



# 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

**September 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 **8:05 a.m.**, led in the Pledge of Allegiance and asked for Roll Call.

Members present:

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

City Officials and staff present:

- City Clerk Jennifer Lee
- City Attorney Leo Cahoon
- City Public Works Supervisor Mike Cracraft
- City Engineer B.J. Almberg
- Administrative Assistant Patti Cobb

City Officials and staff absent:

- Councilman Kurt Carson
- City Treasurer/HR Director Janette Trask

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: September 8, 2022**

**Print name below**

George Chachas

**Print name below**

\_\_\_\_\_

## 2. PUBLIC COMMENT

George Chachas stated NDOT has put in new curb and gutter along avenue D between 14<sup>th</sup> and 15<sup>th</sup> street and did not put in proper ADA access or crossing as required. City Code requires ADA access on all corners for curb and gutter to be installed on City streets; it's a federal requirement. There is no sidewalk, so you end up walking in the street and not even a walkway. They are draining in to a so-called ditch and that is a hazard. NDOT recently screwed up my property at 710 Avenue G leaving me with a one foot drop off the corner. They still have not fixed the problems they caused me on 729, 733, and 745 Great Basin Boulevard. I want to know who inspects their projects. If it is OSHA, I will go to them next. I have a major concern about the drainage coming down from the Bath's property located on the west side of the railroad tracks. The water runs off and drains onto 7<sup>th</sup> Street and is causing erosion along that street. The City does not have curb and gutter across Ely Street and 7<sup>th</sup> Street and the water cascades down the 600 block of Ely Street and is draining on to my property. It has cut and destroyed large sections of the asphalt. City Code clearly states that one cannot drain on another person's property. The City is in violation of the code and once I get an estimate to repair the damage I will present it to the City for the damages I have suffered. Mr. Chachas stated ongoing concerns regarding his request for a list of permitted RVs in the City of Ely.

## 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.
  - August 18, 2022

### C. NEW BUSINESS

4. Councilman Carson – Discussion/For Possible Action – Review of Public Works Supervisor and Sewer Leadman's recommendation on the purchase of a high-pressure jetting unit, with possible recommendation from US Jetting, Hot Jet USA, or Spartan Tool, LLC.

Chairman O'Flaherty stated I noticed you have three different bids that vary quite a bit in cost.

Public Works Supervisor Cracraft stated we have recommended to go with the lowest bid, and it does have the same cold jetter that we are needing.

Member Derbidge moved to recommend approval of Public Works Supervisor and Sewer Leadman's recommendation on the purchase of a high-pressure jetting unit, which was the lowest bid from US jetting. Member Ross seconded the motion. The motion carried unanimously.

5. Board Members – City Clerk Lee – Discussion/For Possible Action – Recommendation to remove past due utility fee penalties up to the amount of \$6,199.42 from 8 North

Municipal Utilities Board – Regular Meeting – September 8, 2022

Fourth Street / Club House, McGill, Nevada at the request of property owner, Kristin Kocurek.

City Administrative Assistant Cobb stated the principal amount of the bill was paid and the amount they are asking to be waived is the penalties.

Member Marquez stated I have one question. How does it get to that point?

City Administrative Assistant Cobb stated some people have never made a payment, so with the monthly fee and the penalties that compound monthly it can get quite large. Many of the properties asking for waivers are properties being sold and the new owners pay the principal amount and ask the penalties to be waived since they did not accrue them.

Member Ross asked in this instance this is a new owner?

City Administrative Assistant Cobb stated I am unsure of that.

Member Derbidge stated years ago they used to put the landfill fees on the County tax bill and then they took them off.

Chairman O’Flaherty stated City Attorney Cahoon is trying to clear the liens out as well on some of these.

Member Derbidge moved to recommend approval to remove past due utility fee penalties up to the amount of \$6,199.42 from 8 North Fourth Street / Club House, McGill, Nevada at the request of property owner, Kristin Kocurek. Member Ross seconded the motion. The motion carried unanimously.

Chairman O’Flaherty opened items 6, 7, and 8.

6. Board Members – City Clerk Lee – Discussion/For Possible Action – Recommendation to remove past due utility fee penalties up to the amount of \$2,203.35 from 291 North Main, Lund, NV 89317 at the request of property owner Victoria Barker.
7. Board Members – City Clerk Lee – Discussion/For Possible Action – Recommendation to remove past due utility fee penalties up to the amount of \$2,203.35 from 10 and 12 North Fourth Street, McGill, NV 89318 at the request of the property owner Victoria Barker.
8. Board Members – City Clerk Lee – Discussion/For Possible Action - Recommendation to remove past due utility fee penalties up to the amount of \$2,203.35 from 31 Avenue B, McGill, NV 89318 at the request of the property owner Victoria Barker.

Member Ross asked all three properties have the same amount that is owed?

City Administrative Assistant Cobb stated the property owner that owns all three properties has not paid in the same amount of time for the landfill fees is why it reflects the same amount for all three.

Chairman O’Flaherty asked is this a new owner?

City Administrative Assistant Cobb stated she is the old owner but did pay the principal amount on all three properties.

Member Marquez asked I guess there is not really a way to collect those fees if someone chooses not to pay them?

City Administrative Assistant Cobb stated we can put a lien on the property so if the property does get sold the lien will have to be satisfied.

City Attorney Cahoon stated I can see collections in court and that is what I am starting to do on some of these cases.

Member Ross stated when you see them in court it will be for the penalties and the principal due right?

City Attorney Cahoon stated right, I would be seeking the penalty as well in court. We did put an advertisement out publicly and that may be why we are seeing some people coming in trying to settle. When it starts going to court it will be handled there and not come before the Council.

Member Derbidge moved to recommend approval to remove past due utility fee penalties up to the amount of \$2,203.35 from 291 North Main, Lund, NV 89317; up to the amount of \$2,203.35 from 10 and 12 North Fourth Street, McGill, NV 89318; and up to the amount of \$2,203.35 from 31 Avenue B, McGill, NV 89318 at the request of the property owner Victoria Barker. Member Marquez seconded the motion. The motion carried unanimously.

**Public Comment:**

George Chachas stated a lot of these landfill bills accrued simply because the negligence of Jim Alworth and Janette Trask. Back in 2005 when I was mayor the City was in arrears approximately \$22,000.00 and they failed to move forward. I said as mayor and a citizen that if you are thirty days you are late, sixty days you get a notice, and if not paid in ninety days you are shut off. I went to two or three of the District Attorneys and they didn’t do anything. The City Attorney at that time stated it is only \$60.00 and not worth my time. If someone can’t pay \$60.00, how are they going to pay \$1000.00. What is happening is wrong. I want equal consideration under the law, and I am not getting it. I want to remind you the property I bought located at 490 High Street at the tax sale I paid as instructed and here I am at \$1,800.00.

**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:

**Patti Cobb**

---

**Subject:** FW: Utility Board Meeting- 09/8/2022

**From:** Frederick Partey  
**Sent:** Thursday, September 8, 2022 7:03 AM  
**To:** 'Jennifer Lee' <[CityClerk@cityofelynv.gov](mailto:CityClerk@cityofelynv.gov)>  
**Cc:** Amanda Hilton <[amanda.hilton@us.kghm.com](mailto:amanda.hilton@us.kghm.com)>  
**Subject:** Utility Board Meeting- 09/8/2022

Hello Jennifer,

I will not be able to attend today 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 8,993 gpm is being pumped, 2,546 gpm is going into Gleason Creek and the rest is going to the mill for ore processing. RW-7P- is delivering 1,045gpm into the city water system.

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

Thanks,

Frederick

**Frederick Partey (PhD, PMP)**  
Senior Manager Environmental  
Resources-US Operations  
T +1 775 289 7040  
C +1 775 293 5261  
[frederick.partey@us.kghm.com](mailto:frederick.partey@us.kghm.com)



Robinson Mine  
4232 West White Pine County Rd 44  
Ruth, NV 89319 USA  
[www.kghm.com](http://www.kghm.com)

**C. NEW BUSINESS**

1. Councilman Carson – Discussion/For Possible Action – Recommendation of thirty (30) day extension of current contract between City of Ely and Basin Engineering for engineering services.

City Attorney Cahoon stated the current contract between the City of Ely and Basin Engineering does expire on September 17, 2022 and this extension will allow me time to research on if we have to put out a Request for Qualifications (RFQ) and legally what we can and can't do.

Member Rivero moved to recommend approval of a thirty (30) day extension of the current contract between City of Ely and Basin Engineering for engineering services. Member Ross seconded the motion. The motion carried unanimously.

**Public Comment:**

George Chachas stated I don't want an extension. You should go out for a Request for Qualifications (RFQ) as Basin Engineering has too many conflicts and has failed to address many failures with curb and gutter, and ADA Access.

2. Councilman Carson – Discussion/For Possible Action – Recommendation to release a Request for Qualifications for engineering services OR renew the City of Ely's contract with Basin Engineering.

City Attorney Cahoon stated I ask that you table this item to allow me time to research to make sure we are doing it correctly.

Member Derbidge asked why does it need to be put out for qualifications?

City Attorney Cahoon stated it may be required by law under public works and that is what I am researching whether we can just renew the contract or if legally the City has to put out for qualifications for future projects. I am looking to see if there was an exception that previous attorneys have went by in the past.

Member Ross asked is this an annual contract?

City Attorney Cahoon stated it is a three-year contract.

Member Derbidge stated something to be considered is travel if we went with someone from out of town.

Chairman O'Flaherty stated I think Leo just wants to make sure we are doing it correctly. Leo, will you be able to clarify that by the next Municipal Utility Board meeting?

City Attorney Cahoon stated yes.

Member Derbidge moved to table the recommendation to release a Request for Qualifications for engineering services OR renew the City of Ely's contract with Basin Engineering. Member Rivero seconded the motion. The motion carried unanimously.

**Public Comment:**

George Chachas stated I want to remind you that you are paying Raul from Wendover to come down here.

Member Derbidge stated that has nothing to do with this agenda item.

George Chachas stated people have a conflict and you are getting sweetheart deals from the engineer that nobody else is.

Chairman O’Flaherty stated we are moving on.

3. Councilman Carson – Discussion/For Possible Action – Recommendation to direct City Engineer to provide a list of proposed projects to be paid for with community service funds.

City Engineer Almborg stated I am not sure what is meant by the Community Service Funds?

City Clerk Lee stated Community Service Funds were the former American Rescue Plan Act (ARPA) Funds.

City Engineer Almborg stated we do have a list that we prepared for the ARPA funds and just off the top of my head we put some cost estimates together for the sewer down by Suburban Propane and sewer by David E. Norman. We already have three or four of them we put together at that point in time so it will be very easy to compile and get back out to everybody.

Member Derbidge moved to recommend approval to direct City Engineer to provide a list of proposed projects to be paid for with community service funds. Member Ross seconded the motion. The motion carried unanimously.

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

➤ **CITY CLERK**

Chairman O’Flaherty asked has there been any lien releases?

City Clerk Lee stated we have had four lien releases that are reflected in the report provided of people that have paid off their accounts in full.

➤ **CITY ENGINEER**

City Engineer Almborg stated we have a meeting with Robinson Nevada Mine Company (RNMC) I believe for their new water agreement. We are going over that, so we are prepared for Wednesday’s meeting.

City Clerk Lee stated just for clarification the meeting is not with RNMC; it is with our committee internally.

City Engineer Almborg stated we have been working on some CDBG stuff for the next round of applications. One of the things we are doing out at the landfill and wanted to bring it back in front of the Utilities Board and the City Council, is the diversion ditches for runoff. You guys did approve them previously and we have it included in this year’s budget. We are currently working on getting that completed right now. I did get an

email from RNMC on the permanent well and they did receive it. They have two of everything; the one they are putting in the hole and a backup. One of the things they did say in their email was if it was our desire to store the spare in our pump house and something were to go wrong, we would be responsible to replace it. They did say if they store it in their warehouse in Salt Lake and something were to go wrong, they will replace it at their cost. Based on our discussions the reason they are saying that is they don't want to be responsible for something that is not in their possession. I think that is understandable and they did say by storing it at the Salt Lake warehouse it is no more cost to them if it is needed because the drill rigs that will be putting it in come from Salt Lake. They said if any of you would like to go visually see that it is in the warehouse, they would arrange for you to do that. I will respond to them and let them know that I think it is fair and we don't want to take the responsibility of the cost of dropping it down in the hole. It is in a climate-controlled environment, and I think that would be good.

Chairman O'Flaherty asked is there an update on Murry Street?

City Engineer Almborg stated they are done with the sewer project and finalizing bills to bring back in front of you guys. I also want you to know that in Leo's research if the City needs to go out for RFQ's for the engineering contract I am in support of that because I don't want to be in a situation where it wasn't done properly.

#### **5. PUBLIC COMMENT**

George Chachas stated ongoing concerns regarding if the City ever collected in full for water, sewer and landfill services from the Historical Railroad when they owned the White Pine Trailer Park; collected in full from Garnett Mercantile; collected in full from the Golf Course; If Councilman Spear has collected amusement tax from when he was in office previously; his request for reimbursement on the expense he incurred at 681 Parker for a sewer problem; and requesting equal protection under the law. I attend the Regional Planning Commission meetings and they just approved a business out on the highway for trailer sales. I have not seen anything on your agenda granting water and sewer service. I want to remind you of NRS 244.368; City Code supersedes within a mile.

City Clerk Lee stated the next meeting is scheduled for October 13, 2022.

#### **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 **8:41 a.m.**

  
\_\_\_\_\_  
Attest

  
\_\_\_\_\_  
Chairman