

# CITY OF ELY

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

## ELY CITY COUNCIL REGULAR MEETING

**June 13, 2024, 5:00 p.m. – Ely Volunteer Fire Hall – 499 Mill Street – Ely, Nevada**

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

**Members present:**

- Mayor Nathan Robertson
- Councilman Terrill Trask
- Councilman Kurt Carson
- Councilwoman Samantha Elliott
- 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 Treasurer – HR Director Janette Trask
- City Public Works Director Mike Cracraft
- City Attorney Leo Cahoon
- City Engineer B.J. Almberg
- City Building Official Don Hendrickson
- 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, and Eugene Harper.

### ELY CITY COUNCIL ATTENDANCE LIST

DATE: June 13, 2024

Print name below

Brad Simps  
Ken Kersay  
Jina Pancher  
George Chachas  
Caroline McIntosh  
Grant Eldridge  
Stephen Bishop

Print name below

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City Administrative Assistant Cobb stated please note if you log on and experience difficulty hearing the meeting, please call one of the toll-free numbers 877-853-5247 or 888-788-0099.

## 2. PUBLIC COMMENT

George Chachas stated on your agenda item 9B-3 what do you mean retroactive approval to recruit for a city attorney? Does that mean the City has started recruiting prior to accepting Mr. Cahoon's resignation? It is unclear. On your agenda item 9B-4 you are to review street repairs performed to date with possible recommendations. Are your street crew personnel making the recommendations? I don't believe that any of the council members are qualified to make an assessment or recommendation. Councilman Alworth was the city clerk for years, and now a councilman. I see him only as a disappointment and a major part of the problems we have today. You need outside expertise. What you have now is not good. You need to rely on the people on the streets. On your agenda item 9B-6 you are to consider removing and replacing benches and trash receptacles along Ely's downtown Redevelopment District. Who was surveyed and when was it held because this is the first that I've heard of it. On February 23<sup>rd</sup>, 2024, NDOT had a streetscape project presentation at the Bristlecone Convention Center. I had received an invitation, but when I attended and attempted to film the presentation, I was told that the affair was a private one by invitation only, which I had. Carolyn Bath-McIntosh told me to turn off the camera, or she'd call the sheriff's office and have me removed. I told her to go ahead that I was in a public building, a public meeting, I have property that will be affected, and the so-called White Pine Street Program was taxpayer funded. Caroline Bath-Macintosh called the sheriff's office, and two officers came and told me if I didn't turn off the camera I would have to leave. I told them I would not turn off the camera, but I would leave.

Mayor Robertson asked Mr. Chachas, which agenda item is this, in reference to?

George Chachas stated it's on the agenda to do a survey. Who are you surveying?

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

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

## 4. CITY DEPARTMENT REPORTS

### ➤ CITY CLERK

City Clerk Lee stated since the last meeting I submitted our Central Ely Earmark Grant. The EPA representative has been in touch with me and is ready to get our funding released; so, we're very close. I attended CDBG training in Elko the last two days, and it was very beneficial.

### ➤ CITY PUBLIC WORKS DIRECTOR

City Public Works Director stated I wanted to report the City Street Crew along with the County Street Crew chip sealed Avenue M from Great Basin Boulevard down to 18<sup>th</sup> Street and from Avenue M down to the Railroad. With the extra chips they had left over they were able to do almost all of Avenue B, just a half a block short. It looks really nice, and they'll be finishing it up Tuesday with the fog seal. Also, on that day the Street Leadman was talked to by Terry Reck. They have to do some tests on their hot plant, and they'll have three hundred tons of pot mix that they need to get rid of. The Street Leadman worked it out and we'll be using it between 14<sup>th</sup> and 15<sup>th</sup> near Todd Wilkin's office with a two-inch overlay next week for \$48,000.00, which is a very good price.

Councilman Alworth stated on Avenue B you said you had extra sand. You had to have extra oil, too. What would happen if we didn't have sand and how do we know how much to go on oil?

City Public Works Director Cracraft stated we always go with a little bit more, just to be on the safe side and we always have extra chips at our plant and the County does too.

Councilman Alworth stated it worked out well, but I think that's outside your total plan. You didn't plan to do that, and I was surprised you did it. I went down Avenue B and that's not a bad road until you get to the very end where those army trucks are at.

I think there should have been a different street picked, but you were down there. What's the water usage at the Duck Pond and the Golf Course?

City Public Works Director Cracraft stated the Duck Pond last month was billed for 210,000 gallons and as of yesterday it was right around 90,000 gallons for this month. We've worked with the County, and I think we've worked up a better plan. We're turning it on now for just maybe two or three hours, and then shutting the pumps off before it drains down.

Mayor Robertson asked do they have to turn it on for two to three hours daily?

City Public Works Director Cracraft stated no, every other day, and it's working really well so far. The Golf Course was billed for 13.2 million gallons last month and we know June has been a lot hotter, but I was not able to get out there and get a reading today. The 17<sup>th</sup> and M well is up and running and back in the system. I haven't heard from the Mine, but we will meet with them in July to see what they found out about their test.

Mayor Robertson asked when you say running as needed in your report, how are we doing that now? Are we rotating them and are they all on SCADA?

City Public Works Director Cracraft stated they are all on SCADA except for the North Street Well. If needed the wells will kick on.

Mayor Robertson asked are there any wells that aren't kicking on?

City Public Works Director Cracraft stated they kick on when needed and seem to be working well. The Golf Course Well kicked on the other day so my guess is they were watering heavily.

Councilman Alworth asked on the Wastewater Treatment Plant Raul reported RAS 2 pump failed. Raul thought it was plugged, but the crew pulled it out and didn't find anything plugged in it. The electrician said it's the motor drive that's bad, but the last time the electricians told us something, they were wrong. Is there a way to confirm that?

City Public Works Director Cracraft stated they took everything to Salt Lake to be rebuilt and it was the motor.

➤ **CITY ENGINEER**

**City Council Report (6/13/24)**

- Office staff completed CDBG training in Elko.
- Parker/Stevens CDBG sewer project is going good. Contractor completed the main tie in to existing main this week. Pumped from existing manhole to new manhole around tie in connection. Had two pump systems setup incase of failure of one. Anticipate completion in about two weeks.
- Completed revisions to Aultman project based on NDEP review comments. Submitted to NDOT for review final to resubmission.
- City water wells are maintaining tank levels good in this hot weather condition. North Street well is being operated manually and is reducing the time that the 17<sup>th</sup> & M or Golf Course well need to operate.

**5. NNRV FOUNDATION REPORT**

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

**NEVADA NORTHERN RAILWAY**  
NATIONAL HISTORIC LANDMARK



**Nevada Northern Railway Foundation**  
A Nevada 501 (c) 3 Non-Profit Corporation  
Depot: 1100 Avenue A, Ely, Nevada 89301  
Mailing Address: PO Box 150040, Ely, Nevada 89315  
Voice: (775) 289-2085 • Web: www.nnry.com • E-mail: info@nnry.com

**Monthly Operations Report for June 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. The Federal Railroad Administration was here and passed all of the boiler repairs.
  - 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, Baggage/RPO #20, Outfit Car #06.
  - b. Passenger car #07 is out of service with truck issues. Coach 5 in In painting.
  - c. Passenger equipment out of service: #10, #2 and #05 needing heavy repairs.
  - d. Caboose in service: #3 and #22 are operational.
  - e. Caboose out service: #5 and #6. Caboose #6 needs a 50-year waiver.
4. Track Status – No change
  - a. Keystone Branch is open.
  - b. Adverse Branch is open.
  - c. Museum Branch is open.
5. Ridership and Ticket Sales – Updated
  - a. In May, we carried 1,578 passengers, this was a decrease of 10% compared to the previous year.
  - b. This year to date we have carried 2,652 passengers, this was a decrease of 18% compared to the previous year.
  - c. Since operations began in 1987, we have carried 367,358 passengers.
6. Economic Impact – The average non-gaming & gaming daily expenditure per overnight visitor \$170. Economic impact for May 2024 was 1,578 x 80% x 170 = \$214,608.

**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 2,652 x 80% x 170 = \$360,672  
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 3,217,157
  - c. We have 134,790 page likes.
  - d. 191,300 people follow our page.
8. Our 40<sup>th</sup> Anniversary Kick-Off over Memorial Day Weekend was a great success! The highlight of the weekend was the drone show celebrating our 40<sup>th</sup> Anniversary. Here is the link to a video of the show that is on our Facebook page <https://bit.ly/3V1Nj1o>.
9. The City and the Foundation applied for a Consolidated Rail Infrastructure and Safety Improvements (CRISI) Grant to rehabilitate the Nevada Northern Railway, a Key Infrastructure Lifeline in Rural Nevada.

The NNRy Project is a \$133,745,776 effort that will rehabilitate a 116.9-mile long, 119-year-old rail corridor co-owned by the City of Ely ("the City") and the Nevada Northern Railway Foundation (the "Foundation") into a robust, safe connection to the general railroad system to support the ongoing development of the local, state, and regional economy in rural Northeast Nevada. The restoration of this rail line will enable a documented 7,200 – 12,400 carloads of freight to originate or terminate in Ely, supporting the growth of this rural community and creating much-needed jobs in the community with an earnest investment that will promote justice and social equity, economic resilience, and environmentally-conscious energy-efficient transportation.

The City of Ely, in collaboration with the 501(c)(3) Nevada Northern Railway Foundation (the "Foundation"), acquired the entirety of the Nevada Northern Railway ("NNRY") in 2005 from the Los Angeles Department of Water and Power with the intention of revitalizing the long-dormant rail line to support the economic sustainability of our rural community.

In 2006, the Safe, Accountable, Flexible, Efficient Transportation Equity Act, Public Law 109-59, transferred the federal property underlying the rail line to the City of Ely. The passage of this law put the entire railroad under the ownership of the City and the Foundation. The railroad had been long-disused at that point, and though we have pursued an economic plan to support its revitalization since that time, no known Federal funding program with the same scope as CRISI has been available to support its rehabilitation until now.

The railroad is still situated with the original steel rails that the line was built with in 1905/1906, the subject portion of the NNRy is out of service and unable to support modern freight rail operations. The NNRy Project does more than merely rehabilitate a key railroad corridor; as evidenced in the letters of support, this project will have a meaningful impact on the economic competitiveness of the region, improve highway safety of the residents by removing an estimated 24,500 - 42,000 trucks per year from the roads, and improve the cost-effectiveness and efficiency of transportation in this rural area.

To return this key rail corridor to safe and compliant condition, the project components of the NNRy Project include: upgrading 116.9 miles of mainline rail from primarily 60 lb. rail to entirely 6" base rail (131 lb. section); replacing approximately 98,000 wooden cross ties; installing 24 new turnouts; reactivating twelve (12) mainline sidings totaling 13,700 feet in length, replacing 14 culverts; dumping more than 670,000 tons of locally-sourced ballast; repairing 40 public and private at-grade railroad crossings, including signaling two (2); replacing 22 cattle guards; and returning the entire railroad to 286K GRL. The City of Ely respectfully requests the FRA contribute \$98,971,874 to the effort, equivalent to 74% of the \$133,745,776 effort. The NNRy

Project will result in \$393 million of short-term stimulus impact to our region, the creation of 3,419 short-term jobs, 11 new permanent railroad jobs, the retention of 12 existing railroad jobs, the development of more than 40 long-time downstream jobs, and the annual removal of up-to 42,000 trucks from dangerous two-lane rural highways running through this economically depressed region.

## 6. REPORTS

### ➤ COUNCILWOMAN WILLIAMS-HARPER

Councilwoman Williams-Harper stated I have spent an exciting four days in Lake Tahoe with about three hundred other educators across the State. All of us discussed how we can make our educational system a better system across the State with what sort of measures we can put into place that realistically tell us how our students are doing and what we could do better. We brought that down to a local level and invited many businesses. Superintendent Young really understands that we need to have our community, and our businesses involved in what we are doing for our kids in White Pine so we can maintain and move ahead to make sure that businesses are thriving. We also have talked about how technology is huge and how exponentially it's going so fast and how we are going to prepare our students for that. We will also have two more days of this in August, and he will again be reaching out to other businesses. If you are a business member, please call the superintendent's office, or please approach me so we can be sure that you are included if you've not received an invitation to be a part of our school district. We want our students to be ready, and to be able to hand down the legacies that so many of you in this room have already set forth for them.

### ➤ MAYOR ROBERTSON

Mayor Robertson stated I'd like to make the Council aware the League of Cities has been meeting every other Monday to work on their Bill Draft Request (BDR) for the upcoming legislative session. The two that we've been discussing so far is some amendments to the Public Records Request Law to make that more effective with a NRS that allows people to get the public documents they need while not taking up every last resource that the cities have. Another one is about Davis-Bacon Wages or prevailing wages. I know they keep lowering that. We're hoping to find some kind of carve out for smaller municipalities and smaller projects, so that if you're in a small location and the project is under a certain amount that maybe we might not have to deal with that kind of thing, just so that we can get some of this infrastructure done. I was also down in Las Vegas this morning meeting with the Governor and other entities discussing some of the issues the State has. Housing is one that everybody comes up with and everybody has a little bit different take on that but one common thread was infrastructure. Every city has problems putting in infrastructure to accommodate housing, whether that's low-income housing or workforce housing, or any of the other twenty names they call it. This is the first time I heard the Governor mention that they'll be appointing a new infrastructure coordinator for the State. That position has been vacant for a while, but they should have that announced here pretty soon. It was an interesting meeting.

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

### A. CONSENT AGENDA

Councilman Alworth disclosed I am a past member of the 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 9A-1 Bills.

Moved by: Councilman Carson Second by: Councilwoman Williams-Harper Vote: Unanimous

1. Discussion/For Possible Action – Bills.

- May 22, 2024
- May 29, 2024
- June 5, 2024

**B. NEW BUSINESS**

8. 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) and approval for payment in the amount of \$324,023.64 with a \$500.00 per claim deductible from fiscal year 2024-2025 funds.

LP Insurance Services Principal Tina Perchetti reviewed the proposal and stated it's standard for this year again. It just gives you some information about the coverage, the summaries that reflect the negotiations with multiple markets, and how it went out to market for all of our members. It's the same information that we've given every year, but it's important to understand that it goes out to market, and it's marketed on your behalf. The five-hundred-dollar deductible was chosen again this year.

Councilman Alworth asked on that five-hundred-dollar deductible I was reading the minutes from the County Commission meeting, and they did change their deductible. What are the benefits?

LP Insurance Services Principal Tina Perchetti stated there are some slight savings, obviously, when you raise your deductible. The amount of coverage that was given up wasn't substantial enough to give up the coverage that you had been given up. That can always be negotiated and changed, but when we reached out a month or so ago with that information, I did have a discussion with the Treasurer beforehand about the cost and the savings versus the amount of coverage that was given up. I didn't bring that with me, but I would be happy to share it with you if you'd like to see it.

Councilman Alworth stated I think that is something the Council should have input on.

LP Insurance Services Principal Tina Perchetti stated I emailed it out in April or May the week that we received it after we finished the negotiations and were able to prepare it for all the entities and the members. It was sent out then, we had a discussion, I sent an email about that, and I don't know where the information went after that I just got the information to prepare the proposal.

City Clerk Lee stated for clarification, Janette and I discussed the deductible based on the claims that I have been processing. We determined it would be better to stick with a five-hundred-dollar deductible, but having said that it was my understanding that would be part of the discussion on this agenda item tonight and it can be adjusted.

LP Insurance Services Principal Tina Perchetti stated it was put in the proposal for conversation pieces, so you had something to look at. The conversation was around had the deductible been raised versus the claims you had in the past two years you wouldn't have saved any money, you would have had more money out of pocket, based on the claims you had previously. Now, who knows what this year's claims will look like. I think that Janette and Jennifer's conversation with me was based on the claims in the past, and they had copies of their last runs because they're provided quarterly. We can still change it. This was just prepared for the proposal for tonight for conversational purposes.

Councilman Alworth stated thanks for the information. Mr. Mayor, I believe our staff is derelict in not bringing that to us ahead of time. I appreciate what Jennifer just said to us,



but they've had it since May, and this is the first time we have heard about it. I wouldn't be asking this silly question because I agree with the common sense of it. One other comment I have is I see we have cyber risk coverage in there now. Are you guys seeing any cyber risk insurance claims, or did it affect any of the customers you have?

LP Insurance Services Principal Tina Perchetti stated cyber is a very fast-growing loss. It's one of the largest losses in any insurance industry right now. It was a big hot topic item when we went to market. Frankly, because there is a huge gap and a coverage issue for people, I recommend it to everybody. It's a scary trend.

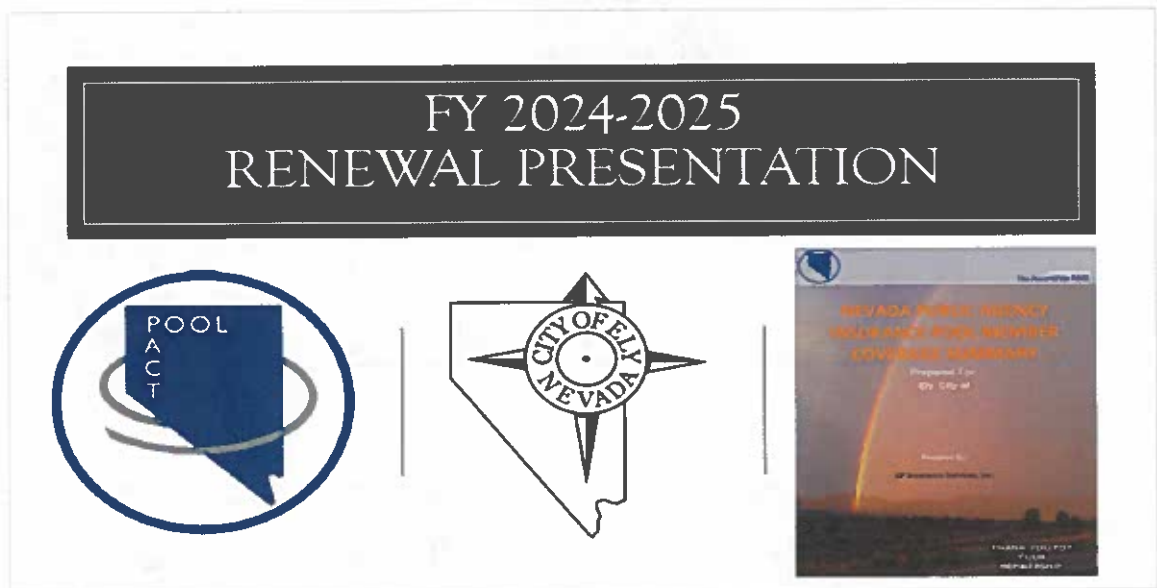
Councilman Alworth stated thank you for making sure we have that. How many claims did we have last year?

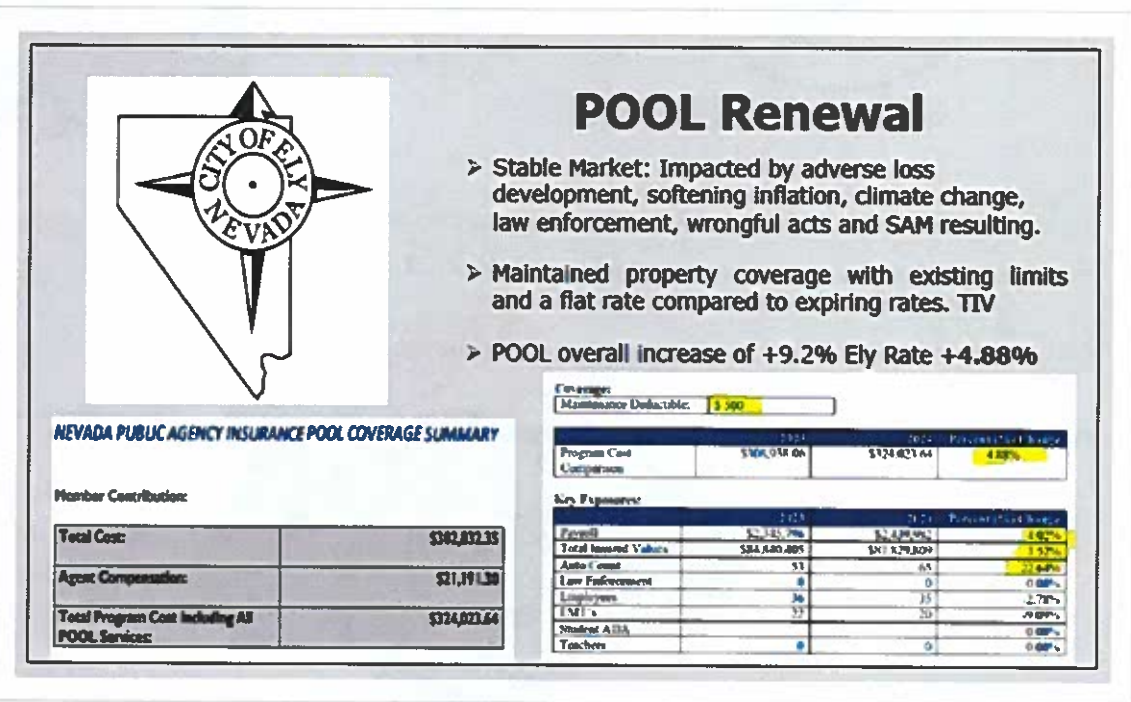
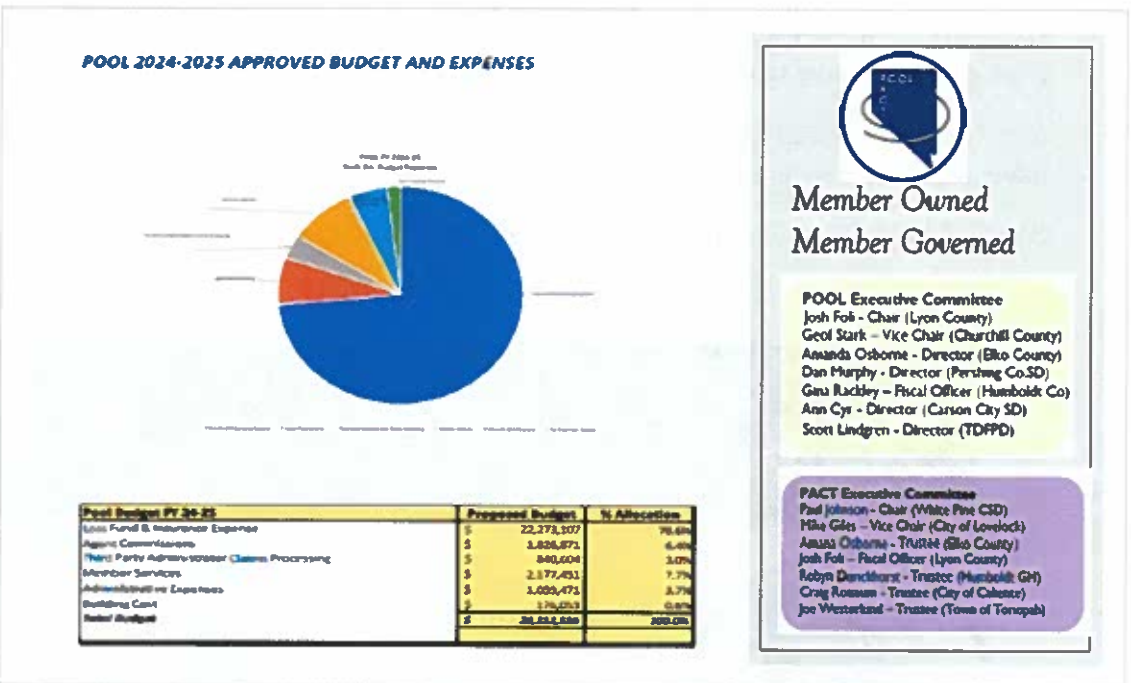
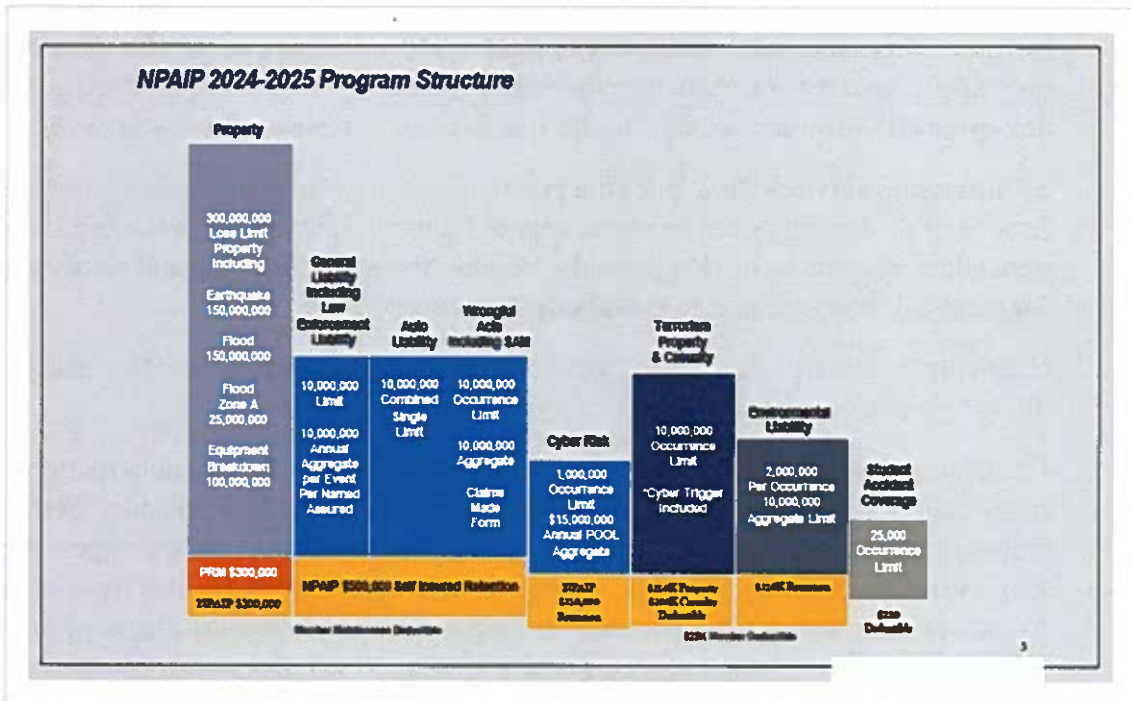
LP Insurance Services Principal Tina Perchetti stated I wouldn't want to quote you how many claims you had, because that would include auto, the Railroad and a lot of other factors. I don't think that your losses are out of line. I think that losses happen, and the City overall has a pretty good loss history; you can see that represented by your increase. In such an inflationary time, the City only got a 4.8% increase overall and I can tell you that's very good. I deliver renewals that are 15% to 25% higher.

Councilman Alworth asked last year we had fifty-three vehicles and now we're up to sixty-five. I thought we got rid of a lot of vehicles, or they're parked in the boneyard. How come we have twelve more vehicles and where are they at?


City Clerk Lee stated I have the answer to that question since I prepared that portion. We have about ten new ones from the Railroad.

POOL PACT Chief Financial Officer, Alan Kalt, Presented the following:







- Cybersecurity Consultant
- Passive Network Assessments
- Incident Response/CIRP
- Policy Development
- Training – Quarterly Webinar
- KnowB4

- Absorb / Target Solutions  
Active Users 36 44 Target
- Over 350 Courses
- Custom Courses/ Targeted Classes
- Flexible Reporting
- Support





- Assistance with critical employment-related issues
- Dedicated Business Partner
- On-site Assessments
- Trainings & Certificate Programs
- Sample Policies and Forms
- HR Briefings/Alerts
- Legislative Summaries





Councilman Alworth moved to accept the renewal proposal from Nevada Public Agency Insurance Pool (POOL) and approve payment in the amount of \$324,023.64 with a \$500.00 per claim deductible from fiscal year 2024-2025 funds. Councilman Trask 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. Council Members – Building Official Hendrickson – Discussion/For Possible Action – Approval of Second 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.

George Chachas stated on page three, you have a list of items that are listed “P” for permitted and “S” for special permit. Does the first column refer to the R-M-75, second column to R-M-50 and third column R-M-T? It's not clear. Also, if you go down to the second part on that area or on R-M-T you have a minimum of 2,000 square feet. I'd like you folks to consider staying at 2,500 square feet, which is the minimum lot size that you have in the city of Ely. If you cut it down another 500 square feet, you're going to have a lot of odd pieces which is not good. You need to stick with your standard.

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

1. Council Members – Building Official Hendrickson – Discussion/For Possible Action – Approval of Second 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 So again, there's no changes from the first reading, but to answer the questions from the public the first question I recall was on page three being unclear as to what category it was. That is a continuation from page two, which does identify the R-M-75, R-M-50 and R-M-T columns, I hope that clears that up. The other question was what the P, S, and N stood for and that is permitted use, not permitted use, and special use permit. The next question was the square footage of the lot. I don't believe we changed anything other than we did increase the maximum of that R-M-T to a maximum 4,999 square feet; one square foot less than the 5,000 square foot under R-M-50, which would clearly designate properties more efficiently. changing that from a 2,000 to 4,999 square feet opportunity for tiny homes to be built on those lots.

Councilman Alworth asked does this throw out bringing tiny homes in on wheels?

Mayor Robertson stated the question being that the word “built” doesn’t preclude them coming in pre-manufactured.

City Building Official Hendrickson stated no, it does not.

Councilman Trask stated where it says requirements, tiny homes being built or installed, and then it says they must be built on a permanent foundation. So, I think, Jim, they could bring in one as long as it has a permanent foundation.

City Building Official Hendrickson stated yes, It’s still a built foundation.

Mayor Robertson stated the HUD approved homes can be set on a foundation and perfected into real property. If it's built to RV Standards, it cannot.

City Building Official Hendrickson stated correct, it has to have a HUD stamp on it.

Councilman Trask asked there is only one tiny home permitted per lot? I know at one time we talked about making tiny home parks.

City Building Official Hendrickson stated that was one of the requirements per the Nevada Revised Statute (NRS) that if you're going to do this, you had options. The option that we're going for is zoning a designated area for tiny homes, not a park setting.

Councilman Trask moved to approve the Second 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.

## **B. NEW BUSINESS CONTINUED**

6. Councilwoman Williams-Harper – White Pine Main Street Chairwoman Caroline McIntosh – Discussion/For Possible Action – Report on White Pine Main Street’s bench-trash receptacle replacement project, in coordination with the Nevada Department of Transportation (NDOT), with a request that the City Public Works Department remove old benches/trash receptacles being replaced and install the new composite benches and trash receptacles.

White Pine Main Street Chairwoman Caroline McIntosh stated this is another one of our ongoing partnerships. Main Street has been raising money to replace the older benches and trash receptacles, and we want to compliment the former council and mayor for getting the project started, and we've certainly got a return on our investment. We started with a meeting with the project manager from NDOT for our project to make sure that this was going to be copacetic with the NDOT Streetscape Project. He was really excited about it because he didn't have to buy them. We've been saving our money, and we have about \$25,500 to start with. White Pine Mainstreet did a survey and people leaned towards black composite benches. They seem to wear very well and don't conduct heat. It would be about twelve benches and twelve receptacles to start with and we will continue to raise money so we can finish the downtown area. We would be working with City Public Works Director Cracraft and would like to get them ordered by the end of June to expend some of these funds.

Councilman Trask moved to direct City Public Works Department to work with and make a plan with White Pine Main Street to remove old benches/trash receptacles being replaced and install the new composite benches and trash receptacles from White Pine Main Street’s bench-trash receptacle replacement project in coordination with the Nevada Department of Transportation (NDOT). Councilwoman Williams-Harper seconded the motion. The motion carried unanimously.



5. Councilwoman Williams-Harper – Ely Lion’s Club Representative – Discussion/For Possible Action – Approval to allow horses in Broadbent Park to present medieval mounted demonstrations, including archery, spear throws, rings and quintain jousting during the Ely Lion’s Club annual Fall Pumpkin Festival on October 19, 2024.

Councilwoman Williams-Harper stated the Lions Club is trying to make our event bigger and better so more people will come out and spend their money in our city and enjoy the things that we have. We have the opportunity to bring a professional medieval mounted demonstration, including archery. We were concerned if it would be okay to have it in the park and would it destroy the grass? We obviously needed to bring that here. I wanted to know what questions you have, and see what Mike had to say about that.

City Public Works Director Cracraft stated this event is going to be in October when we won’t be watering the grass anymore. We have had football teams on it, cars on it, and we have had it taken down to the dirt and we have re-seeded it, and it comes back. I think as long as the Lion’s Club cleans up after the event and the horses, it won’t be a problem.

Ely Lion’s Club Representative Stephen Bishop stated the horses will be penned up in a dirt area so there shouldn’t be much wear on the grass.

Councilwoman Elliott moved to approve allowing horses in Broadbent Park to present medieval mounted demonstrations, including archery, spear throws, rings and quintain jousting during the Ely Lion’s Club annual Fall Pumpkin Festival on October 19, 2024. Councilwoman Williams-Harper seconded the motion. The motion carried unanimously.

1. Mayor Robertson – Discussion/For Possible Action – Approval of letter in support of the BLM Preferred Alternative for KG Mining’s Bald Mountain Mine Juniper Project, which extends the Operations Area boundary by 3,425 acres and extends mine life 11 years.

Councilman Alworth moved to approve the letter in support of the BLM Preferred Alternative for KG Mining’s Bald Mountain Mine Juniper Project, which extends the Operations Area boundary by 3,425 acres and extends mine life 11 years. Councilman Carson seconded the motion. The motion carried unanimously.

2. Mayor Robertson – Discussion/For Possible Action – Acceptance of Leo Cahoon’s resignation as Ely City Attorney, effective June 16, 2024.

City Attorney Cahoon stated thank you Mayor, Council, and all the City staff for being such a pleasure to work with last three years. I've really been impressed with everyone, and it's hard to go. I'm going to miss working here and working with all of you. Mayor, I know we have discussed extending this and I don't know if that's still necessary, or if that's something you want to look at.

The question Leo is referring to is we were hoping to have some options for this meeting that the Council could look at, but at the moment we do not. We're still talking to a few other people to see if we can get some interim services while we advertise. One of those options is Leo Cahoon has offered to pinch hit and get us through at least the next meeting for another two weeks. He would actually be working in St. George but taking the City's calls and helping us get out the next agenda and making sure that we're covered for the June 27th meeting, at which point we should have some other options for the Council to consider for interim legal services.

Councilman Trask moved to accept Leo Cahoon’s resignation as Ely City Attorney effective June 28, 2024. Councilwoman Elliott seconded the motion. The motion carried unanimously.

3. Mayor Robertson – Discussion/For Possible Action – Retroactive approval to recruit for a City Attorney.

Mayor Robertson stated the day that we received City Attorney Cahoon's resignation letter the HR Director did start advertising with the State Bar Association. It's pretty

standard what we do; as soon as we get a notice from a city official, we start advertising. We are asking for retroactive approval of that.

Councilman Trask moved to retroactively approve recruiting for a City Attorney. Councilwoman Williams-Harper seconded the motion. The motion carried unanimously.

4. Councilman Alworth – Discussion/For Possible Action – Review of street repairs performed to date with possible recommendations, including hiring outside professionals, on repair processes for future street projects.

Councilman Alworth stated starting in July we will have in Community Support Funds alone \$700,000 for road repairs and that's not counting Public Transit or RTC. So, when I say outside professionals, for example the State Highway don't go out and build roads, they go out and repair their roads. What is the City's goal in doing our road repairs? I know we have come a long way because we used to just fill the potholes and cracks, and now we are chip sealing with oil. Do we want smooth streets or what just happened to 11<sup>th</sup> Street from Avenue M to Aultman Street; it is a washboard. That's one of the points and then you told me when you met with employees from the State Highway, they went with you, and they said why do you go edge to edge or curb to curb? They suggested to do the travel lanes because your material will go farther, and you guys experienced this on Lyons Avenue. This was a recommendation from people that do this for a living from the State Highway. Then we get down to slurry seal versus this chip seal. A lot of people you've heard don't like slurry seal. When the State highway put it at the intersection it rubs right off in high turn areas. I think on straight places it's perfect. Is that better than the chip seal? Avenue M had been slurry sealed maybe a year ago and from Great Basin to about 10th Street there was a bad intersection on 8th Street, and then down to the school there were some road repairs and you fixed that, but from 10th Street all the way down to 18th Street that road's been good. I know for a fact Avenue G was recommended for some work when the \$300,000 was put out there.

City Public Works Director Cracraft stated Avenue G is going to get work done.

Councilman Alworth stated there's fifty-six projects listed on these papers; fourteen were done by contractors, twenty-two by the City, and twenty-one by the City/County combination. Nothing was done on Avenue G, and that was specifically put out in the budget, so I don't know who changes what the budget is. on Avenue C, where that was a total disaster from the railroad track heading to the east, there was a citizen always on the City's behind said that's the best he's ever seen that road. I believe the cold mix overlay is where you're getting the best bang for your money. I think if we are going to put out millions of dollars, we want a road that is smooth.

Mayor Robertson asked what kind of professional are you suggesting?

Councilman Alworth stated I'm suggesting someone from NDOT comes in and we give them the blessing to tell our crew how to do this. They helped Bobby Armijo on the blade on Avenue C. Bobby is by far probably the best blade operator we've got, even though he's assigned to the landfill. So, I'm just saying we're putting out so much money and what are we really good for? We got a rough road on 11th Street; there's no difference right now other than the color of it.

Mayor Robertson stated I think it would be beneficial, Mike, if you would explain how you guys came to the decision to do it that way.

City Public Works Director Cracraft stated the State Highway has always told us to chip seal and the cold overlays were our idea. They never recommended that, we just started doing it. You have curb and gutter to deal with on 11<sup>th</sup> Street that you don't have on 9<sup>th</sup> Street. I handed B.J. the list of roads that we were going to do up in East Ely this year with that money. Avenue G is getting an overlay and then we are going to slurry seal over the top like we did on Murry Street. We've got a bunch of projects that were included in the package Councilman Carson and B.J. had put together. We are doing all of upper East Ely this year with either overlays, slurry seal, or both.



Mayor Robertson stated I would like to disclose that I am an employee of Reck Brothers and will refrain from making any tie breaking vote for that reason.

City Public Works Director Cracraft stated in front of that dam if you truly want to have that a smooth road, then we need to purchase a grinder, grind that down a good inch to an inch and a half and then go over it with a chip job. Is that something we want to look at getting through the RTC funds because ninety percent of what's on this list is funded through RTC money. The only jobs that weren't done with RTC money last year were 12<sup>th</sup>, 13<sup>th</sup>, and Avenue K.

Councilman Alworth asked do you feel 11<sup>th</sup> Street is a smooth road now?

City Public Works Director Cracraft stated it is better than it was.

Councilman Alworth stated in my opinion the project is terrible.

City Public Works Director Cracraft stated I disagree.

Councilman Alworth moved to direct City Public Works Director Cracraft to meet with NDOT on future processes of road repair and follow their direction.

Councilwoman Elliott stated once NDOT actually fixes Great Basin and Aultman Street and the death trap of that, then I would be willing to use their advice. I don't think we should be soliciting them for side streets until they can get a major street fixed. I think you guys are doing a great job with what we have. Let's look at it next week and go from there. I don't think we need NDOT's advice right now.

Councilman Carson seconded the motion. The motion failed 2 to 3 with Councilman Carson and Councilman Alworth voting aye and Councilman Trask, Councilwoman Elliott, and Councilwoman Williams-Harper voting nay.

7. Council Members – City Attorney Cahoon – White Pine County sheriff Henriod – Discussion/For Possible Action – Approval of first reading of Ordinance 758, Bill No. 2024-04, an ordinance amending Title 6, Chapter 12, Section 5 pertaining to “Off Highway Vehicles” by removing Section 5(A)(1) and (B) permitting drivers with instruction permits and minors under the age of 16 with adult supervision to operate Off Highway Vehicles within city limits.

City Attorney Cahoon stated Sheriff Henriod was not able to be here tonight and asked if this item could be tabled to the next meeting.

Councilman Trask moved to table the first reading of Ordinance 758, Bill No. 2024-04, an ordinance amending Title 6, Chapter 12, Section 5 pertaining to “Off Highway Vehicles” by removing Section 5(A)(1) and (B) permitting drivers with instruction permits and minors under the age of 16 with adult supervision to operate Off Highway Vehicles within city limits. Councilwoman Elliott seconded the motion. The motion carried unanimously.

## 10. PUBLIC COMMENT

George Chachas stated I'm going to present a concern to you, I observed a huge pile of asphalt, and broken pieces of concrete curb and gutter that have been dumped near and behind the private property located at 2113 South Street. The asphalt and concrete are not acceptable for fill; that policy has not changed. You have an individual that's going to build on 3rd Street, and for years I've been concerned about the property at 408 High Street, encroaching on City right of way and the City sidewalk. You have had a trash building behind it for over fifty years. Mr. Chachas stated ongoing concerns regarding the egress and ingress on the Golden Gate property; who did the work on 700 Avenue L and who paid for it; who paid for the asphalt paving at 901 Avenue H and 1100 Avenue L; code violations not being addressed by the Planning Commission, Councilman and Commissioners; and the drainage coming off the Bath property onto the west side of his property located at 622 High Street.

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

Councilman Alworth moved to adjourn the regular meeting of the Ely City Council at **6:46 p.m.** Councilwoman Williams-Harper seconded the motion. The motion carried unanimously.



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**MAYOR**

  
\_\_\_\_\_  
**ATTEST**

