

# CITY OF ELY

501 Mill Street Ely, Nevada 89301  
City Hall (775) 289-2430  
[Cityofelynv.gov](http://Cityofelynv.gov)

## ELY CITY COUNCIL REGULAR MEETING

January 25, 2024, 5:00 p.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 5:00 P.M. Harry Rhea offered an invocation. Mayor Robertson led in the Pledge of Allegiance and asked for Roll Call.

Members present:

- Mayor Nathan Robertson
- Councilman Terrill Trask (Zoom)
- Councilman Kurt Carson
- Councilwoman Samantha Elliott
- Councilman Jim Alworth
- Councilwoman Jerri Lynn Williams-Harper

City Officials and staff present in the building or via video conference:

- City Clerk Jennifer Lee
- City Treasurer/HR Director Janette Trask (Zoom)
- City Attorney Leo Cahoon
- City Fire Chief Pat Stork
- City Police Chief Scott Henriod
- City Municipal Court Judge Mike Coster (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 persons attended via video conference: Geri Wopschall, Zachary Johnigan, Jessica Brooks, M. Griff, Cody Coombs, Jennifer Drew-Lesher, Kayleen, RMH, and Ely Resident.

### ELY CITY COUNCIL ATTENDANCE LIST

DATE: January 25, 2024

Print name below

Janet VanCamp  
GREG COPELAND  
Rhannon Scamlo  
George Chachas  
Mark Bassett  
John Charvalis  
Paula Carson  
Kurt Carson  
Tony Enright  
Chris Robinson  
Michael Conroy  
MEI VAN CAMP  
Renee Arshman

Print name below

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2. PUBLIC COMMENT

NEVADA NORTHERN RAILWAY  
NATIONAL HISTORIC LANDMARK



Nevada Northern Railway Foundation  
A Nevada 501 (c) 3 Non-Profit Corporation  
Depot: 1100 Avenue A, Ely, Nevada 89301  
Mailing Address: PO Box 150040, Ely, Nevada 89315  
Voice: (775) 289-2085 • Web: www.nnry.com • E-mail: info@nnry.com

January 25, 2024

Mayor Nathan Robertson, City of Ely  
City Council: Terrill Trask, Kurt Carson, Jim Alworth, Samantha Elliott and Jerri-Lynn Williams-Harper  
City of Ely  
501 Mill Street  
Ely, NV 89301

Dear Mayor and City Council Members,

You will be hearing a presentation today from rPlus Hydro on the White Pine Pumped Storage Project in regards to their Visitor Study that was done at the Nevada Northern Railway earlier this year. The Foundation believes that we were hornswoogled. There are fatal flaws in their study that do not show the real impacts of their project on both the City of Ely and the Foundation. These don't show up in their study.

The reason they don't is because R+ studied a period of time after the project is completed, and not during the construction period when the project is going to have the most disruptive impact on the Railway. The construction period is when there will be heavy equipment carrying rock and rubble and kicking up dust between the HiLine and the restored Mainline. A survey of that period would be completely different.

But let's just take a look at their study. We have a different take on that as well. It's quite a bit different than the rosy scenario they claim it shows.

First, it's important for you to keep in mind that the Foundation doesn't agree with all the photosimulations that rPlus used in their study. We believe photosimulations skew the data in their favor.

Second, we also don't like the fact that their study only covers a four-month period, missing some very busy times for the railroad. The Foundation and the National Park Service (NPS) wanted the study to go a full year as typically required by the Federal Energy Regulatory Commission (FERC).

Third, our biggest concern is that the rPlus survey doesn't cover the construction period that they say will be at least 7 years long. More on that in a moment.

Fourth, here's the other side of the rPlus study that they don't want to talk about:

- Award Winning Destination
- Best Historic Railroad of the West – 2022
- Best Adrenaline Rush in Rural Nevada – 2020
- Best Museum in Rural Nevada – 2022, 2020, 2017, 2016, 2014, 2013, 2010, 2009, 2008
- Trip Advisor Certificate of Excellence – 2022, 2021, 2020, 2019, 2018, 2017, 2016, 2015, 2014
- Best Place to Take the Kids in Rural Nevada - 2020, 2019, 2018, 2015, 2014, 2013, 2012, 2011, 2010, 2009, 2008, 2007

36% of "Tourists state the project will reported either somewhat or significantly negative their level of enjoyment because of the Project's impact on the Tourist's level of Enjoyment.

Negative impacts reported were higher for return riders (28%); NNR Members (40%); and Locals (37%)<sup>1</sup> Study results showed similar negative impacts for the MainLine, namely, that:

- 26% of all NNR patrons reported that the Project's impact on their level of enjoyment for the MainLine was either somewhat or significantly negative<sup>2</sup>
- Negative impacts reported were higher for return riders (34%); NNR Members (45%); and Locals (44%)<sup>3</sup>
- 15% of all NNR patrons stated that the Project would either somewhat or significantly negatively impact their willingness to ride the MainLine<sup>4</sup>

Negative impacts reported were higher for return riders (26%); NNR Members (36%); and Locals (33%)<sup>5</sup>

Without any information on short-term impacts and even with the flaws that we believe are embedded in their study and skew it in the Project's favor, the magnitude of the negative impact figures are highly concerning.

We think the negatives from their Project will actually be much worse because of the short term impacts.

This is what they have planned for their construction period. It's essentially a "mini-city" that WPW proposes to construct and operate over the anticipated seven-year "short-term" construction period to be located between the upper and lower reservoir areas adjacent to the NNR Mainline and HiLine routes.<sup>6</sup>

Attached is a recent map showing the temporary activity near the lower reservoir:  
These features and activities would include:

- temporary service roads;
- barricades at key points;
- chain link fencing and/or signs for security and safety;
- laydown areas;
- construction vehicle parking areas;
- worker trailers;
- explosives storage;
- a concrete batch plant;
- diesel generators;
- water supply and wastewater treatment facilities, and;

<sup>1</sup> See Survey, at 15.

<sup>2</sup> See WPW-Cicero Report, at 7 (Figure 2).

<sup>3</sup> See Survey, at 14.

<sup>4</sup> See WPW-Cicero Report, at 7 (Figure 2).

<sup>5</sup> See Survey, at 15.

<sup>6</sup> See Project Information on Temporary Construction Infrastructure, Document Accession #20230727-5134 (July 27, 2023), at 34-38.

- construction material storage areas and staging areas

We believe the “short term” seven-year construction period will have a greater impact on the visitors’ experience at the railroad than the impacts once the Project construction has finished.

During the construction period, there will be heavy equipment usage generating dust, explosions, construction of the lower reservoir, man-camp trailers, explosive magazine and laydown yards.

Passengers on the Railway excursion trains will report on social media what they see, which is a major construction project, that will seriously impact the Foundation’s ridership for those seven years.

Applicant has put the cart before the horse. They have performed a Visitor Study showing the completed Project. But WPW has *never* studied the impacts of the seven-year Project construction on the railroad’s ridership and its finances.

We believe the proper takeaway from the survey is far different than what rPlus has laid out and can be summarized as follows:

- Applicant’s Study is fundamentally incomplete and therefore flawed.
- Impacts from the permanent Project features on NNR ridership will be significant, *but short-term impacts over the 7-year construction period will be far worse.*

Sincerely,



Mark S. Bassett  
President

George Chachas stated on your agenda item 6B-2 you are to consider proposals for the purchase of the City’s Belfort Avenue Parcel. The City has no business competing with the private sector. On your agenda item 6B-3 you are to consider approval of the appeal of the Regional Planning Commission’s decision regarding a parcel map; there was not enough information provided and this item needs to be denied. On your agenda item 6B-5 regarding the reappointment of Kurt Carson to the Tourism and Recreation Board, this needs to be a different person because Kurt Carson has poor attendance. On your agenda item 6B-14 you are to consider a resolution for hiring protocol; it needs to be consistent.

John Charchalis stated pumped hydro projects are usually done where there is a river or a lake available. It is not the case here, being a “closed loop” that accesses our limited aquifer. They are proposing a reservoir that would be 4,100-acre feet in volume. In more precise terms, it means pumping 1,318,900,300 gallons out of our aquifer with an annual replacement due to evaporation of 241,262,250 gallons. It takes 1.02 Kw hours to lift one acre foot one foot in height, multiply that by 4,100-acre feet and 2,150 feet altitude to the mountain top reservoir and you will see how much it takes to perform that. rPlus says they will generate 1000 megawatts for just a few hours, which I believe would be critically negated by the energy needed to pump the water up to the upper reservoir, energy that would be pulled from Mt. Wheeler Power? Here’s the point: Even though they are dangling a carrot of a supposed millions in tax revenue at us, what good is it when the wells of all the ranches and farmers of Steptoe Valley run dry and all the game for hunting the Duck Valley range is permanently scared off. A promise of supposed revenue is meaningless when you can’t drink paper.

### **3. Mayor – Discussion/For Possible Action – Approval of Agenda, including removal of agenda items.**

Councilman Carson moved to approve the agenda as presented. Councilman Trask seconded the motion. The motion carried unanimously.

### **4. CITY DEPARTMENT REPORTS**

#### **➤ CITY MUNICIPAL COURT JUDGE**

City Municipal Court Judge Coster stated I did complete a week of mandatory training down in North Las Vegas two weeks ago with the administrative office of the State Supreme Court.

#### **➤ CITY ATTORNEY**

City Attorney Cahoon stated we have had a lot of people calling to pay off landfill fees. As of right now, we have collected about \$18,000.00 and hopefully will see several thousand in the next couple of weeks.

➤ **PUBLIC WORKS DIRECTOR**



**CITY OF ELY**

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[www.CityofElyNV.gov](http://www.CityofElyNV.gov)

January 25, 2024

Public Works Director Update:

I am out of town for the meeting, but wanted to update on a couple of items.

- Water/Sewer Department's dump truck has been repaired and has been put back into service as of January 17, 2024.
- The pumper truck used at the Wastewater Treatment Plant Lift Station will be returned next week.

If you have any questions, I am available by phone.

**5. REPORTS**

➤ **COUNCILMAN ALWORTH**

Councilman Alworth stated I just wanted to note that I understand the National Fish and Wildlife Services is placing the pygmy rabbit on the endangered species list, which could really impact any growth out on BLM land. For example, the solar field they want to put out there could be impacted and rPlus energies' dream up on the mountain. The pygmy rabbit is around anywhere there is sagebrush.

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

**A. CONSENT AGENDA**

**MOTION:** Move to approve the Consent Agenda item 6A-1 Minutes and 6A-2 Bills.

Councilman Alworth disclosed I am a past member of the Ely Volunteer Fire Department and some payments benefit the Volunteers, in which I have certain privileges by my association, but I will vote in good faith for the City of Ely.

Mayor Robertson disclosed my husband is a member of the Volunteer Fire Department and is not treated any differently than any of the others so I will not be abstaining, and I also don't vote.

Moved by: Councilwoman Elliott Second by: Councilwoman Williams-Harper Vote: Unanimous

1. Discussion/For Possible Action – Minutes
  - January 11, 2024
2. Discussion/For Possible Action – Bills.
  - January 12, 2024
  - January 18, 2024

**B. NEW BUSINESS**

1. Mayor Robertson – *rPlus Energies* representative – Discussion Only – Presentation regarding White Pine Pumped Storage Project's Nevada Northern Railway (NNRY) Visitor Use and Experience Survey and National Park Service (NPS) Study Dispute Resolution update.

rPlus Energies Program Manager Greg Copeland reviewed the following:

## White Pine Pumped Storage Project

Ely City Council Meeting  
January 25, 2024



White Pine Waterpower, LLC  
A Subsidiary of rPlus Hydro, LLC  
201 S. Howe St., Suite 2000, Salt Lake City, UT 84111



### Table of Contents

- NNR Visitor Use and Experience Survey
- NPS Study Dispute Resolution – Update
- Questions

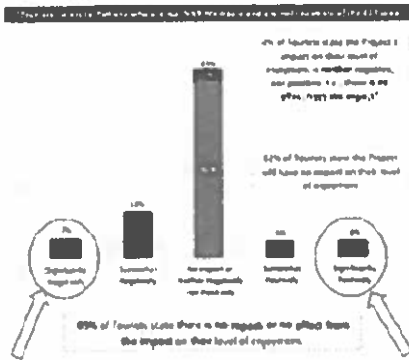
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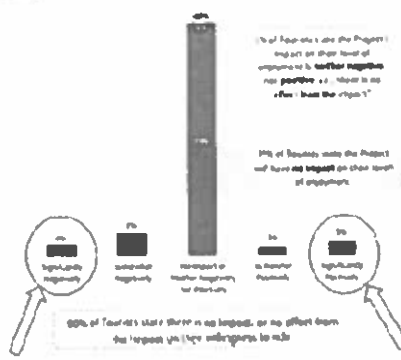
## NNR Visitor Use and Experience Survey

### Interpreting the data

Impact on level of enjoyment (Tourists only)  
n = 52



Impact on willingness to ride (Tourists only)  
n = 52



Only the "Significantly" responses are an indicator of potential change in habit.

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Implementing Data Driven Strategy

## NNR Visitor Use and Experience Survey

Executive Team Summary  
October 2023

Executive Summary | Glossary

Key Terms

- Patrons** (n=435) Refers to all individuals collectively in the sample i.e., all 435 survey participants.
- Tourists** (n=342) Refers to those who are NOT from the Ely area and are NOT members of the NNR.
- NNR Members** (n=73) Refers to those who are subscribed members of the NNR.
- Locals** (n=20) Refers to those who live in the Ely area.<sup>1</sup>

The Mainline rail visuals which Patrons were shown (RDP 13/15) when taking the survey depict the portion of the Mainline rail near the proposed project site. This portion of the Mainline is not operational, meaning no Mainline train excursions currently pass the proposed project site. Survey participants who took Mainline excursions went in the opposite direction towards Ruth, Nevada.



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Executive Summary | Study Overview & Methodology

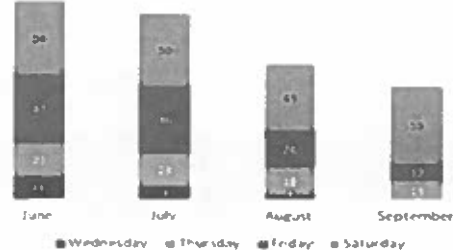
Methodology

Cicero conducted live-intercept surveys using iPads and printed paper copies at the Nevada Northern Railway (NNR) depot to gauge visitor use, primarily interviewing Patrons before they boarded the train. Surveyors attempted to reach a variety of visitors, though participation in the survey was voluntary. Patrons were shown photo simulations of what the proposed pumped storage project would look like from both the Mainline and Hi-Line rails and were then asked to indicate if and how much that would impact their enjoyment level and willingness to ride NNR trains.

Sample Distribution

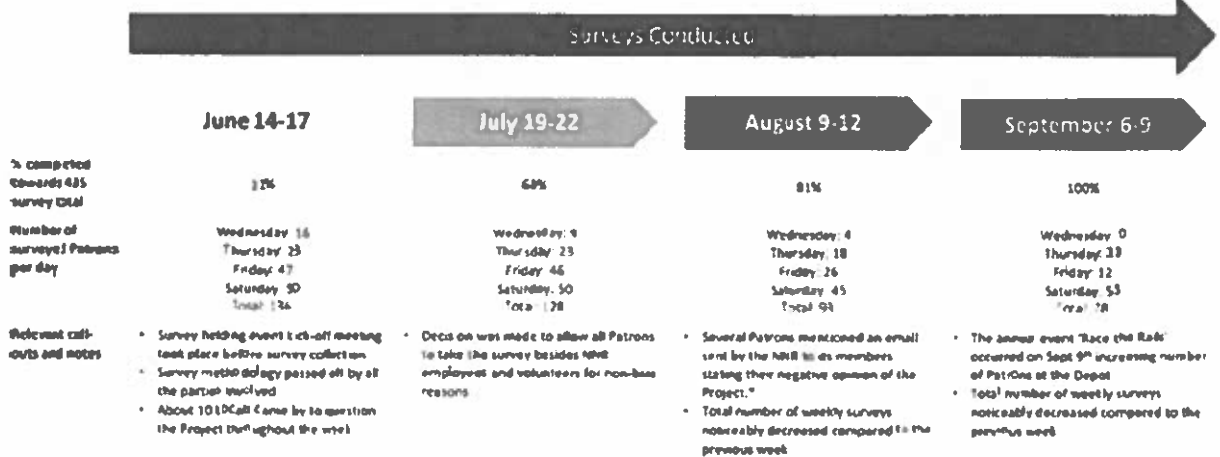


Surveys fielded between June 14th and September 9th



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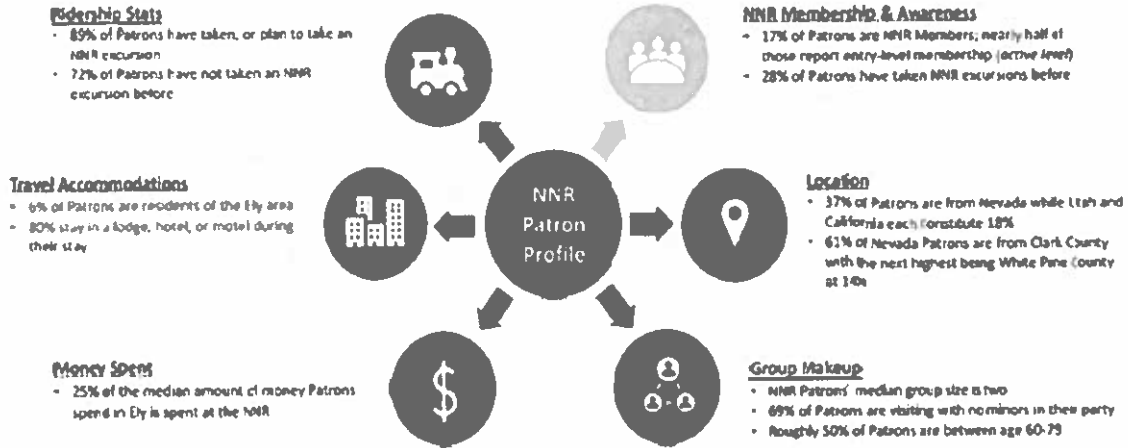
Executive Summary | Timeline



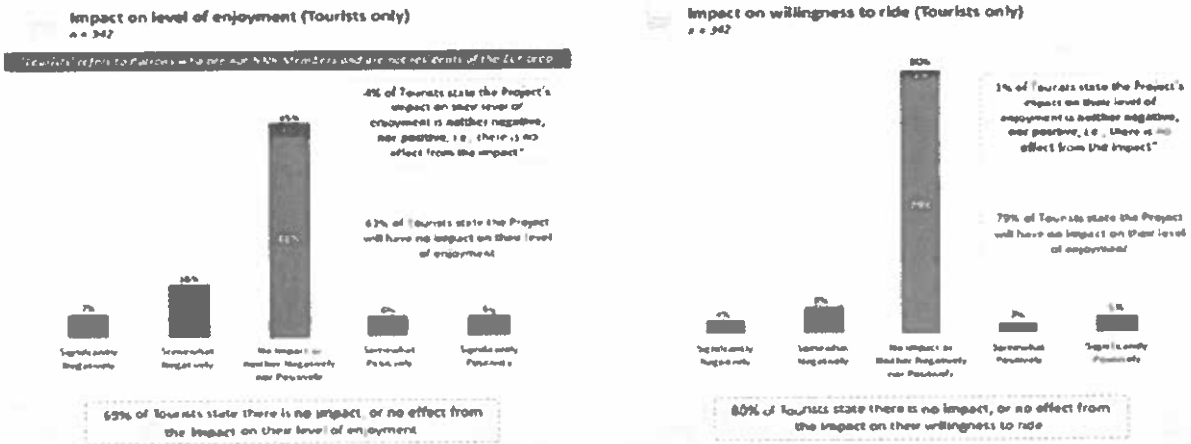
<sup>1</sup>The email referred to by several Patrons during the August fielding event is believed to be the same email sent by the NNR in April. This email was discussed and addressed by project stakeholders at that time. It is not possible to know exactly how many respondents read this email or the extent to which it may have led to negative bias toward the Project, but it is assumed that it did indeed introduce some amount of negative bias. To account for this, certain analyses in this report are conducted for all 'Patrons' i.e., all 435 survey responses, then repeated to include only 'Tourists' i.e., the 342 survey responses of NNR visitors who were neither Ely area residents, nor members of the NNR who would have received the email. This 'Tourist' subset of the total sample is likely less affected by bias and more representative of unaffiliated visitors to the NNR.



**NNR Patron Profile and Demographics**



**Tourists are especially likely to state the Project will have no impact on their level of enjoyment and willingness to ride the Hi-Line rail.**



\*Q16: How would the proposed project change your level of enjoyment when riding on the Hi-Line rail? (n=342)  
Q17: How would the proposed project change your willingness to ride on the Hi-Line rail? (n=342)  
\*Q16 and Q17 are not asked of NNR Members and are not included in the NNR Patron Profile.

**Tourists are especially likely to state the Project will have no impact on their level of enjoyment and willingness to ride the Mainline rail.**



\*Q16: How would the proposed project change your level of enjoyment when riding on the Mainline rail? (n=342)  
Q17: How would the proposed project change your willingness to ride on the Mainline rail? (n=342)  
\*Q16 and Q17 are not asked of NNR Members and are not included in the NNR Patron Profile.

**Key Findings**



A large majority of Patrons indicate the Project will have no impact on both their enjoyment level and willingness to ride. This applies to both the Mainline and Hi-Line rails.



Patrons are slightly more likely to indicate possible impact from the Project for the Hi-Line rail than for the Mainline rail. This includes both negative and positive impacts.



Very few NNR Patrons are local to the Ely area, few are NNR Members, and a large majority have NOT taken an NNR excursion before. 6% are local to the Ely area, 17% are NNR Members, and 77% have not taken an NNR excursion before.



NNR Members and Ely area residents (affiliated populations) are more likely to perceive negative impact from the Project. These groups comprise a small portion of the total sample (17% and 6%, respectively).



Patrons indicate their willingness to ride will be less affected by the Project than their level of enjoyment. Only 15% and 17% indicate negative impact on their willingness to ride compared to 26% and 29% on their level of enjoyment when riding the Mainline and Hi-Line rails, respectively.



**Update on NPS Study Dispute Resolution**

May 2022 - NPS filed a Request for Study Dispute Resolution with FERC, with three requests:

1. Additional ROP's
2. NNR Visitor Use and Experience Survey
3. NNR Socioeconomic Study

2022 through 2023 - Consultation between WPW/rPlus, NPS, and NNR to reach consensus on:

1. Additional ROP location and panoramic photo simulation angles
2. NNR Visitor Use and Experience survey instrument and methodology
3. NNR Socioeconomic data needs and methodology

July 2023 - Filed Supplemental Key Observation Points and Photo Simulations to Visual and Aesthetic Resources Study Report (to resolve request #1)

October 2023 - Filed NNR Visitor Use and Experience Survey and Assessment Report (to resolve request #2)

November 2023 - NPS relinquished request #3

November 2023 - Reached agreement with NPS to settle request for Study Dispute Resolution. WPW/rPlus agreed to:

1. Provide additional analysis of the Star Train Excursion for passengers of the NNR (using data collected Aug-Sept 2023)
2. Conduct addition fielding event and survey analysis for Santa Reindeer Flyer train Dec 2023
3. Redo the photo simulation from ROP#4 to show the NNR HiLine rail crossing.

January 2024 - WPW/rPlus completed tasks agreed to in November settlement agreement.

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**THANK YOU**

Greg Copeland  
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rPlus Hydro, LLLP  
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<https://www.whitepinepumpedstorage.com/>



Councilman Carson stated the photo simulations are taken on a conceptional design. What happens during construction?

Councilwoman Williams-Harper stated a sample size of three hundred and forty-two is way too small and you are not cognizant of the people here. The survey should have been much larger. Seven years is a long time to look at ugliness and I don't think you are being truthful.



rPlus Energies Program Manager Greg Copeland stated I appreciate your comments and I want to draw your attention to the survey was for riders and not the whole community. I point out pictures because there was concurrence with all parties.

Councilman Alworth stated I agree with NNRV President Mark Bassett and the other two council members in that the survey was too small, and the pictures don't show the damage that will be done. Your largest group in the survey was retired folks from Clark County that don't care. This is not a good project and never will be.

2. Mayor Robertson – Discussion/For Possible Action – Review of residential increase proposals received for the purchase of the City's Belfort Avenue parcel, APN 001-121-01, with possible acceptance of a proposal.

City Clerk Lee reviewed the bid tabulation below:



## CITY OF ELY

501 Mill Street Ely, Nevada 89301  
 City Hall (775) 289-2480  
 Fax (775) 289-1463  
[CityofEly.com](http://CityofEly.com)

City of Ely  
 Real Property Sale  
 Bid Tabulation

Real Property that is located on the southwest corner  
 of Belfort Avenue and Center Street, Ely, Nevada and  
 is 1.18± Acres of Land

APN 001-121-01

Bid Items	Bidder	Highest Bid for Property
Bid (Minimum Bid \$12,000.00)	David Weaver, White Pine Construction, NV License 30998 \$14,017.00	\$14,017.00
Detailed Plan for residential increase	Build a single-family home with an attached RV garage. See Attached	Detailed Plan provided
Time Frame for Completion	One to two years (weather permitting)	Time Frame of one to two years provided

Present for Bid Opening: City Clerk Lee and Administrative Assistant Cobb

The City of Ely is an equal opportunity provider and employer.

Councilman Alworth stated I would like to disclose that I have worked for White Pine Construction in the past.

City Attorney Cahoon stated as long as you are not currently benefiting from this business, I don't see a problem in you voting.

Councilman Alworth moved to accept the proposal from David Weaver, White Pine Construction. Councilman Carson seconded the motion. The motion carried unanimously.

3. Mayor Robertson - Discussion/For Possible Action – Consideration and possible approval of appeal requested by White Pine County to reverse January 17, 2024, Regional Planning Commission decision regarding a Parcel Map dividing Assessor's Parcel Number (APN) 010-420-06 to conform with the current footprint of the Golf Course. The subject property is Section 2, 3 & 10, Township 16N, Range 63E. The general location of the property is 1003 Lackawanna Road-Georgetown Ranch, and/or White Pine County Golf Course. Approval of appeal would approve said parcel map.

Mayor Robertson explained this was approved by the City Council previously. When it went in front of the Regional Planning Commission there were four members there and one had to abstain so all three other voting members would have to vote for it for it to pass and there was one nay. It is now back in front of the Council to reverse the decision made by the Regional Planning Commission.

Councilman Carson moved to approve the appeal requested by White Pine County to reverse January 17, 2024, Regional Planning Commission decision regarding a Parcel Map dividing Assessor's Parcel Number (APN) 010-420-06 to conform with the current footprint of the Golf Course. Councilwoman Williams-Harper seconded the motion. The motion carried unanimously.

4. Mayor Robertson – Discussion/For Possible Action – Confirmation of Mayoral reappointment of Council Member Samantha Elliott to the White Pine County Natural Resources Advisory Committee through December 31, 2025.

Councilman Trask moved to table the confirmation of Mayoral reappointment of Council Member Samantha Elliott to the White Pine County Natural Resources Advisory Committee through December 31, 2025. Councilwoman Williams-Harper seconded the motion. The motion carried unanimously.

5. Mayor Robertson – Discussion/For Possible Action – Confirmation of Mayoral reappointment of Council Member Kurt Carson to the White Pine Tourism and Recreation Board through December 31, 2025.

Councilwoman Williams-Harper moved to confirm Mayoral reappointment of Council Member Kurt Carson to the White Pine Tourism and Recreation Board through December 31, 2025. Councilman Trask seconded the motion. The motion carried 4 to 1 with Councilman Carson voting nay.

6. Mayor Robertson – Discussion/For Possible Action – Approve Mayoral reappointment of Kenna Almberg to the Regional Planning Commission, with term expiring December 31, 2027.

Councilman Carson moved to confirm Mayoral reappointment of Kenna Almberg to the Regional Planning Commission, with term expiring December 31, 2027. Councilman Trask seconded the motion. The motion carried unanimously.

7. Mayor Robertson – Discussion/For Possible Action – Approve Mayoral reappointment of Mary Kerner to the Regional Transportation Commission (RTC) with term expiring December 31, ~~2027~~, 2025.

Councilwoman Elliott moved to approve Mayoral reappointment of Mary Kerner to the Regional Transportation Commission (RTC) with term expiring December 31, 2025. Councilman Trask seconded the motion. The motion carried unanimously.

8. Mayor Robertson – Discussion/For Possible Action – Approve Mayoral reappointment of Gene Trask to the City Tree Board, with term expiring December 31, 2026.

Councilman Trask stated I would like to disclose that Gene Trask is my father, but there is no benefit to me by him being on this board or by me voting for this item.

Councilman Carson moved to approve Mayoral reappointment of Gene Trask to the City Tree Board, with term expiring December 31, 2026. Councilwoman Elliott seconded the motion. The motion carried unanimously.

9. Mayor Robertson - Discussion/For Possible Action – Reappointment of Municipal Utilities Board Member John O'Flaherty with term through December 31, 2027.

Councilwoman Elliott moved to approve Mayoral reappointment of Municipal Utilities Board Member John O'Flaherty with term through December 31, 2027. Councilwoman Williams-Harper seconded the motion. The motion carried unanimously.

10. Mayor Robertson - Discussion/For Possible Action – Reappointment of Municipal Utilities Board Member Ken Ross with term through December 31, 2026.

Councilman Carson moved to approve Mayoral reappointment of Municipal Utilities Board Member Ken Ross with term through December 31, 2026. Councilman Trask seconded them motion. The motion carried unanimously.

11. Mayor Robertson - Discussion/For Possible Action – Reappointment of Municipal Utilities Board Member Greg Rivero with term through December 31, 2027.

Councilwoman Elliott moved to approve Mayoral reappointment of Municipal Utilities Board Member Greg Rivero with term through December 31, 2027. Councilwoman Williams-Harper seconded the motion. The motion carried unanimously.

12. Mayor Robertson – Discussion/For Possible Action – Removal of Leah Brown as a City of Ely representative on the Regional Planning Commission for failure to take the oath of office, pursuant to NRS 282.010 and Nevada Constitution Article 15 Section 2.

Administrative Assistant Cobb read the following letters into the record:

January 23<sup>rd</sup>, 2024

Addressed to the Following:

**Members of the City Council**

Terrill Trask | Council Member Seat 1  
Kurt Carson | Council Member Seat 2  
Samantha Elliott | Council Member Seat 3  
Jim Alworth | Council Member Seat 4  
Jerri-Lynn Williams-Harper | Council Member Seat 5

City Mayor Nathan Robertson  
City Attorney Leo Cahoon

**LETTER OF RESIGNATION**  
*for January 25<sup>th</sup> 2024 City Council Meeting*  
*re. City Council Agenda Item # B-12*

*To All This May Concern*

I really wanted to attend in person but have committed to a prior engagement during this hour. I'd like to make a specific request if I may, that this letter is read aloud during the meeting, and would also ask that this letter be filed as an addendum to be included with the meeting minutes on public record. I would respectfully ask that this agenda item remain open for discussion so that all of what I'm about to present is fairly published on record in its full context.

I want to extend my sincere offering of gratitude to every single member on this council for your trust in me to have voted unanimously to extend this opportunity to serve on the Regional Planning Commission (RPC) a 5th year. I've honorably served on this commission since its onset after having served a 1-year term on the City Planning Commission prior. It's truly been an honor and I can't begin to express how much it means to have had the support of all of you. However due a series of events that has unfolded, I've lost interest and don't feel my contribution to serve in this capacity is an effective use of my time and energy any longer.

If you are to vote this day January 25<sup>th</sup> 2024, regarding my termination of the RPC for not taking an oath and signing the document, I think it's important that you are provided the full context of events leading to this.

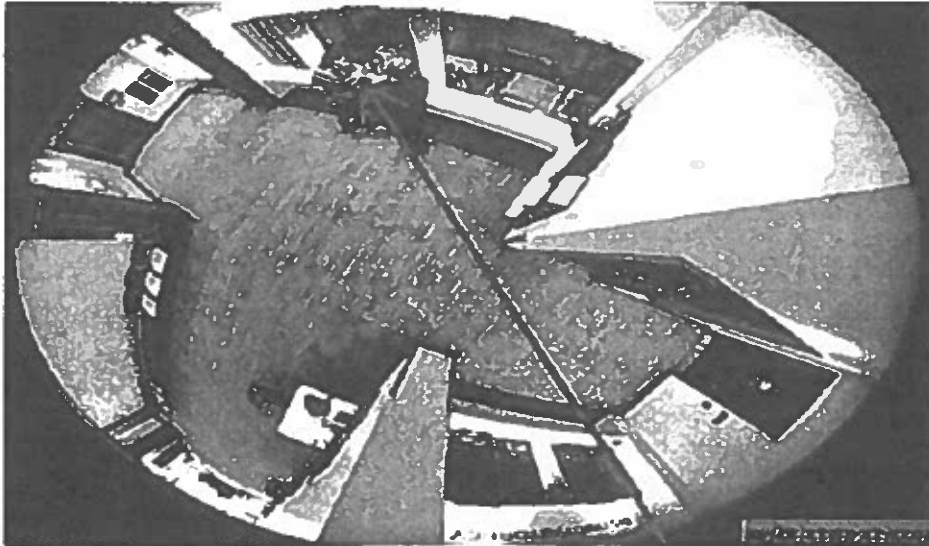
First off I feel this effort to have me removed from the the RPC to be very calculated and should be looked into further whether or not this is a act of retaliation by those involved (see attached letter dated January 2<sup>nd</sup> 2024 sent to Nichole Stepley and cc to District Attorney James Beecher). I have served on the RPC for 5 years and evidently over the course of the last year without an official oath on record. I have taken the oath to serve on this commission without question in the past and have no issue with renewing this oath when the timing is appropriate and presented to me in a respectful and professional manner. I find it all too suspicious that we are only now talking about this, TWELVE MONTHS into my term with an apparent missing oath.

Letter to City Council for January 25<sup>th</sup> 2024 Meeting | Page 1 of 5

## Ely City Council – Regular Meeting – January 25, 2024

It was my understanding that the document I was asked to sign the beginning of 2023 by Building Department Manager Jennifer Drew-Lesher, was the official oath. But now I'm being told there are two oaths. As detailed in City Attorney Leo Cahoon's letter dated January 11<sup>th</sup> 2024, which I received upon my return from vacation (honeymoon) the 22<sup>nd</sup> of January, it's become my understanding that a good 4 months into this term had passed before elected public official White Pine County Clerk Nichole Baldwin was instructed in late April (2023), to reach out and advise a signed oath must be furnished to her office as well. Months into the 2023 year, I was informed that this administration accidentally overlooked the administrative process for a re-appointment term back in December 2022, thus my re-appointment was not scheduled to vote until April 2023. To be honest, I too somehow overlooked that my term expiration came and went, but it is the responsibility of this administration to keep atop of these administrative matters.

It has now been twelve months in total and seven months since County Clerk Nichole Stephey was informed of the needed oath and signed document but yet, Mr. Leo Cahoon allows me only a single weeks' time to provide a signed oath, the very week I happened to be out of the country enjoying my honeymoon vacation. There was No call/No email, only a certified letter I think it's important to distinguish who dropped the ball in this matter, and likewise, give credit where credit is due. My latest term prior to this one, expired in December (2022). However, I continued to serve on the RPC as a courtesy and as you know without pay (I am a VOLUNTEER) until further guidance would be furnished. If any of you on this council were "confused" as to why you were being asked to vote on my re-appointment in April and not December (2022) as it should have been, it is strictly due to Nichole Stephey's failure to follow through with these things in a timely fashion, but somehow this failure has been diverted and aimed at me in a very personal manner.



Letter to City Council for January 25<sup>th</sup> 2024 Meeting | Page 2 of 5

This is me with my hand raised giving an Oath, which was misrepresented as a procedural step during the marriage licensing process. County Clerk Nichole Stephey put one of her employees up to this, to sneak a document into a procedure completely unrelated to what we came for.

In the above screenshot image, if you look closely, you can see my hand raised in the air. I'd like the opportunity to explain what this is about. This was me giving a supposed Oath for what we were led to believe pertained to our marriage. My (now) husband and I were told during the paperwork process for our marriage license, that this was "the last thing" we must complete in the marriage license process, an oath. A bit confused, as we had always understood a marriage oath was done before the Justice of the Peace, I continued anyway as I was directed by the attendee. The woman who was put up to this by her boss Nichole Stephey presented two documents before us and then proceeded to advise that I raise my hand and read the first document aloud first. As it became increasingly evident this had nothing to do with the process we came in for, I then asked her mid-way, "What does this have to do with our marriage?" I could hear Nichole Stephey laughing in her nearby office all the while. In a bantering manner, the woman hastily grabbed the two documents as fast as she could and placed them beneath the desk. She replied to say that she thought I wanted to do this for "the commission" while there was no mention or discussion about a commission at any time during the process. I had to ask at that point if we were done as we were left a little confused as to what we were expected to do next in the process. The woman responded "yes you're done," as she quickly shuffled away to hide in a preposterous fashion. I consider myself a light-hearted easy going individual with a well-rounded sense of humor myself. I know funny and by no means was this funny, for a group of ladies to desecrate such an important day for a couple in such a dishonorable manner. This is a group of women in my age bracket that are expected to conduct themselves in a professional manner, that work as the front face representatives at our county courthouse, caught in action, acting like a bunch of bully teenagers. I WANT IT STATED ON RECORD, this is the real reason I refused to sign a document that day on December 28<sup>th</sup> 2023, when my to-be husband and I went into that courthouse to obtain a marriage license.

Minutes passed before I returned to the clerks window myself to inquire about how I may obtain the video footage of what just occurred. After waiting for some time at the clerks window, I had to sound the bell to get an attendees' attention because all of the girls were too busy discussing and laughing in Nichole Stephey's office about what they just did. They thought this was funny. I must profess, I don't believe it could be any more synchronistic than this, that this would happen when this just so happens to be exact kind of unprofessional misconduct I've been exposing, within what should be revered as a top-tier professional position within our government. It is crucial that we start holding these officials accountable. Nichole Stephey should have been reprimanded for not only participating but even instructing her employees, to engage in this level of misconduct. The responsibility to enforce professional conduct of this office would be befall upon the duty of DA Mr. James Beecher. Interestingly however, even after having been informed about the occurrence, he seems more interested in grasping at any straw to have me removed the first chance he thought is permissible. On January 2<sup>nd</sup>, my newly-wed husband sent an email to Nichole Stephey and DA Beecher, DA Beecher was indeed informed about what occurred, but to date, my husband has received no apologies, not even the decency of a reply. It seems the only reaction to the email is to quickly remove me from the RPC in retaliation for calling out the unprofessional conduct at the clerks office on December 28<sup>th</sup>.

I have also learned that while I was out of country for the January 17<sup>th</sup> RPC meeting of which I did in fact inform Jennifer in advance I would not be able to attend, I was removed as Vice Chairman. I find this again a calculated act at which those involved knew I would not be in attendance for.

I surely didn't expect or wish to announce our marriage in this manner and frankly, our preference would have been to keep it a little more low-key than this. But since it is professed on record, I'd like to say that in spite of the atrocious manner in which we were treated at the clerks office during the marriage licensing process, the day couldn't have ended better, with all else considered. From this day forward, the initiative to tackle these issues of questionable governmental ethics, accountability, and transparency is where I will devote the large part of my time and energy. We must preserve and protect the rights of the people, The Constitution, and restore public trust in these important leadership roles. It's time to pull in the reins of this government over-reach and the abuses that all of us have become witness to. I don't see anything of greater importance than this, if I may be of service at this critical point in time. Please consider this my official Letter of Resignation from the Regional Planning Commission.

Letter to City Council for January 25<sup>th</sup> 2024 Meeting | Page 3 of 5



I wish all of you the very best and a sincere thank you for your service as members of The City Council.

Respectfully,

Leah Brown

Letter to City Council for January 25<sup>th</sup> 2024 Meeting | Page 4 of 5

**Jennifer Lee**

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**From:** Jennifer Drew <JDrew@whitepinecountynv.gov>  
**Sent:** Wednesday, January 24, 2024 3:03 PM  
**To:** Leo Cahoon  
**Cc:** Jennifer Lee; Nichole Stephey; Nathan Robertson; Ross Smilie  
**Subject:** FW: Supplemental Documents from January RPC Meeting

Good Afternoon,

After reading the letter submitted by Leah Brown, regarding her placement on the January 25<sup>th</sup> Agenda of the City Council, I would like to clarify the facts of any involvement I was said to of had with this matter, as well as to speak to the innocence of others.

First of all, I have NEVER asked Leah Brown, or anyone else for that matter, to sign an oath of any kind. I do not even possess a copy of the oath, as I know it is not my position to administer the oath to any Regional Planning Commission Board Member. I clearly pointed this out in my response to Leah in the email copied below.

Secondly, I was unaware that Leah's term was even up in January of 2023, or that she had been reappointed in April. I usually receive a copy of letter that is sent out to any Board Member, notifying them of their term expiration, by the County Clerk. I have no letter on file notifying me of such, so I certainly would not have been offering up any kind of oath (even if I were able to) for a position I did not know expired.

Third, Leah did notify me on January 5<sup>th</sup> that she would not be able to attend the January RPC meeting, as shown in her email copied below. This was information that only I had, as the Clerk of the Board. It had not been disclosed to either the City or County Attorney until the day of the meeting. There was no conspiracy as to the timing of the letter sent out by Attorney Cahoon, as even I did not know if Leah was out of town for a day, a week, a month...the email did not disclose that information.

Lastly, the elections of a new Chairman and Vice Chairman were conducted in an open meeting. There was no pre-calculated plan as to whom would be appointed to what position. Nominations were made during the meeting. I feel that perhaps the Board was nominating for these positions based on who was present at the meeting to willingly accept the position. So, again, no malice was presented during the election of these positions.

Leah Brown has been a good Board Member during her time of service, and I have always greatly appreciated her service to the Board. However, I cannot sit by and let these mistruths spoken of myself, the Attorneys, and the Board Members go unanswered. This is the sole reason for my email. I have no vendettas to fill or ill will toward Leah, I only wish for the facts to be presented honestly and correctly.

Best Regards,

**JENNIFER DREW-LESHER**  
Management Assistant  
White Pine County/City of Ely Building Dept  
501 Mill Street  
Ely, NV 89301  
Phone (775) 289-6500 Ext. 214  
Fax (775) 289-1463

Councilman Trask moved to accept Leah Brown's resignation as a City of Ely representative on the Regional Planning Commission. Councilwoman Elliott seconded the motion. The motion carried unanimously.

13. Councilwoman Elliott – Discussion/For Possible Action – Review of Letter of Engagement and First Addendum to Independent Contractor Agreement between Porter Group, LLC, and the City of Ely, as well as lobbying activities, with possible determination of future engagement terms.

Councilman Alworth stated the suggestions provided are good. We need help with getting housing. I would also like them to help with the PILT Program that the County gets all of right now. It is for Fire, schools, etcetera, and should be divided up differently.

Mayor Robertson stated I would encourage engaging one more year to procure the Wastewater Treatment Plant funding, the Electric Car Charging, and possible funding for metering City utilities. We can then have a discussion again next year at this time to decide if the City would like to continue or not.

Councilman Alworth moved to renew the Independent Contractor Agreement between Porter Group, LLC, and the City of Ely for lobbying activities for an additional year. Councilwoman Elliott seconded the motion. The motion carried unanimously.

14. Councilman Alworth – Discussion/For Possible Action – Discussion of hiring protocol for exempt employees with possible direction to City Human Resources Director and City Attorney to prepare a resolution establishing said protocol.

Councilman Alworth stated after hiring the Building Official we need to have a protocol to be more transparent. I am willing to work with the City Attorney on this.

Mayor Robertson stated the NRS does not require a public interview of appointed officials and can be done by mayoral appointment.

Councilman Alworth stated wages need to be discussed by the Council and decided on, not just handed out.

Councilman Alworth moved to direct City Human Resources Director and City Attorney to prepare a resolution establishing hiring protocol for exempt employees. Councilman Carson seconded the motion. The motion carried 4 to 1 with Councilman Trask voting nay.

15. Councilman Alworth – Discussion/For Possible Action – Review of Utilities Board’s recommendation to direct City Attorney to draft a written agreement with White Pine County to address lift station costs, with possible approval to do so.

Councilman Alworth stated there are forty-three homes and thirteen businesses affected out there. The City of Ely pays for power to pump County Waste. The City paid over \$7,000.00 last year.

Mayor Robertson asked have you thought about raising rates versus having the County pay for it?

Councilman Alworth stated the County needs to pay for it and not put the responsibility on the residents.

City Attorney Cahoon stated there were resolutions in 1981 and an agreement, but the agreement was not executed. There should be an agreement with the County.

Councilwoman Williams Harper moved to direct City Attorney to draft a written agreement with White Pine County to address lift station costs. Councilman Carson seconded the motion. The motion carried unanimously.

16. Councilwoman Williams-Harper – Discussion Only – White Pine Chamber of Commerce monthly report.

Mayor Robertson stated I would like to disclose the Chamber of Commerce Director is my husband. I don't vote on this, and it is just a report.

Councilwoman Williams-Harper read the following report into the record:

**White Pine Chamber of Commerce  
Ely City Council Monthly report for January 2024**

**- The Chief Executive Officer of White Pine Chamber of Commerce is proud to serve the City of Ely, its residents as well as business and property owners by serving on the Redevelopment Committee. Member Robertson looks forward to working with Councilman Trask and the other committee members in responsibly distributing Redevelopment funds for much needed revitalization projects.**

**- The white Pine Chamber of Commerce is now serving the City of Ely further by taking over the Downtown Visitor Center after another agency dissolved their role in operation of this much needed service that supports commerce throughout the city and county.**

**A visitor center is a vital resource for thousands of out-of-area-visitors as well as locals that rely on a centralized information hub. The Chamber now employs two additional part-time employees to provide this service out of our downtown office location.**

**- The Chamber of Commerce is happy to report that White Pine County continues to have the lowest unemployment in the state. Based on informational meetings the CEO has with the US Chambers of Commerce the economic outlook for 2024 is projected to be a positive and robust year.**

**- The White Pine Chamber of Commerce is also proud to continue developing its services for members and increase the support offered to small businesses and appreciates the City of Ely's assistance in furthering that mission.**

17. Council Members – City Fire Chief Stork – City Human Resource Director Trask - Discussion/For Possible Action – Approval of a one-year Memorandum of Understanding between the City of Ely, and Local Union No. 3 for the City Fire Department Bargaining Unit modifying the minimum qualifications for temporary employees.

Councilman Carson moved to approve a one-year Memorandum of Understanding between the City of Ely, and Local Union No. 3 for the City Fire Department Bargaining Unit modifying the minimum qualifications for temporary employees. Councilwoman Williams-Harper seconded the motion. The motion carried unanimously.

18. Council Members – City Treasurer Trask – Discussion/For Possible Action – Review of auditor proposals received for Certified Public Accounting Services to complete the City of Ely's fiscal year 2024, 2025, 2026 audits with possible acceptance of a proposal; proposals under consideration are: Keddington & Christensen, LLC and HintonBurdick CPAs and Advisors

Councilman Alworth moved to accept the proposal from Keddington & Christensen, LLC to complete the City of Ely's fiscal year 2024, 2025, and 2026 audits. Councilwoman Elliott seconded the motion. The motion carried unanimously.

19. Council Members – City Treasurer Trask - Discussion/For Possible Action – Approval of Resolution 2024-01 for the purpose of augmenting the City of Ely's Street Fund using the Street Fund's unbudgeted fund balance to apply towards the street improvements in the Street Fund.

Councilman Alworth moved to approve Resolution 2024-01 for the purpose of augmenting the City of Ely's Street Fund using the Street Fund's unbudgeted fund balance to apply towards the street improvements in the Street Fund. Councilman Trask seconded the motion. The motion carried unanimously.

**7. PUBLIC COMMENT**

George Chachas stated ongoing concerns regarding his request to expose the metal drain behind Washington Federal and NAPA by his property as the drain is plugged. The railroad arm on Aultman Street near the Holiday Inn that has been broken off for several months and it's a safety issue. City crews should not be helping to take down the community Christmas tree. Has there been any correspondence on Leah Brown's property? Has there been complaints on the Golden Gate Convenience Store? Has there been correspondence on Jennifer Lee's fence? Who did the excavation and paving on the corner of 901 Avenue H and who paid for it? I would like to know the RVs that have been permitted in the City and if they are paying utilities. The City and County are not addressing Code violations.

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

Councilwoman Williams-Harper moved to adjourn the regular meeting of the Ely City Council at 6:51 p.m. Councilwoman Elliott seconded the motion. The motion carried unanimously.

  
\_\_\_\_\_  
MAYOR

  
\_\_\_\_\_  
ATTEST