



# CITY OF ELY

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

## ELY MUNICIPAL UTILITIES BOARD REGULAR MEETING

July 8, 2021 8:00 a.m. – Ely Volunteer Fire Hall – 499 Mill Street – Ely, Nevada

1. Chairman John O’Flaherty called the regular meeting of the Municipal Utilities Board to order at **8:00 a.m.**, led in the Pledge of Allegiance and asked for Roll Call.

Members present:

- Chairman John O’Flaherty
- Member Dale Derbidge
- Member Ken Ross
- Member Jeremy Lilly

City Officials and staff present:

- Councilman Kurt Carson
- Councilman Ed Spear
- City Clerk Jennifer Lee
- City Administrative Assistant Patti Cobb
- Public Works Supervisor Mike Cracraft
- City Engineer BJ Almberg
- City Attorney Leo Cahoon
- City Attorney Shain Manuele (Zoom)

Also, in attendance: Members of the public in attendance at the Ely Volunteer Fire Hall signed in (appears below).

### MUNICIPAL UTILITIES BOARD ATTENDANCE LIST

DATE: July 8, 2021

Print name below

George Chacha  
Ed Spear

Print name below

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## **2. PUBLIC COMMENT**

George Chachas stated on your agenda item 3-C2 you are to consider the recommendation to renew the lease between the Ely Municipal Water and Sewer Department and White Pine County for thirty years; this item needs to be denied until it is proven that they have paid for the 111 million gallons or more of water that was used. If any of you are golfers, I believe you should abstain as you have a conflict. I attended the White Pine County Regional Transportation Commission Meeting held on July 7, 2021 and I reported the access on my properties on the 700 block of Great Basin was removed; the sewer connections to the two lots were relocated to the far end of the lower lot. The Copper Queen was given two accesses approximately twelve feet apart, yet they took mine away and I want my access back. I want to know if Great Basin Boulevard is a federal or State highway and if OSHA enforces ADA rules and safety regulations on State or federal highways or projects? Mr. Chachas stated ongoing concerns with permitting of various RV's throughout the City; the inability to obtain a permit to rent his property to RV's, and if the City has notified Mt. Wheeler Power that they have to move some of their power poles on Murry Street in the blocks where new city sewer and water lines are going in.

## **3. ITEMS FOR DISCUSSION/POSSIBLE ACTION OF THE UTILITY BOARD.**

### **A. CONSENT AGENDA**

**MOTION:** Move to approve the Consent Agenda item 3A-1 Minutes.

Moved by: Member Derbidge Second by: Member Lilly Vote: Unanimous

1. Discussion/For Possible Action –Minutes.
  - June 10, 2021

## B. OLD BUSINESS

1. Board Members – *Robinson Nevada Mining Company* (RNMC) representative – Discussion only – Update to the Utility Board on the *Robinson Nevada Development*, Ruth Pit Development and water mitigation efforts within the City of Ely.

City Clerk Lee read the following email into the record.

**Jennifer Lee**

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**From:** Frederick Parthey <Frederick.Parthey@us.kghm.com>  
**Sent:** Wednesday, July 7, 2021 3:33 PM  
**To:** Jennifer Lee  
**Cc:** Amanda Hilton  
**Subject:** Utility Board Meeting- 7/08/2021

Hello Jennifer,

I will not be able to attend tomorrow morning Utility Board meeting, I am by this email providing you an update on "Old Business" Item B 1. *Ruth Pit development and water mitigation efforts within the City of Ely.*

Robinson continue to mine from the Ruth pit complex, here is the breakdown of fresh water dewatering effort from the South block.

1. About 7,361 gpm is being pumped, RW-7P account for 1,541 gpm, which is sent to the City of Ely
2. About 3,362 gpm is going into Gleason Creek
3. The rest is going to the mill for ore processing.

Let me know if you have any questions.

Thanks,

Frederick

**Frederick Parthey (Ph.D., PMP)**  
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Ruth, NV 89319 USA  
[www.kghm.com](http://www.kghm.com)

## C. NEW BUSINESS

1. Councilman Alworth – Discussion/For Possible Action – Acceptance of Tri-County Weed Control's (TCWC) proposal to the City of Ely for herbicide application on that portion of the Georgetown Ranch leased by Tedd Heggie; SNPLMA grant funds require a twenty percent (20%) match, to be provided by Tedd Heggie in the amount of \$1,000.00.

Chairman O'Flaherty stated I would definitely support this, and it is good that Tedd is willing to put up some additional funding.

Member Lilly moved to recommend approval and acceptance of Tri-County Weed Control's (TCWC) proposal to the City of Ely for herbicide application on that portion of the Georgetown Ranch leased by Tedd Heggie. Member Ross seconded the motion. The motion carried unanimously.

2. Board Members – City Attorney Manuele - Discussion/For Possible Action – Recommendation to renew the lease of the Golf Course between the Ely Municipal Water and Sewer Department and White Pine County for thirty (30) years.

City Attorney Manuele stated we received this renewal request from White Pine County District Attorney Beecher requesting to renew the thirty-year (30) lease. The Golf Course Lease was initiated for thirty years in 1991 and in Article II, a section of renewal upon request for an additional thirty years upon the same terms. This request was made and I wanted to present it to the Municipal Utilities Board for recommendation of approval.

City Engineer Almborg asked in the lease, does it give the existing wells that the Golf Course has used in the past for irrigation and does this lease provide them the authority to maintain and take care of those wells?

Chairman O'Flaherty asked are the wells on City or County property or does it make a difference?

City Engineer Almborg stated I don't know off the top of my head, but when I read through the lease it does talk about the water and I want to make sure I read it correctly that the County is granted the right to maintain those wells for irrigation.

City Attorney Manuele stated in Article V it states they are able to do any repairs or improvements, but would notify the City of Ely of any intended or advised repairs to make sure we are aware.

Member Lilly stated the lease has been in place since 1991 and there has not been an increase; is an increase warranted?

Chairman O'Flaherty stated rightfully so, however, the County is taking a burden on this and the City is not losing money. If the County does not take care of it, it will come back on the City to maintain.

Member Derbidge moved to recommend approval to renew the lease of the Golf Course between the Ely Municipal Water and Sewer Department and White Pine County for thirty (30) years. Member Ross seconded the motion. The motion carried unanimously

#### **PUBLIC COMMENT**

George Chachas stated you should have considered some increase as Mr. Lilly pointed out. The City taxpayer pays a good portion of those costs out there.

3. Board Members – City Engineer AlMBERG – Discussion/For Possible Action – Recommendation to accept Murry Street Sewer Main Upgrade Project Phase-I & Phase-II.

Chairman O’Flaherty abstained as he was a bidder on the project and Member Derbidge abstained due to being a partner in another business with the owner of JCR Development, LLC.

City Engineer AlMBERG stated the crew is wrapping up by the end of the week. They are currently cleaning up the intersection at Murry Street and Mill Street where all the concrete and dirt is. They said they will come back in and gravel the city lot and leave it in nice shape. We did have a downpour in the canyon, and they are there this morning cleaning up where the water ran down the road. We are wanting to finalize the contract. I have a final change order which includes anything that was decreased or added on during the project. They are over the days agreed upon in the contract but were granted nine days due to weather and things they ran into on the project. Overall, they were past the due date by twenty-four calendar days excluding the nine days given. The twenty-four days include weekends and holidays and it is up to the Council if you want to penalize them for weekends and holidays. I have prepared two change orders; one of them is for seventeen days of delay if we exclude weekends and holidays and the other is for a straight twenty-four calendar days of delay. The change order is a decrease to the project as there were some things, we were prepared for in case we ran into them and we did not, or not to the extent we had anticipated. There is a deduction based on some drain rock, trench stabilization, and removal of some existing water mains. The liquidated damages are \$500.00 a day they are over the contract amount. Depending on which change order the City Council would like to go with: the twenty-four-calendar day net change would be a decrease of \$85,935.00 and with not penalizing them for weekends and holidays, the decrease to the project would be \$82,435.00.

Chairman O’Flaherty stated since there is not a quorum on this item it will go to the City Council for their decision.

#### **PUBLIC COMMENT**

George Chachas stated they should not be penalized for the weekends or holidays, just the normal work schedule.

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

##### **➤ CITY ENGINEER**

City Engineer AlMBERG stated this summer the City hired a temporary seasonal employee that is working out of our office. He is out collecting data on all of our water valves and manholes trying to get a GIS built up to coordinate with the County. It is a good thing for the City, and he is working in the area of Campton Street from Great Basin Boulevard to Murry Street. He is also working with Carl and his crew to expose any of those that he finds as well to make their jobs easier when there is a water leak to be able to find the valve easier. We are working with the Landfill with permits coming due in September by updating the footprint of the landfill. I did have a meeting with NDOT the other day and

they have requested us to go back over the plans and determine what the costs are to complete all the rest of the phases that NDOT plans to do in town. NDOT is trying to gather the costs to determine how they will go about finishing up the projects.

Chairman O'Flaherty asked when will the asphalt replacement be done on Murry Street?

City Engineer Almberg stated the bid was at the Regional Transportation Commission (RTC) yesterday and was awarded. They should be starting on it in the next two to three weeks as soon as they get all their bonds and things in place.

**5. PUBLIC COMMENT**

George Chachas stated ongoing concerns regarding whether the City has notified Mt. Wheeler Power that they have to move some of their power poles on Murry Street in the blocks where new City sewer and water lines are going in; ADA access at several locations; selective code enforcement; RV's not being permitted properly; where the 490' of 16-inch steel pipe went after completion of the previous Murry Street Project; not being reimbursed for taking care of the sewer problem at 681 Parker; and that the water line upgrade to the old Charter School should have been the responsibility of the developer and not the City.

**6. ADJOURNMENT: THE MEETING MAY BE ADJOURNED BY APPROPRIATE MOTION OF THE MUNICIPAL UTILITY BOARD**

Chairman O'Flaherty adjourned the regular meeting of the Municipal Utilities Board at **8:29 a.m.**

  
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Attest

  
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Chairman