

CITY OF ELY

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

ELY CITY COUNCIL REGULAR MEETING

May 25, 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 5:03 P.M. Pastor James Woffinden offered an invocation. Mayor Robertson led in the Pledge of Allegiance and asked for Roll Call.

Members present:

- Mayor Nathan Robertson
- Councilman Terrill Trask
- Councilman Kurt Carson
- Councilwoman Samantha Elliott
- Councilwoman Jerri Lynn Williams-Harper

Members absent:

- Councilman Jim Alworth

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

- City Clerk Jennifer Lee
- City Treasurer/HR Director Janette Trask
- City Attorney Leo Cahoon
- City 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, Shadrach Robertson, and Paul Cavin.

ELY CITY COUNCIL ATTENDANCE LIST

DATE: May 25, 2023

Print name below

Print name below

Elaine Littlefield
JANET SHODRACH
George Chachas
Rev. James Woffinden
Lua Woffinden

2. PUBLIC COMMENT

Janet Shoemaker stated I am here to speak for Cari Mataya as she is in St. George with her son that just had open heart surgery on item one under New Business. We were given notice two hours on Thursday before the show was supposed to start. They were already paid for, and everybody knew it was going to be going on for at least a week as it was published everywhere. She has been doing these shows for twenty years and regularly the police do a walk through when these shows are going on. Nobody has said anything for twenty years and now all of a sudden it has cost here a ton of money just when things are starting to pick up. If this wasn't approved before then it seems unfair. There is no specific charge, just the Statutes were quoted. I know she had a discussion at one time with what we had to do when we have shows, it was to black out the windows so kids can't see. It is dancing but it is not sexualized. It is a burlesque show basically.

George Chachas stated on your agenda item 8B-1 you are to consider drafting an ordinance regulating certain dancing, adult performances, and etcetera in the City of Ely. There was an event that came about in which a business was noticed at the last hour and suffered two to three thousand dollars in costs and even more in loss of business. That business has conducted the entertainment acts for twenty years or more and officers have walked through and observed the performances for years and at no time up until now has there been a concern. What has changed? Why was the business owner not notified of the concerns so a cancellation could have been made and saved the business owner thousands of dollars. It is neglect on the City's part and restitution needs to be paid. It appears the City is trying to hamper certain businesses and look the other way for others. On your agenda item 8B-4 your considering possible approval for an interlocal agreement for police protection between the City of Ely and White Pine County and there was nothing provided in the meeting packet so the public could see what would be contemplated. On your agenda item 8B-9 you are to consider amending the Ely City Code in regard to an increase in appointed officials' salaries. The increase proposed is excessive and it should not be more than ten percent as you can't sustain that kind of expense. On your agenda item 8B-16 I oppose the fee to extend a permit that was taken out timely, but the contractor failed to show up within a time limit. Qualified contractors are hard to find, so you are stuck until they do show up. On your agenda item 8B-12 regarding the Porter Group, I want their contact information.

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

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

4. CITY DEPARTMENT REPORTS

➤ **CITY ENGINEER**

City Engineer stated the contractor is working on the run-off ditch at the Landfill. Things are going well, and they are moving right along. They are anticipating by the end of the week to be done cutting the ditch and they will start doing the riprap and stuff next week. The Aultman Street project plans are due the first part of June. We are gathering some information on the Industrial Park so we have what we need to have done before the pump station shows up so we will be ready for it.

5. REPORTS

No Reports

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

A. CONSENT AGENDA

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 8A-1 Bills

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

1. Discussion/For Possible Action – Bills.
 - May 17, 2023

B. NEW BUSINESS

4. Mayor Robertson – City Treasurer/HR Director Trask – Discussion/For Possible Action – Approval of Interlocal Agreement for Police Protection between the City of Ely and White Pine County July 1, 2023, through June 30, 2026.

Mayor Robertson stated my understanding is this was unanimously approved by the Commission yesterday. We appreciate the committee and staff's work on this.

Councilman Carson stated I would just like to add I was part of the negotiation team on this and it's very pleasant to finally be able to work with the County on these items and come to an agreement.

Councilman Trask stated I will echo that as well. It being my first time on one of these committees and I feel it was very amicable between both parties and an agreement was made that will work for both sides.

Councilman Carson moved to approve the Interlocal Agreement for Police Protection between the City of Ely and White Pine County July 1, 2023, through June 30, 2026. Councilman Trask seconded the motion. The motion carried unanimously.

5. Mayor Robertson – City Treasurer/HR Director Trask – Discussion/For Possible Action – Approval of Interlocal Agreement for Shared Animal Control Services between the City of Ely and White Pine County July 1, 2023, through June 30, 2028.

City Treasurer – HR Director Trask stated it is another contract that worked out well.

Councilman Trask moved to approve the Interlocal Agreement for Shared Animal Control Services between the City of Ely and White Pine County July 1, 2023, through June 30, 2028. Councilwoman Elliott seconded the motion. The motion carried unanimously.

6. Mayor Robertson – Fire Chief Stork – Discussion/For Possible Action – Approval of Mutual Aid Agreement for Fire and Emergency Medical Services between the City of Ely and the Ely Shoshone Tribe.

Mayor Robertson stated the direction had been given by the Council a couple years ago and it took some time to sit down with them. The objective is increasing the amounts since this agreement hasn't been looked at in twenty years with a provision that it has an annual increase. In the summary that was provided in backup documentation you will see the Council proposed to double that and the Tribe countered with an increase to \$9,000.00 and agreed to the increase as well. Leo did a good job with making sure we brought that agreement up to date with modern language and addressing what was actually happening.

Councilwoman Williams-Harper moved to approve the Mutual Aid Agreement for Fire and Emergency Medical Services between the City of Ely and the Ely Shoshone Tribe. Councilman Carson seconded the motion. The motion carried unanimously.

2. Mayor Robertson – Discussion/For Possible Action – Review and acceptance of Programming Report for Ely City Hall Renovation Project by Paul Cavin Architect, LLC.

Mayor Robertson stated just as a precursor, this is the end of phase I of our process. Mr. Cavin interviewed staff twice, we had meetings with the public on what they wanted to see as part of the renovation, and we will go through a bit of that. The objective here is his report outlined our space needs and a loose outline for how we would like to proceed forward with the next phase, which will be producing construction drawings and making sure everything works with getting into the nitty gritty details. What you have been provided is by no means set in stone. I was pleased we are not going to have to build on to accommodate everybody as they have come up with some really creative solutions.

Architect Paul Cavin stated I was hired by the City of Ely to provide this programming report. I had a full design team out there, including a structural engineer, mechanical engineer, plumbing engineer, electrical engineer, as well as myself and we basically went over every square inch of that building and got very familiar with it prior to producing this programming report.

Councilman Carson asked has there been any thought on soil stabilization?

Mayor Robertson stated that was part of the Historic Structure Report. They did a soil test and provided the results of that and some options that will be part of the construction drawings. What I like about the proposal they came up with is it allows for a couple areas that will be historically renovated as they were originally while making our offices more modern and accommodating to business in the 21st Century. What will happen if the Council chooses to approve this report tonight is it will be finalized and turned into the State Historic Preservation Office (SHPO), they will review it, and then we will move on to phase II. Paul Cavin has a very long relationship working with the State Historic Preservation Office (SHPO) and I don't anticipate any problems with their review on that.

Councilman Carson asked after looking at these plans where will Public Works Supervisor Cracraft and all of his stuff go?

Mayor Robertson stated with Mr. Cracraft's promotion he will be located on the second floor and as far as public works equipment the SNPLMA project that will be taking place in the park will be accommodating space for the public works equipment to be stored.

Councilman Carson moved to accept the Programming Report for Ely City Hall Renovation Project by Paul Cavin Architect, LLC. Councilwoman Elliott seconded the motion. The motion carried unanimously.

3. Mayor Robertson – Discussion/For Possible Action – Update on planning for the Nevada League of Cities Retreat to be held in Ely June 8-10, 2023, with approval to spend up to \$4,000.00 from Community Service Funds on the event to augment the League's committed funds.

Councilman Trask stated I would like to disclose I am an owner of Perigo Market and because some of these funds may come to me from catering, I will be abstaining from voting on this agenda item.

Mayor Robertson stated in discussions with the League we have decided not to ask for registration fees from those attending due to them having to travel a distance to our corner of Nevada and we want to encourage attendance. They ponied up \$2,000.00 and most of our events will be donated time so this is to cover any space rental and food. Everyone is paying for their own hotels. In discussion with other council members that are helping to plan this we thought we would ask for up to \$4,000.00 from the Community Service Funds to augment funds from the League to make sure we are a good host to the other cities. We do have thirteen members confirmed with three more that will be coming. We also invited some of our local leaders, and State officials to come out.

Councilwoman Elliott moved to approve spending up to \$4,000.00 from the Community Service Funds on the Nevada League of Cities Retreat events to augment the League's committed funds. Councilwoman Williams-Harper seconded the motion. The motion carried unanimously with one abstention from Councilman Trask.

7. Mayor Robertson –Discussion/For Possible Action – Approval of Collective Bargaining Agreement between City of Ely Fire Department and Operating Engineers, Local 3 July 1, 2023, through June 30, 2025.

Mayor Robertson stated this was a lengthy process, but I think we came up with a good product in the end. As a tangent to the discussion on the contract was also the MOU about the schedule. The Fire Department Union is wanting to go back to the four shifts they were on a year ago, but both sides were able to come to a compromise where we stay on the three-shift schedule, so we don't have to hire two more people. We were able to come up with a different arrangement which got them what they wanted; principally more days off without having to hire more people.

Councilwoman Williams-Harper moved to approve the Collective Bargaining Agreement between the City of Ely Fire Department and Operating Engineers, Local 3 July 1, 2023, through June 30, 2025. Councilman Trask seconded the motion. The motion carried unanimously.

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

1. Council Members – City Treasurer Trask – Public Hearing – Discussion Only – Adoption of the Tentative Budget for the fiscal year ending June 30, 2024, as FINAL. Budget to be submitted to the Department of Taxation pursuant to NRS 354.598.

George Chachas stated in your tentative budget I want to know under the police protection how much the County will be paying and what is specified in the agreement. I also want to know if there is a mandate or provision to provide for a victim's fund for those that have suffered different losses, have not received restitution, and have not been given due consideration by the legal system. There is a lot of selective enforcement, and it must stop.

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

1. Council Members – City Treasurer Trask – Discussion/For Possible Action – Adoption of the Tentative Budget for the fiscal year ending June 30, 2024, as FINAL. Budget to be submitted to the Department of Taxation pursuant to NRS 354.598.

Mayor Robertson asked does the amount we have in the budget for police protection consider a victim's fund?

City Treasurer–HR Director Trask stated no.

Mayor Robertson stated I assume the amount in the budget is based upon the agreement that was approved tonight.

City Treasurer-HR Director Trask stated yes, this worksheet follows through on every fund we have. We try to stick as closely to the budget as possible, but we all know from the past that it sometimes gets changed. Each fund is projected to finish with a decent balance. Revenues are down a little bit, but not as much as I had feared they were going to be, mainly because of the CTX Revenue being down. The road tax has gone down a little bit each year and even three hundred dollars is a huge amount for us in that fund.

Councilwoman Elliott asked will the budget be affected if the Railroad Enterprise Fund is approved to be dissolved?

City Treasurer-HR Director Trask stated no. It is an asset that is in that fund and is just a journal entry to put it over into the General Fund Assets. There is no cash money in that

fund, just a value that was placed. In the budget that you have it shows \$750,000.00 for police protection and I did change that to reflect what is in the Interlocal Police Protection Agreement that was approved tonight to \$764,044.00.

Councilwoman Elliott moved to adopt the Tentative Budget for the fiscal year ending June 30, 2024, as FINAL and for it to be submitted to the Department of Taxation pursuant to NRS 354.598. Councilwoman Williams-Harper seconded the motion. The motion carried unanimously.

B. NEW BUSINESS

1. Council Members – Sheriff Scott Henriod – Discussion/For Possible Action - Approval to direct city attorney to draft an ordinance regulating exotic dancing, sexualized entertainment, adult performances, stripping, and/or nudity within the City of Ely.

Sheriff Scott Henriod stated just to give you a backstory of how this was brought to my attention was one of our local bars held an event where there were strippers involved and unfortunately during the event and alleged crime took place. It was very serious, and we had to send some detectives and officers there to do some investigation. As we were briefing on the crime that was reported to us, we started a conversation about does the City regulate this or does the City issue special permits to allow these types of events to take place. I reached out to City Attorney Cahoon and asked if the City was issuing special events for strippers performing at a bar that holds a business license and a liquor license but no other licensing to my knowledge. Mr. Cahoon informed me the City did not. I started doing some research on how other counties handle this and how it is regulated. We tend to look at Clark County for this type of thing being the entertainment capital they are, and these types of businesses being operated there. They are extremely regulated by city and county ordinances. My conversation with Mr. Cahoon was basically I think the City needs to follow these same guidelines because right now if the Council says just do what you want to do, any business in the City of Ely could have this same type of event whether it is your local grocery store, truck stops, or whatever it is. I think things to consider is the visibility of the events and if they need to have their windows blacked out, do they need security at these events, do dancers need to be licensed, what can be exposed, and locals not participating or touching the professional dancers. My request would be for the City Council to take these things into consideration and work with the City Attorney to provide some type of ordinance within the City to regulate these types of events. What they are doing right now is against the law and a gross misdemeanor for public nudity. The NRS is pretty strict on it and the second offense is a felony, so we are looking at some offenses that are occurring here that need to be regulated.

Councilwoman Elliott asked did you look at other counties in the Nevada?

Sheriff Henriod stated yes.

Councilwoman Elliott asked were they comparable to Clark County?

Sheriff Henriod stated I would say yes, they really talk about what can be exposed, when it can be exposed, a lot of zoning involved, and licensing for the business and dancers. There is quite a bit of stuff out there we can look at.

Mayor Robertson asked, have you had problems prior to this incident the Sheriff's office has been dealing with in relation to these shows?

Sheriff Henriod stated I can't say that we have. We constantly get the scuffles and stuff that goes on, but this is the first one that brought the attention to what is really going on during these types of events. The alleged allegation of the crime that was committed is very serious. As we investigated that we found out it wasn't just the dancers that were performing, it was local residents that were on top of bars and tables participating in clothing removal. We need to get a handle on this and know who is licensed to do this and by what regulations.

Councilman Trask asked can you give me a timeline on the cease-and-desist order and what ordinances we were citing and how this came about to make sure I feel comfortable with that.

Sheriff Henriod stated the timing of the cease-and-desist order was from the first event when we got the report of the crime, and I contacted City Attorney Cahoon and asked him if the City issued special permits for this, and his answer was no. The next day they posted on Facebook they were having two more events back-to-back and I thought wait a minute if the City is not sanctioning this and issuing permits then this is against the law, and we cannot allow this because it is public nudity.

Councilman Trask asked what was the letter that was presented to them?

City Attorney Cahoon stated it is essentially a cease-and-desist that stated the activities they had planned for that weekend needed to be cancelled because of the laws that were cited, and also so we could have this discussion and potentially regulate it to some extent. There are a number of provisions throughout our Code and NRS, as Sheriff Henriod spoke to, that would prohibit this activity. It sounds like there is an interest in not outright prohibiting it but regulating it to an extent and have something specific to our Code that addresses this form of business or activity within the City.

Councilwoman Williams-Harper asked how long is this cease-and-desist and what do we owe this business in telling them?

City Attorney Cahoon stated depending on what happens tonight, if the City does nothing then based on the current Statutes and City Code provisions I would say that this activity shouldn't persist at all in the future. If the City would like to direct me to look at other ordinances throughout the state of Nevada and bring something back to the table to regulate this type of activity, then we can get something done as soon as we can get it passed which is around two months.

Councilman Carson stated I believe we need an ordinance for everybody's safety and guidelines. Did you elude to if we didn't have an ordinance then anyone could do this such as the gas stations, but it is illegal right now because it is public nudity right?

City Attorney Cahoon stated there are Statutes and City Code provisions that suggest that type of behavior is not allowed within the City. For example, Code 5-1-16 is entitled prostitution, but encompasses this type of behavior as well. It says no person in the City shall commit any act of prostitution or other elude or illicit act and then it goes on to state what can and can't occur. It talks about having that type of business outside the brothel district.

Councilman Trask asked do we actually have zoning for that.

Mayor Robertson stated correct me if I am wrong, there is no zoning as it relates to the building zoning; we regulate that through our business licensing system.

City Attorney Cahoon stated there is a definition for adult entertainment zone, but there hasn't been a designated zone for that, but under this same provision that I just cited to you it does specifically say to the brothels that they can only be within the block they are located in now and gives the dimensions of where that activity can occur within the City.

Mayor Robertson stated previous councils were allowing this under the assumption that entertainment was part of their business license with this business in particular and were allowing it?

City Attorney Cahoon stated I don't know what previous councils were allowing or disallowing. It was my understanding that previous cease-and-desist orders had been sent, but I can't speak to that one way or the other.

Councilman Trask stated I agree we should go through with this, but with it being two months out before it is in effect, I would like to give the business owners some direction

because I can see why they felt blindsided by this. They have been operating under the assumption that it was okay. It sounds like we just had our first major incident, and the cease-and-desist order doesn't sit well with me, but that is not what is on the agenda.

Sheriff Henriod stated the only issue is until you have a City Ordinance, it is illegal so it doesn't matter if there is a cease-and-desist order in place you still can't do it. Once a crime is reported we can't turn a blind eye. We are not reinventing the wheel so there is a lot of material we can pull from and deliver it to the Council to hopefully come up with a good ordinance that is pleasing to everybody.

Mayor Robertson stated just to be clear the cease-and-desist order was just for the event; the business is still operating.

City Attorney Cahoon stated to minimize confusion it would be my hope that all sexualized entertainment be halted until something is put in place, or we have a clear guideline of what is and what is not allowed.

Mayor Robertson stated I think there is a difference between someone that has gone to a bar dressed in a certain way versus someone that is paid to remove clothing whether or not it results in nudity in a suggested manner.

Councilman Carson moved to direct the city attorney to draft an ordinance regulating exotic dancing, sexualized entertainment, adult performances, stripping, and/or nudity within the City of Ely. Councilwoman Elliott seconded the motion. The motion carried unanimously.

8. Mayor Robertson – City Attorney Cahoon – Discussion Only – FIRST READING: Ordinance 749, Bill No. 2023-03, proposed ordinance establishing City Council's option to assign to the Public Works Director a supervisory role over the Water/Sewer Department, Wastewater Treatment Plant, Landfill, and Animal Control.

City Attorney Cahoon stated I have included Water/Sewer Department, Wastewater Treatment Plant, Landfill, and Animal Control to be under the supervision of the Public Works Director.

Councilman Carson asked is Streets in there as well?

City Attorney Cahoon stated did I miss one? I believe it is in there.

Councilman Carson stated I just wanted it on the record because I was asked that tonight before the meeting, but I believe it is in there.

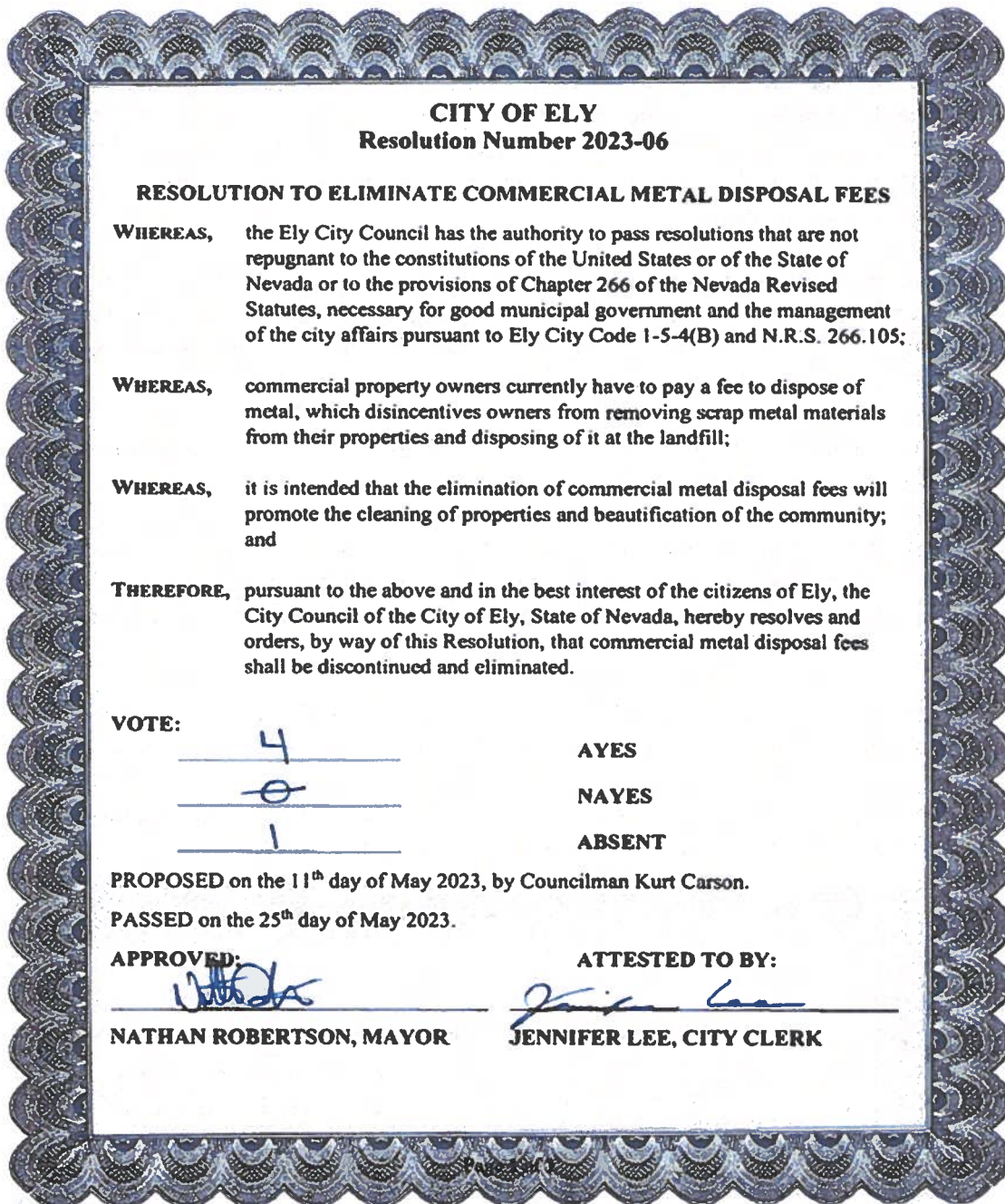
City Clerk Lee stated it states repair and maintenance of the streets.

City Attorney Cahoon stated I will make that small change to bring back for the next reading.

9. Mayor Robertson – City Attorney Cahoon- Discussion Only – FIRST READING: Ordinance 750, Bill No. 2023-04, proposed ordinance updating and amending Title 1, Chapter 6, Section 1(E) of the Ely City Code increasing appointed official salaries.

City Attorney Cahoon stated this is codifying what the Council decided previously.

10. Councilman Carson – Discussion/For Possible Action – Approval of Resolution 2023-06 to Eliminate Commercial Metal Disposal Fees.



Councilman Trask moved to approve Resolution 2023-06 to Eliminate Commercial Metal Disposal Fees. Councilman Carson seconded the motion. The motion carried unanimously.

11. Councilwoman Elliott – Public Works Supervisor Cracraft – Discussion/For Possible Action – Approval to use up to \$10,000 in Community Service Funds for weed treatment.

Public Works Supervisor Cracraft stated Kurt turned me on to the Eastern Nevada Landscape Coalition (ENLC) which will give us another \$1,000.00. We just want to get ahead of the weeds this year.

Councilman Carson moved to approve the use of up to \$10,000.00 in Community Service Funds for weed treatment. Councilwoman Williams-Harper seconded the motion. The motion carried unanimously.

12. Councilman Alworth – Councilwoman Elliott – Discussion Only – Update on Porter Group efforts on the City of Ely’s behalf to secure federal and State funding.

Mayor Robertson stated I did get a call from Senator Rosen, and she and Senator Cortez-Mastos are very excited to support all four projects that we proposed.

- 13. Councilman Alworth – Discussion/For Possible Action – Approval to request White Pine County Manager to attend the June 8, 2023, City Council Meeting to provide an update on the White Pine County housing projects on 17th Street and Park Avenue.

Mayor Robertson stated Councilman Alworth requested this item to get an update on where these projects are going. I know we have had some questions and bureaucracy around those in the past as they relate to City Code. I did talk to County Manager Wheable a few days ago and he said he doesn't know if he has a lot to update on and he's frustrated with the slowness of the project as well but would either come or send someone to the meeting.

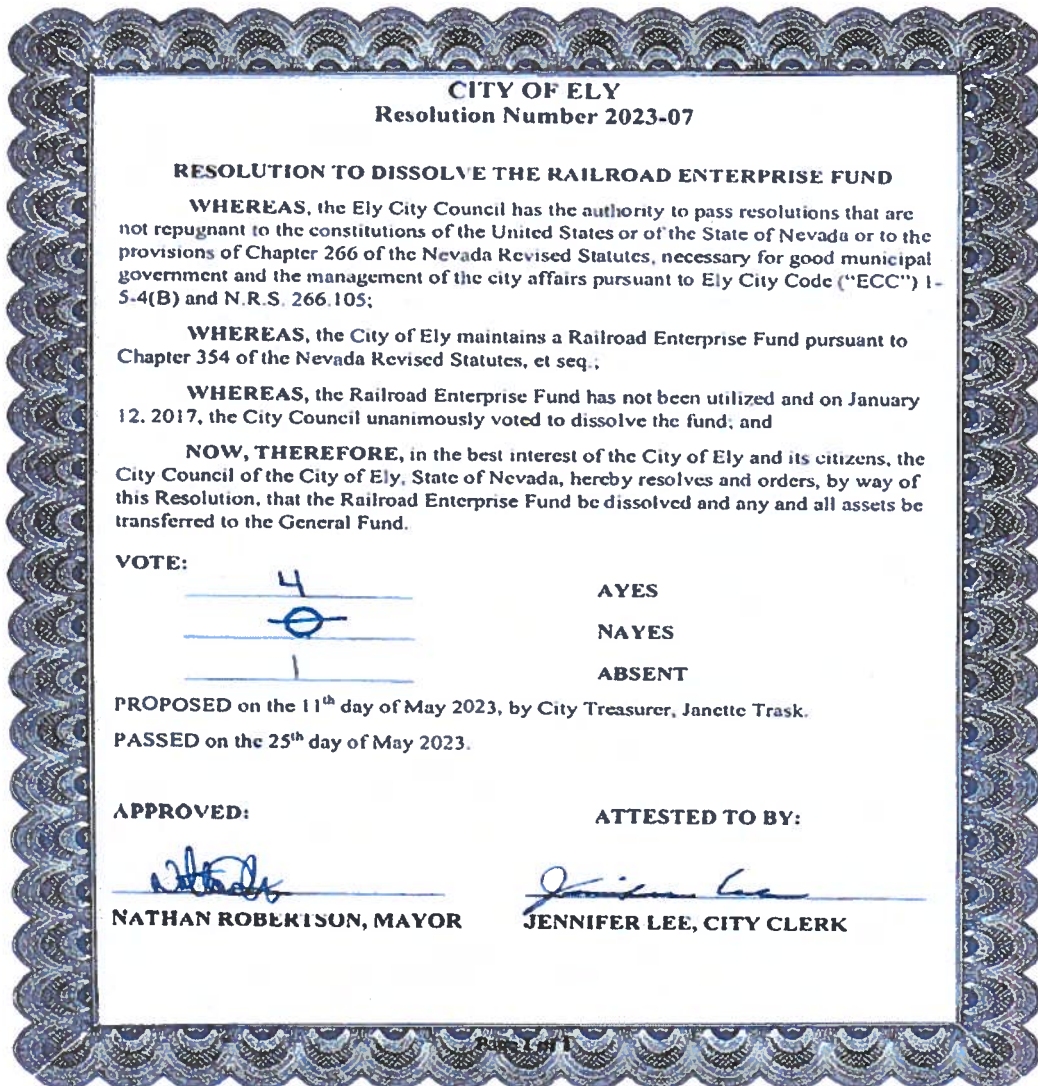
Councilman Carson moved to approve a request be made to White Pine County Manager to attend the June 8, 2023, City Council Meeting to provide an update on the White Pine County housing projects on 17th Street and Park Avenue. Councilwoman Williams-Harper seconded the motion. The motion carried unanimously.

- 14. Council Members – City Treasurer Trask – Discussion/For Possible Action – Approval of 2023 Debt Management Policy.

City Treasurer-HR Director Trask stated this is updated on a yearly basis to be sent to the State, so they know we are keeping up on our debt and how we manage it. We have paid off all of our loans except for our water and sewer bond and they are no longer included in this.

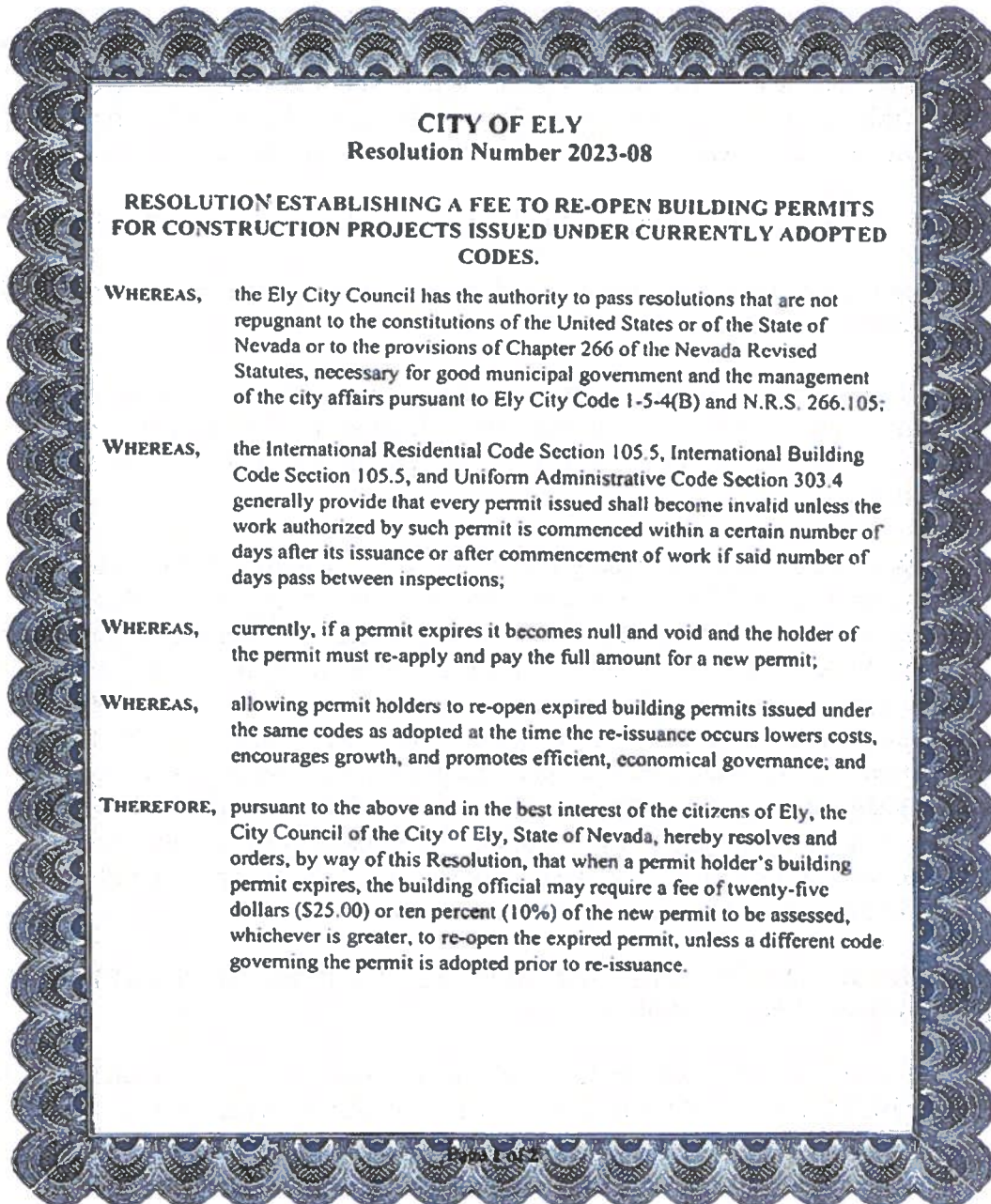
Councilwoman Elliott moved to approve the 2023 Debt Management Policy. Councilman Trask seconded the motion. The motion carried unanimously.

- 15. Council Members – City Treasurer Trask – Discussion/For Possible Action – Approval of Resolution 2023-07 to Dissolve the Railroad Enterprise Fund.



Councilwoman Elliott moved to approve Resolution 2023-07 to Dissolve the Railroad Enterprise Fund. Councilman Carson seconded the motion. The motion carried unanimously.

16. Council Members – Building Official Peterson – Discussion/For Possible Action – Approval of Resolution 2023-08 Establishing a Fee to Re-Open Building Permits for Construction Projects Issued under Currently Adopted Codes.



City Building Official Peterson stated I did some research and settled on something that wasn't overly punitive and not overly forgiving to help and encourage folks.

Councilman Trask asked what if they are waiting on a contractor?

City Building Official Peterson stated you can extend your building permit for free. All you have to do is give us a notice in writing and a reason. I just didn't have a mechanism to re-open them without full charges.

Councilman Trask moved to approve Resolution 2023-08 Establishing a Fee to Re-Open Building Permits for Construction Projects Issued under Currently Adopted Codes. Councilwoman Elliott seconded the motion. The motion carried unanimously.

9. PUBLIC COMMENT

Janet Shoemaker stated what I gather is the cease-and-desist order was based on something that doesn't exist. Is that correct?

City Attorney Cahoon stated no, as of right now that activity is not permitted in the City.

Janet Shoemaker stated since when?

City Attorney Cahoon stated I don't know what previous administrations did. It is my understanding that there were previous cease and desist letters sent, but I can't confirm that.

Janet Shoemaker stated the only thing she was ever told was to black out the windows and anyone that goes in there knows they are going to see the guys or gals dancing. They have to pay twenty dollars at the door and there is someone at the door making sure there are no minors there. To me this is really unfair with the timing of it being two hours before the show. She has been doing this for twenty years. The allegation you are talking about.....

City Attorney Cahoon stated I would ask that you not speak about any specifics on that case.

Janet Shoemaker stated I feel like you shut us down on something that has not been proven and I thoroughly believe it is not true.

Mayor Robertson stated to be clear this business did not get a cease-and-desist order because of the investigation. They got a cease-and-desist order because the City does not have any regulations that allow this kind of event. If you have specific questions, I encourage you to talk to the City Attorney.

George Chachas stated I have an ongoing concern of selective enforcement. I happened to be driving on Avenue C on May 22nd and I saw a woman taking off her top and that person didn't have a business license or black out curtains. At the last Regional Planning Commission (RPC) meeting, Shane Bybee was given a variance that is a conflict with minimum setbacks. Rules must be the same for public officials as required by those they serve. I am concerned about the solar project that was presented by Silicone Ranch. The solar panels will create thermals that may affect aircraft and possible cancellation of the gliders that have been coming in for years. Mr. Chachas stated ongoing concern regarding his request for any correspondence to City Clerk Lee about her fence encroaching on City right-of-way and impeding handicap access; his request for a complete list of RVs permitted in the City of Ely and if they are paying utilities; and the one foot drop off in his parking lot located at 710 Avenue G.

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

Councilman Carson moved to adjourn the regular meeting of the Ely City Council at **6:18 p.m.** Councilwoman Elliott seconded the motion. The motion carried unanimously.



MAYOR



ATTEST