



CITY OF ELY

501 Mill Street Ely, Nevada 89301

City Hall (775) 289-2430

Cityofelynv.gov

ELY CITY COUNCIL REGULAR MEETING

May 9, 2024, 5:00 p.m. – Ely Volunteer Fire Hall – 499 Mill Street – Ely, Nevada

1. Mayor Robertson called the regular meeting of the Ely City Council to order at 5:00 P.M. Dave Costello offered an invocation. Mayor Robertson led in the Pledge of Allegiance and asked for Roll Call.

Members present:

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

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

- City Clerk Jennifer Lee
- City Public Works Director Mike Cracraft
- City Attorney Leo Cahoon
- City Fire Chief Pat Stork
- City Engineer B.J. Almberg
- City Police Chief Scott Henriod
- City Building Official Don Hendricks
- 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, and Davidson Ward.

ELY CITY COUNCIL ATTENDANCE LIST

DATE: May 9, 2024

Print name below

Randy Larson
 Bill Wolf
 Jerry McInrosh
 Becky Musick
 Dean Reynolds
 Paula Carson
 George Chachias
 Mark Bassett
 Carl Jackson
 David Getch
 Mel VanCamp
 Janet VanCamp
 Jeff Robinson
 Scottie

Print name below

2. PUBLIC COMMENT

George Chachas stated on your agenda item 7-1 you are to consider removing past due utility fees, and penalties on that property, I'm not against them getting the write off, but I want the same consideration and protection under the law. I want to remind you again that I paid for my property at 490 High Street.

Councilman Alworth stated Mr. Mayor, that's repetitious, we've heard this every meeting about High Street for the last six months.

Mayor Robertson stated Please keep your comments to the agenda items. Your property is not on the agenda. If you have comments with reference to the agenda item, we will hear those.

Mr. Chachas stated I want equal protection under the law, and I don't want to be interrupted. The Council should act on agenda item 8B-9 regarding the advisory question on the City of Ely general election ballot whether to renovate City Hall. It is not that great of a need to renovate as the present arrangement for the use of the Volunteer Fire Hall is more than adequate. It helps the City as well as helping sustain the Volunteer Hall with rental income. When I was mayor the City population was 6,000 and now it's 4,100. It is one thing for you to dream, but do not turn it into a nightmare for the taxpayer. The only thing that's growing in the City is government, where you have more doing less. On your agenda, item 8B-5 and 8B-7 you're to consider accepting Councilman Trask's resignation as a member of those two Boards. Councilman Trask needs to decide. He cannot get paid as a councilman and continue to take off to take care of his business; he's either in or he's out. On your agenda item 8B-11 you're to consider a donation of \$30,000.00 to the White Pine Public Museum. I want to remind you that is a private entity, not a City function. The Council can't take care of the City streets; is inundated with weeds, sagebrush, and unprecedented graffiti; and a new fire engine is needed. Where are your priorities? I have the same concern on agenda item 8B-12. The Nevada Northern Railroad needs to start paying for its own expenses, whether it's for Grant costs or litigation fees, which seem endless. I remind you again they don't operate under the Nevada Open Meeting Law. They spend hundreds of thousands of dollars of the taxpayer's money, yet the public can't see how money is spent. You need to deny that request.

Dear Mayor and City Council,

The disaster ordinance that was passed to allow Unlicensed OHV operators on City Streets:

Licensed Operators: FINE

Registration Displayed on Machine: FINE

Proof of Insurance: FINE

Operators & passengers must wear a helmet: FINE

Traffic Law Compliance: FINE

Persons Less than 16 Years of Age must Ride Under the Direct Supervision of a Licensed Operator
18 Years of Age or Older:

Here is where we get into the problem:

Not one unlicensed CHILD that is operating an OHV or minibike is under the direct supervision of anyone, the Sheriff's Department apparently cannot enforce this part:

as we have documented, and everyone has witnessed. We will continue to video document! The Mayor has the current video that we have provided.

What in the World was someone thinking when passing this! The City Council basically gave a driver's license to 0-15 year olds without a license!

The OHV Routes literally cross emergency lanes to the hospital, go through a school zone and a Catholic Funeral Procession Route. The Mayor

has documented CHILDREN riding their motor bikes through Steptoe Park right through a Life Flight landing pad.

Rob gave CPR for 30 minutes to a motorcycle rider that ran into a truck on Buck Pass, before he was pronounced dead and loaded onto a

helicopter, Rob said that the only thing keeping the guy together was his leathers and gear, they had to have a box built in Ely, to ship his body back to Australia!

Rob's biggest fear is that he will have to do CPR at the intersection of 10th and Avenue I on a child, that was given a license to drive a minibike or OHV on City Streets!

For the Love of God and all that is Precious to this Community, please make this STOP!!!

Rob and Michelle Gelskey

Terry McIntosh stated if I recall the Sheriff gave the thumbs up on Ordinance 725. How many in this room are familiar with Ordinance 725, including you guys? If you haven't read it, you should. Ordinance 725 prescribes requirements, guidelines, restrictions, and penalties as tools of enforcement as well as street designations, registration, age, supervision, speed, insurance, and penalties. No ordinance is effective if it's not enforced, and I believe 725 could be effective if it was enforced. If the Sheriff's Department is overtaxed with this matter or understaffed, then maybe this is the issue. I sympathize because I have the same problem in my neighborhood, and I know everybody's ticked off. I think there is a lack of public awareness regarding Ordinance 725. There are state grants for OHV education and also organizations that put on free educational programs. I think Jennifer might have that information. I do have a couple of questions on how many complaint responses versus citations have been issued since ordinance 725 was issued in 2019 I believe? How's Banning ATV's going to make a difference if you can't enforce ordinance 725, which gives you the tools of enforcement.

Randy Larson stated I would like to add on to Terry's comments regarding the Ordinance. I really believe one of the things we need to do is educate the community. You guys present your issues, the Sheriff's Office present their issues, and let the community respond to those issues. I think one of the biggest problems is people are not aware of the ordinances. I don't think they're aware of a lot of the issues that go along with this. We do know that many of our kids don't have a lot to do in the community, and I don't want to restrict all of this from them. We also know that we do have a lot of delinquency issues with kids. We have kids on skateboards and scooters playing chicken with cars. We had a major event with them disrupting a community event with Arts in the Park and I think a lot of this goes back to the fact that we need to have things for our kids in the community to do. My point is, I would just assume the kids be driving and enjoying their dirt bikes or ATVs, than I would blocking roads and cause all kinds of havoc within the community, and theft from our local vendors and businesses. We don't want to punish everybody for the few. I think enforcement is the way to go, Let's make it work for everybody if we possibly can and perhaps the Sheriff's Office could put into effect their new drone that they have with the Search and Rescue group to track these people down and go right to their house and ticket them. There are my points of that on that issue. 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. Councilwoman Williams-Harper seconded the motion. The motion carried unanimously.

4. CITY DEPARTMENT REPORTS

➤ CITY FIRE CHIEF

City Fire Chief Stork stated I am going to let Burton Hilton who is the Treasurer for the Volunteers and has spearheaded the grant application to the Pennington Foundation speak.

Burton Hilton stated I have some good news to report. The Grant application for \$457,000.00 for the new rescue fire engine was successful, and I want to thank the Mayor and the Council for their support of the Volunteers and the Fire Department to get that done. It's been a great community effort and collaboration. I want to especially thank Fire Chief Pat Stork; Assistant Fire Chief Jacob Stark; the White Pine County Commission for their contribution; William Bee Ririe Hospital, Matt and Edwin there; KGHM Robinson Nevada Mining; White Pine County Tourism and Recreation, Kyle Horvath; White Pine County Chamber of Commerce, Shadrach Robertson; White Pine Main Street; and of course, the Ely Volunteer Fire Department. Funding came from six different sources to make this happen, and it's going to be a great addition to the community. Everybody worked together really well. Thank you all for your support, and in twelve to twenty-four months we'll be rocking and rolling.

City Fire Chief Stork stated there's a way we can make some savings on this and what I want to do is bring it forth at the next meeting, and if we get those savings, be able to take that money needed towards equipment. If we get this in early enough, and we get one of

the new engines before it goes to the new emissions changes going into effect in 2025, that'll save us \$50,000.00. If we pay in full when we order it, we'll save close to \$19,000.00 on the chassis and an additional \$41,000.00 for prepayment. We have options to save almost a \$110,000.00 total by getting everything in place hopefully by the end of this month. The total cost right now is \$927,000.00 and with the savings it will bring it down to about \$817,000.00.

➤ **CITY CLERK**

City Clerk Lee stated as the City's CDBG grant administrator, I attended CDBG's Allocation meeting with City Engineer AlMBERG and Public Works Director Cracraft, who presented our Morley Avenue Water-Sewer Project; they did a great job, and we were awarded our full request of \$671,625 dollars.

➤ **CITY PUBLIC WORKS DIRECTOR**

City Public Works Director Cracraft stated since the last meeting we decided to turn on the water at the Duck Pond in morning about six o'clock, and shut it off at 1:30 p.m. We've done it six times since then, and it's used about 42,500 gallons, averaging about 7,100 gallons a day when we turn it on. I did meet with Courtney with the County yesterday and they've been really nice to work with. We're going to go down to two days while it's cool like this, and then we'll just play with it. Hopefully it won't go into late summer, and they'll have some contractors to fix the problems, but we'll just be paying close attention to it.

➤ **CITY ENGINEER**

Utility Board/City Council Report (5/8/24)

- City Water Committee met with RNMC about a pilot hole for a new well at RW-7P. Meeting went good and we are scheduled to meet with RNMC in July to work through our water agreement.
- The City was successful with their CDBG presentation and was awarded our CDBG Grant for Morley Ave.
- We are currently uploading all the City GIS collection data into the handheld unit for the city crews. Will begin training them next week on the use of the device.
- Bell Ave CDBG waterline bid is being delayed due to contractor not being able to obtain prices from Vendors for materials due to BABA (Buy America Build America) requirements.

5. NNRy FOUNDATION REPORT

Mayor Robertson stated I will disclose I am a part-time employee of the Foundation, but there is not a vote on this item, and I don't vote anyways.

NNRY President Mark Bassett reviewed the following report:

NEVADA NORTHERN RAILWAY NATIONAL HISTORIC LANDMARK

E A S T
E L Y



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 April 2024

1. Locomotive Status – Updated
 - a. Locomotives in service: #93, #109, 204, 310, Wrecking Crane A & Rotary B.
 - b. Locomotive 81 is out-of-service with running gear and boiler issues. The staff and volunteers have done incredible work on Locomotive 81. Progress has been made on the boiler issues, the Bissell post and the pilot truck.
 - c. Locomotive 801 is out of service with governor issues.
 - d. Locomotive 40 is out of service for her heavy repairs. We have started on her repairs; she will be out of service until 2025.
 - e. Locomotives out of service needing moderate repairs: #201 and #802
 - f. Locomotives waiting funding for restoration: Steptoe Valley Smelting and Mining #309 and Rotary Snowplow B (for boiler overhaul.)
 - g. Locomotives out of service needing heavy repairs #80 and the military locomotives.
3. Rolling Stock Status – No change
 - a. Passenger equipment in service: #08, #09, Flatcar #23, Coach #5, Baggage Car/RPO #20, Outfit Car #06.
 - b. Passenger car #07 is out of service with truck issues.
 - 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 April, we carried 547 passengers, this was a decrease of 32% compared to the previous year.
 - b. This year to date we have carried 1,074 passengers, this was a decrease of 26% compared to the previous year.
 - c. Since operations began in 1987, we have carried 365,779 passengers.
6. Economic Impact – The average non-gaming & gaming daily expenditure per overnight visitor \$170. Economic impact for April 2024 was $547 \times 80\% \times 170 = \$ 74,392$.

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

Economic Impact year to date was $1,074 \times 80\% \times 170 = \$146,064$

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 1,520,845
 - c. We have 134,600 page likes.
 - d. 188,469 people follow our page.
8. Mark your calendars for our 40th Anniversary Kick-Off Memorial Day Weekend! On May 26th, we are having a drone light show at the railroad.
9. The Foundation applied for two Nevada Commission of Cultural Centers and Historic Preservation grants.



One grant is for restoring the Air Brake Building to a useable building once again. There are two reasons to restore the building, first to maintain our visual integrity, helping us live up to our National Historic Landmark nomination, which states, "Visually, the historic district has changed very little in appearance since ca. 1915 or 1920." The second reason is our plan is to use the restored building for doing air brake work on the locomotives and cars. The successful conclusion of this grant will bring another building into use and allow the public to understand what it takes to keep the railroading operating. Our request was for \$255,750.



This grant aims to plan and develop construction plans for repurposing the historic 1909 Kennecott Corporate Headquarters Building in McGill, Nevada into the Werner Earth Science and Mining Collection Museum. This property was donated to the Foundation by the Allen Estate.

The envisioned future use of the property is for cultural center programming involves transforming the historic Kennecott Corporate Headquarters building into the Werner Earth Science & Mining Collection Museum, commemorating McGill's founding and its pivotal role in the regional copper industry. Preserving this heritage aligns with the community's historical significance, fostering cultural appreciation and educational opportunities.

Additionally, we plan to establish partnerships with esteemed institutions like the Smithsonian Institute in Washington DC to become a Smithsonian affiliate museum, enhancing the center's

prestige and attracts diverse audiences. This collaboration enriches exhibitions, programming, and access to resources, elevating the center's cultural and educational impact.

Furthermore, integrating the railroad to the McGill depot revitalizes transportation infrastructure, facilitating tourism and economic growth. By leveraging McGill's historical legacy and strategic partnerships, the center becomes a catalyst for community development, tourism, and economic revitalization, ensuring its enduring significance for future generations.

This will be a multiyear project of which this is just the first step which is to develop plans to rehabilitate the building. We requested \$370,000 for this project.

6. REPORTS

➤ COUNCILWOMAN WILLIAMS-HARPER

Councilwoman Williams-Harper stated we just got back from the Main Street trip and at the next meeting I will give a full report.

➤ COUNCILWOMAN ELLIOTT

Councilwoman Elliott stated last Friday the Mayor and I attended the ribbon cutting for the Boys and Girls Club Early Learning Center. It will be a really good addition for young people that are zero to five years old in our community.

➤ MAYOR ROBERTSON

Mayor Robertson stated like Councilwoman Williams-Harper mentioned we did go to the Mainstreet Conference in Birmingham. There was a lot of good information, and we look forward to sharing that, along with Caroline McIntosh, at the next meeting. If you haven't had a chance to go look at the new Boys and Girls Club Early Learning Center; it's really an amazing facility and a huge asset to the business community and to the working citizens of the City who have kids. We are really excited to have that here.

7. 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 to remove past due utility fee penalties up to the amount of \$148.73 from 10 Avenue F, McGill, Nevada at the request of Property Owner, Grant Chilson.

Councilman Carson moved to approve removal of past due utility fee penalties up to the amount of \$148.73 from 10 Avenue F, McGill, Nevada at the request of Property Owner, Grant Chilson. Councilwoman Elliott seconded the motion. The motion carried unanimously.

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

A. CONSENT AGENDA

Councilman Alworth disclosed I am a past member of the Ely Volunteer Fire Department and some payments benefit the Volunteers, in which I have certain privileges by my association, but I will vote in good faith for the City of Ely.

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 8A-1 Minutes and 8A-2 Bills.

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

1. Discussion/For Possible Action – Minutes
 - April 25, 2024
2. Discussion/For Possible Action – Bills.
 - April 25, 2024
 - April 30, 2024

B. NEW BUSINESS

1. Mayor Robertson – White Pine County Sheriff Scott Henriod – Discussion/For Possible Action – Direction to City Attorney to draft an ordinance restricting ATV usage in City limits.

White Pine County Sheriff Henriod stated, as you are aware, in the letter to the Council, that we do have some problems that are going on with this. I addressed some of the issues that were going on last year and we kind of formulated a plan on trying to provide more education to our kids and community. We did an outreach with our school resource officer spending a lot of time in the schools and handing out pamphlets, and speaking to the kids that he knew were motorcycle riders, UTV riders, and ATV riders; it just doesn't work. I'm not trying to repeal the whole ordinance, but we do need to make some changes and I think the biggest change that we need to make first is to take the unlicensed drivers off that ordinance. If you're not a 16-year-old with a license, you shouldn't be operating a vehicle on City or County roadways, in my opinion.

Councilman Carson asked isn't that illegal, anyway? Whether this ordinance is in place or not?

White Pine County Sheriff Henriod stated it's illegal to do that, correct? In the ordinance it says if you're underage, and you're accompanied by somebody over the age of eighteen, then you're allowed to do that.

Councilman Carson stated I hardly ever see an adult with these kids.

White Pine County Sheriff Henriod stated we need to take that off the ordinance. Some of the other things that we need to really look at are making sure that all the vehicles that are out there are properly registered. We shouldn't be allowing motorcycles that are unregistered and not properly insured up and down our roadways. Other than that, I don't have any other issues with the ordinance itself. The City spent a lot of money through the grants posting the proper pathways for people to get from motels, or their homestead out to ride those and we don't have any issues with those. It really just comes down to letting my officers know that when they see a young person that we're going to attempt to stop them. Most of them run which we don't pursue, because we're not going to be involved in any type of accident with the young children out there. This is just going to clear up the ordinance a little bit better and give us a little bit more law enforcement powers to enforce it. I'd like to work with Leo on that and go through some high points with him

and then bring it back to the Council for a first reading and move forward with that if that's the flavor of the Council.

Councilman Alworth asked are there any statistics on how many of these you have impounded?

White Pine County Sheriff Henriod stated we do not have statistics on how many we have impounded, but we could pull how many citations we have issued. Our biggest problem is we get the report that they're doing it, but by the time my deputy gets there, they're long gone. Mrs. Gelsky said in her report that her neighborhood seems to be a hotspot for these kids to travel back and forth and it's their travel to and from school. It's probably two or three kids that are using that to get to and from school. The biggest problem is there really is no solution. It's the parents' responsibility to educate their children on the proper use of and how and where, but that doesn't happen. They just turn them loose and how they get from point A to Point B they really don't care as long as they don't crash and kill somebody, and then it's of course, their worst nightmare, and then they start to care. We don't want to ever see that happen. It really becomes a "this is your recreation, go, do it!" Sometimes they believe that the kids are out riding in the dirt, which is where they're supposed to be, but they aren't, they choose to ride up and down our City streets. I have no idea why, but they are going to friends' homes, going to get a coke, whatever it might be, but that's what they choose to do. It's a constant struggle for my office to enforce it. If we reined it in, I would really appreciate it. I am not trying to take away anything from the OHV clubs or anything. These guys are great, but we just need to reel in those that are the violators, the ones that are blatantly out there doing this. Once the summer comes, my guys are going to be really cracking down. There's not going to be any warnings. If you're riding without your helmet on your UTV, you're going to get a ticket, because that seems to be the practice right now is the guys that have the UTVs are licensed and registered, but they're forgetting to put the buckets on their heads.

Mayor Robertson stated about the education standpoint that's been brought up a couple of times tonight. When I see someone on a side by side that I know at the post office or somewhere, I'll stop and talk to them. I just say, hey, can I ask you some questions? What do you know about the ATV ordinance here? Nobody seems to know, even the ones who I find are really responsible. People don't know the ins and outs of it, they say, well, I think I'm supposed to wear a seatbelt, or maybe a helmet, but it seems like without fail they can tell me what the law is in the State of Arizona, State of Idaho, or the State of Utah, but they don't know what it is in their own hometown. I don't know who's first, responsible for that kind of education and second, it seems like these other States are doing a job where their visitors even know what's required and maybe getting compliance. I don't know what to do about that.

Councilman Carson stated I think we need to focus on enforcement and education really strongly. To me this is no different than getting caught with the deer tag at 12, and you're hunting in 10, and saying, oh, I didn't have a map. You should know the law. We go to other towns with our side by side, and we always grab a map. We know the law and we abide by it. I know we have a problem, but I hate to punish everyone for this, I really do.

Councilwoman William-Harper stated have we thought about putting education on a couple of billboards?

White Pine County Sheriff Henriod stated I'm just going to kind of pause you there for a minute, because I'm going to throw a little thought at you. The people that want to keep the law will keep the law. Those that don't, don't care about billboards. They don't care about pamphlets. They don't care about anything. It's how fast can I ride my dirt bike up and down the road, doing wheelies and running stop signs, or almost causing accidents. They don't want to come to public meetings and be educated because they don't really care. Unfortunately, it's a lot of the children of the adults that we deal with on another professional level.

Councilman Alworth moved to direct the City Attorney to draft an ordinance restricting ATV usage in City limits. Councilwoman Elliott seconded the motion. The motion carried unanimously.

5. Mayor Robertson – Discussion/For Possible Action – Approval to accept Councilman Trask’s resignation as a member of the Redevelopment Advisory Committee.

Councilwoman Williams-Harper moved to accept Councilman Trask’s resignation as a member of the Redevelopment Advisory Committee. Councilman Alworth seconded the motion. The motion carried unanimously.

6. Mayor Robertson – Discussion/For Possible Action – Approval to appoint Councilwoman Elliott as a member of the Redevelopment Advisory Committee.

Councilman Carson moved to appoint Councilwoman Elliott as a member of the Redevelopment Advisory Committee. Councilman Alworth seconded the motion. The motion carried unanimously.

7. Mayor Robertson – Discussion/For Possible Action – Approval to accept Councilman Trask’s resignation as a member of the Nevada Northern Railway Management Board.

Councilwoman Elliott moved to accept Councilman Trask’s resignation as a member of the Nevada Northern Railway Management Board. Councilwoman Williams-Harper seconded the motion. The motion carried unanimously.

8. Mayor Robertson – Discussion/For Possible Action – Approval to appoint Councilman Alworth as a member of the Nevada Northern Railway Management Board.

Councilman Carson moved to appoint Councilman Alworth as a member of the Nevada Northern Railway Management Board. Councilwoman Elliott seconded the motion. The motion carried unanimously.

2. Mayor Robertson – Discussion/For Possible Action – Approval of Amendment to Professional Services Agreement between the City of Ely and Paul Cavin Architect LLC in order to move forward with design documentation from 50% Construction Documents to 100% Construction Documents.

Mayor Robertson stated This is a cleanup item from the report given last December, where we got the additional grant money from the Commission for Cultural Centers and Historic Preservation (CCCHP). We just never had this back in front of the Council, and when the architects were here last meeting, they notified me of this. This just uses the rest of that grant money and completes our construction documents by June. We have three pots of funding to finish this project. We have the CCCHP grant, Great Basin Heritage Area grant for \$15,000.00, and then we have the \$50,000.00 the City committed from the Community Service Funds.

Councilman Carson moved to approve the Amendment to Professional Services Agreement between the City of Ely and Paul Cavin Architect LLC in order to move forward with design documentation from 50% Construction Documents to 100% Construction Documents. Councilwoman Williams-Harper seconded the motion. The motion carried unanimously.

3. Mayor Robertson – Discussion/For Possible Action – Discussion on funds the City could commit to the City Hall renovation project with possible direction to bring back a specific plan at the next meeting for approval.

Mayor Robertson stated If you look through those minutes back in December, I talked about this a little bit, too. We also talked a little bit about it at the last two meetings where we'll be applying for grants to do the City Hall Project. There are some things those grants won't cover such as furniture and things like that. I think there's some opportunity there for the City to participate, and where we have some money that we could earmark

for that. If we never get the money, we recommit it to something else, but it won't be spent unless we get the project done. I think my recommendation from the minutes back in December was \$500,000.00 from Community Service Funds and \$500,000.00 from Capital Works. I don't know if we need that much, but like I said, if it's there and it's committed, and we end up getting the other funding, we can spend it. If we don't, then we can recommit that to something else. It's not a request for expenditure, it's a request to commit those funds so that they're sitting there and if these other grants come through, we have the money to buy some furniture and things to complete the use of the building.

Councilman Alworth stated I think we really have got to be careful if you go dipping into that fund, Mr. Mayor. I understand you're putting it out there, but if we get on the hook that we have got to do it, all that money's going to be gone and our streets are in terrible shape, and we have no place for housing. There's an area down on 17th Street the plans have already been drawn up for three cul de sacs, and it's \$225,000.00. Should that money be used for that? The other \$500,000.00 you want out of Capital Works; the majority of that money comes from the hotel revenue. The Attorney wrote us a memo back on March 4th stating we have got a problem with the resolutions on room tax being distributed out, and we haven't heard nothing since then. I really think that maybe we should put the ballot question out there before we go any farther. The only reason I voted on what Paul's got going on is that money is committed; it's done. We got a plan out there and we have a drawing. I don't mean to be ignorant and rude, Mr. Mayor, this is your dream and you're pushing it hard, so I'm listening. I'm trying to be patient with this, but we've got fifty-two miles of street in this town filled full of potholes and washboards, and we've got two and a half guys working on them. I'm just saying expect some confrontation when you come to get the \$4.7 million. I think we're going to be looking at five and a half to six million dollars for this project of yours.

Mayor Robertson stated I don't dispute that one bit. It's going to be more than the estimate that's in there for sure. Right now, that estimate is based on their 50% drawings, and I've been involved in enough construction projects that I know that it's never less money than they tell you it's going to be. Once again, I know you like to label this as my dream and my project, but the facts remain that we have a problem that needs to be addressed, or it will address itself sooner or later. We need the building to be ADA compliant and safe not only for the public but also for our staff. If we don't do that, we have to figure out what else to do. If we can get grants for this, that makes that the cheaper option with the better outcome, and I don't know why we wouldn't do that. Otherwise, we're going to have to vacate that building and find other space, whether we're renting or building, or doing something like that, and because we can get grants for historical preservation that makes this cheaper and less money out of the City's coffers. We are never stuck to where we have to do this project.

Mayor Robertson opened up items B-9 and B-4.

9. Councilman Alworth – Discussion/For Possible Action – Discussion to have advisory question on City of Ely 2024 General Election ballot on whether to renovate City Hall, with direction to city attorney to draft a resolution for City Council's consideration.
4. Mayor Robertson – Discussion/For Possible Action – Review and discussion of researched options to relocate City staff during the renovation of City Hall, with possible direction to further research discussed options.

Councilman Alworth stated let's just assume the public says no modifications to that extent. Again, I think there's options for the truck bay next door. All these other discussions may be useless right now. So, if you're going to go ahead and commit X amount of money out of the Community Service Funds, and we're sitting here waiting and waiting. If this ballot question goes through, we have got to wait until November. What's Paul and the gang going to do? Are they just going to keep sending bills?

Mayor Robertson stated their job ends when they hit the 100% plans this June. Then we've got a set of plans and either put it on a shelf, or we put it out to bid and figure out if

we can get the funding for it or not. That's what we do. We're not stuck doing anything else past that. Why would we put it on the ballot is my question?

Councilman Alworth stated I think there are people who would rather see the streets fixed, Mr. Mayor. These five people at this table represent the City; we don't do this on our own. We want the residents of this City to have some say in this right here.

Mayor Robertson if we're getting grant funding to do that, and I would push back a little bit that the citizens haven't had a say, because we've had citizen committees, we've had hearings, and we've done a lot of stuff over the last ten years to get citizens' input. If we're using grant money to do that, Jim, then that frees up money that we would have to use to do something else such as City streets and other stuff. That's always been my point, is that we get a better product by getting grant funds to do this. In regard to the relocation of staff we've discussed a couple of options, whether we phase it out or move people out. Do we just work around the renovations, or do we move out and let the contractor do their thing? The architect's opinion was that you pay less money in the long run, just getting out of the way and getting the construction done sooner and so his recommendation was to find somewhere else to be. One of my thoughts was that the City, instead of paying a lease payment somewhere during that time, could purchase a property like the one across the street. It would be easy to relocate people over there for the year. We can take our fiber connections that we pay a lot of money for and in the end the City could fold that into the park renovation, because we need parking and some other stuff. Instead of just spending tax dollars on a lease, we would actually be acquiring an asset that benefits the park and the public. I'm open to other thoughts from the Council.

Councilwoman Elliott stated I think the people who don't want it will see it on the agenda and come let us know like they have with every other issue that we vote on. I think if you did a whole new project and got rid of the City Hall, you're going to have a lot of people in here complaining, because you're getting rid of that beautiful building that's been here since 1928.

Mayor Robertson stated if you were to build that same kind of space, not even looking like that, just an office space for ten thousand square feet, you're going to be spending way more than that. I'm just asking you to commit the funds in case we get the other grant to do this project so that we have something to be able to finish the project in terms of the stuff we need that won't be paid for by grants, even if it was \$250,000.00 from each. Like I said, if we don't get the grants, we don't spend that money, and we recommit it to spend it on the streets. In the meantime, there's still money to be spent on the streets, probably more than we can spend in a year, anyway.

Councilman Alworth moved to direct Mayor Robertson to find funding sources for the City Hall Renovation Project. Councilman Carson seconded the motion. The motion carried unanimously.

Item B4 died for lack of motion.

Mayor Robertson stated the process to place an item on the ballot is, the Council would need to bring back a resolution and vote on the resolution to have that on the ballot and go from there.

City Clerk Lee stated I found that email from Leo. The Nevada Revised Statute 293.481 states at a general election, shall provide to each county clerk within the designated territory on or before the third Monday in July preceding the election, so that is the deadline.

Councilman Trask stated whether or not we have grant funding for that would be critical information to have on the ballot question.

Councilman Alworth moved to direct the City Attorney to draft a resolution for City Council's consideration to have an advisory question on City of Ely 2024 General Election ballot on whether to renovate City Hall. Councilman Carson seconded the

motion. The motion carried with 3 ayes and 2 nays from Councilwoman Elliott and Councilman Trask.

10. Councilman Alworth – Discussion Only – Discussion regarding required Nevada State Historical Preservation Office review process for the Commission for Cultural Centers and Historic Preservation grants received to assist in the renovation of City Hall.

Mayor Robertson stated when federal dollars are involved with a project, the federal government has a Code of Federal Regulations (CFR). Section 106 requires that the State Historic Preservation Office do a review on the project to make sure the federal government is complying with section 106. If we got to the construction phase on this project and there were federal dollars involved, they would have to do a complete section 106 review, which considers not only the building and the project itself, but its effect on the downtown or other historic properties in the neighborhood. They do the whole review, and they have to say it's okay and then the federal government lets you spend the money. This process doesn't have any federal dollars involved for the design; this is just state money. It's state money from the Historic Preservation Office so they have a review process where they go in and make sure that the project is meeting their criteria and requirements.

11. Councilwoman Elliott - White Pine Museum Representative Bill Wolf – Discussion/For Possible Action – Approval to donate \$30,000 to White Pine Public Museum to secure and transport antique vehicles and equipment.

White Pine Public Museum Board Member Bill Wolf stated I'd like to explain how this all came about. Tony Locke had a couple of pieces of old equipment that were sitting on his property, and we asked him if he would like to donate those to the museum, and he goes, well, let me show you something else. The giant crusher that was part of the backup documentation you got, he said if the museum wants that, that would be another good one. It started with just a small idea, but we've been getting more and more people that think this is great. We've got some great old historic stuff around our area, and it would be nice to see it not disappear and go into the scrap heaps for scrap metal when it comes up high. We've started this whole program of getting this this equipment together. to put it on display. I think it'll really be an enhancement for the community. The County Commission has committed \$14,000.00 to prep the site and they've committed \$20,000.00 to help fence the site. Tomorrow I'm going up to the Mine to talk to them about a piece of equipment that they want to donate. These pieces of equipment are going to be scattered around the County, and so getting a large piece of equipment from point A to where we want to do the display is going to cost money and that's what I've come to the Council for is to see if you guys will help us secure and transport these things from wherever we find them so we can put these things on display. There's going to be an interpretation program that goes with it, so that people understand how this relates to the history of the community. The White Pine Public Museum will be responsible for the upkeep and maintenance of this.

Mayor Robertson stated the Council can make the decision on where this money comes from if they approve this, but my recommendation would be that it comes out of that \$660,000.00 that had been committed previously for an earmark match that we no longer need, and that would need to come at the next meeting. If they decide to do that.

Councilwoman Williams-Harper stated I would like to see us do this because this is something that benefits the City, and it is another thing for people to see when they come. We also have so many other people committing to this, and I would like to see us do likewise.

Councilwoman Williams-Harper moved to approve donating \$30,000.00 to White Pine Public Museum to secure and transport antique vehicles and equipment to be paid out of previously committed Community Service Funds once they are uncommitted. Councilman Carson seconded the motion. The motion carried unanimously.

- 12. Councilwoman Williams-Harper – Nevada Northern Railway President Mark Bassett – Discussion/For Possible Action – Update on the Consolidated Rail Infrastructure & Safety Improvements (CRISI) Grant, with possible approval for the City of Ely to 1) Be the lead agency on the grant; and 2) Pay FMW Solutions \$15,000 for completion of the grant application, which must be submitted by May 28th.

NNRY President Mark Bassett reviewed the following:

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

RE: Consolidated Rail Infrastructure and Safety Improvements ("CRISI") program grant application for the Nevada Northern Railway Track Rehabilitation for Freight Traffic.

The deadline for the CRISI application is May 28th, and our plan is to submit it via Grants.gov on May 24th. This application is a collaborative effort between the City of Ely and the Nevada Northern Railway Foundation. After plenty of discussion, the recommendation is that the City serve as the lead entity for the grant. Given the City's status as a Nevada incorporated city, we believe that having the City as the lead entity, will enhance the credibility of the grant application compared to if the Foundation were in the lead. If the City assumes the lead position, the City will be applying through their Grants.gov account. The City will also need to complete a letter of funding commitment for the match. The Foundation and FMW will provide full support to ensure the successful running of the grant.

The purpose of the grant is to rehabilitate the railroad from Shafter, Nevada (MP 18.5) to HiLine Junction, Nevada (MP 135.4), covering a total distance of 116.9 miles of railroad track. This section of the railroad predominantly consists of the original 60-pound rail from its construction in 1905/1906, whereas modern standard rail typically ranges from 130-pound to 141-pound rail. Fortunately, Kennecott previously upgraded the railroad from HiLine Junction to Ruth with 90-pound and 115-pound rail, which can accommodate modern freight traffic. Additionally, the Foundation conducted a tie replacement program from HiLine Junction to Ruth, resulting in this section of the railroad being in relatively good condition.

FMW and the Foundation have conducted a comprehensive inspection of the entire railroad from Shafter to Ruth. Furthermore, FMW has updated previous engineering studies related to the railroad. Based on these assessments, the estimated cost to open the railroad to freight traffic is \$138.7M, with the grant request set at \$104.0M. We have secured a commitment of an estimated \$16.8M in ballast that can be used as match, leaving a remaining cash match of \$17.9M. The cash match will not be required until October 2025. Various potential sources for the cash match will be explored.

The grant submission deadline is May 28th, with grant awards anticipated to be announced in October 2024. Upon grant approval, the countdown will commence for raising the cash match. Essentially, upon successful fundraising of the \$17.9M cash match, the City and the Foundation will receive \$120.8M to open the railroad to freight traffic.

There are multiple avenues to pursue for raising the \$17.9M, including seeking support from the Nevada State Legislature, approaching the Nevada State Infrastructure Bank, and exploring federal options such as the Transportation Infrastructure Finance and Innovation Act (TIFIA) and the Railroad Rehabilitation & Improvement Financing (RRIF) loan. If a loan is required, the financial plan indicates that freight revenue will cover the loan.

During the interim period while awaiting the grant determination, FMW and the Foundation will collaborate on assembling a funding package for the cash match. This package is likely to comprise multiple components.

The total cost for completing the grant application and additional work required for the CRISI grant is \$15,000.

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

City Clerk Lee read the following memo into the record:



CITY OF ELY

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

May 9, 2024

Comments on Item B 12.

I have a concern regarding the amount of this grant with the City being the Grantee. I am concerned that the City would not have that kind of cash available to make payments while waiting to be reimbursed. I would recommend, if the City were to take the lead, that a separate checking account be opened with the donated cash match of 17.9 million to be available to fund the expense payments for this grant. This would also help with the tracking for auditing purposes.

Janette Trask
 Treasurer/HR Director

NNRY President Bassett stated once the grant is awarded, we have one year to come up with the match and it is going to be much like eating an elephant; one bite at a time. If we don't meet the match, then the money goes back to Washington D.C., and we don't accept it. When I first started this back about eighteen years ago to open the railroad it was going to be \$13 million, so the longer we wait the more difficult it will be as the prices are just going to go up. That being said the major cost on this is the rail increasing; that rail weight is going to be incredibly expensive. However, the Foundation is a nonprofit organization, and we can accept donations. We will be interchanging with the Burlington Northern Santa Fe (BNSF) and the Union Pacific (UP) at Shafter. One of the places we intend to go for the match or for support is to the two railroads asking for rail. If we get rail, then that brings down the overall cost of the project, too.

City Clerk Lee stated just for clarification, City Attorney Cahoon has advised that if this is approved, that on the next agenda, we'd need an item to approve a letter of funding commitment that's part of the grant application.

Councilwoman Williams-Harper asked if the city were to approve this, is this \$15,000.00 ever come back to us, or is it a once we do it, it's gone?

NNRY President Bassett stated it's gone. The only area in the entire State of Nevada that once the railroad is open you can get land with rail access is White Pine County and Elko County. There is no real access anywhere else. I've driven to Reno many times over the course of the past twenty years and Fernly was just a wide spot in the road and now look at Fernley today. As you approach Sparks, if you get off at USA Parkway and drive from USA Parkway from Interstate 80 all the way through to US 50, it's all been developed as an industrial park. As a planet we don't agree on much, but there is one thing we do agree on and that is the size of an intermodal container. Over in Eureka they're loading the intermodal containers in the field with hay, putting them on trucks, taking them to the rail yard in Salt Lake City, taking them to the coast, putting them on container ships, and they go anywhere in the world. Opening up that railroad gives us access to the international transportation grid which we're sorely lacking right now. We have this opportunity to support our mines; the cheaper they can move products out of here the longer their mine life is. This gives us the opportunity to actually develop the industrial park and bring new mines into operation. The other thing is we do have the housing shortage and we could bring in housing materials. We've talked to Bath Lumber and that's what they used to do and they still have the spur onto their property. This is quite literally, a once in a lifetime opportunity. I would go so far as to say the impact of opening the Railroad now would be just as great as when the Railroad came in 1906. This is a chance to really change our community for the better.

Councilman Carson asked where the City of Ely is the grantee of this, and Janette is recommending we open up roughly an \$18 million dollar account for this. Are we taking in the money and paying the bills?

NNRY President Bassett stated yes, I believe it's a reimbursement grant.

Councilman Carson asked do we have enough time for Janette to do something like that, or whoever's in her spot? I mean, that sounds like a huge task.

NNRY President Bassett stated t's an incredibly large project. The Foundation is going to be here to help. The foundation has never had a grant this large, but we have had multimillion dollar grants where we have actually opened very large credit lines. The bills come in, we pay from the credit line, and then we do the reimbursement and cover it. There are 1001 details to work out and I can fully understand your concern about this. It's a tremendous amount of money. It will be audited annually as I have discussed this with the auditors. to my knowledge, Nevada's never received a CRISI Grant or TIGER grant for rail, so this is our first-time going in. We applied for a TIGER grant, and they funded fifteen projects, and we were the sixteenth project; we just missed it. We have to do a cost-benefit analysis, and that looks exceptionally good.

Councilwoman Elliott asked if we approve this where will the \$15,000.00 come from?

Mayor Robertson stated my recommendation would be that it come from the same location as the previous agenda item which is from the previously committed \$660,000.00 and that would have to come back at the next meeting.

Councilman Alworth moved to approve the City of Ely to be the lead agency on the grant and to pay FMW Solutions \$15,000.00 for completion of the grant application, which must be submitted by May 28th, to be paid out of Community Service Funds once uncommitted funds are available. Councilwoman Williams-Harper seconded the motion. The motion carried unanimously.

13. Council Members – Building Official Hendrickson – Discussion/For Possible Action – Approval of First Reading of Ordinance 757, Bill No. 2024-03 adding Section 5 “Tiny Houses” to Title 12, Chapter 4, Article D of the Ely Municipal Code regulating tiny houses and amending Article D to designate zoning district R-M-T in which tiny homes will be permitted to be located and classified as single-family residential units; and providing other matters properly relating thereto.

City Building Official Hendrickson stated what I've done here is the R-M-T Was already an existing zone for the City, and we just minorly tweaked it to allow tiny homes.

City Attorney Cahoon stated this would satisfy the City's requirement to comply with newly passed Nevada Revised Statute (NRS) Provision that requires the City to adopt a zoning ordinance for tiny homes.

Councilman Alworth stated I am glad to see the City of Ely getting on board with this because it is affordable type housing.

Councilman Trask stated it looks like only one tiny home is allowed per lot, correct?

City Building Official Hendrickson stated the reason for that is our R-M-T zone was designed for the 2,000 square foot lots. We tweaked that to allow up to a maximum 4,999 square foot lot, but with that lot size that would create an abundance of homes on that property, and it would be cluttered and have a density problem.

Councilwoman Elliott moved to approve the First Reading of Ordinance 757, Bill No. 2024-03 adding Section 5 “Tiny Houses” to Title 12, Chapter 4, Article D of the Ely Municipal Code regulating tiny houses and amending Article D to designate zoning district R-M-T in which tiny homes will be permitted to be located and classified as single-family residential units; and providing other matters properly relating thereto. Councilman Carson seconded the motion. The motion carried unanimously.

9. PUBLIC COMMENT

Randy Larson stated I'd like to comment on Mark's proposal with the Railroad. I support that heavily, because the economic return that you will gain if this is possible to have rail directly from the mine site will potentially save handling costs and loss of material for the Mine. The Mine transports material to Wendover, and it's rehandled again which all of this could be done out of the loadout facility with modifications up at the mine. It's going to give you different aspects into different areas. You drive the road between here and Las Vegas, and most of that traffic that you're seeing is coming out of Long Beach with these trucks. If the City were to look at putting an industrial center that could handle cargo containers and you identify certain shipments that go to certain facilities like Walmart and those places, you could literally put those cargo containers on transport cars, and you could move those directly to those facilities. The railroad will tell you they're very good at doing repetitive things, they are not really good at doing things one off; so, keep that in mind. I would also like to speak about discussions that took place a bit on your grants. Right now, the federal government today announced they have got \$1.6 trillion that they've assigned. They don't know how they're going to spend it. You better strike while the iron's hot. I agree with Jim about looking at things in the community. I don't see long term where these grants are going to be available. I see a very limited amount of personal income after these tax increases come through and I definitely see a big change in demographics

in your community which is going to affect fire departments, police departments, social services, and all of those things. I think that those items really need to be looked at very seriously. You are having a tremendous influx of people coming into your community that just by looking at them do not have the financial means to support themselves. It's going to come back on your housing costs that we're all seeing because of the influx with \$400,000.00 homes in Ely, Nevada and people selling one-bedroom homes for \$230,000.00. We don't have an economic income in this community to sustain that.

Terry McIntosh stated I just wanted to comment on the ATV item. Maybe you have already thought about it, but what about holding the parents accountable. If you have twelve-, thirteen-, and fourteen-year-olds out there doing this, the problem has already started at home. If you put some teeth in there and hold the parents responsible for some of this, maybe they'll get the message. I have put up with this by my house by the Railroad for about fourteen years now. They use that for a racetrack almost on a daily basis, so I know the concern that people have and the frustration. I don't have a problem with this, all I can say is good luck Sheriff.

George Chachas stated I have a handout of a couple pieces of property I have between Washington Federal Bank, Napa, and myself. Several years ago, the water lines were taken out of that area from my two properties. You've got the Bell Avenue Project going on now and I want my water lines back. Your engineer took them out saying they were abandoned; I didn't abandon them. Mr. Chachas stated ongoing concerns regarding who paid for the excavation and paving at 901 Avenue H; code violations not being addressed by the Regional Planning Commission, City Council or County Commission; those that have been permitted in the City to park RVs and if they are paying utilities; the drainage from the Bath property; reimbursement for the sewer problem he took care of at his property located at 681 Parker Avenue; and his concern of many alleged Code violations on the previous NDOT project regarding his properties on Great Basin Boulevard.

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

Councilman Carson moved to adjourn the regular meeting of the Ely City Council at 7:17 p.m. Councilwoman Elliott seconded the motion. The motion carried unanimously.



MAYOR



ATTEST