

IN A REGULAR MEETING OF THE WHITE PINE COUNTY COMMISSION HELD ON SEPTEMBER 9, 2020 IN THE COUNTY LIBRARY CONFERENCE ROOM IN ELY, NEVADA

The Following Were Present:

County Commission

Richard Howe, Chairman
Travis Godon, Vice-Chairman
Ian Bullis, Commissioner
Shane Bybee, Commissioner
Laurie L. Carson, Commissioner
Nichole Baldwin, Clerk of the Board
Susan Lujan, Deputy Clerk

Present via Zoom: Bryan Reed, Geri Wopschall, Marietta Henry, Brad Christiansen (Building Inspector), Matt Shapiro from Gridflex, Luigi from rPlus, Jared Bybee from the BLM

County Officials

Mike Johnson, IT Specialist
Bryan Pyle, Deputy District Attorney
Elizabeth Francis, Finance Director
Brett North, WPC Fire District Chief
Scott Henriod, WPC Sheriff

Also Present

George Chachas, George Town Media
Joanne Stratton
Kevin Robison, Mt. Wheeler Power
Lynette Wyler

Chairman Richard Howe called the meeting to order at 9:00 a.m. Commissioner Bullis led the Pledge of Allegiance.

MOMENT OF SILENCE/SILENT INVOCATION

This was duly observed.

PUBLIC COMMENT

Lynette Wyler of McGill made comments about the slag ditch near her home and noted money was allocated for the McGill Ball Park. She feels we're jumping the gun with no plan to get ahead of the ballpark, we're running behind and no one has been working on that for weeks. She read over the grant and it states simply McGill Ball Park, nothing specific. So \$18,000 for a 4 wheeler, dragger, etc. but do we have bases? Chalk line? Can we meet the 11/22 deadline so McGill can put on a ball game? She doesn't think so. And definition of ballpark is what? Nothing been touched outside the ballpark.

Christopher Nilo proposed to Mayor Goodman (?), and his colleagues feel, all nonviolent inmates should be released immediately to help beautiful the city except for murderers and pedophiles. We know that sound will drown out a campfire, so be an example and get a tarp and for a drone to drape over the affected area to create a sound boom and therefore can put out fires. Water is extremely scarce; we have all the resources, there is no reason any of this isn't being done. Pergolas over walkways, naturally heated areas, etc. We as a community should bond together to become stronger because Ely, NV is

the most rural area in the lower 48, which could prove to be an example to other places because we're working together.

Joanne Stratton asked if there is an ordinance to make people responsible for their properties. 80% of McGill looks like a "weed infested ghetto" and many people live there and let it go to weeds. Even in Ely there's lots of garbage as well. Who makes them responsible to take care of their yards?

Christopher Nilo wanted to comment regarding Joanne's comment, but he already had his time, per the Chairman.

George Chachas noted the agenda item to consider approval of a hangar lease; this should be rebid at the end of a 5 yr term, not extended; economics change and so do opportunities for greater revenue as he noted. We need to exclude utilities from the lease, he felt. Also, amending the lease for the City and City Corral Association should be with the City only; its giving up a revenue source which it desperately needs. You can't give away a City function, as they are losing functions and losing revenue. He also cited the weeds issue and reiterated those concerns. Regarding the Road Agreement; all maintenance and repairs should be done by a contractor hired by Western Oil/Western Gold. White Pine County should not compete against the private sector! Heritage Park, if by Love's Truck Stop, should be scrapped as it is taking prime property off the tax rolls and it is not next to schools! We need to solicit a fair and balanced newspaper. He paid for an ad in April and still waiting to see it in there. In regards to State health and masks, he cited Commissioner Ian Bullis's attendance without a mask. Public officials take an oath and need to comply or resign. The Commission needs to set him straight or YOU need to resign. He added a statement about a directive that he had to close his business for a period of time, and he did so. He cited Commissioner Bullis's refusal to wear a mask and commanded that he step up to the plate!

At 9:13 a.m., Chairman Richard Howe recessed the regular Commission meeting and opened the Fire Commission meeting.

At 9:30 a.m., Chairman Richard Howe adjourned the Fire Commission meeting and reconvened the regular Commission meeting.

9:30 A.M. – PROPOSED ORDINANCE 514, BILL NO. 08.12.2020

PUBLIC HEARING/DISCUSSION/THIRD READING/FOR POSSIBLE ACTION: The White Pine County Commission will take public comment and consider approval of Proposed Ord. 514, Bill No. 08.12.2020, an Ordinance regulating the use of certain heavy equipment on County roads; requiring a Road Maintenance Agreement with the County prior to the operation of certain heavy equipment on County roads; imposing criminal and civil penalties for failure to comply with this Ordinance, adding a severability clause

Deputy DA Pyle cited the latest version which was handed out today and asked for public comment. Mr. Pyle noted the RED one is the most recent one, BLUE was the last one that contains some new language. Commissioner Godon's concerns were satisfied with language on occasional use. Mr. Pyle also defined "user". Chairman Howe recognized Christopher Nilo again who wants to know if certain timeframes exist, if they are 24/7, or if

in a business/residential district, is there is a noise ordinance, and when they can operate? Commissioner Bullis explained the purpose of this ordinance is if someone came in and worked on a development project, they need to consider how to deal with roads, which could sustain severe damage. Christopher Nilo felt the same agreements should be discussed at City Council meetings as well and he offered to donate some of his time to work on this because we should be working together to fix the issue. Chairman Howe noted this is the 3rd reading.

George Chachas noted section 7.08.030 and added that maintenance and repairs are to be approved by this Commission; a contractor should do that rather than the County road crews, he felt. Tying up your equipment and manpower are a waste of resources. They should hire the contractor to do those things.

No more comments. Commissioner Godon moved to approve Ordinance 514 and Commissioner Carson seconded the motion. Motion passed.

9:45 A.M. – MT. WHEELER POWER

DISCUSSION/FOR POSSIBLE ACTION/APPROVAL of security agreement with Mt. Wheeler Power to provide for irrevocable letter of credit as required by the USDA for the Rural Economic Development Loan and Grant Program (REDLG) as approved by Mt. Wheeler Power Board of Directors

Kevin Robison, CEO from Mt. Wheeler Power presented this item. He explained that we started this 3 years ago with an application to the USDA for REDLG, which is specific to cooperatives who can only apply for this. It is a 0% interest loan for WPC to use for the Justice Center and we were successful in obtaining this. He provided background in connection with maintaining the energy cooperative over the years and stated we are ready to move forward with this 10 year loan. Due to USDA programs, our banker allowed a separate fee structure, which is ½% reduction on the balance owed each year on the \$1 million; the first year's premium is \$5,000 and the last premium will be \$500, as he explained to the Board. Mt. Wheeler Board of Directors will consider an annual basis agreement as they are an annual board, he explained; they would consider any written request to them to pay that fee on behalf of the County on an annual basis. Capital credits that are no longer in the system can be used for the public good. Commissioner Bybee moved to approve this item and Commissioner Bullis seconded that motion. It passed.

10:00 A.M. – COMMUNITY DEVELOPMENT BLOCK GRANT

PUBLIC HEARING #2 – DISCUSSION AND PUBLIC INPUT on possible activities to be included in applications for funding under next fiscal year's (July 1, 2021 to June 30, 2022) State Community Development Block Grant Program

Finance Director Elizabeth Frances informed the Board that this is on the agenda to accept more public input for ideas for next year's CDBG submission. Eligible activities are public parks and trails as well as benefits to low income housing. This can also address slum/blight/or urgent community development needs, she noted. McGill has 2 proposals; McGill sewer pond relining and McGill slag ditch. Broadband infrastructure is another proposed project. None of these have estimated funding determined yet. She noted one more hearing will be held on this.

A lady from the gallery made some comments about the McGill Slag Ditch. She lives next to the ditch and last year's flood caused the slag ditch to fill up and flood homes nearby. She was told to call the GID, the DA, and the Assessor to try to track down WHO is responsible to take care of the slag ditch. It is owned by WPC and nothing has been done with it although it had been discussed 3-4 years ago. She noted she had attended a McGill Town Council meeting whereby she offered public comments about the slag ditch, but they were not included in the minutes from that meeting. She's tried to communicate with people and no one is owning up to taking care of the slag ditch. Who will take care of that?

Public Works Director Bill Calderwood noted that 2 years ago the DA's Office determined a portion of the slag ditch is owned by WPC and they clean it annually. The other portion is owned by the GID, he noted. He noted per the DA's recommendations, we cleaned a small section below Main Street and then photographed it. The honor camp cleaned the entire ditch, regardless of ownership, he noted, and of course now we no longer have the honor camp. It is unknown what needs to be done. Meeting with the McGill Town Council or the GID was done, but nothing has been done as a result. Director Calderwood agreed the lady is right on it. Commissioner Bybee noted a brief history from 2.5 years ago, CDBG side, this is the long term solution to get the studies in place to see what needs to be done. The funding will be "astronomical" and without CDBG funds, we wouldn't be able to accomplish this. Kennecott Rio Tinto's property is where about 90% of the water comes from, Commissioner Bybee noted. Director Calderwood noted he could work with the DA for fact finding and go back to the GID for clarification. Commissioner Bybee felt everyone needs to come to the table and work out a plan to get this done. Director Frances noted a CDBG process that we can work with the GID to get it all under just one project, as she explained.

George Chachas is unsure what the sewer pond conditions are, but it's a health issue. In regards to the slag ditch, the GID has an obligation to come forward; he recalls when Bill Calderwood took care of the County's responsibility in relation to the ditch.

10:15 A.M. – UPDATE ON PUMPED STORAGE PROJECT

DISCUSSION/UPDATE on the proposed Gridflex/rPlus Pumped Storage Project in White Pine County

Via Zoom, Matt Shapiro from Gridflex Energy presented this item. A handout was noted. Mr. Shapiro noted they've had 14 well-attended meetings in 13 months since they first came to the Commission for this project. Federal Energy Regulatory Commission, the BLM and State/Local governments were all involved in this; they developed the next big document in the licensing process, which was discussed during last week's public hearing. Now, field studies are being done to be included in the federal license application. They are thrilled with the way things are going with this project. Commissioner Godon appreciated working with them thanked them for making it a joint effort. Chairman Howe also noted That Commissioner Godon is our liaison energy person; our go-to guy. Luigi from rPlus noted significant headway had been gained on technical aspects of the development, tying it into Robinson Summit. All tests have come back positive in connection with constructability, he noted. Technical steps are moving forward and over the next 1-2 years they will be doing on the ground development with the County and City, such as securing

water rights, easements, etc. Commissioner Bybee inquired as to the Railroad moving the lower reservoir and the highline? Matt Shapiro noted that at the last meeting, Mark Basset discussed the realignment to place the lower reservoir in the best geological spot. If it has to be moved, it was noted keeping the slope under a specific grade and looking to shorten that even further would be desired. The Railroad wants to keep it rather than working to have to work thru BLM land and they are hoping to preserve that as being City-owned, but it looks pretty cooperative at this point. Commissioner Bybee thanked them for that explanation. Commissioner Carson noted the land patent on the Railroad is in the City and she has some concern as to the timeline for moving the realignment of the lower reservoir, but she appreciates their work and details on this.

Chairman Howe called a break at 10:32 a.m. The Commission Meeting reconvened at 10:42 a.m.

10:30 A.M. – PROPOSED ORDINANCE 515, BILL NO. 09.09.2020

DISCUSSION/FOR POSSIBLE ACTION/CONSIDERATION AND POSSIBLE APPROVAL of Ordinance 515, Bill No. 09.09.2020, authorizing the issuance of a general obligation (limited tax) medium-term bond in the maximum principal amount of \$1,000,000 to finance a public safety project including, a justice center; providing the forms, terms and conditions thereof and covenants relating to the bond; providing for adoption as if an emergency exists; and providing other matters relating thereto

Kendra Folloett, via Zoom, assisted Finance Director Frances in presenting this item. The \$1 million REDLG loan is what this is for and that is what Mt. Wheeler and WPC is working on. Ms. Follett explained the purpose of this ordinance. This was approved by the Dept. of Taxation as she explained, and on 10/1, the loan will be closed, she reported. Director Frances explained we need this put in place to finalize the loan process. Mt. Wheeler is willing to pay the annual amount on behalf of WPC. Commissioner Carson made a motion to approve, seconded by Commissioner Bullis; motion passed.

At 10:45 a.m., Chairman Richard Howe recessed the regular Commission meeting and opened the Special Road Commission meeting.

Chairman Richard Howe adjourned the Special Road Commission meeting and reconvened the regular County Commission meeting.

ITEMS FROM ELECTED OFFICIALS AND DEPARTMENT HEADS

COUNTY COMMISSION

RICHARD HOWE, CHAIRMAN

DISCUSSION/FOR POSSIBLE ACTION/APPROVAL to appoint Travis Godon as the Commission Liaison to energy in White Pine County

Chairman Howe stated that we are on cusp of having very large energy corridor in White Pine County and Commissioner Godon has a strong background in energy. Commissioner Godon and Chairman Howe have been working on the pumped storage facility and he feels

Commissioner Godon is best person to step up and be liaison for this. Commissioner Bullis moved to approve and Commissioner Bybee seconded the motion. Motion passed. Per Deputy Da Pyle, we will place another item on a future agenda to appoint an alternate.

TRAVIS GODON, VICE-CHAIRMAN

DISCUSSION/FOR POSSIBLE ACTION to reclaim County usage of limited Library space due to COVID-19 spacing/occupancy and other concerns related to office placement in County facilities due to the new Courthouse facility, to include approval of a letter to the University of Nevada, Reno providing 30 days' notice to vacate its use of the County Library space, and inviting them to explore several private lease vacancies within White Pine County for its purposes

Commission Vice Chair Godon was asked to put this on and felt it is self-explanatory. Deputy DA Pyle noted there is nothing to add. Commissioner Godon moved to approve, Commissioner Carson seconded and the motion passed.

DEPARTMENT HEADS

ELIZABETH FRANCES, FINANCE DIRECTOR

DISCUSSION/FOR POSSIBLE ACTION/APPROVAL to proceed with negotiation with contractor(s) for the engineering services on SNPLMA Round 17 projects based on recommendations from the evaluation committee

Finance Director Elizabeth Frances presented this item which encompasses the Duck Pond, the Jack Caylor Park, and the Ruth Mining Memorial Park. We received 4 different proposals from Basin Engineering, Civil Science, LDA and Day Engineering. Once we rank them, we can negotiate the price. Civil Science ranked #1 and we can go forward with negotiations. Commissioner Carson moved to approve Civil Science and Commissioner Bybee seconded the motion; motion passed.

DISCUSSION/FOR POSSIBLE ACTION/APPROVAL of monthly financial reports for August 2020

Finance Director Frances noted the backup for August 2020. Commissioner Bullis moved to approve and Commissioner Bybee seconded the motion. It passed.

DISCUSSION/FOR POSSIBLE ACTION/APPROVAL of Resolution 2020-53 to augment the General Fund from unanticipated and unbudgeted beginning fund balance by \$25,108 to provide for JNA Consulting Services budgeted in FY2020 which became due and payable in FY2021

Director Frances apologized she did not provide the resolution in advance so she provided a handout. She explained the Board did approve at the 2/12/20 meeting to allow this debt service and we did a resolution to provide funding from contingency. She further explained that it was not due/payable until FY2021 which is NOW. Commissioner Carson moved to approve and Commissioner Bullis seconded. Motion passed.

DISCUSSION/FOR POSSIBLE ACTION/APPROVAL of Resolution 2020-54 to augment the Capital Improvements Fund from unanticipated and unbudgeted beginning fund balance by \$7,900 to provide for Sunrise Engineering services on the Heritage Park Project as approved by the County Commission

Director Frances explained that during the 8/12/20 Commission Meeting, we were approved to move forward with hiring a professional engineer, Sunrise Engineering, for the Heritage Park for \$7,900 from the capital improvement fund and this formal resolution is for that. Commissioner Bybee moved to approve and Commissioner Bullis seconded the motion, which passed.

DISCUSSION/FOR POSSIBLE ACTION/APPROVAL of Resolution 2020-55 to augment the McGill Town Fund from unanticipated and unbudgeted beginning fund balance by \$18,000 to provide for increased water costs for parks, backflow preventer and equipment to maintain the McGill Ballfield

Director Frances pointed out this is per the request from McGill Town Council. She met with them and as we continue to close down the end of the current FY, she can only appropriate the amount in excess of the beginning fund balance, therefore this resolution is to augment their fund by \$14,733 for increased water....etc. She noted the GID rate structure has changed and water costs have gone up. McGill will be maintaining the ballpark following its completion and she will work with them to ensure they remain in line with statutory requirements in regards to their budget. Chairman Howe confirmed the water rate went up \$6,000 in one month! Commissioner Bybee moved to approve this item, Commissioner Carson seconded; motion passed.

DISCUSSION ONLY: Information on Presidential Directive with respect to employment tax deadlines

Director Frances explained that the executive directive is to allow for delay of collection of Social Security tax for employed individuals. The affected taxpayer, being the County, has the option to opt out of this as she explained. On behalf of WPC, she opted out of this as it is NOT a forgiveness for the SS taxes. From 9/1-12/31, the employee portion of the SS tax is held back; but at Jan. 1st we will be doubling up in order to pay it back. White Pine County's obligation is what she explained, even though we won't have the opportunity to collect it back as from the seasonal employees who would be quitting prior. She DID discuss this with the DA's office first.

CONSENT AGENDA: DISCUSSION/FOR POSSIBLE ACTION/RATIFICATION OF CORRESPONDENCE SENT ON BEHALF OF THE WHITE PINE COUNTY COMMISSION; APPROVAL OF PAYROLL FOR COUNTY ELECTED OFFICIALS; APPROVAL OF HR TRANSMITTAL FOR PAYROLL CHANGES; APPROVAL OF BUDGET TRANSFERS WITHIN/BETWEEN FUNCTIONS/PROGRAMS WITHIN A FUND THAT DO NOT INCREASE THE TOTAL APPROPRIATION OF THE FUND

Commissioner Bybee moved to approve and Commissioner Bullis seconded the motion and it passed.

NOTICE OF UNTIMED ITEMS

DISCUSSION/FOR POSSIBLE ACTION/APPROVAL to amend lease agreement between the City of Ely, White Pine County and the White Pine Corral Association, to

require the White Pine Corral Association to 1) maintain public liability insurance in the amount of Two Million Dollars (\$2,000,000.00) aggregate, \$1,000,000.00 per incident AND 2) require all corral lessees to sign waivers indemnifying White Pine County and the City of Ely

Ely City Mayor Nathan Robertson, via Zoom, presented this item. The \$5 million insurance policy was difficult to obtain; PoolPact felt we could lower it to \$2 million. Deputy DA Pyle has no problem with the new figure. Commissioner Carson moved to approve this item and Commissioner Bybee seconded the motion. Motion passed.

DISCUSSION/FOR POSSIBLE ACTION/APPROVAL of a lease agreement between White Pine County and Michael Coster for Hangar #2 effective 10/1/2020 for 5 years at a rate of \$241/month with a Lessee option for an additional 5 years at a CPI-adjusted rate

Chairman Howe noted this awarded at the last meeting. Commissioner Bullis moved to approve and Commissioner Carson seconded the motion. Motion passed.

DISCUSSION/FOR POSSIBLE ACTION/APPROVAL to prepare and send a letter of support for SNPLMA Round 18 Grant Proposal by the BLM for a large Recreational Project north of Ely

Clerk Nichole Baldwin noted a letter is in the backup from John Miller at the BLM. The letter was read into record by the Chairman. The project upgrades to Garnet Hill and some other recreation areas. Discussion was had and it was determined that this project was not in competition with White Pine County's Round 18 submissions.

At 9:45 am, Jared Bybee from the BLM appeared via Zoom this time. The item was reopened at this time by Chairman Howe. Mr. Jared Bybee explained that this project is a BLM SNPLMA submission for Round 18, close to the town in WPC and it is redoing Garnet Hill and the Egan Crest Trailhead by pulling it off the highway and combining the 2 recreation areas. Trail system will have 35 miles added on BLM roads. He is asking for support from WPC on this as well as it will greatly enhance the area and attract the OHV crowd. Mr. Bybee confirmed that this project will not compete with the County's project. Commissioner Godon made a motion to approve and it was seconded by Commissioner Carson. Christopher Nilo disrupted the meeting at this point and Deputy DA Pyle instructed the Chairman that he has the right to remove an individual. No more interruptions will be warranted by Mr. Nilo per the Chairman; ONLY during public comment. Sheriff Scott Henriod removed Mr. Nilo him from the building. Motion passed unanimously.

DISCUSSION/FOR POSSIBLE ACTION/APPROVAL of minutes from the following County Commission meetings:

- **August 12, 2020**

Commissioner Carson moved to approve and Commissioner Bullis seconded the motion; it passed.

Commissioner Carson wants to return to the minutes from August 12th, no last name is listed for IT Brett. It was noted his last name is Ratliff and Susan Lujan will make that

correction. Commissioner Carson amended her motion for that and Commissioner Bybee amended his second; the amended motion passed.

PUBLIC COMMENT

Lynette Wyler from McGill spoke in regards to the Slag Ditch. They do have a contact with Rio Tinto, so hopefully they can set up a meeting with the County, McGill Town Council, the GID, etc. to have some resolution on how to take care of this.

Chairman Howe noted the invite for 9/22 to tour the hemp farm; he needs to know who wants to go and how to get there with help from Donna Bath from Silver Lion. Clerk Baldwin will assist with travel arrangements.

ADIJOURNMENT

At 10:56 a.m., Commissioner Bullis made a motion to adjourn and Commissioner Carson seconded. Meeting was adjourned.

BOARD OF COUNTY COMMISSIONERS

**WHITE PINE COUNTY
STATE OF NEVADA**

BY: Richard Howe
CHAIRMAN

ATTEST:

W. Baldwin
WPC CLERK OF THE BOARD