction phase when you need water trucks will there be any groundwater used?

Silicon Ranch Strategic Planning and Initiatives Director Adrian Markocic stated it's very minimal. The panels have to be washed about twice a year so, there is some water associated with that, but unfortunately, I don't have the numbers. I will get them for you, but that's the sole reason we would need any water. Now, if we have sheep on location, we will need water for the sheep.

Councilman Alworth stated Mr. Pauly and his family live just above 490. These panels rotate, correct?

Silicon Ranch Strategic Planning and Initiatives Director Adrian Markocic stated yes.

Councilman Alworth Stated so at times it's not going to be a big mirror per se when they're flat. I don't know if that helps Mr. Pauly's view, because right now they're just looking at a field and so forth. The comment about goats or sheep; there's not much out there to eat and I think it would be better to get goats. What is the life of the panels, how long do they last, and then when they wear out, or whatever they do, what's the process for disposal?

Silicon Ranch Strategic Planning and Initiatives Director Adrian Markocic stated the lifespan is around thirty-five to forty years, which is why our estimated revenue is based off of that. When the panels are broken or when it's time to remove them, we actually have a contract with a company called Solar Cycle. Silicon Ranch was the first major solar developer to agree to recycle one hundred percent of its solar panels. We have this contractor who will come and collect all the panels. They currently have multiple facilities and I think the primary ones in Texas, so they would take the panels to Texas where they would disassemble them and then recycle them.

Councilman Alworth stated you're right on the property tax in that the city does not get one dime of property taxes through an agreement with the County, the hospital, and the school district. We just had a study done by a very capable individual, and I know it's going to take some negotiations with the City and the County to slide some of this, and then it's sitting down across the table with the county and saying, hey, we need this, and we need that. What are you going to do if the County scales back because they have some concerns about the airport and so forth, what's the minimum acreage you need?

Silicon Ranch Strategic Planning and Initiatives Director Adrian Markocic stated the acreage that we showed is pretty much the acreage that we need. We need somewhere around two thousand acres, based on what we filed for, and we've made the County aware that the acreage identified is what we need. If you look at the map there is area at the end of the runway that has been left out, and I believe the County will conduct its own analysis as well to identify how much additional land they would need to expand the airport. It's not our goal to inhibit the airport or County's growth and we don't want to negatively impact the County.

Councilman Alworth stated whether you are to purchase or lease we're looking at thirty-five to forty years for a lot of land that's in a flood plain. Even when we had people leasing the ranch, they might have had ten cows out there. I just look at a thirty-five-to-forty-year lease, we're going to have to have some money; it's not going to be a dollar a year. It's going to have to be something substantial. I have a little bit of a tough time having somebody purchase that much City land because it's owned by the citizens, we may have to go to a public hearing to get some feedback from the ranchers, and the people that live around the airport.

Mayor Robertson stated to that point, Councilman, I just want to publicly state on the record that at our next meeting in November there will be a public hearing where we will take comment from the public on what they would like to see done with the Georgetown Ranch property, whether they want it to go back out to lease, and what other ideas they have. You're right, I think we owe it to the public and to the community to do our due diligence.

Councilman Carson stated you're not developers selling to somebody down the road, so that's definitely a plus. My heartache is everybody complains about rPlus Energy ripping up the side of the mountain which I get, but now we're going to put a bunch of solar panels right below that project. I appreciate you coming and telling us what you guys are all about.

Councilman Trask stated I just want to make sure, if we did decide to sell or lease this property, that it would have to go out to bid to everyone in the public. Everyone would have an opportunity to bid on either the lease or the purchase of it.

City Attorney Cahoon stated I think so. I was actually just looking that up in the statutes. There is going to be a process and the NRS provides for a number of exceptions rather than going out to auction or bid, but that would be the general process.

Councilman Alworth moved to table review of Silicon Ranch's request to purchase or lease 650 acres of the Georgetown Ranch north of Nevada Highway 490 to facilitate the project, and determination of whether the City is willing to receive a purchase/lease offer. Councilwoman Elliott seconded the motion. The motion carried unanimously.

Mayor Robertson recessed the regular meeting of the City Council at 6:18 p.m.

Mayor Robertson reconvened the regular meeting of the City Council at 6:24 p.m.

6. Councilman Alworth – Discussion/For Possible Action – Consideration to pay City of Ely hourly employees a lump sum payment up to \$1,000.00 during the month of November 2023 as a cost-of-living adjustment. Beginning January 1, 2024, increase each hourly employee hourly rate of pay by .50 cents per hour. Active employees with less

than 6 months of service will be considered for a distribution up to \$1,000.00 after 6 months of service is reached from their hire date.

Councilman Alworth read the following into the record:

Points for the agenda item regarding consideration to grant hourly employees a lump sum wage distribution and effective January 1, 2024, a .50 cents per hour increase in hourly wages.

To provide hourly City employees “fair and just increases in compensation”, I propose a lump sum distribution in the month of November 2023 not to exceed \$1,000.00 and effective January 1, 2024, a .50 cents per hour increase in hourly wages.

Recently, four City of Ely salary “management” staff were awarded a total of \$43,314.00 in salary increases resulting from their annual performance evaluations. Two, were based in part, on their years of service, one based in part of title change and one based in part of the professional position, difficulty in past efforts in securing candidates along with direction from the Council to put more attention in collecting outstanding debt owed the City. This direction from the Council, as of mid-October 2023, has collected nearly \$9,000.00 in outstanding debt in just over a month.

There is no reason that the City has to wait and see what the Unions may request in the Collective Bargaining process. The most important asset the City has are the employees, they can make you or break you. Treat them unfair and you could expect low morale and poor attitude.

The hourly Union has 2 employees paying Union dues of \$54.00 each per month out of the total of 26 employees eligible to participate and all the Fire/EMS employees are paying \$66.00 each per month. It is my opinion the City has a responsibility to ensure our hourly employees are compensated fairly for the cost of living and high inflation and treated equal to the Management Staff. The City owes it to the 26 hourly employees and 4 firefighters/EMS personnel to ensure they are being paid a fair wage, even if the Union doesn’t recommend an increase.

All these employees are the foundation of the City of Ely and without well paid, dedicated employees the citizens will not be receiving the services they expect and deserve. City management needs to ensure there is money budgeted to pay the employees fairly and equal.

There has always been a request to see how much other City’s pay their management staff when those employees’ yearly performance and evaluation is brought up, but has there ever been research, with the exception information researched by Fire Chief Stork on fire/EMS wages, to see how much other City’s, the size of Ely, pay their hourly employees? If so, I am not aware of a study. Once again, all about making sure management staff get the most.

If you are thinking where the money is going to come from, the City Treasurer provided a breakdown by fund where the totals would impact. Employee names cannot be listed, per the HR Director.

Review the Community Spreadsheet (ARPA) the City Treasurer shares with us monthly, and you can see there is funding available.

Future budgets can absorb wage/benefit increases.

.50/ hr increase	PERS	Total	General Fund	Street Fund	Water Fund	Sewer Fund	Landfill Fund
494.00	165.49	659.49	164.87		164.87	164.87	164.87
832.00	278.72	1,110.72	1,110.72				
1,040.00	348.40	1,388.40					1,388.40
1,040.00	348.40	1,388.40			694.20	694.20	
1,040.00	348.40	1,388.40			694.20	694.20	
1,040.00	348.40	1,388.40	1,388.40				
1,040.00	348.40	1,388.40	347.10		347.10	347.10	347.10
1,040.00	348.40	1,388.40		1,388.40			
1,040.00	348.40	1,388.40					1,388.40
1,040.00	348.40	1,388.40					1,388.40
1,040.00	348.40	1,388.40	1,388.40				
1,040.00	348.40	1,388.40	347.10		347.10	347.10	347.10
1,040.00	348.40	1,388.40	347.10		347.10	347.10	347.10
598.00	200.33	798.33	798.33				
1,040.00	348.40	1,388.40					1,388.40
1,040.00	348.40	1,388.40				1,388.40	
1,040.00	348.40	1,388.40					1,388.40
1,040.00	348.40	1,388.40			694.20	694.20	
1,040.00	348.40	1,388.40		1,388.40			
1,040.00	348.40	1,388.40	1,388.40				
1,040.00	348.40	1,388.40	347.10		347.10	347.10	347.10
1,040.00	348.40	1,388.40	347.10		347.10	347.10	347.10
1,040.00	348.40	1,388.40					1,388.40
1,040.00	348.40	1,388.40				1,388.40	
1,040.00	348.40	1,388.40	1,388.40				
1,040.00	348.40	1,388.40			694.20	694.20	
1,040.00	348.40	1,388.40		1,388.40			
1,040.00	520.00	1,560.00	1,560.00				
1,040.00	520.00	1,560.00	1,560.00				
1,040.00	520.00	1,560.00	1,560.00				
1,040.00	520.00	1,560.00	1,560.00				
30,004.00	10,737.74	40,741.74	15,255.92	4,165.20	4,330.07	7,106.87	9,883.67

\$1,000/Non PERS	General Fund	Street Fund	Water Fund	Sewer Fund	Landfill Fund
1,000.00	250.00		250.00	250.00	250.00
1,000.00	1,000.00				
1,000.00					
1,000.00					1,000.00
1,000.00			500.00	500.00	
1,000.00			500.00	500.00	
1,000.00	1,000.00				
1,000.00	250.00		250.00	250.00	250.00
1,000.00		1,000.00			
1,000.00					1,000.00
1,000.00					1,000.00
1,000.00	1,000.00				
1,000.00	250.00		250.00	250.00	250.00
1,000.00	1,000.00				250.00
1,000.00					1,000.00
1,000.00				1,000.00	
1,000.00			500.00	500.00	1,000.00
1,000.00		1,000.00			
1,000.00	1,000.00				
1,000.00	250.00		250.00	250.00	250.00
1,000.00	250.00		250.00	250.00	250.00
1,000.00				1,000.00	1,000.00
1,000.00	1,000.00		500.00	500.00	
1,000.00		1,000.00			
1,000.00	1,000.00				
1,000.00	1,000.00				
1,000.00	1,000.00				
1,000.00	1,000.00				
30,000.00	11,250.00	3,000.00	3,250.00	5,250.00	7,250.00

Councilman Alworth stated There were concerns among the public that one member of the management staff should have been given an increase in salary. This individual turned down the offer during the annual performance review. I included an increase for this individual in this presentation, however, it was refused by this individual. This is a prime example of an individual who, in my opinion, has both high ethical and high moral standards. Our hourly employees are working in filth, walking in human waste, fixing water lines, sewer lines in the middle of all hours, and dealing with irate people coming in. I just think we need to look at taking care of our people. I just encourage the Council to think hard on what we're going to do here. if you take a look at what's left in the Community Support Funds. There's still an uncommitted amount remaining of \$73,532.00. We've done really well with the public, giving stuff to them during the Covid time. There's \$660,000.00 for earmark funding, which we're 99.9% sure we're not going to have to fund that. In infrastructure there is \$1,500,000.00, housing \$500,000.00, Fire and EMS \$250,000.00, parks and cemetery \$150,000.00, and reserve in the general fund of \$200,000.00. It is a lot of money, but the City has the money and we have got to treat our hourly employees better than we do. Management in my opinion is taking care of themselves and themselves only. We're having severe turnover at the Landfill and in the Sewer Departments and why would you work in those conditions for the amount of pay? It's hard to keep them from going to the mines. There's great money up there, so I plead to the Council. I'm open to hearing what others have to say, but we have got to treat our hourly people better and quit worrying about our upper staff wanting just to worry about retirement.

Councilman Carson stated I definitely agree our employees are great and they're an asset. They're out there day in, day out. I'm just confused, though, because last year we gave the Union 3% percent raise and then the council went above and beyond that to give them 7.5% for a total of a 10.5% raise last year. I thought that is why they didn't negotiate anything this year because of the big raise last year.

Councilman Alworth stated we went the extra 7% last year because the management staff got 10% and we wanted to get the hourly staff up to the 10%.

City Treasurer/HR Director Trask stated I beg to differ with you on that because I brought it to your attention that we needed to bring up the wages because we were competing with McDonalds; it had nothing to do with the upper management.

Mayor Robertson stated I have a couple questions, if you don't mind Treasurer of where this might come from? I have a little bit of heartburn paying for recurring fees with one-time monies. Do we have the opportunity to pay for this, either with that or is there money in the budget for it, or either? What are the options?

City Treasurer/HR Director Trask stated we put a one and a half percent increase in our budget last year for the hourly employees out of the General Fund.

Mayor Robertson asked would that cover the fifty cents or the \$1,000.00?

City Treasurer/HR Director Trask stated maybe not one hundred percent of it, but it is something that could be done.

Councilwoman Elliott asked where did the \$1,000.00 come from?

Councilman Alworth stated I pulled it out of the air. I just threw that out there up to \$1,000.00, that seems to be the normal way you do things on stuff like this.

Councilman Carson asked were we going to bring back the Christmas bonus?

City Treasurer/HR Director Trask stated Yes, that was part of the budget for this year was to bring back the Christmas bonus that's just a lump sum. Any lump sum like that is not going to go towards their retirement; it's not PERS eligible. It's my opinion and my recommendation, if we're going to do this, that we put it in as a percentage increase, because then it's across the board. You talk about the employees that have been here a long time; they are higher paid, so to me the percentage is fair and then it's also going into their retirement. The other thing I want to remind everybody is that the City is a non-choice agency. PERS believes that the employee and the employer are to contribute towards their retirement. When they do go to retire, they're going to take what they made and bring it up to the level of what a dual contribution would have been. Technically, we're not supposed to be paying as high as somebody else would be paying if they were doing the choice. That's something I don't think most people understand on that end of it is that we pay one hundred percent of retirement.

Mayor Robertson asked has there been any feedback from any of the hourly employees that anybody's heard on which they might prefer?

City Treasurer/HR Director Trask stated obviously they are going to be happy with anything we are willing to give them. The Fire Department negotiated no raise this year, but they are getting a three percent next year, which then the general bargaining unit contract ends, and we will be back negotiating with them next year. Once that negotiation is approved it will go into the budget and will actually be part of the budget process.

Councilman Alworth stated if I could Mr. Mayor, we have some longtime employees, and they max out at ten years; their wages do not go up unless it's negotiated with the Union. The ones I've talked to say bring on the cash. Right now, it is expensive to take a drive over Success Summit because you're paying over four dollars a gallon for fuel. Several of them are key employees, and I think a couple of them are in the audience that have ben with the City over ten years and they are maxed out unless it is a negotiated raise.

City Treasurer/HR Director Trask stated that's why I'm recommending a percentage more than a flat amount.

Mayor Robertson stated a percentage is not on the agenda though. However, you are offering a third option.

City Treasurer/HR Director Trask stated yes.

Councilman Alworth stated I think the lump sum in November is a cost-of-living allowance. It's miserable and we all know it's tough to do this. These guys do a job and there's nobody that wants to work for the City. We're having a hard time, and I agree we can't recruit nobody in the Fire Department because our wages are too low. It's all over the country.

Councilman Trask asked can we do the percentage thing? It sounds like in the budget there was a one and a half percent budgeted already. As Jim pointed out, he would like to see this implemented in January and we already have, I think, a \$125.00 bonus budgeted for the end of year. I, personally, would like to see just a two percent increase and then maybe slightly above the \$125.00, such as \$250.00 or \$500.00 so they are getting some cash, but also helping long term as well by going into their PERS.

City Attorney Cahoon stated the agenda speaks of a lump sum, and then the fifty-cent hourly raise.

Mayor Robertson stated let me state what the options are here. We could do exactly as suggested in the agenda item. Would it be an option to do one or the other and come back with something else like if Jim wanted to do the one-time \$1,000.00 and then there still be discussion with the Council whether they do the fifty cents or a percentage and they could come back and do another item.

City Attorney Cahoon stated Yeah, that would be appropriate.

Councilman Alworth stated you got to keep in mind we only have six months, January to June 30th. If the management and the Union says, throw it away, then throw it away. I'm just saying this will get you through this budget and the question is, will it fit in the budget. Future budgets can absorb the wage and benefits. The general fund is flush, and that's all I hear is how much money we have and that we've done great. We have done great because we were down to \$252,000.00 at one time. There's money and we've got to take care of our hourly staff. I don't think there should be even a discussion on giving them \$1,000.00. The ones I've talked to \$1,000.00 is tangible and they can go do something with that. Here it is coming into the holiday season. I think it is perfect timing because they can maybe have a little bit better Christmas.

Mayor Robertson stated I think everybody is on board with that aspect, too.

Councilman Alworth stated If we can pay our management staff \$43,000.00, we can do the same for our hourly staff. If you have a water break at two in the morning and they go I'm not worth it so I'm not coming out, then you are going to have to hire a contractor and pay who knows what. We just need to take care of them. If you guys can't see that, the money is there.

Councilwoman Elliott asked is there a way to put it out to the hourly employees and see what they would prefer for the raise portion because I think we all agree on the lump sum?

Mayor Robertson stated that's going to be right down the line. If you're a guy who's been here ten years, you're going to want the percentage. If you're a guy who's been here two weeks, you're going to want the fifty cents, right?

Councilman Alworth asked could we have the Union Representative come to the podium?

Councilwoman Elliott asked would you prefer a fifty cent raise across the board or a percentage across the board?

Union Representative Ed Bell stated whichever is going to benefit us the best is what I am looking at.

Mayor Robertson stated I think, the benefit of the fifty cent Jim is proposing, is it brings some of our entry level positions up quicker.

Union Representative Ed Bell stated I am in the Water/Sewer Department and just started my thirteenth year and there is a high turnover. The winter before last we had a main break right at quitting time, and we didn't leave until five the next morning. I went home, took a shower, and came back and worked another eight hours.

Mayor Robertson stated bringing up some of the entry level positions a little bit quicker has the benefit, because if the people that have been there longer don't have any help that's more taxing on them. We've had that problem with our Fire Department and all these other departments, I mean, Ed has been with us quite a while, you know, doing it yourself is harder; more hands make light work.

Animal Control Officer Andrew Hayes stated the fifty cents would be better because you guys are hurting for new people, and I see new people come in and out all the time. It would be better for the senior people to take a slight hit by not getting paid as much than to lose new people all the time, because this is supposed to be a career job and if you can't get guys in there with the pay, then you're not going to get career people.

Mayor Robertson stated with that being said, the senior people are still getting the fifty cent raise and \$1,000.00 like everybody else. So given that's the case, and I appreciate the input there, I would definitely support the proposal as on the agenda.

Councilman Alworth moved to pay City of Ely hourly employees a lump sum payment of \$1,000.00 during the month of November 2023 as a cost-of-living adjustment with the understanding there will not be any funds added to their PERS and beginning January 1, 2024, increase each hourly employee's hourly rate of pay by fifty cents (.50) per hour. Active employees with less than six months of service will be considered for a distribution of \$1,000.00 after six months of service is reached from their hire date. Councilwoman Elliott seconded the motion. The motion carried unanimously.

7. Councilwoman Williams-Harper – Discussion Only – White Pine Chamber of Commerce monthly report.

City Administrative Assistant Cobb read the following report into the record:

Good Evening, Mayor Robertson and City Council Members.

The White Pine Chamber of Commerce is happy to report a continuing increase in membership as we build a stronger network of businesses throughout the Eastern Nevada region, memberships and connections that now expand beyond the borders of White Pine County.

I regret my absence this evening, but I am pleased to inform this board, this is due to our organization's tireless efforts to benefit the many community minded businesses of the City of Ely and White Pine County.

We are putting the final touches on the upcoming White Pine Small Business Expo set for next Friday and Saturday, November 3rd and 4th.

There will be 25 local, state, and national organizations gathered at the Bristlecone Convention Center for the benefit of entrepreneurs, small business owners, start ups, cottage licence businesses, job seekers, and individuals seeking new careers.

We are also very excited to host the wonderful women of White Pine County at an inaugural Rural Women Leadership Summit along with honoring our local women of excellence leading in a variety of industries at an Awards banquet that same evening.

Congratulations to City Clerk Lee and City Treasurer Trask on their nominations from community members that voted in this awards cycle.

As an Economic report, The Nevada Labor Market indicators for this last month place the county-wide unemployment rate at 3.3%, down 0.6% from the previous month. Our county's unemployment rate continues to be the lowest in the state.

The White Pine Chamber of Commerce thanks the council for these monthly opportunities to inform you and the public at large about the strong economy here in Ely and White Pine County.

Thank you,
Shadrach Robertson
CEO - White Pine Chamber of Commerce

9. Council Members - City Engineer Almberg – Discussion/For Possible Action - Acceptance of Golden Gate Petroleum's proposal that they provide a bond to the City of Ely with a 1-year warranty period to mitigate their development's impact on the Golf Course Road.

Mayor Robertson stated before we get too far, we don't actually own that road, right?

City Engineer Almberg stated I don't believe so. I believe it is a County road. In fact, I had a conversation with Jeremy yesterday about this, because on their plans, it says that this is a County road.

Mayor Robertson stated so really, the City has no business accepting a bond on behalf of anybody for this road.

City Clerk Lee stated I just have a quick question for City attorney Cahoon. When the City annexes territory isn't all the real estate in that territory, as far as public ways, become the City's upon that annexation?

Mayor Robertson stated here's the problem, that parcel was annexed at the request of the property owner, and it's just that parcel. Furthermore, there are situations like Clark Street down here that are within the City but are still counted by the County. I don't think when that annexation was done, that that road was considered at all because the opposite side of the road is County, too, isn't it?

City Engineer Almberg stated the road is actually on an easement, so I think a lot of that property goes quite ways across that road. I believe it's a forty-foot easement that was shown on their map. When I had a conversation with Jeremy yesterday on this he realized that that was the situation back when they did their ALTA which I'm assuming that's when they originally purchased that property. ALTA is a survey that's done a lot of times with the purchase of a commercial property. It's an easement for the road to White Pine County

Mayor Robertson stated \$110,000.00 is no way going to cover the millennial of that road.

City Engineer Almberg stated the dollar amount was one concern of mine, the other concern of mine was in the letter they're proposing a one year. When the City issued their will serve it was with the caveat that they would look at addressing this road and seeing what this road was going to be capable of because of what's happening on that property. They have one entrance off the highway, and so any truck traffic that comes in and fuels has to exit on the Golf Course Road.

Mayor Robertson stated in that case, if we don't own the road, we would have no business saying that either.

City Engineer Almberg stated possibly yes, but if they come back in and instead of trying to repair the road or improve that road, they propose to do this bond situation where they would put up a bond, come back, analyze that road after a year to see if there was any impacts to that road based on their truck traffic, and if there was, they would work with the City to repair that section. When I had my conversation with Jeremy yesterday, I said to repair that section of the road you need to be aware of what my concerns are that I'm going to express to the City Council. One, I don't know that a year's a long enough time frame for all of the impact to be realized in that first years' time frame and based on what they're saying is they would come back and fix that section. If there was a ten-foot section of the road that went bad they're proposing to fix the ten-foot section and then move on when the rest of the road may not have failed yet, but it may have some impacts later on down the road which then would be the City's or County's responsibility.

Mayor Robertson asked have you had a conversation with Martin Trout about this?

City Engineer Almberg stated yes, in fact, I talked to Martin Trout again about it this morning and told him the same thing in that it was on the agenda, and I didn't know what was going to come from it. Ultimately, even if we do some more research and realize that through the annexation, we did pick up a portion of the road, it is only a portion. It would be the frontage of that property, and from there to the highway would be County Road.

Mayor Robertson stated arguably wouldn't it be their slowest year being their first year, as people became used to that being there?

City Engineer Almberg stated yes, I would assume so.

Councilman Alworth stated I don't know the depth of asphalt on that road.

City Engineer Almberg stated I don't either because that was a discussion that we'd had and I had requested as a part of their project, for them to do a geo-report, and some borings out in that road. They could then come back and report and have their geotechnical engineer give recommendations of what needs to be done to improve that road, to be able to handle that traffic.

Mayor Robertson asked what is your recommendation on this?

City Engineer Almberg stated I have no problem tabling this item until we find out ownership on that road. This portion of the road has always been reported by White Pine County.

Mayor Robertson asked how do we determine whose road this is?

City Engineer Almberg stated I think it would probably be Leo to determine it from a legal standpoint, whether it became a part of the annexation or not and from a reporting standpoint we have never reported this ever, not even since the annexation nor has the County.

Councilman Carson moved to table the acceptance of Golden Gate Petroleum's proposal that they provide a bond to the City of Ely with a 1-year warranty period to mitigate their development's impact on the Golf Course Road until the ownership of the road can be determined. Councilwoman Elliott seconded the motion. The motion carried unanimously.

10. Council Members – City Clerk Lee - Discussion/For Possible Action - Determine if proposed Ordinance 751 regulating gaming licenses in the City of Ely is likely to impose a direct and significant economic burden upon a business or directly restrict the formation, operation or expansion of a business and if so, consider methods to reduce the impact of the proposed rule on businesses including without limitation (1) simplifying the proposed rule; (2) establishing a different standard of compliance for a business; and (3) modifying a fee or fine set forth in the rule so that a business is authorized to pay a lower fee or fine.

City Attorney Cahoon stated this item is just to ensure that the Council is abiding by the provisions required under the Nevada Revised Statute (NRS). The way that this is worded is that the Council will need to make a finding as to whether this proposed rule will be likely to impose a direct and significant economic burden on like businesses or affected businesses in the City. In the provision it says that if the Council determines that there's likely going to be an economic burden then they would need to consider potential mitigation efforts to mitigate that impact. The way I see it when I read this provision is, it says whether the proposed rule is likely to impose a direct and significant burden, so the rule has to directly impose this burden on the businesses. There's nothing in this rule that does that. I don't think this contemplates residual effects of competition or a growth in that industry that would take from other industries in town.

Mayor Robertson stated it's contemplating things like additional fees and administrative burdens?

City Attorney Cahoon stated correct, that's my understanding in my reading of the statute. All the comments that I see here in the Business Impact Study are all referring to essentially not wanting competition here by adding more like businesses to our community without increasing demand through increased population by causing existing businesses to struggle to survive. They also mentioned hotel rooms benefit the community, but that has nothing to do with what the Council is required to do here. You guys are required to consider direct significant economic burdens, and then the other

provision is whether the proposed rule directly restricts the formation, operation, or expansion of a business.

Mayor Robertson stated which it technically does. These are restrictions on the formation of a business by definition, are they not?

City Attorney Cahoon stated yes.

Mayor Robertson stated this item is requiring the Council to identify impacts if any?

City Attorney Cahoon stated correct, and if there are any, it would require the Council to consider methods to mitigate those impacts. The Council just has to consider those methods and doesn't actually have to impose or follow those methods to mitigate the impact.

Mayor Robertson stated in reading the comments that we also had at the last meeting, I don't see anybody enumerating things like increase administrative fees or other sort of economic impacts like I would have to hire more people to comply with this. They all seem especially this one here says, "the proposal will negatively impact local motel and casinos that rely mostly on local gaming players as additional gaming establishments with no hotel motel rooms, will also rely on local players and if this goes through, we anticipate a reduction in gaming revenue which could result in the reduction of staff and restaurant closures."

City Attorney Cahoon stated the comment referring to there being an unfair advantage, the existing businesses in town were here prior to the 2017 rule. This wouldn't have any effect on any existing business. It only affects businesses that would be coming in at a later date, beyond the passage of this ordinance.

Mayor Robertson stated my understanding is there was no business impact study done during the 2017 rule and we have no way to verify that one was done because there's no record of that in the meeting minutes.

City Attorney Cahoon stated I believe that is correct and recently, since that date, the legislature actually added to the provisions of Nevada Revised Statutes, I believe it's 237.140 that states, "action in violation of certain provisions is void," so that didn't exist in 2017. So technically what the Council did in 2017 may have still been valid since this provision here rendering anything in violation of this section void did not exist.

Councilwoman Elliott stated it has been a long year with this ordinance so coming back to it again and doing this second impact study and making sure that it's not affecting businesses in the sense of fees and that kind of stuff. Competition is going to happen but is that still part of the Business Impact Study?

City Attorney Cahoon stated again, the way I read it is the proposed rule has to have a direct impact so my understanding or the way I read it is any kind of competition as a result of the proposed rule, is a residual effect and wouldn't have a direct effect.

Mayor Robertson stated that being said in our conversations, there is precedence and practice in the U.S. Economic System for limiting the amount of certain businesses in an area. Whether that's for the good of the community as they are vice businesses, or whether that is making sure that you know some businesses aren't overrun in a community, but this type of business primarily serves locals, whether it's attached to a hotel or not is my understanding. Ely is not a destination where people come to game.

Councilwoman Elliott stated I feel like with their development, it's not a slot parlor. I would hardly call Love's a slot parlor and I think that's why this has been amended to forty to mirror what would happen in 2017 with Love's being approved or grandfathered in. That is the only hiccup I have is that we are staying consistent with numbers.

Anne Kellogg with the Hotel Nevada stated in regard to Love's, I just want to remind you that they have a lot of parking spaces, and truckers are required by law to get off the road.

There's a gray area that exists in that business with the way it operates in that they have showers and with the parking spaces people stay as overnight guests, so there is a lodging component that exists. This isn't about competition. I would welcome and I think the Prospector, the Jailhouse, and the Ramada would welcome a hotel/casino with rooms. It's not apples and apples, what you're doing is you're comparing apples to bananas with this idea of a forty-machine restaurant. It's just that simple and I think you really need to consider that. Terrill is in Las Vegas right now. Why doesn't he go and take some pictures and go visit some of these slot machine establishments that have twenty-five to thirty machines, and he can come back and tell you guys what they look like. This whole year you guys have not gone and looked at anything which is troubling.

Mayor Robertson stated that is absolutely not true, thank you. The motion that needs to happen tonight is the Council needs to enumerate their findings on this, and whether or not they feel they need to address the findings they find, or the findings don't need to be addressed. Did I say that right?

City Attorney Cahoon stated yes, the Council needs to answer the question as to whether or not this proposed rule imposes a direct and significant economic burden, and whether it directly restricts the formation, operation, or expansion of a business.

Mayor Robertson asked, "that has to be in a motion."

City Attorney Cahoon stated yes, and if the answer is yes to that, then we move to the next step. If the answer is no, then the motion can remain at that.

Councilwoman Elliott moved Proposed Ordinance 751 regulating gaming licenses in the City of Ely upon Leo's findings does not have a direct economic burden and does not restrict the formation, operation, and expansion of a business. Councilman Alworth seconded the motion.

Mayor Robertson asked, "what is the next step after tonight?"

City Attorney Cahoon stated the business impact statement that will be prepared, based on the decision tonight by the City Clerk's Office and will come back for approval on November 9th.

The motion carried unanimously.

11. Council Members – City Clerk Lee – Discussion/For Possible Action – Approval of Resolution 2023-13 Establishing a Mobile Vendor Surcharge between \$50 and \$100 pursuant to Section 3-16-3(B) of Ordinance No. 751.

City Attorney Cahoon stated this is just a follow up from the passage of the ordinance at the last City Council meeting. There's a provision in that ordinance that sets this surcharge to account for those things listed in here under the last whereas. This is just a formality to have something in place to comply with the Ordinance.

Councilman Alworth stated the only question I have is in the fifth whereas it says the mobile vendor surcharges imposed to defray the expenses of policing such activities. I think that needs to be eliminated. We got cops that we're already paying \$764,044.00 to do policing for us.

City Attorney Cahoon stated my understanding is this would just add to the obligations that the County would have in helping us police these things. If there's a food truck that doesn't have the appropriate signage or doesn't have a trash can sitting out, or whatever the regulation is, the sheriff's office would generally....

Mayor Robertson stated I think Councilman Alworth's point is that isn't that already contemplated under our agreement with them where they help us regulate business? City Attorney Cahoon stated yes, that would be the case, but this is just adding another obligation on their office to assist us in those efforts.

Councilman Alworth stated I don't want to go any higher than the \$100.00 and I personally don't think anything should be charged, because at least we have got some places to go eat. When we put the mobile vendors in place on October 12th they had a chance to come here, and nobody came and squawked about it. There's a difference of sitting across the table breaking bread and having a drink versus getting it and going to sit in the cab of your truck.

City Attorney Cahoon stated this is nothing against the mobile food vendors, I think they're a great business, but if you read the first line, it's to encourage the growth of the Ely downtown business district. We have tons of vacant commercial buildings down there and I believe that it's a much cheaper endeavor to probably get a truck and do the food truck business than it is to rent a property, or purchase a property, and pay property taxes, and go that whole route with owning an actual brick and mortar business. That was kind of the intent of this provision here.

Councilman Alworth stated okay, I'll give you that, good explanation.

Councilman Trask moved to approve Resolution 2023-13 Establishing a Mobile Vendor Surcharge of \$100 pursuant to Section 3-16-3(B) of Ordinance No. 751. Councilman Alworth seconded the motion. The motion carried unanimously.

12. Council Members – City Clerk Lee – Discussion/For Possible Action – Review and acceptance of appraisal from Mathews Appraisal Inc. for APN: 001-121-01; Belfort Property owned by the City of Ely.

City Clerk Lee stated you have the appraisal, and it is pretty thorough and complete.

Mayor Robertson asked Leo, the next step after this would be the resolution?

City Clerk Lee stated first of all the Council needs to determine if they are going to ask for requests for proposals? Have you decided what type of development you want? Do you want regular homes, or do you want to go back to tiny homes?

City Attorney Cahoon stated The Council can either do one appraisal with a finding, or they have to do two appraisals. I believe it was pretty difficult just to get this one. The course of action that we'd be taking is this single appraisal, and then the Council would have to make a finding that this is in the best interest of the City.

Mayor Robertson stated what's on the agenda tonight is acceptance of this appraisal as presented.

Councilman Alworth stated I would just like to say that I went through this appraisal pretty thoroughly and the appearance of that property after the Public Works Department cleaned up the trees, and brush along there, or on Fifteenth street probably increased the value. I think the appraisal had a lot of detail and that he did a good job.

Councilman Alworth moved to accept the appraisal from Mathews Appraisal Inc. for APN: 001-121-01; Belfort Property owned by the City of Ely. Councilman Carson seconded the motion. The motion carried unanimously.

10. PUBLIC COMMENT

George Chachas stated I am asking that you put on the agenda a \$10,000.00 grant for Nardi's Restaurant as you are giving out all this money to the food bank and yet, have a business that can't repair their roof and they need equal consideration. Mr. Chachas stated ongoing concerns with not being able to obtain permits and use his property as others do; his request of complaints made on Pine West and to date has received nothing; his request for any correspondence regarding the awning at 701 Aultman Street; his request for any correspondence with Jennifer Lee regarding the alleged encroachment, she did provide a map and it does show an abandonment, however, in an abandonment you also take into consideration, ADA and the city right away and her curb and gutter should have matched the Pintar's, which it does not; and his

request for a complete list of RV's that have been permitted in the City and if they are paying utilities.

Wyatt Cox stated our radio station has offered to many of these businesses, including the Hotel Nevada, deeply discounted advertising. In fact, our former CEO offered the Hotel Nevada \$10,000.00 of free advertising as our part to show the Hotel Nevada that we support them in the times that were going on, and many of the things that were happening following their fine by the State. I have contacted the Hotel several times. We support our community, and we support our local businesses. We want our businesses to succeed. I know that this whole thing with this development is a boondoggle, and I would vaguely say, more carpet baggers. We do not need a slot parlor in the City of Ely. If anybody has a question and Ms. Kellogg if you're still in the building, you can contact us at the radio station at 289-7220. Quite frankly, our business community is struggling and as I mentioned the reasons earlier there is not enough population, and no way to succeed. If we do not succeed, we will, in fact, be Lane City, and I don't think any one of you wants that to happen. Thank you.

Jim Alworth stated the public should be aware that the City of Ely has what's called a Revolving Loan Fund that's open to businesses and individuals. They fill out an application to see if it qualifies for a loan and the interest is basically zero with convenient payment plans for things like damaged roofs or other reasons. You can see the City Treasurer to check into the Revolving Loan Fund process.

11. 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 7:27 p.m. Councilwoman Elliott seconded the motion. The motion carried unanimously.



MAYOR



ATTEST

