

IN A REGULAR MEETING WITH THE COUNTY COMMISSION HELD ON OCTOBER 13, 2021 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 (via Zoom)
Shane Bybee, Commissioner
Laurie L. Carson, Commissioner
Nichole Baldwin, Clerk of the Board
Melissa Tremain, Deputy Clerk

County Officials:

Mike Johnson, IT Specialist
McKinzie Hilton, Chief Deputy Dist. Atty.
Elizabeth Frances, Finance Director
Brett North, WPC Fire Chief
Sheriff Scott Henriod
Bill Calderwood, Public Works Director

Also Present:

Pat Stork, Ely City Fire Chief
Mary Sorenson, Ruth Town Council
George Chachas, George Town Media
Bill Miller
Will Adler, Silver Lion Farms
Michael Couch, Garden State Pyrotechnics
Luigi Resta, rPlus Energies
Kamal Gantam, rPlus Energies
Cody Odgers
Jared Bybee, BLM
Jim Alworth
Kyle Horvath, WPC Tour & Recreation Board

Present via Zoom:

Geri Wopschall, Alex Tanchek, Mary Kerner (NRHA), Laura Oslund (PACE Coalition), Shellie, Burton Hilton (Assessor), Elanie Eldridge (Finance), Gary Perea, Catherine Bakaric (Treasurer), Jeremy Drew (RCI), Jennifer Lee (City of Ely), and others

Chairman Richard Howe called the meeting to order at 9:00 am. Chief Deputy District Attorney McKinzie Hilton led the Pledge of Allegiance.

MOMENT OF SILENCE/SILENT INVOCATION

This was duly observed.

PUBLIC COMMENT

Assessor Burton Hilton on Zoom, commented on item c2b regarding the blighted buildings in Ruth, and he commended Finance Director Elizabeth Frances and Tabatha Hamilton Finance Office for their work. He hoped the Commission will proceed with demolition of both structures which will help White Pine County and the town of Ruth, as well as help with liability issues.

Will Adler with Silver Lion Farms, addressed the Board regarding item c1. He stated that he is looking forward to growing marijuana locally and he appreciated the actions being taken and for growth for the local economy.

Allan Wise with Great Basin Service Club, on Zoom, commented on item 3. He stated that for 30 years, their nonprofit club has done the 4th of July fireworks for the County and City residents. When the 4th of July firework show moved to the Golf Course, he received permits from the past City Fire Chief Ross Rivera. The City attorney and Assessor determined the Golf Course is City property leased to the County. He stated that the Garden State's insurance coverage is only good until March and the pyrotechnic license is only good until the end of February. The Great Basin Service Club has not stopped sponsoring or supporting this event.

George Chachas commented on 2c2b regarding the blighted buildings in Ruth, which need to be put up for auction for housing or investment opportunities. He stated that we don't need more empty lots. Mr. Chachas has requested a list of parking permits the County has received from City of Ely and NDOT near the jail building. He stated that he has been prohibited from parking behind the sidewalk on his own property being told that he needs a permit. Mr. Chachas further stated that on the west corner of Avenue G and Great Basin Boulevard that a utility box was placed 6 inches above grade creating an issue. Chairman Howe advised these items are issues with NDOT and the City and should be brought up with them. Mr. Chachas stated they need to comply with local, state, and federal regulations. As previously stated at the September 22, 2021 meeting, the Young family was forced to sign a document regarding curb and gutter installments on Stevens Avenue before an occupancy permit would be issued. Time was called.

1. NOTICE OF TIMED AGENDA ITEMS:

The Chairman temporarily recessed the regular County Commission Meeting for a meeting of the White Pine County Fire Commission.

At 9:33am, the Chairman adjourned the meeting of the White Pine County Fire Commission to reconvene the Regular County Commission meeting.

C. 9:30 A.M. PUBLIC HEARINGS & FIRST READINGS FOR PROPOSED ORDINANCES

***1) PUBLIC HEARING/Discussion/For Possible Action: The White Pine County Board of Commissioners will take public comment and consider approval of proposed Ordinance 523, Bill No. 08.25.2021a, a proposed amendment to Ordinances 498 and 487, amending Title 10, Chapter 10.62, Sections 10.62.010 and 10.62.040(A) of the White Pine County Code, and Title 17, Chapter 17.65, Section 17.65.050 of the White Pine County Code, changing the zoning requirement of a marijuana establishment from only operating in districts designated Industrial Park to White Pine County, pursuant to NRS Sections 244.137, 244.116 and 678B.500. James S. Beecher, District Attorney**

Chief Deputy District Attorney Hilton advised that this changes the zoning requirement for marijuana establishments and takes out the Industrial Park area restriction and adds the requirement to obtain a special use permit.

George Chachas asked for clarification. Ms. Hilton explained that a marijuana cultivation facility can be located ANYWHERE in the county and they would need to obtain

the special use permit. Mr. Chachas was concerned about the enforcement of the selling of marijuana.

Will Adler from Silver Lion Farm spoke to the special use permit process. He felt this is a well-balanced structure and commended the County.

Vice Chairman Godon moved to approve, Commissioner Bybee seconded, the motion passed free from disagreement.

***2) PUBLIC HEARING/Discussion/For Possible Action: The White Pine County Board of Commissioners will take public comment and consider approval of proposed Ordinance 524, Bill No. 08.25.2021b, an amendment to Ordinance 476, amending Title 4, Chapter 4.02, Section 4.02.020 and 4.02.030, by adding "establishment" to the Restrictions and Applicability regulations regarding gaming. James S. Beecher, District Attorney**

Chief Deputy District Attorney Hilton advised that this broadened our current ordinance to ensure different types of gaming businesses are covered regardless of legal ownership. Commissioner Bybee disclosed that he owns a stake in the Copper Queen and will not participate in this item or vote.

George Chachas stated that including the word establishment does not change the requirement for 30 rooms, which was verified by Chief Deputy District Attorney Hilton.

Commissioner Carson motioned for approval, Vice Chairman Godon seconded; motion passed 4:0 with one abstention from Commissioner Bybee.

3) FIRST READING/Discussion Only: Regarding proposed Ordinance 525, Bill No. 10.13.2021, an amendment to Ordinances 448 and 203 (Section 9), thereby amending Title 17, Chapter 17.24, Section 17.24.020, of the White Pine County Code, by adding the following to the special permitted uses of Open Range District land in the O-5 zone classification, pursuant to NRS 244.137, 244.116 and 278.250: "Big Cat" Sanctuaries, involving any of the large members of the cat family, including the lion, tiger, leopard, jaguar, snow leopard, clouded leopard, cheetah, cougar or the like." "S". James Beecher, District Attorney

Chief Deputy District Attorney Hilton advised that this clarifies the ordinance and requires any future big cat sanctuary to go through the special approval process for a special use permit.

Mr. Chachas asked if there was any interest shown for a big cat sanctuary in White Pine County, Chairman Howe advised Mr. Chachas that some people have approached the County.

This will be brought back for a public hearing and approval at a later date.

D. 9:45 A.M. NATURAL RESOURCES

***1) Discussion/For Possible Action: Approval to sign onto a letter from The Coalition for Healthy Nevada Lands, Wildlife and Free-Roaming Horses and Burros to Debra Haaland, Secretary of Interior, expressing concern and the need for action to address the over-populations of wild horses and burros in Nevada. Jeremy Drew, RCIU, on behalf of PLUAC**

Jeremy Drew with RCI via Zoom reported that this item came up during the last two PLUAC meetings. He discussed the wild horse issue has required the implementation of

different programs. He stated that he personally, as well as Eureka County, have signed on to this letter. This pushes for an aggressive gather schedule and fertility control to manage the wild horse population in Nevada. Commissioner Carson stated that PLUAC should not be a signee as they are only an advisory board, that only the County should approve. Chairman Howe stepped out, Commissioner Carson moved to approve, Commissioner Bybee seconded; and the motion passed 4:0 with Chairman Howe being absent.

E. 10:00 A.M. WHITE PINE WATERPOWER PUMPED STORAGE PROJECT

1) Discussion/Update: Update from White Pine Waterpower on Pumped Storage Project. Luigi Resta, President

At 10:08am, Vice Chairman Godon disclosed that neither he nor his family have any dealings with these companies or this project so he will be commenting and voting.

Luigi Resta, CEO of rPlus Energies and President of rPlus Hydro, passed out some handouts. He provided an update in regards to the BLM permit 2920. The lower reservoir was moved below the rails. Cultural and environmental studies were done and the permit was granted Oct 5th. He reported that due to Sage Grouse habitats that exist around the roads to this project, they have asked for a waiver from SEC, it was denied and given a deadline for completion of October 31st. Mr. Resta reported that borehole #2 is at 744 ft, using 20,000 gallons/day of water as expected. They have subcontracted to Reck Bros for civil work such as road maintenance. He stated that he supports using local companies as much as possible. Borehole #1 was on BLM property between the highline rail and rail to the west. He discussed an issue that they have had with the Railroad and the City in regards to rail crossings and right of way only on BLM property. He explained the geotechnical work processes and explained his FERC licensing, which is to be submitted and approved within the next 30 months. There is a Land Use Agreement with BLM SF299 for right of way to grant permission to build on BLM property. HDR conducted an economic impact report and he provided copies of that today. It concluded that once the project is built, the annual tax contribution will be about \$10 million for the life of the project. Mr. Resta explained that the county's reduced amount is due to tax abatement as shown in the handout and discussed it further noting it may not be available in the future. They held a public luncheon recently and created an informational website to educate the public. The next phase is a seismic refraction process to be done with the BLM to help identify fault fissures for the engineering design. They have worked with the County on a Road Maintenance Agreement to take responsibility for any negative road impacts. Chairman Howe asked about the rights of the Northern Nevada Railroad to prohibit Mr. Resta from crossing a portion of the railroad. Mr. Resta explained there is no designated rail crossing at the area in question. He explained the proposed solution and noted that per BLM, they have the right of way to gain access only on BLM land. Mr. Resta provided a letter to the Railroad with their requested information yesterday. He advised the lights on the mountain will be gone Oct. 31st.

F. 10:30 A.M. TRAILS IN WHITE PINE COUNTY

1) Discussion/Update: Presentation on the EDA Grant received for the Toyaibe Trails Institute and a presentation on the next proposal for the current EDA Grant cycle pertaining to dark skies. Kyle Horvath, Marketing Director

At 10:31am Kyle Horvath, Director of Tourism for WPC, presented this item and provided an update on trails in White Pine County. One year ago, a group began work on an

EDA grant for a self-sustaining project. He stated that outdoor recreation and trails were identified as a need, which created a need for trail builders, noting schools in Colorado and Arkansas that offer trail building courses. He reported that this phase of the grant covers the economics, and details; it puts WPC at the center in the outdoor recreation industry with a focus on education to make non-motorized trails, motorized trails, and various types of winter trails. Future students would be trained in industry standards and licensing for heavy machinery, wilderness first responder, sawyer level A certification and trained to be a leader in the outdoor recreation trail industry. They will be hiring a contractor to develop curriculum, complete research and economics to submit this in the future. He's received kudos on this program.

In regards to the grant related to dark skies, SB51 states that there is an importance in dark skies and preserving them. Mr. Horvath explained that the Department of Outdoor Recreation wants to use White Pine County as a case study for developing a community into a dark sky community, explaining that it will not inhibit growth or tourism. Ely, Baker, and McGill are looking to modify to LED lights while cutting costs as well. This supports the National Park and the train depot as well.

2. ITEMS FROM ELECTED OFFICIALS AND DEPARTMENT HEADS:

A. COUNTY COMMISSION

1. Richard Howe, Chairman

***a) Discussion/For Possible Action: Approval to send a letter/card to Assemblyman John Ellison in regards to the recent passing of his wife**

Chairman Howe sent a text to the Assemblyman, but felt a card from the County would be appropriate. Vice Chairman Godon moved for approval, Commissioner Carson seconded; the motion passed 5:0.

B. ELECTED OFFICIALS

1. Catherine Bakaric, Treasurer

a) Discussion Only: Update regarding the Treasurer's monthly reports from June and July 2021

Treasurer Catherine Bakaric presented this item via Zoom. No questions.

2. Nichole Baldwin, County Clerk

***a) Discussion/For Possible Action: Approval to consider the qualifications of and appoint any qualified applicant to fill the vacant position on the Regional Planning Commission for an at large resident of White Pine County**

Clerk Nichole Baldwin explained that no applications have been received. None spoke up as interested.

***b) Discussion/For Possible Action: Approval of the request for appointment from Rope Ashworth to the vacant seat on the Agricultural District 13 - Fair & Rodeo Board**

Commissioner Bybee motioned to approve, Commissioner Carson seconded; the motion passed 5:0.

***c) Discussion/For Possible Action: Approval to direct IT or BCT to cancel the automatic transfer of phone calls made to Emergency Management and the Fire**

District to the Clerk's Office and for any other changes so the Clerk's Office no longer has to field OEM/Fire District calls

Finance Director Elizabeth Frances advised that she opened a ticket with BCT and stated that it will be fixed. No vote was taken as it was stated this was done.

C. DEPARTMENT HEADS

1. Bill Calderwood, Public Works Director

***a) Discussion/For Possible Action: Approval to negotiate a contract for architectural services for the Community Services Building with the top ranked architect, Lombard-Conrad Architects-Nevada, Ltd. (LCA) based on the Statement of Qualifications process and to negotiate with the number two ranked architect if acceptable terms cannot be reached with LCA**

Public Works Director Bill Calderwood advised that the committee reviewed the submissions and is asking to go forward with the architect they chose. Commissioner Carson motioned for approval to go forward with Lombard-Conrad Architects-Nevada, Ltd., Commissioner Bybee seconded; the motion passed 5:0.

2. Elizabeth Frances, Finance Director

***a) Discussion/For Possible Action: Direction on inviting Governor Sisolak and/or others to the ribbon cutting ceremony for the Justice Center Project on the afternoon of October 27, 2021**

Finance Director Elizabeth Frances received direction to invite different people, but wanted clarification on the invitation for the Governor. She reminded the Board that the State contributed \$5 million to the Justice Center project. Chairman Howe stated that personalities should not be involved and the County should properly recognize those that helped us and treat them with respect. Vice Chairman Godon stated that he will vote no and explained that the Governor is actually a dictator; he vehemently disagrees with decisions that come out of his office. Via Zoom Commissioner Bullis stated he was unsure and ultimately did not have an issue with extending an invitation to the Governor. Commissioner Bybee felt that it is in the County's best interest to show respect to the Governor and extend the invitation. Commissioner Carson moved to invite the Governor. Vice Chairman Godon stated that he strongly felt that the Governor does not care for this State, but he will show respect if the Governor attended. Commissioner Bybee made the second. The motion passed 4:1 with Vice Chairman Godon voting in opposition.

***b) Discussion for Possible Action: Direction on how to proceed with remedying two blighted County owned buildings in Ruth known as the Old Ruth Church and the New Ruth Club**

Finance Director Frances noted the backup material and stated these can be remediated through CDBG grant funding. These buildings are beyond reasonable repair and are not worth the effort to renovate. She asked for direction to demolish or structurally remediate these buildings from the Board. Chairman Howe recalled dealings with a non-profit a couple of years ago to remodel the New Ruth Club but that it failed to make progress. He felt the buildings are dangerous and trying to keep them up would be too expensive. Commissioner Bybee agreed that nothing will happen with the New Ruth Club, but he felt

salvaging the Old Ruth Church would be a good way to preserve some history for the residents of Ruth.

Mary Sorenson stated that the New Ruth Club is as old as she is and the town of Ruth would love to keep it as a museum. The Old Church was built in 1912 and she has a grant with SHPPO to help with preservation of those old buildings. The church is on a wooden foundation, but the Ruth Club is on a cement foundation and is not that old. The roof on the church was replaced many years ago, but is currently rotting away. She noted an individual who is buying old properties and creating housing in Ruth that might be interested in purchasing the old Ruth church. She has historical artifacts from Reippetown and old Ruth for the proposed museum.

Chairman Howe reiterated that these old buildings need to be demolished. Commissioner Bybee requested to table this for up to 90 days to allow Mary Sorenson and Ruth a chance to preserve their buildings. Per Ms. Sorenson, the application for the SHPPO grant is due next spring. Director Frances requested the grant go through the Finance Office.

Vice Chairman Godon moved to table, Commissioner Bybee seconded and stated he wants this back on the agenda in January. Item was tabled.

***c) Discussion/For Possible Action: Approval of monthly financial reports for September 2021**

Commissioner Bybee moved for approval, Commissioner Carson seconded, the motion passed 5:0.

***d) Discussion/For Possible Action: Approval of White Pine County Plan for Provision of Indigent Defense Services**

Finance Director Frances advised that she was contacted by the Department of Indigent Defense Services pursuant to regulations regarding a plan created by the Public Defenders. She noted it was handed out at the beginning of the meeting. She asked for approval based on approval of some wording from the DA's Office. She noted some areas of the plan she was not comfortable with that will need to be worked out with the DA's Office. Finance Director Frances will work with Indigent Defense Services to prepare a plan. Vice Chairman Godon moved to approve, Commissioner Bybee seconded; the motion passed 5:0.

***e) Discussion/For Possible Action: Certification of the White Pine County Financial Status Report for Provision of Indigent Defense Services**

Finance Director Frances noted this is a new requirement and she explained the contents of the report. These reports are done quarterly and are approved by the Board Of County Commissioners to get reimbursement from the Indigent Defense Services. Commissioner Carson moved to approve, Commissioner Bybee seconded; the motion passed 5:0.

3. CONSENT AGENDA

The following are "action" items that may be considered in one motion/one vote. They are considered routine, non-public hearing items that have no protests. Any person representing an item or member of the public not in agreement with the recommendations by staff should request to have that item removed from the Consent

Agenda. Any County Commissioner may remove any items from the consent Agenda and have it placed in the Action Items.

***a) Discussion/For Possible Action: to ratify Correspondence Sent on Behalf of the White Pine County Commission.**

***b) Discussion/For Possible Action: Approval of Payroll for County Elected Officials.**

***c) Discussion/For Possible Action: Approval of HR Transmittal for Payroll Changes.**

***d) Discussion/For Possible Action: Approval of budget transfers within and between functions or programs within a fund that do not increase the total appropriation of the fund.**

Commissioner Bybee moved to approve, Commissioner Bullis seconded; the motion passed 4:0 with Chairman Howe being absent at 09:52am.

4. NOTICE OF UNTIMED ITEMS

***a) Discussion/For Possible Action: Approval of the proclamation to proclaim the week of October 23-31, 2021 as Red Ribbon Week. Mary Kerner**

Mary Kerner, via Zoom, stated this is the same thing she does every year through the Elks Lodge. She advised that she distributed items to local schools. Vice Chairman Godon moved to approve, Commissioner Bybee seconded; the motion passed 5:0.

***b) Discussion/For Possible Action: Approval of minutes from the County Commission Meetings held:**

- **August 25, 2021**
- **Special Joint Meeting with the Board of Public Health September 15, 2021**
- **September 22, 2021**

Commissioner Bybee moved to approve, Commissioner Carson seconded; the motion passed 5:0.

Chairman Howe called a short break at 10:01am.

***c) Discussion/for Possible Action: Approval of a Motion to close the County Commission Meeting pursuant to NRS 241.030 to have closed personnel sessions for Randy Long-Golf Professional to consider his character, alleged misconduct, professional competence, physical or mental health. Elizabeth Frances, Interim Human Resources Director**

At 11:12am Vice Chairman Godon moved to close the meeting for a closed personnel session. Commissioner Carson seconded, the meeting was closed. The closed meeting began at 11:19am, ending at 12:10pm going back into regular session.

***d) Discussion/for Possible Action: Approval of administrative action, if any, based on information obtained during the closed session for Randy Long-Golf Professional. Elizabeth Frances, Interim Human Resources Director**

Finance Director Frances listed the options as issuing a verbal warning, written reprimand, withhold future raise, performance plan, suspend or terminate. Commissioners Bybee and Carson felt a letter of reprimand and a performance improvement plan would be appropriate. Chairman Howe agreed with those options and suggested a 90 days probation-type performance plan. Commissioner Bybee felt the 90-day probation plan was too much. Chairman Howe wanted County employees to know that this behavior will not be tolerated. Vice Chairman Godon agreed and felt Mr. Long needed more attention during upcoming budget meetings so he can receive the funding to allow him to run the Golf Course. Commissioner Bybee moved for a letter of reprimand and to institute a performance improvement plan as created by the HR Director, Commissioner Carson seconded; the motion passed 5:0.

PUBLIC COMMENT

Finance Director Frances announced tonight at 6pm at the Bristlecone Convention Center is a meeting with the State to discuss how they will allocate their portions of American Rescue Funding.

ADJOURNMENT

Vice Chairman Godon moved to adjourn, Commissioner Bybee seconded. Meeting was adjourned at 12:16pm.

BOARD OF COUNTY COMMISSIONERS

**WHITE PINE COUNTY
STATE OF NEVADA**

BY:



CHAIRMAN

ATTEST:



WPC CLERK OF THE BOARD