

CITY OF ELY

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

ELY CITY COUNCIL REGULAR MEETING

May 11, 2023, 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. Pastor Bob Winder offered an invocation. Mayor Robertson led in the Pledge of Allegiance and asked for Roll Call.

Members present:

Mayor Nathan Robertson
Councilman Terrill Trask
Councilman Kurt Carson
Councilwoman Samantha Elliott
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 Attorney Leo Cahoon
City Public Works Supervisor Mike Cracraft
City Fire Chief Pat Stork
City Engineer B.J. Almberg
City Police Chief Scott Henriod
City Building Official Craig Peterson
City Administrative Assistant Patti Cobb

Also, in attendance: Members of the public in attendance at the Ely Volunteer Fire Hall signed in (appears on the following page) and the following persons attended via video conference: Geri Wopschall, Gina Brown, Rhiannan Scanlon, Nora Tadic, and Kay Lynn Roberts-McMurray.

ELY CITY COUNCIL ATTENDANCE LIST

DATE: May 11, 2023

Print name below

Bill & Judy Webb
George Chachas
Adrian Markovic
Christopher Brown
Rendon Brown
Pastor Bob Winder
Mark Peterson
Thane Bybee
Elise Clark

Print name below

2. PUBLIC COMMENT

Christopher Garcia stated I am here on behalf of the Corndog Company-Ely. We are here to show support for items six and seven and ask on item seven the special license requirement to move from location to location be removed. We are for identifying and regulating mobile food vendors and defining that in the ordinance. Currently for our business if we move from 1095 Aultman Street to any other location in the City it is \$27.50 for a special event permit and that adds up pretty quickly. As a food truck we get invited to different events from time to time and that is why we got a mobile truck. We appreciate your time and consideration.

George Chachas stated on your agenda item 11B-11 you are to consider \$132,600.00 for outside legal railroad expenses and that needs to be denied as the Railroad has plenty of money. They fail to operate under the Nevada Open Meeting Law while spending hundreds of thousands of dollars of taxpayer's money. They have failed to provide public information, failed to respond to the rumors of embezzlement, and they have a nepotism problem. The Mayor, Councilman Alworth, and Councilwoman Williams-Harper are directors and cannot fairly represent the City's interest with the Railroad. On your agenda item 11B-13 you are considering drafting a resolution to dissolve the Railroad Enterprise Fund and that needs to be denied. The Enterprise Fund was created to provide income for the City and the Railroad. The Railroad has cost the City more than a million dollars in legal fees, has failed to collect track rental fees for fifteen years or more, and recently we learned they are hampering the people trying to bring in high-speed internet. On your agenda item 11B-7 you are to consider suspending the current practice requiring mobile vendors in the City of Ely to obtain a special event license when changing locations, and that needs to be denied. A fixed base business is required to get a special event license when they conduct business at a different location, and we need to stop the discrimination. Mobile vendors are not required to have port a potties or wash stations. Some have set up tables on asphalt and dirt lots which is not allowed; it is supposed to be picked up and go. On your agenda item 11B-5 you are to consider posting on the City's website items dealing with rPlus Energies application and so-called deficiencies. rPlus Energies know they have to meet federal regulations and they are addressing those issues as they arise. The agenda item implies the whole City population is against the project, which is not true. If Councilman Alworth wants to post information regarding the project, he can post it on his own site.

Rhiannon Scanlon with rPlus Energies read the following into the record:

Public Comment:

Good evening, my name is Rhiannon, Development Associate with rPlus Hydro for the White Pine Pumped Storage Project for rPlus Hydro. I'd like to provide a comment about Ely City Council Meeting, Agenda Item 11. B. 5.

I'm grateful to be able to provide the Ely City Council with a quick update about the White Pine Pumped Storage Project and the Federal Energy Regulatory Commission licensing process, also known as FERC. The FERC has received several comments from agencies and stakeholders, including the City of Ely and the Northern Nevada Railway, regarding the Final License Application that rPlus filed on February 27th. The FERC sent rPlus a letter on April 28th identifying several deficiencies in the Final License Application and requesting additional information. This letter from FERC is a standard part of the FERC licensing process. We are working hard to address the items identified by FERC and will provide the requested information to FERC as quickly as possible. We recognize that there is more work to do and items to resolve related to the project and we look forward to consulting with all stakeholders as the project moves forward in this licensing process. As such, and to provide greater information and transparency, rPlus Hydro supports the suggestion to post the FERC letter to the City's website, and requests that the City include a link to the project website. We ask to include the link to provide website viewers with reference to additional project specific information.

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 the ambulance we had out for bid generated a lot more revenue than I thought it would. We have all the signage off of it and it is ready to go once it is paid for. We did start advertising this week through Firecrew.org. I made some phone calls and talked with other fire chiefs around the state asking where they advertise for their open positions and that is one of the places they suggested. It is free advertising. We have one person that will be gone on the 31st of this month who turned in his resignation approximately two months ago and is going into the military; we have been advertising since then. As of last Friday, I have another employee that is leaving for different employment. We will have two firefighter positions we are trying to fill.

Councilman Alworth asked on your training report are all the attendees your people?

City Fire Chief Stork stated yes. I have had some discussions with the County, and we are trying to work together to include them in the trainings.

➤ **CITY ATTORNEY**

Mayor Robertson asked how is our Public Defender situation going?

City Attorney Cahoon stated we have been making do but have reached out to a few attorneys in Elko. Jane Eberhardy and Kristy Pickering have continued taking cases so right now we are filling the positions needed, but with the new change with the County there might be a new interest in going along with the State to fill those positions and needs.

➤ **CITY ENGINEER**

City Engineer Almberg stated we received approval from CDBG to begin work on our sewer project in Central Ely and our Bell Avenue Water Project. As I expressed to you before our desire is to start these projects at the beginning of the new fiscal year, but we do want to do the aerial before the trees leaf out. We are working very diligently on our Aultman Street Project. The ninety percent plans are due for the Aultman Street Project to NDOT in June. The contractor has begun the work on the Landfill ditch with grubbing today and will very shortly start on the actual ditch. Mike and I were able to meet with the County and with their coordinated effort to fix some of the roads. We met with an oil provider and one of the things he had suggested was potentially doing a scrub seal and a double chip on some of our roads. He says there is a lot of technology coming out with the cost of asphalt into pavement restoration. If this is successfully completed the RTC, County, and City have a distribution truck and would be able to do this process ourselves; it is scheduled for the later part of June for him to come and show our guys.

Councilman Alworth stated on some of our City streets I have noticed there is an x being painted on the street.

City Engineer Almberg stated I believe those are markings for our aerial we are going to be doing for the CDBG projects that I mentioned.

Mayor Robertson asked on the Murry Street Project that the Regional Transportation Commission (RTC) is going to be doing is the City named this time on the bond or the contract just as an entity, so we are not running into the problem we did last time where we have the RTC coming in, but it is our infrastructure, and we are not named on any of the documentation.

City Engineer Almberg stated I don't know if the City is named on any of the documents, but we did bring it through this time to get the Council's approval and make sure you were all comfortable with the layout. The RTC project was awarded this last Thursday and there is one modification that needs to go out and that is why it is on again for next Thursday. It was related to something the chairman had put in the motion and I misspoke on the penalties so that will be corrected as well.

Mayor Robertson asked is it too late to have the City named on those so there is some protection if things go south?

City Engineer Almberg stated I can surely check on that.

➤ **CITY PUBLIC WORKS SUPERVISOR**

Councilman Alworth asked on the Wastewater Treatment Plant report it states the decant line was plugged and the big compressor was used to dislodge it. Is that the new high-pressure compressor that was used and did it work well?

City Public Works Supervisor Cracraft stated yes, it worked great and was a great investment. They also used one that just shoots air that is located at the Wastewater Treatment Plant that is used to dislodge too.

5. NNRY FOUNDATION REPORT

Mayor Robertson disclosed I am a part time employee of the Nevada Northern Railroad, but this is not an item that is voted on.

NNRY President mark Bassett reviewed the following report:

NEVADA NORTHERN RAILWAY
NATIONAL HISTORIC LANDMARK



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

Monthly Operations Report for April 2023

1. Locomotive Status – Updated
 - a. Locomotives in service: #81, #105, #109, #204, #310, Wrecking Crane A & Rotary B.
 - b. Locomotive 93 is out-of-service. Repairs are proceeding on her valve chests. We have finished boring the cylinders.
 - c. Locomotive 40 is out of service for her heavy repairs. We have started on her repairs; she will be out of service until 2024.
 - d. Locomotive 801 is blue carded, that means she is operational.
 - e. Locomotives out of service needing moderate repairs: #201 and #34
 - f. Locomotives waiting funding for restoration: Steptoe Valley Smelting and Mining #309, Kennecott 802 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: #07, #08, #09, Flatcar #23, Coach #5, Baggage Car/RPO #20, Outfit Car #06.
 - b. Passenger equipment out of service: #10, #2 and #05 needing heavy repairs.
 - c. Caboose in service: #3 and #22 are operational.
 - d. Caboose out service: #5 and #6. Caboose #6 needs a 50-year waiver.
4. Track Status – Updated
 - a. Keystone Branch is open. We do have some soft spots that we will be tamping up.
 - b. Adverse Branch is open.
 - c. Museum Branch is the track between the East Ely Depot and the White Pine Public Museum. Our contractor is finishing up the track and it will be open for service shortly.
5. Ridership and Ticket Sales – Updated
 - a. In April we carried 812 passengers, this is a 32% increase compared to 2022. It was our second largest April in 35 years.
 - b. Year to date we have carried 1,471 passengers, this is a 12% increase compared to 2022.
 - c. Since operations began in 1987, we have carried 349,316 passengers.
6. Economic Impact – Data from Travel Nevada Visitor Facts Pony Express 2016-2020
The average non-gaming & gaming daily expenditure per overnight visitor \$140.
Economic Impact for April 2023 is $1471 \times 80\% \times 140 = \$90,944$
Economic Impact Year To Date is $1471 \times 80\% \times 140 = \$164,752$

Award Winning Destination
Best Historic Railroad of the West – 2022
Best Adrenaline Rush in Rural Nevada – 2020
Best Museum in Rural Nevada – 2022, 2020, 2017, 2016, 2014, 2013, 2010, 2009, 2008
Trip Advisor Certificate of Excellence – 2022, 2021, 2020, 2019, 2018, 2017, 2016, 2015, 2014
Best Place to Take the Kids in Rural Nevada - 2020, 2019, 2018, 2015, 2014, 2013, 2012, 2011, 2010, 2009, 2008, 2007

These numbers only reflect the economic impact of our train passengers and does not include visitors who did not ride the train.

7. Social Media: Our reach on social media continues to expand, in March:
- a. We reached 887,856 people.
 - c. We have 130,900-page likes.
 - d. 179,307 people follow our page.

8. We are celebrating Dirt, the Boss Shop Cat life on May 28th.
The schedule is:

8:00a – Museum Opens
8:30a – Dirt Engine House Tour
9:30a – Steam Locomotive Cab Tours
10:30a - Eulogy at Dirt's Grave Site
11:30a - Dirt's Memorial Day Excursion Train
12:00p - Dirt Engine House Tour
2:00p - Dirt's Memorial Day Excursion Train
4:00p – Museum Closes



We are having two bronze statues cast. One will be placed on his gravestone, next to the depot. The other will be at the engine house where he was born.



6. REPORTS

➤ COUNCILWOMAN WILLIAMS-HARPER

Councilwoman Williams-Harper stated I would just like to say thank you to the Railroad. The Railroad employes four of our students. I am going to be talking to Fire Chief Stork because next year we are going to try to integrate some of our students into those positions we really need. We have a lot of kids that don't want to go and wish to stay in Ely and there are not just jobs, but careers for them here.

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

1. Board Members – City Engineer Almberg - Discussion/For Possible Action – Approval to Award the bid for two (2) submersible pumps for the City of Ely Lift station located in the White Pine County Industrial Park three (3) miles north of Ely.

Councilman Carson stated the Municipal Utilities Board did recommend approval this morning. There was some conversation by Chairman O'Flaherty being concerned with the separation of the pumps being bought by the City of Ely and then having a contractor install them. After talking with Mike Cracraft, I feel very comfortable moving forward because time is of the essence on this. The pump supplier stated they will be here on start up to cover them under warranty and the contractor will have it covered as well.

Councilman Alworth asked is the part down in the hole that did not match up being replaced too?

Public Works Supervisor Cracraft stated yes.

Councilman Carson moved to approve awarding the bid for two (2) submersible pumps for the City of Ely Lift station located in the White Pine County Industrial Park three (3) miles north of Ely to Mountainland Supply Company. Councilman Alworth seconded the motion. The motion carried unanimously.

2. Councilman Carson – Discussion/For Possible Action – Approval to waive commercial fees to deposit metal at City Landfill from May 12, 2023, thru May 31, 2023, to encourage commercial property owners to clean up their property OR direct City Attorney to prepare a resolution to waive fee entirely.

Councilman Carson stated the Municipal Utilities Board recommended approval to waive the fee entirely.

Councilman Alworth moved to approve waiving commercial fees to deposit metal at the City Landfill entirely to encourage commercial property owners to clean up their property. Councilman Carson seconded the motion. The motion carried unanimously.

3. Councilman Carson – Discussion Only – Review of White Pine County Golf Course 2023 water allotment and rate per City Council action on March 10, 2022.

Councilman Carson stated I just put this on here for conversation because everyone was a little confused. Last year we talked about a one-year and a two-year agreement, but Councilman Alworth did move to approve it to go through October 31, 2023, so they can continue to water under the special rate that was set. The County is working diligently on getting the well drilled at the Golf Course. It is a big project, but hopefully they will have it done this year.

4. Board Members – City Engineer Almberg – Discussion Only – Review of State of Nevada Bureau of Sustainable Materials Management (BSMM) Approval of 5-year Capacity Report Update for City of Ely Municipal Landfill, White Pine County, Nevada, Permit # SW224REV03.

City Engineer Almberg stated this is an update on the report that I already presented. The State came back and agreed with the landfill life as projected. The current life of the landfill is 2066 for Class III and at that time Class III will be put in Class I with Class I anticipated to reach its lifespan in 2071.

Mayor Robertson asked how high is the mountain supposed to be by then?

City Engineer Almberg stated I will get you that number. The height is predetermined by what is approved in our permit. We go out every five years and do an aerial and calculate the air space.

5. Board Members – City Engineer Almberg – Discussion/For Possible Action – Approval of Golden Gate Petroleum LLC's Will-Serve Application to tap the City's water line at APN: 002-042-08 for one (1) - three-inch (3") water service, three (3) – two-inch (2") water services and one hundred ninety-two (192) fixtures.

Councilman Carson stated the Utilities Board recommended approval of Golden Gate Petroleum LLC's Will-Serve Application contingent on mitigation of the impact on city roads and relocation of the sewer line located on that property.

City Engineer Almberg stated the way their site is set up is any big truck that goes into fuel only has an exit onto our Golf Course Road and I am going to assume that road is not going to handle that much truck traffic. If they don't change the plans but are willing to come in and mitigate those roads, I would think we would put a center median in or something so people can't turn left because we surely don't want them turning left and going onto our roads.

Councilman Carson asked what did they do up at Love's to mitigate that heavy truck traffic? Did they put in six inches of asphalt?

City Engineer Almborg stated they basically built all of that to be heavier duty to handle the truck traffic up there.

Councilman Carson moved to approve Golden Gate Petroleum LLC's Will-Serve Application to tap the City's water line at APN: 002-042-08 for one – three-inch (3") water service, three – two-inch water service, and one hundred and ninety-two (192) fixtures contingent on Golden Gate Petroleum LLC mitigating the impact on City of Ely roadways and rerouting the existing sewer main. Councilman Alworth seconded the motion. The motion carried unanimously.

Mayor Robertson opened items 6, 7, 8, and 9 together.

Councilman Carson stated the Municipal Utilities Board recommended approval of items six through nine.

6. Board Members – City Clerk Lee – Discussion/For Possible Action – Approval to remove past due utility fee penalties up to the amount of \$107.00 from 6 Avenue F, McGill, Nevada at the request of Property Owner, Jessie and Marissa Loghry.

Councilman Carson moved to approve removal of past due utility fee penalties up to the amount of \$107.00 from 6 Avenue F, McGill, Nevada at the request of Property Owner, Jessie and Marissa Loghry. Councilman Trask seconded the motion. The motion carried unanimously.

7. Board Members – City Clerk Lee – Discussion/For Possible Action – Approval to remove past due utility fee penalties up to the amount of \$353.52 from 1 First Street, Ruth, Nevada at the request of Property Owner, Melissa Tamura.

Councilman Carson moved to approve removal of past due utility fee penalties up to the amount of \$353.52 from 1 First Street, Ruth, Nevada at the request of Property Owner, Melissa Tamura. Councilman Trask seconded the motion. The motion carried unanimously.

8. Board Members – City Clerk Lee - Discussion/For Possible Action – Approval to remove past due utility fee penalties up to the amount of \$1,317.88 from 64 North Third Street, McGill, Nevada at the request of Doris Lyman McNeal.

Councilman Carson moved to approve removal of past due utility fee penalties up to the amount of \$1,317.88 from 64 North Third Street, McGill, Nevada at the request of Doris Lyman McNeal. Councilman Trask seconded the motion. The motion carried unanimously.

9. Board Members – City Clerk Lee – Discussion/For Possible Action – Approval to remove past due utility fee penalties up to the amount of \$3,636.11 from 464 Stevens Avenue, Ely, Nevada at the request of Dwayne Pope.

Councilman Carson moved to approve removal of past due utility fee penalties up to the amount of \$3,636.11 from 464 Stevens Avenue, Ely, Nevada at the request of Dwayne Pope. 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 – City Attorney Cahoon - Public Hearing – Discussion Only – Approval of Second Reading of Ordinance 747, Bill No. 2023-02, proposed ordinance establishing appraiser selection processes for the sale or lease of municipal real property.

George Chachas stated the City and investors paid good money and market price for their property. The City should not be hiring an appraiser and selling City property and competing against the private sector. Mr. Alworth stated at a previous meeting that he knew someone with thirty properties that wouldn't sell them. If he is talking about me, you guys aren't giving me a permit to do anything with my property and I am not going to stand for that. You need to do away with this for now. Once there is no property available it will be a different story. You guys aren't encouraging local growth when you throw that kind of property out onto the market. You are cutting the legs out from under all the investors in this community and it needs to stop.

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


- 1. Council Members – City Attorney Cahoon – Discussion/For Possible Action - Approval of Second Reading of Ordinance 747, Bill No. 2023-02, proposed ordinance establishing appraiser selection processes for the sale or lease of municipal real property.

Councilman Alworth moved to adopt Ordinance 747, Bill No. 2023-02, a proposed ordinance establishing appraiser selection processes for the sale of lease of municipal real property. Councilman Carson seconded the motion. The motion carried unanimously.

10. ITEMS FOR DISCUSSION/POSSIBLE ACTION OF THE ELY CITY COUNCIL AS RECOMMENDED BY THE CITY TREE BOARD.

- 1. Chairman Wolf – Discussion/For Possible Action – Approval that May 13, 2023, be proclaimed Al Curtis Memorial Arbor Day in the City of Ely.

City Tree Board Chairman Bill Wolf stated Al Curtis was one of the founding members of the City Tree Board. When we first put the City Tree Board together and Mr. Curtis was appointed to it, I was told he was a renegade, and it turns out he was one of those good renegades. He got the City Tree Board going and was an active participant with great ideas and knowledge. He passed away this last winter and I thought it was an appropriate honor for someone who put so much effort into it.



Whereas,

In 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees, and

Whereas,

this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska, and

Whereas,

Arbor Day is now observed throughout the nation and the world, and

Whereas,

trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce life-giving oxygen, and provide habitat for wildlife, and

Whereas,

trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products, and

Whereas,

trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community, and

Whereas,

trees, wherever they are planted, are a source of joy and spiritual renewal.

Now, Therefore, I,


Nathan Robertson

Ely

May 13, 2023

Mayor of the City of
do hereby proclaim
as

AI Curtis Memorial Arbor Day



AI Curtis was a founding member of the Ely City Tree Board and contributed passionately in all aspects of tree beautification in the City of Ely.

In the City of

Ely, Nevada

and I urge all citizens to celebrate Arbor Day and to support efforts to protect our trees and woodlands, and

Further,

I urge all citizens to plant trees to gladden the heart and promote the well-being of this and future generations.

Dated this

11th

day of May

Mayor

Nathan Robertson

Councilman Trask moved to approve May 13, 2023, be proclaimed Al Curtis Memorial Arbor Day in the City of Ely. Councilwoman Elliott seconded the motion. The motion carried unanimously.

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

A. CONSENT AGENDA

Councilman Alworth disclosed I am a past member of the Volunteer Fire Department and bills that are paid on behalf of the City of Ely Fire Department I believe are paid in the best interest of the citizens.

Mayor Robertson stated my spouse is a member of the Volunteer Fire Department and is not treated any differently than any of the others so I will not be abstaining, and I also don't vote.

MOTION: Move to approve the Consent Agenda item 11A-1 Minutes and 11A-2 Bills.

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

1. Discussion/For Possible Action – Minutes
 - April 13, 2023
2. Discussion/For Possible Action – Bills.
 - April 26, 2023
 - May 3, 2023

B. NEW BUSINESS

1. Mayor Robertson – *Silicon Ranch* Strategic Planning and Initiatives Director Adrian Markocic – Discussion Only - Presentation regarding solar energy project which could potentially include part of City property north of Nevada Highway 490.

Silicon Ranch Strategic Planning and Initiatives Director Adrian Markocic stated I have with me via Zoom our Senior Director of Community Development, Gina Brown, and she will review our presentation to introduce Silicon Ranch to the community. We also want to share some information about the project itself and how we ended up at the point that we identified the City of Ely as a potential location for a solar project.

Senior Director of Community Development, Gina Brown reviewed the following slides and stated we have never sold one of our assets or backed away from a project:

CONFIDENTIAL



SILICON RANCH

2

Silicon Ranch

Founded in 2011, Silicon Ranch is a fully integrated provider of customized renewable energy, carbon, and battery storage solutions for a diverse set of partners across North America. The company is one of the largest independent power producers in the country, with a portfolio that includes more than five gigawatts of solar and battery storage systems that are contracted, under construction, or operating across the US and Canada.

Silicon Ranch owns and operates every project in its portfolio and has maintained an unblemished track record of project execution, having successfully commissioned every project it has contracted in its history.

CONFIDENTIAL

SILICON RANCH

Silicon Ranch Business Model: A Fully-Integrated Platform

DEVELOP

DESIGN

FUND

CONSTRUCT

OWN

OPERATE

In-House Expertise

- Develop**
 - Develop Originate development process based on customer demand
 - Secure favorable interconnection in consultation with community partners
 - Secure quality buildable sites through strong community relations
- Design**
 - Projects engineered for 40-year design life
 - Tier 1 equipment selected to maximize long-term performance
 - World class O&M team provides continuous feedback to improve fleet performance and overall portfolio
- Fund**
 - Access to captive finance companies allows financial optimization and streamlines project finance process
 - National award winning in-house financial team has deep experience with all tax equity structures
- Construct**
 - SR EPC is a licensed general contractor in 20+ states, allowing Silicon Ranch to control all aspects of plant and interconnection construction
 - SR EPC subcontract with leading national construction firms and directly procures from leading module and transformer manufacturers
- Own**
 - Unlike most solar developers, the Company owns 20,000+ acres of prime solar sites and has purchase options on tens of thousands of acres, strategically located to support its contracted backlog and development pipeline
 - Regenerative Energy® model of land management sequesters carbon and restores land to functioning grassland ecosystem
- Operate**
 - In-house O&M team advances robust designs to drive higher standards of quality and extend the facility's lifespan
 - State-of-the-art control center at headquarters

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SILICON RANCH

Geographically Diverse Portfolio

Silicon Ranch's Operating, Under Construction and PPA-Executed Projects Span Across 16 States Coast-to-Coast and Alberta, CA

Operating

Development, Engineering, Construction

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SILICON RANCH

Growth Fueled by Repeat Business from Satisfied Customers

More than 60% of Customers Have Done Repeat Business with Silicon Ranch®

TVA 40+ Projects	Meta 7 Projects	GREEN POWER EMC 12 Projects
KOHL'S 25 Projects	Poudre Valley REA 6 Projects	4 Projects
UNITED POWER 4 Projects	Southern Company 3 Projects(2)	2 Projects
EVERSOURCE ui 2 Projects	AEROJET ROCKETDYNE 2 Projects	VANDERBILT UNIVERSITY 2 Projects

Source: Company Information
1. Reflects operating, under construction and PPA-executed projects
2. Reflects Mississippi Power and Georgia Power projects

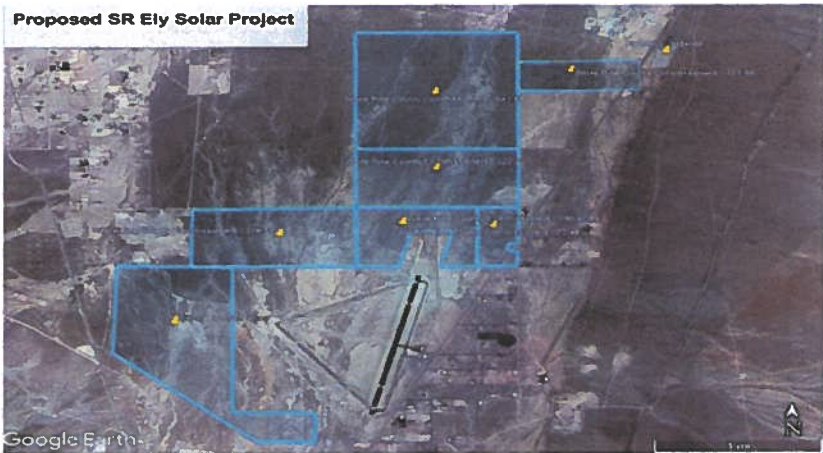
Silicon Ranch Strategic Planning and Initiatives Director Adrian Markocic reviewed the slide below stating we don't chase requests for proposals from utilities, we are customer driven. The power generated by this project will stay in Nevada. I understand Mt. Wheeler Power Co-op serves this area. Electrons don't abide contracts; they just float everywhere. There will be some benefits to residents in this area as well, just from the perspective that we are including a storage component with this project. We are looking to have this project near the airport and working with White Pine County to purchase the property and also include the City of Ely's property that is just north of there. We estimate there would be six to eight full time employees with this project. We were founded by a former governor in Tennessee, and we try to purchase as much of our materials and equipment as we can from the United States.

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SILICON RANCH

Project Details


Proposed SR Ely Solar Project




Google Earth



2238 acres



200MWac +
400MWhrs storage



Interconnects with
Nevada Energy

Senior Director of Community Development, Gina Brown reviewed the following slide and stated there is no intention of us impeding any growth of the airport and want to make sure it is not a conflict in any way. When it comes to the Federal Aviation Administration (FAA), and you locate in proximity to an airport you do certain studies regarding the glare and receive letters from the FAA for approval. There are many solar facilities at airports across the world. We take our land management very seriously and always want to return the land back to its original state or better after a project. A solar project typically has a forty-year life span. There is more we want to bring to the table than just clean energy, so we look for ways to become members of the community. One of the concerns was the workforce for the project and we would have to look into housing opportunities and hiring locally.

CONFIDENTIAL

SILICON RANCH

Commitment to Community

Silicon Ranch owns and operates every project in our portfolio for the long-term. When we invest in a project, we become a dedicated member of the community.

Silicon Ranch takes pride in being a good neighbor. Our number one priority is making a positive impact on the communities in which we locate.

"Well, when [Silicon Ranch] purchased the property there, they became owners just like anyone else who owns a house, owns land. They are taxpayers. They are part of the community, just like I am."

- June Merritt, former Early County Board of Commissioners Chairman, Georgia



Councilman Alworth asked does this project have to go under the Federal Energy Regulatory Commission's (FERC) review and if so when do you present your plan to FERC?

Silicon Ranch Strategic Planning and Initiatives Director Adrian Markocic stated this does not go under FERC review it will just be reviewed by Nevada Energies. We submitted an application to Nevada Energies, and we are currently in the queue for this project. We estimate at this point based on Nevada Energies historical time frame study process that we would probably receive an interconnection agreement sometime. Even with that interconnection agreement we would not be able to start immediately for multiple reasons. There are layers of permitting involved on the environmental side. Importantly, Nevada Energy has to order equipment and they don't estimate that equipment being available until 2026 or 2027, so that is what we are working around at this point.

Councilman Alworth asked what have the comments been being that close to the airport?

Silicon Ranch Strategic Planning and Initiatives Director Adrian Markocic stated there are FAA regulations that need to be followed in respect that there is vertical runway distance, and we are taking that into account. There were some questions regarding expanding the airport if needed and the general consensus is the parcel in which the airport itself is located provides ample opportunity for growth of additional hangars and other types of ancillary facilities as may be required. There is also a belief the airport won't be expanding and is why the County was interested in this opportunity, and we don't want to impede if there is an opportunity for growth.

Councilman Alworth asked the five hundred and sixty-five acres of City of Ely property is on the Georgetown Ranch and currently in a lease. My question is are you guys going to go with the lease concept or are you going to want to buy it?

Silicon Ranch Strategic Planning and Initiatives Director Adrian Markocic stated this is common in a lot of places we go. I think people look at the present value of what a lease cost is and work off that to come to a value. In that case you are getting the upfront money in which you can spend and invest in however you choose. We would be happy to discuss this further later on in the process.

Mayor Robertson asked is there a federal component with the Counties land that still has to be resolved?

Silicon Ranch Strategic Planning and Initiatives Director Adrian Markocic stated there is. In the White Pine County's Land Act of 2006 or 2008 it specifically states the land has to be used for the purposes of airport expansion and there is industrial park land that can only be used for industrial park uses. The deed which was conveyed by the Bureau of Land Management (BLM) doesn't have any type of restriction on it. There is clearly an intent for the land to be used for multiple purposes and not just those specific purposes. The issue with that restriction is if the land is used in any other matter, it reverts back to the Secretary of Interior. That is what I referenced earlier when I stated we are talking with multiple entities in Washington D.C. at this point and working hand in hand with the County to get that issue addressed. From our perspective, and I think the County would agree, whether or not this project goes through we are committed to going as far as we can and hopefully the County will have that land unincumbered by restrictions.

2. Mayor Robertson – Bill Wolf – Discussion/For Possible Action – Approval to send a letter to the Nevada Legislature Budget Committee in opposition to the proposed closure of the Ely Conservation Camp for minimum security inmates.

Bill Wolf stated it is pretty self-explanatory and most people know they are going to try and close the camp. It is very important for this community to keep this camp going and the industry shop could be invaluable for projects needing to be done. If they close this down, you are going to have available approximately fifteen inmates from the Ely State Prison to come out and do projects and I think it would be a major loss to the community.

White Pine County Commission Chair Shane Bybee stated it seems to me we should be a little more proactive beyond the letter and put together an ad hoc committee between the County, City, and Bill because of his vast knowledge and background and see if we can set up some meetings in Carson City pretty quick to let them know this is something we seriously want to keep for this area. I am hoping we can take it one step further and White Pine County and the City can go in one car and show them we stand together on this.

Councilman Alworth stated I think the letter is very well written and covers all the bases. I think if there is a group that goes, they need to mention the loss of manpower and the citizens that are going to be displaced. What they do in this community is irreplaceable and this last winter we could have used an army of them. I support Shane's idea on this also.

Councilman Alworth moved to approve sending a letter to the Nevada Legislature Budget Committee in opposition to the proposed closure of the Ely Conservation Camp for minimum security inmates. Councilwoman Elliott seconded the motion. The motion carried unanimously.

3. Mayor Robertson – Discussion/For Possible Action – Acceptance of the Mayor's selection of Mike Cracraft for appointment as the City Public Works Director and determination of salary.

Mayor Robertson stated this is based on prior council decision to fill this position starting the next fiscal year. In discussions with Councilman Carson, we wanted to make sure we approved this and anything that will need to go in the budget before we finalize that. I talked with Mr. Cracraft, and he is willing to accept the assignment.

Councilman Alworth stated we all scanned through this application, but the one thing it is missing is there is nothing about the Water Department, Sewer Department, or the Landfill. It is a minor thing, but if we were to send this out and had somebody come in for the job and we say they are over those department and the application didn't state that it could cause issues.

City Attorney Cahoon stated the Code does say at the discretion of the Mayor and City Council he may function as the Parks and Maintenance Director as well as the Cemetery Sexton.

Mayor Robertson stated what Councilman Alworth is saying is it doesn't specifically mention water, sewer, landfill, and roads.

Councilman Alworth stated I think if we delay this and put those items in under B-1 we can bring it right back and still be in line for the Treasurer to budget.

Mayor Robertson stated I believe that is the next meeting. Is there any way we could approve the appointment and set the salary and correct the application prior to July 1st with the understanding that those jobs are included. Is there a salary you were thinking?

Councilman Alworth asked what is his current salary?

City Public Works Supervisor Cracraft stated right around \$69,000.00 is my current salary. After talking with the City Treasurer and the City Clerk my feeling is it should be similar to what their salaries are. I would be very comfortable with a five percent increase to what I am currently making.

Councilman Trask stated a five percent increase would be a salary of \$72,450.00.

Councilman Alworth stated the only comment I have on this, and it was discussed in the past is this appointment will take so much off the City Clerk because I am constantly going through the chain of command procedure calling and texting her to have him do

something and then to follow up, I have to go through her to find out what he did. What I would like to see with the offer to him for that kind of money is some kind of work order system which we discussed when we first started talking about this. His staff all know what to do, but any of us can now call him directly and he will no longer have one boss, but all of us to answer to and there needs to be something simple to report back on tasks being completed. I think we see how it goes for six months and see how he takes the pestering from mainly me, and if all goes well, he gets retroactively paid.

Mayor Robertson stated to be clear this becomes much more of an administrative position and while there are breaks and things going on it will be incumbent of you to not be down there in the trench because there is paperwork that needs to be done and communication is the key.

Councilwoman Williams-Harper stated I think there needs to be a form for tracking.

City Public Works Supervisor Cracraft stated yes, I have no issues with doing an email or a form. It will have to be something that is worked on because we all know we are very short staffed, so it is hard to give timelines on jobs. The biggest thing I have found I have to do in this job is prioritize.

Councilman Carson stated I think we are getting into some grey area. I understand Mike reports to us, but where do we draw the line. As Council Members we are not supposed to meddle in day-to-day business.

Mayor Robertson stated we don't need the micromanagement, but we do need to have a simple tracking system so that the information can be relayed as to what the follow-up is on projects.

Councilman Trask stated he is taking on more of a workload and what would give him a reason to do it. I think if we are going to be committed to this and he takes on the extra responsibility as of July 1st we should pay him from that date forward.

City Clerk Lee stated I just need to bring to the Council's attention that there are several Public Works Director responsibilities I have had since I started. There is all the communications with the Nevada Department of Environmental Protection (NDEP) that will all get handed to Mike, and several other things paperwork wise that he will be handling once he starts.

Councilwoman Elliott stated I think five percent is really low and I would definitely agree to start that July 1st with review later looking at what you have done in those few months and reevaluate at that time.

Councilman Carson stated correct me if I am wrong, but when we did start this conversation, I thought we talked about Mike being a non-working supervisor at that point; do we need to backfill a position somewhere?

City Treasurer-HR Director Trask stated I have it in the budget for a Parks/Cemetery Leadman in the new fiscal year.

Councilman Trask moved to accept the Mayor's selection of Mike Cracraft for appointment as the City Public Works Director effective July 1, 2023 with a salary of \$73,000.00 and duties to include supervision over the Water/Sewer Department, Landfill, and Wastewater Treatment Plant, as well as all other departments he currently supervises, which will be updated in the City Code; a performance review will be conducted at the end of September 2023. Councilman Carson seconded the motion. The motion carried unanimously.

4. Councilman Alworth – Councilwoman Elliott– Discussion Only – Update on Porter Group efforts on the City of Ely’s behalf to secure federal and State funding.

Councilman Alworth stated most of it is the new guy emailing the City Clerk.

City Clerk Lee stated I can report that today after I requested the fiscal year 2023 grant cost waiver request that Jill asked about, she encouraged us to get it in now, so I am working on that.

Mayor Robertson recessed the Regular City Council Meeting at 6:26 P.M.

Mayor Robertson reconvened the Regular City Council Meeting at 6:36 P.M.

5. Councilman Alworth – Discussion/For Possible Action – Approval to post to the City’s website – <https://cityofelynv.gov> – the Federal Energy Regulatory Commission’s (FERC) notice of Deficiency of License Application and Additional Information Request to *rPlus Hydro, LLLP* regarding the White Pine Pumped Storage Project, No. 14851-003 filed February 27, 2023; referenced deficiencies are listed in the notice’s Schedule A, with the purpose of this consideration being to make the public aware of said deficiencies.

Councilman Alworth stated this is forty pages of what the Mayor just read and I think it is very important the public know. It will take several days to read and digest. The public is really misinformed. They are promising a lot of stuff, and FERC has done a great job. One of the things is there are residents that were never given notice properly and that includes the City of Ely. They are doing stuff in a wilderness area and the Forest Service was never notified. There are a couple of County officials that think this is a real money maker and I just need to read one short paragraph:

Exhibit E

Need for Pumped Storage Hydropower

26. Section 1.1.2 *Need for Pumped Storage Hydropower*, states that White Pine County would lose thousands of construction and operation employment jobs, associated indirect income and spending over the potential life of the project if the project is not licensed, and an opportunity to use industrial water rights originally granted for energy project development, and that White Pine County and the State of Nevada would lose property tax income. These statements are inaccurate because the project does not currently exist for White Pine County to lose these stated benefits and for the State of Nevada to lose property tax income. Rather, White Pine County and the State of Nevada might not gain the stated benefits. Please revise the section to appropriately indicate that White Pine County and the State of Nevada might not gain the benefits that are stated for each.

If you are an outdoorsman and this thing goes through, they are going to permanently fence off land on BLM land and they haven’t even got the approval. I really encourage the public to read through this and be informed.

Councilman Alworth moved to approve posting to the City’s website under News and Updates <https://cityofelynv.gov> – the Federal Energy Regulatory Commission’s (FERC) notice of Deficiency of License Application and Additional Information Request to *rPlus Hydro, LLLP* regarding the White Pine Pumped Storage Project, No. 14851-003 filed February 27, 2023; referenced deficiencies are listed in the notice’s Schedule A, with the purpose of this consideration being to make the public aware of said deficiencies as well as posting the link to the rPlus Energies website. Councilwoman Williams-Harper seconded the motion. The motion carried unanimously.

6. Councilman Alworth – Discussion/For Possible Action – Approval to direct city attorney to draft an ordinance amending Title 3 Business and License regulations to establish a code for mobile vendors.

Councilman Alworth stated we don’t have an ordinance for mobile vending.

Mayor Robertson stated I know our current code doesn’t contemplate this and I am behind this to make it easier for our mobile vendors.

Councilman Trask stated I know yearlong residents can buy a catering license and is that something the brick-and-mortar restaurants could do is get a catering license instead of getting special event licenses. What I am afraid of is if we offer it to mobile vendors are we going to offer it across the whole food industry.

Mayor Robertson stated I think there are some fundamental differences because every time someone comes in or holds an event, I will tell the Council there is this discussion that goes on in the office of how we make our archaic system apply to this. We have kind of patched together a system of policies that works for the most part. I think mobile food vendors is a different case than catering.

Councilman Trask stated I would like to disclose before continuing that I own a catering business.

City Attorney Cahoon stated I believe there is language under the catering provision that says onsite.

Councilman Alworth moved to direct the city attorney to draft an ordinance amending Title 3 Business and License regulations to establish a code for mobile vendors. Councilwoman Elliott seconded the motion. The motion carried unanimously.

7. Councilman Alworth – Discussion/For Possible Action – Approval of Resolution 2023-05 to temporarily suspend the requirement that mobile vendors in the City of Ely obtain a Special Event License when moving from their designated location.

City Attorney Cahoon stated this resolution will suspend the requirement that mobile vendors in the City of Ely obtain a Special Event License when moving from their designated location until the new ordinance is in place.

**CITY OF ELY
RESOLUTION 2023-05**

**RESOLUTION TO SUSPEND CURRENT PRACTICE REQUIRING MOBILE
VENDOR TO OBTAIN A SPECIAL EVENT LICENSE WHEN CHANGING
LOCATIONS**

WHEREAS, the Ely City Council has the authority to pass resolutions that are not repugnant to the constitutions of the United States or of the State of Nevada or to the provisions of Chapter 266 of the Nevada Revised Statutes, necessary for good municipal government and the management of the city affairs pursuant to Ely City Code ("ECC") 1-5-4(B) and N.R.S. 266.105;

WHEREAS, all mobile vendors currently have to obtain a new Special Event License under ECC 3-2-5-2 each time they change locations;

WHEREAS, there is a need for specific rules, regulations, and guidance in the Ely City Code governing mobile vendors;

WHEREAS, until an ordinance establishing rules and regulations for mobile vendors is passed and made effective, the City of Ely desires to suspend its current practice of requiring mobile vendors with valid City Business Licenses to obtain a Special Event License under ECC 3-2-5-2; and

NOW, THEREFORE, in the best interest of the City of Ely and its citizens, the City Council of the City of Ely, State of Nevada, hereby resolves and orders, by way of this Resolution, that the current practice of requiring mobile vendors with Valid City Business Licenses to obtain a Special Event License be suspended until an ordinance creating a Mobile Vendor Chapter in the Title 3 "Business and License Regulations" of the Ely City Code is passed and made effective.

AYES: _____

NAYS: _____

ABSTAIN: _____

INTRODUCED AND PASSED this _____ day of _____, 2023.

APPROVED:

ATTESTED TO BY:

NATHAN ROBERTSON, MAYOR

JENNIFER LEE, CITY CLERK

Councilman Alworth moved to approve Resolution 2023-05 to temporarily suspend the requirement that mobile vendors in the City of Ely obtain a Special Event License when moving from their designated location. Councilwoman Elliott seconded the motion. The motion carried unanimously.

8. Council Members - City Fire Chief Stork – Discussion/For Possible Action – Approval to award the bid for 1995 Ford E350 Ambulance, VIN: 1FDKE30F4SHB31013 with Minimum bid of \$100.00.



City of Ely
Personal Property Sale
Bid Tabulation

CITY OF ELY

501 Mill Street Ely, Nevada 89301
City Hall (775) 289-2130
Fax (775) 289-1463
Cityofelynv.gov

Bid Items	Bidder	Bidder	Bidder	Highest Bid for Property
	Chris Hall	Wayne Henriod	Dustin Melser	Dustin Melser
1995 Ford E350 Ambulance VIN: 1FDKE30F4SHB31013 Minimum Bid: \$100.00	\$150.00	\$575.00	\$2,501.00	\$2,501.00

Present for Bid Opening: City Clerk Lee and Administrative Assistant Cobb

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

City Fire Chief Stork stated we received three bids for this ambulance and the highest bid is Dustin Melser for \$2,501.00. He has until the end of the month to pay for it and pick it up and if he doesn't it will go to the next highest bid.

Councilman Alworth stated I know there will be these types of silent bids coming up and we need to note the type of payment accepted for the future.

Councilwoman Williams-Harper moved to award the bid for 1995 Ford E350 Ambulance, VIN: 1FDKE30F4SHB31013 to Dustin Melser for \$2,501.00. Councilman Alworth seconded the motion. The motion carried unanimously.

9. Council Members – City Fire Chief Stork – Discussion/For Possible Action - Approval of recommendation to suspend open burning in City of Ely limits June 1, 2023, thru October 15, 2023; this proposed action would not affect previously approved Open Burning permits.

City Fire Chief Stork stated this is the same thing we do every year. This year we have gone a little longer because we have had a wet spring.

Councilwoman Elliott moved to approve suspending open burning in City of Ely limits June 1, 2023, thru October 15, 2023. Councilman Trask seconded the motion. The motion carried unanimously.

14. Council Members – City Building Official Peterson – Discussion/For Possible Action – Approval to direct city attorney to draft a resolution establishing a fee to re-open building permits for construction projects issued under currently adopted codes.

City Building Official Peterson stated this is fairly simple. The adoptive and administrative code that we have does not give authority to reopen permits. It may be alarming to you, and it is very alarming to me that permit expiration dates are not the first and foremost thing on people's minds. There are times they miss the date and the permit closes, so I wanted to charge a nominal fee to reopen permits that have been previously approved as long as they were contained in the same code cycle.

Councilman Alworth stated I believe the resolution is a great idea, but so you don't get picked on I think a percentage of the permit would be the best route.

Councilman Carson moved to direct the city attorney to draft a resolution establishing a fee to re-open building permits for construction projects issued under currently adopted codes. Councilwoman Williams-Harper seconded the motion. The motion carried unanimously.

10. Council Members – City Treasurer Trask – Discussion/For Possible Action - Approval of Resolution 2023-04 for the purpose of augmenting the City of Ely's General Fund using unbudgeted revenue in the amount of \$300,000.00 to apply towards street improvements.

City Treasurer-HR Director Trask stated this is to augment the Street Fund that you approved to transfer from the Community Support Fund.

Councilman Carson moved to approve Resolution 2023-04 for the purpose of augmenting the City of Ely's General Fund using unbudgeted revenue in the amount of \$300,000.00 to apply towards street improvements. Councilman Alworth seconded the motion. The motion carried unanimously.

11. Council Members – City Treasurer Trask – Discussion/For Possible Action - Approval of Resolution 2023-01 for the purpose of augmenting the City of Ely's General Fund using unbudgeted revenue in the amount of \$132,600.00 for outside railroad legal service expenses.

City Treasurer-HR Director Trask stated this is from the 45g money from the Railroad that the Council has already approved to put in the General Fund after we received an opinion from our auditors, which we have, and I am trying to progress forward.

Councilwoman Williams-Harper moved to approve Resolution 2023-01 for the purpose of augmenting the City of Ely's General Fund using unbudgeted revenue in the amount of \$132,600.00 for outside railroad legal service expenses. Councilwoman Elliott seconded the motion. The motion carried unanimously.

12. Council Members – City Treasurer Trask– Discussion/For Possible Action – Review of prior Council action to hire Marvin Griff, Esq. at a cap of \$25,000 with expenses to date in regard to Federal Energy Regulatory Commission (FERC) laws in connection with the White Pine Pumped Storage Project, to protect the interests of the Nevada Northern Railway Foundation and the City of Ely and possible approval to retain Mr. Griff for an additional amount to be determined.

City Treasurer-HR Director Trask stated you guys approved \$25,000.00 and we have spent that. We then received March's bill for \$34,713.00 and I cannot pay that until you guys choose to raise the amount. We should be getting another bill for May close to that same amount and I have no idea what you want to spend on this. My suggestion for funding this is out of Community Support Funds because the 45g Funds are not going to last long.

Mayor Robertson asked how much have we spent of the 45g Funds that were received last October for legal fees?

City Treasurer-HR Director Trask stated I am trying to clarify what services that money is supposed to go for because my understanding is it was for Chris's services.

Mayor Robertson stated we will have to look back at the minutes on that. Can Mr. Bassett tell us where we are with the FERC situation?

NNRY President Mark Bassett stated you heard it earlier that FERC filed a forty-three-page deficiency notice. There are a lot of things that Marvin found in there that I was not aware of. One was they are going to build a bunker out there for explosives which makes sense because they have to put a big hole in the mountain for an eight-story building. The City and the Foundation put together a twenty-two page letter about our concerns. rPlus is going to have to answer to FERC for the forty-three pages of deficiencies and I did receive a call from rPlus today. One of the points of contention is the impact study on tourism. The National Park Service filed a study dispute request with FERC saying that the National Park Service thinks it should be a twelve-month study on how this project will affect tourism at the Railroad. As a part of this study, there are supposed to be photo simulations of what that would look like once they put in all of their capital improvements. They did not give a timeline on the ruling and there has been no agreement of what these studies should consist of.

Mayor Robertson stated what you are saying is you have no idea how much money Marvin is going to eat up?

NNRY President Bassett stated essentially yes.

Mayor Robertson stated currently there is about \$70,000.00 outstanding with them.

Councilman Carson stated I think this is just the beginning of the fight so how much do we want to invest in this?

Mayor Robertson asked are we anticipating more work prior to July 1, 2023?

NNRY President Bassett stated I really don't know. I am sure there is going to be some work. The excessive work in March and April was actually going through the entire filing from rPlus Energies and then putting together our twenty-two-page letter. I don't see that much work happening between now and June 30th.

Mayor Robertson stated I would like to see the 45g money going towards these fees since it came from the Railroad.

City Treasurer-HR Director Trask stated it was not limited to Chris it just said railroad legal fees.

NNRY President Bassett stated it is very hard to say what it is going to be because it depends on what rPlus Energies files. If rPlus Energies steps up to the plate and does what they are supposed to do, then the cost should be minimal.

Councilman Carson stated I have been dealing with my attorneys too on the Ruth/McGill General Improvement District (GID). Our attorneys are very well versed in the FERC process, and they think it might take years to fight this.

City Treasurer-HR Director Trask stated I don't have a problem using the majority of the 45g for this, but I don't need a big surprise with Chris sending me a bill.

Mayor Robertson stated I thought the stuff with the transmission lines was pretty straight forward and wasn't a big fight.

NNRY President Bassett stated the transmission lines are for LS Power and we have just started that particular process. We are waiting for our Washington D.C. Attorney to give a document to LS Power on changes to the original agreement. The beautiful thing about the LS Power aspect on this is there is going to be a license fee so once the LS Power agreement is signed there will be an annual license fee. I think Chris was thinking there would be some sort of fee to cover documenting the agreement.

Mayor Robertson stated I am recalling because they are instigating this agreement that there is going to be some money from them to cover our lawyer fees on this.

NNRY President Bassett stated I believe so and I would say that is almost a wash.

Mayor Robertson stated I think I would be most comfortable with saying \$100,000.00 from our 45g tax money which we have already augmented and earmarked for legal fees with the Railroad for Marvin and that covers the outstanding bills we have and gives us some time for him to send some more bills. We can have another conversation when we hit that cap.

City Attorney Cahoon stated this time around I will let him know if he can keep track of where that money is, what work he is doing, and to let us know when that cap is met rather than having outstanding bills.

NNRY President Bassett stated this is an incredibly complicated project and one of the things that came from McGill/Ruth Water is originally White Pine County gave them their water rights north of McGill, but then they moved their pumps down south of McGill. They are going to have three water pumps and pull water out of the aquifer that serves McGill and Ely and that was something I didn't know about until this came out. The impact of this project on this community could be quite dire.

Councilman Trask stated I agree with you, but that is a McGill issue. I feel like we are getting a little ahead of ourselves and I understand why we are doing this.

Mayor Robertson stated thanks to Marvin's work it does point out their request does affect the City of Ely municipal water rights. We are involved here probably more than we would like to be. However, I have stated this before and I will state it again, potential and nothing are mathematically the same thing. Currently, it is nothing and we are fighting a project that has no money and no license which is becoming very expensive.

Councilman Trask stated and that is what is concerning to me is I don't want to keep dumping money into something that is nothing technically right now.

Councilman Carson stated I would like to make a disclosure that I work for McGill/Ruth Water, and we have our own separate attorneys on this matter. When I have my City of Ely hat on, we are hand in hand with the Railroad and I feel I can vote on this.

Councilman Trask moved to pay expenses to date and future expenses through the end of May with a cap of \$100,000.00 total out of the 45g Funds augmented for Railroad legal fees with conversation the first of June with Mr. Griff for any further incurred expenses in regard to the Federal Energy Regulatory Commission (FERC) laws in connection with the White Pine Pumped Storage Project, to protect the interests of the Nevada Northern Railway Foundation and the City of Ely. Councilwoman Williams-Harper seconded the motion. The motion carried unanimously.

13. Council Members – City Treasurer Trask – Discussion/For Possible Action – Direct city attorney to draft a resolution to dissolve the Railroad Enterprise Fund.

City Treasurer-HR Director Trask stated this came about from the opinion from the auditors on the 45g and finding minutes from January 12, 2017, the Council made a motion to dissolve the Railroad Enterprise Fund and directed the City Attorney to draft a resolution transferring the Railroad Enterprise Funds to the General Fund. It was passed unanimously, but never completed. When talking to our auditor he said to make the transfer as soon as possible; it doesn't seem like the funds should exist. The value of the Railroad that we have on the books in the Railroad Enterprise Fund would revert to the General Fund, so the value won't go away, it is just dissolving the Railroad Enterprise Fund.

Mayor Robertson asked Mr. Bassett, "do you have any feelings on this Railroad Enterprise Fund?"

NNRY President Bassett stated, “I thought it was dissolved.”

Councilman Alworth asked where will the \$1.7 million be carried on the balance sheet?

City Treasurer-HR Director Trask stated it will be in the assets on our General Fund.

Councilman Alworth stated this is good research and embarrassing the Council didn’t follow through back then.

Councilman Alworth moved to direct the city attorney to draft a resolution to dissolve the Railroad Enterprise Fund. Councilman Carson seconded the motion. The motion carried unanimously.

12. PUBLIC COMMENT

George Chachas stated ongoing concerns regarding his request for a copy of any correspondence regarding the encroachment of Jennifer Lee’s fence; his request for the name of the person that owns thirty properties and refuses to sell that was mentioned in a previous meeting; the County and the City not addressing code violations; alleges NDOT did not meet ADA standards on the project between 14th and 15th street on Avenue D; alleges there is not proper handicap access on the corner of Great Basin Boulevard and Avenue M; the installation of water taps and sewer connections for his property located at 729 and 733 Great Basin Boulevard; and the drainage off of the Bath property causing six to twelve inch gouges in his property in which he has received quotes on.

Jim Alworth stated I live at 805 Avenue I and am speaking as a private and concerned citizen. I know the federal law on COVID-19 has supposedly ended, but if Mr. Chachas continues to sit and cough in a public meeting, he has to wear a mask. We have no idea where he has been and he has got to wear a mask for the safety and health of the citizens of the City of Ely, and the staff here. Mr. Chachas please stop coughing all over the City Council and myself. If you are going to cough in this room, I will ask to exit because I am not going to get contaminated by some character that doesn’t even know what he is packing around in his lungs.

Building Official Craig Peterson stated I finally got the last signature I needed to submit the Fire Marshals local agreement back to them so we can take over their jurisdiction and that will give me the authority to do plan reviews, fire suppression, and fire dampers. For instance, if I am out and about and I notice the local Radio Shack has their fire exit blocked I am able to immediately levy fines and/or charge with misdemeanors.

Christopher Garcia stated thank you for your approval on item six and seven and basically what we are looking for is rather than an add-on to a license we want it to be understood that the initial, annual licensing states the nature of our business as we are mobile in the City of Ely, State Licensed, and have our health license. Mesquite does have a well written ordinance and I think that would be a good one to follow.

13. 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 7:33 p.m. Councilwoman Williams-Harper seconded the motion. The motion carried unanimously.



MAYOR



ATTEST

