



CITY OF ELY

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

ELY CITY COUNCIL REGULAR MEETING

September 12, 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 5:03 P.M. Mayor Robertson led in the Pledge of Allegiance and asked for Roll Call.

Members present:

- Mayor Nathan Robertson
- Councilman Terrill Trask
- Councilman Kurt Carson
- Councilwoman Samantha Elliott
- Councilwoman Jerri Lynn Williams-Harper joined at 5:18 p.m.

Members absent:

- Councilman Jim Alworth

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

- City Clerk Jennifer Lee
- City Public Works Director Mike Cracraft
- City Fire Chief Pat Stork
- City Engineer B.J. Almberg
- City Building Official Don Hendrickson
- City Police Chief Scott Henriod
- City Attorney Shain Manuele
- 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, Eugene Harper, Michael Alonso, Anthony Marnell, H. Wines, Dennis Perea, Paula Carson, Edith Duarte, Kerri Pintar, Patrica, and Jacki.

ELY CITY COUNCIL ATTENDANCE LIST

DATE: September 12, 2024

Print name below

Print name below

Jared Vandenberg
Dean Reynolds
PAUL POORBORN
George Chachas
Carl Jackson
Mark Passet
Katie Rozich
Justin Rozich
Jeri Wopschall
JOHN STANGOR
Mel VanCamp
BRIAN ROSEUGAR
Ralph [unclear]
Nick Brunson

2. PUBLIC COMMENT

Julie Gianoli stated I am an Ely resident. I strongly urge the members of the City Council to draft an ordinance forbidding hunting within the City limits. Any hunting including corralling, herding, chasing, or harassing wildlife within the City limits is immoral, unethical, and unsafe. Thank you for your time.

John Gianoli stated Mr. Mayor and members of the Council I appreciate this opportunity. I am a seventy-five-year resident of Ely and proud to say that I am a hunter, but I'm in full support of drafting an ordinance preventing hunting of big game animals within the City limits. It's a multitude of reasons why this ordinance should be put in place. First of all is safety. Everybody that understands archery hunting broadheads understands the lethal nature. If these arrows go astray in public settings, people can be hurt. I understand the chances might be fairly low, but one is too many. We need to intercede and stop it. The next thing I would like to say is just because something is legal does not make it ethical and does not make it right in the case of this particular animal being killed in the City limits; it is immoral and improper. As a community of hunters that enjoy this sport we need to smarten up. You have to realize in the State of Nevada the majority of people are anti-hunters. There's a very good chance in the next legislature there's going to be a bill to redo the game board by people that are against hunting. So, as ethical hunters that enjoy this pastime, we cannot condone this type of behavior. We need to say this is wrong and we need to stand against it. Therefore, an ordinance forbidding the hunting of big game animals needs to be in place. People need to step up and monitor this kind of behavior and not allow it to go on, because we don't have enough game wardens to stop this. So, the good people, the ethical people, and the good hunters, have to stop this kind of behavior and intercede. I very much appreciate your serious consideration of this ordinance, because I think it's for the best of our community.

Justin Rozich stated I am also an Ely resident and local property owner. I'm here this evening in full support of the no hunting in City limits agenda item and encourage the Council members to support an ordinance for this. In my opinion, it should be a very straightforward process to design and implement an ordinance which prohibits the harassment, pursuit, and harvest of any game animal within the limits of the City. I feel like an appropriately drafted ordinance that addresses the issue at hand can benefit everyone, and still allow local residents and property owners to recreationally shoot their bows and arrows at targets in their yards within the city limits, as I am not at all opposed to that. I won't address the safety concerns at hand specifically, which I still do feel are important in regard to arrows traveling through private properties and around residences at three hundred plus feet per second and tipped with razor sharp broadheads. I feel it'll be appropriately addressed here by some other folks of the public. I myself enjoy observing and watching the mule deer and other animals on and around my residence and property. I feel like it's unethical and immoral for anyone to try to kill any of these animals that have become accustomed to and habituated to being around humans, and whom the animals do not consider to be a threat. If the City has the authority to enforce ordinances across private properties and within City limits, this seems to be an issue that can easily be addressed. Thank you for your time and consideration.

Katie Rozich stated I am also here in support of the no hunting in the city limits ordinance. First, I wanted to start by clarifying for some who may or may not know exactly where this buck was shot as there has been some misinformation about this. If you drive on Aultman Street east towards Cal Ranch, and you turn between the Music Box Bar and the church that's there on Orson Avenue and then drive up to the end of Orson Avenue, the property that you see right off of the edge that has a yellow barrier is where it was. I did a little mapping, and the closest residence was 76.4 yards from where he shot that buck. It was 84 yards from another couple of residences, and from Campton Street it was 138 yards. I think that's dangerous. As was said before, just because it's legal, doesn't make it right. I don't know why they're not telling the truth about where this actually occurred; they're saying the courthouse. I don't know if that means the new courthouse or the old courthouse. I'm not sure what that's about but I got it directly from Tyler Ashby, so I know that's where this buck was shot. I just think that it is something we need to consider because there are people that recreate back there. There are bike riders, motorcycle riders, and people who drive on Campton Street, which was 138 yards away. I would urge the

Council to approve this ordinance. I think it's in the best interests of our community and hunters in general, which has already been discussed. Thank you.

George Chachas on your agenda item 9-2 you're to consider allowing White Pine Youth Center to connect to a water line for its temporary housing to an existing water line at 399 First Street. That needs to be denied unless they've paid their hookup fees. These freebies have got to stop. I've been applying for permits for a long time, and I'm getting snubbed. I want equal protection under the law, and I want the discrimination to stop. Either you have rules and regulations, or you don't. On your agenda. Item 11B-6 you are to consider ordinance 759, increasing the salary ranges of the city attorney and city Fire chief, a raise of 10% should be considered, you gave your other employees 3%. How are you going to sustain those huge salaries? I've never seen salary jumps that high. You have doubled the pay for the city council members. I want to remind you Ely is a small city. You need to live within your means. I don't know where some of these silver spooners are coming from, but the average person does not get that kind of raise. I am glad to see there was a lot of support here regarding hunting in the City of Ely. I thought that was addressed a few years ago, when someone shot a deer across the tracks on the west side. Something's falling through the tracks, Mr. Mayor. You're going to have something stupid happen and it's all on you. It needs to be addressed. Thank you.

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

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

4. CITY DEPARTMENT REPORTS

➤ CITY CLERK

City Clerk Lee stated I contacted White Pine County's Finance Director for an update on the City SNPLMA Project. She stated SNPLMA staff will be reviewing the City's project around the end of October, and that she will keep our Public Works Director informed. Wood is available from the City's Cemetery Tree Removal Project. Community members who could use assistance with wood can contact the White Pine Ministerial Association. Finally, I attended POOL/PACT's Enterprise Risk Management Conference in Elko; topics covered included financial leadership, balanced governments, climate change on public entities, and cyber security.

➤ CITY ENGINEER

City Council/Utility Board Report (9/12/24)

- **Golf Course Road is a County road and the borings completed by a geotechnical engineer shows existing AC is 5-7 inches thick.**
 - **NDOT may have paved this road in the past for use as a bypass during the removal overpass removal.**
- **Working on Morley CBDG EA/SHPO.**
- **Award of City Slurry project.**
 - **Received three (3) bids. Low bid is \$544,743.60.**
 - **Budget was \$526,000, budget shortfall will be made up by out of Public Transit funds**
- **Bell Ave CDBG construction is ongoing.**
 - **Bell Ave is very tight in space and challenging for construction.**
 - **Project has encountered one water service that was not anticipated.**
- **Reviewed and Coordinated with City on Title VI implementation.**

5. NNRY FOUNDATION REPORT

Mayor Robertson stated I will disclose I am a part-time employee of the Foundation but this is not a voting item.

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 August 2024

1. Locomotive Status – No change
 - a. Locomotives in service: #93, #109, 204, 310, 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. The Federal Railroad Administration was here and passed all of the boiler repairs.
 - c. Locomotive 40 is out of service for her heavy repairs. We have started on her repairs; she will be out of service until 2025.
 - d. Locomotives out of service needing moderate repairs: #201 and #802
 - e. Locomotives waiting funding for restoration: Steptoe Valley Smelting and Mining #309 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, Flatcar #23, Baggage/RPO #20, Outfit Car #06.
 - b. Passenger car #09 is out of service with truck issues. Coach 5 in for painting.
 - c. Passenger equipment out of service: #10, #2 and #05 needing heavy repairs.
 - d. Caboose in service: #3 and #22 are operational.
 - e. 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 August, we carried 2,024 passengers, this was an increase of 30% compared to the previous year.
 - b. This year to date we have carried 8,942 passengers, this was a decrease of 10% compared to the previous year.
 - c. Since operations began in 1987, we have carried 373,650 passengers.
6. Economic Impact – The average non-gaming & gaming daily expenditure per overnight visitor \$170. Economic impact for August 2024 was $2,024 \times 80\% \times 170 = \$275,264$. Economic impact year to date was $8,942 \times 80\% \times 170 = \$1,216,112$

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:
 - a. Our Facebook reach last month was 185,800
 - c. We have 135,100 page likes.
 - d. 198,900 people follow our page.
8. Everyone wears many different hats at the railroad. Everyone pitches in to help keep the big wheels turning here. And yes, they do get their hands dirty.



Helping out on Locomotive 93 was Joan Bassett, CFO, Emma Holdaway, admin assistant, Lexy Rohrer, gift shop manager and Lauren Osier, archive intern.

6. REPORTS

➤ MAYOR ROBERTSON

Mayor Robertson stated you have my report, and I would also like to add that I did attend the grand opening for the Ely Shoshone Tribe's Life Center today. It was very well attended, and they were nice enough to put us on their sign with the Nevada Gold Mines for the assistance the City gave to that as well. It looks like a great facility, and we are excited to have that open and serving their community and their participation in our community. I'd also like to report that I had dinner with Senator Cortez Masto last week and we discussed our earmark funding and the CRISI Grant. She said that her and her staff will be meeting with the U.S. Department of Transportation and encouraging them to pass that. That is supposed to be happening this month, I think, and we're excited about that.

➤ COUNCILWOMAN WILLIAMS-HARPER

Councilwoman Williams-Harper stated she also made a stop with educators from both the charter and the public school. The discussion was about how to increase the good things going on in our town and provide things so more people will want to come. We all discussed housing, as it relates to education, the performance of the district, and making sure our children are doing well, so we can attract even more and better teachers, and so forth. She was very attentive to that, and we really appreciate her coming out.

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

1. Board Members – City Clerk Lee - Discussion/For Possible Action – Approval for Betsy Vogler to sublet a portion of the Georgetown Ranch, pursuant to Section X Subleasing/Assignment of Joint Development and Beneficial Use Lease Agreement between Betsy Vogler and the City of Ely, to Ethan Marshall for 100 head of cattle November 1, 2024, thru April 30, 2025; Mr. Marshall will provide his own feed.

Councilman Carson stated I will disclose that I work with Betsy Vogler and will be abstaining from this item.

Councilman Trask moved to approve for Betsy Vogler to sublet a portion of the Georgetown Ranch, pursuant to Section X Subleasing/Assignment of Joint Development and Beneficial Use Lease Agreement between Betsy Vogler and the City of Ely, to Ethan Marshall for 100 head of cattle November 1, 2024, thru April 30, 2025. Councilwoman Elliott seconded the motion. The motion carried with 3 ayes and 1 abstention from Councilman Carson.

2. Board Members — City Engineer Almborg – Discussion/For Possible Action – Approval to allow White Pine County Youth Center to connect water line for its Temporary Safe Housing Duplex to existing building's water line at 399 First Street.

Mayor Robertson asked B.J., for clarity, are they paying a connection fee, but being allowed to connect through another service or are they asking to waive the fees?

City Engineer Almborg stated they may come and ask to waive fees, but this is approval to connect this way. It is kind of a difficult situation. This is just right up here on the other side of the park. There's a new little duplex that's being built by the White Pine Youth Center, which is run by the judges. The purpose of this facility is for people to have a place to stay short-term to diffuse a situation such as domestic violence and give them time to get back on their feet. I think it's something that is very needed for the community and for the judges in what they do. The contractors asked to connect through this existing building that's already up there, because it's all going to be a County facility and it's just the easiest way to get facilities back into the back little corner.

Mayor Robertson stated just for clarity, it won't be a County facility. It's a facility owned by this nonprofit.

City Engineer Almberg stated it will be maintained by the County under an agreement. I didn't see that there was a big issue with trying to make this work. I talked to the City Attorney, and he didn't think from the code side that we had any problems doing it this way. We were just trying to make sure that if we were to proceed this way that you guys were well aware of what we were looking at allowing them to do.

Councilman Carson asked what size water service is this?

City Engineer Almberg stated I believe it is a ¾ inch.

Councilman Carson asked will that be enough flow for both facilities when it is done?

City Engineer Almberg stated yes, it should be.

Councilman Carson moved to allow White Pine County Youth Center to connect water line for its Temporary Safe Housing Duplex to existing building's water line at 399 First Street. Councilwoman Williams-Harper seconded the motion. the motion carried unanimously.

10. 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, effective September 13, 2024, to Terzetto, LLC dba The Prospector located at 1501 East Aultman Street, Ely, Nevada.

Councilwoman Elliott moved to approve a Class IV Liquor License, effective September 13, 2024, to Terzetto, LLC dba The Prospector located at 1501 East Aultman Street, Ely, Nevada. Councilwoman Williams-Harper seconded the motion. The motion carried unanimously.

11. 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 11A-1 Minutes and 11A-2 Bills.

Moved by: Councilman Trask Second by: Councilman Carson Vote: Unanimous

1. Discussion/For Possible Action – Minutes
 - August 22, 2024
2. Discussion/For Possible Action – Bills.
 - August 21, 2024
 - August 27, 2024

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

1. Council Members – City Clerk Lee – City Engineer Almberg – Public Hearing – Discussion Only – Review of proposed CDBG projects and additional project ideas suggested by the public. Proposed projects and estimated funding are listed below. **Only projects listed here and proposed at the meeting will be forwarded to the Council for approval.**

- Wastewater Treatment Plant Upgrade \$603,750.00
- White Pine Public Museum Fence Project \$221,372.00

- 7th St. Drainage Improvement Project \$265,400.00
- North Street and Fay Avenue Storm Drainage Upgrade \$511,800.00
- Parks Water Reclamation Feasibility Study \$ 75,000.00

City Clerk Lee stated just for clarification this is the second public hearing, so the projects are only being submitted for eligibility. The prioritization hearing will be November 14th and we can only submit two.

George Chachas stated I'm asking that you consider the 7th Street Drainage Improvement Project. I'm suffering from a lot of erosion that has been going on for years. Had the railroad drainage been done properly, I wouldn't be here today. My property has gone from bad to worse. I can't walk on Rip Rap; I have got bad knees. I don't want my property to keep eroding away. You haven't addressed any of that. The other issue is the North Street and Fay Avenue Storm Drainage upgrade, those folks also were impacted with the railroad putting in that drain and those two should have the priority.

Janet Van Camp with the White Pine County Museum stated our museum has been here since 1961. We are not funded by the State, City or County. Basically, we live off of grants and tourism. We would like you to consider the replacement of our fence as it is in dire shape. The rocks out front are disintegrating and falling down every time we water. The last few winters have been extremely tough on them all. The fencing is rotting and falling apart, so we would really like your assistance in this matter. Thank you.

2. Council Members – City Building Official Hendrickson – Public Hearing – Discussion Only - Consideration for a proposed Petition for Vacation or Abandonment of Road or Easement on property located in Ely, NV The applicant is Robert Martinez. He is requesting the abandonment of approximately 1,157 square feet of City of Ely right-of-way at the corner of Mill Street and Mill Avenue in front of Assessor's Parcel #001-363-04, under Chapter 8.1.0 of the Ely Municipal Code (Ordinance 689) and NRS 278.480. The subject property address and/or general location is: 1375 Mill Street, Ely, NV 89301.

Robert Martinez stated I just want to beautify my house, and I can't because of this easement.

George Chachas stated as a member of the Regional Planning Commission I just want the Council to know that we unanimously approved this application, and it is a benefit.

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

1. Council Members – City Clerk Lee – City Engineer Almberg – Discussion/For Possible Action – Approval to submit selected CDBG proposed projects to the Governor's Office of Economic Development (GOED) for eligibility verification.

- Wastewater Treatment Plant Upgrade \$603,750.00
- White Pine Public Museum Fence Project \$221,372.00
- 7th St. Drainage Improvement Project \$265,400.00
- North Street and Fay Avenue Storm Drainage Upgrade \$511,800.00
- Parks Water Reclamation Feasibility Study \$ 75,000.00

Councilwoman Williams-Harper stated I am looking at the amount for the Wastewater Treatment Plant Upgrade and assuming that upgrade will be very beneficial for everyone in the community.

City Engineer Almberg stated this is a way of trying to come up with the twenty percent match for the earmark that we received for that project.

Councilman Carson asked what does the Parks Water Reclamation Feasibility Study look like?

City Engineer Almberg stated that was a request that come in asking if we could reuse our wastewater as it comes through the plant and reclaim it to use it to water our parks or other things within the community in an effort to try and reduce our freshwater usage. It's just a feasibility study for that to figure out what it is truly going to cost. To build a pipeline back into town or possibly to the Golf Course is going to be quite an expensive project.

Councilman Carson stated yes, we are talking a multi-million-dollar project.

City Engineer Almberg stated another thing to consider is we have a lessee that uses that tailwater on the Georgetown Ranch.

Councilman Carson asked do you think it is even worth looking into?

City Engineer Almberg stated I would have a tough time for what I know about it now, thinking this truly would be feasible.

Councilman Carson stated I would like to see the Parks Water Reclamation Feasibility Study come off of this list and just submit the other four projects.

Councilman Carson moved to approve submitting the Wastewater Treatment Plant Upgrade Project, the White Pine Public Museum Fence Project, the 7th Street Drainage Improvement Project and the North Street, and the Fay Avenue Storm Drainage Upgrade Project to the Governor's Office of Economic Development (GOED) for eligibility verification. Councilwoman Elliott seconded the motion. The motion carried unanimously.

2. Council Members – City Building Official Hendrickson – Discussion/For Possible Action - Consideration for a proposed Petition for Vacation or Abandonment of Road or Easement on property located in Ely, NV The applicant is Robert Martinez. He is requesting the abandonment of approximately 1,157 square feet of City of Ely right-of-way at the corner of Mill Street and Mill Avenue in front of Assessor's Parcel #001-363-04, under Chapter 8.1.0 of the Ely Municipal Code (Ordinance 689) and NRS 278.480. The subject property address and/or general location is: 1375 Mill Street, Ely, NV 89301.

City Building Official Hendrickson stated I am recommending this as a vacation due to the fact that during the process of a building permit request for constructing a porch on this property it was discovered that there was an easement there that was established a long time ago, for when the road was put in there. It can be vacated and returned back to that parcel number that's listed there. In accomplishing that the individual will be able to construct his porch the way he wanted to so that the setbacks can be maintained.

Mayor Robertson asked is there already a sidewalk in front of this home?

Buzz Rosevear with Rosevear Surveying and Consulting stated to answer the Mayor's question, the sidewalk is approximately two and a half to three feet wide, so it's really not at code now. When we drew up the abandonment, we allowed eight and a half feet from the lip of the curb, so that sidewalk could be expanded in a future project. It was in line with Mill Street going north for that setback off of the curb. No utilities exist within the abandonment and currently it's just being used as grass in a yard.

Councilman Carson moved to approve the abandonment of approximately 1,157 square feet of City of Ely right-of-way at the corner of Mill Street and Mill Avenue in front of Assessor's Parcel #001-363-04, under Chapter 8.1.0 of the Ely Municipal Code (Ordinance 689) and NRS 278.480. The subject property address and/or general location

is: 1375 Mill Street, Ely, NV 89301 to Robert Martinez. Councilman Trask seconded the motion. The motion carried unanimously.

B. NEW BUSINESS

1. Mayor Robertson – Discussion/For Possible Action – Approval of support letter for Balanced Rock LLC’s right-of-way application to construct the Samantha Solar Project, a proposed 600-megawatt (MW) alternating current solar facility on approximately 2,891 acres of BLM-managed land in White Pine County approximately 15 miles west of Ely.

Mayor Robertson stated you have the draft of the letter. I did have a discussion with Commissioner Van Camp, and we talked over the County's letter on this as well. I also had a conversation with Councilman Carson prior to the meeting and I think, in addition to the support letter it would be prudent to add one of the points from the County's letter stating a robust analysis of socioeconomic impacts, both positive and negative, must be completed along with a clear sense of how local emergency services and housing will be impacted, especially during construction. Certainly emphasizing, how that would affect emergency services, just because the City's emergency service would be the one who gets called if there's a problem out there.

Councilwoman Elliott moved to approve the support letter for Balanced Rock LLC’s right-of-way application to construct the Samantha Solar Project, a proposed 600-megawatt (MW) alternating current solar facility on approximately 2,891 acres of BLM-managed land in White Pine County approximately 15 miles west of Ely with the mentioned addition. Councilwoman Williams Harper seconded the motion. The motion carried unanimously.

2. Mayor Robertson – Discussion/For Possible Action – Acceptance of Gregory Rivero’s resignation as a City of Ely representative on the Regional Planning Commission.

Councilwoman Elliott moved to accept Gregory Rivero’s resignation as a City of Ely representative on the Regional Planning Commission. Councilman Trask seconded the motion. The motion carried unanimously.

3. Mayor Robertson – Discussion/For Possible Action – Acceptance of Gregory Rivero’s resignation as an Ely Municipal Utilities Board member.

Councilman Trask moved to accept Gregory Rivero’s resignation as an Ely Municipal Utilities Board member. Councilwoman Elliott seconded the motion. The motion carried unanimously.

4. Councilman Carson – Discussion/For Possible Action – Discussion regarding City Attorney’s research on other Nevada municipalities’ ‘No Hunting in City Limits’ ordinances, with direction to draft an ordinance prohibiting hunting in the City of Ely.

Councilman Carson stated I find it hard that we have to have this conversation, yet here we are. This to me really falls back on ethics and morals. I've hunted bow and arrow for thirty years, and I have never, ever, ever shot a big buck, and I've never thought about shooting one in town. With that being said, I think it's unsafe. I don't want to see a deer get wounded in town and crash into somebody's family picnic and bleed all over. What are our options?

City Attorney Manuele stated the Mayor, City Clerk, the game warden, and I met very quickly and discussed what an ordinance might look like, and our hope was to be able to have an ordinance presented at this meeting. We wanted to act quickly and do that, but I began researching and looking at other municipalities in Nevada and learned that it's not going to be as simple as just say no hunting. I'd like to have more conversations around it to say, what is our actual desire? What are we trying to limit? What are we okay with? I appreciate that we've received public comment today, but in indicating it should be a simple process, yet we've got all kinds of things to consider. What are we trying to do? We were concerned about safety, but we're okay with shooting in the backyard and practicing. There's a lot of things I think we've got to have discussions about as opposed

to just quickly pushing it through and then needing to change it later. I'd like to do some additional research so we can provide a very appropriate ordinance for this area, and present that to the Council as opposed to just rushing through. This item is for action to direct me to start drafting one and I'd like to have further discussions with individuals involved as we put this together.

Councilman Carson stated I know you need to look into all the legality for sure, but to me I think it's fairly easy in my mind. All we need to do is have no hunting with any legal weapon of big game and then you can still do your trapping of cats and stuff like that, if need be and still shoot targets in your backyard if it's safe.

Nevada Department of Wildlife Game Warden Nick Brunson stated much of what Councilman Carson's talking about as far as specifically stating big game would probably be the better avenue to go, because then you do kind of cut out the trapping of small game, skunks, rodents, and things like that. I can also see the other side of wanting to research it a little bit more, and getting a little bit more in depth, but I don't know that you want to make it too fine toothed where somebody can find a loophole. I do think big game issues are kind of the main issue.

Mayor Robertson asked do you have other towns or cities in your jurisdiction that already have something like this?

Nevada Department of Wildlife Game Warden Nick Brunson stated I don't. I don't know if there's anything down in Las Vegas or over in Reno as I haven't researched any of that. I can look into it and find out if there's any of those municipalities that have it. I know Elko doesn't have one and Spring Creek in Elko County doesn't have one. All the other towns in and around White Pine are all County, and so that would be something that would fall underneath the County Commissioners to be able to come up with something much like what you folks are looking at doing. I think this would set precedence, and it would help them come up with ideas and ways to be able to put together an ordinance for the County.

Mayor Robertson asked would you be looking to mirror a lot of what's in the Nevada Revised Statutes (NRS) already, including putting information in about not feeding big game, and things like that or do we put that somewhere else?

City Attorney Manuele stated if it is in the NRS we can mirror it or leave it just to the statute. I've got to read through the NRS, because there may be requirements if we prohibit hunting, that we are required to post signage.

Nevada Department of Wildlife Game Warden Nick Brunson stated that's been the biggest issue for wildlife, especially the deer in Ely, Nevada. I'd almost venture to say that most of the deer that you have in Ely, Nevada right now are most likely ones that have been born here and they don't know anything different than the City. This is their home territory, and they don't know anything different. They're not like your normal deer that would come in off of the mountain. Most of those are going to stay clear of people more so than what these deer are. With people feeding them, they're so habituated to people that you can get within twenty feet of them, and they don't even care that you're there, and that's not a normal habit for any wild animal.

Sherriff Henriod stated I'd like to thank everybody that's commented on this section and I'm in one hundred percent agreement. I do think it needs to go a little bit broader. Big game is the focus that everybody's focusing on right now because of the incident that happened with the harvesting of this animal, but my mind often goes to coyotes. What happens if I get a stray coyote that's bothering my cats in my backyard? Am I going to be able to go out there and whack it with my bow? It's unlawful to discharge firearms and we already have those laws and ordinances in place, but I think we kind of need to broaden it just a little bit further if we're looking at coyotes, badgers, and skunks. What is the difference between harvesting that animal in my backyard with my bow? It causes the same concerns that we're talking about here. When we're talking about no hunting, we're talking about no hunting. If we're looking at other ordinances about shooting archery inside the City limits, we did some research on that once because we had some

individuals that were shooting in their backyard, and the arrows were flying over the fence, landing in somebody else's yard. Those actually fall under the missile category. So, according to our definitions, you cannot shoot your bow within the city limits because of the missile category that the archery falls underneath. We put the kibosh on that with the person that was doing that a couple of years ago and threatening the livelihood of neighbor that was living next door, but I think that should be a totally separate issue. I think the issue that we want to focus on with the City Attorney is exactly what we're talking about here tonight. The actual hunting of these big game animals and a little bit broader spectrum so that we just don't have to come back when somebody shoots a coyote in their backyard with their bow. I'm with City Attorney Manuele in that it is a little bit of a complicated process, but it can be done. I encourage you to move forward with this.

Councilman Carson stated if you're saying it's illegal to discharge a bow in city limits then we already have a law that says you cannot do that. If you shoot a deer in the City, that is illegal because you discharged a bow in the City limits.

Sherriff Henriod stated the statute's very clear because it has to endanger somebody or someplace.

Councilman Carson stated I think that's kind of clear, too. If it's that close to dwelling, there was endangerment.

Sherriff Henriod stated you'd have to actually say that there was a victim involved. Was there somebody there that was going to be in harm's way when that individual shot at that deer? That victim would have to come forward or a property owner would have to come forward and say, because of the proxemics of where that individual shot that arrow at it threatened my property. If there's no victim, then the Nevada Revised Statute doesn't apply.

Councilman Carson stated so you can still shoot a bow in town if you're not endangering a victim?

Sherriff Henriod stated pretty much because when we addressed it there was a victim; there was a person that complained.

Councilman Carson stated thank you for the clarification.

Nevada Department of Wildlife Game Warden Nick Brunson stated I think it would be beneficial to add "City owned lands" in that ordinance because there is land owned by the City that is not truly within the City limits.

Councilman Carson moved to direct City Attorney to draft an ordinance prohibiting hunting in the City of Ely. Councilman Trask seconded the motion. The motion carried unanimously.

5. Councilman Alworth – Discussion/For Possible Action – Update from Human Resources Director Trask on search for an attorney who would be a City of Ely employee; update to include recruitment sites, notifications sent, and number of applications received to date.

Date: September 9, 2024

To: City Council

From: Janette Trask, Treasurer/HR Director

RE: Agenda Item B-5 Update on Search for a City Attorney

Recruitment Sites:

- EmployNV
- Nevada State Bar Association
- Nevada League of Cities and Municipalities

Notifications sent:

- EmployNV
- Nevada State Bar Association
- Nevada League of Cities and Municipalities
- An update on the advertisement was sent to each with the Council's approval to increase the salary range to \$160,000

Applications received:

- One application was received then rescinded.

Mayor Robertson stated I did have a conversation with Shane prior to this meeting, and he said he has seen the advertisement come up in places he's been. We know it's getting around and we updated the advertisement with the new salary range.

City Attorney Manuele stated I'm seeing a void in a lot of government positions for attorneys. It's unfortunate, but there's a lot of spots to be filled in areas and so hopefully you will find someone.

Councilman Carson asked do you think it has to do with the pay, location, or a little bit of both?

City Attorney Manuele stated I think it has to do with the work. It's pretty hard for government entities to compete with private entities.

There was no action on this item.

6. Councilwoman Williams-Harper – Discussion/For Possible Action – Approval of First Reading of Ordinance 759, Bill No. 2024-05, An Ordinance Increasing the Salary Ranges of City Attorney and City Fire Chief.

Mayor Robertson stated I need to note that this is not increasing their salary. It's increasing the salary ranges in the Code, which is something the Council had already enacted by resolution.

Councilman Trask moved to approve the First Reading of Ordinance 759, Bill No. 2024-05, An Ordinance Increasing the Salary Ranges of City Attorney and City Fire Chief. Councilman Carson seconded the motion. The motion carried unanimously.

- Council Members – City Engineer Almberg – Discussion/For Possible Action – Review of bids received for the Road Slurry Seal Project 2024, PWP# WP-2024-505, with possible award.



CITY OF ELY
ROAD SLURRY SEAL PROJECT 2024
BID OPENING & REQUIRED DOCUMENTS CHECKLIST

September 10, 2024

BID ITEMS CHECK LIST	AMERICAN PAVEMENT PRESERVATION	MORGAN PAVEMENT	SIERRA NEVADA CONSTRUCTION
BID PROPOSAL	YES	YES	YES
BID BOND, CERTIFICATES CHECK, CASH	YES	YES	YES
EXPERIENCE OF QUALIFICATIONS	YES	YES	YES
DESIGNATION OF SUBCONTRACTORS	YES	YES	YES
DESIGNATION OF SUBCONTRACTORS - 9% LIST	YES	YES	YES
DESIGNATION OF SUBCONTRACTORS - 1% LIST	YES	YES	YES
AFFIDAVIT OF NON-COLLUSION	YES	YES	YES
ADDENDUM - 1	YES	YES	YES

BIDDING SCHEDULE	UNIT	AMOUNT	AMERICAN PAVEMENT PRESERVATION		MORGAN PAVEMENT		SIERRA NEVADA CONSTRUCTION	
			UNIT PRICE	BID AMOUNT	UNIT PRICE	BID AMOUNT	UNIT PRICE	BID AMOUNT
1 MOBILIZATION / DEMOBILIZATION	LS	1	2,000.00	\$ 2,000.00	23,000.00	\$ 23,000.00	26,000.00	\$ 26,000.00
2 CLEANING & PREPARATION	SY	191,000	0.16	\$ 28,864.00	0.10	\$ 19,100.00	0.17	\$ 28,864.37
3 TRAFFIC CONTROL & PUBLIC RELATIONS	LS	1	48,000.00	\$ 48,000.00	9,778.00	\$ 9,778.00	100,261.00	\$ 100,261.00
4 SLURRY SEAL	SY	191,000	2.48	\$ 480,000.00	2.86	\$ 546,814.00	2.25	\$ 429,825.00
TOTAL BID PRICE				\$ 544,743.00		\$ 598,298.00		\$ 581,907.00

City Engineer Almberg stated this is money that's coming from the City's Community Service Funds to take care of this. We received three bids. The three bids were actually very competitive and very close to each other, considering the size of the scope. This is a little bit more than what you had budgeted with those funds that are available, but Mike has worked through their Public Transit Funds, and they have plenty to cover this overrun to take care of this project. The low bidder for this was American pavement preservation for \$544,743.60. All their documents were in order, and everything was good, so we recommend approval of awarding this job to them.

Councilwoman Elliott moved to award the bid to American Pavement Preservation for the Road Slurry Seal Project 2024, PWP# WP-2024-505. Councilwoman Williams-Harper seconded the motion. The motion carried unanimously.

- Council Members – City Attorney Manuele – Discussion/For Possible Action – Approval of Amendment No. 3 to the One Nevada Agreement on Allocation of Opioid Recoveries.

City Attorney Manuele stated this has to do with the opioid litigation. There was a hearing in the Supreme Court and there were some changes to the bankruptcy negotiations that went on. They needed to change the definition of some of the named defendants and what recovery means. This expands or identifies who the defendants are that are in that opioid litigation and redefines recovery as far as the agreement with the opioid recoveries. We do have outside counsel handling this. It's the same counsel handling basically all the Nevada cities. I'd be supportive of this. It's pretty standard and procedural.

Councilwoman Elliott moved to approve Amendment No. 3 to the One Nevada Agreement on Allocation of Opioid Recoveries. Councilman Trask seconded the motion. The motion carried unanimously.

- Council Members – City Clerk Lee – City Fire Chief Stork – Discussion/For Possible Action – Review of bids received for the replacement of the Ely Fire Station Photovoltaic Panel System, Energy Efficiency and Conservation Block Grant (EECBG) Funded Project #C66854, with possible award.

City Clerk Lee stated we received one bid. His proposal is to replace the solar inverters, but to retain the existing solar panels. He's expressed to me that it's going to be difficult to get the inverters by the end of the year, but we do have three years on this grant. That leaves about \$28,000.00 in the Conservation Funds to find other uses such as possibly storage batteries, or something else, to make good use of this project.



CITY OF ELY

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Cityofelynv.gov

Replacement of the Ely Fire Station Photovoltaic Panel System, Energy Efficiency and Conservation Block Grant (EECBG) Funded Project #C66854 Bid Tabulation.

Bidder	Sol-up
Amount of Bid	\$49,999.00
Bidder has bid bond/certified check/cashier's check/cash equaling 5% of bid.	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Is bidder licensed in the State of Nevada to perform requested work?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Bidder has City of Ely business License	Yes <input type="checkbox"/> No <input type="checkbox"/> In Process <input checked="" type="checkbox"/> - Application received
Acknowledgement of Buy America Build America (BABA) Requirement for federally assisted projects to use iron, steel, and manufactured products in the infrastructure work produced in the United States.	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

Present for the Bid Opening on September 9, 2024, at 3:01 p.m.: City Clerk Lee, City Treasurer Trask, City Fire Chief Stork, and City Administrative Assistant Cobb

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

Councilman Carson moved to award the bid to Sol-up for the replacement of the Ely Fire Station Photovoltaic Panel System, Energy Efficiency and Conservation Block Grant (EECBG) Funded Project #C66854. Councilwoman Elliott seconded the motion. The motion carried unanimously.

- 10. Council Members – City Clerk Lee – Discussion/For Possible Action – Approval to hold one regular meeting in November on November 14, 2024, and one regular meeting in December on December 12, 2024, due to the Holidays.

Councilman Trask moved to approve holding one regular meeting in November on November 14, 2024, and one regular meeting in December on December 12, 2024, due to the Holidays. Councilwoman Elliott seconded the motion. The motion carried unanimously.

12. PUBLIC COMMENT:

Justin Rozich stated I just wanted to thank the Council for putting the agenda item for no hunting in the City limits on the agenda and appreciate the attention to, and the discussion of the matter. I also appreciate Game Warden Brunson and Sherriff Henriod for being here and for their support as well. I would certainly encourage the City to coordinate with both Mr. Brunson and Mr. Henriod on drafting an ordinance and getting a final one out there. I look forward to seeing the official end result. Thanks

George Chachas stated ongoing concerns regarding Golf Course Road and Avenue C being able to sustain the traffic from the newly constructed Golden Gate Petroleum gas station; the Pine West Development at 701 East Aultman needing to be fenced off for public safety; the application for a variance for an RV Park at 582 N. Highway 93 that has previously had sewer problems and states there should be no service to that property unless they meet State and City requirements; and alleges his water connections were taken out on his property and wants them put back in with the current construction on Bell Avenue.

Kerri Pintar stated I live on 1417 Mill Street, and I just wanted to say thank you for addressing that ordinance tonight and moving that forward. That was a tragedy that happened, and it needed to be addressed, and I appreciate you doing so. I want to give a shout out to the animal control officer. We have a skunk problem up in our neck of the woods, and Jody's been out of town, and Animal Control Officer Andrew Hayes was up here to remove the skunk that we've trapped.

We appreciate his effort in doing that because it's not a fun job. You guys have a good night, and we will see you in two weeks.

13. 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 6:14 p.m. Councilwoman Elliott seconded the motion. The motion carried unanimously.



MAYOR



ATTEST

