



CITY OF ELY

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

ELY MUNICIPAL UTILITIES BOARD REGULAR MEETING

December 8, 2022, 8:00 a.m. – Ely Volunteer Fire Hall – 499 Mill Street – Ely, Nevada

1. Chairman O’Flaherty called the regular meeting of the Municipal Utilities Board to order at **8:01 a.m.**, led in the Pledge of Allegiance and asked for Roll Call.

Members present:

- Chairman John O’Flaherty
- Vice Chairman Dale Derbidge
- Member Greg Rivero
- Member Sherrie Marquez

Members absent:

- Member Ken Ross

City Officials and staff present:

- City Clerk Jennifer Lee
- City Public Works Supervisor Mike Cracraft
- City Attorney Leo Cahoon
- City Engineer B.J. Almberg – joined the meeting at 8:07 a.m.
- Administrative Assistant Patti Cobb

Also, in attendance: Members of the public in attendance at the Ely Volunteer Fire Hall signed in (appears below): None

MUNICIPAL UTILITIES BOARD ATTENDANCE LIST

DATE: December 8, 2022

Print name below

George Chachas
Wyatt Cox

Print name below

2. PUBLIC COMMENT:

George Chachas stated ongoing concerns regarding his request for reimbursement on the sewer problem he took care of at his property located at 681 Parker Avenue and hopes it doesn't turn into the same fiasco the City recently just went through with Ely Disposal; the billing at his property located at 490 High Street; his request for contracts regarding the Murry Street Project Phases II and III; the installation of water taps and sewer connections for his property located at 729 and 733 Great Basin Boulevard; the alleged damage done at 745 Great Basin Boulevard by Q & D Construction and his request for reimbursement; his request for a complete list of RVs permitted in the City of Ely, and the drainage onto his property from the Bath's property that is causing gouges in his property due to the lack of curb and gutter, he is obtaining quotes for repair and stated he will submit them to the City.

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 Rivero Vote: Unanimous

1. Discussion/For Possible Action –Minutes.
 - November 10, 2022

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

From: Frederick Parthey <Frederick.Parthey@us.kghm.com>
Sent: Wednesday, December 7, 2022 1:16 PM
To: Jennifer Lee
Cc: Amanda Hilton
Subject: Utility Board Meeting - 11/08/2022

Hello Jennifer,

I will not be able to attend tomorrow 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.

About 8,501gpm gpm is being pumped, 3,180gpm gpm is going into Gleason Creek and the rest is going to the mill for ore processing. RW-7P- is delivering 1,482 gpm into the city water system.

Please let me know if the utility board has any questions.

Thanks,

Frederick Parthey (PhD, PMP)
Senior Manager Environmental
Resources-US Operations
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Robinson Mine
4232 West White Pine County Rd 44
Ruth, NV 89319 USA
www.kghm.com

C. NEW BUSINESS

1. Board Members – City Clerk Lee – City Engineer AlMBERG – Discussion/For Possible Action - Prioritizing and recommendation of CDBG project(s) for the 2023-2024 Program Year application submission; the City’s eligible projects include Morley Avenue Sewer Replacement for \$358,200.00 and Stevens Avenue and Orson Avenue Alley Sewer Replacement for \$490,400.00.

City Clerk Lee stated both of these projects are on tonight’s agenda for final selection with the City Council. They have both been deemed eligible.

City Engineer AlMBERG stated I would prefer to prioritize the sewer in Central Ely which would be a continuation and another phase along with everything we are doing down there. Currently we have our CDBG Project down on Stevens and Parker Avenues, along with our earmark for that area. This area is some of our oldest sewer lines in town and with our two projects we have right now it is still not going to replace everything down in that area. We are still going to have to step our way through in phases and complete all the smaller lines that are connecting to those mains.

City Clerk Lee stated I would like to note last year we applied for two projects and received funding for both. They have been very generous with us.

Chairman O’Flaherty asked is one area was more problematic than the other?

City Engineer AlMBERG stated I know Morley definitely has some issues and I don’t know how often they are up there, but it is probably a couple times a year they go in and clean out that main. It is kind of the same everywhere. There is not just one area we have our problems. We have little issues they chase every day.

Member Derbidge moved to recommend approval of prioritizing Stevens Avenue and Orson Avenue Alley Sewer Replacement for \$490,400.00 as primary and Morley Avenue Sewer Replacement for \$358,200.00 as secondary for the CDBG Projects for the 2023-2024 Program Year application submission. Member Marquez seconded the motion. The motion carried unanimously.

PUBLIC COMMENT

George Chachas stated I am glad the priority is Stevens and second for Morley. Stevens and Orson are becoming more populated. Someone is moving in modulars in a trailer park, and I am there with empty lots and can’t do anything. I have been turned down when I have asked for a variance. I am unhappy, but at the same time we need to address the impact that is growing on that particular area.

2. Board Members – City Clerk Lee - Discussion/For Possible Action – Recommendation to remove past due utility fee penalties up to the amount of \$2,223.45 from 1000 Georgetown Ranch Road, Ely, Nevada at the request of Business owner, Nevada Radio LLC.

KELY Manager Wyatt Cox stated last September we lost our CEO who ran thirteen radio stations across the nation. When he passed away, we discovered a whole bunch of things that were not being done. Jennifer Lee contacted me about our lease, and we got the lease fees caught up for five years. I had no idea; I just keep the station on the air and handle my national radio show which is Classic Theater Radio on eighty stations across the country. This is one of the things we uncovered, and we are asking for this waiver because we are trying to settle everything for his wife. The sad thing is we get more advertising out of Hawthorne than we do out of the City of Ely, but we continue to operate as a public trust for the City of Ely.

City Clerk Lee stated they did pay the principal Landfill fees due, so it is just penalty fees.

Chairman O’Flaherty stated due to the death and reorganization it sounds like we are fortunate to have you here as a utility providing services to the community and I appreciate that.

Member Rivero moved to recommend approval to remove past due utility fee penalties up to the amount of \$2,223.45 from 1000 Georgetown Ranch Road, Ely, Nevada at the request of Business owner, Nevada Radio LLC. Member Marquez seconded the motion. The motion carried unanimously.

3. Board Members – City Clerk Lee - Discussion/For Possible Action – Recommendation to remove past due utility fee penalties up to the amount of \$2,433.30 from 22 Main Street, Ruth, Nevada at the request of Property owner, White Pine County Commissioners.

City Clerk Lee stated the Commissioners acquired this property up in Ruth and we did receive a check for the Landfill principal due and they are requesting a penalty waiver.

Chairman O’Flaherty stated I think this is the first time we have ever seen this. Leo, are there any concerns with this?

City Attorney Cahoon stated no.

Member Derbidge moved to recommend approval to remove past due utility fee penalties up to the amount of \$2,433.30 from 22 Main Street, Ruth, Nevada at the request of Property owner, White Pine County Commissioners. Member Rivero seconded the motion. The motion carried unanimously.

PUBLIC COMMENT

George Chachas stated again, I am concerned about the selective enforcement. I paid as instructed for the utilities at 490 High Street and I am still being billed \$1,900.00 in penalties and interest. I was not told you had to pay up front prior to consideration. You owe me money on my properties. You have overcharged me on the school and motel and nothing to date has been corrected.

4. CITY DEPARTMENT REPORTS

➤ CITY PUBLIC WORKS SUPERVISOR

City Public Works Supervisor Cracraft stated the parts for the dozer at the Landfill came yesterday and Wheeler Machinery will start rebuilding the transmission next week. On the lift station, one motor was able to be saved by rebuilding it. The pump which is the problem is obsolete, so we had to write to the manufacturer to get all the seals and stuff and that is probably another four weeks out. We are in the process of getting prices on brand new parts that we will budget for next year.

Chairman O’Flaherty stated I am not sure everyone is aware of what took place. Can you explain it a little more?

City Public Works Supervisor Cracraft stated the lift station out in Industrial Park has the motor and pump going out in it. It is the lift station that pumps waste to the Wastewater Treatment Plant. With it being down we have had to hire Sanitary Septic to come out and pump it daily.

Member Derbidge stated those are the original pumps and it is amazing they have lasted that long.

➤ CITY ATTORNEY

City Attorney Cahoon stated with regard to collection of landfill fees I am still working on a draft complaint to file a report and doing quite a bit of research on what the courts options would be so when I do file the complaint and hear those cases in court, I can direct the judge on what legal action he is able to take against the property owner. It is still a work in progress, but soon I will be able to file those complaints.

Chairman O’Flaherty stated this may give us additional leverage besides liens? If the court ruled in the City’s favor what benefit would that be?

City Attorney Cahoon stated I would be seeking the principal and the penalties.

Chairman O’Flaherty asked the only legal recourse we have right now is putting a lien on the property, correct?

City Attorney Cahoon stated correct, apparently a lot of those have been getting paid off due to people selling properties. There is quite a bit still out there. I believe the total is roughly \$400,000.00 in principal and penalties.

City Clerk Lee stated my office is carefully monitoring accounts and sent an intent to lien letter just this week, and that is happening on a regular basis.

➤ **CITY ENGINEER**

City Engineer Almberg stated every five years we have to do an aerial on the Landfill so we can project the remaining life. We recently finished the calculation on the Landfill, and we obtained one extra year of life based on our projection and what is going on today. I believe the year 2066 is the year the Landfill is projected to run out of life. Every five years it is a requirement of the State to keep up to date of what we have left so we are prepared for that. Janette takes that information and there is an approved amount of money we need to have in place at the closure of the landfill to be able to close it out efficiently. Also, out at the Landfill we are working on the south drainage ditch for the runoff water. When we started working on that we came up with another option as a part of the Landfill Expansion Plan with roughly the same length of that ditch using the contours, we can use one draw north to the south, so we don't run into our shop building down at the bottom. I think this will be much better for the Landfill when this is completed. I have coordinated with Mike to make sure he is on board with it and showed him what we are planning on doing. It will be roughly the same amount of a ditch, but what it does save us is down at the bottom there was a retention pond that needed to be created to stop the water from hitting the shops down there. I believe at the end it will be a savings for the City. We are working on our earmarked project. They just came out with the guidelines of how we need to proceed with this project and the requirements for funding is part of that. We are thinking we may be able to get away with a categorical exclusion instead of having to do a one hundred percent completed environmental assessment (EA) in that area. We have been working on an EA for that area and have completed it as far as the requirements for the CDBG. We were waiting for the requirements for this other federal funding because a lot of times they have different requirements. The EA is still a benefit to us for the project we just prioritized today. Our Bell Avenue Project which is a CDBG Project has been in for a while, and we are hoping to get word back in that everything is ok by the end of December or in January. Once we get that back we can move on to designing and get that project to the street. I have been working with Leo on the RNMC Agreement. Our North Street Well went out last year and has been down for quite a long time. We waited for the new fiscal year as it was budgeted then and have ordered the pump and motor, but there is quite a lead time on it. We are hopeful it will be here the end of December or in January. We rarely use it to pump water into our system, but we will have it back up and running before summer when we would need it for the demand.

Member Derbidge asked who owns the land surrounding the dump?

City Engineer Almberg stated the City does.

Member Derbidge asked why can't they expand the land to lengthen the life of the Landfill?

City Engineer Almberg stated you possibly could, but you would have to get approval. Everything that we are projecting is based on current approval of the Landfill. The Landfill had an expansion that took place about fifteen years ago. What I am telling you our life is, is based on the current expansion that is approved currently with NDEP. I was

not involved in the expansion when that happened. I believe the next landfill is going to have substantially higher environmental requirements. At the time of expansion, NDEP may not allow you to do the expansion on this footprint without doing a substantial number of improvements such as lining the next phase of it. I am not saying it is not possible, but I would anticipate the next landfill is going to have a lot more regulations on it.

Member Derbidge stated I was thinking of the future generations because it will take years and years to get this all to go through with permitting and such.

City Engineer Almberg stated for sure, I don't think it is farsighted to start getting a plan for the next landfill regarding where it is going to go and getting it permitted.

Chairman O'Flaherty asked as far as Class III and Class I are we pretty much even stevens on that?

City Engineer Almberg stated one is still ahead of the other, but the divide has come closer together. What the Chairman is saying is at the Landfill there is a Class III and Class I Landfill and we come in and project both of those lives. The big number we are looking for is the closure of the Class I Landfill because once we close Class I our typical household garbage can no longer go into that landfill. If Class III ends up filling up before the Class I life is complete, we can take Class III, which is construction debris and such, and put it in Class I. I believe the calculation is three years prior to our closure Class III will be closed and the final three years we will take in a lot more Class I because Class III becomes Class I. Overtime the landfill operations have operated very well because the way they have extended their life of Class III is they are digging out the clean dirt to cover the Class I every day in a sort of mining operation.

4. PUBLIC COMMENT:

George Chachas stated ongoing concerns regarding when the last audit was completed if it addressed whether the City collected in full utility billings from the Historical Railroad when they owned the White Pine Trailer Park, the Golf Course, and from the Garnett Mercantile; his request for reimbursement on a sewer problem he took care of at his property located at 681 Parker; the City paying for a replacement of a water line between Love's and the Charter School in which he believes should have been the developers responsibility; the thirty to forty feet of sidewalk that was put in at 166 Ely Avenue he does not feel was the City's concern; his request for curb and gutter on 7th Street and Ely Street to solve the drainage problem; his request for the name of the person who filed a complaint on his brother's property located at 842 East Aultman and the Building Inspector stating they needed to have sewer and water installed if they are going to use it as a family game room; and his request for a complete list of RVs that have been permitted in the City and if they are paying utilities.

City Clerk Lee stated the next meeting is scheduled for January 12, 2023.

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 **8:38 a.m.**



Attest



Chairman