



CITY OF ELY

501 Mill Street Ely, Nevada 89301

City Hall (775) 289-2430

Cityofelynv.gov

ELY CITY COUNCIL REGULAR MEETING

June 22, 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
Councilman Kurt Carson
Councilwoman Samantha Elliott
Councilman Jim Alworth
Councilwoman Jerri Lynn Williams-Harper (Zoom)

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

City Treasurer/HR Director Janette Trask
City Attorney Leo Cahoon
City Public Works Supervisor Mike Cracraft
City Fire Chief Pat Stork
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 below) and the following persons attended via video conference: Geri Wopschall, Mary Kerner, Burton Hilton, Nora Tadic, Tyler West, Carol Ruth Silver, and Kathleen Marich.

ELY CITY COUNCIL ATTENDANCE LIST

DATE: June 22, 2023

Print name below

Josh Lieberman
Chad Brown
William Brown
Carolene McIntosh
Sandy Moreno
Benjamin Moore
Kerri Pintar
Stefanie Weyrold
Jason Weyrold
Shadene Tracey
Mei VanCamp
Michael Green
Noranna Vargas
Mark Schramm
Bill Wolf
Jerese Cepichard
Tim Vickrial
Sally Gist
Bryan Reed
Anne Kellogg
Michael Couch

Print name below

C. Quinn
Jeff Robinson

2. PUBLIC COMMENT

Please think about the following when considering the fate of the Pine West Development project.

- If you require a 40 room motel next to our residential neighborhood you are possibly adding 40-80 new residents. The smaller motels seem to be the place for long term living. The motel would be open 24/7 with a greater traffic pattern and increased noise level at all hours. There is one resident has has an established shop where on a regular basis is working on projects that may offend or wake up patrons of said motel. Does he has to stop his activities because someone is trying to sleep during the day?

The new proposal to limit the number of slot machines to 40 is still less than the license that Love's has, allowing them 50 slot machines.

- WHAT HAPPENS IF THIS PROJECT IS DENIED?

- The contamination in the vacant lot on Ave D remains. There is no record to be found of a complete cleanup .There are even monitoring wells at the dump because the initial removal of debris caused contamination on site. At that time, the well on North Street was effected, not being able to be used. The starting cost to core sample this lot is \$70,000. This does not include excavation of any removing hazardous material. How long will this be allowed to remain unknown? Who else would be willing to spend this kind of money to clean it up? No one wanting to build a home here would be able to do so.
- The vacant lot on Ave E remains. This is a dumping site for concrete and other construction materials. The sewer line is so deep and so close to Ave E that tying into it would require special equipment, special permits, and will intrude on Ave E and the neighboring residential property. No one wanting that property could afford to remove the debris or tie in their sewer line. This has already happened. A potential buyer had to back out of a deal to buy this lot once everything was disclosed.
- The eyesore that is the Great Basin Inn remains. For years the city has allowed the blight to develop. The current owners have no intention of making improvements. They wish to sell and all of their other properties in this neighborhood. Only one developer has agreed to purchase all of the problem properties.
- The Bon Aire RV remains. The large empty building remains. The owner has no intention of making improvements. There have been so many recent break ins to this building the storage rentals are being eliminated. The copper wire has been stolen from this building.
- The issue with the drug activity remains. The issue with the homeless/hitchhikers remains. The blight tells people that no one cares or pays attention. We attempted to get a crime record for this area. The Sheriff office gave us a web site to go to but there isn't anything that breaks down the numbers.
- **WHAT HAPPENS IF A PROPERTY OWNER JUST UP AND LEAVES OR PASSES AWAY?**
How many more years will this neighborhood be this way?
- Thank you for considering the long term impact of allowing this pattern of neglect to continue.

Sandy Moreno, effected neighbor

Bryan Reed with Reed Incorporated stated I am in support of Ordinance 751 Bill 2023-05 as it was updated on April 27th and as discussed today. I appreciate the great job done by our Tourism and Recreation Board and other business and community leaders to bring tourism to the area. This Ordinance helps to increase the number of hotel rooms available thereby increasing the people that can come and stay longer. It gives the Tourism and Recreation Board more and potentially bigger events by increasing the number of people that can come and stay. There is talk that this Ordinance is slowing growth in the community. However, I see growth in retail going on with this Ordinance in place. Ridley's just built a new Beans and Brews coffee shop in town without having to change this Ordinance. I understand Golden Gate just got permitting to build a new convenience store with a car wash in town. I'm not excited about that personally, but they got that approval without changing this Ordinance. The Woywods also got approval to build a new casino without changing this Ordinance. I believe this Ordinance is valuable to the growth of our community. I encourage you to vote for this Ordinance that is being discussed tonight.

Caroline McIntosh stated I am here to address the agenda items regarding the proposed project by Pine West. I want to express my appreciation to Josh Liebermann from Pine West for reaching out to me to address my questions. During the conversation Mr. Liebermann indicated a traffic study had not been done for the proposed project on the busiest intersection in our City. In working with NDOT I would think a traffic study would be one of the first things to be done. If Terrible Herbst's is going to lease and run the project, why isn't a representative from Terrible Herbst's at this meeting? The Council has twice voted to represent the overall needs of the

community by requiring lodging. The shortage of lodging has been identified in every study to diversify our economy through hospitality. Lodging drives the spending in gas station, restaurants, gaming establishments and all other businesses and services in our community. Another gaming facility or coffee shop does not produce the multiplier effect that lodging does. A conservative figure of annual room tax is generated with just an addition of forty rooms is a minimum of \$167,000 a year in which is divided out to many organizations, including the City which would be \$27,000.00 minimum. We all want the blight cleaned up; I couldn't agree more with Mrs. Moreno. The current owners of these properties have failed to maintain these properties. The proposed project by Pine West is welcome as long as it includes the requirement of lodging rooms. How many times will this agenda item come before the Council? The other new projects in town in which Mr. Reed referred to have purchased the land and applied for the needed variances and made a large financial commitment to our community. Pine West has expended no money on buying properties and would like all the concessions and more before they invest any money. Please respect the decision from the previous Council which Mr. Carson was on and the current Council by requiring Pine West to follow the Ordinance.

Anne Kellogg with the Hotel Nevada stated a friend of mine told me to let you know that I live at Fairview Lane, before that I lived on Clark Street, and before that I stayed at the Grand Central Hotel until our house was ready. I am a resident of Ely in all ways that someone could be a resident. I am here on behalf of myself, my family, The Hotel Nevada, Four Sevens, Grand Central, Eagle Junction, Fireside, and we have several residential and commercial properties. I have already sent back my comments on the Business Impact Study and just wanted to say I have a strong opinion in that you should stick with the April 27th decision that reinforced the original ordinance in 2017. My husband and I are in the lodging business, and we know there is a huge demand for lodging and have known that for years. My dad that died in 2020 was partners with Burt Woywod for thirty years and they knew we needed lodging. We are hyper aware we need lodging and not gas stations. You could argue that Love's has a lodging component with all the parking spaces they have, and a lot of those trucks stay overnight. We are not a gas and go, but a destination and we are trying to create that. I have had a cool month in Ely as I attended the Schellraiser event and it was amazing, today I went to a tree presentation you are working on for downtown, I met a friend at the Nevada Northern Railway Museum for coffee and she is on her way to the Great Basin National Park after spending the night here. People will come here and stay if you give them a place to stay. Anything more than sixteen machines is a casino and the people proposing what they are proposing know that.

Stefanie Woywod with the Prospector Hotel and Gambling Hall stated I would like to thank the Council for standing by and supporting our local businesses in town. It feels like we are all in a bit of a hamster wheel right now. In response to item number two we truly appreciate the previous City Council votes and the current Council votes to uphold these ordinances. Despite some of the inflammatory remarks made online about our upcoming projects; our compaction, environmental, and soil tests have come back perfect, green, and clean. We are rocking and ready to roll and we are so excited about it. B.J. and Buzz with Basin Engineering have been pushing everything forward on our gorgeous apartment complex and the casino with tons of rooms to meet this desperate housing crisis that we have here in town when it comes to travelers. We just wanted to say thank you, we appreciate you guys, and let's get off this hamster wheel and move forward.

Burton Hilton stated I would love to see both of those blocks redeveloped, but at what cost. Anyone will agree they are in poor condition, but the entire project seems to be shoved down the entire community and Council's throat. First, they wanted the street and alley abandoned, then they wanted the zoning changed; all this without ever purchasing a single parcel of land. The Council and Regional Planning Commission (RPC) have been accommodating by conditionally approving both of those and now they want the room requirement to not apply to them. The Council was again accommodating to them by lowering the fifty-room requirement to forty, but it never seems to be enough. I am not an engineer, but the grade of the two properties seems like a large hurdle to overcome and so if the Council were to grant this waiver, I would hope the Council would impose a very large bond on the developer, so we don't get stuck with empty promises and a torn-up part of the City. The proposed project has a paid or self-appointed spokesperson muckraking on Facebook whose goal seems to be causing hate and discontent. I

have never seen Facebook posts on a Council agenda. Do hearsay and keyboard warriors decide the fate of our community now? There are three other large projects that are in motion, and it hasn't been this hard because they are all following the established rules. According to the Terrible's website they have one hundred and seventy-six fuel stations and only six taverns and six casinos: that's 3.4% of their properties. This shows they don't need a casino to be able to function and be a profitable business. The Business Impact Study on your agenda shows ninety two percent of the respondents are in favor of keeping the compromised room requirement of forty rooms for anyone that has more than sixteen slots. I urge you to vote against people making demands, hearsay, and especially muckrakers.

George Chachas stated on your agenda item 6B-3 you are to consider Ordinance 751 requiring forty hotel/motel rooms for those that intend to operate sixteen or more slot machines; that needs to be passed. Only through property and room tax will there be a substantial benefit to our community. We have old and new gaming properties that have made a positive commitment. Not one hotel or motel objected to anyone's licensing as long as they have made the same commitment as others have made. On your agenda item 6B-4 you are considering requesting an appraiser for land for sale or lease of City property and that needs to be denied. The City has no business competing against the private sector when there is property available now. On your agenda item 6B-2 you are to consider the acceptance of a business impact study and the regulations that have been set need to remain the same. The Council should not be revising regulations because one person or one business wants tailored regulations to suit their ambitions. On your agenda item 6B-1 you are to review Facebook posts. This is a waste of time. Those people could have attended regular meetings, received proper information, and not speculation. It appears most of the posts are generated by one person.

Kerri Pintar
1417 Mill Street

New Business #1 – Facebook Posts. I am not a fan of social media for a multitude of reasons and as such I do not personally participate in any platform across the board. For those who try and educate the community on Facebook there are far more who use it to drag us down with negativity, often causing more questions than answers. I find the opportunity to come before these boards and speak is where the real impact can be made and should be going forward. While I understand it's scary to speak up and expose yourself to the vulnerability and criticism which is likely to follow, more on that later, the proper place to raise your voice is in the public comment forum; however, I commend Councilwoman Elliot for calling these posts to your attention.

New Business #'s 2 & 3 – Business Impact Study and Amending City Code. Your impact study is misleading as it appears only 25 letters were sent out to current and prospective business owners, and as such, less than half responded to the survey. Of those who did respond, there was an overwhelming number opposed and just one in favor, however, the larger picture is more than 50% did NOT respond. How was the sampling determined? Were like businesses (i.e. the competition) the ones who were asked their opinion? I would assert an impact study should include a much larger sampling as there are currently over 550 business licenses in the City of Ely. Who determined these 25 represented the "suitable" sampling?

You have another opportunity tonight to do the right thing, free of threats and intimidation from local casino owners, and pause action on the proposed change to Ordinance 751. It was my understanding that

Pine West was coming back before this board with another proposal and we should hear them out before changing the code to satisfy what is essentially for the benefit of one casino owner and one potential developer...and I say potential because the 50 million dollar development proposal is just that...a proposal . They do not have the required zoning to proceed with their additional grandioce 300 luxury apartments which I will again remind you are going to rent for \$2000 a month or more for a one bedroom. Please let this die for lack of a motion until Pine West comes back to the table.

Finally, agenda item #4 - Appraisal Request. I would again caution you about getting into the real estate business even though I am the first to admit we desperately need “affordable” housing in our community. I attended the County Commission meeting last week to hear the update from Sumrall on the Park Avenue project and personally demanded JCR be asked to receive equal treatment from the commission and present a progress report on the 17th street housing project; it has stalled long enough...as has the duck pond, Caylor Park, Ruth Mining Park, etc. I would invite you all to join me in attending their next meeting on Wednesday, June 28th at 10:30 a.m. when Casey Jones of JCR will be present to provide an update on why he has not fulfilled the terms of the agreement he entered into on May 11, 2021 to provide desperately needed housing. Perhaps had he followed through with his commitment, I wouldn't be having the unpleasant prospect of 5D and Woywod's proposed 400 LUXURY apartments out my front door on Bell Avenue. Thank you 😞

Pat Robison stated I am here to address item one under New Business. Facebook posts should never be brought to a council meeting and put on the agenda. If there are people that want to complain they need to follow correct protocol by coming to the meeting, writing in, or calling in to be heard. I am requesting that item one be taken off the agenda. I have seen these comments on White Pine Talking and most of them are from new residents that have moved here and people that do live here and haven't attended the meetings. Therefore, they don't really know all the details and are going by hearsay. A lot of people move here for the small-town charm; some really love it and some just complain constantly. One thing I want everyone to remember is that Ely was selected as the number two small town in the country to visit. Ely does want new businesses, but remember quality is much better than quantity and that is why the Council that I was on previously voted unanimously for the ordinance to be put in place requiring hotel rooms to protect what kind of casinos we would have in Ely, and not have slot parlors. I see Pine West as kind of a bully that has rolled into town wanting the City to abandon a City street, uproot a neighborhood in a residential area, and change the zoning from residential to commercial. What will happen to the people's homes in the RV park and where will they go? Pine West, are you going to place them on some land you have bought or find them a home? They are important too. Do we really need another gas station, convenience store, or coffee drive throughs?

Monte Schramm stated I am one of the new residents she is talking about. We have been here a couple of years and we moved here for the small town. We like the small town, but we also watch the four or five families that control the small town, and it's not good. Saying that a truck stop that has room to park trucks makes it a hotel. How does that benefit the community and how do we get taxes off of that? Saying that we don't need another place to eat. I am not saying everything is good but stating when someone buys something they have to provide somewhere for the old tenants to go is a little ridiculous. I think the town needs to grow and it needs to grow smart, but I don't know if growing smart is every place that comes in has to have fifty hotel rooms. I don't know the answers, but I do know we need new and need to clean up all these places and get some new places in town. If this is a start then it is, you guys make that decision

and all we can give you is input. My input is let's get some new blood in town and make it a nicer place.

Teresa Ciciliano stated on the Facebook comment, some of us actually work until six. I had to clock out early to come here and took a hit on my paycheck. Some of us use Facebook to interact because we can't physically be here.

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

Mayor Robertson stated I would like to let the Council know on item B-9 we did not get any bids on that so we will be removing that item unless there are any objections.

Councilman Alworth stated in respect to Councilwoman Elliott I would like to remove item one under New Business from the agenda. I agree Facebook does not belong on a city council or in any governmental meeting as it is just written hearsay in my opinion.

Councilman Alworth moved to approve the agenda with removal of items one and nine under New Business. Councilman Carson seconded the motion.

Councilwoman Elliott stated I would like to keep item one. The point of item one was to point out the other side of the coin. We do have a lot of opposition, but there is a community of people that are in favor of growth. I am not saying we need to go through every comment as it is all on White Pine Talking, but it was to point out in general that there is another side that needs to be looked at in the grander scheme of things.

Councilman Alworth stated thank you, I just counter in that they are welcome to come to this meeting or if a group gets together, we can make arrangements to have a community meeting or a town hall meeting at the convention center.

The motion carried unanimously.

4. CITY DEPARTMENT REPORTS

➤ **CITY ATTORNEY**

City Attorney Cahoon stated I just wanted to mention the City owns and leases property at the Georgetown Ranch and it came to our attention there is a significant white top weed issue there. I did send a letter to the lessee and gave him fifteen days to correct the issue. He did call me and stated he would be on top of it as soon as possible.

➤ **CITY CLERK**

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



CITY OF ELY

501 Mill Street Ely, Nevada 89301
City Hall (775) 289-2430
Fax (775) 289-1468

REPORT

DATE: June 21, 2023
TO: Mayor Robertson and City Council Members
FROM: City Clerk Jennifer Lee *Jennifer Lee*

As I will not be attending tomorrow night's City Council meeting due to a visit from out-of-town family, I am providing the following report.

GRANTS

1. The City's Central Ely Sewer and East Ely Water earmark cost-share waiver requests are under consideration; our EPA project officer has assured me she will email updates as she receives them.
2. We received no bids yesterday for the Trap Club's Hunter Education building due to equipment manufacturers not providing prices to the vendors used by prospective contractors; a second bid invitation will be released later, which will be paid for with the NDOW grant. Therefore, I'm requesting Item 6B (9) be removed from tonight's agenda.
3. I have been working with the BLM to draw our Green Up grant, as our funding hasn't been transferred yet to ASAP.gov; we are requesting a reimbursement of \$8,075.71, which is from September 28th last year through May 20th for large residential items.
4. I prepared for the Governor's Office of Economic Development (GOED)'s regular site visit June 12th; they audited records for 6 CDBG grants and were happy with the results.

TRAINING

1. I attended CDBG grant application and administration training last Tuesday here at the library; GOED will notify us of our LMI status as the State Demographer's Office has had turnover.
2. Janette and I attended Local Government Finance Training put on by POOL PACT in Elko last Wednesday; it was very beneficial, and Janette is arranging similar training for the Council next week.

BROADBAND

1. I emailed Commnet today for a completion ETA of the City's wireless area network.

COMPLAINTS

1. Public Works abated 1075 Avenue D last week and an Intent to Lien Notice has been sent certified mail to the owners for cleanup costs. To date, my office has received 27 complaints this year; 14 of those complaints remain active. There is 1 remaining complaint from a prior year for a total of 15 active complaints.

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

➤ **CITY PUBLIC WORKS SUPERVISOR**

City Public Works Supervisor Cracraft stated I just want to inform you the pumps for the lift station have been ordered and with B.J.'s help we have sent out six packets to contractors for installation. To follow up on Leo's comments, Tri-County Weed and Pest has been hired and have started to spray City property with white top and noxious weeds. If you happen to see any City property that needs sprayed that I may have missed, please let me know.

Councilman Alworth asked what is the estimated delivery on those pumps?

City Public Works Supervisor Cracraft stated they were ordered three weeks ago, and it was six to eight weeks for delivery and the packages for the contractors have to be in by July 15, 2023.

Councilman Alworth asked how are the road repairs going such as the durapatching and so forth?

City Public Works Supervisor Cracraft stated very well. We have a man bringing equipment to do a scrub seal and putting a chip seal over the top of it. We will be doing 12th, 13th, and 14th Streets from Aultman up to Avenue M on the 29th.

Mayor Robertson asked how did the trip to Texas go for our Street Leadman?

City Public Works Supervisor Cracraft stated it went well, but there are some mixed feelings on it. We are having a meeting next Tuesday if you would like to be a part of it and hear input from Martin Trout from the County and Mike Sturgeon from the City.

➤ **CITY BUILDING OFFICIAL**

City Building Official Peterson stated The Golden Gate permit is approved to issue as far as the Building Department is concerned. We are still waiting for them to address some of the mitigation issues. I don't have the statutory authority to hold up their building permit

based on things outside of the general building permit. As far as mediation I am working on vacant lots on High Street near the brothels and trying to get some of that stuff cleaned up. I have had a little bit of success, but what I have run into is the ordinance allows for outdoor storage of construction materials. You are just not allowed to store it in such a manner that it harbors rodents, insects, snakes, and those kinds of things; it is very ambiguous. The County officially doesn't allow any outdoor storage of construction materials and I would advise the City look into a similar restriction along those lines so that it is clear.

5. REPORTS

➤ COUNCILMAN ALWORTH

June 22, 2023

Report from Councilman Alworth

Kudo's to NDOT for getting the traffic lines repainted on Aultman and Great Basin Blvd before the 4th of July holiday. Now if they could repaint or better paint the "bumper car" intersection at Great Basin and Aultman to hopefully direct traffic safer.

Senator's Catherine Cortez Masto and Jacky Rosen recently announced the Dept. of Interior has provided the State of Nevada \$31,196,044 under the Payments in Lieu of Taxes (PILT) program for rural counties in Nevada for fiscal year 2023. White Pine County's share is \$1,456,109, an increase of \$97,451 over fiscal year 2022.

The PILT payments began in 1977 because local governments cannot tax federal lands, annual PILT payments are intended to help local governments carry out vital services, such as firefighting, police protection, construction of public schools and roads, and search and rescue operations.

My reason for bringing this announcement to this meeting and for the public's information, is because it is my belief, that White Pine County should report how these funds, over the years, have been allocated within White Pine County and yes, the City of Ely is part of the County. Former County Commissioner Steve Stork, up and to the time of his unfortunate passing, was expressing great interest in the "fair sharing of this funding" with the City and outlying Towns and Boards. The School District should also be interested in how these funds are being spent.

The current City staff was made aware of PILT payments last year by me and the staff should be more aggressive in having the County share funding from the PILT payment to offset the use of General Fund revenues to pay for Police Protection and providing Fire/EMS services currently under contract for runs outside of the City for White Pine County residents. Recent renegotiations between the County and City, for Law Enforcement protection, will cost the City an additional \$59,044 from the General Fund for the upcoming fiscal year with a built-in increase for the next several years. This could have been paid for with PILT monies during the negotiations. The City Fire Dept., through contract negotiations with the County receive \$185,000 from the County yearly to provide Fire/EMS for runs in the County. The budget for the City Fire Dept. for the next fiscal year exceeds \$1.4 million dollars. PILT funding can and should be applied to offset some of these costs.

White Pine County should investigate providing some additional funding using PILT funds for their County Fire Depts to boost and maintain the wonderful and dedicated Fire Departments they once had in past years.

➤ COUNCILMAN TRASK

Councilman Trask stated I just want to report I spent the last week in Elko coaching Little League All Stars and we were fortunate enough that our nine- and ten-year-olds won District 3 and they are going to State the middle of July. This weekend Ely is hosting the Little League softball District 3 Tournament.

➤ MAYOR ROBERTSON

Mayor Robertson stated I would like to report that the State of Nevada did receive the RAISE Grant by the federal government. I believe it was about \$24 million to do our main street here. We appreciate the help from our congressional delegation on that. We are going to have some exciting projects coming to White Pine County and Ely in the next few years.

6. 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.

Councilman Trask stated I would like to disclose I have a vested interest in part of the bills, but I feel I can vote in the best interest of the City.

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

MOTION: Move to approve the Consent Agenda item 6A-1 Minutes and 6A-2 Bills

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

1. Discussion/For Possible Action – Minutes.
 - May 11, 2023
2. Discussion/For Possible Action – Bills.
 - June 8, 2023
 - June 15, 2023

B. NEW BUSINESS

2. Mayor Robertson – City Attorney Cahoon – Discussion/For Possible Action - Acceptance of Business Impact Study regarding proposed rule to amend Section 3-5-13 of the Ely City Code requiring gaming license applicants who intend to operate 16 or more slot machines to have 40 hotel rooms; determination of whether the proposed rule imposes a direct and significant economic burden or directly restricts the formation, operation or expansion of a business; and consideration and possible implementation of methods or amendments to reduce the impact of the proposed rule on prospective and established businesses.

Mayor Robertson asked City Attorney Cahoon could you give a quick rundown for the Council how those went out, who they went out to, and why they went out to those people?

City Attorney Cahoon stated the NRS only requires the City to send notice to businesses and trade associations that are likely to be affected by the proposed rule. Essentially, we sent it to everyone that is currently running a gaming operation or likely to run a gaming operation, which would have been Pine West at this point. The City only had knowledge of Pine West bringing this type of business to the City. Letters were sent out, they were given fifteen days to respond, and we have the results of those who responded here tonight.

Mayor Robertson stated in consultation with the City Attorney prior to this meeting the way this needs to work is the Council needs to acknowledge the findings for the record and then have a conversation for remedies for those affected, if there are any. As I stated prior to public comment if there are respondents with us tonight that would like to further comment on the impact of this possible ordinance we are working on, we will allow that now.

Josh Lieberman with Pine West stated I appreciate your time and everything over the past year in trying to move this project forward. I will be brief in walking through where we have been, what we have done to get to this point and what we are willing to compromise to continue a project that makes sense for this area of town. We spent the last year or so getting four various property owners under contract; going through due diligence in getting survey, title, initial environmental site assessment; and we have additional environmental work for lead, asbestos, ground soil, and ground water contamination which is in our next set of due diligence. It is a lot of work to get done in that area for

four acres. When we started last year our plan included truck fueling. We talked with residents and neighbors and found out this is not a good area of town to have it as we have Love's on one side of town and Golden Gate going in at the other end of town. We worked with our tenant, Terrible's, to make the project feasible without the diesel islands. We understood the necessary needs of more restaurants and more places for entertainment. We looked at a 12,000 square foot building earlier this year that would have a potential of up to one hundred machines. We heard all the voices, and we are trying to listen and reflect on all the comments from stakeholders to redevelop this portion of town. We have come with a revised plan that is only a 6,000 square foot tavern and restaurant with forty machines. It would be the least number of machines in town. Love's holds a license for fifty machines. I think this development is great for the area as between the three businesses we are going to add close to \$6 million in revenue and an additional forty to fifty jobs. It will generate approximately \$200,000.00 in taxable revenue to the County which is passed to the whole municipality.

Mayor Robertson stated I am guessing Pine West was the one opposed response that came back on the Business Impact Study. If this goes into effect the way it is written, how does that impact your proposed business?

Josh Lieberman with Pine West stated it kills the project. We have said for a year we can't build hotel rooms. It is not economical. It is not what we do, nor does our tenant. We have made it clear this is what we can deliver.

Councilman Trask asked when you say it kills the project, has there been any conversations to just do the convenience store portion and not go behind Avenue E.?

Josh Lieberman with Pine West stated it goes back to the elevations. The way everything has to be tapered, tiered, and graded because of the access coming off of 7th Street and the elevation from Aultman Street to the north doesn't give enough frontage up on Aultman to make all circulation work, as well as access with NDOT. The only way to make it work because we know NDOT is going to have restricted access off of Aultman, based on our conversations with Brittany Barto at NDOT. That is why we had to vacate Avenue E. and the alley to make the access and circulation work. We have half a dozen projects in the state of Nevada. We understand their access control and the way their movements work, so we knew what we had to do from the beginning when we started this last year.

Mayor Robertson stated I think the question was does Terrible's have any interest in just developing a c-store without the other?

Josh Lieberman with Pine West stated we have talked to them and unfortunately we cannot make it work with just the front portion.

Councilman Alworth asked has Pine West built any properties with hotels/motels on them?

Josh Lieberman with Pine West stated we have not. We do not do hotel/motel properties.

Councilman Alworth asked how about Terrible's?

Josh Lieberman with Pine West stated they do not.

Councilman Alworth asked so Terrible's will lease the property from Pine West?

Josh Lieberman with Pine West stated yes, Terrible's would lease from us. They would have a twenty-year lease with thirty years' worth of options on our projects. They are getting ready to break ground on one of our properties in Winnemucca. We have ten acres there that we closed on last year and just finished our annexation, replating, and that project will start construction late in the third quarter.

Councilman Alworth stated Pine West puts all the money in and builds it and then the tenant comes in and manages it for ten or twenty years, so it is not Terrible's in the front that does not want the hotel, it is Pine West. Is that a true statement?

Josh Lieberman with Pine West stated yes and no. Pine West owns the dirt. We don't do any physical construction. Terrible's and all of our tenants do their own construction. We own the property and handle the entitlements and permitting for them to come in and do all the construction. They are the experts in building we are not.

Mayor Robertson stated you are saying the tenant does their own improvements.

Josh Lieberman with Pine West stated correct. We own thirteen acres in Wells, five acres in Carlin, ten acres in Winnemucca, and we are invested in the State of Nevada. We continue to grow and have a project we are working on in Tonopah.

Councilwoman Williams-Harper stated correct me if I am wrong, but all of this is contingent upon a few slot machines? What I am hearing is if we can't get those slot machines it is not worth us doing anything else.

Josh Lieberman with Pine West stated that is correct.

Councilwoman Elliott stated you briefly went over all of the numbers and I wrote down a number earlier that Caroline had mentioned that was \$167,000.00. Is the \$167,000.00 the room tax forty rooms would generate on that corner a year?

Caroline McIntosh stated yes.

Councilwoman Elliott stated can you talk about the numbers this project would generate and what the City and County would potentially be getting with this project?

Josh Lieberman with Pine West stated you would have the sales tax that is generated from the business, fuel tax all goes to the State, so we don't include that. The sales are estimated to be around \$6 million annually in revenue that would be subject to sales tax. The total sales tax is 7.72%; over half of that goes to the State, a little over three percent goes to White Pine County, which is roughly \$200,000.00 as well as any increases in real estate taxes for this type of project. The current hotel tax being generated on this property last year was \$8,800.00. The total room tax allocation coming into White Pine County and the City all of 2022 was roughly \$1.9 million for all room tax and RV tax that was collected. The Bon Aire for some reason does not contribute any RV tax. Out of that room tax about \$1.4 million went to the County, \$370,000.00 went to the City of Ely, and about \$66,000.00 went to the Golf Course so those are some of the numbers we can generate in comparison.

Councilwoman Williams-Harper stated upon a comment Josh made I think a part of that needs to be predicated upon we know the state of the hotel right now with the lack of services and money they are making. I want to be careful on just opposing what is sitting there now with forty brand new rooms in good shape and cared for; that is like comparing apples to oranges.

Councilman Trask asked do you have a breakdown of the numbers of each of the three entities you are proposing on what each one will bring in for tax dollars or is it just all lumped together?

Josh Lieberman with Pine West stated I don't, just all together.

Anne Kellogg with the Hotel Nevada stated we have heard a lot about the tax revenue, but we haven't heard a lot about the customer base. Quite frankly, without having hotel rooms with a casino, which it is a casino at forty machines, is basically drawing their customers from the neighborhood, and that neighborhood is Ely. There is thirty-nine hundred people that live in the City of Ely according to the last census. The people that drive through and stop at the Starbucks are not going to go play slot machines. The

money you are going to be making in tax revenue is going to be coming out of the pockets of the people in this community.

Mayor Robertson stated if your comments could be contained at how this could affect your business.

Anne Kellogg stated it will affect the residents that I rent town houses to. They are going to be short on rent because they are putting all their money in slot machines.

Mayor Robertson stated that is not what you received the Business Impact Study for. It was for your casino, correct? We are having a discussion on the Business Impact Study.

Anne Kellogg stated yes, but it is incomplete if it doesn't address the customer base is all I am saying.

Mayor Robertson stated this is not a Community Impact Study, but a Business Impact Study so please let me know how it affects your business.

Jason Woywod with the Prospector Hotel and Gaming Hall stated we responded along with the other eleven respondents to the Business Impact Study confirming the Council's decision on April 27, 2023. To address how we would be affected is if someone came in that operates hotels, or a restaurant with forty slot machines it will affect all of the like businesses and it doesn't generate additional revenue. It takes revenue away from other competitors here in town. When we talk about what businesses are affected with a c-store operation it is the existing businesses. The inflated tax numbers they are coming up with is splitting the pie. It is simple math; it doesn't bring additional revenue to town. Stick to the City Ordinance and build the hotel rooms that will generate additional revenue for everybody and then the respondents to the Business Impact Study won't be affected.

Councilman Alworth stated for clarification, and I understand what you are saying, basically the residents are going to buy ten cups of coffee and we have five places to buy coffee, their still going to buy their ten cups of coffee.

Jason Woywod with the Prospector Hotel and Gaming Hall stated exactly.

City Attorney Cahoon stated this is a determination of whether there is a business in the City of Ely that has been impacted or will be impacted by this rule.

Councilwoman Williams-Harper moved to accept the Business Impact Study as presented acknowledging there has been a business impacted and the Council has considered methods to reduce the impact. Councilman Carson seconded the motion. The motion carried unanimously.

3. Mayor Robertson – City Attorney Cahoon – Discussion/For Possible Action – Approval of First Reading of Ordinance 751, Bill No. 2023-05, proposed ordinance amending Title 3, Chapter 5, Section 13 of the Ely City Code requiring gaming license applicants who intend to operate 16 or more slot machines to have at least 40 hotel rooms; and providing other matters relating thereto.

Mayor Robertson stated I would just like to mention for the Council and publics benefit that this item is not being brought back at anyone's request; this is the process for setting up an ordinance. It will need to have a second reading, there will be a public hearing, and at any of those junctures the Council can propose amendments.

Councilman Carson moved to approve the First Reading of Ordinance 751, Bill No. 2023-05, proposed ordinance amending Title 3, Chapter 5, Section 13 of the Ely City Code requiring gaming license applicants who intend to operate 16 or more slot machines to have at least 40 hotel rooms; and providing other matters relating thereto.

Councilwoman Williams-Harper seconded the motion. The motion carried 4 to 1 with Councilwoman Elliott voting nay.

4. Mayor Robertson – Discussion/For Possible Action – Approval to send a Request for Qualifications to appraisers within a 250-mile radius to determine which appraisers are interested in performing appraisals for sale or lease of city property.

Mayor Robertson stated this is in connection with the disposal of the Belfort property.

Councilman Alworth moved to approve sending a Request for Qualifications to appraisers within a 250-mile radius to determine which appraisers are interested in performing appraisals for sale or lease of city property. Councilman Trask seconded the motion. The motion carried unanimously.

5. Mayor Robertson – Discussion/For Possible Action – Approval for mayor and city council members to attend the Nevada League of Cities & Municipalities' 2023 Annual Conference August 8-11, 2023.

Councilman Carson moved to approve for the mayor and three city council members to attend the Nevada League of Cities & Municipalities' 2023 Annual Conference August 8-11, 2023. Councilman Alworth seconded the motion. The motion carried unanimously.

6. Mayor Robertson – Discussion/For Possible Action – Approval to reschedule the August 10, 2023, City Council meeting to August 17, 2023, so City officials attending the Nevada League of Cities Conference August 8-11, 2023, will not miss August's first meeting.

Councilwoman Elliott moved to reschedule the August 10, 2023, City Council meeting to August 17, 2023, so City officials attending the Nevada League of Cities Conference August 8-11, 2023, will not miss August's first meeting. Councilman Trask seconded the motion. The motion carried unanimously.

7. Councilwoman Elliott – Tree Board Chairman Bill Wolf – Discussion Only - Update on the USDA Forest Service Urban and Community Forestry Inflation Reduction Act (IRA) Equity through White Pine County Forestry Initiative grant application.

Chairman Wolf stated I am here to bring you up to date. The grant request went in before the closing date, so it was accepted. We heard back the grant for the entire country was \$2 billion and we thought our little \$3.4 million would be a drop in the bucket. It turns out there were \$6 billion in requests. It looks like it will be a little tougher competition than we had anticipated, but we feel as though we have done a good presentation. They have committed to deciding by August 30th and then will have to cut the checks by the end of their fiscal year which is September 30th. We should be hearing in a timely manner where we stand on our grant application and as soon as we know we will let the Council know.

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

Councilman Alworth stated City Clerk Lee's report covered it. We are still in the funding process and not much in Washington is moving along. Hopefully everything is going to come through as City Clerk Lee reported.

Mayor Robertson stated we will have Senator Cortez-Masto here July 6th through the 8th and she is going to be looking at some of those projects. We are excited to show her what some of that work in Washington D.C. will be doing out here in the City of Ely.

7. PUBLIC COMMENT

Kerri Pintar stated I live at 1417 Mill Street, and I want to take issue with the Council with you accepting the Business Impact Statement. I don't know how you think because twelve people responded it was a very effective study especially if Mr. Reed got three of them because he has three business licenses. I have to take issue with Pat stating in her comments that Pine West is the bully; I sat through this meeting on April 13th when Mr. Woywod threatened to pull their \$50 million project involving his hotel, casino, and four hundred apartments if you allowed Pine

West in; I think they are acting as the bully. They stated they pulled Basin Engineering off the job just because they are not going to proceed if you allow someone else to come in and I don't think that is fair. Back to my comments from item number one exposing oneself to vulnerability and criticism following opposition to speak out publicly for or against on any subject. On May 5th, the Bristlecone Tribune published a Letter to the Editor in opposition to the Woywod's lobbying against Pine West's proposed development. Personally, I found the comments written spot on; however, I can only assume it struck a chord with Mr. Woywod given that he responded back in his own Letter to the Editor on May 12th. What you all likely do not know is Mr. Woywod did not take kindly to the Letter to the Editor in the prior week's edition and has since removed the Bristlecone Tribune from being sold in his establishment. Free speech comes at a cost when you disagree with those wanting to be in control. The commissioners did receive an update from Heath Korell on the Cave Lake Dam Project. The Dam is scheduled to be completed in December 2023 and take approximately nine months to refill. The proposed reopening of Cave Lake is currently December 2024. It's amazing to ask and receive an answer instead of all the innuendo spewed on Facebook. Be informed and attend the meetings. I hope the Council will continue to pursue this with Pine West as we need this corner cleaned up and if anybody else has a better idea or you have millions of dollars in your pockets bring it forward. Again, I don't want those apartments out my front door, and I am going to do everything I can, so I don't have to have them.

Melody Van Camp stated I live at 1125 Murry Street, and I was at the end of the JCR Micky Mouse Murry Street Project. My driveway was torn out and replaced with a steep curb and the only access to my garage is by piling lumber in the gutter. Many residents are in the same dilemma with their driveways. Due to the heavy traffic and speeding on Murry, I will not park on the street. If and when the somewhat redo job happens will there be someone to oversee the project and make the correction on this substandard mess as it was highly likely there was no watch dog in the beginning. If and when the somewhat redo job happens will it start in a timely fashion? I understand that JCR has many projects to do, and the County has granted them extensions on some of their projects. Where will Murry Street fit into the schedule? JCR is famous for doing their substandard work in subzero weather. My sidewalk and curb were poured in December and now it has cracks, separations, gouges, and everything else in the cement. Will the somewhat redo last as long as the original project because it was nine to ten months. Will the residents again be subjected to parking in the alley way for nine months or more, even during the winter. Will we again be without a water truck for months on end and putting up with the dustbowl conditions while a water truck is parked around the corner leaking down Mill Street. In closing, if nothing is to be done to Hunter Biden, I am sorry I mean JCR, I am asking the City to bring equipment to my house, rip out the curb, and give my driveway access back. The water doesn't run down the gutters it runs down the middle and the sides of the road.

Ray Andre stated I live on Murry Street as well and I am here to piggyback on what Melody has said about the construction. My concern goes a little bit deeper than just having access to my driveway, which is almost impossible to get up if I don't take it at a forty-five-degree angle. I noticed the construction on Murry Street started on the six hundred block and continued about halfway up the eleven hundred block. I counted six other residents that had a lower slope entrance into their driveway while the eleven hundred block had the rounded top which is extremely hard to get in to. I am a disabled Veteran. I am an amputee and actually deaf. While I am in the comfort of my home, I like to use my wheelchair and not have my prosthetic on. One evening last summer while I was outside with my dog, she realized she could jump the fence when she tried to chase the neighbor's cat. In my attempt to retrieve her I found out the curbing is not very ADA friendly as my wheelchair tipped over. Thankfully another neighbor happened to be outside and came to aid me and get me back on the street and somehow my dog decided to come back, and I didn't have to chase her no longer. I am not sure why we didn't get the same curbing the rest of the development got. It is extremely frustrating for me. My options are to wheel down to the end of the street to get out at an ADA curb or I am just stuck where I am at. The real issue is the parking on Murry Street. The residents that don't have driveways tend to park on the sidewalk and that makes it impossible for people in wheelchairs.

Monte Schramm stated I sat here and listened to the Business Impact Study, and I didn't understand it. You sent it out to people in likeminded businesses, but you didn't send anything so we know they got it. You also said it went to license holders so it could have gone to the same person for five different businesses. Out of the thirty only twelve sent it back so we could

be seeing results from three or four people. I am just a little confused how that was decided as a good sampling.

George Chachas stated no one has advocated good ADA compliance more than I have and I feel for these people. I want to remind you that your inspectors and engineers are what failed these people as well as the City of Ely and you need to address that. We talk about how we want our community to be friendly and down on Avenue B and Avenue H there is graffiti. Those that did the painting unfortunately spelled fun with a “c” and a “k.” I have reported this twice now and you need to address it. It is not a good image. You are going to have a ping pong train and the only thing that is going to ping pong is the people that have to travel by that and witness graffiti in this community. I have requested from the Regional Planning Commission Chairman of any and all complaints made involving the Pine West, LLC proposed development area and the dates of each complaint. I would like to know what the complaint regarded, who made it, to which government entity it was addressed, who resolved the concern, the date it was resolved, a copy of the written action taken, and to whom it was addressed. I have received nothing to date. Mr. Chachas stated ongoing concerns regarding the encroachment of Jennifer Lee’s fence; who paved along 901 Avenue H and if it was a cost to the City; and his request for permits to park behind the curb on his property.

Sandy Moreno stated I am one of those people that have complained about that property in the past and the response I got was it is not enough. If the paperwork is going to disappear or not get turned in, then I will make a habit of coming into these meetings and turning it in at the end of the meeting to make sure there is a witness that I turned in a complaint form. The property is nasty and dirty. We got home from the grocery store this morning and there was a backpacker walking right through our yard and I have seen them before checking the doors. When the abatement was done two to three years ago, it was never completed. At some point I would like to address the issues of the dogs that are constantly allowed to be loose for two years in a row. All they get is supposedly a fine and that is supposed to increase. There is constantly a dog loose in our neighborhood and the guy says, “I just pay the ticket.” I think we need to come up with a new system for repeat offenders. A couple weeks ago I witnessed a lady holding her dog up above her head because this Pitbull was jumping on her trying to get to her dog. I yelled at her from across the way for her to get in her house in which she finally did. It also attacked my puppy at the front door, and I fell and have scars and my ribs still hurt. It doesn’t seem to matter. This dog seems to have more rights than the property owners do.

Anne Kellogg with the Hotel Nevada stated I just want to clarify the first reading still has to happen, correct?

City Attorney Cahoon stated this was the first reading of Ordinance 751, Bill No. 2023-05.

Anne Kellogg with the Hotel Nevada stated there may be a little bit of a goof; we are not sure. What you sent out still reads “may.”

City Attorney Cahoon stated it was separated out. F-12 was under the “may” provisions and I believe under section G it says the board “shall” and then just before hotel rooms there is a “shall.”

Anne Kellogg with the Hotel Nevada stated okay, I would just hate to see ten years from now a whole “shall/may” thing again.

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

Councilman Alworth moved to adjourn the regular meeting of the Ely City Council at 6:33 p.m. Councilwoman Elliott seconded the motion. The motion carried unanimously.



MAYOR



ATTEST

