

CITY OF ELY

501 Mill Street Ely, Nevada 89301
City Hall (775) 289-2430
Cityofelynv.gov

ELY MUNICIPAL UTILITIES BOARD REGULAR MEETING

August 12, 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

City Officials and staff present:

- Councilman Kurt Carson
- Councilman Ed Spear
- City Clerk Jennifer Lee
- City Treasurer/HR Director Janette Trask
- City Administrative Assistant Patti Cobb
- City Engineer BJ Almberg
- City Attorney Leo Cahoon

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: August 12, 2021

Print name below

MARGERITA HEURY
Ed Spear
George Chachas

Print name below

2. PUBLIC COMMENT

George Chachas stated ongoing concerns regarding if the 111 million gallons of water used by the Golf Course has been paid for in full; squatters' RVs; permitting of RVs; selective enforcement and equal protection under the law; utility billing needing to be brought back to City Hall; and the billing for his property located at 490 High Street.

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 Ross Vote: Unanimous

1. Discussion/For Possible Action –Minutes.

- July 8, 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.

Administrative Assistant Patti Cobb read the following email into the record:

Jennifer Lee

From: Frederick Partey <Frederick.Partey@us.kghm.com>
Sent: Wednesday, August 11, 2021 10:59 AM
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 11,113 gpm is being pumped, RW-7P account for 1,105 gpm, which is sent to the City of Ely
2. About 5,123 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 Partey (Ph.D,
PMP)
Senior Manager, Environmental
Resources-U.S Operations
T +1 775 289 7040
C +1 775 293 5261
Frederick.partey@us.kghm.com



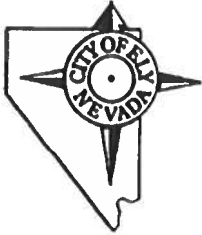
Robinson Mine
P.O. Box 382, 4232
West White Pine County Rd 44
Ruth, NV 89319 USA
www.kghm.com

C. NEW BUSINESS

1. Councilman Alworth – Discussion/For Possible Action – Approval to waive back charges owed for water, sewer, and landfill fees for 790 Avenue I up to \$8,035.41.

Chairman O’Flaherty passed the gavel to Member Derbidge due to a conflict of interest.

City Clerk Lee read the following statement into the record:



CITY OF ELY

501 Mill Street Ely, Nevada 89301
City Hall (775) 289-2130
Fax (775) 289-1463

MEMO

DATE: August 11, 2021
TO: Mayor Robertson, City Council and Municipal Utilities Board Members
COPY: City Treasurer Janette Trask and City Attorney Leo Cahoon
FROM: City Clerk Jennifer Lee
RE: 790 Avenue I back charges

It was brought to my attention in May of this year that 790 Avenue I was occupied, but the previous tenant’s account was terminated in August 2014; the owner, Bristlecone, LLC has acknowledged their company rented out 790 Avenue I the next month. Based upon previous counsel from former City Attorney Manuele, I recommended that Bristlecone, LLC be back billed for all utility charges owed; City Treasurer Trask was in agreement and signed the notification letter. Since the City of Ely notified Bristlecone LLC of their debt for services provided to 790 Avenue I, City Attorney Cahoon has confirmed that NRS 268.043(6) authorizes the City to collect delinquent charges for utility services. Further, Ely City Code 10-2-4(A)(4) states:

4. **Responsibility:** The applicant, being the legal owner, is responsible for the payment of all water charges at the premises applied for and within the meaning of this chapter is referred to as the "customer". Only the original applicant may request termination of water service or a change in the person or address to which the monthly water bill is to be sent. Pursuant to Nevada Revised Statutes 266.285(3), the property owner is solely liable for all unpaid water bills, even if the property owner has a tenant.

It is my recommendation that Bristlecone LLC’s request to waive utility back charges for 790 Avenue I be denied.

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

Municipal Utilities Board – Regular Meeting – August 12, 2021

Marietta Henry stated I am a partner in Bristlecone Motel, LLC. We rented this property, which is 790 Avenue I, from September 1, 2014 to June 30, 2021 and during that time we never received a late bill, never received a notice from the City that our water was going to be turned off due to non-payment, and the City never filed a lien on our property, which they could have done. In all those years these are the bills that show a credit of \$105.70 and past due \$0.00. A letter was sent by Janette Trask to Bristlecone, LLC on June 3, 2021 stating that we owed \$8,035.41. I am telling you it is shocking. The City is ultimately responsible for their billing system whether it is internal or third party. How are we to know that we owe money if you do not tell us? This would have been resolved a long time ago, but we never had that opportunity. We feel it is very unfair. On June 11, 2020 there was an individual that had a similar situation and his fees were waived. We respect that one of our partners is affiliated with the City of Ely and honor his request to abstain. It has been seven years and I respectfully request to address this with the City Council tonight and I ask for your approval.

City Attorney Cahoon stated it is your claim that over the last seven years that the City made the mistake. Is it your request that you receive free utilities over that seven years?

Marietta Henry stated that is not the issue. The issue is we never had the opportunity to pay it and so now it has come to this after seven years.

City Attorney Cahoon stated the other individual that you brought up in the community: there is a distinction between this case and that one in that the individual had requested the water be turned off and because of that, those penalties were waived.

City Clerk Lee stated for clarification it was a monthly shut off notice and it wasn't shut off when it normally would have been and that is why the Council opted to waive charges for a period, but not all of his request.

Marietta Henry stated I feel the City is negligent. How do you not know for seven years that someone is not paying their bill? Please explain that to me.

Member Derbidge stated we do not have a quorum to be able to vote on a recommendation.

George Chachas stated this enforces a lot of problems I have gone through. I don't think they should be paying any penalties and interest, but they should pay for the seven years unfortunately. In my case on 490 High Street, I was charged \$746.00 for outside water and capital improvements and there is no such animal.

City Clerk Lee stated for the record, the City is not charging Bristlecone, LLC penalties and interest, just monies owed.

4. CITY DEPARTMENT REPORTS

➤ **CHAIRMAN O’FLAHERTY**

Chairman O’Flaherty stated we are down one member and I would like to recognize Jeremy Lilly for his service over the years he has been a member. Hopefully the ordinance can be changed eventually to allow those that pay landfill fees or water/sewer service fees to be considered to be able to get more members.

➤ **CITY CLERK**

City Clerk Lee stated Mayor Robertson has asked us to place another legal notice in the newspaper regarding these Utility Board openings. Unfortunately, the one individual who had expressed interest, whose name is on the agenda, withdrew his name for health reasons. We will couch the legal notice that it is basically open until filled. If you know anyone who might be interested in serving, please let them know.

➤ **CITY ENGINEER**

City Engineer Almberg stated the fire department is going through an ISO rating so they have been doing more fire hydrant flow tests and we are compiling that data and hoping for a good rating because it affects the insurance rates of everyone in the City. I did have a meeting last week with the County and mine and the discussion was about the Golf Course’s old irrigation well; the intention was hopefully by next spring the Golf Course will be on their own well again and off City water. The County pulled the pump in that irrigation well earlier this week and the mine is coordinating a company to camera to see what it looks like down in that hole. We just received the compaction reports on the Murry Street Project this week and unfortunately compaction did not meet contract requirements. We sent off a letter to the contractor saying you need to provide us a written plan of how you are going to remedy it and a timeframe of completion. We also informed them that we will continue to hold their retention and keep their bonds in place until this is remedied. It will have to be corrected prior to paving the street.

Chairman O’Flaherty asked has the contract been released for the paving?

City Engineer Almberg stated yes, it has been released.

Chairman O’Flaherty asked when is that to be completed?

City Engineer Almberg stated I believe it is the end of September or mid-October. They are trying to beat the weather because when it comes to paving weather is the issue.

5. PUBLIC COMMENT

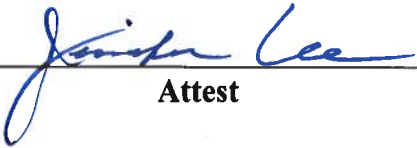
George Chachas stated ongoing concerns with sewer connections to his property on Great Basin Boulevard; if utilities have been paid in full for the Golf Course, Northern Nevada Railway, and Garnet Mercantile; where the 490’ of 16-inch steel pipe went after completion of the Murry Street Project; and if Mt. Wheeler Power has been contacted about the power poles where the new city water and sewer lines are going in.

Municipal Utilities Board – Regular Meeting – August 12, 2021

Marietta Henry stated I would like to thank Councilman Alworth and Councilman Carson for meeting with me. The Mayor called me as well on this issue regarding the utility bill on this house. I would like to thank those individuals for their integrity and giving time and attention to my problem.

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 **8:25 a.m.**



Attest



Chairman