



# 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

November 9, 2023, 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 8:00 a.m., led in the Pledge of Allegiance and asked for Roll Call. 16.09

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 Engineer B.J. Almberg
- 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: November 9, 2023

Print name below

George Chachas

Print name below

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**2. PUBLIC COMMENT**

George Chachas stated ongoing concerns regarding 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; his request for reimbursement on the sewer problem he took care of at 681 Parker Avenue; the water line that extends from Loves to the Charter School in his opinion should have been the responsibility of the developer; his request for a complete list of RVs the City has permitted and if they are paying utilities; and the billing for his property at 490 High Street that he states he has been threatened with foreclosure on and is paying \$100.00 a month on.

**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: Vice Chairman Derbidge Second by: Member Rivero Vote: Unanimous

1. Discussion/For Possible Action –Minutes.
  - October 12, 2023

**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:** Thursday, November 9, 2023 7:32 AM  
**To:** Jennifer Lee  
**Cc:** Amanda Hilton  
**Subject:** Utility Board Meeting: 11/09/2023

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 9,085gpm is being pumped, 2,717gpm is going into Gleason Creek and the rest is going to the mill for ore processing. RW-7P is delivering 1,162gpm into the city water system. We have received the receipts for the North Street well maintenance and is under review, we will respond next week.

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

Thanks,

Frederick

**C. NEW BUSINESS**

1. Councilman Carson – Discussion/For Possible Action – Review of request from Eastern Nevada Climbers Alliance (ENCA) for a Memorandum of Understanding (MOU) between the City of Ely and ENCA to allow ENCA to maintain and preserve land on APNs 010-270-07 and 010-270-09 for climbing, establish certain ENCA obligations, and waiving all City liability for incidents arising out of ENCA activity on the land, with possible recommendation to direct the City attorney to draft the Memorandum of Understanding.

Chairman O’Flaherty stated just to clarify this is in the gap. What I understand is they want to climb in the gap?

City Clerk Lee stated apparently climbing's been happening for quite a while, but this memorandum of understanding would just put it in writing, so to speak, that they agree to replace some of the bolts that climbers have already installed decades ago.

Chairman O’Flaherty stated this would be releasing the City of any liability soon then and that sounds reasonable to me.

Vice Chairman Derbidge asked, “has this happened with other cities and counties?”

City Attorney Cahoon stated that I don’t know. ENCA reached out to the City of Ely for this request, so I believe they want to do maintenance in that area and just asked for permission. This is sort of what we came up with, stating sure we'll give you that permission if we can wave liability and set certain standards or obligations that they may have to meet.

Member Marquez stated it sounds like they have pretty strict guidelines as far as all of the property surrounding even the climbing area.

Chairman O’Flaherty asked, “so if somebody want to go climb Turkey Rock and fell off the city would be liable?”

City Attorney Cahoon stated I don’t believe so, but since we are authorizing them to be there, I just want to cover our bases.

Vice Chairman Derbidge moved to recommend direction to City Attorney Cahoon to draft a Memorandum of Understanding (MOU) between the City of Ely and ENCA to allow ENCA to maintain and preserve land on APNs 010-270-07 and 010-270-09 for climbing, establish certain ENCA obligations, and waiving all City liability for incidents

arising out of ENCA activity on the land. Member Ross seconded the motion. The motion carried unanimously.

2. Board Members – City Engineer Almberg – Discussion/For Possible Action – Recommendation for approval of C & B Auto Parts LLC / Cody Bliss’s Will-Serve Application to tap the City’s water line at 20 High Street for one ¾ inch water service fixture and one 4-inch sewer fixture.

City Engineer Almberg stated this is pretty straightforward. The city has the water and sewer to be able to serve this property. There's a shed there now and he just wants to build a restroom, basically inside that shed and use it for storage. I see no reason why the city shouldn't approve this will serve. I do want to disclose that my sister is a partner in C & B Auto.

Member Ross moved to recommend approval of C & B Auto Parts LLC / Cody Bliss’s Will-Serve Application to tap the City’s water line at 20 High Street for one ¾ inch water service fixture and one 4-inch sewer fixture. Member Marquez seconded the motion. The motion carried unanimously.

3. Board Members – City Clerk Lee – Discussion/For Possible Action – Recommendation for approval to remove past due utility fee penalties up to the amount of \$20.62 from 1377 Murry Street, Ely, Nevada at the request of Property Owner, Tristan Luis.

City Clerk Lee stated the utility fees have been paid in full and Mr. Tristan is just requesting that the penalties be waived.

Vice Chairman Derbidge moved to recommend approval to remove past due utility fee penalties up to the amount of \$20.62 from 1377 Murry Street, Ely, Nevada at the request of Property Owner, Tristan Luis. Member Rivero seconded the motion. The motion carried unanimously.

4. Board Members – City Clerk Lee – Discussion/For Possible Action – Recommendation for approval to remove past due utility fee penalties up to the amount of \$39.84 from 921 Avenue I, Ely, Nevada at the request of Property Owner, Juliet Noyes.

City Clerk Lee stated this is the same situation as the last.

Vice Chairman Derbidge moved to recommend approval to remove past due utility fee penalties up to the amount of \$39.84 from 921 Avenue I, Ely, Nevada at the request of Property Owner, Juliet Noyes. Member Rivero seconded the motion. The motion carried unanimously.

## **PUBLIC COMMENT**

George Chachas stated **I'm not against them getting the write off, but I want equal consideration and protection under the law. I want to remind you that I paid for my property at 490 High Street, principal and penalty amount as instructed in a letter from City Clerk Jennifer Lee, dated November 25, 2019, and yet to date, the City is billing me for \$2,227.23. I do not use the utilities, and I have paid landfill on a regular basis ever since I owned the property. The City to date has failed to reimburse me for the overpayments I made for the old grade school at 622 High Street. You wrote off all the back billing for the young Tom Bath when he bought the Plaza Hotel. I bought the school at the same time, and I did not get the same consideration. I remind you that the City Council gave you the property owners of 790 Avenue I a \$4,000.00 or more write off, and they used all the utilities for years, and had not paid a dime. The Council said it was an employee error to justify the write-off. I want to remind you; the federal law prohibits discrimination in any federally funded or assisted public utility. Also, I believe it was the last meeting Chairman I informed you the NRS Open Meeting Law requires you to take public comment prior to taking a vote. I would ask that you look at that, and if I'm wrong, let me know. I don't believe I'm wrong. Thank you.**

Chairman O'Flaherty stated we can also take one public comment at the end of the meeting and not after every item.

## **4. CITY DEPARTMENT REPORTS**

### **➤ CITY CLERK**

City Clerk Lee stated the City was able to draw \$13,000.00 on the Greenup Grant for the last grant cycle. We're in the second one. Each Grant cycle we were awarded 20,000. and so that the remaining \$7,000.00 does carry over for this year that we're in.

### **➤ CITY ENGINEER**

City Engineer Almborg stated we're working diligently on our Altman Street project with NDOT. We meet with them every other week finalizing things. We're getting really close to having a set of drawings that will be all complete with everything they have, and then they're going to take that set of drawings and send it internally through NDOT through another plan review period, and just another outside set of eyes looking at everything. That project is anticipated to hit the street in March and go into construction next summer. We're working on our categorical exclusion for our earmark down in Central Ely. We've turned everything in that we believe is going to get us to qualify for that. Even though we're applying for a categorical exclusion for some of the things that came out going through this process and even though they will grant us an exclusion they still make us go through SHPO and the Tribal information portions of that. Fortunately, we had our SHPO stuff for our CDBG project down in Central Ely, that we're working on right now, so we turned that into them to try to cover the SHPO part of this exclusion. Hopefully, that will satisfy, and we'll get that complete. We're working diligently on the

Central Ely Sewer for our CDBG Project. Carl has been assisting us as there have been some manholes that were covered in asphalt, so he's dug them up this week, and we'll get them all incorporated in. Our CDBG Bell Avenue Waterline Project is pretty much wrapped up and ready to go into the State for final approval which does take a state drinking water approval before that goes out to bid. In trying to beat the weather we did go out and start doing some topographic maps (topos) on our earmarked projects with anticipation the leaves are off and we can see the ground and then we can gather stuff before the snow hits. We have not started our categorical exclusion on the East Ely stuff as we are waiting just to see what the true path is to get through the Central Ely stuff, but I think we're getting through it, so we'll have an understanding and maybe be able to start that pretty soon here as well.

**5. PUBLIC COMMENT**

George Chachas stated I want to remind you that I want my two services replaced that were taken out when Washington Federal received their waterline. I believe it was the Reck Brothers that did the work. They, the Engineer, or somebody assumed those two water lines have been abandoned, but they service the two properties I have back there, and I want them back. Mr. Chachas stated ongoing concerns regarding the drainage onto his property from the Bath's property that is causing erosion on his property due to the lack of curb and gutter, the estimate he received from Reck Brothers to repair the damage is \$24,500.00; his request for a complete list of RVs the City has permitted and if they are paying utilities; his request to use his property as other do; he alleges the City has yet to address numerous violations by City Council Member, County Commission members, and possibly themselves that don't comply with City Code, part of those issues are proper utility fees and proper permitting; and selective enforcement.

City Clerk Lee stated the next meeting is scheduled for December 14, 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 **8:22 a.m.**

  
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Attest

  
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Chairman