

NEVADA COMMISSION FOR THE RECONSTRUCTION OF THE V&T RAILWAY

Minutes of the, Thursday April 29, 2021 Meeting

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A regular meeting of the Nevada Commission for the reconstruction of the V&T Railway was held at 1:00 p.m. on Thursday, March 25, 2021, in the Community Center Robert “Bob” Crowell Boardroom, 851 East William Street, Carson City, Nevada.

The meeting video is available on Carson City’s website by clicking on the link below:

https://carsoncity.granicus.com/MediaPlayer.php?view_id=2&clip_id=1776

PRESENT: Chairperson David Peterson
Vice Chair Clay Mitchell
Treasurer Deny Dotson
Commissioner Stephanie Hicks
Commissioner Jim Wells

1. CALL TO ORDER

Chairperson Peterson Called the meeting to order at 1:00 p.m.

2. ROLL CALL AND DETERMINATION OF A QUORUM

Roll was called and all members were present, establishing a quorum.

3. PLEDGE OF ALLEGIANCE

Chairperson Peterson led the Pledge of Allegiance.

4. PUBLIC COMMENT

Chairperson Peterson entertained public comments; however, none were forthcoming.

5. FOR POSSIBLE ACTION: APPROVAL OF MINUTES – MARCH 25, 2021 V&T RAILWAY COMMISSION MEETING.

Chairperson Peterson introduced the item and entertained comments, changes, or corrections and when none were forthcoming a motion.

MOTION: Treasurer Dotson moved to approve the minutes of the March 25, 2021 meeting. The motion was seconded by Vice Chair Mitchell and carried 5-0-0.

6. FOR POSSIBLE ACTION: REVIEW AND POSSIBLE APPROVAL OF THE STRATEGIC PLAN FOR THE V&T RAILWAY, 2021. – BY LINDA RITTER CONSULTING.

Chairperson Peterson introduced the item. Linda Ritter, President of Ritter Consulting Associates, Inc., reviewed the Commission’s 2021 Strategic Plan which is incorporated into the record and can be found by clicking on the following link:

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<https://vtrailway.com/wp-content/uploads/2021/04/20210429-VT-COMMISSION-AGENDA-ITEM-06.-STRATEGIC-PLAN-.pdf>.

Ms. Ritter also responded to the Commissioners' clarifying questions. Chairperson Peterson recommended amending the timeline to reflect the finalization of the tentative budget in April 2021 and the final budget in May 2021. Commissioner Wells was in favor of the structure, the tiered approach, and the standardized report format. Vice Chair Mitchell called the document "intuitive" and commissioner Hicks believed the outlined business review process was very important and allowed the V&T to grow. Chairperson Peterson entertained a motion.

MOTION: Commissioner Wells moved to adopt the Strategic Plan as presented. The motion was seconded by Commissioner Hicks and carried 5-0-0.

7. FOR POSSIBLE ACTION: DISCUSSION AND POSSIBLE ACTION REGARDING RFP 2021-001 ADMIN/OPERATIONS COORDINATOR PRESENTATION.

Chairperson Peterson introduced the item and provided background. Treasurer Dotson provided a disclosure statement for the record, advised of no disqualifying conflict of interest per legal counsel advice, and noted that he would participate in discussion and action.

Allyson Bolton of Atypical Consulting and Events presented a slide show outlining her firm's capabilities and a proposal to provide Admin/Operations Coordinator services to the Commission. She also responded to clarifying questions by the Commissioners. Ms. Bolton's presentation is incorporated into the record by clicking on the following link: <https://vtrailway.com/wp-content/uploads/2021/04/20210429-VT-COMMISSION-AGENDA-ITEM-07.-RFP-2021-001-AdminOperations-Coordinator.pdf>. Chairperson Peterson entertained a motion.

MOTION: Treasurer Dotson moved to award a contract to Atypical Consulting and Events for Admin/Operations Coordinator, and for the Chair to make scope/value adjustments as necessary. The motion was seconded by Commissioner Hicks. Commissioner Wells recommended "having certain events blocked as opposed to hours," citing Commission meetings "and other mundane admin" responsibilities as examples, when finalizing the budget and the contract with Ms. Bolton. Discussion ensued regarding the duration of the contract and Commissioner Wells recommended a four-year term and Chairperson Peterson recommended a December contract end date, making it approximately 4.5 years long. **The motion carried 5-0-0.**

8. FOR DISCUSSION ONLY: PRESENTATION OF THE BATTLE, AXE & TRACKS EVENT.

Chairperson Peterson introduced the item. E720 managing partner Ken Farley reviewed a slide presentation (<https://vtrailway.com/wp-content/uploads/2021/04/20210429-VT-COMMISSION-AGENDA-ITEM-08.-Battle-Axe-Tracks-event-presentation.pdf>) on the proposed two-day music festival, *Battle, Axe & Tracks*, to be held on October 2 and 3, 2021 at the Eastgate Depot of the V&T Railway. Both Mr. Farley and managing partner Gina Lopez responded to clarifying

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questions. Treasurer Dotson inquired about parking and was informed the team was working with City officials on the it. It was also noted that the event would be an annual one. Ms. Lopez clarified that the trains would be stationary during the event. This item was not agendized for action.

9. FOR POSSIBLE ACTION: DISCUSSION AND POSSIBLE ACTION REGARDING APPROVAL OF LEASE NUMBER FY21-L001, WITH E720, FOR THE USE OF THE EASTGATE DEPOT AND ALL ITS FACILITIES FOR THE BATTLE, AXE & TRACKS EVENT PLANNED FOR OCTOBER 2ND & 3RD, 2021, FOR A TOTAL NOT TO EXCEED AMOUNT OF \$3,400.00.

Chairperson Peterson introduced the item and referenced the facility rental agreement which is incorporated into the agenda materials and by clicking on: <https://vtrailway.com/wp-content/uploads/2021/04/20210429-VT-COMMISSION-AGENDA-ITEM-09.-Lease-Number-FY21-L001-with-E720-REVISED.pdf>. Commissioner Wells was informed that no new equipment would be purchased for the event. Ms. Lopez noted that they would follow the “leave no trace model” and handle all the details, including trash. Ms. Hicks confirmed that E720 would be working with City Staff to obtain a special event permit and to ensure that “the circulation plan is acceptable, and the Fire Department is happy with the layout.”

Chairperson Peterson noted an addition to the agreement, ensuring the promotion of the V&T Commission, Carson City, and Virginia City. Treasurer Dotson reminded the Commission of the \$2,500-\$3,000 revenue loss by not running the trains that weekend. Commissioner Wells recommended coordinating events in the future to avoid running into revenue loss situations as this event coincided with the outhouse races. Chairperson Peterson believed the event would bring a great economic impact to both Carson and Virginia Cities. It was agreed to coordinate running the train and having the event simultaneously in the future.

Vice Chair Mitchell noted an oversight in the agreement and Mr. Farley confirmed they would require access to the venue prior to October 1, 2021, preferably starting on September 25, 2021. Commissioner Wells was informed the trains would be running during the setup. Vice Chair Mitchell inquired about the Rail Bikes and was informed they would continue their operation and Chairperson Peterson agreed to “fine tune” item 3.A of the agreement. Commissioner Hicks explained that due to the size of the event, the City had requested a Major Project Review and not a simple Special Event Permit. Commissioner Wells recommended obtaining the Special Event Permit by June 30, 2021. Chairperson Peterson entertained additional discussion and when none was forthcoming, a motion.

MOTION: Commissioner Wells moved to approve Lease Number FY21-L001, with E720, subject to review and approval by the POOL/PACT, the issuance of the Special Event Permit by June 30, 2021 with revisions to Section 3.A for identification of exclusive use and access dates, and the removal of the TULIP coverage in Section 6. The motion was seconded by Treasurer Dotson and carried 5-0-0.

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10. FOR POSSIBLE ACTION: DISCUSSION AND POSSIBLE ACTION REGARDING APPROVAL OF CONTRACT NO. FY21-C001 WITH LAW OFFICE OF MICHAEL S. ROWE, FOR LEGAL SERVICES, FOR A TOTAL NOT TO EXCEED AMOUNT OF \$26,000.00.

Chairperson Peterson introduced the item and provided background. He also thanked Commissioner Wells for his work on the contract revisions available at: <https://vtrailway.com/wp-content/uploads/2021/04/20210429-VT-COMMISSION-AGENDA-ITEM-10.-Contract-No.-FY21-C001-with-Law-Office-of-Michael-S.-Rowe.pdf>. Commissioner Wells clarified that the contract was updated as the original one contained a different firm name, which was confirmed by Michael Rowe as “dissolved.” Commissioner Wells explained that he had utilized a contract template used by the State but had not changed the scope of work. Chairperson Peterson entertained a motion,

MOTION: Commissioner Hicks moved to award Contract No. FY21-C001 to the Law Office of Michael S. Rowe. The motion was seconded by Treasurer Dotson and carried 5-0-0.

11. FOR POSSIBLE ACTION: DISCUSSION AND POSSIBLE ACTION REGARDING APPROVAL OF CONTRACT NO. FY21-C002 WITH K.L. DORR CONSULTING, LLC, FOR GENERAL ENGINEERING AND TRACK MAINTENANCE, FOR A TOTAL NOT TO EXCEED AMOUNT OF \$55,300.00.

Chairperson Peterson introduced the item, gave background, and referenced the contract available in the agenda materials: <https://vtrailway.com/wp-content/uploads/2021/04/20210429-VT-COMMISSION-AGENDA-ITEM-11.-Contract-No.-FY21-C002-with-K.L.-Dorr-Consulting-LLC.pdf>. He also thanked Commissioner Wells who noted that legal and engineering services do not require bids, adding that he was comfortable with both the previous and this contract, and thanked Mr. Dorr for working with him to define the scope of work. Mr. Dorr noted that the attached spreadsheet was to ensure compliance with federal regulations. He also believed that the amount would be less than anticipated as he is a “sole source engineering company,” and clarified that he would supervise the track maintenance, not perform it. Mr. Dorr also provided information regarding the frequency and reporting of federal inspections to Commissioner Hicks. Chairperson Peterson entertained a motion.

MOTION: Commissioner Hicks moved to award Contract No. FY21-C002 to K.L. Dorr Consulting, LLC. The motion was seconded by Vice Chair Mitchell and carried 5-0-0.

12. FOR POSSIBLE ACTION: DISCUSSION AND POSSIBLE ACTION REGARDING APPROVAL OF CONTRACT NO. FY21-C003 WITH GABRIEL WILLAMAN RAILROAD CONSTRUCTION, FOR ON-CALL INDEPENDENT TRACK MAINTENANCE SERVICES, FOR A TOTAL NOT TO EXCEED AMOUNT OF \$40,000.00.

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Chairperson Peterson introduced the item and gave background. He also thanked Vice Chair Mitchell and Commissioner Hicks for working on the contract (<https://vtrailway.com/wp-content/uploads/2021/04/20210429-VT-COMMISSION-AGENDA-ITEM-12.-Contract-No.-FY21-C003-with-Gabriel-Willaman-Railroad-Construction.pdf>). Commissioner Hicks clarified that the scope of work in the contract had changed because of the uncertainty of the track conditions, since no trains had been running this year, resulting in an “on call format.” Chairperson Peterson entertained a motion.

MOTION: Commissioner Wells moved to award Contract No. FY21-C003 to Gabriel Willaman Railroad Construction. The motion was seconded by Commissioner Hicks and carried 5-0-0.

13. FOR POSSIBLE ACTION: DISCUSSION AND POSSIBLE ACTION REGARDING FISCAL YEAR 2021 FINANCIAL REPORTS FOR THE V&T RAILWAY COMMISSION AND MODIFICATION OF THE TENTATIVE BUDGET FOR FISCAL YEAR 2022.

Chairperson Peterson introduced the item. Treasurer Dotson gave background, and discussed the current financial reports in addition to the tentative budget, incorporated into the record (<https://vtrailway.com/wp-content/uploads/2021/04/20210429-VT-COMMISSION-AGENDA-ITEM-13.-FY21-Financial-Reports-and-FY22-Tentative-Budget-review.pdf>). He also responded to clarifying questions and noted that the final budget was due on May 18, 2021. Commissioner Wells noted several issues such as the Polar Express Contract not being dual-signed and recommended having that prior to finalizing the budget. Mr. Rowe offered to forward him “a representative sample” of the contracts. Chairperson Peterson entertained a motion.

MOTION: Vice Chair Mitchell moved to approve the Fiscal Year 2021 Financial Reports as presented and direct the discussed changes be made to the Fiscal Year 2022 Tentative Budget for final presentation at the Fiscal Year 2022 Budget Hearing scheduled for May 18, 2021. The motion was seconded by Commissioner Wells and carried 5-0-0.

14. FOR DISCUSSION ONLY:

MONTHLY NON-ACTION ITEMS:

A. ATTORNEY’S REPORT

Mr. Rowe recommended agendizing discussion on the conflict of interest policy.

B. UPCOMING MEETINGS

Chairperson Peterson read the following into the record.

- **Fiscal Year 2022 Budget Hearing: May 18, 2021, at 1:00 p.m.**
- **V&T Railway Commission: May 18, 2021, immediately following the Fiscal Year 2022 Budget Hearing**

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C. COMMISSIONER COMMENTS, ANNOUNCEMENTS, AND REQUESTS FOR INFORMATION FROM STAFF.

None.

15. PUBLIC COMMENT

Mr. Willaman stated that trash blown from the Carson City landfill had been accumulating on the tracks and at the depot. Commissioner Hicks offered to look into it. Mr. Willaman also invited the Commissioners to go on a train trip. Mr. Rowe recommended adding the Engineer's Report to the agenda.

16. FOR POSSIBLE ACTION: TO ADJOURN

Chairperson Peterson adjourned the meeting at 3:19 p.m.

The Minutes of the April 29, 2021 Nevada Commission for the Reconstruction of the V&T Railway meeting are so approved this 18th day of May, 2021.