

2. PUBLIC COMMENT

Kerri Pintar stated I live at 1417 Mill Street. January 2020 Commissioner Dean Howe tried to sell you a promise of addressing the shortage of affordable housing in Ely moving forward with JCR and asked the City for hook-up and permit fees to be waived in a valiant effort to address the housing shortage we face. Now given that the above JCR venture was so successful, let's repeat the process by giving Sumralls four lots on Park Avenue August 2021 to do the same. While some modifications were made from the original agreement with JCR, the premise was largely the same; construct decent sized affordable family homes and complete the infrastructure in a timely manner with construction beginning ninety days from date of deeded transfer. Fast forward to today and three plus years later we have gained only two houses, NO infrastructure begun let alone completed and the only one who profited from the County's lack of good judgement was JCR having sold six lots for a tidy sum of \$180,000.00+. One lot was sold for \$45,000.00 just six days after the County quit claim deeded it to them. Excuses are like assholes, and we all have one and I'm personally sick and tired of hearing that COVID is to blame for the stall in these housing projects. This community is not in the real estate business...period!!! You should approach your impending tiny house community on Belfort with caution as your constituents are watching! My biggest problem is JCR selling off four of the 17th Street lots to White Pine Construction. Now there are two developers on this street. Which one is responsible for the infrastructure? How can the County repossess the lots that haven't been built on when JCR no longer owns them? I am an unfortunate homeowner who purchased a house that was developed by White Pine Construction and while required to complete the infrastructure, chose not to, and the City of Ely Building Inspector did not enforce the code; subsequently I lived on a dirt road, within the city limits for seventeen plus years. Why were Certificate of Occupancy Permits issued to these two homeowners when the infrastructure wasn't completed as required? Furthermore, I am disappointed that this board caved to the threats issued by our local casino owners with respect to the Terrible's project requiring hotel rooms be built. You effectively killed a paltry twelve-million-dollar project in favor of a proposed fifty-million-dollar project which is currently only a pipe dream, as Mr. Woywod and 5D only received approval for rezoning a 3.75-acre parcel to construct one-hundred apartments abutting Bell Avenue. The remaining thirteen acres intended to construct the next two hundred and fifty-eight apartments is zoned commercial and I'm not going down without a fight. I do NOT want them out my new front door....PERIOD! Now while I'm the first to admit we need additional housing this in NOT it. Two thousand dollars or more for a one bedroom is NOT affordable housing and when the many promises given are not met, who do we hold accountable then? Whose failure does that then become? You were blinded by dollar signs and we the community lost an opportunity to have something new come in. PR Franks coined it best in the letter to the editor on May 5, 2023, in the Bristlecone Tribune, "If you make it in, close the door behind you." This is exactly the mentality ALL of you, our elected officials, are displaying in full view. Shame on you!

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

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

4. CITY DEPARTMENT REPORTS

➤ CITY FIRE CHIEF

City Fire Chief Stork stated I want to mention a couple of quick updates I didn't have included in my report. Maci Cooper passed all of her testing and is now the second female firefighter/Advanced EMT in Ely Volunteer Fire Department's one hundred- and seventeen-year history. We are down two people right now and some of the Volunteers have stepped up. We have one working today to cover some of the shifts and is qualified to work the temporary position. It is saving us on overtime by being able to pay them a flat rate. Janette and I met with a lady today from the Review Journal. It turns out not a lot of people look in the newspaper for a job, so we stepped out of the box went with the Review Journal to do a mass mailing. We provided them with zip codes from St. George all the way up the I-15 corridor clear to the Idaho border, and the whole state of Nevada. There will also be a link when people are on Google looking for a job to direct them to our link. We used some of the money I had left over from the American Rescue Plan Act

(ARPA) funding to try and campaign to get more applicants. They are hoping to get that up and going next week.

Councilman Alworth asked since you don't have a paramedic any longer are you restricted from using any medications?

City Fire Chief Stork stated we are not because Cheyenne Pena is a nurse, and she runs on the ambulance with paramedic skills. We have no restrictions and will still be running at the ALS level.

➤ **CITY ENGINEER**

City Engineer Almberg stated we are working diligently on the Aultman Street Project and the plans are coming due so there is a lot of coordination between Nevada Department of Transportation (NDOT) and us. In fact, they just got some excavation permits they thought would conflict with future improvements coming up this next April, so they asked us to verify that before they issue a permit. I have been working on some things for the annexation because I will be gone the next couple of weeks. I will get that all together tomorrow so you can continue on with that at your next meeting.

5. NNRy FOUNDATION REPORT

Mayor Robertson stated I would like to disclose I am a part-time employee of the Foundation, but I don't vote, and this is not an item that is voted on.

NNRy President Mark Bassett reviewed the following 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 May 2023

1. Locomotive Status – Updated
 - a. Locomotives in service: #81, #105, #109, #204, #310, 801, Wrecking Crane A & Rotary B.
 - b. Locomotive 93 is out-of-service. Repairs are almost done, she should be steaming next month.
 - 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. Locomotives out of service needing moderate repairs: #201 and #34
 - e. Locomotives waiting funding for restoration: Steptoe Valley Smelting and Mining #309, Kennecott 802 and Rotary Snowplow B (for boiler overhaul.)
 - f. 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 – Updated
 - a. Keystone Branch is open. We had some soft spots that we tamped up.
 - b. Adverse Branch is open.
 - c. Museum Branch is the track between the East Ely Depot and the White Pine Public Museum. It is now open for traffic.
5. Ridership and Ticket Sales – Updated
 - a. In May we carried 1,760 passengers, this is equal to 2022. It was our largest May in 35 years.
 - b. Year to date we have carried 3,231 passengers, this is a 5% increase compared to 2022.
 - c. Since operations began in 1987, we have carried 351,076 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 May 2023 is $1,760 \times 80\% \times 140 = \$197,120$
Economic Impact Year To Date is $3,231 \times 80\% \times 140 = \$361,872$
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:

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

March:

- a. We reached 1,029,110 people.
 - c. We have 131,100+ page likes.
 - d. 180,027 people follow our page.
8. We celebrated Dirt, the Fess Shop Cat life on May 28th. Over 200 people attended that day. We live streamed the ceremony on Facebook. We are in the process of doing a video.



A brewery in Reno did create Dirt beer. The beer was aged for 15 months in bourbon barrels. One month for every year that Dirt was "King Of The Shop". It's a bold beer for a bold cat, coming in at 13% alcohol by volume and presenting noticeable bourbon flavor from the extensive barrel-aging. To mimic Dirt's orange and white coloration we infused the beer with orange peel (orange) and coconut (white). Additionally, we "dirtied" it up by rolling it around on vanilla beans to mimic the coal-dusted look that Dirt enjoyed. The coconut and orange play off the residual sweetness of the beer and help to find middle ground between the sweetness of the beer and the bourbon and tannins from the barrels.

6. REPORTS

➤ COUNCILMAN ALWORTH

Councilman Alworth stated the rain has brought an abundance of out-of-control white top. We have put out a notification in the paper that it is against NRS to have white top weeds in our City and we need to do something about it before it gets any worse. The Georgetown Ranch lessee's and the homeowners have a responsibility to take care of it if it is on their property.

➤ MAYOR ROBERTSON

Mayor Robertson stated as NNRy President Bassett stated I did speak at a cat funeral, and I also spoke at the War Memorial for Memorial Day.

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

1. Board Members – City Engineer Almberg – Discussion/For Possible Action – Acceptance of Landfill South Run-On Ditch project, PWP WP-2023-163.

City Engineer Almberg stated this item is just to formally accept and finalize this project. The contractors did a great job and were a pleasure to work with. There were no change orders and because we were substantially under the budget, we had discussed seeing if they would come back and build us a couple small things in the ditch to slow the water down. They actually brought in more rock than they needed so they just came in and did that for free. It was a great project.

Councilman Alworth moved to accept the Landfill South Run-On Ditch project, PWP WP-2023-163. Councilwoman Williams-Harper seconded the motion. The motion carried unanimously.

2. Board Members – City Clerk Lee – Discussion/For Possible Action – Approval to remove past due utility fee penalties up to the amount of \$578.19 from 3694 N. 151st Street, Ely, Nevada at the request of Property Owner, Rance Hutchinson.

City Clerk Lee stated the Municipal Utilities Board did recommend approval of this. The property owner paid the principle balance due of \$789.13 in Landfill fees and requesting the penalties be waived.

Councilwoman Elliott moved to approve the removal of past due utility fee penalties up to the amount of \$578.19 from 3694 N. 151st Street, Ely, Nevada at the request of Property Owner, Rance Hutchinson. Councilwoman Williams-Harper seconded the motion. The motion carried unanimously.

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

A. CONSENT AGENDA

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

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 Minutes and 8A-2 Bills.
Moved by: Councilman Alworth Second by: Councilwoman Elliott Vote: Unanimous

1. Discussion/For Possible Action – Minutes
 - April 27, 2023
2. Discussion/For Possible Action – Bills.
 - May 30, 2023

B. NEW BUSINESS

10. Councilwoman Williams-Harper – Discussion/For Possible Action – Approval of Resolution 2023-10 to ratify the approval of the Ely Renaissance Society Mural Selection Committee for placement of a new mural on 1141 E. Aultman Street.

White Pine Tourism and Recreation Director Kyle Horvath stated this mural that we are considering tonight is a partnership between the Nevada Northern Railway and Tourism in that this is a mural honoring “Dirt the King of the Shop.” The selection of this building was done close to the train yard and satisfies an entryway into the community that doesn’t currently have any art. The property owner gave their approval and Virginia sent in her letter from the Renaissance Society. This is paid for in entirety through the Tourisms Public Art Fund, so this is at no cost to the City or the Nevada Northern Railway. The artist is Bryce Chisholm from the Reno area, and his name carries quite an impact.

RESOLUTION 2023-10

A RESOLUTION OF THE CITY OF ELY, CITY COUNCIL TO RATIFY THE APPROVAL OF THE ELY RENAISSANCE SOCIETY MURAL SELECTION COMMITTEE FOR PLACEMENT OF A NEW MURAL ON 1141 E AULTMAN STREET

WHEREAS, City Code, Title 9, Chapter 7 Section 2 requires the City Council to ratify the approval of the Ely Renaissance selection of a mural and location of that mural before it may be painted on any building in a designated business district; and

WHEREAS, on June 8, 2023, the City of Ely received written approval of the Ely Renaissance Society's Mural Selection Committee adopting the mural to be placed on 1141 E Aultman Street, Ely, NV 89301; and

WHEREAS, White Pine County Tourism has commissioned Bryce Chisolm to paint the mural in honor of Dirt, the Boss Shop Cat of the Nevada Northern Railway National Historic Landmark Shops who passed away January 10, 2023; and

WHEREAS, the mural's theme is honoring "Dirt: 2008-2023 King of the Shop";

NOW THEREFORE, BE IT RESOLVED this 8th day of June 2023, that the City Council of the City of Ely hereby ratifies the approval of the Ely Renaissance Society Mural Selection Committee for placement of a new mural on 1141 E Aultman Street in honor of Dirt, Heritage Railroading Ambassador Extraordinaire.

DATED this 8th day of June, 2023.

AYES: 3

NAYS: 0

ABSTAIN: 0

APPROVED:

ATTESTED TO BY:

NATHAN ROBERTSON, MAYOR


JENNIFER LEE, CITY CLERK

Councilwoman Williams-Harper moved to approve Resolution 2023-10 to ratify the approval of the Ely Renaissance Society Mural Selection Committee for placement of a new mural on 1141 E. Aultman Street. Councilwoman Elliott seconded the motion. The motion carried unanimously.

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

6

1. Mayor Robertson – Ely Benevolent and Protective Order of Elks (BPOE) Lodge Representative - Discussion/For Possible Action – Approval of proclamation declaring June 10, 2023, Ely Elks Lodge Day in the City of Ely in celebration of their 100 years of service to our community.



Ely Elks Lodge Day Proclamation

Whereas, The Elks organization was founded in New York City on February 16, 1868, under the name "Jolly Corks" by 15 actors, entertainers and others associated with the theater. In ensuing years, membership expanded to other professions, and

Whereas, this Fraternal Order was founded "To promote and practice the four cardinal virtues of Charity, Justice, Brotherly Love and Fidelity; to promote the welfare and enhance the happiness of its members; to quicken the spirit of American Patriotism and cultivate good fellowship, and

Whereas, the Order is a non-political, non-sectarian and strictly American fraternity. Proposal for membership in the Order is only by invitation of a member in good standing. To be accepted as a member, one must be an American citizen, believe in God, be of good moral character and be at least 21 years old, and

Whereas, the Order spends more than \$80,000,000 every year for benevolent, educational and patriotic community-minded programs in such fields as benefitting special needs children, sponsoring Elks National Foundation scholarships, scouting, athletic teams, veterans' works, a national "Hoop Shoot" free-throw contest involving more than 3 million children, physical and occupational therapy programs and patriotic programs, and

Whereas, the youth of our country have always been important to the Order. It is for this reason the Elks Drug Awareness Education Program was launched to warn primary grade students and their parents of the dangers in drug use. Additionally, every lodge observes June 14th as Flag Day, a tradition which the Elks began in 1907 and was later adopted by the Congress as an official observance, and

Whereas, the Ely Elks Lodge #1469 was established on July 11, 1923, with these values that still run strong in our community today and will be celebrating 100 years.

Now, Therefore, I, Nathan Robertson, Mayor of the City of
Ely, do hereby proclaim
June 10, 2023 As

Ely Elks Lodge Day

In the City of Ely, Nevada, and encourage
all our citizens to congratulate the Ely Elks Lodge #1469 in celebrating
their 100th Anniversary, and their good works for the Community.

Dated this 8th day of June
Mayor Nathan Robertson

Councilman Alworth moved to approve the proclamation declaring June 10, 2023, Ely Elks Lodge Day in the City of Ely in celebration of their 100 years of service to our community. Councilwoman Williams-Harper seconded the motion. The motion carried unanimously.

2. Councilman Alworth – White Pine County Representative – Discussion Only – Update regarding the White Pine County housing projects on 17th Street and Park Avenue.

Mayor Robertson stated the County was notified, but I am not sure I see anyone from the County here today.

Councilman Alworth stated Ms. Pintar summarized it well. The documentation dates back to January 17, 2020, with what the County promised they were going to do. Again, they have one house built on the south end and one on the north end. There is no asphalt, no streetlights, no pavement, and there are no fire hydrants. My big question is if this is going to be completed. I know there is a couple months left on one and a couple years left on another. We need housing and we are not getting it and some of the workmanship on 17th Street is not quality; it is terrible. Something has to happen. The lots that were

sold on the north end, it says right in the deed, that they cannot be sold unless it went in front of the County Commission and that did not happen. I wish there was a representative here tonight because once again the City is getting shined off again by the County and we have to put an end to this treatment. They need to man up, start swinging an ax, and get this done. On Park Avenue it is the same thing, just a lot of lip service. It is in the City, but a County project, but we have the mud on our face. There is one person living out there spreading the word that the problem is with the City of Ely.

Mayor Robertson stated I think the main concern, and it has come before this body before, is with the way they have sold those lots, no one developer has enough lots to trigger the NRS subdivision requirements like the County promised would be taken care of. That leaves the City in the lurch of not having the infrastructure required to support the streetlights, the fire hydrants, the street, and all of that. I am with you Councilman Alworth I wish there was somebody here from the County that we could talk to tonight and if there are no objections from the Council I would like to work with Craig and at least send a letter over to them to address a couple of certain issues that you have identified and are glaring issues from the quit claim deed.

City Attorney Cahoon stated the deed itself and the covenants, conditions, and restrictions within it survive the sale to any third party, so the County still has every right and ability to repossess or demand that those covenants, conditions, and restrictions be put in place and followed.

3. Councilman Alworth – National Rail Consulting Group representatives – Discussion Only – Update from National Rail Consulting Group on the Consolidated Rail Infrastructure and Safety Improvements (CRISI) grant application to rehabilitate the northern rail line, owned by the City of Ely and the Nevada Northern Railway Foundation, from Mile Posts 0 through 128.

President David Ward with FMW Solutions stated we do consulting under the trade name National Rail Consulting Group. We have spent a very interesting week here in northern Nevada as we have drove the entire back road from Shafter to Ely, up to the Mine, up to the Highline, and spending a lot of time in McGill. As you all know the Nevada Northern is a cultural gem as a historic museum, but there is a potential now through this federal grant program to make it an economic lifeline to the region by looking at putting the rail back into service between McGill and Shafter which is the interchange with Union Pacific. The Consolidated Rail Infrastructure and Safety Improvement Grant is a new program administered through the Federal Railroad Administration and there is a guaranteed \$2 billion in funding available this year with the window opening in December for the application, but up to \$4 billion if there is congressional discretionary spending approved. Our week has involved looking at the Railroad itself to see its' condition. We have in our possession a big stack of studies. Obviously, the Railroad has been studied when the power plant was proposed. We have been trying to figure out the most recent condition since the last study done in 2007 so we can establish accurate costs as part of the capital costing exercise. At the same time, Mark has worked diligently to line up local stakeholders that would be interested in using the rail line for shipping mine commodities, diesel fuel, propane, and those sort of commodities into and out of the region. Ultimately, it has been a very successful week and over the next few months we will be working to line up letters of support from various stakeholder, get a sense of the actual capital cost to return the line of operation, and prepare for the notice of funding opportunity in December when that comes out.

Mayor Robertson asked your firm will be preparing everything up to the application of the grant?

President David Ward with FMW Solutions stated correct. We will do the benefit cost analysis and all the pieces to get the grant over the finish line.

4. Council Members – City Clerk Lee – *LP Insurance Services* Principal Tina Perchetti – NPAIP Representative – Discussion/For Possible Action – Acceptance of renewal proposal from Nevada Public Agency Insurance Pool (POOL) and approval for payment

in the amount of \$308,938.06 with a \$500.00 per claim deductible OR \$291,456.76 with a \$5,000.00 per claim deductible from fiscal year 2023-2024 funds.

LP Insurance Services Principal Tina Perchetti stated I am here to discuss your renewal for this year. We will get to the premium and the deductible at the end of the presentation. A notable change is in the cyber limit as it is down to a million this year. It is all the same type of coverages that have been provided in the past with similar limits and exposures.

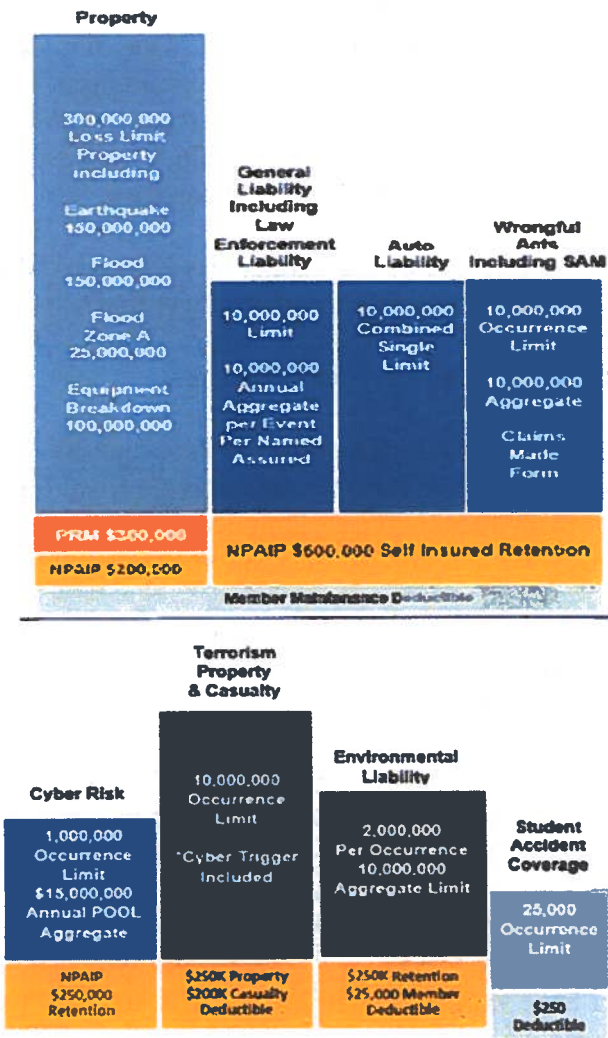
Councilman Alworth asked where it talks about weed spray and property damage what does that cover because we just had a conversation about white top.

LP Insurance Services Principal Tina Perchetti stated there is no coverage if weeds from one property go on to another, just if the spray used to kill weeds goes on to another property and causes damage or any liability of you trying to control the weeds.

POOL/PACT Member Relations Manager Stephen Romero reviewed the following page and stated this is your pool:



NPAIP 2023-2024 Program Structure



This summary is intended for reference only. For specific terms, conditions, limitations and exclusions, please refer to the POOL Coverage Form and Cyber Risk Coverage Form, edition July 1, 2023.

LP Insurance Services Principal Tina Perchetti stated when I spoke with Jennifer originally in May when the packets came out, she did some homework on behalf of the City to help decide which options you wanted.

Mayor Robertson asked is there a recommendation from the City Treasurer on which option would be best?

City Treasurer/HR Director Trask stated I am going to recommend the same as Jennifer in that we stick with the \$500.00 deductible. The price difference and the claims that we had the prior year warrants sticking with the \$500.00 deductible.

LP Insurance Services Principal Tina Perchetti stated there were some questions on the members that are contemplated under the coverage for the City and you can see that on the last page of the members that are involved

POOL/PACT Member Relations Manager Stephen Romero stated the Pool actually provides many services within the membership. Some of those services include cyber reduction in which Tony Roochie will come out and take a look at your system and determine where deficiencies are. We also have a Loss Control Excellence Program to help and keep your policies and procedures up to date. We have risk management educational grants which we take care of seventy-five percent of any risk management project you may have. The other thing I noticed you are not using is the educational grants for risk management. If you are sending anyone off to a training or League of Cities there are five grants a year up to \$2,000.00 per grant for those trainings. We also have the knowb4 eLearning program that is under-utilized. The HR trainings and in person trainings were utilized and I want you to know this is all part of pool and last year you received about \$21,000.00 in services. One of my jobs is to go out and check for the best prices every year. One thing we did see this year is property values went up anywhere between twelve and fourteen percent. Yours went up 14.66% and in regard to insurance we did have to review that. Right now, it isn't in regard to the amount of claims for the insurance price, but about capacity.

Councilman Alworth stated the budget was increased fifteen percent for this and we have almost a thirty percent increase, can we cover that?

City Treasurer/HR Director Trask stated yes.

Councilwoman Williams-Harper moved to accept the renewal proposal from Nevada Public Agency Insurance Pool (POOL) and approval for payment in the amount of \$308,938.06 with a \$500.00 per claim deductible from fiscal year 2023-2024 funds. Councilman Alworth seconded the motion. The motion carried unanimously.

5. Mayor Robertson – Discussion/For Possible Action – Direct staff to prepare a resolution outlining the intent to annex properties serviced by City of Ely utilities in and around the Mineral Heights subdivision.

Mayor Robertson stated this is something I have been talking to not just staff, but council members, and County Commission Officials for some time. I think it is time to clear up some of these boundaries in that these people do receive a majority if not all of their services from the City of Ely. Currently as it stands, they can't vote, and they can't serve on any of our boards. It is kind of a taxation without representation type of thing. I think if you are going to get serviced by city utilities you need to be in the city limits. The process as I have worked on with Leo goes as follows: we will have a resolution outlining the exact areas we are talking about at the next meeting, if you approve this action; that then gets filed with the County Clerk; and then the matter goes to the Regional Planning Commission which will hold a public hearing and vote on whether or not this will take place.

Councilwoman Elliott moved to direct staff to prepare a resolution outlining the intent to annex properties serviced by City of Ely utilities in and around the Mineral Heights subdivision. Councilwoman Williams-Harper seconded the motion. The motion carried unanimously.

6. Councilwoman Elliott – Public Works Supervisor Cracraft – Discussion/For Possible Action – Selection of Cemetery storage building quote, budgeted in FY 2024.

Councilman Alworth stated on the Roper quote they recommend having rebar in the concrete for an additional \$1,080.00. It is still cheaper than Cleary, but then again it doesn't include automatic window or door opener.

City Public Works Supervisor Cracraft stated the doors are the same. Cleary does site preparation, which is included in the quote where Roper will do it for an additional \$6,485.00.

Councilman Alworth asked City Building Inspector what are your feelings of adding the rebar for \$1,080.00?

City Building Inspector stated it is a good idea for the longevity of the structure, but it is not necessarily required. I would say probably ninety percent of these projects don't have any reinforcement added to them.

City Public Works Supervisor Cracraft stated my recommendation would be to go with Cleary because of the site preparation being included.

Councilman Alworth asked did they say when they could start?

City Public Works Supervisor Cracraft stated once we give the go ahead, they said they could start in July or August.

Councilman Alworth moved to accept City Public Works Supervisor Cracraft recommendation to select Cleary Building Corporation's quote for \$48,769.00 to build the Cemetery storage building budgeted in FY 2024. Councilwoman Elliott seconded the motion. The motion carried unanimously.

7. 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 we don't really have an update but will be meeting with them on Monday.

Mayor Robertson stated in relation to some of those efforts, Senator Cortez-Masto's office contacted me earlier this week. She is going to be out in this area right after the 4th of July and would like to tour some of those earmarks and proposed earmarks. We are looking forward to hosting her on that.

8. Councilwoman Williams-Harper – Discussion/For Possible Action – Approval of Wireline Crossing Agreement by and among Nevada Northern Railway Foundation, a Nevada nonprofit corporation, the City of Ely, a Nevada municipal corporation and political subdivision of the State of Nevada, Commnet Nevada Subco, LLC, a Delaware limited liability company, and Commnet of Nevada, LLC, a Delaware limited liability company, relating to a limited non-exclusive license for an aerial crossing of the Nevada Northern Railway near North Street.

NNRY President Mark Bassett stated this is a request from Commnet to cross the tracks, so Chris Stanko, esq.; our STB attorney in Washington D.C.; and myself have put together a wire crossing agreement. Chris has been working with Commnet and we are all finally on the same page.

Councilwoman Williams-Harper moved to approve the Wireline Crossing Agreement by and among Nevada Northern Railway Foundation, a Nevada nonprofit corporation, the City of Ely, a Nevada municipal corporation and political subdivision of the State of Nevada, Commnet Nevada Subco, LLC, a Delaware limited liability company, and Commnet of Nevada, LLC, a Delaware limited liability company, relating to a limited non-exclusive license for an aerial crossing

of the Nevada Northern Railway near North Street. Councilman Alworth seconded the motion. The motion carried unanimously.

9. Councilwoman Williams-Harper – Discussion/For Possible Action – Approval of Wireline Crossing Agreement by and among Nevada Northern Railway Foundation, a Nevada nonprofit corporation, the City of Ely, a Nevada municipal corporation and political subdivision of the State of Nevada, Beehive Telephone Co., Inc., Nevada, a Nevada corporation, and Beehive Telephone Company, Inc., a Utah corporation, relating to a limited non-exclusive license for an aerial crossing of the Nevada Northern Railway near Mile Post 7 in Elko County, Nevada.

NNRY President Mark Bassett stated this is another crossing agreement on the far northern part of the line. Again, we have been working diligently on this and have gotten all the parties to agree.

Councilwoman Williams Harper moved to approve the Wireline Crossing Agreement by and among Nevada Northern Railway Foundation, a Nevada nonprofit corporation, the City of Ely, a Nevada municipal corporation and political subdivision of the State of Nevada, Beehive Telephone Co., Inc., Nevada, a Nevada corporation, and Beehive Telephone Company, Inc., a Utah corporation, relating to a limited non-exclusive license for an aerial crossing of the Nevada Northern Railway near Mile Post 7 in Elko County, Nevada. Councilwoman Elliott seconded the motion. The motion carried unanimously.

11. Council Members – City Fire Chief Stork – Discussion/For Possible Action – Approval of Resolution 2023-09, a resolution establishing a fire hydrant flow test fee of \$300.

City Fire Chief Stork stated we have been doing more of these lately. It takes about an hour and a half by the time we get two of us, gather all the equipment, and get where we need to go. We put this fee of \$300.00 to try and offset the cost of us going along with the last one Carl and I did for the railroad we had a rock come through it and damage it. We need a way to recoup costs as we are having to do these for contractors, and I am sure they are charging their clients a fee for it.

CITY OF ELY
Resolution Number 2023-09
RESOLUTION ESTABLISHING A FIRE HYDRANT FLOW TEST FEE

WHEREAS,

the Ely City Council has the authority to pass resolutions that are not repugnant to the constitutions of the United States or of the State of Nevada or to the provisions of Chapter 266 of the Nevada Revised Statutes, necessary for good municipal government and the management of the city affairs pursuant to Ely City Code 1-5-4(B) and N.R.S. 266.105;

WHEREAS,

the City Fire Department does not currently charge a fee to conduct fire hydrant flow tests;

WHEREAS,

performing a fire hydrant flow test takes two City Fire Department employees away from their general duties for approximately one to two hours and requires the use of city equipment;

WHEREAS,

persons requesting a fire hydrant flow test should pay a fee to compensate for the use of the Ely City Fire Department's equipment and personnel; and

THEREFORE,

pursuant to the above and in the best interest of the citizens of Ely, the City Council of the City of Ely, State of Nevada, hereby resolves and orders, by way of this Resolution, that the Ely City Fire Department require a \$300.00 fee to perform fire hydrant flow tests.

VOTE:

AYES

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NAYES

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ABSENT

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PROPOSED on the 8th day of June 2023, by Fire Chief Stork.

PASSED on the 8th day of June 2023.

APPROVED:

ATTESTED TO BY:


NATHAN ROBERTSON, MAYOR


JENNIFER LEE, CITY CLERK

Councilman Alworth moved to approve Resolution 2023-09, a resolution establishing a fire hydrant flow test fee of \$300. Councilwoman Williams-Harper seconded the motion. The motion carried unanimously.

12. Council Members – City Clerk Lee – Discussion/For Possible Action – Approve Lease Amendment adding monthly after-hours utility usage fee to 125 Mill Street lease between City of Ely and Nevada Department of Administration, May 1, 2023-April 30, 2026.

City Clerk Lee stated the State didn't negotiate, but had their attorney write the agreement mirroring what we requested, so I recommend approval.

Councilwoman Elliott moved to approve the Lease Amendment adding monthly after-hours utility usage fee to 125 Mill Street lease between City of Ely and Nevada Department of Administration, May 1, 2023 – April 30, 2026. Councilwoman Williams-Harper seconded the motion. The motion carried unanimously.

13. Council Members – City Clerk Lee – Discussion/For Possible Action – Approval of abatement action to include the removal of sacks of garbage, old mattresses, debris in the back yard, and the grass and weeds that are overgrown on private property located at 1075 Avenue D, Ely, NV, APN 002-027-10.

Councilman Alworth stated I think it is a good idea, I just have concerns of the safety of our staff.

City Public Works Supervisor Cracraft stated the property owner doesn't live at the property; they live in Wyoming.

Mayor Robertson asked, we haven't had any response from the property owner?

City Clerk Lee stated we did have a response from the property owner. Patti took a call from the property owner, and they said, "just have the City clean it up and bill me."

Mayor Robertson stated if they don't pay, we lien the property.

Councilwoman Williams-Harper moved to approve abatement action to include the removal of sacks of garbage, old mattresses, debris in the back yard, and the grass and weeds that are overgrown on private property located at 1075 Avenue D, Ely, NV, APN 002-027-10. Councilwoman Elliott seconded the motion. The motion carried unanimously.

9. PUBLIC COMMENT

Kerri Pinter stated I live at 1417 Mill Street and each and every time we get a new board or council, I personally always hope for the best that change is coming for the better. Established clicks move on but invariably new ones are formed. What starts out as an honest attempt to work together to get things done turns into personal agendas being served, such as the red building on the McGill Hwy., the swimming pool, the justice center, and now the pump storage proposal. These lasting "legacies" are failures, NOT victories and at whose expense? The residents of the City of Ely and White Pine County, that's who! With respect to the housing crisis, back in 2014 we purchased 23 lots (7 buildable lots) on the 1400 block of Canyon Street. We applied for an abandonment of the three lots directly behind our current house to tie the properties together so we could construct a shop without living quarters which would add to the tax base. After \$500.00 and months of back and forth with the engineer and City Council (Mr. Carson included) and one prominent family named neighbor, we ended up not being successful in accomplishing our goal. These may be seven buildable lots but the cost of the infrastructure does not make it feasible for us to develop said lots so they sit vacant, and always will. We were chastised from the then council for asking for forgiveness instead of permission in our endeavor. Now fast forward to 2022, we have moved on and working on our next adventure on Bell Avenue. This time we have followed every protocol and tried to be up front in asking permission as well as getting all the infrastructures in place, in advance (costing us tens of thousands of dollars) in an effort to be ready to go and build with no restrictions. We are firmly committed to doing everything by the book this time around only to be discouraged from the

Building Inspector last year when putting in the curb and gutter. He asked why we would do so before building in the event the construction process may damage the curb? Is this why we have new construction housing on lower Bell Avenue and 17th Street with no completed infrastructure. Why are these homeowners being issued occupancy permits? Where are the protections for new homeowners that they won't have to live on a dirt road for many years to come because a developer, or 2, didn't finish the required infrastructure. To end on a positive note, thanks to the Cemetery/Parks Department and Public Works Supervisor Cracraft for the work done this past Memorial Day at the cemetery; the graves were mowed and trimmed nicely from top to bottom.

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

Councilman Alworth moved to adjourn the regular meeting of the Ely City Council at **6:03 p.m.** Councilwoman Williams-Harper seconded the motion. The motion carried unanimously.



MAYOR



ATTEST