

CITY OF ELY

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

ELY CITY COUNCIL SPECIAL MEETING

March 19, 2021 4:00 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 **4:01 P.M.** Mayor Robertson led in the Pledge of Allegiance and asked for Roll Call.

Members present:

Mayor Nathan Robertson
Councilman Ernie Flangas
Councilman Ed Spear
Councilman Jim Alworth

Members absent

Councilman Kurt Carson
Councilwoman Michelle Beecher

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

City Clerk Jennifer Lee
City Treasurer-HR Director Janette Trask
City Attorney Shain Manuele (Zoom)
City Administrative Assistant Patti Cobb
Public Works Supervisor Mike Cracraft
City Building Official Lee Walker

Also, in attendance: Members of the public in attendance at the Ely Volunteer Fire Hall signed in (appears below) and the following persons attended via video conference: Jennifer Drew, and Marshall Smith

*City Council
Special Meeting* **ATTENDANCE LIST**

DATE: *March 19, 2021*

Print name below
Brad Simpson
George Chachas

Print name below

2. PUBLIC COMMENT

Mr. Chachas stated ongoing concerns with contacting Mt. Wheeler Power about power poles needing to be moved during the sewer and water line replacement on Murry street for ADA access; his public information request for the City Personnel manual, the rumor of an embezzlement at the Railroad; the need for the Railroad to be under the City of Ely's oversight and work under the Open Meeting Law; billing for his property at 490 High Street; Squatters RV's and if they are billed for City sewer and water; the need for a utility billing audit.

Brad Simpson, local business owner, stated he is in support of the comment letter written by the City Council regarding the White Pine Pump Hydro Project Study. I have written a letter, and submitted it to the White Pine County Commissioners for public comment and wanted to submit the same letter to the City Council. Brad Simpson touched on a few points in the letter that appears below.

February 19, 2021

White Pine County Commissioners

Dear Commissioners,

I reside at 35 East 205 South, Ely, NV 89301 and operate a business with my wife, Angela Simpson, Keller Williams Realty, at 1776 Aultman St, Ely, NV 89301. I am presenting this information as my opinion on the proposed project.

I am writing to voice my opposition to the proposed special use permit, rezoning and acquisition of BLM land, and water rights acquisition for the proposed construction of the a power plant by the White Pine Waterpower, LLC an Idaho limited liability company ("Applicant"), an indirect subsidiary of rPlus Energies, LLC.

This project presents many concerns for me and the people of White Pine County that will impact the environment, recreational land use, and owners of properties in the area. The citizens of White Pine County have not had sufficient time or information to fully understand this proposal and the environment consequences that this project will cause for the surrounding area and residents.

I urge you to vote for a full deferral or complete denial of the proposed plan to allow sufficient time for thorough environmental impact studies to be conducted AND disseminated among the citizens of White Pine County and those potentially affected by this project.

Of my many concerns, one that is most prominent, is this plan and agreement effectively subsidizes profits for specific land owners . Including family members of a White Pine County Commissioner. This appears to be a very prominent ethical issue that the Commission should avoid at all costs.

Other concerns have been expressed that also need to be addressed, including"

1. Approval from other property owners in the area. I have been advised they were not notified.
2. What is the status of the agreement between the City of Ely and WPWP:
3. What is the status of the agreement between Nevada Norther Railroad and WPWP? It is my understanding that some of the land that WPWP wants to acquire belonging to the NNRR is patented property, given to the Railroad, and as such it cannot be replaced. The NNRR is a viable economic entity in White Pine County. As such, it brings monetary value to our community.
4. How will this agreement between BLM and WPWP affect the City of Ely and the Nevada Northern Railroad?
5. Have economic impact studies been done?
6. Have environmental impact studies been done?
7. Have all approvals from Federal Agencies, BLM, EPA, etc.
8. Is there an approved MOU between and the City of Ely and the WPWP>
9. Is there an approved MOU between the NNRY and the WPWP?

There are many other concerns that should be brought forward.

They state that the economic development that their project will bring to White Pine County includes:

Jobs during construction (They will be bringing in their own labor, as they are specialized.

All of the products for the project will have to be imported as no one locally sells the specialized products.

Indications, which vary, are that the total number of permanent jobs brought to our community (1-12). No hard numbers are given

I have been advised that their plan wants to utilize water rights owned by White Pine County, for LESS than fair market value.

They want the railroad to move their Patented right of way for the train that runs from Ely to the Highline to McGill. This is the line that is used for all the night sky trains and the specialty trains. From what I understand the Railroad is against this project. Giving up the patented land does not mean they would get other land to replace it.


This project plans to generate about 1500 megawatts of power. However, White Pine County will not get to utilize any of the power that I generated in our community while using our water, destroying a pristine area of our community (Duck Creek) and having a huge impact on our largest tourist attraction, the Nevada Northern Railroad. My understanding is the power will be sold outside of White Pine County, possibly Reno area. There is plenty of water and mountain areas that could be utilized in that area rather than White Pine County.

Duck Creek is not zoned for industrial use, it is ranch agricultural and is currently used for hunting, fishing, camping, hiking and tourism. I have been informed that this company has not asked for a zone change prior to asking for a special use permit.

This company is purposely flying under the radar and the public is starting to wake up and have started asking questions. The County had not reached out to the WP Water Committee nor to Public Lands Committee for their input prior to placing the water lease on the agenda for approval. As such the Commission voted 4-1 to table the item until after the public hearing with include the water committee and others.

For these reasons I oppose the proposed establishment of this company in White Pine County, their destruction of public lands, with little or any benefit to the citizens of White Pine County.

Sincerely,



Brad K. Simpson

1776 Aultman Street

Ely, NV 89301

BradSimpson@Elyliving.com

702-400-6353

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

1. Council Members – City Treasurer/HR Director Trask – Discussion/For Possible Action- Approval of City of Ely Personal Vehicle Use Policy and Agreement.

City Treasurer-HR Director Trask stated Marshall Smith with Pool Pact helped create and oversee the Personal Vehicle Use Policy and Agreement and any questions should be routed to City Attorney Manuele.

Councilman Spear moved to approve the City of Ely Personal Vehicle Use Policy and Agreement as presented. Councilman Alworth seconded the motion. The motion carried unanimously

2. Council Members – City Treasurer/HR Director Trask – Discussion/For Possible Action – Approval of Addendum to City of Ely Personal Vehicle Use Policy.

Councilman Spear approved the addendum to City of Ely Personal Vehicle Use Policy. Councilman Alworth seconded the motion. The motion carried unanimously.

3. Councilman Alworth- Discussion/For Possible Action- Approval of comment letter on White Pine Pump Hydro Project draft environmental Sage Grouse Study.

Councilman Alworth stated the draft letter is included in the packets. Are we going to send copies of this letter to the Bureau of Land Management (BLM) and the Federal Energy Regulatory Commission (FERC) to get our concerns heard by other agencies involved? If we send it to just rPlus Energies and they don't like our comments, it may never go any further. This project has got to be brought to the public's attention and there needs to be transparency. This project is huge and like Mr. Simpson commented there is some financial gain to be made for certain individuals. I mentioned in the letter that the five miles of rail line is the only asset we have involved in the project and I also said in the letter that the man camp and the damage done to Duck Creek could severely impact the Duck Creek area for people that live here and hunt in the area. I have done a lot of reading on these projects and most of them draw the water from rivers or lakes. I don't know how it is even feasible to run water uphill from an irrigation basin. Another concern is recently they changed their diversion to be twelve miles closer to the project after getting White Pine water rights granted. The general public has no idea this is going on. You are welcome to look at this letter and make changes.

Mayor Robertson stated I would agree with Councilman Alworth on all those points. I would assume there will be public comment periods for all those entities if they are going to have to get permits. The process is a very complicated, bureaucratic, federal government process. They are in the planning sessions and there are no agreements or permits approved currently as I understand. I think the biggest thing we can do is remain responsive to all the public commentaries and making sure we are staying on top of what we are asked as a City.

Councilman Alworth stated I would like to add the correspondence refers to us as stakeholders. If the City of Ely is listed as stakeholders, people may get the idea that we are in agreement with them at this time. I think that wording is misleading.

Councilman Spear moved to approve the comment letter on White Pine Pump Hydro Project draft environmental Sage Grouse Study as written to be sent to rPlus Energies as well as the Bureau of Land Management (BLM) and the Federal Energy Regulatory Commission (FERC). Councilman Flangas seconded the motion. The motion carried unanimously.

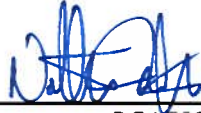
4. PUBLIC COMMENT

George Chachas stated White Pine County had a two-hour presentation on the White Pine Pumped Storage Project and many questions were answered. Mr. Chachas stated ongoing concerns with the 111 million or more gallons of water that have been used by the Golf Course and if it has been paid for; his public information request for the former code enforcement officer's log; his public information request regarding former Councilwoman Jolene Gardner receiving thousands of dollars from the City of Ely; curb/gutter codes not being enforced; and billing not being corrected to date for his properties.

Brad Simpson, local business owner, stated in reference to my letter I would like to see public town hall meetings held to inform the public of this project, sponsored by rPlus Energies.

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

Councilman Alworth moved to adjourn the Special meeting of the Ely City Council at **4:22 p.m.** Councilman Spear seconded the motion. The motion carried unanimously.



MAYOR



ATTEST