



CITY OF ELY

501 Mill Street Ely, Nevada 89301
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Cityofelynv.gov

ELY CITY COUNCIL SPECIAL MEETING

February 29, 2024, 11:00 a.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 11:00 A.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
- Councilwoman Jerri Lynn Williams-Harper

Members absent:

- Councilman Jim Alworth

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 (Zoom)
- 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: Brett Scolari, Greg Copeland, Rhiannon Scanlon, Brian Bates, and Edith Duarte.

ELY CITY COUNCIL ATTENDANCE LIST

DATE: February 29, 2024

Special Meeting

Print name below

Print name below

Donna Balle
Don Allison
JOHN CHARVALIS
Paula Carson
Mark Sparsett
George Chachas
Kyle Horvath

2. PUBLIC COMMENT

Good morning. I'm Greg Copeland. Program Manager of the White Pine Pumped Storage Project and I'm here to comment on City Council Agenda Item 3.1.

We've just received a copy of the City's proposed 46-page letter this morning. We'll carefully review it and provide an appropriate response to FERC if the council decides to submit it. I'd like to underscore that we are fully committed to engaging with this council to address any concerns it may have regarding the FERC licensing process.

Additionally, I'd like to inform you that last week, the National Park Service informed FERC that their concerns regarding the sufficiency of underlying studies for the project's license application have been resolved. The NPS highlighted the extensive consultation between themselves, the NNR, and our project team, which led to the development of requested photo simulations and the successful completion of the NNR Visitor Use and Experience Study. Furthermore, the parties agreed to, and we conducted, an additional survey regarding the NNR's Santa Reindeer Train to satisfy the NNR and the NPS's requests.

I previously provided a copy of this letter for your review.

I want to emphasize that the consultation process for these studies was comprehensive, involving over two hundred communications including emails, letters, phone calls, and both virtual and in-person meetings. Throughout this process and the development of these studies, White Pine diligently adhered to industry standards and agreed-upon methodologies between the NPS and the NNR.

The project remains dedicated to this community and to ensuring the seamless integration of this project. Its development holds significance for the region, White Pine County, and the City of Ely.

John Charchalis stated I come here in opposition to the White Pine Pumped Storage Project, mainly because first of all, a closed-loop system has not been done, and there's no record of it being done for good reason; It's just not feasible. Their proposal at the time of 4,100-acre feet equates to 1.3 billion gallons of water removed from the aquifer. We're already in a drought situation, even though we had a heavy winter it is still a problem. Second of all, to replace that water due to evaporation you would have to pump an additional 240 million gallons of water out of the aquifer on a yearly basis. Now bear in mind, the upper reservoir of this project is going to contain all that water which equates to 5,275,601 tons of water and that is a lot of weight and there are fault zones in the area. There's a basic rule that water will always find a way and another rule that nature always sides with the hidden flaw. In the 1970's I worked for one of the major construction companies in the world, Morrison Knudsen Corporation, who was responsible for building some of the largest dams in the world. They offered their opinions of how to build a dam being built in the southern Idaho area to the Bureau of Reclamation. They just said, okay, this is lava rock country, you've got to grout every hole, you've got to do everything to brace this thing up and make a keystone that is solid. The Bureau of Reclamation said, thank you very much for your input we'll do it ourselves. Well, their engineering resulted in a 300-foot tall earthen, filled dam that once filled, broke, and wiped out 3 communities. As I said, nature always sides with the hidden flaw. So, what I'm looking at is a project that removes a great deal of groundwater from us, and second of all, the energy being produced does not benefit anyone here in the valley, it all goes out of state. Thank you very much.

George Chachas stated on your agenda item 3-1 you are to consider hiring a law firm to litigate regarding the White Pine Pumped Storage project. The City and the Railroad need to stop litigating anything that may bring progress to the City and the County. The Railroad failed to collect fifteen or more years of track rental fees and cost the City a million or more in legal fees, let alone what they may have paid in addition to that of the City. I remind you that the State allocated 25,000-acre feet of water to the County for industrial growth and little or none of that allocation is or has been used; some have been

allocated to farming and hay growing. I believe the Golf Course is also attempting to get some of that. We are sending out negative signals, folks. 25,000 is for industrial growth, and we're not getting it. The school district is crying the blues, we don't have enough tax base; you'll never get it. I want to remind you if that industrial allocation isn't used, and they pull it, you have no future in front of you let alone those of us that have been here for years. If I'm wrong that any of that has been granted for industrial growth, you need to inform me and the public in this community. Stop the litigation. You guys are going nowhere. You're driving the city into the ground, and that needs to stop. Your obligation is to the community here, not a railroad who can't function. They're spending more money litigating than they are on the facility itself and that needs to stop.

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

1. Councilwoman Williams-Harper – Discussion /For Possible Action – Approval for Marvin T. Griff, Esq. of Thompson Hine LLP to file a request with the Federal Energy Regulatory Commission, on behalf of the City of Ely and the Nevada Northern Railway Foundation, regarding the White Pine Pumped Storage Project.

Councilwoman Williams-Harper moved to approve for Marvin T. Griff, Esq. of Thompson Hine LLP to file a request with the Federal Energy Regulatory Commission, on behalf of the City of Ely and the Nevada Northern Railway Foundation, regarding the White Pine Pumped Storage Project. Councilman Carson seconded the motion. The motion carried unanimously.

2. Council Members – Municipal Court Judge Coster – City Attorney Cahoon – Discussion/For Possible Action – Approval for the City of Ely to contract with Eberhardy Law, LLC for the provision of Public Defender Services.

City Attorney Cahoon Stated I would ask that this item be tabled for now. We were trying to get this pushed through, because, as of right now, we don't have any public defender services for the City. However, the Nevada Department of Indigent Defense Services (DIDS) is required to approve all of these contracts, and they did raise an objection to how this was being done. I intend on meeting with the Nevada Department of Indigent Defense Services (DIDS), Jane, and the County either tomorrow or sometime next week, to get this resolved, and we hope to get something on the next agenda.

Councilman Trask moved to table the City of Ely contracting with Eberhardy Law, LLC for the provision of Public Defender Services. Councilwoman Elliott seconded the motion. The motion carried unanimously.

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

1. Board Members – Discussion/For Possible Action – Approval of Class IV Liquor License to Terrill Trask for *JT's Steakhouse* located at 805 Great Basin Boulevard, Ely, Nevada.

Councilman Trask stated I will be abstaining from this item as it is my business.

Councilwoman Elliott moved to approve a Class IV Liquor License to Terrill Trask for JT's Steakhouse located at 805 Great Basin Boulevard, Ely, Nevada. Councilwoman Williams-Harper seconded the motion. The motion carried 3 to 4 with Councilman Trask abstaining.

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

5. PUBLIC COMMENT

George Chachas stated the supporting document regarding Thomson Hines should have been presented to the public three days prior to the meeting, not at the meeting. There's no way the public would know what you're going to do ahead of time. You have got to remember what the

law says. On February 23, 2024, there was a meeting at the Bristlecone Convention Center regarding the Nevada Department of Transportation (NDOT) Streetscape Project Presentation. I received an invitation to attend from a local businessperson. When I went and set my camera to record the presentation, Caroline Bath-McIntosh told me to turn off the camera and that I couldn't record. I told her that the meeting was a public meeting being held in a public facility. She said the presentation was a private affair held by Main Street. I told her the Main Street Program was not a private club, and was funded by the City, County, and possibly the Tourism and Recreation Board. Caroline said that if I didn't turn off the camera, she would call the sheriff's office and have me removed. I told her to go ahead. After a few minutes two officers arrived and told me if I didn't turn off the camera I would have to leave. I left after telling them the meeting was a public meeting in a public building funded by the taxpayer. The City and County need to stop funding Main Street. I'm a business owner in the affected area, and a taxpayer. Prejudice, bigoted individuals on public boards need to be removed. Why is the Main Street Association or gang hiding information from the public on a State project in the City of Ely. I don't want to see a half-assed project downtown as the State did on Great Basin Boulevard and East Aultman Street. Mayor, you, and Councilwoman Elliott, as well as County Commissioner Janet Van Camp, were present, and yet didn't say a word. I have a right to speak about those issues, I have a right to take part, and if you don't like it, you folks need to pack it up and get out. You need to remember who you represent; I believe you are forgetting. I've not seen anything in regard to semi-trucks parking on Pinion Road and Bristlecone Avenue in violation of City code. I have yet to see anything in regard to the safety railroad arm on Aultman Street, near the Holiday Inn; that's a federal regulation. It's been down for months, and I want to know where you're at with that. You've got two different businesses that put in signs that are extending over the sidewalk in violation of City code and you have not addressed that in months. I want to know who paid for the excavation paving at 901 Avenue H. I need some answers, Mr. Mayor. I keep coming back, and I'm getting nothing, and I don't intend to stop until I get those answers.

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

Councilwoman Elliott moved to adjourn the special meeting of the Ely City Council at **11:15 a.m.** Councilwoman Williams-Harper seconded the motion. The motion carried unanimously.



MAYOR



ATTEST