

CITY OF ELY

501 Mill Street Ely, Nevada 89301

City Hall (775) 289-2430

Cityofelynv.gov

ELY CITY COUNCIL REGULAR MEETING

July 27, 2023, 5:00 p.m. – Ely Volunteer Fire Hall – 499 Mill Street – Ely, Nevada

1. Mayor Robertson called the regular meeting of the Ely City Council to order at 5:03 P.M. Dave Costello offered an invocation. Mayor Robertson led in the Pledge of Allegiance and asked for Roll Call.

Members present:

Mayor Nathan Robertson
Councilman Terrill Trask (Zoom)
Councilman Kurt Carson
Councilwoman Samantha Elliott
Councilman Jim Alworth
Councilwoman Jerri Lynn Williams-Harper

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

City Clerk Jennifer Lee
City Attorney Leo Cahoon
City Public Works Director Mike Cracraft
City Engineer B.J. Almberg
City Building Official Craig Peterson
City Municipal Court Judge Mike Coster (Zoom)
City Accounts Clerk Desiree Ramirez
City Administrative Assistant Patti Cobb

Also, in attendance: Members of the public in attendance at the Ely Volunteer Fire Hall signed in (appears on the following page) and the following persons attended via video conference: Geri Wopschall, Burton Hilton, Tyler West, Nora Tadic, and Brad Christenson. In gallery: Shadrach Robertson.

ELY CITY COUNCIL ATTENDANCE LIST

DATE: July 27, 2023

Print name below

Janet VanCamp
Kyle Horvath
Julia Rodney Stephen
Kerri Pintar
Carol Layba
Chris Ricci
Ricardo B. B. B.
Mel VanCamp
Sandy Morene
Benji Mon
Patricia
Valerie L. G. G.
Shirley B. B. B.
Josh Lieberman
Chae K. K. K.
George Chachas
Mike S. S. S.
Steve Lopez
Pat D. D. D.
Caroline McInish
Paul W. W. W.

Print name below

DANA SANDOZ
John Chanchalis
Leah Brown
Blake Cook
TONY ALFIERI

2. PUBLIC COMMENT

City Administrative Assistant Cobb read the following into the record:

Re: Ordinance 751, Bill No. 2023-05

I am unable to attend the Ely City council meeting on July 27, 2023 as I have a prior commitment to help feed a youth group that is out on a fifty mile hike, so I wanted to communicate my thoughts regarding this ordinance.

As I have mentioned previously, I believe this ordinance is important to the growth of the economy in the City of Ely and White Pine County. We all want new businesses and services to come to the area. I have heard complaints about city and county officials in conjunction with established businesses stopping certain businesses from coming to town. The truth is, what is stopping some businesses from coming to town is a lack of population. We need more industry to bring more people permanently to our area.

Tourism is one of those industries that is bringing more people and therefore more permanent jobs to our community. I appreciate the tour and rec board and those business persons within the community that have worked hard to build tourism as an industry, they have accomplished some great success. More hotel rooms will allow this momentum to continue.

This ordinance is not about limiting a specific business from coming into our community, it is about helping to build the tourism industry and consequently building population, which will encourage long term growth within all sectors of our community.

There are exciting things happening in Ely. We have seen a new gym and sandwich shop open within the last few months, Councilman Trask is getting ready to open his Corner Market soon. Specifically, there are companies that are willing to build the services that Pine West is proposing to build in the community, even with this ordinance in place. The Woywood family is willing to invest in a casino, which includes hotel rooms. Ridley's just put in a new Beans and Brews Coffee House, Golden Gate petroleum is putting in a new convenience store, R Place is expanding their convenience stores and fueling operations.

I think this ordinance is in the best, long-term interest for the continued ability for new businesses to open, and succeed, as tourism contributes to population growth of the City of Ely, and White Pine County.

Thank you for your time.

Bryan Reed
1180 Bell Avenue
Ely, NV 89301

Sandy Moreno stated I am here in regard to Ordinance 751. Bill number 2023-05. I think you all need to rethink that Ordinance because the way I read it now is if someone was to come in and build a forty-room hotel they would be allowed to put as many slot machines as they want. Can they go back to putting in one hundred like they originally wanted to or can they put in two hundred. Do you really need another forty-room hotel here? Did anyone else notice that during the 4th of July holiday the Four Sevens didn't even appear to be open. There were two vehicles there and it looked like maybe someone was working on it. I don't know why this wasn't available to the public. There were vacancy signs all up and down Aultman Street. If you are really concerned about your existing businesses, why are you going to force another forty-room hotel into the town when you already have vacancies. I think there is another way around this. We need more restaurants. Originally it was said that if you put this project in it will kill the Hotel Nevada and the Prospector and then I overheard some council members talking to the lady from the Hotel Nevada asking her if hotel rooms were put in if it would hurt her. She said no, they are having to turn people away; so, which is it? I think you need to take more time and really look at the wording.

Caroline McIntosh stated I am here to invite you to the 4k for cancer riders and runners that will be in town. They come every year and will be staying at St. Bartholomeus Church. We are having a dinner at 6:00 p.m. at the church and our very own B.J. Alberg is our guest speaker. I do want to support Ordinance 751; we need lodging and I have data and not hearsay. We are really trying hard to diversify our economy and that is how we are doing it is through our visitors and tourism.

Burton Hilton stated I would like to speak in regard to item B-8. I am shaking my head at this issue. Here we are a month after what seemed to be settled by the Council. If someone wants to open a gas station, a restaurant, or a bar then open one up, and if someone wants to have more than sixteen slots then here are the rules. The company pushing for this seemingly is only interested in bending the City over and seeing how much the City will take. They sure don't seem interested in building a restaurant or a gas station; they only want slots. The restaurant idea is only there so they can get their slots. How many restaurants have you been into with forty slots in the actual restaurants? The Business Impact Statement shows ninety-two percent in favor of keeping the room requirement in the Ordinance. How does a slot parlor benefit the City? I am sure not aware of any substantial benefits. Why has a representative from Terrible's not been at any of the proceedings? They have one hundred and seventy-six gas stations with no slot parlors and only six slot parlors overall. They obviously don't need them to be successful. Other developments are happening in the community without demands on the City like this. I urge you to reject the proposed material changes to the Ordinance and approve the second reading of the Ordinance in 9.1 as presented.

Kerri Pintar
1417 Mill Street

New Business Item #6. Performance Evaluation for Clerk Lee. Having been present at your last meeting and witnessing the appalling treatment City Treasurer/HR Trask was subjected to, I would again like to take this opportunity to remind this Council what valuable assets the appointed employees you have selected to fill these positions are, not only to the Council, but also to the residents of the City of Ely. I appreciate the prompt and thorough response I receive when asking questions from Clerk Lee. That said, budgeted or unbudgeted, she should be given the same 3% raise as Ms. Trask as further acknowledgement of a job well done in representing us all.

New Business Items #2 thru 5. Councilman Alworth's resignation from multiple boards. Your last meeting was nothing less than disappointing to see the breakdown of communication amongst council members, council members and City Treasurer/HR Trask, as well as what in my opinion, was extremely poor treatment of the Nevada Rural Housing representatives. Shame on our City Attorney for not shutting down this behavior which I found to be totally unacceptable; and, apparently had consequences which extended the following day outside of the meeting setting. I concur the applicants potentially chosen to fill the vacancies are another wonderful representation of the best Ely has to offer to move us

forward in a positive manner with regards to these appointments. The question begs to be asked, why just resign from these four board liaison positions? If you are not satisfied with how your fellow council members are conducting themselves, then perhaps you should also resign as Councilman Seat 4?

New Business Item #8. Proposed changes to Gaming License Ordinance 751, Bill #2023-05. Hallelujah!!! I am encouraged to see Pine West back before this council and your willingness to consider additional information with regards to the proposed development on the corner of Great Basin Blvd. Please let's not be swayed again by the threats and intimidation tactics surely to follow from one local casino owner and one potential casino/luxury apartment developer. I am encouraged to see the revised Ordinance language but would respectfully request you amend the proposed limit to 30 hotel rooms to coincide with the county requirement. There is no reason we should have completing ordinances when both boards of elected officials have an obligation to your constituents. PLEASE remember this when the agenda item is opened for discussion/possible action and a vote is called for tonight.

Anne Kellogg stated I am here on behalf of the Hotel Nevada in regard to agenda item number eight. While I am resolutely in favor of continuing on to the second reading which would validate your April 27th decision, I recognize you are exploring a potential amendment that would increase the number of slot machines allowed to forty; forty machines are a lot of machines. If you are going to rewrite the 2017 ordinance again, I would respectfully request that we have the opportunity to look at the new proposed language together before it is amended to accommodate a very specific new development. Thank you for your time and service to the City of Ely.

George Chachas stated on your agenda item 7B-3 you are to consider appointing Mary Kerner to the RTC Commission, and that position needs to be filled by a council person to deal with the City street needs. On your agenda item 7B-4 you are to considering appointing Katie Gianoli-Rozich to the White Pine County Audit Commission, and that position needs to be filled by a council person. There may be a conflict if her bank is issuing any loans to any government entity. On your agenda item 7B-8 you are to consider changing Gaming License Ordinance 751, Bill 2023-05 changing the criteria for hotel rooms and that needs to die. There is no real benefit to the city with the removal of the room requirement. On your agenda item 7B-9 you are to consider compliance options regarding fencing heights. The City needs to enforce established codes that have been in place for decades. You put people on the Planning Commission that are knowingly not in compliance and now you are contemplating changing the rules for the carpet baggers. The City has cited selectively for years. You need to stop the discrimination and bring those in violation into compliance. On your agenda item 7B-6 you are to consider the annual performance evaluation of City Clerk Jennifer Lee. Let me remind you she does not have any management experience nor a GED in management. She has failed to address Ely City Code violations by some members of the Planning Commission as well as some of the Ely City Council Members. She has failed to ensure the proper enforcement of minimum ADA compliance on new projects throughout the City. She has failed to address and enforce the curb and gutter on new projects, some of which go back three years. She has failed to collect proper utility fees for RVs and squatters throughout the City. She continues to fail in enforcing fence height standards as required by City Code. She has yet to correct the encroachment of her fence on a City sidewalk right-of-way which impedes those that are handicap.

Randy Weber stated I would like to see the fence height get changed because there are already fences that are six foot high in front and I would like to put a rot iron fence on my property just

to keep the deer out. I don't know what the reasoning is for not having six-foot fences in the front, but someone said it was for sight, but rot iron you could see through.

Steve Bachus stated I live on Avenue C, and I would like to see the ordinance changed to be able to put six-foot-high fences in the front because I would also like to put a rot iron fence up. It is ninety percent see through and would not block the view, but I understand a wooden fence would.

Pat Robison stated I am in shock this is all back on the agenda again because the people of Ely voted the Council in to be their voice, to speak for them, and to support them. When I was on the Council and we voted this in, it was for the benefit of Ely and now it's in question. I have to say that was probably one of the most controversial councils that Ely has had because it involved the train, but this is something that everyone voted unanimously on. It was because we do care about the people of Ely. If you think the people from Pine West cares about the people of Ely, you're nuts, it's just dollar signs to them. We need things that are going to bring in more revenue for the City. The City needs more money. People here have worked so hard to clean up Ely and make it nice to the point that we have been voted the number two city most desirable to visit, so let's keep it going. If you think slot parlors are going to keep this going...wrong. We do need a new business on that corner, but is this the answer and having semis going all over in a residential area? Pine West comes into town and wants you to change a City street, wants you to change a neighborhood into a business, and a bunch of semis in a neighborhood; I don't think this is the right way to go. People have worked so hard for us to have things to go visit like the Renaissance Village and all the things that go on here; this is something we don't need. When we put that Ordinance in place it was to have quality and not quantity. We have plenty of casinos in Ely to accommodate the current population. I am totally against this. What was that face for Samantha Elliott and the Mayor?

Councilwoman Elliott stated I just looked over.

Pat Robison stated if you are disagreeing with what I am saying just come out and say so or do it in your vote, but don't sit there and make faces; it is not your job.

Mayor Robertson stated Ms. Robison this is public comment.

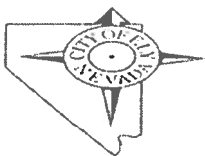
Pat Robison stated Samantha I don't think the people wanted you.

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

Councilman Alworth moved to approve the agenda as presented moving item B8 to the top of New Business. Councilwoman Elliott seconded the motion. The motion carried unanimously.

4. CITY DEPARTMENT REPORTS

➤ CITY CLERK



CITY OF ELY

301 Mill Street Ely, Nevada 89301
City Hall (775) 289-2430
Fax (775) 289-1463

REPORT

DATE: July 27, 2023
TO: Mayor Robertson and City Council Members
FROM: City Clerk Jennifer Lee

COMMUNITY PROJECT FUNDING

We were notified by the EPA Tuesday that the Central Ely cost-share waiver I submitted for \$660,000 was approved; based on that, our Program Officer indicated the second cost-share waiver request I submitted in the amount of 1.7 million should be granted.

BROADBAND

Commnet has informed us that once construction starts, the contractor should have fiber to City Hall in forty-five days.

COMPLAINTS

To date, my office has received **38** complaints this year, **5** of those complaints remain active. There is **1** remaining complaint from a prior year for a total of **6** active complaints.

INSURANCE CLAIMS

Councilman Alworth requested that I submit an insurance claim on our 40+ year old lift station pumps and associated expenses; staff and I have been working with four separate adjusters on that.

➤ **CITY MUNICIPAL COURT JUDGE**

City Municipal Court Judge stated I wanted to comment that for about two to three months in a row both the Justice Court and Municipal Court have been seeing reduced traffic cases that are being contested. This might be an effect of the new State Law which takes the very minor traffic laws and treats them as a civil law violation and allows people to pre-pay by computer remotely and not have to come to the window or to court. It is making the whole process more efficient. We are watching that to see if it has that intended effect and still serves the general public's safety and interest. If you see fewer traffic cases on the report that would be the explanation.

5. REPORTS

➤ **COUNCILMAN ALWORTH**

Councilman Alworth stated I have a report and before I start this report, I have been cautioned by the Attorney to watch how I present this. This report is based on nothing but true facts, public information, and I am using my first amendment to say what I want to in my opinion. I have a right to say my opinion. He is going to caution me if he feels I am going off base and at that time I will hold those comments for public comment. This is the Councilman's Report for July 27, 2023. In light of Council actions and accusations directed towards myself during the July 13, 2023, Council Meeting I feel it is incumbent of me to address the Mayor and my fellow council members. Hopefully the Mayor, council members, and appointed staff were given the official oath and sworn to follow it as written. The oath requires each person in part to "bear true faith, allegiance and loyalty to the same, any ordinance, resolution or law of any State notwithstanding." The State of Nevada NRS 266 is the general law for incorporation of cities and towns and directly impacts the operations of the City of Ely. There are many city ordinances that have been put in place by NRS and it is the responsibility of the Mayor and Council to be aware of them by reading them or asking the City Clerk or City Attorney to assist. I am hopeful that the elected officials as well as the appointed officers have read this NRS. In your spare time read it over and pay attention to NRS 266.600; General Powers of City Council in which it reads: The Council may, number one, control the finances of the operation. Therefore, I along with other Council Members have the authority as elected officials of the City of Ely to question how the finances are being budgeted, spent, and able to make suggestions for possible changes to the finances of the City. Moving along, the way appointed employees were asked by the City Treasurer to request a dollar amount be added to the Fiscal year 2023/24 for an increase to their respective salary was unbelievable. Here is the breakdown....

City Attorney Cahoon stated Councilman Alworth you are getting into character incompetence.

Councilman Alworth stated here are the facts City Treasurer/HR Director Trask, City Clerk Lee, and Building Official Peterson did not request an increase. This is public information right out of the budget Mr. Mayor. The City Attorney requested a \$15,000.00 increase.

City Attorney Cahoon stated I ask for point of order.

Councilman Alworth stated this is public information, it is right in the budget. This is some of the cover up that is happening in this City right now. I am continuing. File a complaint on me and do what you want. The public needs to know what is going on.

City Attorney Cahoon stated you can have an agenda item...

Councilman Alworth stated the City Attorney requested a \$15,000.00 increase and Fire Chief Stork requested a \$10,000.00 increase. Mike Cracraft was not an appointed official at the time of the budget. This is right from the Treasurer to me in correspondence.

Mayor Robertson stated as long as he is just citing facts from previous items is that straying into that or if we are calling for a conclusion based on that.

City Attorney Cahoon stated if the facts touch an appointed official....

Mayor Robertson stated the facts I am hearing right now are from a previous meeting.

City Attorney Cahoon stated if the facts touch on an appointed official's competence and character there is going to have to be a personnel session in a later meeting.

Councilman Alworth stated he is absolutely wrong. I have it emailed to her and from her and what I am reading here are the answers. It was in the budget Mr. Mayor. If you folks would have had an opportunity to go through the budget you would have seen this, so I am continuing. Mike Cracraft wasn't an appointed official at the time when the budget was being prepared and was not asked. However, and I say this in a serious tone, Treasurer Trask reported a council person did request in the budget a \$6,139.00 increase for Mike Cracraft. I must ask; why wasn't the council person's name reported. What's the big secret? Why is the dollar amount so exact? Mike was awarded a \$4,139.00 increase for his promotion to Public Works Director bringing his salary to exactly \$73,000.00 a year, leaving \$2,000.00 in the budget dedicated to Mr. Cracraft. Is the plan of the secret council person to push the additional \$2,000.00 to be awarded in September during his annual review? Mike will have held this position a little over three months. In my opinion the City Treasurer in making salary increases and accepting this secret person's request for this budget.

City Attorney Cahoon stated again Mr. Mayor we are getting into allegations and character...

Councilman Alworth stated she wrote to me that she accepted the request from the council person that is yet to be identified Mr. Attorney; that's the facts.

City Attorney Cahoon stated under the City Code the Council can vote to expel him from the meeting.

Mayor Robertson stated can I pause this for just a second? Can I meet with you real quick Leo and Jim can I look at what you have there.

Mayor Robertson recessed the Regular City Council Meeting at 5:35 p.m.

Mayor Robertson reconvened the Regular City Council Meeting at 5:46 p.m.

Councilman Alworth stated in light of the legal beagles I will stop running my mouth. I am sorry for hurting anyone's feelings. I will try to have something together for the August 17th agenda. I apologize for coming off strong. I believe in this City and there are some shenanigans going on that I really believe we need to put a squelch on. I will work on doing it politically correct and try not to upset the troops here.

➤ **MAYOR ROBERTSON**

Mayor Robertson stated you have my report. We have a lot of events going on this summer and it's been great to see everybody in the community out to those things. We appreciate everyone's hard work and participation. These things do not get pulled off without the help of a huge amount of volunteers and help from our local business community.

6. ITEMS FOR DISCUSSION/POSSIBLE ACTION OF THE ELY CITY COUNCIL AS RECOMMENDED BY THE CITY TREE BOARD.

1. Chairman Wolf – Discussion/For Possible Action – Recommendation with possible approval of an "Adopt a Corner" Program for businesses and organizations to care for future vegetation on Aultman Street, to be installed by the Nevada Department of Transportation as part of their Ely Downtown Project, and other possible methods to minimize care and upkeep of proposed planters.

Councilman Trask moved to table the approval of an "Adopt a Corner" Program for businesses and organizations to care for future vegetation on Aultman Street, to be installed by the Nevada Department of Transportation as part of their Ely Downtown

Project, and other possible methods to minimize care and upkeep of proposed planters. Councilman Alworth seconded the motion. The motion carried unanimously.

2. Chairman Wolf – Discussion/For Possible Action – Determination of recommendations on the Nevada Department of Transportation’s Downtown Ely Landscaping and Green Infrastructure Project plans, with approval to send said recommendations to the Nevada Department of Transportation.

Councilman Trask moved to table the determination of recommendations on the Nevada Department of Transportation’s Downtown Ely Landscaping and Green Infrastructure Project plans, with approval to send said recommendations to the Nevada Department of Transportation. Councilman Alworth seconded the motion. The motion carried unanimously.

7. 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 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 7A-1 Bills

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

1. Discussion/For Possible Action – Bills.
 - July 12, 2023
 - July 18, 2023

B. NEW BUSINESS

8. Councilman Alworth - Discussion/For Possible Action - Consideration of material changes to proposed Gaming License Ordinance 751, Bill No. 2023-05, allowing a certain number of slot machines without requiring hotel rooms if the establishment meets certain conditions to be determined, with direction to City Attorney to make said changes.

Councilman Alworth stated like everyone has said we are tired of going over and over this. We are trying to find a happy medium. When you look at the drawing at what Terrible’s is trying to put in, there is actually no room to put a hotel. The Tourism and Recreation Board wants the rooms. I look at what’s better for the City in cleaning up some property that’s pretty much derelict and going forward with this is progress by bringing new businesses to town. To potentially lose a big project that has environmental issues out there over the fact that we don’t have room on the map for a motel or hotel, in my opinion, I think we need to put that in there to see if it is a die-hard thing. The following was reviewed:

The text could look something like the following:

- A gaming license applicant may operate more than sixteen (16) slot machines at one establishment but not more than forty (40) machines if the commercial establishment meets the following criteria:
 - I. Restaurant/Tavern occupies an area of at least 2,500 square feet which is open and available to patrons 6 days a week
 - II. Restaurant/Tavern contains a permanent physical bar
 - III. Restaurant/Tavern which (1) serves food ordered by patrons from tables or booths, (2) includes a kitchen, and (3) includes a dining area with seating for at least 25 persons in a room separate from the on-premise kitchen.
 - IV. Restaurant/Tavern that is open to the public 6 days a week and offers permanent seating for at least 40 patrons.
 - V. Property size is under 5 acres
- A gaming license applicant may operate more than forty-one (41) slot machines at one establishment if that establishment also offers for rent accommodations of at least fifty (50) hotel/motel rooms.

Councilman Alworth stated you have both choices in there instead of just hard lining it on one. I would like to also point out that we have five or six properties right here on Mainstreet in Ely that are empty and let's just imagine we have a sports complex like Bully's come in; they have food, alcohol, and over forty machines. There is no place on Mainstreet on any of these big lots you can put a hotel. If they come in and want to put in the forty some machines and have a sport's bar, are we tying our hands to progress downtown for gaming. This is Nevada, it has gaming, hot spots that are fun, drinking, and it's what Nevada is all about. In some sense I understand the gaming part of it, but the Woywods said they are going to put in a huge hotel and people are going to come and stay. What I just read are the conditions to be determined without requiring hotel rooms. If it is under five acres you can't build a hotel or a motel on it and if you look at the map the property we are looking at, is 3.9 acres. This is the Council's vote and if voted for we probably have to start from scratch again. We are not going to make everybody happy, and I'm sure I don't make a lot of people happy.

Councilman Trask stated this all came about when Love's came about. Love's has forty machines in there and I feel like what Jim is saying here, especially the second bullet point and I don't want to make it any more complicated than it needs to be, but to make the playing field level, they are at forty and this came about at forty; that seems like a number that is capable and that way everyone is operating under the same rules.

Councilman Carson stated I would agree this lot is unbuildable for a hotel/motel. To me the five acres sounds a little big, but that is just my personal opinion.

Councilman Trask stated I think so we don't get into that we make it as simple as possible.

Councilwoman Elliott stated I would even say thirty hotel rooms if we are going to change it to be consistent with the County.

Councilman Trask asked, Leo are you okay with one through five?

City Attorney Cahoon stated it can be done.

Councilman Trask stated I would agree with the thirty rooms. My big thing is trying to streamline as many things as possible.

Councilman Alworth stated I like the idea of streamlining it Terrill, but I still think we need more eateries in town. I think we need to have something in there, so it is just not gambling.

Councilman Elliott stated so it is not a slot parlor.

Councilman Alworth stated people are going to come to town and stay in the other hotels. I would like to see Terrible's come to the plate and put a restaurant and a tavern in.

Councilman Carson stated with that being said could they come in under these guidelines and not build a gas station out front?

Mayor Robertson stated it looks like they could.

City Attorney Cahoon stated as long as they have the bar, and the restaurant is my understanding. I am asking for clarification on the acreage if the Council goes that direction. Does that mean anyone over the five-acre lot despite having a restaurant and bar wouldn't need the hotel rooms?

Mayor Robertson stated it would appear to read that way.

Councilman Carson stated will this impact any of the businesses we have now, would be something to look at.

Councilwoman Elliott stated if we restarted, we would have to do the Business Impact Study again.

Mayor Robertson asked is that correct?

City Attorney Cahoon stated yes.

Mayor Robertson stated I think the five acres is a little prescriptive, but items one through four are good things. It wouldn't prohibit them from opening a gas station though; it just doesn't require them to.

Councilman Alworth stated on the acreage; I just look at the 3.9 acres and what they show with the convenience store, the gas station, the parking, and the slot area there is no room looking at that drawing to put a hotel. Maybe we need to just say if the property doesn't have room for a hotel, you can't put one there.

Mayor Robertson stated I think it is self-limiting if you buy a fourteen thousand square foot property you are not going to put a Walmart on it.

Councilman Trask stated there is already a motel on that property, but that doesn't include the gas station, so that is when they start adding the other stuff into it.

Mayor Robertson stated I think the required parking is something that has changed a lot since some of those buildings have been built.

Councilwoman Williams-Harper stated I understand where everyone is coming from, but I still think I would like to see the hotel. I understand the limitations, but then I wonder how many other people will come in and do this so they can skirt the issue of having hotel rooms.

Councilman Alworth stated that is a good point, but like I said the empty lots downtown have places for businesses to be there. They are right in the redevelopment area and there is money to help reconstruct that. If you are going to put in a bigger sports bar and there is no room to put a hotel, we possibly will lose a business.

Councilman Carson stated personally I would like to see the property size in there because that takes the fight out of there is no room there. Who is saying that your Building inspector or Engineer? You just have to go with five acres or whatever you want to dedicate it and keep it in there.

Councilwoman Elliott stated I would be fine with that.

Mayor Robertson stated I don't have strong feelings one way or the other. If someone is determined enough to build something on a small piece of property, I suppose they can. This doesn't preclude them from putting a hotel on there if it is under five acres. I think most of our hotel properties are less than five acres honestly.

City Attorney Cahoon stated I will say if the Council decides to approve this item it would mean we would still have to have the public hearing on the second reading, but the action item would need to be tabled or quashed.

Councilman Alworth moved to direct City Attorney to make material changes to proposed Gaming License Ordinance 751, Bill No. 2023-05, with those changes being:

- A gaming license applicant may operate 16 or more slot machines at one establishment but not more than forty (40) machines if the commercial establishment meets the following criteria:
 1. At least one bar with permanent seating capacity for 20 or more patrons
 2. at least one restaurant with permanent seating capacity for more than 40 patrons that is open to the public OR
 3. at least 30 hotel rooms
 4. Define restaurant and bar

- A gaming license applicant may operate more than (40) slot machines at one establishment if that establishment also offers for rent accommodations of at least thirty (30) hotel/motel rooms.

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

1. Mayor Robertson – Discussion/For Possible Action – Approval to sign standard AIA agreement for Phase II of the design project on City Hall with Paul Cavin Architect, LLC.

Mayor Robertson stated this is just the next phase. This agreement is still within the grant funds that we have currently available.

Councilman Trask moved to approve signing the standard AIA agreement for Phase II of the design project on City Hall with Paul Cavin Architect, LLC. Councilman Carson seconded the motion. The motion carried unanimously.

2. Mayor Robertson – Discussion/For Possible Action – Acknowledgement of Councilman Alworth's resignation from the Northern Nevada Railway Foundation Board of Directors and appointment of Council Member Terrill Trask to fill that position.

Councilman Alworth stated I would like to explain each one of those on why I did what I did. When elected a person is in for a four-year term and I have served two and a half years on this. I really think it is time we look at a break off time and roll somebody else into it to give others experience so if someone doesn't run again or terms out it's not somebody going in cold turkey. There is a lot going on with the Railroad that other council members need to be aware of when it comes to that time, even though Ms. Pintar thinks I am being a crybaby, that's not the whole idea. I think we need to get someone else in there to look at it differently. I look at things way different than a lot of people do and I think Terrill will be a good fit.

Councilman Trask stated I did go talk to Mark Bassett for a while about this. I know what I am getting myself into and am looking forward to it.

Mayor Robertson stated thank you for your willingness to serve and thank you Councilman Alworth for the time you have put in as well.

Councilman Carson moved to Acknowledge Councilman Alworth's resignation from the Northern Nevada Railway Foundation Board of Directors and appointment of Council Member Terrill Trask to fill that position. Councilman Alworth seconded the motion. The motion carried unanimously.

3. Mayor Robertson – Discussion/For Possible Action – Acknowledgement of Councilman Alworth's resignation from the Regional Transportation Commission (RTC) and appointment of Mary Kerner to fill that position.

Mayor Robertson stated I will say in the process of researching this and any time we do have an appointment I try to go back and make sure we have read all the requirements. It turns out that council members are ineligible to serve on the Regional Transportation Committee (RTC) so I appreciate the opportunity to look at that so we could correct it. Mary Kerner is a community member that serves on a number of boards, has a lot of board experience, and works a lot with contracts. I think she will bring some good experience to the RTC for the time she will be on there and was gracious enough to accept my appointment.

Councilman Alworth stated I really enjoyed working on the RTC because of my previous experience with the City, the good crews that work on it, and my six years with the County Road Department carried forth. Once again, it is one of those deals where we now have a public works director and I think that person and the Treasurer need to be there at those meetings and pushing for the benefit of the City. You have to have a voice there that is going to be strong because the RTC has a lot of pull from the County side.

The City of Ely got \$100,000.00 of the RTC five cent diesel tax which is a big amount of money that is going to go into improving the streets. Mary has been all around the community, but again Mike has the pulse on the crew. I think he is going to have to gather up in the truck and go around and look at stuff; you just can't go to a meeting and figure out what's going on. We need the Treasurer to push, push, push for this money and figure out creative ways to get it. B.J. is a good source of input and the City of Ely just has to get in there and aggressively get the funding.

Councilman Alworth moved to acknowledge Councilman Alworth's resignation from the Regional Transportation Commission (RTC) and appointment of Mary Kerner to fill that position. Councilwoman Elliott seconded the motion. The motion carried unanimously.

4. Mayor Robertson – Discussion/For Possible Action – Acknowledgment of Councilman Alworth's resignation from the White Pine County Debt Management Commission and appointment of Katie Gianoli-Rozich to fill that position.

Councilman Carson moved to acknowledge Councilman Alworth's resignation from the White Pine County Debt Management Commission and appointment of Katie Gianoli-Rozich to fill that position. Councilwoman Elliott seconded the motion.

Councilman Alworth stated the reason I am getting off of this one is every meeting the County, the City, and the hospital board all have their governing boards on debt, plus they have auditors and if you screw up, they're going to be on you. Katie is a great person and in the finance business. It is the most boring meeting you are going to sit in, and I have better things to do with my time than to sit through that.

Mayor Robertson stated as Jim said Ms. Gianoli-Rozich does have a lot of experience with finances, has been great member of this community, and a resident of the City. I am happy she was able to accept my appointment.

The motion carried unanimously.

5. Mayor Robertson – Discussion/For Possible Action – Acknowledgment of Councilman Alworth's resignation from the White Pine County Board of Equalization and appointment of Katie Gianoli-Rozich to fill that position.

Mayor Robertson stated these boards meet three times a year.

City Attorney Cahoon stated I will say for this item, there is nothing that stated the Board of Equalization has to include a city official so technically if we could just change the wording to recommend appointment of to the County Commission and then they will approve the appointment. I think it has been the practice to have a city official on that board and is not required so technically they would have to approve the appointment.

Councilman Trask moved to acknowledge Councilman Alworth's resignation from the White Pine County Board of Equalization and recommend appointment of Katie Gianoli-Rozich to the White Pine County Commission to fill that position. Councilwoman Elliott seconded the motion.

Councilman Alworth stated again this is one of those boards that we need to get people baptized against this. Nobody likes their taxes raised or be taxed and the Assessor follows the letter of the law and there is nobody that likes the letter of the law when getting taxed whether it is on new construction, old construction, or whatever you want to do. Those meetings last two to three hours and you are open to listen to both sides. In my opinion the Assessor does a great job by following the rules and the law. The last two people that have objected and have appealed it to the State Board of Equalization in the past the State Board has agreed with the local Assessor in that it was assessed correctly. I think it is a good governmental way to see how things go and it gets crazy. I am done with crazy and ready to let someone else sit in on it.

The motion carried unanimously.

6. Mayor Robertson – Discussion/For Possible Action – Annual Performance Evaluation of City Clerk Jennifer Lee to include, but not limited to consideration of character, alleged misconduct, professional competence, or physical or mental health. Possible action includes, but is not limited to, termination, suspension, demotion, reprimand, reduction or increase in pay, promotion, endorsement, engagement, retention, or “no action.”

Councilwoman Williams-Harper stated I think you are doing an amazing job and you have quite a bit on your plate. Whenever I need some information, you always break things down, so it is understandable. You are always keeping us informed and I know what you are doing. I sometimes wonder how you do it because it is a lot coming at you. I think your performance is stellar.

Councilman Alworth stated I would like to add that I have worked many years with Jennifer, and she is one of the people that is like my mom that can tell me to shut up in a polite way. She has guided me in some instances where I might be going in left field by telling me I was way off base and keeps a cool, calm demeanor which is hard for me to accept. She works with B.J. and the Porter Group and boom she has a finished project, and we have money coming in. You have to be dedicated and really playing your game on this. She is one of the employees that gives one hundred percent plus. She is dedicated to the position. It is not a pleasant position as I have sat in that position and the workload back then is nothing like it is for her right now. I think she does her job very well.

Councilman Trask stated as a new council member coming in Jennifer has been above professional in her duties and I feel she goes above and beyond for any questions I may have. She opened her door the minute I was elected to answer any questions I may have had. I appreciate you for getting me caught up to speed as much as possible and being there with an open door no matter what is going on in your busy day.

Councilman Carson stated I just want to say thank you, you do a tremendous job, and I was ecstatic when you took this clerk's job. We have been through a lot of ups and downs, but the City is a lot better with you here, so thank you.

Councilwoman Elliott stated I would echo all the same things and I think you truly keep the City running. We appreciate you.

City Clerk Lee stated it is a team, and we have a good team.

Councilwoman Williams-Harper stated I would like people to know that Jennifer is working on a master's degree in business and still doing all the work which is even a bigger benefit to the City.

Mayor Robertson stated I would agree. How do you feel this past year has gone? Are there things you would like to see corrected, problems you are having, or successes you are having?

City Clerk Lee stated I think it has gone well. I think the amendment with the State on the Armory lease is a good thing. The Board of Examiners meets next month so that will be a positive thing for us. I think the complaints, Patti has down to a well-oiled machine, and I think that is going well. We are hopeful we get good news on our LMI numbers on our CDBG, but if we don't I think we have enough time to appeal for the application in February.

Mayor Robertson asked are you finding you have to stay late less often than when you started four years ago?

City Clerk Lee stated yes, it is better. My office is a bit piled up, but that is a goal to get that down to a low roar.

Mayor Robertson asked are there changes you would request of the Council, or you would like to see in the Clerk's Department that would make things easier or maybe more effective for the time your spending?

City Clerk Lee stated I think down the road it would be good to get a digital finger printing machine for City Hall. I think that would be a good change to upgrade to that.

Mayor Robertson stated I know we do a lot of trainings, and I would like to give you props for how much time you spend organizing a lot of that. I know you and the Treasurer do your due diligence and not only does the Council have access to trainings, but our employees. Are there other trainings you think would be a benefit that we haven't done that would make people more proficient with the programs that we have?

City Clerk Lee stated no, I know that Treasurer Trask has planned for Robin to attend the Caselle Conference this fall, and Desiree is attending the Human Resource (HR) Conference. I think we are in a good place with the training.

Mayor Robertson stated can you speak a little bit to how your workload and that of your staff might change in the coming year since bringing on a Public Works Director which has shifted a lot of that off of your plate?

City Clerk Lee stated there are some things like the drug testing and being the NDEP contact is getting shifted to Mike. He has done a great job so far in my opinion and it definitely helps.

Mayor Robertson stated just for the Council's benefit I don't think any of our departments are in a position where there is ever a lack of things to do. We are always scrambling to get every bit of things done and there is always more that could be done. It is certainly the nature of working in a small organization like we do. I echo all the Council Members comments on how well and efficient you prosecute your duties and making sure no balls get dropped; it is not a small job. Are there any requests for the Council this year?

City Clerk Lee stated nope.

Councilman Trask moved to endorse for a job well done regarding the annual Performance Evaluation of City Clerk Jennifer Lee to include, but not limited to consideration of character, alleged misconduct, professional competence, or physical or mental health. Councilman Carson seconded the motion. The motion carried unanimously.

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

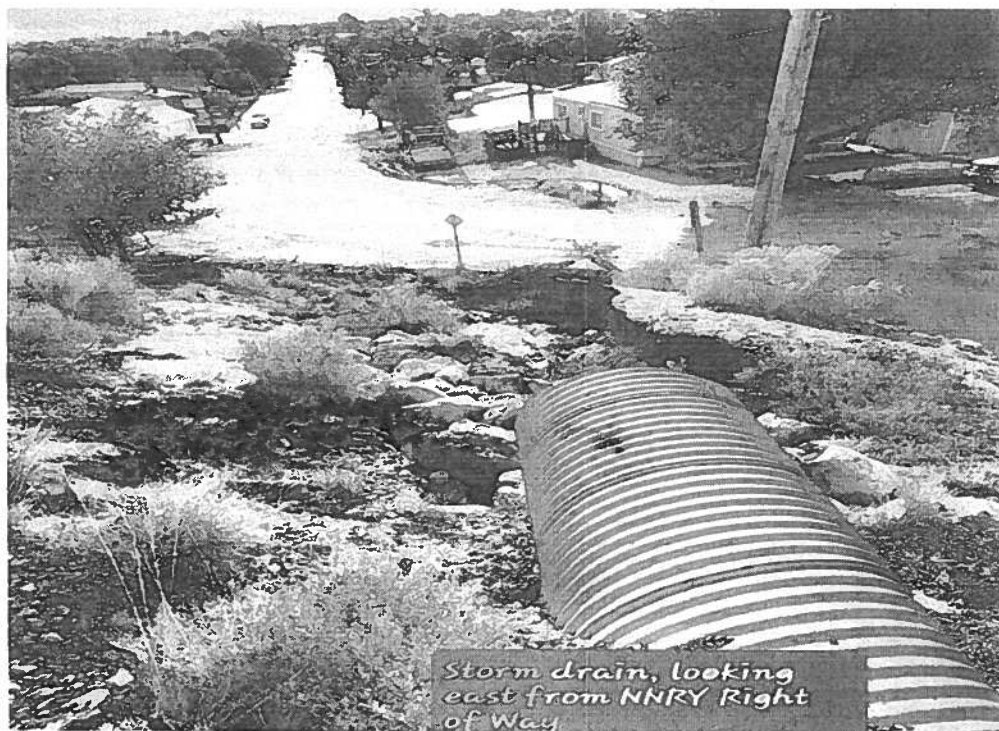
1. Council Members – City Clerk Lee – City Engineer Almberg – Public Hearing – Discussion Only – Consideration of citizen comments regarding eligible activities the City of Ely should apply for under the State CDBG program.

Janet Van Camp with the White Pine County Museum stated the public museum was established in 1959 by a group of dedicated volunteers. Our current group of board members and employees continue to provide a unique place for locals and travelers to spend a few hours reviewing our local history. We are a stand-alone organization that is not affiliated with either the County or the City. We are a non-profit museum that relies solely on grants, donations, memberships, and events to keep the doors open. It is a daily struggle to keep this charming little museum open to the public. As you can imagine money is very tight at the museum and that is why we would like to be considered for the Community Development Block Grant. It is our hope that you will work with us in updating the entire museum grounds fencing. Currently we have rot iron fencing and stone along Aultman Street that is rusting and falling apart. The gates are a struggle to open and close and the cement work around the stone hedge is deteriorating and allowing rocks to roll out into the sidewalk, which we have had several close calls with pedestrians walking. The chain-link fencing along the sides and back is piecemeal at best and does not provide adequate security for the artifacts in the lower yard. We feel updating the fence will provide better security for the museum grounds and artifacts and ensure the safety of our visitors. It will add to the appeal of the neighborhood and add a more

pleasing atmosphere to the museum grounds. We hope you consider the public museum for one of your projects.

Richard Barth stated this is my neighbor Julie Stephens. I live at 409 Ely Avenue which is at the end of North Street in Ely. Our request is in regard to the flooding that we go through constantly. I have been there for almost twenty years and have seen it progressively get worse and worse. It is a dangerous mess when we get a bad gully washer. We wanted to apply for this block grant to hopefully get some flood control. There is a drainage pipe that drains the west side of the railroad tracks into Ely and that is where a lot of our water comes from. I guess it was put there years ago to relieve the pressure from the water that collects over there because the tracks go by there.

Julie Stephen stated I live at 392 Ely Avenue and am a neighbor to Richard Barth. We are here on behalf of myself and my neighborhood and going forward “we” and “our” will be used in reference to myself and my neighborhood. Our neighborhood, within the intersections of Ely Avenue, North Street and Fay avenue’s business here today is to address flood control, ADA access and beautification of our neighborhood. Also, to express our concerns, issues, and specific requests. The items of our interests are the railway drainage pipe at the west end of North Street at the bend to Fay Avenue on the west side of Ely Avenue. Also, in the same area, making our sidewalks safe for those who have mobility challenges. The current condition of stated railway drainage pipe has allowed substantial flooding in our streets and washing out substantial areas of our properties, sidewalks, and streets. There is imminent potential that future flooding and washouts will cause further destruction to properties, streets, and sidewalks; potentially causing property owners, including our elderly homeowners, our pets, and wildlife to succumb to injuries, health issues, or possible death of a family member, not to mention damage to any vehicle that drives in the area. Last but not least, a possible railway collapse. Our request is to be approved for a grant in order to re-channel the flood water flow on the west side of the railroad track of said railway drainage pipe, while sealing the pipe. To accomplish this, we request that underground drainage be installed to direct the flood waters into the underground flood control system. We also request that from the existing sidewalks, curbing and v-gutter located on the north end of Fay Avenue going east down the north and south sides of North Street to Ely Avenue that ADA approved sidewalk, curbing and v-gutter be installed. In closing we appreciate any effort to resolve these issues that we are concerned with. All of our neighborhood will benefit from these improvements. We thank you for allowing us the opportunity to speak to you today.



Councilman Alworth stated on one of the pictures it looks like mud is going into the house and I see equipment tracks. Whose equipment was used?

Richard Barth stated the City comes after storms with loaders and I guess it costs the City every time mud comes across. We are not trying to blame anyone, but it is becoming a constant problem. I feel like if you came on my property and there was rocks and mud and you had an

accident, my insurance would have to pay for that. I am concerned someone is going to have the same issue from my property line to across the street and that is the City's property. We are talking about City property that is being flooded, washed away, and rocks and mud preventing cars from getting through there.

Councilman Alworth stated I see they have added rocks in the storm drain picture.

Richard Barth stated that is what we would like to see go underground into the flood control system.

City Clerk Lee stated B.J. also received this suggestion as he is the City's contact:

740 Morley Ave
Ely, NV 89301
July 25, 2023

Clerk, City of Ely
501 Mill Street
Ely, NV 89301

Re: July 27th, 2023 City Council Meeting. Public input project ideas, 2024-2025 CDBG.

Thank you for asking the public for project ideas. I am submitting two very basic descriptions of project ideas for consideration.

1. Improvement to city water supply lines to the Morley Ave area. Upgrade Morley Ave water supply to increase pressure and volume. Morley Ave has low water pressure. Sewer replacement is planned. It would be an ideal time to upgrade the water supply for Morley Ave at the same time as the sewer work. Consider larger diameter supply pipe and connecting loop to streets below from East end of Morley.

2. Feasibility study including engineering reports of using non-potable water and reclaimed water for watering of city parks and Golf Course.

The remainder of this letter addresses the first project idea, "Improvement to city water supply lines to the Morley Ave area".

In June 2017, I purchased my home on Morley, the water pressure was tested, 30 static psi with no significant pressure drop when a second discharge valve or faucet was opened. This house was served by a 1" copper main at the street. Around July 2019, while I was out of town, this line mysteriously broke in the middle of the night and started to leak near the main valve. When the water department came to repair the valve/line, it was discovered that my house was on a 'exclusive' one inch copper line that ran down and connected to the city main on Ely street. Basically, my water line and pressure use was separate and independent from the other homes on Morley street.

For various reasons that make sense, the city was not able to re-connect me back to the one inch copper line that ran down to Ely Street. The water department did a good job of connecting me to the 4 inch line that serves the other houses on Morley Ave.

When connected to the Morley 4" line, my static pressure was a few psi lower, still around 30 PSI depending on the time of day, but with some noticeable volume/pressure drop upon opening any second discharge valves. The pressure on Morley seems to vary at times, but overall it's not all that good. My house is the first user on the Morley 4" water line and at the lowest elevation for the street and should therefore have the greatest pressure for Morley. According to Popular Mechanics magazine, in the United States, home water pressure less than 40 PSI is considered 'low water pressure'. I can live with and am OK with the 30 PSI (At times, it has been necessary to use a pressure booster pump and tank to operate my drip irrigation), but I don't think it's right to ask the

other houses on the street to pay the same rate for City water as other residents in town, but yet receive substandard or inadequate water pressure.

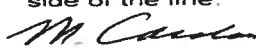
Last year I received some correspondence from the 'Nevada Rural Water Association' that indicated the city would be replacing the sewer lines in the Morley area. If the sewer lines are going to be replaced on Morley, it would be an appropriate time to also address the low water pressure issue.

Why the upgrade of city water supply for Morley is needed and a good project idea for the 24/25 CDBG:

1. As stated, the water pressure is low or inadequate and it's not right to ask users to pay the same rate as other residents for substandard water pressure.
2. The water pressure on Morley will likely get worse. Currently, two houses on Morley are unoccupied but will likely be occupied in the future and place additional strain on the existing sixty plus year old 4" steel pipe.
3. There are vacant lots in the Morley area that will require adequate water pressure for future new construction. This is especially relevant with manufactured homes which are designed for use with normal water pressure and seem to be the prevalent type of new 'construction' in Ely.
4. It's not right to burden people with the concern or worry whether their own reasonable water use (using clothes washer, dishwasher, or drip irrigation) is preventing their neighbors' reasonable water use (getting their kids ready for school or bedtime, watering their lawn, or taking a shower after work).
5. It makes sense to undertake the water system improvements at the same time as the sewer work.

It would be easy to say that the residents of Morley should have known the water pressure was inadequate or low when purchasing their homes and they have to live with their decision. But that's not who we are. We live in a great town in the greatest country in the world, a rural town with a mining and ranching background where problem solving is part of the daily routine. We don't solve problems by saying that our fellow citizens made a bad choice in choosing to buy a house and live here.

Thank You for your Consideration of the Morley water improvement project. Also 'Thank You' to the city water department crew, being at the bottom of Morley Ave, I have the benefit of the highest water pressure on the block, but I also have the honor of being the first to experience problems with the Morley sewer line. I have a good track record of correctly letting Carl and the crew know when there is a problem on the city side of the sewer line and they are understanding when I get it wrong and the problem is on my side of the line.


Mike Carolan

City Clerk Lee stated those are the projects we have received so far for ideas, and you received my memo about the things we learned at the training.

Councilman Alworth stated I have a question for B.J. on Morley Avenue is that because of the proximity of the tank they are getting water from is so close to it so there is no head?

City Engineer Almberg stated yes.

Mayor Robertson asked Is there any solution besides those two, like tying those homes into a different part of the system?

City Engineer Almberg stated no, even if you looped it, it's back to what Jim is saying, it is just to close to elevation and pressure can't build.

Councilman Carson asked what about a pressure sustaining valve? Would that not work in that situation?

City Engineer Almberg stated no, because you still wouldn't have the pressure. With all of these projects that were presented I will go back and work with these individuals to fine tune their ideas and put costs associated with them. The other thing I can't answer right now is whether they are going to be eligible or not, but we can work through that process. Some of the things that Jennifer expressed earlier is our LMI areas and having to get those areas modified.

Councilman Alworth asked can you explain to the people what LMI stands for?

City Engineer Almberg stated LMI stands for low to moderate income, so CDBG projects have to go into areas that are LMI of fifty percent or higher. I don't believe our LMI areas are correctly labeled in our City so we are working with them and waiting on them to come out with the new census and hopefully get them figured out. If not, that is what Jennifer expressed earlier. We can appeal to them and let them know we think they got things mixed up and we don't feel this truly represents our City.

George Chachas asked how many projects can you put in for?

City Clerk Lee stated we can put in two, but we are at the stage we can talk about a lot of projects and then boil it down in November or December.

George Chachas stated I want to support the people that were here before me on Ely Street and Center, but I also want some consideration for the drainage coming off of the Bath property on 7th Street. It is jumping across Ely Street and eroding my property and I can't do basic maintenance because you have put in riffraff and the water is tearing away my fencing. It should be very simple, if we would have had curb and gutter along there it would have gone straight down 7th Street, but it is not doing that. I have asked for help in the past and I don't want to take away from the people prior because they have a bigger priority, but it is a concern of mine and I want it listed if it is a number two project.

2. Council Members – City Attorney Cahoon - Public Hearing – Discussion Only – Approval of Second 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.

Kerri Pintar
1417 Mill Street

Public Hearing Item #2. Second Reading of Ordinance 751, Bill 2023-05. I stand here before you again asking you to push pause on enacting this Ordinance without the proposed language changes per the email received this afternoon. Having attended these meetings from the beginning when Pine West first presented to the RPC, they have been upfront in the scope of the project. Detailed plans were offered for viewing and questions have been allowed to be asked and thoroughly answered for months now. This council subjecting them to repeated visits is reminiscent of what a prior council did to me and my husband back in 2014 in regards to Canon Street; it is exhausting and uncalled for.

No matter your decision tonight, one side will go away unhappy...I just hope I'm not on THAT side. I am a proponent of the project as I am not convinced by the skewed business study which you accepted, and in my opinion, did not reflect the local business owners because only 25 of 552 questionnaires were sent out to "like" businesses with only 12 having been returned. I do NOT think this was a "suitable" sampling as only 4.5% of licensed business owners were considered and less than half of those responded.

Furthermore, this council should not be deterred from looking at BOTH sides, pros and cons, and making a decision free of threats and intimidation as you were subjected to in past council meetings. Personally, I hope the casino owner/potential developer of those 100+ luxury apartments, going to rent for in excess of \$2000 per month for a one-bedroom, complete with DNA testing for dog crap left behind on their "EXPANSIVE" green space makes good on the threat to pull their development if you allow Pine West to proceed. It's no secret I DO NOT want this out my front door on Bell Avenue.

Finally, I would ask you again where are the Copper Queen representatives? They are not here because they are all for free enterprise. They have shown confidence in if you treat your customers right, they will choose to support you. These select 3 casino owners/1 convenience store owner are worried about their own profit margins, not necessarily what's best for the residents of the City of Ely and White Pine County. PLEASE, PLEASE, PLEASE, make a decision tonight and let's move Ely forward instead of continuing to be stuck in the past. It is your obligation to the residents to bring in new business and help Ely to continue to prosper now and for years to come.

George Chachas stated I want to strongly encourage the City Council to adopt this code. Again, you have no business restricting businesses. You are not part of the business community and those that have put in the investment in this community need some consideration. You have cut the requirement for rooms from fifty down to forty and now you are going to thirty. The corner where the proposed development is planned to go is run down. I turned in a complaint and I want to know if there was any correspondence with the owner of 701 Aultman. We do need change, but we also need to enforce the rules and regulations that we have set forth. This particular Ordinance needs to be approved.

Anne Kellogg stated I want to call your attention to a letter I sent all of you on April 26th of this year when we were discussing this in the beginning. At the time I thought to limit the machines from sixteen up to twenty-nine would be reasonable for the developer and future developers and I am coming back to that. I know the lot is small and I appreciate that a forty-room hotel would not be a good fit on that property. However, there are a lot of vacant lots and different things around town that could fit that. I just want to caution you that once you approve this Ordinance it is going to open it so perhaps when you are having discussions you guys can do what you did when you did the dispensary by tying it to population. Thank you for your time, it is good to see everyone here, and let's do some development.

Jason Woywod stated we are happy to hear this corner is going to get redeveloped. We have always wanted it redeveloped. The discussion seemed to be based on the size of the lot in what can and cannot be built there. Just to give you an understanding the Holiday Inn sits on 1.6 acres with ninety rooms and ninety parking spots, the Prospector sits on 3.5 acres with a full hotel, casino, restaurant, lounge and over one hundred parking spots. The proposed Pine West development is on almost 4 acres so there is plenty of room there Mr. Alworth to build a hotel and we could have discussed this as well. As far as the language on not having a slot parlor, they have done very well in Reno and Las Vegas circumventing the type of language that is proposed tonight; the slot parlors have. We need to be very cautious with the language that is discussed because if you look around at all the slot parlors several of them are not six thousand square foot buildings with a kitchen and we just want to make sure that in a couple years from now we are not flooded with forty machine slot parlors because we did the same mistakes Reno and Vegas did when putting in ordinances trying to prohibit slot parlors. We are happy that corner is being developed. If they weren't going to do it, we were going to do it. We just want to make sure moving forward this is done correctly, clearly, and we are not addressing this again in the future. They are fine with thirty machines, and we could definitely go to thirty machines and could even do forty rooms with their machines. Hopefully we can all get together on the best language for this Ordinance.

B. NEW BUSINESS CONTINUED

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

Councilman Alworth stated this is another one of those assignments. We have been with the Porter Group for about three years, and we need to get other council members involved. It was a one man show and I invited Ed to join me when he was on the Council because you can't make all the meetings. I didn't go to the last meeting because I think we need to appoint someone else to pick up that because we have a new person, and we need to have a backup on that too. They have gotten us a lot of money through the congressional works. I will stay on with Sam because she has good ideas as well as B.J. and the Mayor until we can see if someone wants to sit in on that board.

Councilwoman Elliott stated we did get good news from them this week. Initially our Campton Street Project has been approved and is now in the bills so once the bill is passed, we should see that money and be able to proceed with the project. We also found out the \$610,000.00 for cameras throughout town were approved. We are still waiting to hear about the Wastewater Treatment Plant Project and the Fire Station Solar Project.

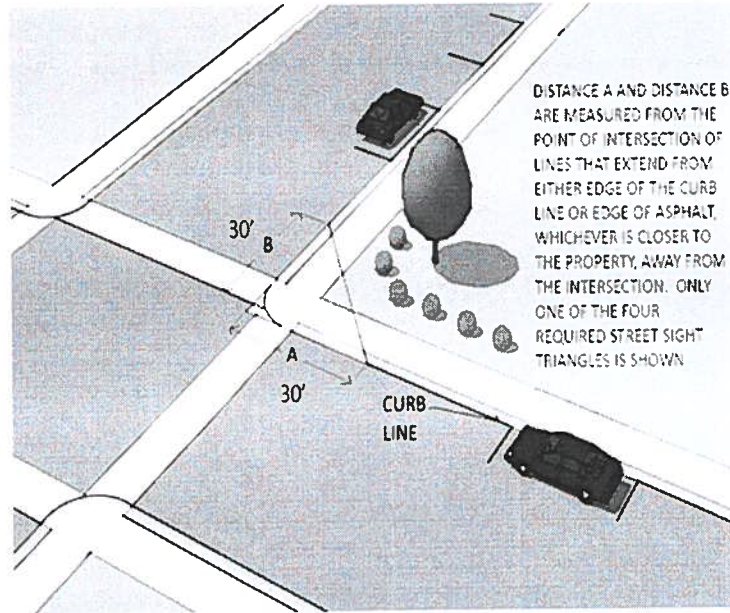
Mayor Robertson stated we did receive a waiver letter for both of those projects which means the twenty percent match that we would be required to do on that has been waived and that is fantastic because that is a lot of money.

9. Council Members – City Building Official Peterson – Discussion/For Possible Action – Presentation regarding fence heights in the City of Ely with possible determination of compliance options.

City Building Official Peterson stated I have received a couple of complaints and hadn't really thought about the fence ordinance, or the height of fences allowed in this community. I drove around and realized nobody else has thought about them for the last twenty-five years either, because most properties are out of compliance. Almost on every block there are dozens of examples. I took stock of what we had and put together a very short presentation. The following slides were reviewed:

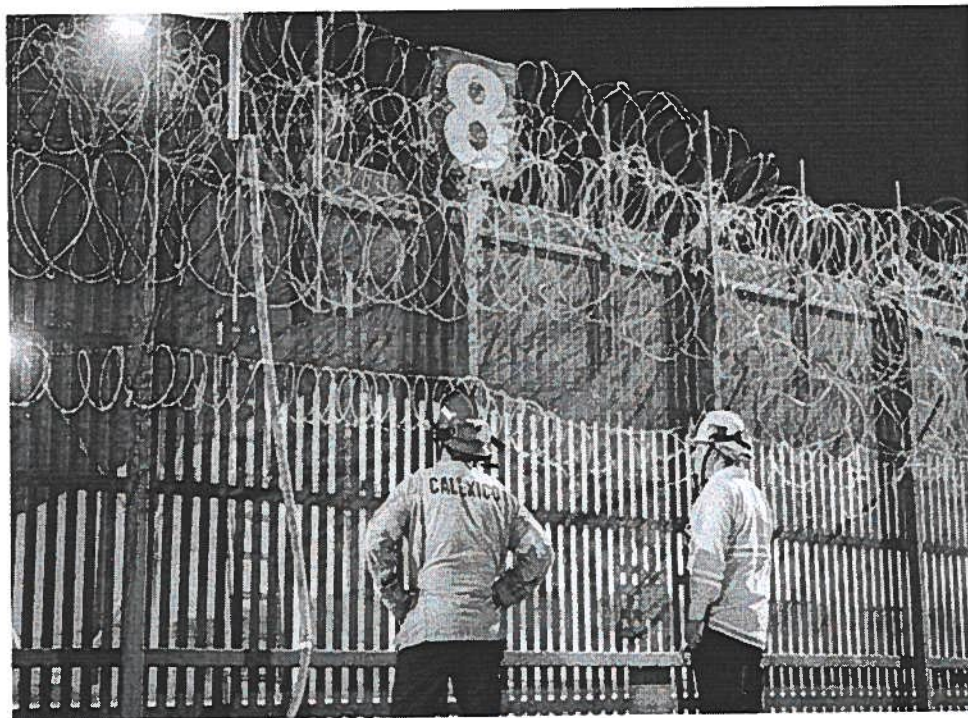
City Building Official Peterson stated we need to be able to see pedestrians, cyclists, other cars, pets, children and all the things we care about.

The governments' role in fencing is safety



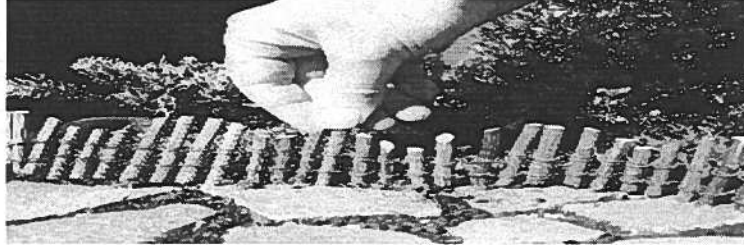
City Building Official Peterson stated we need to ensure that proper access is not restricted for police, firefighters, and EMT's.

first responder access



Different requirements in different locations

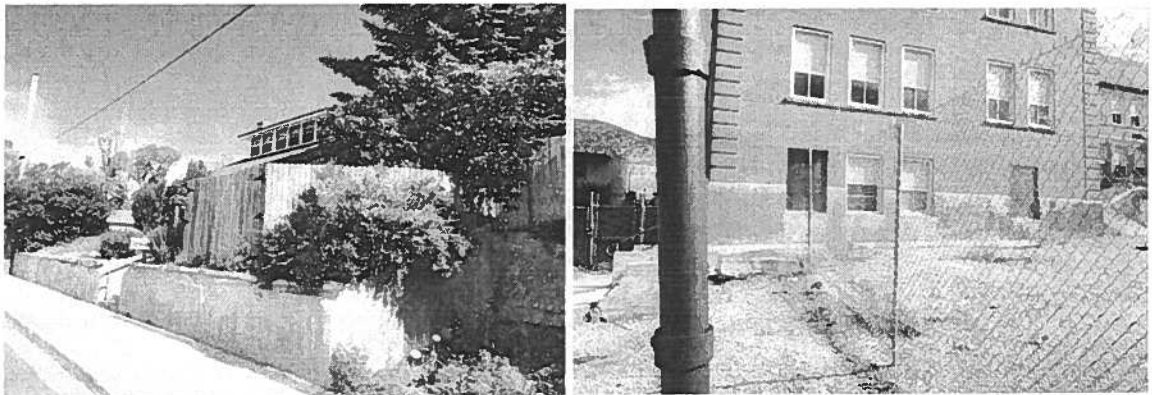
- Most places require shorter fences along driveways and corner lots than we require. With the average being around 2.5 feet in areas of concern for visibility. Some locations only allow 18”.



Many cities have exceptions for ornamental iron fencing in front and side yards



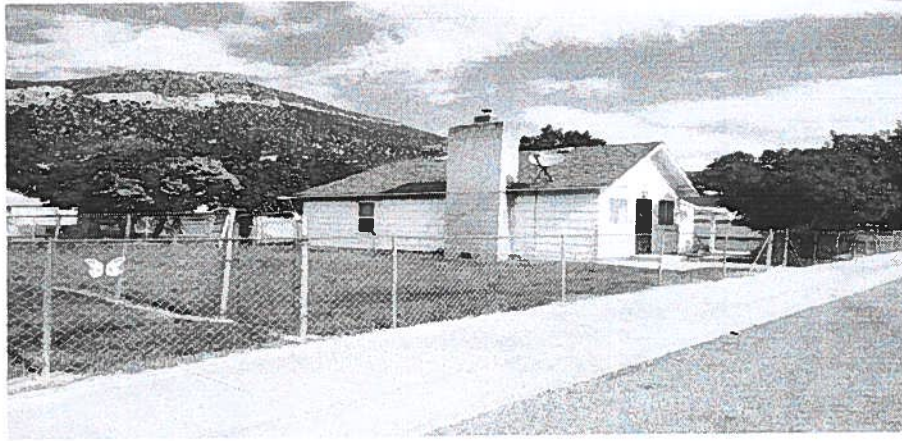
City Building Official Peterson stated most locations with heavy deer populations allow for a variety of deer fences that are usually temporary and unsightly attachments to conforming fences. Here are some fences that are in violation but really don't pose a hazard:



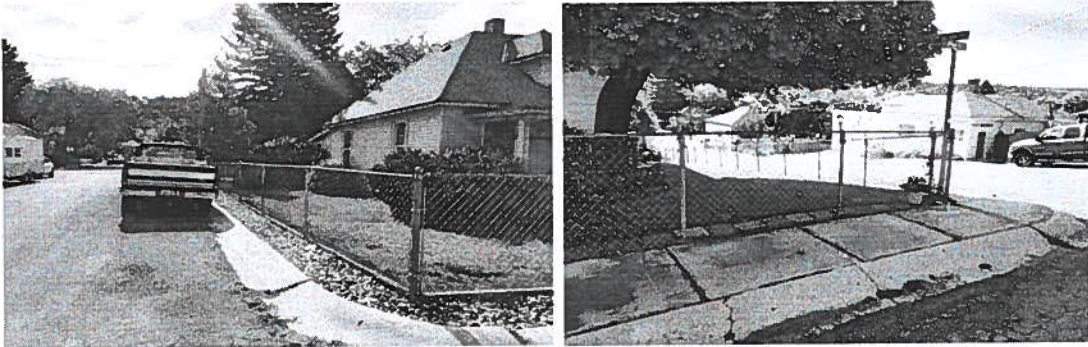
City Building Official Peterson stated barbed wire is required to slope away from the public way.



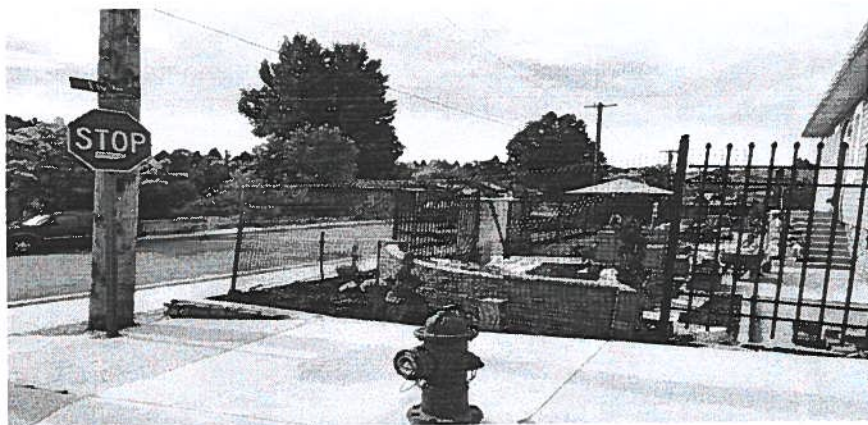
City Building Official Peterson stated this house has a corner fence that exceeds 6 feet, a front fence that exceeds 4 feet and the higher section on the left can only be 4 feet until it reaches the front of the structure. Are these all violations? Can they be enforced? Certainly, but should they be? Absolutely not as they do not pose a safety risk.



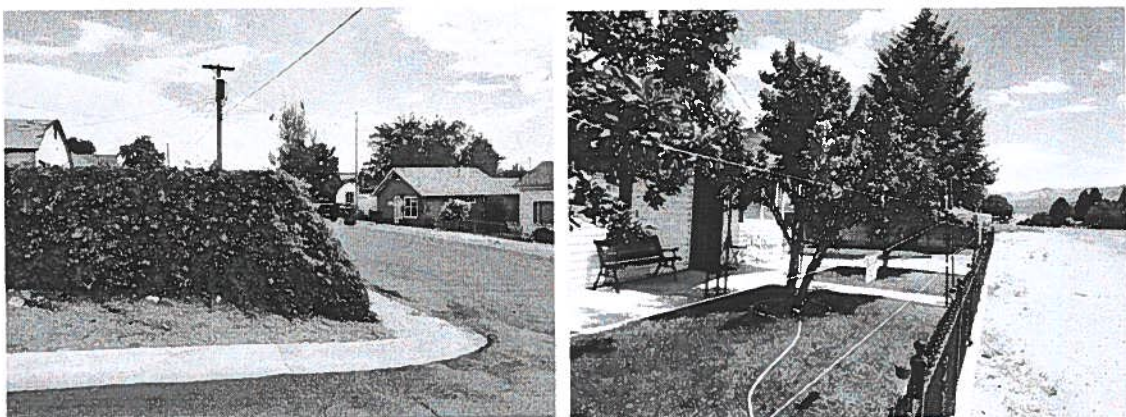
City Building official Peterson stated these houses are over three and a half feet on the corner.



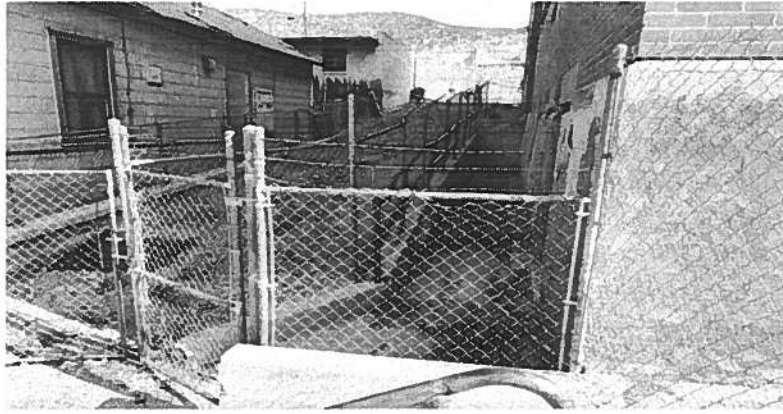
City Building Official Peterson stated this property is in violation but does not cause a sight issue.



City Building Official stated the following are fences out of compliance that do pose a risk.



City Building Official Peterson stated this violation is under the police regulations section of the code and would be a misdemeanor since the barbed wire is at about four feet.



City Building Official Peterson stated this is a tricky one since the non-compliance is technically above the required three and a half feet. If the bushes were trimmed it would comply, hence my suggestions to create ordinances specific to the needs of the community.



City Building Official Peterson stated I could be like the Kool-Aid man and start knocking these down all over town in strict compliance with the rules, but it doesn't really serve the community and at a certain point of non-compliance the people have spoken. We need to promote safety and could use rules that fit our location and topography. If it pleases the Council I would like to compile and provide a draft ordinance amending the rules to allow better visibility and allow more freedom of choice for residents, with Leo's help of course.

Councilwoman Elliott moved to direct City Building Official Peterson to work with City Attorney Cahoon to draft an ordinance regarding fence heights and compliance in the City of Ely. Councilman Carson seconded the motion. The motion carried unanimously.

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

1. Council Members – City Attorney Cahoon – Discussion/For Possible Action – Approval of Second 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.

Councilman Trask moved to quash the approval of Second 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 Elliott seconded the motion. The motion carried unanimously.

10. PUBLIC COMMENT

White Pine County Tourism and Recreation Director Kyle Horvath stated I want to let the Council know and invite everyone in the room to the concert series that we are doing in Broadbent Park. I want to thank Mike Cracraft and his staff for working with us to make this four-show series a go. Our next show is this Saturday, July 29th with Jake Jacobsen and the next show is August 12th with the Chris Cain Band. Closing out the summer on August 26th will be the Caltucky Band. These are free concerts to the community. We try to have a few food trucks there and the corn hole boards set up. This is something that Tourism has been wanting to do for the community for a long time. The other thing I want to bring up is our board did approve the seed money for the Redevelopment District Façade Improvement Incentive Program. I feel like it is time to get together with representatives from the City Council, Tourism Board, Chamber of Commerce, and Mainstreet to really get this thing going. I think we have talked enough about how the downtown needs to have a little bit of a facelift, and this is a program that would provide those business owners an opportunity to do that. Those are my two updates and I hope to see you at all the events this weekend because we have a packed one.

July 27, 2023

Last fall the City of Ely installed a drainage pipe located at 9th Street. My address is 901 Ave G. The drainage was installed running parallel to my property. My complaint is they removed a lot of the dirt that was stabilizing my fence. Since the removal of the dirt, my fence is now starting to come apart.

I turned in a complaint on 6/28/2023. I received a call on 7/17/2023 informing me that the city has the right of way that allowed the removal of this dirt. I also was told that they needed the dirt to help cover the pipe and make it look nice. I was also told that my fence needed to have structural work done to my fence. I then requested a letter stating their decision. I picked up the letter from the main office. The letter I received and what I was told over the phone are not quite the same. The letter states that city did not interfere with my fence. My complaint is with the dirt removal which has interfered with the structural of the bottom of my fence.

Since the removal of the dirt, you are now able to see light come through under the fence. I have a few of these holes. I have a post that was cemented into the ground and now the cement has no dirt and is standing in midair. I am requesting that the City of Ely provide me with the dirt that was removed along my fence.

The ordinance states the city is allowed the first 4 feet for right of way for sidewalks. My fence is 15 ft. 8 in. from the edge of the street. My fence is not even with the street it is at a slant going uphill.

I received a few quotes to repair a part of my fence. The work was repaired by Maintenance Managed Company to at least band-aid my fence where the fence came apart. All the quotes and Maintenance Managed Company agreed that the reason my fence is coming apart is yes too much dirt was removed from the fence since this dirt was supporting my fence.

I have taken several pictures that show where there are now open holes along the bottom of my fence and show light coming thru. Also, one with the pole that was cemented into the dirt and now is standing in midair.

Please respond to me in writing.

Open invitation for you to come and look at my fence.



Mary Carol Leyba
901 Ave G
Ely, NV 89301

Bill Wolf stated in the past I was pleased to work with the previous City Clerk, and I had great respect for his abilities and what he did. I voted for him to be on this Council. What I did not vote for was to sit in the audience and listen to him shout down the City Attorney; that kind of stuff is ridiculous. We all know that he quit all these boards and commissions in a fit of anger.

We elected him to do the City's business and if this kind of nonsense continues to go on, I am going to be the first in line to request the City Council, the City Attorney, or whatever State agency that is responsible to investigate him for misfeasance and nonfeasance. The Jim Alworth that was here the second half of the meeting was the man I voted to elect. The guy that had a lot of knowledge and was willing to sit and talk reasonably about whatever issues came before the City Council. I hope that man shows up more often.

Sandy Moreno stated in regard to the fences, nice presentation. I think you have your work cut out for you because Ely is a very unique town with all the little hills, and I don't think there is a one fit all answer. The retaining walls might be higher than what the fence should be, but you can't leave an open area on top because your kids, dogs, or whoever else might fall over the edge so you have to take that into consideration. We live on a corner lot, and I would love to put a fence up, but a three-foot fence is not going to do me any good. I have seen a skunk climb my neighbor's three-foot fence. All the pictures of the fences were great, but there wasn't one vehicle parked there. I can put in a three-foot fence, so someone has visibility, even though the STOP sign is past the fence line, and if someone parks their motorhome or big 4-wheel drive there, the view is blocked. So, maybe you could take that into consideration that maybe it is not the fence blocking the view, it could be the vehicles that are parked there. I appreciate all the work you are doing and look forward to the Pine West Project moving forward.

Kerri Pinter
1417 Mill Street

I did not know how to prepare my closing remarks for tonight as I was unsure if I was going to be on the right side of your vote for the proposed Gaming License Ordinance 751 so that said

I am ecstatic you are open to moving Ely forward and allowing for growth and new business opportunities to enter. You have done an admirable job tonight in representing the best interests of both sides. While some are obviously unhappy, given time, I am confident they will come to enjoy the new amenities which will clean up the blight on the corner of great Basin Blvd. and beyond. I'm personally so excited to see this busy intersection get a much-needed face-lift not only for locals but the tourists traveling through as well. Thank you!

Kerri Pinter stated in regard to Craig's presentation it was very lighthearted and informative so thank you. City Clerk Lee deserved not only kudos from this board, but an unsolicited three percent raise equal to Treasurer Trask's. She is well-deserving of this, and you guys should have made the motion to include that. It was welcome to see you all work together tonight for the betterment of the residents of the City of Ely, White Pine County, and the travelers who pass through daily. Your job as council members is not an easy one. I work hard to maintain my friendships outside the meeting hall. I realize that is not always the case and your job can be a thankless one. While I do not always agree with your decisions, I appreciate the time and commitment you all make serving on the Council. In closing I would just like to say thank you for your service and trying to represent the best interests of the residents of the City of Ely.

Benjamin Moreno stated Mr. Alworth I don't know you, but we need this kind of discourse and type of thinking. Somebody has to call people out if they see shenanigans and we all need to listen. As council people or whatever, give him a chance and listen to him. He might see something you don't. I am giving him the benefit of the doubt because this is the kind of people we need on this Council. He asks the hard questions, and we need to give him hard answers and the truth. If people take it wrong, then they do. Look at Donald Trump, he speaks out and isn't afraid of nothing. He is like us. Thank you, Mr. Alworth.

Jim Alworth stated I live at 805 Avenue I. If everyone could keep their eyes open, I think we have a gang of STOP sign thieves. When the Duck Pond was being constructed the County quit

putting them up because one was getting stolen every night. The poles aren't knocked over, but the signs are gone. We had one stolen down by Derbidge's Auto Body, one on 13th Street, and 14th Street. For the longest time we couldn't keep the High Street Signs in place. If you see some kids running around with STOP signs, they took them. It costs a lot of money to replace them, so I just wanted to give some public awareness.

John Charchalis stated I want to make note here, the Regional Planning Commission was involved in the approval of the zoning for the casino and the apartment complex between Great Basin and Bell Avenue. The one thing that was my concern and the Regional Planning Commission's concern is affordable housing here in Ely as we do not have enough of that. Any kind of new development that comes in should bear that in mind. The particular apartment complex that is going to charge \$2,000.00 for a one-bedroom apartment may be okay for Park City, Utah, but not for Ely, Nevada. I think a lot more attention should be paid to that type of situation. If we are going to be putting in more complexes like this, we pitch it toward the affordability for the people of Ely, Nevada. I can see where there are not too many takers, and it reverts to federal subsidy. I would rather see someone come in and work towards making more affordable housing for the general population of this town.

George Chachas stated on July 7, 2023, I put in a request whether the City issued a memo, correspondence, or any kind of citation to the property owner at 295 Ely Avenue to correct a code violation. The property owner is on the Regional Planning Commission and should know fence heights. This is new construction. There are some violations with older properties but when you sit on the Planning Commission and knowingly go ahead on the project, that's blatant disregard. When closing off the sidewalk, there is no problem with putting a new access way, but if you close it off you have to provide an access around your project and that wasn't done. If the person hadn't had been on the Planning Commission it would have been a different story, but they know better. Mr. Chachas showed pictures of fencing out of compliance at properties near Councilman Alworth's house and Councilman Carson's house, as well as on Ogden Avenue. On my brother's property there was a picket fence he replaced a corner post on and because he didn't cut it down to the four-foot requirement, he was cited. Selective enforcement and discrimination need to stop. Mr. Chachas stated ongoing concerns regarding Jennifer Lee's fence encroaching onto the sidewalk; and his request for a complete list of RVs the city has permitted to park on City streets and lots while living in them. I want to remind you that on June 24, 2011, I applied for a variance for my properties, I paid the fee, and I was turned down yet all around me you folks are allowing RVs to go in with no permits and that is discrimination. Someone is not doing their job. If they didn't know about it that is one thing, but when I come to you on numerous occasions, point out the discrepancies, ask for the permits, and you don't have them; all of you have a problem. I am not just going to keep sitting on my properties and sitting on my thumb, while my neighbors are putting their RVs in.

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

Councilwoman Williams-Harper moved to adjourn the regular meeting of the Ely City Council at 7:23 p.m. Councilwoman Elliott seconded the motion. The motion carried unanimously.



MAYOR



ATTEST