



# CITY OF ELY

501 Mill Street Ely, Nevada 89301  
City Hall (775) 289-2430  
[Cityofelynv.gov](http://Cityofelynv.gov)

## ELY CITY COUNCIL REGULAR MEETING

**February 8, 2024, 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 5:00 P.M., led in the Pledge of Allegiance and asked for Roll Call.

**Members present:**

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

**Members absent:**

- Councilman Jim Alworth

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

- City Clerk Jennifer Lee
- City Treasurer/HR Director Janette Trask
- City Public Works Director Mike Cracraft
- City Attorney Leo Cahoon
- City Fire Chief Pat Stork
- City Engineer B.J. Almberg
- City Police Chief Scott Henriod
- City Municipal Court Judge Mike Coster (Zoom)
- City Administrative Assistant Patti Cobb

Also, in attendance: Members of the public in attendance at the Ely Volunteer Fire Hall signed in (appears below) and the following people attended via video conference: Geri Wopschall, Scott Trujillo, Danielle, Paul J. Anderson, and Cody Coombs.

### **ELY CITY COUNCIL ATTENDANCE LIST**

**DATE: February 8, 2024**

Print name below

Mark Bassett  
Kyle Herath  
George Chachas  
Janet VanDyne

Print name below

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## 2. PUBLIC COMMENT

White Pine County Director of Tourism Kyle Horvath stated I'm not going to be here during the redevelopment talk, but I wanted to express my gratitude to the Board for the appointment to the Redevelopment Committee. We've had two meetings, and I just want to express my thanks to the board members as well as staff for the time and motivation that they've put into this. There is still quite a bit of work to do to get the incentive programs to where they're launched, but I'm confident with the group that we're moving in the right direction. Honestly, the impact that we all know this program can have is going to happen. So, I'm just looking forward to working with everybody and thanks again for the appointment to this really impactful position.

George Chachas stated on your agenda item 9B-6 regarding property rights at the freight depot and passenger depot and the preservation and ownership of historical documents, that needs to be denied. The Railroad Board needs to concentrate on running the Railroad Museum and not continuing litigation. The two council people sitting on the Railroad Management Board should not be voting on this issue at all as they cannot fairly represent the City's interest. When they have a clear conflict, they can't represent both sides. The Railroad Management Board has a poor record at best. They failed to collect fifteen years or more of track rental fees and cost the City as well as themselves a million or more in litigation, with no results and that needs to come to an end. Mr. Mayor, on your agenda, item 9B-7 addressing the hiring policy and procedure for exempt appointed officials; that policy has always been in place. You are the only one who's violated it and now you're attempting to make amends and cover your tracks. You have got to learn from the past mayor. Mr. Mayor, on your agenda item 7-3 through 7- 9 you are to consider the approval to remove utility fee penalties for individuals. I'm 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 for my property at 490 High Street, the principal and penalty amount as instructed in the letter received from City Clerk Jennifer Lee, dated November 25, 2019, and yet to date, the City is billing me for \$1,947.81. The City to date has failed to reimburse me for the overpayments that I made on the old Ely Grade School at 622 High Street. You wrote off all the back billing for young Tom Bath when he bought the Plaza Hotel at the same sale, that's discrimination. I remind you again, the City gave property owners of 790 Avenue I a \$4,000.00 or more write off when they used all the utilities. I think it was seven years they had not paid, and you claim the justification on an employee error. I want to remind you that federal law prohibits discrimination in any federally funded or assisted public utility and cannot selectively enforce the law. The City must be compliant with Federal law in particular, the age of Discrimination Act of 1975; the Americans with Disability Act of 1990; and the Civil Rights Act 1964, Title 6. I'd like some answers, Mayor.

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

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

## 4. CITY DEPARTMENT REPORTS

### ➤ CITY FIRE CHIEF

City Fire Chief Stork stated just one quick thing to report. You've seen where we did fire inspections of all the commercial businesses. We did twenty-six different food establishments that serve food and out of those there's roughly twelve of them that had infractions, including my restaurant. Everybody was really receptive in getting things corrected and we've been going around doing the follow ups. However, there was one place that called me up, got pretty belligerent on the phone, and made threats they are going to get an attorney, and that it was my restaurant against hers. I stated that it wasn't, and at that point I turned everything over to the State Fire Marshal's office on this particular business. I Let them know this was a business that Craig and I had originally inspected, and they weren't cooking at that time. I didn't do the recent inspection, but when the guys did the inspection, they were in there cooking. I said, you have to have a type 1 hood, so that's kind of turned into a battle. I turned everything over to the Fire Marshals office on that to take us out of the loop. I wanted you guys to be informed that these inspections were done throughout the whole community in our response areas, and

this is an annual thing. After we had the incident with the last fire, we really want to try and get these done. They have got to be serviced twice a year. We inspected everything on fire suppression, fire extinguishers, and the grease cleaning of the hood systems. The rumor going around town now is that I shut them down because of competition with me, which is by far not the case. Like I said, I got wrote up also, and I had to make my corrections; I was not exempt.

➤ **CITY ENGINEER**

City Engineer AlMBERG reviewed the following report:

**City Council/Utility Board Report**

- Bell Avenue Water (CDBG) Review Comments almost ready to go Back to NDEP for Approval.
- Stevens/Parker Sewer (CDBG) finalizing and ready for the street next week.
- Got encouraging email from EPA that we may be hearing about our CatEx soon.
- Assisting Jennifer with next round CDBG Applications.
- Now that we got a better understanding of the process through EPA, working on SHPO to complete CatEx for East Ely Waterline.
- Working on next round of Earmark projects with Porter.
- Compiling past water use data for information and assistance with next round Earmark project.
- Finalizing Aultman Plans based on our NDEP review of Bell Avenue. This will hopefully shorten the review time for this project. Due date for these to NDOT within the week.
- Water Dept building bid docs.
- Road Mile Certification to NDOT, ready for next City Council meeting

5. NNRy FOUNDATION REPORT

Mayor Robertson stated I would like to disclose I am a part-time employee of the Foundation. This is a report, and I don't vote anyways.

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 January 2024

1. Locomotive Status – Updated
  - a. Locomotives in service: #93, #105, #109, #801, Wrecking Crane A & Rotary B.
  - b. Locomotive 81 is out-of-service with running gear and boiler issues. The staff and volunteers have done incredible work on Locomotive 81. Progress has been made on the boiler issues, the Bissell post and the pilot truck.
  - c. Locomotive 204 is out of service with governor issues.
  - d. Locomotive 310 is out of service with a prime mover issues.
  - e. Locomotive 40 is out of service for her heavy repairs. We have started on her repairs, she will be out of service until 2025.
  - f. Locomotives out of service needing moderate repairs: #201.
  - g. Locomotives waiting funding for restoration: Steptoe Valley Smelting and Mining #309, Kennecott 802 and Rotary Snowplow B (for boiler overhaul.)
  - h. Locomotives out of service needing heavy repairs #80 and the military locomotives.
3. Rolling Stock Status – No change
  - a. Passenger equipment in service: #07, #08, #09, Flatcar #23, Coach #5, Baggage Car/RPO #20, Outfit Car #06.
  - b. Passenger equipment out of service: #10, #2 and #05 needing heavy repairs.
  - c. Caboose in service: #3 and #22 are operational.
  - d. Caboose out service: #5 and #6. Caboose #6 needs a 50-year waiver.
4. Track Status – No change
  - a. Keystone Branch is open.
  - b. Adverse Branch is open.
  - c. Museum Branch is open.
5. Ridership and Ticket Sales – Updated
  - a. In January, we carried 138 passengers, this is essentially the same as last year.
  - b. Since operations began in 1987, we have carried 364,814 passengers.
6. Economic Impact – The average non-gaming & gaming daily expenditure per overnight visitor \$170. Economic impact for January 2024 was 138 x 80% x 170 = \$18,768

Award Winning Destination

- Best Adrenaline Rush in Rural Nevada – 2020
- Best Historic Railroad of the West – 2023, 2022
- Best Museum in Rural Nevada – 2022, 2020, 2017, 2016, 2014, 2013, 2010, 2009, 2008
- Trip Advisor Certificate of Excellence – 2023, 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

These numbers only reflect the economic impact of our train passengers and does not include visitors who did not ride the train.

7. Social Media: Our reach on social media continues to expand:
 

October:

  - a. Our Facebook reach last month was 2,951,161.
  - c. We have 133,700 page likes.
  - d. 184,852 people follow our page.
8. The Fireworks Train was a huge success photo by Jason Bath.



## 6. REPORTS

### ➤ COUNCILWOMAN WILLIAMS-HARPER

Councilwoman Williams-Harper stated I would like to remind everyone next Thursday, Friday, and Saturday White Pine High School will host the Divisionals. We haven't had that for twenty years so that will be quite exciting. I hope people can come out and support that event, and of course support our basketball teams.

### ➤ MAYOR ROBERTSON

Mayor Robertson stated I want to report that our new building official is still on track to be here on the 26th of this month. As of November, we've only had Brad Christiansen filling in as a contract building inspector for City and County issues. Craig Peterson hasn't been used since November as he had other things come up and decided that you wouldn't be doing that anymore.

## B. NEW BUSINESS

Mayor Robertson stated I will disclose I am a part-time employee of the Foundation and will be abstaining from this item based on legal counsel and handing the gavel over to Mayor Pro Tempore Williams-Harper.

### Mayor Robertson passed the gavel to Mayor Pro Tempore Williams-Harper

6. Councilwoman Williams-Harper – Discussion/For Possible Action – Reaffirm representation of Maupin, Cox & LeGoy as legal counsel for the City of Ely with approval to file an action as joint plaintiffs with the Nevada Northern Railway Foundation, Inc. against the State of Nevada regarding property rights at the freight depot and passenger depot and the preservation and ownership of historical documents.

Councilman Carson moved to reaffirm representation of Maupin, Cox & LeGoy as legal counsel for the City of Ely with approval to file an action as joint plaintiffs with the Nevada Northern Railway Foundation, Inc. against the State of Nevada regarding property rights at the freight depot and passenger depot and the preservation and ownership of historical documents. Councilwoman Elliott seconded the motion. The motion carried unanimously.

### Mayor Pro Tempore passed the gavel back to Mayor Robertson

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

1. Councilman Carson – Discussion/For Possible Action – Review of bids received for a five-year agricultural lease of 765 acres in the Georgetown Ranch, with possible award; proposed lease area is located in APN 010-42-006.

Councilman Carson stated the Utility Board tabled this item this morning. They have some questions about the AUMs. We were going to have Leo and B.J. look into that and bring it back to next month's meeting, or as soon as we have the information.

Councilwoman Elliott moved to table awarding the lease for a five-year agricultural lease of 765 acres in the Georgetown Ranch, APN 010-42-006. Councilman Trask seconded the motion. The motion carried unanimously.

2. Councilman Carson – Discussion/For Possible Action – Review and approval of Service Agreement for D-3 Water Operator Services between the City of Ely and Raul Naranjo.

Councilman Carson stated the Utility Board recommended approval. Raul started about 10 years ago as a part-time thing. He does a great job and really keeps everybody on task out at the lab and helps out with the water and sewer site too. I was always kind of a fan of trying to find somebody in-house to do this, but they're very expensive and we can't find anybody to come to Ely. Raul has been a lifesaver and I have no problem with this contract.

Councilman Carson moved to approve the Service Agreement for D-3 Water Operator Services between the City of Ely and Raul Naranjo. 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 \$4,968.39 from 40 Avenue C, McGill, Nevada at the request of Property Owner, Mark Drain.

Councilwoman Elliott moved to approve removal of past due utility fee penalties up to the amount of \$4,968.39 from 40 Avenue C, McGill, Nevada at the request of Property Owner, Mark Drain. Councilman Carson seconded the motion. The motion carried unanimously.

4. Board Members – City Clerk Lee – Discussion/For Possible Action – Approval to remove past due utility fee penalties up to the amount of \$4,279.65 from 58 Fourth Street, McGill, Nevada at the request of Property Owner, Aron Huntington.

Councilman Carson disclosed the owner of this property is my brother-in-law so I will be abstaining from this item.

Councilwoman Elliott moved to approve removal of past due utility fee penalties up to the amount of \$4,279.65 from 58 Fourth Street, McGill, Nevada at the request of Property Owner, Aron Huntington. Councilman Trask seconded the motion. The motion carried with three ayes and one abstention from Councilman Carson.

5. Board Members – City Clerk Lee – Discussion/For Possible Action – Approval to remove past due utility fee penalties up to the amount of \$3,153.40 from 39 Sunshine Street, Ruth, Nevada at the request of Property Owner, Rick and Kathy Humphery.

Councilman Carson moved to approve removal of past due utility fee penalties up to the amount of \$3,153.40 from 39 Sunshine Street, Ruth, Nevada at the request of Property Owner, Rick and Kathy Humphery. Councilwoman Williams-Harper seconded the motion. The motion carried unanimously.

6. Board Members – City Clerk Lee – Discussion/For Possible Action – Approval to remove past due utility fee penalties up to the amount of \$7,658.91 from 10 Fourth Street, McGill, Nevada at the request of Property Owners, Marie and David Morris.

Councilman Trask moved to approve removal of past due utility fee penalties up to the amount of \$7,658.91 from 10 Fourth Street, McGill, Nevada at the request of Property Owners, Marie and David Morris. Councilwoman Elliott seconded the motion. The motion carried unanimously.

7. Board Members – City Clerk Lee – Discussion/For Possible Action – Approval to remove past due utility fee penalties up to the amount of \$832.42 from 13 Juniper Street, Ruth, Nevada at the request of Property Owners, Keith and Karl Hardy.

Councilman Carson moved to approve removal of past due utility fee penalties up to the amount of \$832.42 from 13 Juniper Street, Ruth, Nevada at the request of Property Owners, Keith and Karl Hardy. Councilwoman Elliott seconded the motion. The motion carried unanimously.

8. Board Members – City Clerk Lee – Discussion/For Possible Action – Approval to remove past due utility fee penalties up to the amount of \$2,423.37 from 355 S. Silen Avenue, Baker, Nevada at the request of Property Owner, Tammy Thomas.

Councilwoman Elliott moved to approve removal of past due utility fee penalties up to the amount of \$2,423.37 from 355 S. Silen Avenue, Baker, Nevada at the request of Property Owner, Tammy Thomas. Councilman Trask seconded the motion. The motion carried unanimously.

9. Board Members – City Clerk Lee – Discussion/For Possible Action – Approval to remove past due utility fee penalties up to the amount of \$12,918.99 from 26 Third Street, McGill, Nevada at the request of Scott Trujillo.

Councilman Carson moved to approve removal of past due utility fee penalties up to the amount of \$12,918.99 from 26 Third Street, McGill, Nevada at the request of Scott Trujillo. Councilwoman Elliott seconded the motion. The motion carried unanimously.

**THE MAYOR WILL RECESS THE REGULAR CITY COUNCIL MEETING FOR A MEETING OF THE REDEVELOPMENT AGENCY OF THE CITY OF ELY**

**8. ITEMS FOR DISCUSSION/POSSIBLE ACTION OF THE REDEVELOPMENT AGENCY OF THE CITY OF ELY.**

1. Chairman Trask – Discussion/For Possible Action – Review of grant flyer distribution options and costs, with possible approval to obtain any needed address lists.

Councilman Trask stated we wanted to come up with a list to be able to get the word out to everyone in the redevelopment area about the program that's going on. We're still working on the flyer, but the Redevelopment Advisory Committee did recommend approval of using Basin Engineering to come up with a direct mailing list to the property owners and tenants in that area for \$600.00.

Councilwoman Elliott moved to approve paying \$600.00 to have Basin Engineering provide the Redevelopment Area mailing list. Councilwoman Williams-Harper seconded the motion. The motion carried unanimously.

2. Chairman Trask – Discussion/For Possible Action – Review of Redevelopment District Façade Improvement Incentive Program with possible grant application approval.

Councilman Trask stated the Redevelopment Advisory Committee tabled this item because we need to continue to work on it and come up with resolutions.

Councilwoman Elliott moved to table the review of the Redevelopment District Façade Improvement Incentive program and grant application approval. Councilman Carson seconded the motion. The motion carried unanimously.

3. Member Horvath – Discussion/For Possible Action – Review of Council-approved Redevelopment Area Residential and Commercial grant applications, with possible approval of recommended revisions.

Councilman Trask stated the Redevelopment Advisory Committee hasn't come up with the final application or the whole incentive program, but we did during the meeting, assign a couple people to work on it. The motion was just to have those people work on it, so there is nothing really to act on at this time.

Item died due to lack of motion.

**THE MAYOR WILL RECESS THE REDEVELOPMENT AGENCY OF THE CITY OF ELY AND RECONVENE THE REGULAR CITY COUNCIL MEETING**

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

**A. CONSENT AGENDA**

Mayor Robertson disclosed 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 9A-1 Minutes and 9A-2 Bills.

Moved by: Councilwoman Elliott Second by: Councilwoman Williams-Harper Vote: Unanimous

1. Discussion/For Possible Action – Minutes
  - January 25, 2024
2. Discussion/For Possible Action – Bills.
  - January 23, 2024
  - February 1, 2024

**B. NEW BUSINESS CONTINUED**

1. Mayor Robertson – Discussion/For Possible Action – Review of Porter Recommendation that City of Ely officials visit Nevada’s Congressional Delegation in Washington DC., including but not limited to who is interested in going, possible dates, and how to fund the trip.

Mayor Robertson stated we had a discussion with Brian Bates, our Porter Group representative on Monday and he recommended that at least up to two council members, B.J. and I, who know about these items, go to Washington D.C. We were looking at the first week of March, or the third week of March. Brian also suggested the second week of March, but the National League of Cities would be on the Hill that day, and we wanted to be there by ourselves, so we had our own time with our Congressional representatives. The first or third week would also avoid conflicts with any City Council meetings.

Councilwoman Williams-Harper moved to approve sending four City of Ely officials including Mayor Robertson, City Engineer B.J. Almberg, Councilwoman Samantha Elliott, and Councilwoman Jerri Lynn Williams-Harper to visit Nevada’s Congressional Delegation in Washington D.C. March 6-9, 2024, to be funded out of the Community Service Funds. Councilwoman Elliott seconded the motion. The motion carried unanimously.

2. Mayor Robertson – Discussion/For Possible Action – Confirmation of Mayoral appointment of Greg Rivero as a City of Ely representative on the Regional Planning Commission to fulfill a term expiring December 31, 2026.

Councilwoman Elliott moved to confirm the Mayoral appointment of Greg Rivero as a City of Ely representative on the Regional Planning Commission to fulfill a term expiring December 31, 2026. Councilwoman Williams-Harper seconded the motion. The motion carried unanimously.

3. Mayor Robertson – Discussion/For Possible Action – Confirmation of Mayoral appointment of Council Member Jim Alworth to the White Pine County Natural Resources Advisory Committee through December 31, 2025.

Councilwoman Williams-Harper moved to confirm the Mayoral appointment of Council Member Jim Alworth to the White Pine County Natural Resources Advisory Committee through December 31, 2025. Councilwoman Elliott seconded the motion. The motion carried unanimously.

4. Councilman Trask – Discussion/For Possible Action – Request Mayor Robertson, with the support of City staff and input from Council Members, to prepare and give a State of City address in accordance with NRS 266.190 2. (a). Address to be given at the first City Council meeting in March and also submitted in writing.

Councilman Carson moved to approve the request of Mayor Robertson, with the support of City staff and input from Council Members, to prepare and give a State of City address in accordance with NRS 266.190 2. (a). Address to be given at the first City Council meeting in March and also submitted in writing. Councilman Trask seconded the motion. The motion carried unanimously.

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



Mayor Robertson stated the three projects that we're looking to put in for are upgrades to the sewer treatment plant, universal water metering and evaluating the fire station solar panels by going through those systems for the photovoltaics and the solar heating to see what it would take to make those work correctly or at all. We are also looking at a Grant program, possibly partnering with the tribe for installing another electric car charging station.

7. City Attorney Cahoon – Human Resources Director Trask – Discussion/For Possible Action – Approval of proposed Resolution No. 2024-02 adopting hiring policy and procedures for exempt appointed officials, with possible changes to be determined.

Councilwoman Elliott moved to table the approval of Resolution No. 2024-02 adopting hiring policy and procedures for exempt appointed officials, with possible changes to be determined. Councilwoman Williams-Harper seconded the motion. The motion carried unanimously.

#### 10. PUBLIC COMMENT

George Chachas stated a couple of days ago your building inspector filmed in front of my store for almost a half hour. If there's a problem with my building, I need to know otherwise I don't want him around period. I was an inspector, and I didn't realize there was a problem as I wasn't notified and I don't know what games we're playing, but I'm not playing it. Mr. Chachas stated ongoing concerns regarding his request for reimbursement for the sewer problem he took care of at his property located at 681 Parker Avenue; the upgraded water line the City paid for on the property from Love's to the charter school and states that should have been the responsibility of the developer; his concern of the City paying to reroute a private sewer line during phase III of the Murry Street project; questioning RVs that have been permitted in the City and if they are paying utilities; rules and regulations being selectively enforced; the alleyway between his property and Napa having a problem for over a year, he is unable to get in there and do maintenance and wants that rectified; and the drainage from the Bath property onto his property at 622 High Street.

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

Councilman Trask moved to adjourn the regular meeting of the Ely City Council at 5:39 p.m. Councilwoman Elliott seconded the motion. The motion carried unanimously.

  
\_\_\_\_\_  
MAYOR

  
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ATTEST

