



Commission Members

Stephanie Hicks
Leah Kruse
Clay Mitchell
David Peterson

NOTICE OF PUBLIC MEETING

of the

NEVADA COMMISSION FOR THE RECONSTRUCTION OF THE V&T RAILWAY
("V&T Railway Commission")

DAY: Thursday
DATE: January 26, 2023
TIME: Beginning at 9:00 am
LOCATION: Carson City Community Center Robert "Bob" Crowell Board Room
851 E. William St.
Carson City, NV 89701

AGENDA

NOTICE TO THE PUBLIC

Members of the public who wish only to view the meeting but do NOT plan to make public comment may watch the livestream of the V&T Railway Commission meeting at www.carson.org/granicus and by clicking on "In progress" next to the meeting date, or by tuning in to cable channel 191. Livestream of the meeting is provided solely as a courtesy and convenience to the public. Carson City does not give any assurance or guarantee that the livestream or cable channel access will be reliable. Although all reasonable efforts will be made to provide livestream, unanticipated technical difficulties beyond the control of City staff may delay, interrupt or render unavailable continuous livestream capability.

The public may provide public comment in advance of a meeting by written submission to the following email address: admin@vtrailway.com. For inclusion or reference in the minutes of the meeting, your public comment must include your full name and be submitted via email by not later than 3:00 p.m. the day before the meeting.

Members of the public who wish to provide live public comment via telephonic appearance in lieu of physical attendance may do so during the designated public comment periods indicated on the agenda by dialing the numbers listed below. Please do NOT join by phone if you do not wish to make public comment.

1. CALL TO ORDER
2. ROLL CALL AND DETERMINATION OF A QUORUM
3. PLEDGE OF ALLEGIANCE

4. **PUBLIC COMMENT:** ** The public is invited at this time to comment on and discuss any topic that is relevant to, or within the authority of this public body.
5. **FOR POSSIBLE ACTION:** Approval of Minutes of the November 30, 2022, meeting.
6. **FOR POSSIBLE ACTION:** Discussion and possible action for the election of an interim Treasurer for the V&T Railway Commission for the term ending July 1, 2023. **David Peterson** (admin@vtrailway.com) *Staff Summary: The resignation of Jim Wells resulted in a vacancy of the Treasurer position. According to Section 4(3) of the Nevada Commission for the Reconstruction of the V&T Railway Act of 1993, "the Commission shall elect a ... Treasurer from among its members. The Secretary and the Treasurer may be one person. The terms of the officers expire on July 1 of each odd-numbered year."*
7. **FOR POSSIBLE ACTION:** Discussion and possible action regarding the V&T statement of accounts payable checks paid November 1-30, 2022, and December 1-31, 2022. – **David Peterson** (admin@vtrailway.com) *Staff summary: The V&T Commission will review the invoice listing for accounts payable checks totaling \$61,324.17, paid November 1-30, 2022, and \$372,971.08, paid December 1-31, 2022.*
8. **FOR POSSIBLE ACTION:** Discussion and possible action regarding the adjusted V&T Fiscal Year ("FY") 2022/2023 budget reports, period ended November 30, 2022, and period ended December 31, 2022. – **David Peterson** (admin@vtrailway.com) *Staff summary: The V&T Commission will review a comparative statement of adjusted revenue totaling \$980,337.26, expenses totaling \$297,639.88 November 30, 2022, and adjusted revenue totaling \$980,337.26, expenses totaling \$672,824.70 December 31, 2022, and make a determination whether they approve of the report.*
9. **FOR POSSIBLE ACTION:** Discussion and possible action regarding Contract No. FY23-Coo2 with Virginia & Truckee Railroad ("VTRR") for train services, lease, maintenance and storage of Locomotive #18, and use of VTRR's intellectual property ("the Contract"), effective through January 1, 2028. – **David Peterson** (admin@vtrailway.com) *Staff summary: Following contract negotiations, the V&T Commission, VTRR and legal counsel have compiled the proposed Contract that is being recommended for approval.*
10. **FOR POSSIBLE ACTION:** Discussion and possible action regarding a declaration of default of Roy Street Properties, LLC for failure to pay certain installments provided in the Promissory Note dated November 30, 2021, related to a certain property with APN 008-522-15, located in Carson City, Nevada and authorizing the Chair to deliver a Declaration of Default to the trustee or otherwise initiate the foreclosure proceedings. – **David Peterson** (admin@vtrailway.com) *Staff summary: Following a 4-month delinquency in payment, Chair Peterson, at the assistance of legal counsel, sent Roy L. Street on January 19, 2023, a notice that payment is immediately due and payable asking that the balance be paid within 7 days. The V&T Commission will need to declare that Roy Street Properties, LLC is in default, and authorize the Chair to deliver a declaration of default to the trustee in order for the foreclosure proceedings*

to be initiated.

- 11. FOR POSSIBLE ACTION:** Discussion and possible action regarding termination of the Independent Rail Bike Rides Service Agreement and its two amendments with Freedom Rail, LLC, with the amended contract term ending December 31, 2023 (“Contract”). – **David Peterson** (admin@vtrailway.com) **Staff Summary:** *Following a 7-month delinquency in payment of utilities and rail inspections, in addition to a bounced revenue check not yet reconciled, Chair Peterson, with the assistance of legal counsel, notified Freedom Rail, LLC on January 19, 2023, in writing, of its failure to perform and demanded the same to be cured within ten (10) days, in accordance with the terms of the Contract. If Freedom Rail, LLC does not clear the dues in the account within the 10 days, the Commission may immediately terminate the Contract and pursue other means of collecting on this debt.*

12. FOR DISCUSSION ONLY:

MONTHLY NON-ACTION ITEMS:

- a. Operations Report – Allyson Bolton, Atypical Consulting and Events
- b. Train Operations Report – Thomas Gray, VTRR
- c. Engineer’s Report – Ken Dorr
- d. Upcoming Meeting:
 1. *Commission Meeting on February 22, 2023 @ 9 am.*

- 13. COMMISSIONER COMMENTS OR ANNOUNCEMENTS, AND REQUESTS FOR INFORMATION:** No action will be taken and no discussion among the members or with staff will take place during this item of the agenda.

- 14. PUBLIC COMMENT:** The public is invited at this time to comment on any matter that is not specifically included on the agenda as an action item. No action may be taken on a matter raised under this item of the agenda.

- 15. FOR POSSIBLE ACTION:** To Adjourn.

****PUBLIC COMMENT LIMITATIONS** – The V&T Railway Commission will provide at least two public comment periods in compliance with the minimum requirements of the Open Meeting Law prior to adjournment. **Public comment will be taken at the beginning of the agenda before any action is taken and again at the end before adjournment.** No action may be taken on a matter raised under public comment unless the item has been specifically included on the agenda as an item upon which action may be taken. The Chair may call for or allow additional individual-item public comment at the time of the body’s consideration of the item when: (1) the comment will be provided from a person who is directly involved with the item, such as V&T staff or an applicant; or (2) it involves any person’s or entity’s due process appeal or hearing rights provided by statute or the Carson City Municipal Code. Comments may be limited to three minutes per person or topic at the discretion of the Chair in order to facilitate the meeting.

Agenda Management Notice - Items on the agenda may be taken out of order; the public body may combine two or more agenda items for consideration; and the public body may remove an item from the agenda or delay discussion relating to an item on the agenda at any time.

Titles of agenda items are intended to identify specific matters. If you desire detailed information concerning any subject matter itemized within this agenda, you are encouraged to call the V&T Railway Commission. You are encouraged to attend this meeting and participate by commenting on any agenda item.

Notice to persons with disabilities: Members of the public who are disabled and require special assistance or accommodations at the meeting are requested to notify the V&T Railway Commission in writing at PO Box 1711, Carson City, NV, 89702, or by calling (775) 686-9037 at least 24 hours in advance.

To request a copy of the supporting materials for this meeting, contact Allyson Bolton at admin@vtrailway.com or call (775) 686-9037.

The agenda and supporting material are available on the V&T Railway Commission website: <https://vtrailway.com/about/vt-commission/> and at the office of the Carson City Culture & Tourism Authority dba Visit Carson City - 716 North Carson Street, Suite 100, Carson City, Nevada.

If a person willfully disrupts a meeting, to the extent that its orderly conduct is made impractical, the person may be removed or excluded from the meeting. NRS 241.030(4).

This notice has been posted at the following locations:
Office of Visit Carson City, 716 North Carson Street, Suite 100
<https://vtrailway.com/about/vt-commission/>
<http://notice.nv.gov>