



CITY OF ELY

501 Mill Street Ely, Nevada 89301
City Hall (775) 289-2130
Cityofelynv.gov

ELY MUNICIPAL UTILITIES BOARD REGULAR MEETING

August 17, 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 **8:03 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

Members absent:

- Member Sherrie Marquez

City Officials and staff present:

- City Clerk Jennifer Lee
- City Attorney Leo Cahoon (Zoom)
- 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):

MUNICIPAL UTILITIES BOARD ATTENDANCE LIST

DATE: August 17, 2023

Print name below

George Chachas

Print name below

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 water line that extends from Loves to the Charter School in his opinion should have been the responsibility of the developer; his request for reimbursement for the sewer problem he took care of at his property at 681 Parker Avenue; his concern of the private sewer line that was installed during the Phase III of the Murry Street Project; his concern with the property at 790 Avenue I getting a write off for approximately \$4,000.00 and they were using all utilities; his request for a copy of the permit the City had to obtain to fix the water line on Aultman Street on March 5, 2023; and his request for a complete list of RVs the City has permitted and if they are paying utilities.

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

A. CONSENT AGENDA

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

1. Discussion/For Possible Action –Minutes.
 - July 13, 2023

City Clerk Lee stated we would just like to point out one correction. George pointed out that we had sewer line instead of water line from Love's to the Charter School in his public comment, so that correction has been made.

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 Parley <Frederick.Parley@uskm.com>
Sent: Wednesday, August 9, 2023, 7:48 PM
To: Jennifer Lee
Cc: Amanda Hilton
Subject: Utility Board Meeting - 8/10/2023

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 11,461gpm is being pumped, 980gpm is going into Gleason Creek and the rest is going to the mill for ore processing. RW-7P- is delivering 1,179gpm into the city water system.

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

Thanks,

Frederick

C. NEW BUSINESS

1. Board Members — City Engineer Almberg – Discussion/For Possible Action – Recommendation to approve State of Nevada’s Will Serve Application for a sewer connection at 1100 Avenue A.

City Engineer Almberg stated the State is doing some upgrades to the freight barn building and it is just an inclusion of an additional restroom at the other end of the building. They are going to tap a new sewer service, so this is the will serve for that sewer service.

Vice Chairman Derbidge moved to recommend approval of the State of Nevada’s Will Serve Application for a sewer connection at 1100 Avenue A. Member Ross seconded the motion. The motion carried unanimously.

2. Board Members – City Engineer Almberg – Discussion/For Possible Action – Recommendation to Award bid for Industrial Park Sewage Pump Station Upgrade, PWP # WP-2023-416.

City Engineer Almberg stated in this project the City solicited bids for contractors to do the work of changing out the pump at the Industrial Park and of the people they did reach out to, two of them did respond with cost estimates and proposals. The low bidder on this project does not have a license that actually covers this work. Their only license is a B2 Contractor, so we don’t feel they meet the requirements of being able to do the work. The second contractor is out of Utah, and they do meet the requirements to be able to complete this work. One thing that has changed since we have sent out the solicitation to them is the City was finally able to lease their own pump truck. Mike is in the process of working with this other company doing some value engineering because by the City being able to do some of this pumping it could save some money. The contractor is willing to work with that and understands the situation. Even though his bid is \$108,549.85, we do feel it is going to drop quite a bid. When you look at these bids, they have removal of existing equipment being more expensive than installing the new equipment. Hopefully, we will get the costs down below \$100,000.00 and that will hopefully reduce some other costs because we will get down below a prevailing wage rate as well.

Member Ross asked is there a timeframe?

City Engineer Almberg stated we are waiting for the equipment to arrive, so it is basically after that equipment arrives.

Member Ross asked do you have any idea on that?

City Engineer Almberg stated I believe the equipment is scheduled to arrive the second week in September. We are hoping by the end of September or first part of October the contractor will be able to start installing it.

The following tabulation was provided:



CITY OF ELY
INDUSTRIAL PARK SEWAGE PUMP STATION UPGRADES
BID OPENING & REQUIRED DOCUMENTS CHECKLIST

August 8, 2023

BID ITEMS CHECK LIST	SAUL MENDOZA CONSTRUCTION CORP.	MUNFORD GENERAL CONTRACTING LLC
BID PROPOSAL	YES	YES
DESIGNATION OF SUBCONTRACTORS	YES	YES
DESIGNATION OF SUBCONTRACTORS - 5% LIST	YES	YES
DESIGNATION OF SUBCONTRACTORS - 1% LIST	NO	YES
ADDENDUM-1 - ACKNOWLEDGED ON BID FORM	YES	YES
ADDENDUM-1 - ADDENDUM CONFIRMATION SIGNATURE SHEET	NO	YES

BIDDING SCHEDULE	UNIT	AMOUNT	SAUL MENDOZA CONSTRUCTION CORP.		MUNFORD GENERAL CONTRACTING LLC	
			UNIT PRICE	BID AMOUNT	UNIT PRICE	BID AMOUNT
1 MOBILIZATION / DEMOBILIZATION	LS	1	\$ 6,400.00	\$ 6,400.00	\$ 5,090.00	\$ 5,090.00
2 REMOVAL EXISTING PUMPING SYSTEM	LS	1	\$ 20,800.00	\$ 20,800.00	\$ 51,056.00	\$ 51,056.00
3 INSTALLATION NEW PUMPING SYSTEM	LS	1	\$ 38,100.00	\$ 38,100.00	\$ 33,881.85	\$ 33,881.85
4 ISOLATION & CHECK VALVES	LS	1	\$ 4,650.00	\$ 4,650.00	\$ 18,522.00	\$ 18,522.00
TOTAL BID PRICE				\$ 69,950.00		\$ 108,549.85

NOTE:

- 1 SAUL MENDOZA ACKNOWLEDGED THE ADDENDUM ON THE BID FORM, AND STILL SENT A CASHIERS CHECK FOR THE BID BOND WHEN THE ADDENDUM CONFIRMS BONDS ARE NOT REQUIRED WHEN ASKED BY THE CONTRACTORS
- 2 SAUL MENDOZA BID PACKET MISSING DESIGNATION OF SUBCONTRACTORS 1% FORM
- 3 SAUL MENDOZA BID PACKET MISSING ADDENDUM CONFIRMATION SIGNATURE SHEET
- 4 SAUL MENDOZA MOB/DEMOB IS 9.2 PERCENT. MAX PER CONTRACT DOCUMENTS IS 5 PERCENT
- 5 SAUL MENDOZA ONLY HAS A B-2 RESIDENTIAL AND SMALL COMMERCIAL CONTRACTOR LICENSE IN NEVADA.

Chairman O'Flaherty asked, there were only two bidders?

City Engineer Almberg stated correct.

Chairman O'Flaherty stated the first bid was \$69,950.00 and the second bid was \$108,549.85 just for clarification. Thankfully the City of Ely did some proactive work in getting a pump truck. We are probably close to spending \$500,000.00 on this fiasco due to lack of maintenance. It is a joke. The pump truck should have been rented or purchased long ago. We could have had a new fleet of trucks for the City of Ely. I do agree if we only have one responsible bidder then that's the bid you do have to take B.J. and hopefully he can get it under \$100,00.00.

City Engineer AlMBERG stated correct. What we are looking for today is basically authorization for us to continue our value engineering with them and then once we get it down, we will come back and report to you guys, but can get them started between now and then.

Chairman O'Flaherty stated I know we have run costs up to this point, but when the project is complete. I would like to know the total cost associated with this sewage pump station for point of clarification. In the future make sure we have a maintenance plan that checks and balances.

Vice Chairman Derbidge moved to recommend awarding the bid for Industrial Park Sewage Pump Station Upgrade. PWP # WP-2023-416 to Munford General Contracting, LLC. Member Rivero seconded the motion. The motion carried unanimously.

PUBLIC COMMENT:

George Chachas stated I share the same concern as you Mr. Chairman. I want to know what the total cost is on that fiasco out there. I am also asking the board to buy a second pump just to have on hand. It is not going to cost you a half million dollars if by chance you go through the same scenario. This is bad management and there is no excuse for it.

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 \$661.98 from 14 Avenue D, McGill, Nevada at the request of Property Owner, Jason and Amy J. Adams.

City Clerk Lee stated the Adams paid the Landfill fee balance of \$374.96 and they are requesting waiver of the penalties.

Vice Chairman Derbidge moved to recommend approval to remove past due utility fee penalties up to the amount of \$661.98 from 14 Avenue D, McGill, Nevada at the request of Property Owner, Jason and Amy J. Adams. Member Rivero seconded the motion. The motion carried unanimously.

PUBLIC COMMENT:

George Chachas stated I am not against 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 regarding the principle and penalties instructed in a letter from Jennifer Lee, the City Clerk, dated November 25, 2019. The City has failed to reimburse me for all the overpayments I paid on the old Ely Grade School at 622 High Street. You wrote off all the back billing for young Tom Bath when he bought the Plaza, and he bought it at the same tax sale. He got a break and I continued to pay, and I paid all the back billing. All I am asking for is equal consideration. I remind you the City gave the property owners of 790 Avenue I a \$4,000.00 or more write off and they used all the utilities. A \$4,000.00 write off simply because of a city employee error. I come and pay every month Mr. Chairman. I am asking again to be put on the next agenda for consideration to remove the past due utility penalties on my property at 490 High Street; I want this cleaned up.

4. CITY DEPARTMENT REPORTS

➤ **VICE CHAIRMAN DERBIDGE**

Vice Chairman Derbidge stated I have two things. First of all, when George keeps commenting on the Charter School regarding the water line; the Charter School never owned that property, the property at the time was owned by Marty Westland and should be referred to as Marty Westland's property and not the Charter School. The second is I would like to put on the next agenda, clarification on the City of Ely water and landfill bill where it says, "Call City first on outside water/sewer issues to avoid unnecessary expense." It is really vague right now.

Chairman O'Flaherty asked that it be put on the next agenda as clarification of what the City's responsibility is and the contractor's is.

➤ **CITY CLERK**

City Clerk Lee stated I wanted to bring to the board's attention the many projects that we have had suggested for CDBG. The second public hearing is next week on the 24th. We did have a resident request a booster pump be installed for Morley Avenue because they have low water pressure. I will email the Public Hearing notice to all of you because that pump doubled the cost of that project; last year it was just a sewer project. The Stevens/Orson Project is on there again as well as a drainage projects for Central Ely and 7th Street. The recommendation right now from B.J. and Water Department Staff is Morley and the Central Ely Drainage Projects. The Notice of Public Hearing is on the following page.



CITY OF ELY

501 Mill Street Ely, Nevada 89301
City Hall (775) 289-2430
Fax (775) 289-1463

NOTICE OF PUBLIC HEARING FOR DISCUSSION OF POSSIBLE STATE CDBG APPLICATION

NOTICE IS HEREBY GIVEN that the City of Ely will conduct a public hearing on August 24, 2023 at 5:30 p.m. at the Ely Volunteer Fire Hall, located at 499 Mill Street, Ely, Nevada in order to discuss potential applications for funding under the next fiscal year's (July 1, 2024 to June 30, 2025) State Community Development Block Grant (CDBG) Program and to solicit additional citizen input on possible activities to be included in an application. ELIGIBLE ACTIVITIES UNDER THE ABOVE ALLOCATION CONSIST OF PUBLIC FACILITY AND PUBLIC IMPROVEMENTS PROJECTS, PUBLIC SERVICE PROGRAMS, PLANNING STUDIES, ECONOMIC DEVELOPMENT BUSINESS ASSISTANCE AND MICROENTERPRISE ACTIVITIES. ELIGIBLE ACTIVITIES PAID FOR WITH THE STATE CDBG FUNDS MUST MEET ONE OR MORE OF THE THREE NATIONAL OBJECTIVES LISTED IN CDBG FEDERAL STATUTES AS FOLLOWS: BENEFIT TO LOW-INCOME HOUSEHOLDS OR PERSONS, ELIMINATION OF SLUMS AND BUGHT, OR MEETING URGENT COMMUNITY DEVELOPMENT NEED.

The purpose of this public hearing is to give citizens an opportunity to discuss proposed projects submitted to date and to suggest further ideas. Proposed projects and estimated funding are listed below. Only projects listed here and proposed at the meeting will be forwarded to the Council for approval.

<u>Morley Avenue Water-Sewer Project</u>	<u>\$895,500.00</u>
<u>Stevens-Orson Sewer Project</u>	<u>\$637,400.00</u>
<u>Parks Water Reclamation Feasibility Study</u>	<u>\$75,000.00</u>
<u>Central Ely Drainage Improvement Project</u>	<u>\$426,700.00</u>
<u>White Pine Public Museum Project</u>	<u>\$213,000.00</u>
<u>7th St Drainage Improvement Project</u>	<u>\$251,600.00</u>

A final hearing will be held to discuss, approve and rank applications prior to submittal to the State. If you require special accommodations to participate in the public hearing, please contact Patti Cobb at (775) 289-2430. TO PERSONS WITH HEARING DISABILITIES-Relay service is available in Nevada by calling 711. If you are unable to attend the public hearing, you may direct written comments to the City of Ely, at 501 Mill Street, Ely, Nevada, or you may telephone Patti Cobb at (775) 289-2430. If you are unable to attend the public hearing, you may direct written comments to the City of Ely, at 501 Mill Street, Ely, Nevada, or you may telephone Patti Cobb at (775) 289-2430. In addition, information is available for review in this notice on the City's website at www.cityofelynv.gov, or at the above address between the hours of 8:00 a.m. - 5:00 p.m., Monday - Friday. The City of Ely promotes fair housing and makes all its programs available to low and moderate income families regardless of age, race, color, religion, sex, national origin, sexual preference, marital status or handicap.

I, Jennifer Lee, City Clerk, did cause to be posted on August 4, 2023, by 5:00 p.m. four (4) notices of the CDBG Public Hearing in said City of Ely to wit: Posted at the doors or bulletin boards of City Hall located at 501 Mill Street, White Pine County Library located at 950 Campton Street, White Pine County Courthouse located at 801 Clark Street and the U.S. Post Office located at 2600 Bristlecone Avenue. The public hearing notice is also posted on the City of Ely's website at <https://www.cityofelynv.gov> and the State of Nevada Public Notices website at <https://notice.nv.gov>.

Chairman O'Flaherty asked do we have any schedule, in the next foreseen future, to replace some of these old sewer mains that are problematic?

City Engineer Almborg stated Stevens and Parker Avenue Sewer Projects, which are CDBG Projects, will be going under construction next Spring. We have an earmark the City has obtained and that would be an extension of the previous project and hopefully up to Main Street with the amount of money we will be receiving. Once we get it up to Main Street, the Aultman Street Project also has a sewer upgrade, so that will get it all the

way up through this end of town. Truly, after we get through those projects, we will have a brand-new sewer main from the Wastewater Treatment Plant to the end of Murry Street.

Chairman O’Flaherty asked are those all under the grant programs?

City Engineer Almberg stated one is under the CDBG grant and the other is under the congressional spending from the federal government.

➤ **CITY ENGINEER**

City Engineer Almberg stated we have been spending quite a bit of time compiling the costs for the projects that Jennifer just discussed for the CDBG upcoming grant. We have spent quite a bit of time dealing with the pump at the Industrial Park that we are hopefully getting close to getting it fixed. We are working a lot on the Aultman Street Project. We did turn in a set of plans to the State and now we are working through conflicts concerning our storm drain and their storm drain, our sewer and water lines and everything else, so there is a lot of back and forth going on between NDOT and us to figure things out. We are working on the Parker Street Sewer that I just mentioned. We are also working on Bell Avenue; it is also a CDBG Project we received funding on and will be going under construction in the Spring. The other thing I would like to mention is through the Porter Group that the City works with, it looks like we are going to obtain another \$4.8 million grant for the Wastewater Treatment Plant upgrades through some of these earmarks; we are just waiting for the bill to be passed to become official. We had a meeting a couple weeks ago and had applied for a waiver because as a part of those earmark projects the City was required to have a twenty percent match and we were told we qualified for a waiver for our Central Ely Sewer Project, so we don’t have to come up with that match. We are also anticipating that to happen with our lower East Ely Main Project for the same reasons.

5. PUBLIC COMMENT

George Chachas stated ongoing concerns regarding his request for a complete list of RVs that have been permitted in the City and if they are paying utilities; 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; and the write-off the City gave the property owners of 790 Avenue I in the amount of \$4,000.00 or more write off and they used all the utilities for years and he is not able to use his property as he would like to.

City Clerk Lee stated the next meeting is scheduled for September 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 **8:30 a.m.**



Attest



Chair

