



CITY OF ELY

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

ELY CITY COUNCIL REGULAR MEETING

August 17, 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 5:02 P.M. Jared Elrod offered an invocation. Mayor Robertson led in the Pledge of Allegiance and asked for Roll Call.

Members present:

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

Members absent:

Councilman Kurt Carson

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

City Clerk Jennifer Lee
City Attorney Leo Cahoon
City Engineer B.J. Almberg
City Police Chief Scott Henriod
City Building Official Craig Peterson
City Municipal Court Judge Mike Coster (by Zoom at 5:13p.m.)
City Administrative Assistant Patti Cobb

Also, in attendance: Members of the public in attendance at the Ely Volunteer Fire Hall signed in (appears below) and the following persons attended via video conference: Geri Wopschall, Bill Wolf, and Josh Lieberman.

ELY CITY COUNCIL ATTENDANCE LIST

DATE: August 17, 2023

Print name below

Dr. Trent F. Smith
Tony Alfieri
Pat Jackson
Lynette Tuller
B.J. Almberg
Hannah Moore
Jared Elrod
George Chachas
Mark Bassett
Man Varr Tangel
Shannon Pass

Print name below

2. PUBLIC COMMENT

Jennifer Lee

From: Chris Garcia <chrisg51j@gmail.com>
Sent: Thursday, August 17, 2023 2:02 PM
To: Jennifer Lee
Subject: Public Comment 08/17 meeting

Hey Jennifer,

Can you have the following read for public comment at tonight's meeting.

Chris Garcia - The Corndog Company - Ely Reference agenda item 7 under new business: first off I would like to thank the council and city attorneys for their efforts toward this ordinance and recognizing the mobile vendors, it is appreciated. One area of concern in the ordinance I have is under 3-16-6 Permitted locations and manner of vending, subsection A, pertaining to schools. My understanding of the sentiment of this subsection is likely to prevent mobile vendors from setting up in very close proximity to a school targeting students during lunch breaks, which I understand and agree with. My concern would be that as it is written this would also prohibit other functions for example that the school invites a vendor to such as teacher appreciation lunch, or a field day for the school etc.,. My request is that an amendment be made with an exemption added to this section that exempts events coordinated with school staff.

Thank you for your time.
Chris Garcia

Sent from my iPhone

George Chachas stated on your agenda item 7-2 you are to consider awarding a bid for the Industrial Park Sewage Station Pump Upgrade, and earlier today in the Municipal Utilities Board Meeting it was mentioned that the fiasco to date has cost the City a half million dollars. I want to know if that is true and what the final total will be when it is repaired. This is extremely poor management. On your agenda item 7-3 you are to consider removing past due utility penalties for Jason and Amy Adams at 14 Avenue D in McGill. I am not against them getting the write-off, but I want equal consideration and protection under the law. I want to remind you that I paid the principle and penalty amount for my property at 490 High Street as instructed in a letter from City Clerk Jennifer Lee dated November 25, 2019, and yet to date the City is billing me for \$2, 162.31 and I do not use any of the utilities. The City to date has failed to reimburse me for the overpayments I made for the old grade school at 622 High Street. You wrote off all the back billing for young Tom Bath when he bought the Plaza Hotel. I bought the school at the same time and did not get the same consideration. I remind you that the City Council gave the property owners at 790 Avenue I a \$4,000.00 or better write-off when they used all the utilities for years and had not paid. The Council said it was an employee error to justify the write-off. On your agenda item 9B-5 you are to conduct an annual performance evaluation with the City Attorney and there should be no action. I am still not getting public information as requested and permits that I have requested, while others seem to have no problem. There seems to be selective enforcement of City Codes and that needs to stop.

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

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

4. CITY DEPARTMENT REPORTS

➤ FIRE CHIEF



CITY OF ELY

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

FIRE CHIEF STORK'S REPORT

DATE: August 17, 2023
TO: Mayor Robertson and City Council Members
FROM: City Clerk Jennifer Lee

ELY VOLUNTEER FIRE DEPARTMENT BARBECUE

I am absent from tonight's meeting in order to prepare for the Volunteer Fire Department's Annual Barbecue tomorrow at the Fairgrounds; we'll start serving at 5:00 p.m., \$20 for Adults and Children ages 5-12 are \$10 each. 550 lbs. of beef, lamb and turkey are being roasted!

RECRUITMENT

One qualified Fire Department applicant was interviewed, a job offer was extended and he has accepted.

➤ CITY CLERK



CITY OF ELY

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

REPORT

DATE: August 17, 2023
TO: Mayor Robertson and City Council Members
FROM: City Clerk Jennifer Lee

BALD MOUNTAIN MINE JUNIPER EIS

I attended this morning's cooperating agency meeting for the Bald Mountain Mine Juniper Project; the BLM will release its EIS tomorrow and hold public comment meetings September 14th and 21st.

COMPLAINTS

To date, my office has received 33 complaints this year; 8 of those complaints remain active. There is 1 remaining complaint from a prior year for a total of 9 active complaints.

➤ CITY ENGINEER

City Engineer Almberg stated we have been working on putting together costs for the next round of CDBG Projects we want to apply for; based on our last meeting we had five options. We have been working on the pump station at the Industrial Park. We are working back and forth with NDOT on comments regarding the Aultman Street Project to remedy conflicts. We are working on our Bell Avenue Waterline Project, which is a CDBG Project, and also the Parker Sewer Project which is also a CDBG Project.

Councilman Alworth stated I saw the super sucker truck was headed out to the Industrial Park, how is that working?

City Engineer Almberg stated it has been working great. It goes out there and it fills up in about twenty minutes. They have done about seventeen loads in a week's time, so they have dropped it down pretty low. The truck has a dial gauge on it, so it shows when it is full. It is a substantial savings to the City.

5. NNRY FOUNDATION REPORT

Mayor Robertson stated I want to disclose I am a part-time employee of the Foundation, but this is not a voting matter, and I don't vote anyway.

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 July 2023

1. Locomotive Status – No change
 - 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. Cabooses in service: #3 and #22 are operational.
 - d. Cabooses out service: #5 and #6. Caboose #6 needs a 50-year waiver.
4. Track Status – No change
 - a. Keystone Branch is open.
 - b. Adverse Branch is open.
 - 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 June we carried 2,646 passengers, this is a exactly the same as the previous year. It ties as our second largest July in 35 years.
 - b. Year to date we have carried 8,456 passengers, this is a 2% decrease compared to 2022.
 - c. Since operations began in 1987, we have carried 356,301 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 July 2023 is $2,646 \times 80\% \times 140 = \$296,352$
Economic Impact Year To Date is $8,456 \times 80\% \times 140 = \$947,072$
These numbers only reflect the economic impact of our train passengers and does not include visitors who did not ride the train.

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

7. Social Media: Our reach on social media continues to expand:
March:
 - a. We reached 952,500 people.
 - c. We have 131,800-page likes.
 - d. 180,841 people follow our page.
8. The track between the White Pine Public Museum and the Nevada Northern Railway Museum is now open and we have started the Ping-Pong trains between the two museums. Working with the White Pine Public Museum we have started a joint Museum Ticket that provides access to the two museums and a ride on the ping-pong train



We use one of our speeders with a trailer for most of the runs. We are currently operating the Ping-Pong trains Friday, Saturday and Sundays from 11:00 am to 4:00 pm.



Joint admission ticket for access to both museums.

Councilman Alworth asked what is the estimated time from start to finish on the Ping-Pong Train?

NNRY President Bassett stated it takes about five minutes or so.

Councilman Alworth asked so you give them time to walk around at each place?

NNRY President Bassett stated we just keep going back and forth. It is slowly growing. We carried ninety-six people last month. We only do the Ping-Pong Train on Fridays, Saturdays, and Sundays. If the Saturday or Sunday train is large then we will actually back the train down to the Public Museum, let people get off there, and then the Ping-Pong Train will bring them back. As this builds, I would like to do it seven days a week.

6. REPORTS

- **COUNCILWOMAN ELLIOTT**
Councilwoman Elliott stated we had a fun time in Las Vegas last week at League of Cities and I would say that we learned a lot.
- **COUNCILWOMAN WILLIAMS-HARPER**
Councilwoman Williams-Harper stated I am going to expand on the fun we had at the League of Cities. This is my third time going and the first time I went, Councilman Alworth went with me to show me the ropes. Last year I went, and I listened and this year it was nice to recognize people and have conversations and really understand what's going on in the rest of the State. It was money well spent to send us because I know being new council members we want to know as much as we can, so you have faith in our decisions and what we are doing.

➤ **MAYOR ROBERTSON**

Mayor Robertson stated I will also expand on that a little bit. We were able to get some face time with our new lobbyist from the Porter Group. I think there is a lot of potential with the League of Cities, we especially saw that during the last legislative session when all the cities had to speak with one voice on certain topics to really get the attention of the legislature and the State. Part of the Leagues presentation over the week was having a three-minute presentation from each member municipality and I have to say I feel pretty good at where the City is at and where we are going, especially compared to some of the problems and tactics other cities have been taking to resolve their issues. I really appreciate the participation from the employees and other elected officials. It is a team effort and I hope we keep moving in the right direction.

Councilman Alworth asked with the main person being in Las Vegas do you think they are open to helping the rural areas?

Mayor Robertson stated the President is Lori Bagwell from Carson City. Las Vegas didn't show up much at this League conference and we had some turnover, so we just hired a new League Director, and he is supposed to be coming out here in the next thirty days, so you guys get a chance to meet him. His name is Glen Leavitt, and he has served in the Legislature for two sessions as an assemblyman and lives in Boulder City. One of the things the Executive Board has tasked him with was making sure Las Vegas is on board and a good participant along with Reno. Sparks, Carson City, Henderson, and North Las Vegas have been real big components of the League this last year and we just want to make sure everyone is on the same page.

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 – Approval of State of Nevada's Will Serve Application for a sewer connection at 1100 Avenue A.

City Engineer Almberg stated the State is doing a remodel at the freight barn and they are wanting to put in another restroom.

Councilman Alworth moved to approve the State of Nevada's Will Serve Application for a sewer connection at 1100 Avenue A. Councilwoman Elliott seconded the motion. The motion carried unanimously.

2. Board Members – City Engineer Almberg – Discussion/For Possible Action – Approval to Award bid for Industrial Park Sewage Pump Station Upgrade, PWP # WP-2023-416.

City Engineer Almberg stated the City went out and sought some quotes to install the new equipment at the Industrial Park Sewage Pump Station. We reached out to quite a few companies to do that and the City received two back. The low bidder from the two we received back unfortunately does not have a contractor's license, only a B2 license, this is not B2 contract work, so he is not qualified. Munford General Contracting LLC does have the licensing they need. The price they came in at was \$108,549.85 and you have a breakdown of that. What has changed now from the time we sent these out is the pumper truck that Jim asked about and with the pumper truck we have capabilities we did not have at the time we put this bid out. The price of removing the old equipment is more expensive than putting in the new equipment and so that tells me right away there are pumping costs associated with that. Mike has reached out and had conversations with the contractor, and they are hoping the first part of next week they will be able to do some value engineering and save us some cost in pumping.

Mayor Robertson asked, "where are these guys out of?"

City Engineer Almberg stated they are out of Southern Utah. They are willing to come up and do the work. They anticipate once it is pumped out it will take about two days to get it installed.

Councilman Alworth asked how is that going to work when we have the residents in Aspen Heights using the facilities and they are going to be pumping and working in it? Are they going to work around the clock or what is the plan to keep them out of the muck?

City Engineer Almberg stated the plan with the negotiations is to have the contractor put in a plug, in case the plug fails it is not the Cities fault, and we will work on one side of the plug while they are working on the other. It will come back up into our system, but we have quite a bit of capacity in those lines. The intention is to have one of the City guys monitor and pump it for those two days, so it doesn't come up and we back up and exceed our capacity. The company will come plug it and the City will get it pumped down the best we can, clean, and disinfect inside the vault for them while keeping the other side of the plug down.

Councilman Alworth stated I am sure the contractor knows that is a confined space.

City Engineer Almberg stated yes, the contractor has been out here on site looking at it, so he is well aware.

Mayor Robertson stated the recommendation is we award on the quoted number and then you guys will negotiate.

City Engineer Almberg stated yes, we will go back and negotiate with them, and this number will be a worst-case scenario.

Councilman Alworth moved to award the bid for the Industrial Park Sewage Pump Station Upgrade, PWP # WP-2023-416 to Munford General Contracting, LLC in the amount of \$108,549.85. Councilwoman Williams-Harper seconded the motion. The motion carried unanimously.

3. Board Members – City Clerk Lee – Discussion/For Possible Action – Approval to remove past due utility fee penalties up to the amount of \$661.98 from 14 Avenue D, McGill, Nevada at the request of Property Owner, Jason and Amy J. Adams.

Councilman Trask moved to approve the removal of past due utility fee penalties up to the amount of \$661.98 from 14 Avenue D, McGill, Nevada at the request of Property Owner, Jason and Amy J. Adams. Councilwoman Elliott seconded the motion. The motion carried unanimously.

8. THE MAYOR WILL RECESS THE REGULAR CITY COUNCIL MEETING FOR A MEETING OF THE ELY LIQUOR LICENSING BOARD.

1. Board Members – Discussion/For Possible Action – Approval of Class IV Liquor License to Yvette Tillery d.b.a. *The Outpost* located at 1001 E. Aultman Street, Ely, Nevada.

Councilwoman Elliott moved to approve a Class IV Liquor License to Yvette Tillery d.b.a. *The Outpost* located at 1001 E. Aultman Street, Ely, Nevada. Councilwoman Williams-Harper seconded the motion. The motion carried unanimously.

9. 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.

Councilwoman Elliott disclosed there was money spent to send me to the League of Cities in Las Vegas but did not personally benefit me in any way and was for the betterment of the City. I believe I can vote in the best interest of the City.

Councilwoman Williams-Harper disclosed there was money spent to send me to the League of Cities in Las Vegas but did not personally benefit me in any way and was for the betterment of the City. I believe I can vote in the best interest of the City.

Mayor Robertson disclosed there was money spent to send me to the League of Cities in Las Vegas but did not personally benefit me in any way and was for the betterment of the City. I also want to disclose 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 9A-1 Minutes and 9A-2 Bills.

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

1. Discussion/For Possible Action – Minutes

- June 22, 2023
- July 13, 2023

2. Discussion/For Possible Action – Bills.

- July 26, 2023
- August 3, 2023

B. NEW BUSINESS

1. Mayor Robertson – White Pine County Sheriff Scott Henriod – Discussion/For Possible Action – Discussion regarding Ely City Code 6-12 Off Highway Vehicles, with possible direction regarding enforcement options and/or revision of this code.

Mayor Robertson stated I have had some discussions with Sheriff Henriod about this over the last few months. I am aware of some accidents we have had in the community; one involving a seven-year-old in a vehicle, and one involving a middle school aged kid that broke his collar bone. I have been reading some reports from municipalities across the country that not just the people riding these are getting injured, but some of them are injuring pedestrians. I just heard of a case in Midway, Utah when I was there last week, a man in a side by side with his two daughters was riding around without helmets missed a corner, rolled their machine, and killed both daughters. We have noticed an uptick in the abuse of these machines here in town and want to have a discussion on the best way to address this and what we can do differently.

City Police Chief Scott Henriod stated I appreciate the opportunity to come before you and talk about some issues we are having with this ordinance. Looking back, we talked about the reason this ordinance is in effect for a couple of reasons. The number one reason is to allow tourists bringing their UTV's to Ely and the White Pine area, to find access to the designated riding spots; I don't believe that is happening. The tourists do bring their UTV's here but trailer them out for hunting or recreational access out on public lands. I don't see them on the City streets, but what I do see is problems with our local residents. I see young kids riding dirt bikes and racing up and down the streets and we are getting complaints constantly. There is a helmet ordinance and many of the locals don't wear them, the vehicles are not registered or insured. The deputies are stopping people to check for the appropriate documents and if they don't have them, they have been issuing citations. I am just looking for some direction, whether we need to repeal the ordinance or tighten it down to where it is just larger UTV accessibilities. I know one thing I would like taken completely out of the ordinance is unlicensed drivers, because just like the Mayor said we have seven year olds riding their dirt bikes up and down our streets that don't know anything about traffic laws.

Mayor Robertson stated we were in the City car coming back from the League of Cities and a girl on a tote goat ran a STOP sign and came right out in front of us on Murry Street and didn't even look.

City Police Chief Henriod stated that is a constant. We get about three to four complaints weekly about these types of disturbances going on.

City Attorney Cahoon stated I just want to clarify the ordinance as it states right now, every driver of an OHV or UTV has to have a license and it specifically states anyone under the age of sixteen cannot operate them unless they have a driver's license, learner's permit, or someone over the age of eighteen with them.

City Police Chief Henriod stated the caveat in there about being accompanied by an adult that is licensed, is not happening.

City Attorney Cahoon stated it looks like based on our ordinance that UTV's can go anywhere as long as they comply with NRS which requires the licensing and insurance.

City Police Chief Henriod stated the large OTV ordinance allows them to operate under those types of functions anyways, which is covered under State Statute.

City Attorney Cahoon stated the only thing in our Code is it restricts OHV's which is dirt bikes, four-wheelers, and those types of vehicles from specifically driving down certain roads. The Ordinance does list out the roads they are permitted to drive down to get to those trails.

City Police Chief Henriod stated the OHV description just changed with this new legislation act. It used to be the four seats but has gone back to the two seat OHV. They are supposed to be registered through DMV.

Mayor Robertson stated I have to say I haven't seen one of those plates on side by sides. Is that a common thing you are finding?

City Police Chief Henriod stated yes, it is. They don't have them registered.

Mayor Robertson stated the problem that I discussed with Police Chief Henriod is most of the activity if not all of it that is being complained about is already illegal per our Code. The problem is most people don't know the intricacies of the Code.

City Police Chief Henriod stated once we opened it up and people were using it there just became a lack of education on people's part and started a flood gate. People now ride their dirt bikes anywhere they want and don't think they have to obey the laws.

Mayor Robertson stated I know your deputies were on a pretty big educational campaign when it started. I personally witnessed them pulling people over. As I recall when we passed this with a lot of lobbying from the White Pine Off-roaders or whatever they are, that they would be helping with some of this educational proponent, and I don't know if I have seen that. I am not sure how to effectively go about that.

Councilwoman Williams-Harper stated I know a number of my students have had bad accidents. I see a lot of young kids I know shouldn't be out there with no parental guidance and they don't follow the rules. I think it is a big problem and I am wondering if we could emphasize it on our website and maybe one of the newspapers giving people a chance to read it and then really start cracking down.

Mayor Robertson stated I have to say I think the Sheriff's Department has done a herculean job trying to push that education. I don't think the majority of these people that are participating in this activity are going to find themselves on the City website or reading the paper and amending their behavior. One of the options we talked about was repealing the law and I have to say most of the municipalities I have talked to and have dealt with this have ended up doing the same thing in repealing all permission to do that and it is a blanket ban. We will always have somebody doing it.

Councilman Alworth asked is this possibly something we can go to the school and educate.

Councilwoman Williams-Harper stated I would love with school starting if you could go to every school and do some type of assembly and send something home for the parents.

Mayor Robertson stated I think part of the problem is the Sheriff's office doesn't have the manpower to do that right now.

City Police Chief Henriod stated if they did it as a mass assembly, we would be happy to do that. We don't have time to go to each classroom.

Councilwoman Williams-Harper stated we could also give the kids something to take home and put it on our school website.

City Police Chief Henriod stated I truly believe the handouts will be taken home by the kids that don't ride the motorcycles, but the kids that are the constant problem the handout won't even make it off the playground and they will be blowing in the wind somewhere.

Councilwoman Williams-Harper stated I agree, but we can say we did it. I will say seventy-five percent of our parents are on the school website because sometimes that is the only way they can get information.

City Police Chief Henriod asked does each school has its own Facebook page as that would be a good source of information.

Councilwoman Williams-Harper stated yes, each school does.

Councilwoman Elliott stated like you said the parents that are letting their kids go off and do this aren't going to be the ones micromanaging and on Facebook and we are still going to have this problem.

Mayor Robertson stated we will always have this problem to some extent, but I am concerned we are getting a generation of kids whose first instinct is to think I am going to get pulled over, so I am going to run. I have read some of the blotter reports from the last couple of weeks and it appears you guys are having quite a busy summer with the kids, and I would hate for this to become the norm.

Councilman Alworth stated I prefer to buffer it down and not get rid of it but try what Jerri Lynn is talking about. I saw a big push when Cal-Ranch started selling those tote goats. In my neighborhood adults drive by and they are wearing helmets, but the kids on the little two stroke cycles don't stop at the STOP signs, cut the corners, and they are fast. If a deputy gets a call at my address, by the time they get there the person is all the way over to Peacock. What kills me is there are three deputies that live on Avenue I and those kids don't care, they run right down that street at forty to fifty miles an hour.

Mayor Robertson asked, "do you feel comfortable if we reach out to the schools and start with that route?"

City Police Chief Henriod stated we will give it a shot; I just don't know if we are going to get results. The thing we look forward to is the first snow.

Councilwoman Elliott asked what do you recommend ultimately?

City Police Chief Henriod stated we could give this a try. We are headed into our fall and winter months and that is when the recreational vehicle use slows down. If you are out plowing snow, we encourage you to help out and you are doing the community a service. These are the problems we just talked about here. I don't know if we are going to get a good study out of this and see if it helps until next spring.

Mayor Robertson stated we could make a good push through the fall and spring. Speaking of fall and school starting I can't help but notice every youth athletic practice there is at least one if not two or three of these kids riding up on these. The deputies know when the practices are, can they show up and say to them you are unlicensed, and you are not supposed to be here? If you guys issue a citation, I know that generally goes to the Justice Court, but are you guys noticing a leniency there that is making it difficult to cite?

City Police Chief Henriod stated I really can't speak for the Justice of the Peace, but warnings are given for first offenses.

Councilwoman Williams-Harper stated I think it would be effective if you have the time and manpower to go to practices, because word will spread fast if a couple of kids get cited.

City Police Chief Henriod stated we will reach out to the schools and see if they are interested in holding some assemblies so we can speak about the dangers of this. If you guys can talk to the schools to see if they will post our UTV rules on their Facebook pages that would be great and then we can come back and revisit it.

Councilwoman Williams-Harper moved to contact the schools regarding an educational campaign and post the rules and policies regarding Ely City Code 6-12 Off Highway Vehicles on each schools Facebook page and websites. Councilman Trask seconded the motion. The motion carried unanimously.

2. Mayor Robertson – Discussion/For Possible Action – Approval to participate in the Limo Butte Exploration Project Environmental Assessment (EA) as a cooperating agency.

Councilman Alworth moved to approve participating in the Limo Butte Exploration Project Environmental Assessment (EA) as a cooperating agency. Councilwoman Williams-Harper seconded the motion. The motion carried unanimously.

3. Mayor Robertson - Discussion/For Possible Action – Approval to participate in the North Tripp Waste Rock Facility Expansion Project Environmental Assessment (EA) as a cooperating agency.

Councilman Alworth moved to approve participating in the North Tripp Waste Rock Facility Expansion Project Environmental Assessment (EA) as a cooperating agency. Councilman Trask seconded the motion. The motion carried unanimously.

4. Mayor Robertson – Discussion/For Possible Action – Direct City Attorney to amend Ely City Code 1-5-8 to increase City of Ely elected official salaries; per NRS 266.230, any increase to City of Ely elected official salaries would not benefit those currently holding office.

Mayor Robertson stated first off per our Code any increase that gets changed in the City Code only goes into effect at the next term of each seat.

City Attorney Cahoon stated anyone holding office at the time and are re-elected they also don't get that raise until after the first year of the new term.

Mayor Robertson stated I put this on the agenda. I feel like a lot of time goes into this and I want to continue to get good quality candidates. I don't think there has been consideration for an increase for twenty years or more. Right now, it is \$500.00 a month for each council member and \$600.00 a month for the mayor. My proposal is we double that for the future and would be considered in two budget cycles from now.

Councilman Alworth stated it is a big increase, but if you look at the County Commission, they are paid by NRS at about \$18,000.00 a year. I never realized the amount of headache you get out of this. I thank you for your consideration and I think this is long overdue. Have you talked to others in the League?

Mayor Robertson stated I have talked to some of the Cities that are the same size. I know this would put us in the neighborhood of what Fallon already pays. Others are looking to increase because theirs haven't been updated in decades as well. Every City does it a little bit different.

Councilman Alworth moved to direct the City Attorney to amend Ely City Code 1-5-8 to increase City of Ely elected official salaries to \$1,200.00 a month for the mayor and

\$1,000.00 a month for each council member; per NRS 266.230, any increase to City of Ely elected official salaries would not benefit those currently holding office. Councilman Trask seconded the motion. The motion carried unanimously.

5. Mayor Robertson – Discussion/For Possible Action – Annual Performance Evaluation of City Attorney Leo Cahoon 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.”

City Attorney Cahoon stated I first want to thank the Mayor, Council Members, and employees that I work with. The past year has been great working with everyone and getting to know everyone. It has been a busy year and I have been using the analogy, “it has been like swimming through sand to get to the rocks.” I am constantly inundated with requests and legal inquiries, and it is pretty hard to get to the larger items that are on my list of things to do. Having an assistant has been a huge help and Amberlee does a great job. I am pretty lenient with her if she needs to take time off, I let her go, but when she is there, she is doing the work and getting it done. She is just doing clerical work as she is not a paralegal or an attorney. She sends mail, does discovery requests, and gets some of the paperwork out of the way. I will say it has been nice not having to prosecute so many traffic violations because those have been changed to civil infractions. The only work I will do on them is if someone wants to protest or request a hearing on their traffic violation, I will typically send a letter to the citing officer requesting that he submit an affidavit to the court and the court just makes the determination off of the citation and the affidavit. I did receive two questions from Councilman Alworth. The first one being at my last evaluation a year ago we had discussed the landfill liens. There was discussion of paying me a percentage of what I could receive from those. After some thought on that my feeling is there are probably some ethical issues there and so I backed off of that. I have done some work when I can get to it. The liens are perpetual and do not have a statute of limitations so there is really no rush, but I know the City Council would like to see those collected as soon as possible. I have drafted up a civil complaint, summons, and all the notices I need, and the Nevada Supreme Court and Nevada Revised Statute allows those liens to be treated like mechanic’s liens which means we can foreclose on those properties for people that don’t pay. Rather than going through the courts and making it be a cost and time issue I have since sent out Notice of Intent to Foreclose and that does not have any legal implications at this point. It is just notifying those homeowners that if they don’t bring their accounts up to speed or current that is a potential possibility. Obviously, I don’t want to foreclose on anyone’s home, but what we want to see is people comply with the law and get those accounts paid. I have also looked at potentially using garnishment if I do have to go before the court. It has been a long process of research preparing those documents and notices if I do have to go to court. At this point I have decided rather than filing those actions I would rather see what we can get paid for by just letting people know this is a potential outcome. I have sent about seventeen Notice of Intent to Foreclose letters recently. I have received one response that I know of. There have been some issues with making sure they are getting to the right address.

Councilman Alworth stated I think that is a good idea. Nobody wants to hear from an attorney or an auditor. When they get this letter, they are probably going to be calling to see what this is all about because nobody likes that type of stuff. We definitely don’t want to take a bunch of houses under ownership. Right now, there are one hundred and seven liens at \$452,528.00. It hasn’t happened over night and last year at your review the amount was \$355,000.00 and some change and you can see by the write offs that we are processing them, and the staff is doing a good job collecting them, but it keeps increasing and a lot of it is the penalties.

City Attorney Cahoon stated I think that is the main increase because when you have those large accounts like that it is a percentage and adding quite a bit. I am sure we are getting new liens as we go forward, but we usually don’t file on those liens until they are over \$250.00 anyways. We have had a lot of turnarounds it seems in the last year of people purchasing properties and coming in and getting those paid.

Councilman Alworth stated I want to commend you for thinking about the commission idea. We talked about a month after September last year and I thought it was an odd thing to do to, because why should one benefit from the hardships of others. I agree with that one hundred percent and that answered that question quite well for me.

City Attorney Cahoon stated the other question you had was about the Lincoln County training opportunity contract. I brought to your attention that I was being compensated for that contract. I don't know if that was ever asked at the previous meeting and at that point I didn't know because we hadn't executed the contract. I had to first get permission from the Council before I did that. Obviously, I have been being compensated and we have extended that contract to the end of the year because we have some trials coming up. Unfortunately, I haven't seen a trial since I have been there and that was sort of the whole goal. In October we have two trials. Even if the contract ends, we have a murder trial next year that I would like to participate in.

Mayor Robertson asked is that compensation from Lincoln County or their District Court?

City Attorney Cahoon stated yes, I still view it as a training opportunity and I have learned a ton from Dylan Frehner, the District Attorney there. He is a very experienced attorney and practiced privately for a number of years, he has been a public defender, and a district attorney for several years. He knows what he is doing, and I have learned a lot from him.

Mayor Robertson stated in your kind of position you are the jack of all trades for the City legally whether that is prosecution, litigation on our part, liens, NRS's, or codes. I appreciate you going after that training, and I am glad you feel it has been beneficial.

City Attorney Cahoon stated you also had the question if that was double dipping. I don't see it that way because I am salary and not hourly, so it is not like I am clocking in and then working somewhere else. Jennifer can contest to this, I frequently in the morning answer calls from City officials and doing City work while I am down there. Again, I think it is a training opportunity. As an example, I am not setting precedent here by doing this, the Chief Deputy District Attorney for White Pine County works for the County, but she also represents the hospital, and I am sure she is not doing that on the weekends or after five. Hopefully there are no issues there or concerns with that. It will continue until December at this point. If there is any discussion to continue it, I can let you all know.

Mayor Robertson asked is that because they are anticipating a reduction in work, or they have hired other people?

City Attorney Cahoon stated he has looked at hiring someone full-time. He has a friend that he grew up with and went to law school with that he has hired for his civil department. He only comes once a week and comes from Reno, so he has a long drive, but he is trying to convince him to come out.

Councilman Alworth stated looking at the minutes from last year, you mentioned the contract would be six months to possibly a year. I just felt somewhere along in the year you should have told the Council you were getting compensated. When you openly told me it was a surprise. I am all for education, but the reason I asked the question was I felt it should have been more transparent.

City Attorney Cahoon stated to be honest, although I want that continuing legal education, it is seventy-five dollars a week just to fill up to go down there. I probably would not have done it for no compensation. If you have any concerns about that we can certainly discuss that.

Councilman Alworth stated I just wanted to explain why I put the question out there.

City Attorney Cahoon stated I guess I didn't think about it because it was after the fact, after that meeting, and if that were something you would like me to bring to your attention in the future when doing things, I will. I am an employee of the City, so you are essentially my number one job, but as a licensed attorney I can and sometimes do take work on the side. For instance, there is a shortage of attorneys for adoptions in the County, because all three attorneys that are here are conflicted out. The Department of Family Services (DCFS) has reached out to me, and I have done four or five adoptions. I try to do those after work and not when I am busy here.

Mayor Robertson stated I don't think there is any problem with that. It is a small community, and we all end up doing a bunch of stuff. It is just making sure we know what is going on and what you are doing. There are some moonlighting clauses in our personnel policy, and it just needs to be out in the open that this is happening.

City Attorney Cahoon stated if there was any feeling of that I apologize and will try to be more transparent in the future. I will admit I would like to get my feet wet with other things on the side; nothing big like trying to run a business on the side, but maybe some trusts, estates, wills, deeds, and other small things on the side. My main goal and philosophy are, it should not and cannot interfere with City work. I do try to do those outside of City hours. Every once in a while, I might have to take a call or do something while I am in the office.

Mayor Robertson stated I am aware of the time you spend at the City. I know you arrive early and some days you are late and sometimes you work on this stuff at home trying to get it ready before the meeting. I appreciate your candor in that and making sure you get the City stuff done. I witness that and your dedication in getting those things done for the most part.

Councilman Trask stated I know right now you are going once a week to Lincoln County, but when you do have a trial, especially if it is a murder trial, are you going to have to be there more days?

City Attorney Cahoon stated the murder trial will probably be several weeks. The trials coming up in October are Tuesday through Thursday I believe. I have already notified the Municipal Court to try and block off those days and I am trying to move cases around to make sure there are no conflicts. I will say those days are going to be pretty busy since I will be in trial, but I think it will benefit the City as a whole. If there is an emergency, I will be available by phone.

Mayor Robertson asked since the last personnel review and we have hired an assistant, how do you feel the workload is? Is it manageable?

City Attorney Cahoon stated I just thought of this today, because I receive so many questions and small requests throughout the day it is hard to get to those bigger issues that I need to get to. I don't know if it is something we could do, but maybe I could designate a day in the office I am there, but technically not, so I can get those things done or certain hours people can call and request things from me. Sometimes I feel like it is every thirty minutes someone is knocking at my door, or I get a call.

Mayor Robertson stated I think that would be a good thing to try or an email with a "I need by" so you know how long you can put it off and it is not interrupting your workflow.

City Attorney Cahoon stated I will look at a way to do that and send an email out to the Mayor and at least two other council members to see how they want to work it and go from there.

Councilman Alworth stated I know a lot of the requests he is dealing with is because of the new council and a bunch of City codes changing. I am an impatient character, so I am pounding on him as to when he is going to get it done and I think that is a great idea. We sit here and look at the changes we are trying to do right now, and he has a whole plate full. I think with what he is going to do with "come pay your bill or you are going to get

in trouble” is going to help a lot too. A lot of the workload he is experiencing is coming from this table right here.

City Clerk Lee stated I don’t mean to interject, but I think I am a lot of the workload. As we have questions come in for business licensing or other issues, I think I’m Leo’s worst nightmare, but I will try to pull it back. I will try to go back to emails and be patient. I am not a very patient person either so I will try.

Councilwoman Elliott stated I was going to echo what Councilman Alworth was saying in that being a new council person and having a lot of questions you have been super available by text, phone, and meeting. If you do need to have a designated day where it is just your work, I think that is fair and we are not interrupting your workflow. We need to respect your time and your working hours too.

Councilman Trask asked are there any trainings you could recommend for us that would help on some of these questions? In the long term something you could bring to us that would decrease the questions we could answer ourselves.

City Attorney Cahoon stated I have thought about that in the past. Recently we had POOL/PACT come and give a brief training on the Open Meeting Law (OML). I think it would be good coming from me because everyone’s styles are a little bit different. I would like to start doing those and I think it would be good to do them annual or even semi-annual just to make sure everyone is reminded of the OML rules. If there are other trainings that you are thinking of, feel free to reach out to me. I think an OML training by the end of the year would be good, so that is what I am trying for.

Councilwoman Williams-Harper stated we hear Leo saying all the things he is doing, but I want you guys to realize the research it takes for him to do this, do that, and do this. Sometimes it can take an awful long time for that research. I know that because I had a year of law school and obviously, I didn’t finish, but the amount of research to get an answer for something is very, very time consuming and then to put it into action. I want to thank you for that because I know how hard that is.

City Attorney Cahoon stated you are not wrong. I feel a little awkward bringing this up because last year you were very generous at my evaluation and I did receive a very generous raise, but I feel like the position overall whether it is me or someone else is brought on; they are going to be contract and not be able to give the City as much time as I do or they are going to want more compensation. I feel like fair compensation for this position would be between \$120,000.00 to \$140,000.00. I am not asking for that now. I realize I want to work my way up to that but looking at some of the other city attorney salaries around the State, Fallon which I looked up on transparent Nevada, is making \$137,000.00 with benefits on top of that; our district attorneys in white Pine County and Lincoln County are capped statutorily at \$122,000.00. I know there has been a large push from all the District Attorneys to have that raised. I can’t confirm this exactly, but it is my understanding that a previous city attorney was making \$107,000.00 and that was back in 2018, prior to all the inflation. When we did our budgets, I had asked for \$110,000.00 annually and that is what I would be asking for from all of you tonight.

Mayor Robertson asked what are you at currently?

City Attorney Cahoon stated \$95,000.00 annually.

Councilman Alworth stated if I could give my two bits on this right here, I appreciate that. I look at you are at \$95,000.00 and Lincoln County pays you up to \$24,000.00 a year so that is \$119,000.00. You are asking for \$15,000.00 from the City. You just cut yourself \$9,000.00. You lost \$9,000.00 if you don’t stay with Lincoln County so your budget for your family has been based on the Lincoln County job and the City so you are shorting your family. You have a brand-new kid, another kid, you got a house, and bills like all of us and it sounds like the \$24,000.00 you are getting from Lincoln County is going to go on. My recommendation is you are at \$95,000.00, and to boost it up to \$120,000.00. It takes care of your family living on this and if Lincoln County cuts you off in time you still have the lifestyle and bills of a \$119,000.00 job. I say take it up to

\$120,000.00 and as it says “reduction or increase in pay” with a caveat in six months we bring it back and see how successful you are on the liens. You get some out there and we start to see a return, perfect; you will stay at \$120,000.00 and if not, we will cut it back a little bit. I agree if something was to happen to you, I don’t think we are going to get an attorney at those kinds of wages. You and I had discussed, and I don’t mean this in an insulting way, but a junior attorney, so I think he is living on \$119,000.00 supplying for his family and his life, and he wants a raise up to \$110,000.00 taking a \$9,000.00 cut. If he stays there and gets the \$24,000.00, he is trying to survive and learn to increase himself. I know it is \$10,000.00 more than what was requested in the budget, but budgets are just budgets; it’s just a number.

Councilwoman Williams-Harper stated Jim, I would like to agree with you because I think some people don’t realize what the loans are he is paying back to be an attorney. It is a huge chunk of what he is making, and I don’t want to see him shopping around to make more money. I would like to see him stay here and continue to learn and serve us in the capacity he is in

Councilman Alworth moved to approve the Annual Performance Evaluation of City Attorney Leo Cahoon including an increase to his salary of \$25,000.00 bringing his annual salary to \$120,000.00. Councilwoman Williams-Harper seconded the motion.

Councilman Trask stated you said \$110,000.00 was in the budget so we are going \$10,000.00 over the budget. I know previously there was an increase a little less than \$5,000.00. Is there a way we can meet in the middle at \$115,000.00 as that was about the unbudgeted number that was approved before. He is still getting the pay from Lincoln County until the end of the year, so I guess when do these raises go into effect.

Mayor Robertson stated they will go into effect in the next pay cycle.

Councilman Alworth stated his position is split between the General Fund and the Enterprise Funds, and there is \$200,000.00 from the American Rescue Plan Act (ARPA) Funds that were put into the General Fund. I believe when budgets are put together you put together the best budget you can and last year the City Treasurer said, “I’ll make it work” and we had big increases last year and we made it through. I believe we can make it happen with the split of the three Enterprise Funds and the General Fund.

Mayor Robertson asked what are you requesting to have happen in six months then?

Councilman Alworth stated he has seventeen letters out already and in six months we come back and see if there was success and a return on the investment. If he hits eighty-five percent of whatever then we see it is working. He admits he didn’t have time to go after the liens, but now he is right here. We tried a percentage thing and out of good nature, he said no and today he has made a commitment.

Councilwoman Elliott stated I think at least until next year, because he is still with Lincoln County until the end of the year. I say we reevaluate the liens at his next evaluation.

City Attorney Cahoon stated I would be happy to give a monthly report if I am seeing a turnaround and success in those letters. I will say right now I am going after the Municipal Court ones. I should explain, anything under \$2,500.00 is Municipal Court jurisdiction and those are the ones I am going after that live in the City of Ely. Anything between \$2,500.00 and \$10,000.00 is Justice Court, and anything above \$10,000.00 would be District Court. These may get more complicated as I go, especially in District Court.

Mayor Robertson asked anything of any amount if it is in the County goes to the Justice Court, doesn’t it?

City Attorney Cahoon stated that is why I started with Ely, because to be honest, I haven’t researched that. It is a little complicated because we do have a contract with the County. I guess the question is if those County cases can be heard in Municipal Court.

Mayor Robertson stated Jim's point is he is currently at \$119,000.00 with Lincoln County right now and if he stands to lose that and we are only giving him \$110,000.00 that is an effective pay reduction for him.

Councilman Trask stated I get where it is coming from; I was just looking at it being over budget.

The motion carried unanimously.

Mayor Robertson stated we took a chance on you, and you certainly took a chance on us. This isn't an easy job, and we appreciate what you have done.

6. 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 met Brian Bates at League of Cities last week. He is really different in person and really awesome. I think we are going to get more results as far as possibly essential air service and wanting to make a trip to Ely. We have a meeting with him next Monday and we are going to talk about the electric car charging stations. We will just keep navigating with him.

Mayor Robertson stated the three projects we currently have listed in legislation right now are Campton Street, the Wastewater Treatment plant, and the cameras throughout town.

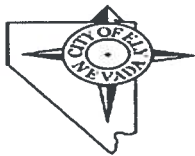
Councilman Alworth stated I am going to invite a gentleman to our meeting on Monday. He is very educated in electrical car charging. A lot of the charging stations in this City don't work or they work at fifty-six percent.

Mayor Robertson stated I have had two people contact me saying they would like to come to the eclipse, and we have an electric car. Do you have somewhere we can charge?

Councilman Alworth stated I think this is a great opportunity, so people aren't stuck.

7. Council Members – City Clerk Lee – Discussion/For Possible Action – Acceptance of Business Impact Study regarding proposed rule to add Chapter 16 “Mobile Vendors” to Title 3 of the Ely City Code to regulate mobile vendors by licensure and providing other matters relating thereto.

City Clerk Lee reviewed the results below:



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

Business Impact Study Summary Regarding adding Chapter 16 “Mobile Vendors” to Title 3 of the Ely City Code to regulate mobile vendors by licensure and providing other matters relating thereto.

There was a total of 42 letters sent out. Two were returned mail and no response was received by any of the others.

Councilman Trask moved to accept the Business Impact Study regarding proposed rule to add Chapter 16 “Mobile Vendors” to Title 3 of the Ely City Code to regulate mobile vendors by licensure and providing other matters relating thereto. Councilman Alworth seconded the motion.

Councilwoman Elliott stated can we take into consideration the comments from Chris Garcia as far as the schools if they do a back-to-school night is that an exception we can put in there?

City Attorney Cahoon stated absolutely. I have been on the phone with Mr. Garcia, and he has made me aware of some of those concerns and I told him that shouldn't be a problem.

The motion carried unanimously.

10. PUBLIC COMMENT

Yvette Tillery stated I need to know as a liquor license holder, do I need to have a bar card to serve my patrons?

City Clerk Lee stated yes.

Yvette Tillery stated I was under the impression for years that was not the case because we are already holding a license and paying for that license, and it is a double dipping situation where I have to pay again for another license and getting fingerprinted twice.

City Clerk Lee stated let me clarify that. The background check has been done, but you still have to watch the video that goes with that. The way the bar cards work is if they expire then you have to watch the video again, so that's where I am coming from on that.

Yvette Tillery stated I get that, but it is now an additional \$135.00 on top of the liquor license we are purchasing, and it gets jumbled for me. I thought if you were the owner and getting the liquor license then that acted as your bar card as well.

City Clerk Lee stated let me call you tomorrow on that and I will work with Leo on it.

Yvette Tillery stated I just wanted clarification on that. As far as mobile vendors, years ago we applied for a liquor license, and we were the first ones out of the box to do it. We were trying to do a mobile margarita truck and sell ice cream for the young ones. Inevitably, we were granted our liquor license, but it was with a lot of stipulations. We couldn't do it unless we were parked at a certain venue and for us it was a big problem because we only have three months of warmth here and we were making our money in those three months. We were really stifled and at the time there was a whole bunch of other push backs. We now own the Outpost Bar and say in a year I want to incorporate a margarita truck. Is there going to be something in your writings that allows us to do that?

City Attorney Cahoon stated that is the intent. If you want to come to City Hall tomorrow or give me a call, we can discuss that further. I will be looking at adding an alcohol provision to the Mobile Vendor Ordinance.

Pat Jackson stated I am the current owner of the Outpost Bar, and I got my license in 2006 and I have never had to have a bar card because I am an owner. I don't know why or when things changed for her. I was told because I owned the license that covered me.

Tony Alfieri stated I own Corner Tracks Saloon and Stage and I am handing out a copy of the Nevada Revised Statutes regarding the prevention of excessive noise. I have two items regarding the Nevada Northern Railways breaching this statute. Right north of us at the Nevada Northern Main Line we have two essentially dead grey crossings. A grey crossing is where a road or a street crosses the tracks; one is Dale's crossing behind the old grade school, and the other one is half a mile west of there on a gravel road that looks like it hasn't been used in decades. Both of those crossings are marked for required whistling. The second handout that I gave you is a solution to the problem. It is the Quiet Zone Rule. I brought with me the latest issue of Trains Magazine and on the back page is a full-page ad for the Nevada Northern Railway. The Trains website has a webcam and if you click on it, it streams in real time with sound. About twenty years ago the City of Rochelle, Illinois where this webcam is positioned, and aimed right at the double rail crossings of two class 1 railroads: the Union Pacific and the Burlington Northern Santa Fe. Over one hundred and fifty trains a day go through that junction.

About twenty years ago the City of Rochelle, Illinois made that a quiet zone which is what the second handout describes. It is a residential area and in the twenty years it has been a quiet zone where the locomotive engineers have not sounded their horns and they have had no problems. The people that live in that area are very happy. At Dale's crossing and the gravel road we have excessive use of the whistles and horns by the engineers or the students that buy the "Be the Engineer packages." Item two is the annual "Fire and Ice" venture. I had a friend visiting from out of town this past winter and he had his two dogs with him and when the locomotives started sounding their air horns and whistles both dogs started to cry and pace. Thirty seconds after the first explosion both dogs defecated and urinated on my floor. Twenty-four hours later when they started to settle down the explosions started coming from Broadbent Park and they went into a panic again. I would like to have this action considered.

Patrick Stevens stated I first got transferred here with my partner in 1981 as a narcotics and investigation officer. I was transferred back and forth under three sheriffs and transferred back to Vegas to retire. After moving around a bunch of states and working for grand casinos, I moved to Utah, and then thought I am going to be eighty-six and am going to move back to Ely because I have a lot of friends here. I looked at this nice house and I bought it on H Street in January a year ago when there was quite a bit of snow. I didn't know they didn't plow the alleys anymore like they used to. I have a home with a big double garage under it and I am paying a bunch of taxes to the City and the County and I can't use that garage all winter; I have to park on the street. Before the end of next year, I won't be able to drive down the alley in the summer because people are building in the alley. There is no way a fire truck or an electrical company could get through there. The only nice alley in that area is the one that is plowed behind the marijuana clinic and graveled. I live in the next alley up with trees growing all over. I want to know who is responsible. When I lived here before you could drive a fire truck through the alley and now half of them you couldn't get through with a firetruck, a police car, or anything else. Why should I pay any taxes at all? What if I have a fire? Next door to me is a junk yard with a falling down shed that if the wind blows, I have to throw the metal back over, piles of wood that are decaying and have been there for probably twenty-five years. I went to the City Hall to complain, and they said you have to fill out this report and sign it.

George Chachas stated I am glad you are learning about murder trials Counselor. This Council is strangling me slowly economically and I am bleeding financially. I just signed \$4,000.00 over in taxes and I can't use my properties. Here you are passing out big bucks to the employees and if there was anything coming back to the community, I would say fine. You are going to kill the goose that lays the golden egg. On 901 Avenue H there was paving done on the corner and I want to know who paved it and who paid for it. Mr. Chachas stated ongoing concerns regarding his request for correspondence in regard to 701 Aultman code violations; the encroachment of Jennifer Lee's fence; and his request for correspondence on fence heights in violation at 295 Ely Avenue, encroaching on sidewalks without proper permitting, and making do for pedestrians and ADA access around so-called construction area; alleged Code violations from the Regional Planning Commission, City Council Members, and County Commissioners. At 413 Ogden Avenue, in which my brother owns and has a three-foot picket fence, he had to replace the corner posts and they happen to be six-footers. The renter put flowerpots on them and the building inspector at the time, Chad, on April 21, 2010, gave my brother a citation for fence height violation and nothing has changed. The fence at 295 Ely Avenue needs to come down. If that person was not on the Regional Planning Commission and hadn't been there for three or more years, it would be a different story. Your building inspector did a presentation and showed pictures and many of those properties happened to be my brother's property or mine. He left out across the street from me; Keith Carson has a four-foot fence with barbed wire.

11. 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 6:43 p.m. Councilwoman Williams-Harper seconded the motion. The motion carried unanimously.



MAYOR



ATTEST

