



CITY OF ELY

501 Mill Street Ely, Nevada 89301

City Hall (775) 289-2430

Cityofelynv.gov

ELY CITY COUNCIL REGULAR MEETING

June 12, 2025, 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.** Mayor Robertson led in the Pledge of Allegiance and asked for Roll Call.

Members present:

Mayor Nathan Robertson
Councilman Terrill Trask
Councilwoman Melody Van Camp
Councilwoman Samantha Elliott
Councilman Dennis Perea
Councilwoman Jerri Lynn Williams-Harper

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

City Clerk Jennifer Lee
City Treasurer-HR Director Janette Trask
City Fire Chief Pat Stork
City Attorney Chris Arabia
City Engineer B.J. Almberg
City Building Official Don Hendrickson
City Municipal Court Judge Matt Hibbs
City Police Chief Scott Henriod
City Administrative Assistant Patti Cobb

Also, in attendance: Members of the public in attendance at the Ely Volunteer Fire Hall signed in (appears on the following page) and the following people attended via video conference: Geri Wopschall; Don Tracy; Eugene Harper; Wyatt Cox, KELY; Vince Fleischman; Jennifer Drew; Cody Coombs; Cody Odgers; and Zoom user.

ELY CITY COUNCIL ATTENDANCE LIST

DATE: June 12, 2025

Print name below

TINA PERCHETTI
 JARED HICKMAN
 Paula Carson
 George Chachias
 Betsy Vogler
 David Van Sledright
 Kathy Long
 Wade Robinson
 Jessica "JJ" Hendrickson
 Day Saunders
 Jessa Rattazzi
 Stephanie Saunders
 Mark Mather
 Andy Dunge
 MARK BASSETT
 Scott Johnson

Print name below

2. PUBLIC COMMENT

Betsy Vogler stated I'm currently leasing the Georgetown ranch and I'm here to comment on agenda item number five under new business. I'll be going through the line items as suggested by Mr. Noyes. Mr. Noyes purchased Lot 12 block 14 on March 3, 2021 and I was told an original survey was started but not completed for a lack of contract. The White Pine County Assessor's site shows a rectangle shape of the property map, and so does Mr. Rosevear's survey that was recorded on May 6, 2025. The current fencing put in by Mr. Noyes shows a rectangle with a jog at the east, forming a triangle going around the City's culvert, blocking water and property access for the City parcel. Completion of the original survey would have avoided this item being put on the agenda. Line items 2, 3, and 4, a pond area is mentioned on Mr. Noyes's property. Ponds are an impoundment of water, and without a water right shouldn't exist in this case. If the pond area is removed and the water is placed into the original ditches to flow through Mr. Noyes's property, it would be in compliance with the Nevada Division of water Resources, NRS 533.460, which is currently being violated with the impoundment of water. It would also resolve the additional cost for fencing Mr. Noyes has proposed in 2, 3, and 4. Line-item number 5, the West side fencing is also incorrect according to Mr. Rosevear's survey. Mr. Noyes has a fence currently using approximately 0.365 acres of the City's property on the west side. Line-item number 6, the City of Ely puts properties out for bid, which is offered to the public. A possible resolution, but it's only my opinion, is to straighten the triangle section at the northeast end, including eliminating the pond or pooling area along with fixing and maintaining the original ditches for flow to the City parcel. This would give Mr. Noyes livestock access to the water and to the Georgetown lessee's livestock as well, showing beneficial use after straightening and then using the current property fence; have it then recorded as the new property line. This would make it cost effective for both parties involved, it would put both west and east side on Mr. Noyce's property in compliance with an accurately recorded map survey, if there were ever future issues. I also have been working with the NRCS for the past year, and it includes this parcel that is currently being denied access to water. The NRCS and I have come up with a plan for approximately five years that includes spraying weeds, brush mowing, seeding, and fencing along with installing water pipelines to cut down erosion and evaporation. I have been told that my improvements are in harmony with my lease, and I signed the final contract with NRCS on June 4, 2025.

George Chachas stated on your agenda item 11-4 you are to consider the removal of past due utility fee penalties in the amount of \$5,514.24 from 2B First street in McGill, Nevada, at the request of property owner, Chris Walker. I'm requesting a copy of the letter that was given to Mr. Walker outlining the terms requested of him for consideration, write-off penalties, and interest on his property. Did he pay the total of \$7,416.97, so he could be considered, and then be eligible for a refund of \$5,514.24? On your agenda item 11-5 you are to consider the removal of past due utility fees in the amount of \$7,845.37 from 25 sixth Street, McGill, Nevada, at the request of Property Owner Jane Montgomery. I'm requesting a copy of the letter that was given to Ms. Montgomery outlining the terms requested of her for consideration, write-off penalties, and interest on her property. Did she pay the total of \$10,082.85, so she can be considered, and then be eligible for a refund of \$7,845.37. I want to remind you again that I was made to pay the full amount on one of my properties in order to be considered, and only then was I given a refund for the difference. I'm still waiting for a copy of the letters the City sent to Ralph Jones, Tina Templer, and Elaine Blackham. It appears the City is selectively enforcing its rules, regulations, and codes, the discrimination needs to stop. I remind you again, you need to review the City's Title VI Plan which covers compliance with federal anti-discrimination regulations, your staff are blatantly and intentionally ignoring the law. On your agenda item 11-1 you are to consider the trade with White Pine County for water rights from the APN 010-424-04, in exchange for 420-acre feet from the Industrial Water Right Designations, that needs to be denied. The Golf Course can apply for water rights under a different category, not industrial. The County and the City had better take a hard look at cost benefits regarding the Golf Course. The Golf Course receives the lowest water rate of all those on the City system, and sometimes you give it to them for nothing; no one else receives that kind of consideration. Some members of the Utility Board are golfers and failed to disclose that at the meeting this morning and none of them abstained. Your engineer failed to report that Commissioner Vogler wants to rework the artesian well on the Georgetown Ranch, which would cost a fraction of the million dollars plus proposed new well, that needs to be looked at before you guys start jumping. On your agenda item 12B-2 the trade is not of equal value and does not meet NRS guidelines.

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

Mayor Robertson stated I would like to note that item B-3 was requested for removal, so someone could attend this at a future meeting, and if there are no objections, I would recommend the Council approve the agenda with that removal.

Councilwoman Elliott moved to approve the agenda with the removal of item B-3.
Councilwoman Van Camp seconded the motion. The motion carried unanimously.

4. CITY DEPARTMENT REPORTS

➤ **CITY MUNICIPAL COURT JUDGE**

City Municipal Court Judge Hibbs stated I'm enjoying it. It's nice to be back in the criminal justice system like I was in for almost thirty years. One thing that I'm having concern about this fiscal year, which is just about to end, is we were quite above what was budgeted for the Public Defender's office. The State gave them a rate in terms of what they can bill for that kind of stuff, and even though we upped it quite a bit for next year I have a feeling it's not going to be enough; just so you guys are aware of that. Yesterday was Senior Clerk Linnea Prengel's last day. She and her husband, who is a retired trooper, are moving to Idaho to be closer to their girls. We have two people that have applied, that closes tomorrow, and we can get interviews going.

Mayor Robertson asked, "what's your plan in the meantime to cover office duties?"

City Municipal Court Judge Hibbs stated the part-time clerk is going to fill in, just like, if Linnea was on vacation. She doesn't want a full-time position, but she realizes it may take a few weeks for that to be filled. We really only have court three days a week, unless I've got to go in for a bail hearing, or something like that, but there's a forty-eight-hour window for that. I also go in on Mondays just to review the cases coming up and sign paperwork which the folks have ready for me.

➤ **CITY ATTORNEY**

City Attorney Arabia stated I want to just wish Linnea well, she was a pleasure to work with. In case people don't know regarding the public defender issue, the market has changed dramatically in the last two or three years. The rate that the State pays has gone up 75% and it's still very difficult to attract people; it's an ongoing problem. We're working on making the court more efficient; the defense, the prosecution, and the judge, so I'm optimistic that it is not going to be too much of a problem going forward. On the criminal side this week I had the unique opportunity of dismissing a case in the middle of a trial. It turned out that the victim was telling a fairy tale more or less. I want people to know that we're going to try to give appropriate punishment to people when they break the law, but if I don't feel confident that the defendant did it, I'm not afraid to just dismiss the case. I'm not going to try to win at all costs. On the civil side I'm happy to continue to keep working with some of the department heads who are really doing good work, trying to keep the city cleaner and safer. My last thing is I wish all the best to Sam.

➤ **CITY CLERK**

City Clerk Lee stated NDEP notified me this morning that the Legislature approved the CAP Grant funding, so our Morley application will be reviewed by The Board for Financing Water Projects August 20th. I have been working on our EPA East Ely Water Main and Treatment Plant upgrade applications to submit tomorrow for award by September 30th.

➤ **CITY ENGINEER**

City Engineer Almberg stated you guys are inconvenienced every day as the Aultman Street Project is going full bore and that keeps us pretty busy all the time dealing with all the things that we come across as we're digging underneath the ground. We completed the quarterly landfill report as required, based on water monitoring and stuff. That's been turned into the State, and we are waiting to hear back to get their approval for that submittal. Morley Avenue Sewer is pretty much done; we're just sheeting it and getting ready to go to water. We're working with the State and having some conversation with NDEP to see if we can possibly phase that and do the water line first and come back with a second phase right behind it, for the booster pump. It may work better with the grant funding that Jennifer was talking about that hopefully we'll be successful in August with. We are assisting the Treasurer with the Waterwork Software that she's using to project our future needs and costs. We're putting in all of the stuff we've collected with the GIS points out in the field for the last several years. We have to take the time and individually draw in between, and, for lack of better word, connect the dots of what water lines are between there, the ages of those water lines, sizes, etcetera, so that from that we'll be able to generate reports that we could pass on to Waterworks that they can get into the software that's going to help us project some future costs.

5. NNRV FOUNDATION REPORT

Mayor Robertson stated I would like to disclose I am a part-time employee of the foundation, but this is not a voting item.

NNRV 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.nnr.com • E-mail: info@nnr.com



Monthly Operations Report for May 2025

1. Locomotive Status – Updated
 - a. Locomotives in service: 109, 801, Wrecking Crane A & Rotary B.
 - b. Staff and volunteers are working on Locomotive 802 with the goal of bringing it back to service this summer.
 - b. On Locomotive 81 work is progressing on the pilot truck.
 - c. Locomotive 93 suffered a hub liner and crown brass failure on axle 4. We have dropped the axle and taken it to Salt Lake. Fortunately, the axle can be turned.
 - d. During an inspection of the Doodlebug, we found a crack in the power truck frame. We are in the process of make a repair and returning the car to service.
 - e. Locomotive 105 is out of service for radiator leaks.
 - f. Locomotive 204 is out of service for painting the 150th paint scheme.
 - g. Locomotive 40 is out of service for her heavy repairs. We have started on her repairs; she will be out of service until 2025.
 - h. Locomotives out of service needing moderate repairs: #201
 - i. Locomotives waiting funding for restoration: Steptoe Valley Smelting and Mining #309 and Rotary Snowplow B (for boiler overhaul.)
 - j. Locomotives out of service needing heavy repairs #80 and the military locomotives.
3. Rolling Stock Status – No change
 - a. Passenger equipment in service: #05, #07, #08, #09, Flatcar #23, Baggage/RPO #20, Outfit Car #06 and Caboose 6.
 - b. Passenger Coach 5 is in service but it needs to be lettered in gold leaf.
 - c. Passenger equipment out of service: #10, #2 and #05 needing heavy repairs.
 - d. Caboosees in service: #3 #6 and #22 are operational.
 - e. Caboosees out service: #5
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 May we carried 1,590 passengers, this was an increase of 1% compared to the previous year.

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 – 2024, 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

Ely City Council – Regular Meeting – June 12, 2025

- b. So far this year we have carried 2,652 passengers, this was an increase of 7% compared to the previous year.
 - c. Since operations began in 1987, we have carried 383,809 passengers.
6. Economic Impact – The average non-gaming & gaming daily expenditure per overnight visitor \$170. Economic impact for May 2025 was 1,590 x \$170 = \$270,300. Economic impact year to date was 2,652 x \$170 = \$450,840. 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 views was 1,786,650
 - b. Our Facebook reach last month was 613,087
 - c. We have 135,400 page likes.
 - d. 204,090 people follow our page.

8. Upcoming Events

Trains operate daily through September, on Father's Day all dad's ride FREE!



JUNE 2025

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

6. REPORTS

➤ **COUNCILMAN TRASK**

Councilman Trask stated I was over in Carson City for sine die, which was just riveting stuff until one o'clock in the morning, but it worked out well for White Pine County and the School District, which is what capacity I was over there for.

➤ **COUNCILWOMAN VAN CAMP**

Councilwoman Van Camp stated the citywide cleanup is continuing, and to date eleven of the thirty-eight community service hours have been used to target the very messy areas in the City. Two and a half truckloads of trash and debris went to the landfill, and I would like to thank Judge Hibbs for sending me all those folks to assist in the cleanup. I've also been meeting with Jennifer Lee and Patti Cobb in the planning of the rededication of the Jack Caylor Park, and I attended this morning's Utility Board meeting.

➤ **COUNCILMAN PEREA**

Councilman Perea stated the only thing I have is, I'm continuing to work on and see if I can unwind, that CTX formula. We met with the Assessor, and he looked at it as well and couldn't make heads or tails on it. I did have a colleague that used to be the Director of Department of Taxation, so I reached out to him, and he's going to try to help me come up with a model.

➤ **COUNCILWOMAN WILLIAMS-HARPER**

Councilwoman Williams-Harper stated I would just like to say we recently had someone who lived here a couple of years ago move back into the City and they commented the City looks cleaner and better and they're happy to be back.

➤ **MAYOR ROBERTSON**

Mayor Robertson stated I attended both the White Pine County High School Graduation and the Middle School Promotion. It was great to see the community come out and support those young people who are moving on and moving up. We are excited about all the things coming this summer.

B. NEW BUSINESS

4. Council Members – City Clerk Lee – *LP Insurance Services* Principal Tina Perchetti – NPAIP Representative – Discussion/For Possible Action – Acceptance of renewal proposal from Nevada Public Agency Insurance Pool (POOL), with a \$500.00 Maintenance Deductible, and approval for payment in the amount of \$357,237.01 from fiscal year 2025-2026 funds.

LP Insurance Services Principal Tina Perchetti reviewed the backup material provided.

Pool Pact Risk Management Specialist Jarrod Hickman reviewed the following slides of information:



Protect & Prevent <i>Risk + School Safety</i>	People & Development <i>Learning + Human Resources</i>	Digital Security <i>Cybersecurity</i>
Safety Plan and Committee Development \$8,000 to \$12,750 Entity Benefit 42+ hours	HR Services \$1,373,171 PRI Contract \$10,415 Entity Benefit	Cybersafe Tony Rucco, consultant \$508,400 POOL Benefit
MSDS Online Digital Safety Data Sheet Management \$49,400 POOL Benefit	On-Demand Learning Program Includes LMS, course development, support, course licensing \$147,700 POOL Benefit \$23,083 Entity Benefit	Passive Network Assessment KnowBe4 \$164,115 POOL Benefit
Enterprise Risk Management Program Value \$35,000 to \$120,000 292+ hours	TargetSolutions LMS for Fire and EMS Services including NFPA and CAPCE course catalogue \$100,800 POOL Benefit \$4,462 Entity Benefit	Risk Management Grants Supporting member risk management initiatives Education Projects
	Fit for Retirement Protecting those that protect your community \$615,000 POOL Benefit \$2,671 Entity Benefit	

HOW CITY OF ELY USES POOL/PACT TRAINING

Risk-related Training	eLearning	HR Training
<ul style="list-style-type: none"> Local Gov't Finance & Budget (02/28/2025, 02/10/2025, 06/28/2023, 06/14/2023) ERM Conference (09/04 – 05/2025) Local Gov't Finance Debt Mgmt. (07/10/2024) Investment Responsibilities of Governing Body (04/09/2024) Financial Leadership for Local Gov't (03/27/2024) 2023 HR Pre-Conference (10/18/2023) OML, Ethics, & Governance (01/10/2023) 	<p>FY24/25 Statistics</p> <ul style="list-style-type: none"> 28 Active Users 160 Logins 188 Course Enrollments 131 Courses Completed 72.8% Completion Rate <p>Top 5 Enrollments</p> <ul style="list-style-type: none"> Security Awareness Training Sexual Harassment Training First Amendment Audits Title VI Overview OSHA Rights & Responsibilities 	<ul style="list-style-type: none"> HR Phase 1 Assessment (12/05/2024) Ethics in the Workplace (10/02/2024) Negotiations (04/16/2024) Essential Management Skills (03/13/2024) Managing Conflict (08/24/2023) Adv. HR Rep. (05/10/2023) Internal Investigations (04/11/2023) Adv. Essential Mgmt. (04/05/2023) HR Rep. (02/07/2023)

EXCELLENCE PROGRAM

ERM
ENTERPRISE RISK MANAGEMENT

- 22 Members in Program; 6 Award Winners
- Department by Department Assessment
- Best Practice Policy and/or Procedure
- In Place and Operational
- Excellence, Not Average
- Award (31 Employees): Est. \$15,000

05/05/2025 6

Councilman Perea asked the 10.25% increase; can you tell me what the primary driver for a significant percentage increase like that is?

Pool Pact Risk Management Specialist Jarrod Hickman stated yes, if you look back at the exposures, the primary drivers for both property and liability include your increase in payroll, and the increase in total insured value.

Councilman Perea stated I think there's value in this and I like the product, but just an internal question, do we ever test the market, or do we just go year to year and accept that we're paying the market rate they just talked about.

Mayor Robertson stated our broker does some of the testing internally, we don't.

LP Insurance Services Principal Tina Perchetti stated it's a valuable question and I think in today's world it's important to do your due diligence, and I commend you on that. Just so, you know, as your broker, I'm not just an agent, I broker it out, and I will tell you that every year I am very confident, at least up until now, and I don't see that changing in the future. The type of coverage and services that you are able to obtain as a municipality from the POOL/PACT are very difficult and very costly to obtain in the open marketplace. For lack of a better term, it's a really good market niche. It provides a lot for

its members, and as a member you receive all that back. They aren't turning a profit, which insurance companies as a whole have to do, to stay in business like everybody else, so that due diligence is done by your broker. We provide a lot of services to help minimize your losses which help to minimize costs.

Councilman Trask moved to accept the renewal proposal from Nevada Public Agency Insurance Pool (POOL), with a \$500.00 Maintenance Deductible, and approval for payment in the amount of \$357,237.01 from fiscal year 2025-2026 funds. Councilman Perea seconded the motion. The motion carried unanimously.

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

1. Councilwoman Van Camp – City Building Official Hendrickson – Public Hearing - Discussion Only – Approval of Second Reading of Ordinance 762, Bill No. 2025-02, An Ordinance amending Title 12, Zoning Regulations, Chapter 6, Commercial Districts, Section 2, Uses, of the City of Ely Municipal Code, to add the category of Town Homes as a permissible Special Use in C-2 General Commercial Districts and C-3 Highway Commercial Districts. Town Homes are still not a permitted use in C-1 Neighborhood Commercial Districts.

George Chachas stated Mr. Mayor, as a member of the Regional Planning Commission, I'm somewhat surprised that this was never brought before the full body. If you don't want to be part of the Regional Planning Commission, that's fine, pull it, but acting outside of the so-called agreement between the City and the County, I find that offensive. I have no idea why this was brought up. I have no idea what interest there is, but that should be presented to the Board first and it was not. I am disappointed. Thank you.

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

1. Councilwoman Van Camp – City Building Official Hendrickson – Discussion/For Possible Action – Approval of Second Reading of Ordinance 762, Bill No. 2025-02, An Ordinance amending Title 12, Zoning Regulations, Chapter 6, Commercial Districts, Section 2, Uses, of the City of Ely Municipal Code, to add the category of Town Homes as a permissible Special Use in C-2 General Commercial Districts and C-3 Highway Commercial Districts. Town Homes are still not a permitted use in C-1 Neighborhood Commercial Districts.

City Building Official Hendrickson stated If you don't mind, I'd like to address the public comment first. As far as the Regional Planning Commission is concerned, they help with agenda items that are passed by the City. This is an ordinance by the City and it does not actually get approved by the Regional Planning Commission at all; this is a City matter.

Mayor Robertson stated, per the agreement that we have with the County?

City Building Official Hendrickson stated, correct. This is actually a correction. It was discovered that in our ordinances we have apartment houses identified. The definition of an apartment house is a single-story structure, and townhouses are multi-story structures. So, this is an update and correction to our Code to allow those townhomes in our zoning.

Councilwoman Williams-Harper moved to approve the Second Reading of Ordinance 762, Bill No. 2025-02, An Ordinance amending Title 12, Zoning Regulations, Chapter 6, Commercial Districts, Section 2, Uses, of the City of Ely Municipal Code, to add the category of Town Homes as a permissible Special Use in C-2 General Commercial Districts and C-3 Highway Commercial Districts. Town Homes are still not a permitted use in C-1 Neighborhood Commercial Districts. Councilwoman Van Camp 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

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

1. Redevelopment Agency Members – City Treasurer Trask – Discussion/For Possible Action – Approval of Redevelopment Area Residential Grant Application submitted by Property Owners, Rodney J. Leshner and Jennifer Drew-Leshner for \$20,000.00.

Councilwoman Van Camp moved to approve the Redevelopment Area Residential Grant Application submitted by Property Owners, Rodney J. Leshner and Jennifer Drew-Leshner for \$20,000.00. Councilman Trask seconded the motion. The motion carried unanimously.

2. Redevelopment Agency Members – City Treasurer Trask – Discussion/For Possible Action – Approval of Redevelopment Area Commercial Grant Application submitted by Property Owners, Wade Robison and Kathy Long for \$31,747.80.

Property Owner Wade Robison stated how thankful they were that the City was offering this funding for redevelopment and invited anyone to see this building and its charm.

Councilman Trask moved to approve the Redevelopment Area Commercial Grant Application submitted by Property Owners, Wade Robison and Kathy Long for \$31,747.80. Councilwoman Williams-Harper seconded the motion. The motion carried unanimously.

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

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

10. ITEMS FOR DISCUSSION/POSSIBLE ACTION OF THE ELY GAMING LICENSING BOARD.

1. Board Members – City Clerk Lee - Discussion/For Possible Action – Approval of Restricted Gaming License to Golden Gate Petroleum of Nevada, LLC located at 147 N. HWY 93, Ely, Nevada.

Councilman Perea moved to approve a Restricted Gaming License to Golden Gate Petroleum of Nevada, LLC located at 147 N. HWY 93, Ely, Nevada. Councilwoman Elliott seconded the motion. The motion carried unanimously.

THE MAYOR WILL RECESS THE ELY GAMING LICENSING BOARD AND RECONVENE THE REGULAR CITY COUNCIL MEETING.

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

1. Mayor Robertson – City Engineer Alberg – Discussion/For Possible Action – Approval of proposed Golf Course Irrigation Water Rights terms, revised May 6, 2025, including for the City of Ely to lease at no cost portions of all Irrigation Water Rights to White Pine County associated with APN 010-424-04 for a total combined duty of 420.4 ac-ft/acre (AFA) to be used for irrigation on the Golf Course; in exchange, White Pine County shall deed 420.4 AFA from their Industrial Water Rights in Steptoe Valley to the City of Ely.

City Engineer Alberg stated I presented these bullet points to you guys a couple of months back and at that point the County Commission tabled it and wanted to get a little bit more information and some things lined out. I was able to meet with some County officials; City officials; Jeremy Drew, the Water Resource Specialist that works for the County; and Chairman Cody Odgers of the Water Resources Committee. We took the bullet points that had been originally lined out for this project and added a few things. One of the things that was changed was based on Jeremy Drew's input that rather than deeding the City's water rights to the County, he thought it would be easier, cleaner, and

less paperwork at this point since they don't own the property to just make it a part of the lease, and that would prevent having to come in and file all the paperwork for conveyances, deeds, and everything associated with it. If the city does do a land swap or something and this land ends up in the County's ownership, at that time paperwork can be taken care of. In the agreement we put in place to have the water rights coincide with the existing lease of that back nine. It is also proposed there be no additional cost for these water rights as a part of that lease. The other thing discussed was how we would handle the maintenance. The maintenance would be handled in the exact same way as the power bill. The monthly power bill is whatever percentage each entity uses over that time of that maintenance, that maintenance would just be spread according to the amount of use. The other thing suggested is since this is only going to be able to water a portion of the of the Golf Course, or the back nine is what I've been calling it, is that we would continue to provide the discounted rates for the watering of that front nine while the State Engineer's office continues to work through the protest of the original application which would allow them at that point to water the complete Golf Course. I have said that I would feel very comfortable presenting that option in front of you guys and I'm very supportive of it. If we continue with this agreement the County is actively moving forward and hopefully will have a well pretty soon that again at the beginning may only water half the Golf Course, but with the intention it will one day water the full Golf Course. The other thing that was added on is one of the Commissioners wanted this agreement to have some type of reference for possible mitigation for other wells in the area.

Councilwoman Van Camp stated I would like to disclose my sister is a County Commissioner.

Councilman Trask moved to approve the proposed Golf Course Irrigation Water Rights terms, revised May 6, 2025, including for the City of Ely to lease at no cost portions of all Irrigation Water Rights to White Pine County associated with APN 010-424-04 for a total combined duty of 420.4 ac-ft/acre (AFA) to be used for irrigation on the Golf Course; in exchange, White Pine County shall deed 420.4 AFA from their Industrial Water Rights in Steptoe Valley to the City of Ely. Councilwoman Van Camp seconded the motion. The motion carried unanimously.

2. Board Members – City Engineer Almberg – Discussion/For Possible Action – Approval of Nevada Department of Transportation's (NDOT) Amendment No. 1 to Agreement No. R253-24-030 for the Adjustment of Utility Facilities Reimbursable to the State for Water Relocation.

City Engineer Almberg stated items two and three are basically the same thing about the NDOT project. This is just amending the dollar amount, because the original agreement the City entered into was the estimate of the cost of this project. Now that we have it obviously under construction, they know the true contract price and so these are just adjusting them from estimates to true contract prices.

Councilman Perea moved to approve Nevada Department of Transportation's (NDOT) Amendment No. 1 to Agreement No. R253-24-030 for the Adjustment of Utility Facilities Reimbursable to the State for Water Relocation. Councilwoman Williams-Harper seconded the motion. The motion carried unanimously.

3. Board Members – City Engineer Almberg – Discussion/For Possible Action – Approval of Nevada Department of Transportation's (NDOT) Amendment No. 1 to Agreement No. R254-24-030 for the Adjustment of Utility Facilities Reimbursable to the State for Sewer Relocation.

Councilman Trask moved to approve Nevada Department of Transportation's (NDOT) Amendment No. 1 to Agreement No. R254-24-030 for the Adjustment of Utility Facilities Reimbursable to the State for Sewer Relocation. Councilwoman Elliott 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 \$5,514.24 from 2 B First Street, McGill, Nevada at the request of Property Owner, Chris Walker.

Mayor Robertson stated this item was recommended for approval by the Municipal Utilities Board.

Councilwoman Elliott moved to approve removing past due utility fee penalties up to the amount of \$5,514.24 from 2 B First Street, McGill, Nevada at the request of Property Owner, Chris Walker. Councilwoman Van Camp seconded the motion. The motion carried unanimously.

5. Board Members – City Clerk Lee – Discussion/For Possible Action – Approval to remove past due utility fee penalties up to the amount of \$7,845.37 from 25 Sixth Street, McGill, Nevada at the request of Property Owner, Jane Montgomery.

Mayor Robertson stated this item was also recommended for approval by the Municipal Utilities Board.

Councilman Trask moved to approve removing past due utility fee penalties up to the amount of \$7,845.37 from 25 Sixth Street, McGill, Nevada at the request of Property Owner, Jane Montgomery. Councilwoman Elliott seconded the motion. The motion carried unanimously.

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

A. CONSENT AGENDA

Councilwoman Van Camp stated I would like to disclose my granddaughter is an employee of the City of Ely Fire Department.

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 12A-1 Minutes and 12A-2 Bills.

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

1. Discussion/For Possible Action – Minutes.
 - May 22, 2025
2. Discussion/For Possible Action – Bills.
 - May 22, 2025
 - June 4, 2025

B. NEW BUSINESS CONTINUED

5. Council Members – City Clerk Lee – Discussion/For Possible Action – Consideration of Ben Noyes' proposals regarding his property fence abutting a portion of the City of Ely's Georgetown Ranch property near the Golf Course Road, with possible acceptance of a proposal to possibly include additional terms set by the City Council.

Mayor Robertson stated you have a copy of Mr. Noyes's proposals and Mr. Noyes is here tonight. Are there any questions you'd like to ask Mr. Noyes.

Councilman Trask stated would you give us a brief history?

Ben Noyes stated I bought the property in 2021, and I asked Engineer Almberg if there was a recent survey, or if the City would like to do a survey; I'd pay for half, and they could pay for half and put a fence line in. He said at that time they weren't interested, so I had a survey completed. He told me they couldn't find all the markers which down the

Georgetown things are a little, I think, Wonky in that area with some of the markers. I built the fence, as you can see from the map, and I'm about thirty feet short on my side, so it actually favors the City. At the bottom of the old fence, I just followed that contour and took a kind of a jog, and the reason why is there's two culverts right there, and you kind of got a fence across the pond to make that work on the property line. I received a letter in October that said I had until December to remove the fence that is on the City's portion. I asked them to complete a survey and prove that which has now been completed. I fully understand where it takes a cut because of the culverts and the water crossing the pond there is why that fence goes there. We can put a fence across that which is in the proposals, but it's going to be pretty expensive to do as far as keeping livestock on one side or the other, but it's definitely doable. I've listed six options in my proposal there, as you can see. If you guys have a better alternative or option, I'd listen to that, too.

Mayor Robertson asked, "Is there a copy of the survey you had done?"

Ben Noyes stated no there's not, it wasn't filed because he said he didn't feel like he could call that a legal survey because he couldn't find the corner markers from the Georgetown Ranch to make it all line up at that time.

Mayor Robertson asked, "Who did you have do that survey?"

Ben Noyes stated Greg Rivero. I'm good with the survey either way, but that's the situation we're in. I also got another letter from the City Attorney, saying that I had until June 30th and this is my final notice to remove the fence. I would like to address that just a little bit for the simple fact of the letter in October was remanded and said, no, we'll figure this out, then you get a final notice that I'm in trespass. Well, I can rip that fence out anytime you want. It won't take me long at all, but it doesn't fix the issue, because if I take the fence out now, you're going to have my livestock on your property; taking out the fence is the easiest thing to do.

Mayor Robertson stated for the Council's benefit, the reason Mr. Noyes is here, and this is on the agenda, is because the City doesn't have the ability itself to make the decision on what to do with this. Mr. Noyes had offered some options, and we thought it best that we put it before the Council, because if a bargain needs to be struck it's amongst you guys. Our only thing is, this is the survey, this is where the fence isn't in the right place and request that it be fixed. So, at Mr. Noyes's request here we are.

Councilman Trask asked on option number 2, is what you're talking about is replacing that portion that jogs out and keeping the existing fence and jogging out from that?

Ben Noyes stated as we look at this map, it's just a little part that takes that jog. The reason why is there's a couple of springs on both properties and the piece to the west that comes together especially in the springtime, or if we get a good rainstorm, it kind of pools up right there before it goes under the road. If you try to put a fence across, and not that it can't be done, but it's going to have to be a pretty, dang, sturdy fence, which, as you can see in my proposal, would be a big pipe rail fence, and even at that you know, depending on the time of year it's questionable.

Mayor Robertson asked what was here before you put this fence in?

Ben Noyes stated the fence went with the same exact jog. It was probably ten feet shy of where that spot is. I actually have the map that has the old fence, and then my fence with it; I don't know if that helps. That jog was put in there because of -the culverts and trying to put a fence across where those culverts go under the road is a high-pressure point, and then high water. If you have just wire, it's going to knock it out.

Mayor Robertson stated the Council, as you may recall, has already voted on and paid \$2,965 to have this survey done a month or so ago.

Ben Noyes stated well, and that goes back to when I bought the property in 2021, and approached Mr. Almberg about being good neighbors, and let's pay half and half, to get a

survey done and put up a fence. I was told that the City had no interest in it, which is why I put the fence in at my expense, and had this survey done prior.

Mayor Robertson asked, “Was there something wrong with the existing fence that this one had to be put in?”

Ben Noyes stated yeah, it was probably one hundred and fifty feet shy of the property line and clear down in the bottom with everything, and it was in disarray. There were only a couple of wires in a couple of spots that were up and that whole property was completely overgrown with sagebrush and rabbit brush. Since then, I've cleared it off completely, and I take great pride in spraying it and making it look the way it does as well as the other fence line. If you drive by there, you will see I've improved it a heck of a lot.

Mayor Robertson stated as you know, we've got our lessee for the adjoining property here that we can ask questions of if the Council has any.

Councilman Perea stated I've been trying to figure out from the information we got in the first three minutes, how that compares to some of these proposals.

Mayor Robertson stated well, the gist of it is that our lessee is paying for that property, has gotten funding, and has plans for doing weed abatement on part of that. I think the real issue here is access to the water coming through there, isn't it?

Ben Noyes stated very true, yes.

Councilman Trask asked, “Can we talk to Betsy? I want to ask her a few questions.” If we were to just get rid of that jog and go straight down, would that be okay? That gives access to the water, which I imagine is the true thing we're looking at.

Betsy Vogler stated right, because this current fence right now runs straight and if you go out there and look at where it's actually surveyed, the pink markers are over. In my opinion, if we just went straight through, that would be okay.

Councilman Trask stated Ben, is that what you are talking about with option 2 is just taking that straight across right there with the pipe fence? This quote that you have here is the \$4,500 for the whole fence on option 2?

Ben Noyes stated yeah, a straight line all the way across. I think it's option option 4 would be to only fix a portion of the fence across the pond, but then I'm going to pull out the rest of the fence because it's not on the property line and we need to have good property line fencing so that it's accurate for ongoing engagement.

Councilwoman Van Camp stated the City is also out the cost of the survey too.

Mayor Robertson asked with the options that Mr. Noyes has proposed, is there one that's more attractive to you as the lessee of the adjoining property?

Betsy Vogler stated to me to save the City and everyone involved it would make more sense since there is that variation on the West side as well to leave the existing fence where it's at. but to take out that triangle. That would be cost effective, I believe, on both sides and that way it can be recorded as it is taking the triangle out and it's up to you guys on the pond part of it.

Mayor Robertson stated item four is just to fix the jog, but Mr. Noyes is saying that if we fix the jog, he would be coming back in at some point to reposition that fence onto the surveyed property line all the way to the corner. So, we'd fix the corner, and then this eventually would be moved over to that property line.

Betsy Vogler stated it's up to you guys what you do because I'm the lessee. It doesn't really take up a lot, I was just more concerned with the corner with the water.

Mayor Robertson stated so as long as that is resolved you feel your issue has been addressed?

Betsy Vogler stated yeah, because as long as there's access for both of us, that would be great, because at this time the culverts are fenced off. Currently, since the construction is going on, it would be the best time to do it. I know it's really quick, but they've already got the water turned off for the construction that's involved and it's pretty dry over in that area.

Mayor Robertson asked if the fence goes on the property line, does that give you both access to the water?

Betsy Vogler stated yes.

Councilman Trask asked would you address the other side, too, because it looks like the other side's not on the property line as well.

Ben Noyes stated there are no stakes or flags on that side.

Mayor Robertson stated B.J. do you know the extent of this survey? Did that whole parcel get surveyed, or was it just the property division between the two parcels?

City Engineer AlMBERG stated based on the way I looked at that survey, he established a property line, but he didn't set the corners.

City Clerk Lee stated I believe we requested to establish the East line.

City Engineer AlMBERG stated that was what was requested, I'm just saying it is faint on the map, but it's got the record dimensions of this deed and everything else on there.

Mayor Robertson stated so we are going to ignore that other side.

Councilwoman Elliott stated can I ask the Treasurer if we were to go with option 2, would we have money to do that?

City Treasurer Trask stated any money put towards the Georgetown Ranch comes out of the Water Enterprise Fund.

Mayor Robertson asked would this be a contingency item?

City Treasurer Trask stated I don't have contingency in the Enterprise Fund.

Mayor Robertson asked then where would the money come from?

City Treasurer Trask stated we can pull from another budgeted item. It isn't going to make or break us.

Councilman Perea stated item number 2, we fix the entire vessel and then if we take out the jog with it that fixes both individuals issues?

Councilman Trask stated my only question is, if I read this right, item 2 would be replacing the whole line, but not actually putting it on the property line. Is that correct?

Councilwoman Elliott stated it will be on the property line.

Councilman Trask stated I wanted to make sure because if we're going to be doing this, we might as well get to the actual property lines which still gives you access to a little bit of water on that side which is important. We're going to be moving the fence about thirty feet east, and as long as that still gives you access, because I've driven by it plenty of times and there's plenty of water down there where that fence is now, but if we move it thirty feet to the east, it's going to be less of that corner that you're going to get.

Betsy Vogler stated it is more than I have now.

Councilman Trask stated so some is better than none is what I hear.

Councilman Trask moved to approve moving forward with Option 2 presented by Ben Noyes to correct the property line with the fence from corner to corner with the City reimbursing half of the expense up to \$2,250.00.

Mayor Robertson asked the City Attorney, “Is option 2 presented by Mr. Noyes legally okay?”

City Attorney Arabia stated yeah. I think Councilwoman Van Camp said something about the survey and I don't know if the Council wants to consider that aspect of it.

Mayor Robertson asked, “do we want to address that?”

Councilman Trask stated I think we just move forward.

City Clerk Lee stated I do want to bring to the Council's attention that K-3 Fencing isn't licensed in the City of Ely, and that property is in city limits, so they'd need to get a license.

Councilman Trask stated I would like to amend my motion in that I move to approve moving forward with Option 2 presented by Ben Noyes to correct the property line with the fence from corner to corner with the City reimbursing half of the expense up to \$2,250.00 and requiring K-3 Fencing to obtain proper licensing before work commences. Councilwoman Elliott seconded the motion. The motion carried unanimously.

1. Mayor Robertson – Discussion/For Possible Action – Acceptance of Samantha Elliott’s resignation as a Member of the Ely City Council, Seat 3 effective June 13, 2025.

Councilwoman Williams-Harper moved to accept Samantha Elliott’s resignation as a Member of the Ely City Council, Seat 3 effective June 13, 2025. Councilman Trask seconded the motion.

Mayor Robertson stated for the public and for the Council's benefit the way this process will work is the Council is required to appoint someone for this position at the next regular City council meeting on the 26th and I also get a vote. The way we will put this out is if someone is interested, they need to contact me or one of the four Council Members and convince them to nominate you. We will only be receiving the nominations from Council Members and myself and not taking any other applicants unless they are nominated. If there are questions on the process, please see, Chris. We will have two weeks to go through the process on that. Thank you, Sam, for your service, and for all you've done. We have a motion, and a second, all in favor.

The motion carried unanimously.

2. Councilman Trask – City Building Official Hendrickson – Discussion/For Possible Action - Approval to exchange Parcel 2 of White Pine County Record Map 1328 located on the Golf Course consisting of 105.116 acres owned by the City of Ely for Assessor’s Parcel Number 002-271-19 consisting of 52 acres owned by White Pine County, contingent upon agreeance by the White Pine County Commission.

City Building Official Hendrickson stated this all started quite a while ago when we adopted the NRS for tiny homes. I started looking for a location to put a tiny home subdivision for that NRS that we agreed to and upon doing so I stumbled across, prior to my existence here, a request from the County to obtain the 105 acres of the Golf Course that the City owns. There was an offer made that was not accepted and the item was tabled. What I would like to do is bring that offer back to the County with the exchange of the 52 acres over in East Ely that we've recently put into the Redevelopment Program Map that will be available for funding in 2026, and beyond and by doing this the effort is to make a strong effort at solving our housing crisis. We would then have the ability to

develop that area, using Redevelopment Funds and other funds that the City can obtain. With that being said, throughout that whole process we would need to rezone, do some cleanup over there and make some really good plans to put in some additional housing for the community, which then would benefit both the City and County at that time. It is a win-win situation for both the City and County, and not a lopsided situation.

Councilman Perea stated I just want to make sure that this agenda item doesn't slow down the process or jeopardize what we're doing with getting them on their own water at the Golf Course, and I hope that it's not presented as take it or leave it, but that we are open to a conversation because we have got to get this done.

Mayor Robertson stated I think if anything it kind of helps that process doesn't it B.J.?

City Engineer AlMBERG stated yes, this will get that land deeded to them if we do this.

Councilwoman Van Camp stated I would like to disclose my sister, Janet Van Camp, is a County Commissioner.

Councilwoman Elliott moved to approve exchanging Parcel 2 of White Pine County Record Map 1328 located on the Golf Course consisting of 105.116 acres owned by the City of Ely for Assessor's Parcel Number 002-271-19 consisting of 52 acres owned by White Pine County, contingent upon agreeance by the White Pine County Commission. Councilwoman Williams-Harper seconded the motion. The motion carried unanimously.

6. Council Members – City Clerk Lee – Discussion/For Possible Action – Possible Consent to Vertical Bridge's "Transfers" on the Visa Grande Avenue site owned by the City of Ely (the "Site"), i.e., Verizon has entered into an agreement with Vertical Bridge to manage their interest and lease back a portion of their interest on the Site to Verizon (individually and collectively, the "Transfers"), and/or possible direction to the City Attorney to notify Verizon of requested terms.

City Attorney Arabia stated this actually goes back to when Shane was the City Attorney and he had raised concerns that what they were doing was a sublease, and that is something where they would need to get our permission. I looked at it, and I kind of agreed with Shane. We have been battling this back and forth and the rent is approximately two hundred dollars a month. So, this isn't like a life-or-death thing for the City, but I still don't see how they're not doing a sublease. There are some other issues connected to this contract. It has some wording, and it's from like 1991, I think that precedes pretty much all of us in the City government. Dennis and I have discussed this, and he kind of found some of the language to be a little bit odd as well. If that sounds a little bit muddled and convoluted, it's because it is. Basically, the way this breaks down is I don't really like what they're doing or what they're proposing. We're locked in a very long-term contract that's not favorable to us. It might have been in 1991, but it certainly isn't now. However, if the City agreed to do something, it should do it.

The way I see it there are two options; one is to just go along, even though it's less than optimal and the other is to basically tell them what our position is. I've done that a couple of times stating that we are not happy with having a sublease, and if they want the sublease, we have to negotiate that. The only potential downside to that is, we don't know how the other side is going to react so there would be some risk there. There's a balance that has to be made, whether it's worth getting into a snit over a very minor thing. Dennis and I have talked about this, and I think if he has any input, it would probably be valuable to the rest of the counselors.

Councilman Perea stated after discussing this with them, I'm surprised that we would have ever signed a contract where we have no out for decades. It was completely tilted that way, and it made sense maybe at the time because we needed cell towers and better communication so there was probably a favorable deal struck. Not wanting to always take a hard approach at contract negotiations, but my suggestion would be to deny it and say that we want to reopen the negotiations on it, and then we could attempt something at a market rate for that property. Basically, what would end up happening is they would sublease it and turn it into a revenue generating program for the subcontractor. I don't think there's any risk in at least approaching them with that and then if we get a flat no,

we could talk about it again. I hope we don't enter into contracts where we leave all the negotiating power in the contract, and that's what it looks like in this one.

City Attorney Arabia stated just to elaborate a little bit, what we're referring to with being locked in is this was modified in 2009 that starting in 2011, which was when the original twenty year deal expired, that either it would renew for five years, and then they would have three five year options to renew again and again and again, but we don't have the option of getting out which is a little bit odd. I would expect there'd be some provision, because, as you all know, that's going so far into the future. When this thing was signed, for instance, the internet basically didn't exist, it was in universities only; that's how much the world has changed in that balance of time. I should add that I did approach the subject trying to get better compensation setup, and they were pretty hostile to that, and kind of tweaked what they had originally proposed. I think, no matter how much they tweak it, there's still the issue of the sublease happening. Again, it is a little bit muddled, but here we are. I can take another shot at seeing if they're willing to do something like that or the other option, which is the easiest, but not necessarily best, is just to ratify this.

Councilman Trask stated remind me, Chris, I think at one point they were behind on paying us too?

City Attorney Arabia stated they did pay us, so that is not an issue anymore.

Mayor Robertson stated my initial take, and I've gone the rounds on this as well, and talked a lot to Chris about it is we don't have a contract with Vertical Bridge, and for them to force us to suddenly be dealing with these people that we don't have a contract with, kind of rubbed me the wrong way.

City Attorney Arabia stated they do have the right to assign the contract, but what they're trying to do is bring in this other company to manage it, and then lease a portion of it back to them, which there's something there that doesn't make sense to me, and I can't exactly put my finger on it, because I'm not in that business, but it just seems odd.

Wyatt Cox with KELY stated nationwide Vertical Bridge is acquiring assets from broadcasters, and these various and sundry cellular companies. They acquire them as assets and then lease them back. This is not unique to Ely; this is something that is happening nationwide and for the most part it's the major companies doing it, not small companies like us. These big companies are trying to get all the assets they can and all the cash they can, because balance sheets are not doing well. Just to give you an idea, this is not something unique to Ely.

City Attorney Arabia stated I assume I am going to be talking to them again and would recommend tabling this item.

Councilman Perea moved to table consenting to Vertical Bridge's "Transfers" on the Visa Grande Avenue site owned by the City of Ely (the "Site") and direct the City Attorney to communicate with Verizon of requested terms. Councilman Trask seconded the motion. The motion carried unanimously.

7. Council Members – Building Official Hendrickson – Discussion/For Possible Action – Approval of Resolution 2025-04 revoking White Pine Motel Business License for the following noticed deficiencies: Unsanitary conditions, structural damage, interior damage, fire extinguishers past due for inspection, ingress and egress obstructions, and exterior stairway hazards.

City Building Official Hendrickson stated unfortunately, there was a request by the Sheriff's office to investigate this property last month after they had to respond to an incident at that location. When they responded they discovered that the roof was collapsing in the room that they had to enter. I did an investigation and upon my investigation of the premises I found several factors obviously highlighted in the attachment here that were issues. With that being said, the property has now been condemned, and they do have the option of repair. This isn't just a condemnation to tear it

down, or anything like that. This is a condemnation to repair it to a safe manner that people can safely stay in.

Mayor Robertson stated, “can you walk through the timeline of events?”

City Building Official Hendrickson stated everyone was supposed to be vacated from the property as of last Friday. They had seven days after receiving the condemnation order and they received the condemnation order Friday before last.

Councilman Trask asked is everyone vacated?

City Building Official Hendrickson stated no.

Councilman Trask asked what is the next step on that?

City Building Official Hendrickson stated that would be up to the Sheriff’s office.

Mayor Robertson stated I would like to note for the Council, we do have the property owner here, Mr. Moattar. We also have the Sheriff to answer questions on that process, and of course, Don.

Councilwoman Van Camp stated Mr. Moattar has sixty days to start repairs and how long does he have to finish them?

City Building Official Hendrickson stated the 1997 Abatement Code that we utilize says you have sixty days to acquire a permit to start repairs or take the structure down. In this case I completely think that the structure is savable, and that he can pull the permit with a licensed contractor and make repairs on the property given the nature of the repairs that need to be made; they get a hundred- and eighty-day permit.

Mayor Robertson stated once they get that permit, can they renew it and take as long as they need to?

City Building Official Hendrickson stated yes, and that is something we can definitely work with him on.

Councilman Trask stated and there will be no people staying here during the repairs?

Mayor Robertson stated once they get the permits they can go in and do repairs.

City Building Official Hendrickson stated while the building is in condemnation status nobody is able to stay overnight.

Mayor Robertson stated I think there's two issues here. If the property hasn't been vacated, there's currently a trespassing issue and the second issue is the business license. Speaking with Mr. Moattar, and my recommendation to the Council is in a show of good faith we suspend the business license until such time as the repairs are made to the building inspectors satisfaction that way he doesn't have to reapply. It's effectively the same thing; the business license isn't in effect, rather than revoking it where he would have to reapply, we at least give him the option to make the repairs and reinstate it without him having to go through the entire reapplication process.

City Building Official Hendrickson stated Mayor, I would just like to add that the best way to do that is, through a Certificate of Occupancy. Once the repairs are made and all actions are taken to correct the property I issue a Certificate of Occupancy from my office, and at that date, then the business license could be reinstated.

Councilman Trask stated Sheriff Henriod, being that we are past the seven days, is the trespassing issue something you can help with?

Sheriff Henriod stated Yeah, we definitely can. They will be warned and if they don't vacate, they'll be cited or arrested.

Mark Moattar stated all the guests have left, even the manager has left. The only person left staying there is me and the reason I stayed is I have thousands of new items such as new TVs, microwaves, and refrigerators stored in a couple of the rooms in the motel. A few nights ago, somebody already broke into one room, and they were going to take a flat tv from a room. I guess they saw me, and they escaped. If nobody stays in the motel to at least take care of the things I will lose thousands of dollars in merchandise in the motel. Mr. Hendrickson met the contractor and gave me the list and tomorrow the contractor will give me the estimate which is going to be over \$200,000 in repairs, and they are going to come, probably on Monday. I am more in a hurry than the City as I want the motel open. My concern is during this renovation the motel could be vandalized. I want to get permission for myself to stay in the motel in case I see somebody breaking in, I can call the Sheriff.

Mayor Robertson stated I don't believe we can grant that given the condemnation order.

Mark Moattar stated the reason is that when the contractor comes and if I am there, I can show them where to turn off the breakers for the electricity.

Mayor Robertson stated it's fine for you to be there and correct me if I'm wrong, Chris, but if there is a condemnation order, the City has some liability here for someone staying overnight in this property.

City Attorney Arabia stated yes, you are correct.

Mark Moattar stated I am cooperating. The only request is that I be able to stay and watch the motel.

Mayor Robertson stated Mr. Moattar we can't legally grant you that request. You're going to have to find some better option for securing the motel than you staying there. The orders of the condemnation are going to have to be complied with.

Councilman Perea moved to approve Resolution 2025-04 suspending White Pine Motel Business License for the following noticed deficiencies: Unsanitary conditions, structural damage, interior damage, fire extinguishers past due for inspection, ingress and egress obstructions, and exterior stairway hazards with reinstatement upon completion of outlined items by a licensed contractor and a Certificate of Occupancy given by the City Building Official. Councilwoman Elliott seconded the motion. The motion carried unanimously.

13. PUBLIC COMMENT

George Chachas stated I was charged \$7.00 for public information that involves those that bid on the City equipment sale held earlier. That information should have been in the packet and not just the summary; I want my money back. Mr. Chachas stated ongoing concerns regarding the Contract Change Order for the Bell Avenue Project and questioned why his damaged property on Bell Avenue was not addressed; City employees need to review the Title VI plan; his request for the address and a contact name regarding the Bell Avenue Water Main Upgrade Project CDBG 22/pf/04 and who inspected the project; Code violations by members of the Planning Commission, some City Council Members, some County Commissioners, and staff; the drainage off of the Bath property draining onto his property at 622 High Street causing erosion; his request for a complete list of properties and individuals that the City has permitted and allowed to park RVs on the City lots and streets while living in them; who approved the 785 Bell Avenue Sewer Project; and the sewer problem he took care of at his residence located at 681 Parker.

Doug Saunders stated I've had the opportunity recently to work on a community housing sentiment report, and I've had the pleasure of speaking with a few of you. I would just like to say thank you for the approval of the land swap for those 52 acres in East Ely. I think a lot of people will be pleased to hear that.

Vincent Fleischman stated I appreciate you taking the action against Mr. Moattar. I think it's well founded, and I don't know if you guys have ever stayed in that motel, but it's a long time coming and I appreciate you taking that action.

City Attorney Arabia stated I just thought we would go our on a high note and I would like to say happy trails to Sam.

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

Councilwoman Elliott moved to adjourn the regular meeting of the Ely City Council at **6:55 p.m.** Councilman Trask seconded the motion. The motion carried unanimously.



MAYOR



ATTEST

