



# CITY OF ELY

501 Mill Street Ely, Nevada 89301  
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## ELY CITY COUNCIL SPECIAL MEETING

**November 29, 2021 5:00 p.m. – Ely Volunteer Fire Hall - 499 Mill Street-Ely, Nevada.**

1. Mayor Pro Tempore Williams Harper called the special meeting of the Ely City Council to order at 5:00 P.M., led in the Pledge of Allegiance, and asked for Roll Call.

Members present:

- Councilman Ernie Flangas
- Councilman Kurt Carson
- Councilman Ed Spear
- Councilman Jim Alworth
- Mayor Pro Tempore Jerri-Lynn Williams-Harper

Members absent:

- Mayor Nathan Robertson

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

- City Clerk Jennifer Lee
- City Treasurer/HR Director Trask
- City Attorney Leo Cahoon
- Public Works Supervisor Mike Cracraft
- 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, Mark Bassett, Wyatt Cox, Chris Stanko, Kay-Lynn Roberts-McMurray, and Jeff Moreno

### **ELY CITY COUNCIL ATTENDANCE LIST**

**DATE: November 29, 2021**

**Print name below**

George Chachas

**Print name below**

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### **2. PUBLIC COMMENT**

George Chachas stated on your agenda item 3-1, you are to consider termination of all business with S & S Shortline Leasing, LLC regarding operating on mile posts 0 through 128 of the Nevada Northern Railway. How much have they paid to date for track rental? If they owe \$1,000.00 or more the City needs to impound all their equipment that is located on the right-of-way until that debt is paid. On your agenda item 3-2, you are to consider the appointment of a Council Member or Mayor Pro Tem to make litigation decisions, and no disrespect, but the Mayor Pro Tem has only been here a short time and the appointment needs to be a City Council Member with greater time on the Council. The Nevada Department of Transportation (NDOT) erected a fence around the creek in central Ely and they used barbed wire, which is in violation of City Code; the State needs to be noticed before someone is hurt. Mr. Chachas stated ongoing concerns regarding the railroad needing to come back under the City's oversight, rumor of embezzlement regarding the railroad; the reported leak at 745 Great Basin Boulevard and that it has been taken care of by his brother but wants it rectified.

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

1. Councilman Alworth - Discussion/For Possible Action - Approval of and direction to the law firm of Thompson Hine to file, on behalf of the City of Ely (and in conjunction with Nevada Northern Railway Foundation, Inc.), a joint Petition for Declaratory Order and Petition to Revoke Exemption with the federal Surface Transportation Board to remove, void, or otherwise make clear that S & S Shortline Leasing, LLC, a Utah limited liability company, has no rights as a “carrier” or “operator” on Mile Posts 0 through 128 of the Nevada Northern Railway.

Councilman Alworth stated the item is stated clearly in that S & S Shortline, LLC has no rights to be a carrier or operator on the track between Mile Posts 0 through 128.

Chris Stanko, Esq. with the Law Firm of Maupin, Cox, and LeGoy stated the Foundation Board has unanimously approved the parallel item.

Councilman Spear moved to approve and direct the law firm of Thompson Hine to file, on behalf of the City of Ely (and in conjunction with Nevada Northern Railway Foundation, Inc.), a joint Petition for Declaratory Order and Petition to Revoke Exemption with the federal Surface Transportation Board to remove, void, or otherwise make clear that S & S Shortline Leasing, LLC, a Utah limited liability company, has no rights as a “carrier” or “operator” on Mile Posts 0 through 128 of the Nevada Northern Railway. Councilman Alworth Seconded the motion. The motion carried unanimously.

2. Councilman Alworth - Discussion/For Possible Action - Pursuant to NRS 241.0357, appointment of City Council Member or Mayor Pro Tem to make litigation decisions concerning all federal litigation at the Surface Transportation Board and all state litigation in the Seventh Judicial District Court of the State of Nevada concerning litigation or proceedings with S&S Shortline Leasing, LLC.

Councilman Alworth stated I currently represent the City on the Foundation Board and I would have no problem taking that appointment if recommended.

Chris Stanko, Esq. with the Law Firm of Maupin, Cox, and LeGoy stated Councilman Alworth you are the litigation point of contact for the State litigation, and I would advise to have the same person be the litigation point of contact for both the Surface Transportation Board (STB) and the State litigation. The purpose of this agenda item is to make clear that someone is the point of contact for both lawsuits.

Councilman Spear stated Jim would make a great appointment because of his history with the City of Ely, not only on the Council but working for the City for many years.

Councilman Spear moved to appoint Councilman Alworth to make litigation decisions concerning all federal litigation at the Surface Transportation Board and all state litigation in the Seventh Judicial District Court of the State of Nevada concerning litigation or proceedings with S&S Shortline Leasing, LLC. Councilman Carson seconded the motion. The motion carried unanimously.

**4. PUBLIC COMMENT**

George Chachas stated ongoing concerns regarding RV permitting and his request for a current list of RV permits; his request for a copy of all parking permits required on Great Basin Boulevard; parking for his property at 710 Avenue G; who is responsible for inspection of recent construction on Great Basin Boulevard; and selective enforcement on nuisances around the City.

Jim Alworth stated I am talking as a private citizen. I have lived in Ely for forty-eight years and I love this community. The City has been successful with a cleanup campaign with close to one hundred complaints turned in. If you have a concern about a piece of property go to City Hall, get the form, fill it out, and it will be investigated. To come here and flash pictures of properties around is not the process. As for Mr. Chachas complaining about my water company; I sold that nine years ago. I paid landfill and City fees and I am tired of him bringing that dead horse up. If you have a complaint fill out the proper form and the City will handle it.

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

Councilman Alworth moved to adjourn the special meeting of the Ely City Council at 5:13 p.m. Councilman Spear seconded the motion. The motion carried unanimously.

  
MAYOR PRO TEM

  
ATTEST



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