

CITY OF ELY

501 Mill Street Ely, Nevada 89301

City Hall (775) 289-2430

Cityofelynv.gov

ELY CITY COUNCIL REGULAR MEETING

April 13, 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 5:01 P.M. Harry Rhea offered an invocation. Mayor Robertson led in the Pledge of Allegiance and asked for Roll Call.

Members present:

Mayor Nathan Robertson
Councilman Terrill Trask
Councilwoman Samantha Elliott
Councilman Jim Alworth
Councilwoman Jerri Lynn Williams-Harper

Members absent:

Councilman Kurt Carson

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

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

Also, in attendance: Members of the public in attendance at the Ely Volunteer Fire Hall signed in (appears on the following page) and the following persons attended via video conference: Geri Wopschall, Carol Ruth Silver, Chris Garcia, Shadrach Robertson, Mary, Nora Tadic, Steve Kirch, Les Eisinga, Desiree Ramirez, Tyler West, Brian Glasspoole, Kassi, and Chris.

ELY CITY COUNCIL ATTENDANCE LIST

DATE: April 13, 2023

<u>Print name below</u>	<u>Print name below</u>
Jash Lieberman	
Jason Wymore	
Jeff Wymore	
Kerri Pintar	
Sally Gust	
Bruce + Pat Setterstrom	
Sarah Mours	
Brianita Moreno	
Michael Carson	
George Chachas	
GLORIA RUIZ	
Naomi Valenzuela	
Caroline McIntosh	
Bryan Reed	
Errol Parker	
Angela Davis	
JOSS TRASK	
Tamara Ruiz	

2. PUBLIC COMMENT

Kerri Pintar stated I live at 1417 Mill Street, and I would like to comment on the agenda item under New Business, number thirteen, the review of Pine West LLC’s request to amend the City Code to eliminate the hotel requirement and have the attorney draft an ordinance for the first reading. I am absolutely in favor of letting Pine West come in here and do this development. They came to the Regional Planning Commission with boards, plans, and something we could all look at that was tangible, and we were able to ask questions. It was not like the dog and pony show I sat through at the next RPC meeting where I am getting one hundred luxury apartments out my front door on Bell Avenue, to be followed by a casino and a hotel next to the La Quinta. We can’t have it both ways, you either want to develop and let everyone come into this community and develop or we don’t do any of them. I am fortunate enough to have these luxury apartments coming because we desperately need housing in this community, we also need places for people to go eat, drink, and spend their money. I am a resident in this community and live and work here. I don’t visit here when it is convenient for me from Park City. Pine West has done everything they should have, and they are asking for us to assist them. Ely seems to be all about development and what we can do to bring in people, whether it is tourists or all of us. We need the opportunity to let this place grow and I believe Pine West doing their development is going to help us all out.

Bill Wolf stated I am diametrically opposed to what she just said because we have rules in place for a reason and if Pine West wants to have a casino, then they should abide by the rules just like everybody else. There is no reason to change the rules for them because what they want to bring is not that great of an addition to the community. If they want to build the requisite number of rooms that would be an addition to the community and benefit the community by bringing commerce.

Former Councilman Bruce Setterstrom stated I came to oppose item number thirteen. I was on the Council when we instituted that, and the reason we did was to protect our partners that already live in the City and have businesses here. We can’t have a place come in, build four walls, and put one hundred slot machines in with one attendant. We need the infrastructure built by bigger companies that will come in and make a change. We look at other communities that have these little casinos such as Jackpot and it does nothing for their community. This ordinance being changed will do nothing for our community.

Caroline McIntosh stated I am in opposition to Pine West's development proposal to eliminate the hotel text. I do not know if Mr. Tyler West is in the audience this evening as I didn't see his name on the roster, or if he has ever been to Ely. I was really hoping to meet him and invite him to be a part of our community. We still need little league coaches, and burger flippers at the horse races, but I notice this is a Delaware company and it is probably not likely he is ever going to help us. White Pine County Tourism and Recreation and White Pine Mainstreet are working very hard to create a destination experience in Ely and White Pine County. Both groups are pro-business. However, deleting the hotel text from the ordinance creates an unfair advantage for Pine West as existing operators abide by the ordinance. Diversifying our economy will require more lodging rooms. Currently fifteen percent of our labor force is hospitality related and with additional lodging rooms the hospitality labor force can grow. It will not grow with a mom-and-pop little casino with one attendant. Pine West is simply a transactional development company. If the City of Ely does not concede eliminating the hotel text Pine West is still free to build a gas station, convenience store, and have up to fifteen slots. The Ely City Council will decide if the future of Ely is a gas, gamble, and go community or a destination with lodging rooms. I urge you to keep the ordinance in place for the future of Ely.

Sandy Moreno stated in regard to item thirteen, one thing everyone has forgotten to mention is that it is not just a casino. They are not mentioning the Starbucks, the gas station, the drive through, the convenience store, or the restaurant. They are trying to scare everyone into thinking it is just going to be a hole in the wall casino and that is not what we are being told, and that is not what his plans show. I have been told who he wants to bring in and I am not at liberty to say. I am very much for this project, and I doubt anyone up here speaking lives where we live and experience what is there now. There has been nobody else offer to come in and improve this area. The people there have already said they are not going to improve it and this company is willing to come in and do that. At other meetings I have heard mentions that we don't need another coffee store or another franchise. This town is made up of franchises whether it be a Denny's, Hilton, Holiday Inn, part store, or an Ace Hardware. This whole town is a franchise of some sort so allowing another franchise to come in is just going with what is already here. My husband and I are retired, and we have a lot of friends that still work, and they are very much in support of this agreement to make things move forward, but they can't be here. The people that are opposed to it keep saying they employ a lot of people and the people that are working are afraid to offend their current employer or a potential employer. It is very intimidating for someone who is in favor to come up here knowing that maybe their boss is sitting in the back. I think Ely needs to grow and if you deny this development, you are telling everyone else not to bother. I understand why the City wants the hotel tax, and I have seen where you spend the hotel tax. One of the things I don't like about it is the Golf Course as I am not into golf and most of the working class isn't, but that is something the City has had for a long time and a lot of people enjoy. You are not going to please everyone, but if you don't start moving forward and continue to appease the businesses that are here already, what is going to make another business want to come in.

Anne Kellogg stated I am a partner with the Hotel Nevada. I don't have a threat to make or an alarm to sound. I do know a one hundred machine casino is not a hole in the wall. I love the idea of a new development on the corner of Great Basin Highway and Aultman Street. I would promise that I would be one of the first people to stand in line to go to a 1200 square foot hotel/casino on that property or I would be just as happy to go to a fifteen or less machine tavern on that property. I am here to ask you to take some time and do a little research and perhaps visit a one hundred machine slot parlor like what is proposed before you make any changes to the language in ordinance 702 adopted in 2017 which requires businesses that include a casino or tavern with more than sixteen slot machines also have fifty hotel rooms to support the gaming efforts. My father, Paul Kellogg, who died in May of 2020 was part of the effort to put this ordinance in place in 2017. He was a staunch believer in a free market economy. He always said less is more when it comes to government regulations, and he loved competition. He was also a hotel/casino owner who was a witness to the proliferation of slot parlors that grew unchecked roughly from 1995, when the first Dotty's opened in Las Vegas, to 2013-14 when some of the larger counties in Nevada started to put ordinances in place such as we have now. Slot parlors with more than sixteen machines without hotel rooms go by all kinds of quirky names such as Jackpot Joanie's, Dotty's, Mollys, Red Lantern, and they rely on a tiny staff with

roughly ninety to ninety five percent of the cash flow coming directly from gambling. Typically, they are dreary places with little to no cha-cha-cha. By design slot parlors serve as little as possible with no regard to food and drink. Their kitchens are often microwave ovens and vending machines and the bars are barely there. People don't go to a slot parlor to hang out with other people. Family doesn't come to town to stay at the Red Lantern, and you never hear someone say, "meet me at Dotty's for a drink or at Jackpot Joanie's to watch a game." Slot parlors are for hard core slot machine players, and they are particularly good at creating worm holes.

Bryan Reed stated my family has been in business here in Ely since 1967 when my father opened an automotive dealership. We opened our first convenience store in 1978 and are celebrating forty-five years in that business this year. We believe Ely and White Pine County is a great place to live and to do business. We were developing in the late 1970's and early 1980's and people were leaving here because Kennecott was closing down and the town was drying up. We took that opportunity to develop and have continued to build and improve since then. We currently operate the three R-place Convenience Stores, Subway, Anytime Fitness, and employ around seventy-five people in Ely. We continue to look for opportunities to grow and build our businesses. Over the years our family has served on City Council, Water/sewer Board, Tourism and Recreation Board, Museum Board, and several have been involved with the Chamber of Commerce. We presently have a family member serving on the school board, White Pine Corral Association Board, and as a member of the Ely Volunteer Fire Department and has been there close to forty years. We are members of the Chamber of Commerce and donate to many organizations and events within the community. I appreciate what is being done by the City Council and other groups to improve our community and to bring new excitement and businesses to the community. I am all for growth and change, but in relation to this specific ordinance I think it has served a good purpose requiring casinos to have motel rooms attached to it. We have experienced an increase in hotel rooms, and I think it is great, but I don't think we need to give up on that. I think we need more lodging, and I don't want to discourage those who already have plans to build along with casinos to stop because we changed this ordinance. I think the changes that are being made, like closing Avenue E and changing the ordinance are relevant to casinos and hotel rooms are happening not to bring new types of businesses into the community, but to bring businesses into an area that is already being well served.

Jason Woywod stated I represent the Prospector here in Ely, Nevada. I am speaking to oppose the elimination of the fifty-room ordinance that is in place. As with all the other operators here in town we are all for development and growth, but it needs to be the proper development and growth that won't be a detriment to the rest of the businesses here in town. As many of you are aware, we are in the process of building a one-hundred-room Hampton Inn. We are in this for about \$1 million already and we have spent a lot of money with local companies such as Basin Engineering and Reck Brothers. Pine West has spent zero dollars with any local company here in town. Their engineers are out of New York, and they are a Delaware Company, and it shows they are not interested in investing here in the community. If they get this approval, Pine West will be gone, the operators from Vegas will be here and the profits will go directly south. Our new development will create over \$500,000.00 a year in room tax revenue that will go directly to the City in addition to one hundred new jobs. We are also building one hundred new apartments with the possibility of building up to four hundred apartments. Unfortunately, on Monday when this agenda item came out, I had to call Basin Engineering and cancel our plans. If Pine West is allowed to open a casino without the required room requirement we are not building. The projects go together, the apartments and our hotel/casino are all one project, and we can't move forward with the project so that is a loss of \$500,000.00 a year in room tax revenue and that's not creating jobs. Pine West's C-Store, gas station, and coffee shop will create a handful of jobs and that is not job creation. Abiding by the ordinance that is in place is job creation. We are going to invest \$50 million into the community. I know better than anybody the cost it takes to build a hotel and casino and all the cost is on the hotel side. I could put up four walls and a roof and shove a bunch of slot machines in there for relatively little money. They are not willing to put the investment into this community like we have. Last year we donated over a million dollars in land to the Indian reservation here in town. We donate to every organization that asks for money from us. We have been here a long time and we are not going anywhere. We are not a company from out of town that is promising everything to get the zoning changed and then once they get

the zoning changed and approvals changed, we will never see them again. We oppose the elimination of the fifty-room requirement. We are all for competition in this town. Build your fifty rooms and we will compete on an equal playing field.

Stef Woywod with the Prospector Hotel and Gambling Hall stated I want to echo what my husband is saying in terms of allowing a slot parlor to come in through the changing of this ordinance will decimate our local economy. There was a reason the previous City Council put it into effect and there is a reason it needs to stand today. I think it is important that everyone has in front of their mind \$800,000.00 a year right now could be going straight to the City of Ely in tax revenue between our new hotel/casino project and if another casino folds because they cannot compete that is another \$200,000.00 to \$300,000.000 loss to the Tourism and Recreation Board. We are saying Ely could potentially lose \$800,000.00 if we don't build, and another hotel/casino goes under. We all know how important jobs are, especially in this economy. I am proud to say that we continued to pay as many employees as we could even during the COVID shut down and we had our doors closed and I don't know if anyone from Pine West or out of Las Vegas can say that. If anyone loses money because of revenues being down because of this slot parlor, that means layoffs for all hotel properties. Are we ok with losing \$800,000.00 for the City and layoffs across the board for a pretty, shiny new corner that is going to do very little for our local economy and local families? People need to put food on the table and feel supported in our community. As my husband said, we donate to everything under the sun. I know this is possibly an exciting endeavor to have some changes on that corner and I think we can all agree we want the same thing at the end of the day in wanting to clean up the town and want it to look beautiful, be safe, and thrive. We have to support our own so we can support each other and if this predator company comes in, everything is going to change and the City is going to be out millions and millions of dollars. What does that do for the young kids coming up in town. What message does that send; if you are from out of town the City Council will change the rules for you. I know you are stuck between a rock and a hard place, but we appreciate you hearing us out.

Former Councilwoman Pat Robison stated I am here to address item thirteen under New Business. I was on the City Council when we put this ordinance in place and I don't mean to sound harsh, but I really care about my community and my hometown. I don't see any positives in Pine West's plans to justify modifying this ordinance to accommodate them. It appears their plan only supports Pine West and not the City of Ely. We do not need another gas station, coffee place, or a casino. We do need more hotel rooms with in-house casinos and a 24-hour restaurant to accommodate our tourism trade. We need housing, such as apartments, more jobs, and more room tax revenue and the Woywod project will do just that. They are using local contractors and Pine West is using out-of-state engineers. I am asking the City Council Members to leave this ordinance as it is to support the City of Ely. It would be a shame to lose the Woywod project when it is everything the City of Ely has always wanted and needed for a very long time. If the ordinance is changed, we will lose the Woywod project, and it will hurt other businesses in town that locals own. Please go with the needs of our community and City and vote "no" to amend the Ely City Code eliminating hotel requirements test from section 3-5-13. One more thing, listen to our Tourism and Recreation Board, they work for our City and support the community. Their voice matters along with the residents of Ely.

White Pine Director of Tourism, Kyle Horvath, read the following into the record:

My name is Kyle Horvath. I am your Director of Tourism.

White Pine County Tourism is pro-growth and is not speaking out against the merit of one business over another.

I am here to express my concern about Agenda item 13 in New Business, the city eliminating a protectionary measure that is adopted code. A measure that was adopted by many other communities across the state. A code that protects the city from a business model that has very little impact on city revenues. A code that requires rooms be associated with larger gaming operations.

This code was put in place for a reason. This isn't an outdated or antiquated policy. This was adopted just a few councils before you.

This code protects businesses, supports tourism, and increases revenues received by the city and its partners through room tax.

You don't just eliminate protectionary measures without thinking about the long-term consequences.

White Pine County Tourism has a strategy that guides us in our advertising, messaging, the photos and videos we use and all tough decisions we have to make.

When we find ourselves being reactionary, the result doesn't come close to having the same impact as when we follow our strategy.

Does the city have an economic development master plan or strategy? Does this business proposal align with that plan? If so, then you SHOULD remove the barriers to accomplishing your goals.

But, if you don't have a plan and you are just reacting to the first opportunity to present itself then you need to stop right here. The council needs to be thoughtful about this item and not make such an important decision without a north star to guide them. Which means you shouldn't just start removing recently adopted protective measures, policies, and codes because it doesn't jive with someone else.

We all have personal rules and standards, and it is OK for communities to have rules and standards. That is how they function, that is how they preserve their values for generations.

It is absurd to think that we should just throw out our own codes because they don't work for someone else who wants to join OUR community.

Let's throw out zoning and building codes next because I'm sure they're really annoying to developers, and we desperately need houses.

But we can't do that because the city has a responsibility to the community to execute thoughtful and planned growth.

Just a few councils ago this city code was adopted because the community agreed in this standard for thoughtful and planned growth.

Again, if you don't currently have a plan or strategy, or your plan is any and all growth is good, then I urge to not undo the work of the council before you.

There are plenty of examples of communities opening up to unobstructed development just to wake up one day to a place they no longer recognize and no longer feels like home.

While it might not happen here on the first one, it certainly can happen with a few misguided decisions.

What slippery slope could this open up for the community by repealing this city code?

While that corner desperately needs help, this particular project is not going to remedy any of our real needs. If you really want to be a champion of long-term, positive, economic growth then focus on the redevelopment district, implement the Façade Improvement Incentive Program, do what you need to do to get us the much needed houses so our community can start growing again, and above all else... be an advocate for small business and support the businesses that kept this community alive when everyone else gave up on it.

That is why I am urging you to not repeal the protectionary measure and city code requiring rooms be associated with any larger gaming operation.

Thank you.

George Chachas stated on your agenda you are considering the removal of past due utility fees. I don't have a problem with this, but I want equal consideration. On your agenda item 10-B-3 you are to consider the possible removal of the hotel requirement in section 3-5-15 of City Code. The requirement must stay in place as there is no benefit to the City with the removal. The City will lose its last RV park in the proposed project area and where do you plan on putting those that may be economically challenged that live in that particular park. On your agenda item 10B-15 that is a county concern and not a City concern. It needs to be denied as it is out of the City's jurisdiction. On your agenda item 10B-11 regarding the allowance for lead persons to take their City vehicles home for call outs has not been considered in the past because the IRS considers it an added benefit and the employee would be taxed accordingly. Mr. Chachas stated ongoing concerns regarding the billing for his property at 490 High Street; the billing for his property at 622 High Street he alleges the City owes him a reimbursement, and his disapproval of the write off given to the owners of 790 Avenue I as they have been using all the utilities.

Administrative Assistant Cobb read the following letters into the record:

Ely City Council – Regular Meeting – April 13, 2023

Julie Gianoli
#1 Iron Horse Drive
Ely, Nevada 89301

City of Ely
501 Mill Street
Ely, Nevada 89301

I am submitting this letter to request that City Council members consider the ramifications of amending the city code, Chapter 5, Paragraph F, Item 12 for Pine West Development. Should Pine West Development be granted a full casino license without the mandatory 50-room requirement, their business would not be contributing to the customary room tax the existing hotels/casinos provide. I support growth and new development in our community; however, I firmly believe all new businesses should follow the current guidelines outlined in the city ordinances. To do otherwise could encourage others to circumvent city codes and is unfair to the existing hotels/casinos. In addition, allowing this could potentially put one or more of our current hotel/casino operators out of business, jeopardizing hundreds of thousands of dollars in room tax revenue and potential job losses for White Pine County.

I respectfully ask that you reject Pine West Development's request for a full casino license until they agree to comply with the current city code.

Cordially,

Julie

Jennifer Lee

From: bill hohlt.net <bill@hohlt.net>
Sent: Thursday, April 13, 2023 6:09 AM
To: Jennifer Lee
Subject: Pine West LLC Request

I oppose Pine West LLC's request for a change in the Ely City Code .
The current ordinance was well thought out and should NOT be
amended for Pine West LLC.
W.G. Hohlt, Ely NV.

Jennifer Lee

From: Chris Garcia <chrisg51j@gmail.com>
Sent: Thursday, April 13, 2023 1:13 PM
To: Samantha Elliott; Jennifer Lee
Subject: Public Comment city council meeting 04/13/23

Good afternoon, the following is for public comment for the April 13, 2023 City Council meeting, and I request that it be read into the record please. It is less than a two minute read. Thank you.

~ My name is Chris Garcia,

I am writing in regards to agenda item #13.

Do we need another casino in the City of Ely? Maybe Not..

Do we need another vacant, deteriorating property in the city limits? ABSOLUTELY not!

I am writing in support of amending the current ordinance that requires a minimum of 50 motel/hotel rooms for a gaming establishment that has 16 or more gaming machines. Not because I am an avid supporter of the gaming industry, because I am not, but rather because I am against a poorly written ordinance that in my opinion was intended and is successfully putting up road blocks against further development in the area. I believe the overwhelming majority want to see growth and development in the Ely area, but then we see actions to hand pick what comes and what doesn't and then wonder why it is very difficult to make progress and growth..

The ordinance as it is written is "pay to play" in nature and is not how businesses should be governed. If we reverse engineered this ordinance and said that anyone wanting to operate lodging of 50 rooms or more be required to have a minimum of 16 gaming machines, that would never fly, nor should it.

Also, if lodging was truly at the heart of this ordinance, the ordinance regarding vacation rentals such as Airbnb, VRBO etc., would be addressed and fixed because as it stands is not overly conducive to additional lodging options in the City. Food for thought. . .

I am certainly a supporter of small and local business, don't get me wrong there. But I also support a free and open market, and I believe that the consumer should be able to determine for themselves who/where they want to support.

I ask the council first to consider if this ordinance is sound in nature and if it should have been created in the first place, and second, even if it was, does it still serve a beneficial purpose to your constituents as a whole today? And to vote based on that.

Respectfully,
Chris Garcia ~

Jennifer Lee

From: Melody Mail <sewkrazyely2@gmail.com>
Sent: Thursday, April 13, 2023 1:28 PM
To: Jennifer Lee
Subject: Opposition to Amending Ely City Code

Mayor and Council Members - I'm in opposition to the Request to Amend the Ely City Code and Eliminating the Hotel Text. The ordinance states- there is requirement of a hotel/motel with a minimum of 50 rooms in order to have a gaming license .

I applaud and support new business in our area including the Pine West project, but our area is a tourist driven community and we rely on the room tax.

I feel this project and future endeavors should be held to the same standards as our Local Hotel Industry had to follow. Doing away with this requirement will encourage "parlor gaming" and open the doors for future problems.

Thank you, Melody Van Camp

Jailhouse Steakhouse and Casino General Manager Jeff Monroe stated we are voicing our opposition to item number thirteen. I think it would be significantly judgmental to the Jailhouse because we are the smallest casino in town.

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

Mayor Robertson stated item eleven under New Business was requested to be removed by Councilman Carson, who is not here tonight.

Councilwoman Elliott moved to approve the agenda with the removal of item eleven under New Business. Councilman Alworth seconded the motion. The motion carried unanimously.

4. CITY DEPARTMENT REPORTS

➤ CITY PUBLIC WORKS SUPERVISOR

City Public Works Supervisor Cracraft stated B.J. finished the process for the specifics on the pumps and motors and that will be going out for bid. The dozer at the Landfill finally got the oil pump and they started working on that today. Our Water/Sewer Leadman Carl Siemer received an award from the State of Nevada as the Rural Water Operator of the Year.

➤ CITY ENGINEER

City Engineer AlMBERG stated we had our 30-day public notice period for our Finding of No Significant Impact (FONSI) and Notice of Intent (NOI) for our CDBG Projects in Lower Central Ely and Bell Avenue and have had no comments back. We will get that paperwork wrapped up and back to CDBG and I believe they have a small public notice period as well. We should get approval to proceed in the next month or so. I anticipate these projects to start after the new fiscal year. We have also been working with Mike on a plan for the roads that we will discuss later tonight. I would also like to commend Carl. We do a lot of work with Carl, and he always has the best interest of the City at heart and he works very hard to keep everything running.

5. NNRY FOUNDATION REPORT

NEVADA NORTHERN RAILWAY NATIONAL HISTORIC LANDMARK



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

Monthly Operations Report for March 2023

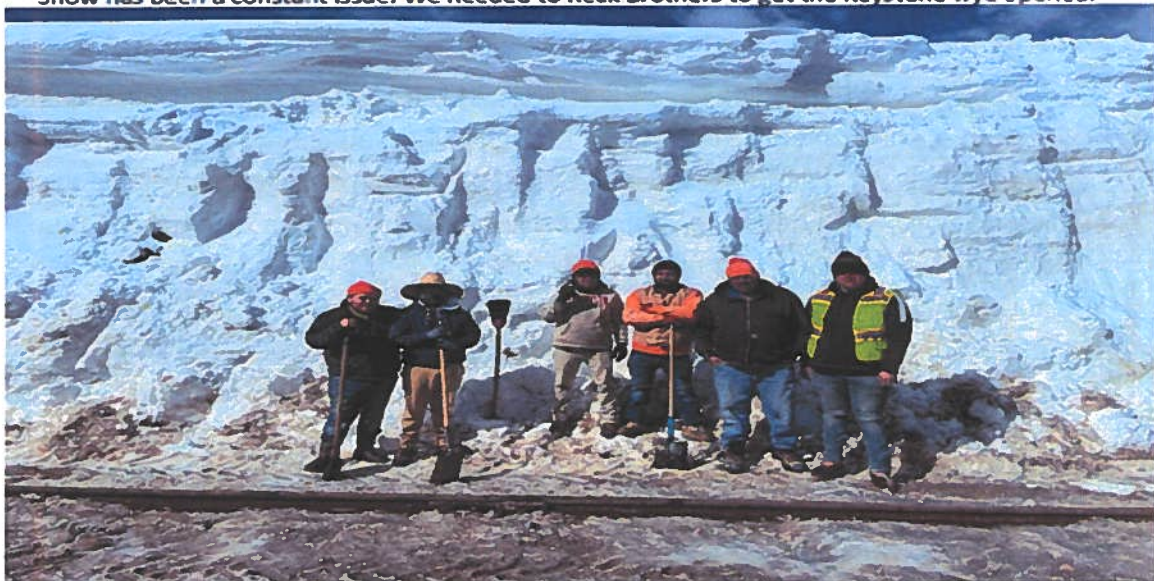
1. Locomotive Status – No change
 - a. Locomotives in service: #81, #105, #109, #204, #310, Wrecking Crane A & Rotary B.
 - b. Locomotive 93 is out-of-service. Repairs are proceeding on her valve chests. We have finished boring the cylinders.
 - c. Locomotive 40 is out of service for her heavy repairs. We have started on her repairs; she will be out of service until 2024.
 - d. Locomotive 801 still needs some work to bring her into compliance with modern locomotive standards.
 - e. Locomotives out of service needing moderate repairs: #201 and #34
 - f. Locomotives waiting funding for restoration: Steptoe Valley Smelting and Mining #309, Kennecott 802 and Rotary Snowplow B (for boiler overhaul.)
 - g. Locomotives out of service needing heavy repairs #80 and the military locomotives.
3. Rolling Stock Status – No change
 - a. Passenger equipment in service: #07, #08, #09, Flatcar #23, Coach #5, Baggage Car/RPO #20, Outfit Car #06.
 - b. Passenger equipment out of service: #10, #2 and #05 needing heavy repairs.
 - c. Caboose in service: #3 and #22 are operational.
 - d. Caboose out service: #5 and #6. Caboose #6 needs a 50-year waiver.
4. Track Status – No change
 - a. Keystone Branch is open
 - b. Adverse Branch is open.
5. Ridership and Ticket Sales – Updated
 - a. In March we carried 221 passengers, this is a 22% decrease compared to 2022. Mother Nature throw a lot of snow at us discouraging visitation.
 - b. Year to date we have carried 659 passengers, this is a 6% decrease compared to 2022.
 - c. Since operations began in 1987, we have carried 348,925 passengers.
6. Economic Impact – Data from Travel Nevada Visitor Facts Pony Express 2016-2020
The average non-gaming & gaming daily expenditure per overnight visitor \$140.
Economic impact for February 2023 is $221 \times 80\% \times 140 = \$24,752$
Economic Impact Year To Date is $659 \times 80\% \times 140 = \$73,808$

Award Winning Destination

Best Historic Railroad of the West – 2022
Best Adrenaline Rush in Rural Nevada – 2020
Best Museum in Rural Nevada – 2022, 2020, 2017, 2016, 2014, 2013, 2010, 2009, 2008
Trip Advisor Certificate of Excellence – 2022, 2021, 2020, 2019, 2018, 2017, 2016, 2015, 2014
Best Place to Take the Kids in Rural Nevada - 2020, 2019, 2018, 2015, 2014, 2013, 2012, 2011, 2010, 2009, 2008, 2007

These numbers only reflect the economic impact of our train passengers and does not include visitors who did not ride the train.

7. Social Media: Our reach on social media continues to expand, in March:
 - a. We reached 1,054,000 people.
 - c. We have 130,500-page likes.
 - d. 178,800 people follow our page.
8. Review of the past month
Snow has been a constant issue. We needed to Reck Brothers to get the Keystone wye opened.



Without the wye opened, we could not turn the trains. This would have degraded the visitor's experience. Reck Brothers did a great job of getting the track open.



Locomotive 81 in the Keystone wye.



The White Pine High School 2023 Prom was held on board the Nevada Northern Railway. Tables were set up in the coaches and dinner was serviced.

We would like to make this an annual event. The Facebook post was viewed by 76,045 people and generated 83 very positive comments!

6. REPORTS

There were no reports from the Mayor or City Council Members.

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

1. Councilman Carson – Public Hearing - Discussion Only – Approval to convert Murry Street to “One-Way” traffic, heading northbound into town OR southbound out of town, as well as possible installation of speed bumps.

Kerri Pintar stated I live at 1417 Mill Street, and I was absent from the meeting in March when this was first proposed to change Mill and Murry to one-way traffic. I was glad to see Mill Street off that proposal because right now we live on Mill Street and that is not conducive on our section of Mill Street because we already don't have the required fifty-foot roadway. However, the traffic study that was done for that was done last June so it is not current for today, but it may not change much. The speedbumps that you are possibly looking at installing were requested by the mayor back on July 14, 2022. My biggest concern for this was on the agenda the signage to change Mill and Murry to one-way streets was going to cost \$10,640.00. I was told the rest of the estimate for that project was over a million dollars which was going to come from the RTC funds. I would like to know if anyone can answer what the cost is to change just one street to one-way and if it is going to be \$497,500.00. Isn't that money better spent fixing the roads right now because we have roads that are in dire need?

Mayor Robertson stated I would like to be clear; the million dollars wasn't to change the route of the streets; it was to complete our Murry Street Project.

Kerri Pintar stated in that case, I can live with \$10,000.00 being spent to change signage. However, I would ask that when you choose the next contractor, please don't choose the cheapest bid, because the cheapest bid is not always the best bid and you're going to get what you pay for.

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

1. Councilman Carson – Discussion/For Possible Action – Approval to convert Murry Street to “One-Way” traffic, heading northbound into town OR southbound out of town, as well as possible installation of speed bumps.

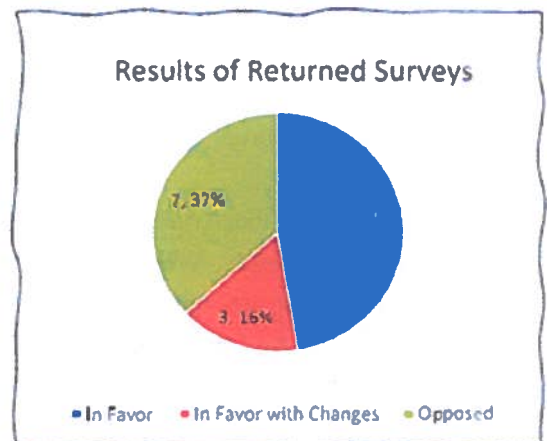
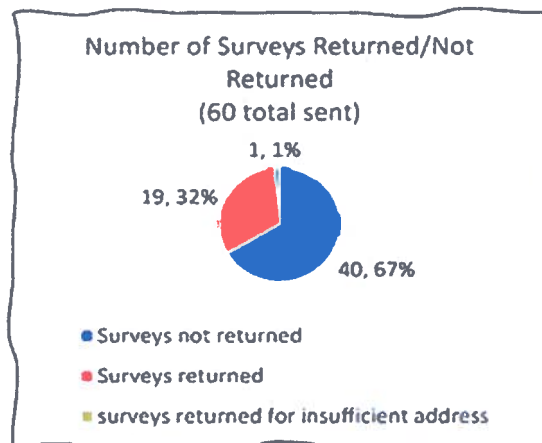
Administrative Assistant Cobb reviewed the following:



CITY OF ELY

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

Murry Street One-Way Proposal Neighborhood Survey Results



In Favor Comments:

1. The Ely Volunteer Fire Dept. feels this will improve traffic flow on Murry Street. In an emergency it will not impact our response as we will do what is needed to respond.
2. I think northbound would be the best direction for traffic flow.
3. Do it!
4. Southbound
5. One-way southbound
6. As long as there are speed bumps or something. I don't have strong feelings about north/south travel.
7. Northbound

In Favor with Changes Comments:

1. One thing that was not brought up at the meeting is the old Murry Street School will increase traffic on Murry when it opens as the daycare. I feel that increases the importance of keeping Mill a two-way street.
2. Murry Street southbound granted there is snow removal in the winter, or you'll have the same issue. I would also like to see completed sidewalks for pedestrians on both Murry and Mill Street. However, I think the monies would be better served repairing existing streets or repaving everywhere.
3. Northbound – down Murry Street into town.

The City of Ely is an equal opportunity provider and employer.

Opposed Comments:

1. I currently prefer to park my truck in front of my property on the east side of Murry Street facing South in the winter; the cab and engine stay warmer and easier to clean snow off. I am not sure pedestrian traffic is currently impeded by the current situation, not much of a problem now. I am okay with the pedestrian congestion and traffic on Murry, and I need to drive both ways on Murry Street. I park on the sidewalk a little to get out of the snowplows way and other trucks driving on Murry Street. I have had vehicles hit by other drivers before when parked fully on the street. I have not damaged the curb or sidewalk.

Mayor Robertson stated part of this instigation as I understood it was that the asphalt and construction on Mill Street is thicker and can accommodate heavier traffic. If we diverted the heavier traffic that finds its way down Murry Canyon, even with all the work we have done on Murry Street that road has not been built to carry the heavy highway traffic at all and we wouldn't want to damage all that work we have done. I thought this was a good compromise on the issue and will help to alleviate some of the congestion and parking issues. Just like one of the respondents stated they have had their truck hit when parking on those streets.

Councilman Alworth asked where is the main entrance for the Boys and Girls Club going to be?

Tony Enriquez with the Boys and Girls Club stated off of Murry Street.

Councilman Alworth stated I think the comment regarding the Boys and Girls Club is a good point because kids dart across the road. I think if we have the traffic one-way northbound, we already have signage stating kids playing, and if we put speed bumps in to slow things down it will help keep the kids entering the Murry Street School safe.

Mayor Robertson stated the speed bumps I requested on my part were to help slow people down. We usually get requests to put STOP signs in neighborhoods to slow people down, but STOP signs are not speed control measures as recommended by the Manual on Uniform Traffic Control Devices (MUTCD). If we want to slow down traffic, my recommendation is speed bumps, and I would like to see that as part of that.

Councilman Trask asked if we did the one-way on just Murry Street is it still the additional \$10,000.00?

City Engineer Almberg stated the Mayor was correct earlier when he said the total cost was to finish out the project on Murry all the way to the end as part of the RTC project and not make it a one-way street. The estimate to make it a one-way street is an estimate of \$10,000.00. We would change where the y intersection is to ninety degrees, which would be very minimal in additional costs. I don't think changing this to a one-way would be a major cost above and beyond that \$10,000.00.

Mayor Robertson asked you don't have an actual number for that?

City Engineer Almberg stated no, I don't have an actual number.

Councilman Trask asked Tony Enriquez with the Boys and Girls Club if they have a preference on direction of traffic?

Tony Enriquez with the Boys and Girls Club responded they are fine with either way.

Councilman Alworth moved to approve converting Murry Street to “One-Way” traffic, heading northbound into town, as well as possible installation of speed bumps.
Councilwoman Williams-Harper seconded the motion. The motion carried unanimously.

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

Mayor Robertson stated I need to abstain from the next item as I was involved in creating some of these bids and will disclose, I work for one of the companies that submitted a bid. I would like to ask Mayor Pro Tempore Williams-Harper to facilitate this item.

Mayor Pro Tempore Williams-Harper read the following item into the record:

- 1. Board Members – City Engineer Almberg - Discussion/For Possible Action – Award of bid for construction of Landfill South Run-On Ditch PWP# WP-2023-163.

City Engineer Almberg stated we received four bids back and reviewed the following Bid Tabulation:



CITY OF ELY
LANDFILL SOUTH RUN-ON DITCH, PWP# WP-2023-163
BID OPENING & REQUIRED DOCUMENTS CHECKLIST

April 10, 2023

BID ITEMS CHECKLIST		KIRCH CONSTRUCTION		DIRT WORKS		RECK BROTHER		GREAT BASIN ENG & CONSTRUCTORS	
BID PROPOSAL		YES		YES		YES		YES	
BID BOND, CERTIFIED CASHERS CHECK, CASH		YES		YES		YES		YES	
EXPERIENCE OF QUALIFICATIONS		YES		YES		YES		YES	
DESIGNATION OF SUBCONTRACTORS		YES		YES		YES		YES	
DESIGNATION OF SUBCONTRACTORS - 9% LIST		YES		YES		YES		YES	
DESIGNATION OF SUBCONTRACTORS - 1% LIST		YES		YES		YES		YES	
AFFIDAVIT OF NON-COLLUSION		YES		YES		YES		YES	
ADDENDUM #1		YES		YES		YES		YES	
ADDENDUM #2		YES		YES		YES		YES	

BASE BID BIDDING SCHEDULE		KIRCH CONSTRUCTION		DIRT WORKS		RECK BROTHER		GREAT BASIN ENG & CONSTRUCTORS	
		UNIT PRICE	BID AMOUNT	UNIT PRICE	BID AMOUNT	UNIT PRICE	BID AMOUNT	UNIT PRICE	BID AMOUNT
1	MOBILIZATION / DEMOBILIZATION	LS 1 \$	0,000.00 \$	0,000.00 \$	37,400.00 \$	37,400.00 \$	10,000.00 \$	10,000.00 \$	68,063.97 \$
2	DRAINAGE DITCH AND ACCESS ROAD	LS 1 \$	70,500.00 \$	70,500.00 \$	44,400.00 \$	44,400.00 \$	125,000.00 \$	125,000.00 \$	157,830.38 \$
TOTAL BID PRICE			\$ 85,500.00		\$ 81,800.00		\$ 135,000.00		\$ 222,894.35

ALTERNATE-A BIDDING SCHEDULE		KIRCH CONSTRUCTION		DIRT WORKS		RECK BROTHER		GREAT BASIN ENG & CONSTRUCTORS	
		UNIT PRICE	BID AMOUNT	UNIT PRICE	BID AMOUNT	UNIT PRICE	BID AMOUNT	UNIT PRICE	BID AMOUNT
A1	CLEARING & GRUBBING	LS 1 \$	4,000.00 \$	4,000.00 \$	58,400.00 \$	58,400.00 \$	10,000.00 \$	10,000.00 \$	17,072.42 \$
TOTAL BID PRICE			\$ 4,000.00		\$ 58,400.00		\$ 10,000.00		\$ 17,072.42

ALTERNATE-B BIDDING SCHEDULE		KIRCH CONSTRUCTION		DIRT WORKS		RECK BROTHER		GREAT BASIN ENG & CONSTRUCTORS	
		UNIT PRICE	BID AMOUNT	UNIT PRICE	BID AMOUNT	UNIT PRICE	BID AMOUNT	UNIT PRICE	BID AMOUNT
B1	GEOTEXTILE FABRIC	LS 1 \$	10,100.00 \$	10,100.00 \$	29,400.00 \$	29,400.00 \$	7,500.00 \$	7,500.00 \$	107,024.10 \$
B2	PURPAP	LS 1 \$	30,000.00 \$	30,000.00 \$	42,400.00 \$	42,400.00 \$	65,000.00 \$	65,000.00 \$	91,604.24 \$
TOTAL BID PRICE			\$ 40,100.00		\$ 71,800.00		\$ 72,500.00		\$ 198,628.34

OVERALL PROJECT BID PRICE	\$ 129,600.00	\$ 212,000.00	\$ 217,500.00	\$ 439,597.11
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BID TABULATION IN ORDER OF LOWEST OVERALL PROJECT BID PRICE TO THE HIGHEST

BASE BID PRICE FOR DIRT WORKS IS LOWER THAN THAT OF KIRCH CONSTRUCTION

City Engineer Almberg stated the lowest bid was received from Kirch Construction based out of Reno for \$129,600.00, which is for the base bid and alternate A and B and is everything we requested. Their bid is quite a bit lower than the others but was close to our engineering estimate for that portion of the ditch project. There was also a section in the bid packet to provide three references of projects done in the past. We reached out and talked to all three of the references provided by Kirch Construction for those projects and they all had good things to say. The money we provided in the budget for this was \$300,000.00. The reason for that amount was when we started this project one of the things that was going to happen was the run-off ditch and there was a lower pond that it ran into. We have reengineered to go over one draw to where it won't run into the shops,

so we do not need that run-off pond which decreases the amount needed. It is my recommendation that we award the bid to Kirch Construction as they were the lowest and responsible bidder. The Utility Board did recommend the award to go to Kirch Construction as well.

Councilman Alworth moved to award the bid for construction of Landfill South Run-On Ditch PWP# WP-2023-163 to Kirch Construction out of Reno, Nevada for \$129,600.00. Councilman Trask seconded the motion. The motion carried unanimously.

Mayor Pro Tempore handed the gavel back to Mayor Robertson.

2. Board Members – City Clerk Lee - Discussion/For Possible Action – Approval to remove past due utility fee penalties up to the amount of \$296.43 from 17 First Street, McGill, Nevada at the request of Property owner, David Harris.

Councilman Trask moved to approve the removal of past due utility fee penalties up to the amount of \$296.43 from 17 First Street, McGill, Nevada at the request of Property owner, David Harris. Councilwoman Elliott seconded the motion. The motion carried unanimously.

3. Board Members – City Clerk Lee – Discussion/For Possible Action – Approval to remove past due utility fee penalties up to the amount of \$632.06 from Major Place/R.V. Park, Ely, Nevada at the request of Property Owner, T & T.C. LLC.

Councilwoman Elliott moved to approve the removal of past due utility fee penalties up to the amount of \$632.06 from Major Place/R.V. Park, Ely, Nevada at the request of Property Owner, T & T.C. LLC. Councilman Trask seconded the motion. the motion carried unanimously.

4. Board Members – City Clerk Lee – Discussion/For Possible Action – Approval to remove past due utility fee penalties up to the amount of \$471.08 from 3 Second Street, McGill, Nevada at the request of Property Owner, Anne Ruckman and Steven Kaae.

Councilwoman Elliott moved to approve the removal of past due utility fee penalties up to the amount of \$471.08 from 3 Second Street, McGill, Nevada at the request of Property Owner, Anne Ruckman and Steven Kaae. Councilwoman Williams-Harper seconded the motion. The motion carried unanimously.

5. Board Members – City Clerk Lee – Discussion/For Possible Action – Approval to remove past due utility fee penalties up to the amount of \$368.17 from 15 Juniper Street, Ruth, Nevada at the request of Property Owner, Mauricio Garcia.

Councilwoman Elliott moved to approve the removal of past due utility fee penalties up to the amount of \$368.17 from 15 Juniper Street, Ruth, Nevada at the request of Property Owner, Mauricio Garcia. Councilman Trask seconded the motion. The motion carried unanimously.

6. Board Members – City Clerk Lee – Discussion/For Possible Action – Approval to remove past due utility fee penalties up to the amount of \$1,763.14 from 55 E. 400 N, Lund, Nevada at the request of Property Owner, Gubler Living Trust C/O Conan Gubler.

Councilman Trask moved to approve the removal of past due utility fee penalties up to the amount of \$1,763.14 from 55 E. 400 N, Lund, Nevada at the request of Property Owner, Gubler Living Trust C/O Conan Gubler. Councilwoman Williams-Harper seconded the motion. The motion carried unanimously.

Councilwoman Williams-Harper asked I have a general question. When we are approving items such as these do we have something to keep track of if someone has asked for this more than one time? I guess I am looking for the exact process, so people don't keep coming to us.

City Clerk Lee stated each case is individual. In the case of the five that were approved tonight each of these property owners inherited this landfill balance due from the previous owners and the new owners elected to pay the principal due and each submitted a request to my office to have the penalties brought before the boards to be waived.

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

A. CONSENT AGENDA

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

Mayor Robertson stated my spouse 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 10A-1 Minutes and 10A-2 Bills.

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

1. Discussion/For Possible Action – Minutes
 - March 9, 2023
 - March 23, 2023
2. Discussion/For Possible Action – Bills.
 - March 22, 2023
 - March 30, 2023

B. NEW BUSINESS

Mayor Robertson stated as there are only four members of the Council tonight, please be advised for an item to pass it has to have three votes and in this case the mayor does get to break a tie. The items under New Business, unless the Council has a question for a staff member or someone that has something to do with the item there won't be any public comment.

1. Mayor Robertson – *Nevada Division of Child and Family Services Representative Brandy Holbrook, Social Services Manager III* – Discussion Only – Presentation regarding the county crisis related to foster care and temporary shelter for children in the City of Ely.

Nevada Division of Child and Family Services Representative Brandy Holbrook stated I cover four rural counties including White Pine, Elko, Lander, and Eureka. I have been in the child protective services for twenty years and ten of that have been in a managerial role. April is child abuse and neglect awareness month, so we often do pinwheels and events to raise awareness. This month I want to talk to you about some real issues of child abuse and neglect that you are facing in the City of Ely today. You have a community crisis and I believe knowledge is power and that is why I am here tonight. I believe if you have the knowledge then as leaders of your community and leaders with agencies like mine, we can make a difference. For tonight I am here to present some knowledge to you so hopefully you can use that to make a change for your very vulnerable population and that population is children that have been abused and neglected and they must be displaced from their home. It is a State of Emergency and you have nowhere for those children to go. You are not alone, many other cities and counties are facing the same issue, but I have to ask if a child in Ely had to be placed out of their home today and they didn't have a relative or fictive kin member that could take them in immediately, where would they go? The reality is I don't know. Children in these situations are currently staying in hotels in rural Nevada. DCFS staff are staying with them, and this is not their job. They are still going to work from 8:00 a.m. to 5:00 p.m., but in the evenings they don't know what to do and they don't want these children to be homeless, so they go to stay in hotels with them. It is unfortunate that I am here tonight to tell you out of the seven children that are in hotels, you have a child in a hotel. We had one staff member do one hundred and one hours of overtime in a two-week period.

When this can no longer happen, I ask again where will your children go? I want to give you some information on how we went from being in a crisis to being in a state of emergency. Prior to the pandemic we did have a few discussions about the state of crisis. However, we all know on March 15, 2020, Nevada shut down. What did that mean for this vulnerable population? It means people and families in poverty, in addiction, in mental health, or losing a job from closure that already have limited coping mechanisms. What happened in my region during the pandemic was we had one child fatality due to child abuse and neglect and we had one near fatality. We had zero COVID deaths related to children. On March 17, 2020 your local Ely office and your staff here knew they could not close. We were an agency that needed to be responding to homes where children were on safety plans, delivering food, and checking in with this population. I bring this up because I think it is fairly important and I heard it brought up in some of the public comments, the state of the economy. We all know where that is at by groceries being higher and volunteerism is down. The people that used to step up and be foster parents aren't able to do that. If they had been a one income family before the pandemic, they might be a two-income family now and if you were a two-income family and barley making it you might be a three-income family now and you're not even seeing your own kids. The second thing I am going to bring up about this state of emergency is the opioid, fentanyl, and substance abuse crisis. Fentanyl has been a game changer for us. My job at DCFS and the staff here is to prevent removal. We know if we remove a child from a family home it is the most traumatic event they will ever experience in their life. We try to keep them in the home, and we work really hard to do that, but fentanyl is a game changer for that to happen because we don't know what they may come in to contact with and we know that can kill them. The increase in kids coming into care and the decrease in volunteerism has created where we are today. I said I was going to give you knowledge and it might not be what you want to hear, but again I want to tell you that you are not alone; all of my counties are in the same situation. I don't have the solution, but now I have given you the knowledge and I believe in leaders to collaborate because having children in a hotel with DCFS staff is not the solution. I want you to think about transitional living for populations ages sixteen to eighteen because they need housing and at that age they are already detaching and the last thing they want is a new mom and dad. We need shelter care like Washoe and Clark, which is shelter care where children can be taken in the middle of the night, someone is waiting for them, they have food, and a bed. We don't have that in rural Nevada. We have many locations that are used as centralized juvenile detention centers and also the Great Basin Advocacy Center. I ask you to think about all the possibilities. We need foster homes desperately because kids need to stay in their communities. I am going to leave you with this. If a child had to be removed tomorrow whether they are an infant, toddler, school aged child, or a teenager I don't know where they are going to go; it could be a hotel. I told you that being removed from their home is one of the most traumatic events and you couple that with being removed from your community, school, neighbors, and most often if you have a sibling, you will be removed from them. I then have to tell the child I am going to take you to a hotel because I have nowhere else for you to go and that might be here, or it might be in Carson City until I can find you somewhere to go. I have heard people say, "well at least they have somewhere to go." Your teenager that is sitting in a hotel is sitting there feeling abandoned, rejected, and that nobody wants them. I leave you to resonate and think what we can do.

Councilwoman Elliott asked how many foster families are in Ely?

Nevada Division of Child and Family Services Representative Brandy Holbrook stated you have three and all beds are full. You have seven children in legal foster care and with what was occurring today in the office the possibility of having sixteen children out of Ely could happen tomorrow.

Mayor Robertson stated in meetings with other mayors around the state this problem has come up a number of times. One of the problems they pine on is they have lost a number of foster families off their roles in their communities because the children have become so much more troubled that bringing those kinds of children into their home becomes a problem. Is that something factual from your side?

Nevada Division of Child and Family Services Representative Brandy Holbrook stated yes, we just talked about this in our manager's meeting in that the foster care system was designed for 19th Century kids with 19th century problems and we are dealing with 21st century kids with 21st century problems. The system has to be revamped and we are working towards that. Some of the kids do have significant problems and that is why some of your kids can't be placed here because you don't have the services to meet your children's needs, which does create some barriers. The legislation has gone to a community-based thought process where kids shouldn't be institutionalized or jailed and I agree with that, but some kids need that. They are moving to community-based services, which is great if you live in Washoe or Clark County. I was asked why I was here yesterday in the meeting and not Carson City and what I tell them is I don't even know if your legislators are aware of the significant problems your communities are facing. We are not allowed to talk to them, and we are not allowed to put bills forward.

Mayor Robertson asked why is that?

Nevada Division of Child and Family Services Representative Brandy Holbrook stated because I am a state employee and there are regulations that prevent state employees from moving forward. The information I have is based on my employment and as a community member I can go, but it can't be based on knowledge that I have, so now I have given you knowledge and power.

Mayor Robertson stated I want to let you know this is something that has come up in other cities and this is something the Nevada League of Cities (NLOC) has been working on and have had a lot of discussions on. It is definitely a topic that is on mayors and councils' radars, but I am not sure we have any good solutions for you unfortunately.

Nevada Division of Child and Family Services Representative Brandy Holbrook stated I would like to disclose that Mayor Dana Holbrook from Carlin, Nevada is my husband.

2. Mayor Robertson – Discussion/For Possible Action – Approve Mayoral appointment of Bill Wolf to the City Tree Board, with term expiring December 31, 2024.

Councilman Alworth moved to approve Mayoral appointment of Bill Wolf to the City Tree Board, with term expiring December 31, 2024. Councilwoman Elliott seconded the motion. The motion carried unanimously.

3. Mayor Robertson – Discussion/For Possible Action – Acceptance of Irene Chachas' resignation from the City Tree Board effective April 6, 2023.

Councilwoman Williams-Harper moved to accept Irene Chachas' resignation from the City Tree Board effective April 6, 2023. Councilman Trask seconded the motion. The motion carried unanimously.

4. Mayor Robertson – Discussion/For Possible Action – Approve Mayoral appointment of Tami Church to the City Tree Board, with term expiring December 31, 2024.

Councilman Alworth moved to approve Mayoral appointment of Tami Church to the City Tree Board, with term expiring December 31, 2024. Councilwoman Williams-Harper seconded the motion. The motion carried unanimously.

5. Mayor Robertson – Discussion/For Possible Action – Approve Mayoral reappointment of Harry Rhea to the City Tree Board, with term expiring December 31, 2025.

Councilman Alworth moved to approve Mayoral reappointment of Harry Rhea to the City Tree Board, with term expiring December 31, 2025. Councilman Trask seconded them motion. The motion carried unanimously.

6. Mayor Robertson – Discussion/For Possible Action – Approve Mayoral reappointment of Candice Campeau to the City Tree Board, with term expiring December 31, 2025.

Councilwoman Elliott moved to approve Mayoral reappointment of Candice Campeau to the City Tree Board, with term expiring December 31, 2025. Councilman Trask seconded the motion. The motion carried unanimously.

7. Mayor Robertson - Discussion/For Possible Action – Approval to participate in the Stagecoach Wind Project’s Environmental Assessment (EA) and permitting processes as a cooperating agency.

Councilwoman Williams-Harper moved to approve participation in the Stagecoach Wind Project’s Environmental Assessment (EA) and permitting processes as a cooperating agency. Councilwoman Elliott seconded the motion. The motion carried unanimously.

Mayor Robertson recessed the regular meeting of the City Council at 6:25 p.m.

Mayor Robertson reconvened the regular meeting of the City Council at 6:36 p.m.

8. Councilman Trask – Discussion/For Possible Action – Approval for City Treasurer to contact the appropriate White Pine County officials regarding negotiation of an interlocal Animal Control services agreement renewal.

Councilwoman Elliott moved to approve for the City Treasurer to contact the appropriate White Pine County officials regarding negotiation of an interlocal Animal control services agreement renewal. Councilman Alworth seconded the motion. The motion carried unanimously.

9. Councilman Carson – Discussion/For Possible Action – Approval of the City of Ely draft mission statement: **The City of Ely is a vibrant mountain community whose mission is to enhance the quality of life for those who live in or visit our city by being responsive to public input and providing fiscally responsible and exceptional municipal services which contribute to our unique community’s development.**

Councilman Alworth moved to approve the City of Ely draft mission statement: **The City of Ely is a vibrant mountain community whose mission is to enhance the quality of life for those who live in or visit our city by being responsive to public input and providing fiscally responsible and exceptional municipal services which contribute to our unique community’s development.** Councilman Trask seconded the motion. The motion carried unanimously.

10. Councilman Carson – Councilman Alworth – Discussion Only – Review of report by City Engineer and Public Works Supervisor on roads damaged due to extreme weather conditions. Review City Engineer’s cost estimate for damaged roads and discuss possible funding options.

Councilman Alworth stated everyone knows the condition of our streets and I want to clarify that Aultman is not a city street it is a state highway. One of the biggest points in this plan this group put together is potholes have the biggest crosshairs on them, so they are going after them. There are some major intersections that are completely destroyed but when you hit potholes it knocks your frontend out of alignment. If you see a pothole or hit one over and over give City Hall a call and Mike and his crew will go put a cone in them. It is going to be a long process and it is going to take a lot of money, but we are working on it.

City Engineer Almberg stated the plan is a work in progress and reviewed the following plan:

City Street Repair Plan – 2023

The fall / winter of 2022-23 the City of Ely has received significant snow and unwavering cold temperatures which has resulted in significant damage to the streets of Ely. This has increased the amount of road repairs the City of Ely is in need of by a significant amount.

With the increased amount of damage to the streets throughout the community the goal of addressing all of the street repairs needed will be difficult to achieve. The process will take time and priorities need to be in place.

The City has determined that the first priority / first phase of the street repair work will be prioritizing the driving lanes of the *Minor arterial streets and *Main collector streets of Ely. (**Functional Classification determined by NDOT incorporating by reference Federal Highway Administration Criteria & Guidelines as well as local agency review, input & final approval.*) Prioritizing the minor arterial and main collector streets for repair is beneficial to servicing the essential vehicular travel needs of the City of Ely and the majority of its citizens in the most efficient and timely manner. These arterial and collector streets are the major streets for not only essential services, such as the hospital and the schools, but also serve as the main access to the various residential and other areas throughout the city. As such, repairing them first, allowing for unfettered vehicular traffic will be essential to providing the majority of the citizens' decent streets to utilize when travelling from one area of the community to another area.

In addition to the priority Minor Arterial and Major Collector streets in the City of Ely, streets accessing emergency service will also be included as a priority. Each damaged portion of these streets will be identified and the specific type of repair work necessary to repair the damage as well as to improve the entire street, will be determined. Identifying and addressing where the most damaged areas of each of these streets is and what repair work should consist of such as; Cutout & Fill of Potholes, Patches Cold Overlay & Chip Seal, will be the first step in this process.

Initial priority work will consist of filling the major potholes on the priority streets. Chip seal and cold overlay will follow as weather and time permits.

Once the main collector streets are repaired the second phase of the street repair work for the City of Ely will be assessing the major damage (what and where) on the driving lanes of the non-collector streets throughout the city. The worst damaged areas (ie... biggest potholes, crumbling pavement etc...) of those streets should be addressed first while being as efficient as possible in determining the order in which repairs are addressed.

City Engineer Almberg stated we have a meeting on Tuesday with the County Road Department to work together. We are waiting to hear back from contractors on cost estimates because we anticipate needing help from outside contractors to get some of this work completed. Some of these roads included in this plan are in NDOT's classification for our roads so I will reach out to NDOT to see if we may be able to obtain some grants which would be beneficial to the City.

Councilman Alworth stated some of these repairs are temporary until the weather is conducive for more permanent repairs. They are going to use some experimental methods and document from what they have used in past years to see how they hold up for future use. There are some potholes right on the edge of the State highway and our road but call the City and we can notify the State so we can work together getting these holes fixed.

City Engineer Almberg stated some of our roads in East Ely are very wide so we are not trying to go from curb to curb, but getting the roadway where cars drive to stretch our dollar as far as we possibly can.

Mayor Robertson asked can we ask you to talk to the State Highway Department because there is a pothole at the bottom of Orson Avenue and the bottom of Bobcat Drive that are on the edge of the State right of way.

City Engineer Almberg stated the State Department has addressed the one on Bobcat so that one is much better.

12. Councilwoman Elliott – Public Works Supervisor Cracraft - Discussion/For Possible Action- Selection of Cemetery storage building quote, budgeted in FY 2023.

Public Works Supervisor Cracraft stated we received three quotes. Schell Creek Construction quoted on a 30' X 30' building when we asked for a quote for a 24' X 30'.

Mayor Robertson asked is that because there is a standardized supplier they have?

Public Works Supervisor Cracraft stated yes. When talking to him he said he uses Cleary. We did get a quote from Cleary and Roper too.

City Attorney Cahoon stated the quote that is not in compliance with the bid invitation couldn't be entertained or accepted.

Public Works Supervisor Cracraft stated that brings us to the quote from Cleary which was \$49,680.00. The thing with Cleary is they could not guarantee they would be done or started by July 1, 2023. The quote from Roper Buildings was \$47,851.00 which was the low bid and stated they could have the building done by July 1, 2023.

Councilman Alworth stated there are several items I see a discrepancy within the roof pitch between Cleary and Roper and is that a big deal?

City Building Official Craig Peterson stated I have coordinated with Mike about this and the important thing is not necessarily the pitch, but to make sure that we meet the required snow load.

Councilman Alworth stated on the exterior finishes Cleary has a lifetime warranty with a 30-year fade warranty and Roper says nothing about any warranty. The concrete should be 24' x 30' on both and Cleary shows they are going to form and pour the concrete with sawcut relief joints and Roper mentions they are going to put in rebar.

City Building Official Craig Peterson stated rebar would be referable.

Councilman Alworth stated Cleary is putting in an insulated overhead door and Roper is putting in an uninsulated door. Another big difference is the excavation in that Cleary is going to prep the site and Roper is not, they are going to have somebody else do it. If Cleary gets the bid and they can't get it done by July 1st can it carry over?

City Treasurer-HR Director Trask stated it doesn't carry over. I would have to budget for it in the next year.

Councilman Alworth stated we would need to know that before your final budget then. I would feel better having these questions answered and compare apples to apples as close as we can and bring it back with a hard number that goes right into the budget.

Councilman Alworth moved to table the selection of Cemetery storage building quote, budgeted in FY 2023 to obtain more information for the meeting in two weeks. Councilwoman Elliott seconded the motion. The motion carried unanimously.

13. Councilwoman Elliott – Discussion/For Possible Action – Review of Pine West, LLC's request to Amend Ely City Code by eliminating hotel requirement text from Section 3-5-13 with possible direction to City Attorney to draft an ordinance for a First Reading.

Mayor Robertson stated, as we mentioned before, this is something the Council and I feel as well needs to be addressed where there is a conflict in the current Code as it sits. Whatever the pleasure of the Council is whether they want to remove the "shall" and replace it with a "may" or if they want to look at something different all together. I think my druthers on this is the Council would consider just opening the ordinance to be adjusted one way or the other without a prejudice or favoring one side or the other at the moment so the discussion could be had. However, that correction needs to be made one way or the other, so we are not in this position down the road again. For the public's awareness this is the first time this ordinance has ever been used, tried, or addressed since it got enacted in 2017. There has not been another business come in requesting us to look at this and part of the reason we had a business come in was because there was vague language in the Code that would imply the Council had some discretion to approve or deny a business license on this. I am not in favor of indeterminate discretion on a legislative body's part. It needs to be based on some kind of information and on criteria that can be replicated so that we are not putting the City's legal rearend out in the wind for that reason.

Councilwoman Elliott stated there is a lot of information and opinions out there and I think one thing I would like to make everyone aware of is not every county in Nevada has an ordinance requirement. There is a Nevada Revised Statute that does state that

populations with over seven hundred thousand people are required to have hotel rooms. Clark and Washoe County are regulated by that and every other county it is subjective for them to govern as they will. Carson City, Douglas County, White Pine County has an ordinance with thirty rooms and also Lincoln County currently has an ordinance in place. West Wendover is the only incorporated City in Nevada that has room requirements, so Fernley, Elko, Fallon, Winnemucca, Yerington, Carlin, and Wells are cities in Nevada that don't have any kind of room requirement. We don't want to go back and negate the good work the Council did in 2017 at a time when it made sense, but that is the beauty of the justice system is you get to look and amend things to see what is going to work at the current time. I personally don't like the room requirement. I don't want to feel like we are picking sides and feel like we need to come to a solid decision by looking at the verbiage and clean it up.

Mayor Robertson stated I think if the Council will indulge me on that request, I think we will be able to have an open conversation on how we address it because gaming is a heavily regulated industry, and it needs to be regulated in our community in some fashion. I think we can look at what is best for our community, whether that is continuing with the room requirement, cleaning up the language so the Council's discretion has to be based on parameters or however they want to go would be the best option. I think that discussion is worth having and currently the ordinance has conflicting language on "may" and "shall" and needs to be cleaned up to be one or the other.

Councilwoman Williams-Harper stated I agree too that the ordinance needs to be cleaned up. I understand why we would like to keep it the way it is, but the other side of me says I want to make sure that we don't look like we are "paid to play." I want to make sure we are an open community and that we are welcoming to any type of business that wants to open and is appropriate so that our community can grow. We have to look at what our community is going to look like twenty-five to fifty years down the road. I want to make sure we are not boxing ourselves every time a new business wants to come in. Are we looking tonight to make that "may" or "shall?"

Mayor Robertson stated no, that is not what is on the agenda tonight Councilwoman Williams-Harper. What is on the agenda is to direct the City Attorney to start the process of opening that ordinance so that we can have the discussion on should we change it from "may" and "shall" in total, do we want to change the parameters entirely, or do away with the parameters.

City Attorney Cahoon stated my recommendation is the Council remove its discretion as I think that is the best legal option moving forward so we don't decide today with this council for a business and in five years a different council is making a different decision. My recommendation is that whatever the Council does, whether that is making it a "shall" all the way through the ordinance, come up with another alternative, or does away with the hotel requirement all together. The alternative would also have to be removal of discretion. I don't know how that is going to look, but that is my main legal advice is that there not be any discretion in this area going forward.

Councilman Alworth stated kudos to the two former council members that attended tonight. In 2017 when this was brought to their attention, I am assuming it was brought to their attention by some of the members in this public meeting here tonight when a group was wanting to put gaming in the back of a grocery store. They had open meetings, public comment, and people came and voiced their opinion. The Council at that time did what we have right now. Here we are six or seven years later looking at this and a couple comments I have is Pine West was made aware of this ordinance and you look at their drawings it went from a truck stop with islands to a casino/restaurant/tavern. Now we are at a deadline of what are we going to do and there are threats if we make them build rooms they are going to leave and not put it up and we are going to end up with a vacant corner. There are ten thousand vehicles that go through that intersection a day and it is a very important intersection. I want to promote that, but the previous council did what they thought was right and public hearings were taken, but times have changed. Anne Kellogg states in her letter the Ely market cannot support another one hundred slot machines, but Jason Woywod says he is going to build a big casino. I have

a hard time changing something that was put in a City Code. It is going to get down to the “may” and “shall.”

Mayor Robertson stated I want to point out it is exactly that verbiage that brought somebody to our door because reading that they believe the Council could approve that if they want. That discretion can be legally problematic and needs to be clarified.

Councilwoman Elliott stated right now it is rooms that are regulating and not a restricted license so something to look at is we only permit so many gaming licenses in our City and maybe it is regulated in a different way. It would be per capita based, and I think there is a way for everybody to come out happy and everybody can feel like they are winning in this community. I think we can all get there.

Councilman Trask asked I just want to clarify if we vote tonight do we have to have full direction or can we just open it up tonight?

City Attorney Cahoon stated we can definitely amend the item to whatever the Council’s pleasure is in moving forward. If we need to look at other options, we can certainly do that.

Mayor Robertson stated like I stated in the beginning of the meeting if I had my druthers, I would like the motion that gets made to open that up to any options that may be brought to the table rather than going one direction tonight, but that is up to the discretion of the Council.

City Attorney Cahoon stated what I would probably recommend is if the City Council does not want to eliminate the hotel requirement perhaps, we could table it and bring it back on the next agenda with more information if there are other alternatives. Any change to the Code, I will have to draft an ordinance and it will come in front of the Council for a first and second reading in order to pass. Tonight’s decision isn’t necessarily to change the Code, it is to direct me to change it one way or the other.

Councilwoman Williams-Harper stated we have got to instruct you to do a “may” or “shall.”

Mayor Robertson stated you don’t have to, but you could. The options on the table are to instruct the City Attorney to remove the word “may” and replace it with the word “shall,” remove the fifty-room hotel requirement, or table it and bring back with other options for amending the Code in different ways to address the concerns of the community.

City Attorney Cahoon stated I would recommend to table and bring back with other options for amending the Code.

Councilwoman Elliott stated I think regulating on per capita helps with everyone’s concern of predatory gaming with only having a limited amount of gaming or slot machines in the City or permits. In the same token if I open up a business am I going to be required to have hotels or required to do certain things. Is this what we are going to become as a city is a city of requirements because one thing is required with the other. I don’t think casinos and hotels have to operate together. They are successful in being separate and I would be fine with the third option to table with the option to come back with further options including, but not limited to getting rid of the hotel requirement.

Mayor Robertson stated Councilwoman Williams-Harper I think that goes along with your concern you brought up about our community being a “pay to play” community. Why would we put additional barriers to businesses unless it serves a purpose. I am not saying it doesn’t here. Gaming is a highly regulated industry and I think that is a reason and I think it should be regulated to some extent in our community. I just want to make sure the regulation has a direct impact upon that industry instead of tacking on anchors to make sure people with a certain amount of money can get in.

Councilwoman Williams-Harper stated I agree whole-heartedly, and the other thing is I don’t want the community to feel like we are dragging our butts because we are afraid to

go one way or the other. It is important to me the community hear all sides especially if we are going to instruct the City Attorney to bring in some more information. You don't want to bite the hand that feeds you, however, I want some new people to come into the community.

Mayor Robertson stated I have told everyone that has come to my office that government is a game of compromise.

Councilwoman Elliott moved to table the review of Pine West, LLC's request to Amend Ely City Code by eliminating hotel requirement text from Section 3-5-13 and look at other options to amend the City Code which could include removing the hotel room requirement but could also look at options to regulate gaming in our City. Councilman Alworth seconded the motion. The motion carried unanimously.

14. Councilman Alworth – 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 Cameron Gresh who is our representative with the Porter Group will be leaving at the end of the month and we will have a new representative, Brian Bates. They are still working on all the projects that we have submitted.

15. Councilwoman Williams-Harper – Fire Chief Stork – Discussion/For Possible Action – Direct City Attorney to enter into negotiations with Nye County and the Duckwater Shoshone Tribe regarding Fire Service agreements.

Councilwoman Williams-Harper stated my understanding is there are still some issues, and we don't have much needed agreements to take care of these things. I would like the City Attorney to do more investigation so we can have all our ducks in a row with the service agreements that are necessary.

Councilman Alworth stated after reading Fire Chief Storks comments on this item about troopers not being around and the times they are out on calls. It has come to a time in which our fire department is called the City of Ely Fire Department/EMS. We have 4,205 residents here and they take off and go seventy to eighty miles out of town and it ends up being a false alarm; we are jeopardizing our community by not having a full department. We need to put Nye County up to taking care of their own business. We need to protect our residents in our City.

Mayor Robertson stated I agree with that and some of the impetuous here is that we need to tell Nye County that so we have the basis to say I am sorry, but if you can't support this agreement then we are not running out there. We did talk to the County on this and whether they want to take the lead on this or not, there response was you guys are the ones doing the runs so go ahead and if you have problems let us know. The Sheriff's Department tried this same thing, and they said no, they didn't want to support them on that and now they have a basis to say okay if you are not going to play ball these are people that live in your community, and we can't be responsible for that. I think that is the main basis for the conversation.

Councilman Alworth stated our resources are limited and we can say if they don't agree we are not rolling.

Councilwoman Williams-Harper moved to direct City Attorney to enter into negotiations with Nye County and the Duckwater Shoshone Tribe regarding Fire Service/EMS agreements. Councilman Trask seconded the motion. The motion carried unanimously.

16. Councilwoman Williams-Harper – Fire Chief Stork – Discussion/For Possible Action – Approval to notice and accept bids for the City's Ford E350 ambulance, which is out of service.

Councilwoman Williams-Harper stated it is out of service and I think it would be great if someone took it off our hands.

Councilman Alworth stated I read this agenda item and I voiced my opinion to the City Clerk. It was a poorly worded agenda item in my opinion by saying “to notice and accept bids for the City’s Ford E350 ambulance, which is out of service.” I am going to vote for this if the motion is made, but all it had to say is “accept bids to sell.” It was not clear enough and we need to be more precise.

City Clerk Lee stated for the record I wrote the item.

Councilman Alworth moved to approve accepting bids to sell the City’s Ford E350 ambulance, which is out of service. Councilwoman Williams-Harper seconded the motion. The motion carried unanimously.

17. Council Members – City Engineer Almberg – Discussion/For Possible Action – Approval of proposed layout for Regional Transportation Commission (RTC) FY23 Murry Street construction, starting after 4th Avenue until Dickerson Avenue, taking place Summer 2023.

City Engineer Almberg stated in front of you is an exhibit of the proposed Murry Street and there is not much you guys can do with it, but since you did vote to go with a one-way the only thing is the road will begin to slightly narrow as it heads to the end. I would also like to go to L curb instead of rolled curb as it would discourage people parking on the sidewalk and to not have sidewalks along Stoppers Park as there are no houses along that side, and it would save costs.

Councilwoman Williams-Harper moved to approve the proposed layout for Regional Transportation Commission (RTC) FY23 Murry Street construction, starting after 4th Avenue until Dickerson Avenue, taking place Summer 2023. Councilwoman Elliott seconded the motion. The motion carried unanimously.

18. Council Members – City Treasurer Trask – Discussion/For Possible Action – Review of FY24 capital projects to haul Landfill fill material with possible selection of option(s).

City Public Works Supervisor Cracraft stated it is for the dump trucks or other options. I would like to keep it open to look for new, used, or other options for the Landfill. When we have a better idea of what we want and can afford we can bring the item back to the Council.

Mayor Robertson stated we had talked about used options instead of going through State purchasing and is that still something you are researching?

City Public Works Supervisor Cracraft stated actually we have a meeting with the County, and I know they are going to be selling some of their equipment. I was going to talk to Martin and see what condition they are in that we could maybe consider.

Councilman Alworth moved to approve City Public Works Supervisor to continue to research and find best options for FY23 capital projects to haul Landfill fill material. Councilwoman Elliott seconded the motion. The motion carried unanimously.

19. Council Members – City Treasurer Trask – Discussion Only – Review of FY24 Redevelopment Fund and Revolving Loan budgets.

City Treasurer/HR Director Trask stated in the tentative budget I budgeted a big chunk of this so I thought I would give you a quick review or explanation of what the Redevelopment Fund and Revolving Loan fund are and how they came about. The Revolving Loan Fund was started from a donation, and I am not sure who donated money.

Councilman Alworth stated it was Marshall Cooper Smith.

City Treasurer/HR Director Trask stated it was specifically to be available for businesses in the City of Ely to request low interest loans to help their businesses out. The Redevelopment Fund was a big production when Bob Miller was here and there were defined areas that are in the redevelopment area. The revenue we get from that is off the property tax that the County collects and sends to us. That money can be used for any kind of redevelopment. We currently have four low interest loans out under it. My thought process is things come up during the year, but it would be up to the Council's discretion so I figured I would put it in the budget so if there are things that are needed or could be used out of it for loans or whatever it is in the budget to be spent as needed.

Mayor Robertson stated, as I recall from reading the Redevelopment Plan, that it is also for things like acquiring property, disposing of properties, or fixing up properties. We talked about doing façade improvement grants through there, we have talked about doing housing through there, and we have used some of it for the Armory.

Councilman Alworth stated this was put together in 2004 and Mayor Miller got with a guy out of North Las Vegas and modeled it after theirs. This is a very powerful tool to help the City. There is a map in there and a lot of information so if you think something might fit in contact the City. There is \$600,000.00 in there right now.

City Treasurer/HR Director Trask stated \$10,000.00 is slated to take trees down in the cemetery.

Mayor Robertson stated we would like to find some good projects for that fund. The other thing is within that information it states the Redevelopment Plan expires in 30 years and we are over halfway through that timeline.

20. Council Members – City Attorney Cahoon – Discussion Only – Review of requirements to add property to the Redevelopment area.

City Attorney Cahoon stated this is regarding the Belfort Property and the City's desire to sell that to a developer. In order to do that under the fair market value it will need to be sold as a redevelopment area or as an economic development area. In order to do it under redevelopment, it is currently not under the Redevelopment Area and that is quite a process as I outlined in my letter to get that through and amend the Redevelopment Plan. My recommendation would be to go with the Economic Development Plan which is also outlined in my letter.

Mayor Robertson stated I believe that is also what we did with the property on Reno Road.

Councilman Alworth stated the Belfort property took the wind out of my sales. I thought it was in the Redevelopment Area. As Leo said it is quite a process, but I think there is another way to make this work.

21. Council Members – City Attorney Cahoon – Discussion Only – FIRST READING: Ordinance 747, Bill No. 2023-02, proposed ordinance establishing appraiser selection processes for the sale or lease of municipal real property.

City Attorney Cahoon stated this is essentially required for our appraiser process.

22. Council Members – City Attorney Cahoon – Discussion/For Possible Action – Approval for the City of Ely to execute a "Subdivision Settlement Participation Form" (Exhibit K), pursuant to the One Nevada Agreement on Allocation of Opioid Recoveries ("One Nevada Agreement") previously agreed upon (by City of Ely in August 2021), electing to participate in the Allergan Settlement and release all claims against Allergan.

City Attorney Cahoon stated we have done several of these in the past and this is in regard to the Opioid Settlement.

Councilman Trask moved to approve for the City of Ely to execute a "Subdivision Settlement Participation Form" (Exhibit K), pursuant to the One Nevada Agreement on

Allocation of Opioid Recoveries ("One Nevada Agreement") previously agreed upon (by City of Ely in August 2021), electing to participate in the Allergan Settlement and release all claims against Allergan. Councilman Alworth seconded the motion. The motion carried unanimously.

23. Council Members – City Attorney Cahoon – Discussion/For Possible Action – Approval for the City of Ely to execute a "Subdivision Settlement Participation Form" (Exhibit A), pursuant to the One Nevada Agreement on Allocation of Opioid Recoveries ("One Nevada Agreement") previously agreed upon (by City of Ely in August 2021), electing to participate in the CVS-Nevada Settlement and release all claims against CVS-Nevada.

Councilman Alworth moved to approve for the City of Ely to execute a "Subdivision Settlement Participation Form" (Exhibit A), pursuant to the One Nevada Agreement on Allocation of Opioid Recoveries ("One Nevada Agreement") previously agreed upon (by City of Ely in August 2021), electing to participate in the CVS-Nevada Settlement and release all claims against CVS-Nevada. Councilwoman Williams-Harper seconded the motion. The motion carried unanimously.

24. Council Members – City Building Official Peterson – Discussion/For Possible Action - Approval to direct city attorney to draft an ordinance requiring a performance bond for curb and gutter installation.

City Building Official Peterson stated currently the ordinance requires curb and gutter for any new residential development in the City, which is perfectly fine. The penalty for not performing is up to ninety days in jail and up to a \$300.00 fine. It is kind of a ten-pound hammer solution to the problem and I would like to require either a performance bond for issuance of permit or curb and gutter to be in place for issuance of permit. If we went with the ordinance as we have it, I have inherited a case that is now seven hundred days old, and the gentleman is looking at one hundred and eighty years in prison and a \$210,000.00 fine. I would just like to solve this problem on the front end and not have to chase people down on the backend.

Mayor Robertson stated I have talked to Craig a number of times about this, and I think it is a much cleaner solution to make sure building projects comply with that agreement.

Councilman Alworth asked are the dimensions of the curb and gutter, I believe it is called the pan, a standard length?

City Building Official Peterson stated I believe it is eighteen inches, but all of that design work is done by the City Engineer. The enforcement of the curb and gutter is found under the section which governs my position.

Councilman Alworth stated the only reason I asked that was I know there was a section in town that the people got their forms from a commercial site and the pan was longer or shorter when they went to lay asphalt, they had a jog in the layout.

City Building Official Peterson stated again, the design criteria is one hundred percent accepted and approved by the City Engineer.

Councilman Alworth moved to direct the city attorney to draft an ordinance requiring a performance bond for curb and gutter installation. Councilwoman Elliott seconded the motion. The motion carried unanimously.

11. PUBLIC COMMENT

George Chachas stated I am disappointed in you folks for not enforcing 3-5-13. It is mandatory that you have the rooms. A former attorney screwed up and put "may." I have attended more meetings than all of you combined. You cannot depend on the local traffic alone. You have to feed those machines, feed the industry, and that comes from the hotel that was asked for. You need to look at long-term income in property tax and room tax. I see you give out \$40,000.00 to \$50,000.00 raises and a demand of 2.5% for the next couple of years, nobody else does that and how are you going to sustain that. Mr. Chachas stated ongoing concerns regarding City Clerk

Lee's fence encroachment on Bell Avenue; installing curb and gutter at his property and claiming he was sued; his request for a complete list of RVs that have been permitted in the City and if they are paying utilities; his request to use his property as others do in the City, and alleges the City and the Regional Planning Commission is not addressing Code violations.

Kerri Pintar stated I live at 1417 Mill Street. Thank you, Mr. Alworth for recognizing the double talk that came here tonight in regards that we cannot support Dotty's or whatever is coming on the corner of Aultman Street, but we can support a ninety-room Hampton Inn next to the one hundred apartments going in on my street. This is the first time it has been admitted in public that there are more plans coming that may include up to four hundred apartments and I find that threat to be ill advised that they will pull their \$50 million funding for this community for that project if we allow this project to come in. I don't understand how it is ok to rezone on the backside of Bell Avenue to go from commercial and residential to multi-family residential. Where is the rest of that residential coming from? Currently the rest of that parcel that is in discussion is all C-3 which is commercial. There are plans that they want to abandon Cleave Drive which butts up to my property. There is a lot of smoke and mirrors, and I think this Council needs to look at what is good for one is good for all. If we are going to allow them to come in with another ninety-room hotel and more casinos and we can support those, then we can support the casino on the corner of Aultman. Local contractors weren't used for the Holiday Inn. White Pine Glass didn't get the bid because it was cheaper to get it out of Vegas and sometimes you get what you pay for. They didn't keep that property, they sold it because they developed it and didn't get what they wanted. When that happens with their apartments at \$2,000.00 for one bedroom, they are not going to be able to sustain that let alone adding two hundred and fifty-eight more. I just think we need to take the time to examine that and make sure what's going forward is what's best for the whole community and those of us that actually live and work here. I have no qualms against a Dotty's or to go in there and get a hamburger. We have limited choices here and we can do all the tourism we want, but if we can't sustain that and provide food for those people what good does it do to have lodging. As far as your runoff ditch is concerned, I think we should have looked at local contractors first. You get what you pay for and that is the same thing I would say about the curb and gutter issue and why we need to require a bond because one of those contractors is not doing something to specification. You need to choose the one that is going to do the best for you, and it might not always be the one that is the cheapest, but the one that is the right choice. I hope you will also take that into consideration when it comes time to award the Murry Street Project.

Anne Kellogg stated thank you for tabling the discussion about the room requirement, in my opinion I think that was very wise. Casinos and hotels go together like peanut butter and chocolate as there are certain metrics that exist to determine customer base and things like that. Those metrics come from population, demographics of that population, and also hotel rooms that feed a casino typically. As you embark on this journey, I would encourage you to really look at the larger neighborhood casinos that don't have rooms in various communities and also consult a lot of big brains that know gaming, communities, and neighborhood casinos. The bottom line is you need the rooms to feed the casino.

Sandy Moreno stated I live on East 8th Street, and someone mentioned we have about ten thousand vehicles coming through that intersection where the proposed Starbucks is, and I was just curious if anyone has ever looked at where those vehicles are coming from. Are they local or out of state? I had the opportunity to come home from Vegas on a Friday afternoon recently and almost every vehicle I saw was from Idaho and they had to come through Ely to go to Vegas. The rest of them were Canada, California, Oregon, Washington, and I only saw a handful of Nevada vehicles so that tells me that people are driving through our town to go somewhere else where they can have fun or whatever it is. A lot of the activities in this town are seasonal. I think the only thing you can do year around is the Railroad. If I was from the Hotel Nevada, I would be more concerned about a new motel going up where it is landlocked. I don't know why nobody has thought about when the tour buses start coming back that used to go to the Hotel Nevada those tourists got out and stayed at the Hotel, they ate at the restaurant there, or maybe they walked around town and visited your little local businesses or ate somewhere else. If they go up there on the hill to a hotel, they are landlocked and will not service your downtown community that everyone is so worried about. I am not against their project, I just find it ironic they say we can't afford one more casino, but we're going to build one and I would be more worried about them putting the Hotel Nevada out of business than one that won't be here for a

while. You can't blame any of the downfall of the businesses now on something that isn't even here. Thank you for your consideration of being open to change.

Jason Woywod with the Prospector stated Mr. Alworth to address your concern with Ms. Kellogg saying the town is not big enough for one hundred more slot machines and she is correct. We are building one hundred hotel rooms so when we budget our projects, we budget the casino revenue strictly from the hotel guests. We proved it with the Holiday Inn that if you build it, they will come. If you look at the room tax from before the Holiday Inn was built until now the room tax has gone up dramatically. People are now staying here in Ely because they are reward members. We are going to build a Hilton property, which is upscale and has reward members as well. People will now stop and stay in Ely and spend their money and not just drive through. We don't budget any of our projects on local play. When you build a casino with no hotels you are just praying on the locals. There is a big difference between a hotel with a casino versus just a casino with no rooms. Thank you for all your consideration this evening and we would love to be part of the input on rewording the regulations.

Cynthia Davis stated I had the opportunity to interview Mr. Ramsey, who is selling the property on the corner. He assured me it was not a Dotty's. It is still a small casino and is similar to the one at Love's. The corner is ancient and unattractive and needs to be tore down and remodeled in my opinion.

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

Councilman Alworth moved to adjourn the regular meeting of the Ely City Council at 7:58 p.m. Councilwoman Williams-Harper seconded the motion. The motion carried unanimously.



MAYOR



ATTEST