



CITY OF ELY

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

ELY MUNICIPAL UTILITIES BOARD REGULAR MEETING

January 11, 2024, 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 **8:12 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:

- Councilman Kurt Carson
- City Clerk Jennifer Lee
- City Treasurer/HR Director Janette Trask
- City Public Works Director Mike Cracraft
- 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):

MUNICIPAL UTILITIES BOARD ATTENDANCE LIST

DATE: January 11, 2024

Print name below

George Chachas

Print name below

2. PUBLIC COMMENT

No Public Comment

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 Rivero Second by: Member Marquez Vote: Unanimous with Vice Chairman Derbidge abstaining as he was not at the December 14, 2023, meeting.

1. Discussion/For Possible Action –Minutes.
 - December 14, 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 stated Kyle Tate, the permitting Superintendent, will be giving a presentation at tonight’s City Council meeting. So, I'd refer you to the backup material in the City Council agenda for that.

C. NEW BUSINESS

1. Board Members – City Clerk Lee – Discussion/For Possible Action – Election of Chairman thru December 31, 2024.

Vice Chairman Derbidge moved to elect John O’Flaherty as Chairman thru December 31, 2024. Member Rivero seconded the motion. The motion carried unanimously.

2. Board Members – City Clerk Lee – Discussion/For Possible Action – Election of Vice-Chairman thru December 31, 2024.

Chairman O’Flaherty moved to elect Dale Derbidge as Vice Chairman thru December 31, 2024. Member Rivero seconded the motion. The motion carried unanimously.

3. Councilman Carson – Discussion/For Possible Action – Recommendation to approve Resolution 2023-12, establishing that the City’s water operators will determine responsibility for water or sewer line issues and verify that repairs performed in public rights-of-way by licensed contractors are correct prior to backfilling, subject to confirmation by the City Director of Public Works.

4. Councilman Carson – Discussion/For Possible Action – Review of Georgetown Ranch Bid Invitation for agricultural lease with possible recommendation of changes, approval, and authorization to release.

City Clerk Lee stated I will note that the bid just notes 690 acres and that's the one parcel of agricultural land that's close to the Landfill and the Wastewater Treatment Plant. The more northern part that's been included before was removed for a potential Request for Proposal release in the future.

BID INVITATION

NOTICE IS HEREBY GIVEN that the City of Ely, Nevada, is hereby accepting bids to lease the proposed Georgetown Ranch lease area in APN 010-42-006 of approximately 690 acres for joint development with the City. Access to water is limited.

Agricultural Bid Requirements

1. Agricultural bids must demonstrate how requested acreage will be utilized, developed, and how the City water rights will be put to beneficial use.
2. Agricultural bids must state that lessee will provide quarterly written reports to the Ely City Council on the following:
 - a) Weed abatement;
 - b) Perimeter fence repair and replacement;
 - c) Crops;
 - d) Future plans;
 - e) Water update; and
 - f) Livestock number
3. Agricultural bids must state that lessee will submit the required paperwork and payment to the Bureau of Land Management (BLM) to utilize the Georgetown allotment grazing permit and provide proof to the City of payment to the BLM for the allotment annually.
4. Agricultural bids shall identify lease rate for each year and include a cost-of-living increase for each year of the lease.

The term of an agricultural lease shall be for five years, with a one-time renewal up to ten years. Whether to allow fowl hunting on leased agricultural property will be at the discretion of lessee.

All bids are to be enclosed in a sealed envelope clearly marked, "GEORGETOWN AGRICULTURAL BID" and deposited with Jennifer Lee, City Clerk, City of Ely, 501 Mill Street, Ely, NV 89301 no later than Wednesday, February 7, 2024, at 3:00 pm. **EMAIL BIDS WILL NOT BE ACCEPTED.**

Bids will be opened on Wednesday, February 7, 2024, at 3:05 pm. at City Hall. The Ely City Council shall award the lease(s) on February 8, 2024, at their regular meeting held at the Volunteer Fire Hall, 499 Mill Street, Ely, NV 89301 at 5:00 p.m. Individuals mailing their bids assume the risk of late delivery. The City of Ely reserves the right to reject any and all bids.

Vice Chairman Derbidge moved to recommended approval of changes, and authorization to release Georgetown Ranch Bid Invitation for agricultural lease. Member Rivero seconded the motion. The motion carried unanimously.

4. CITY DEPARTMENT REPORTS

➤ CITY ENGINEER

City Engineer AlMBERG reviewed the following information:



January 11, 2023

Re: EPA Grants

- Basin Engineering has been working with the City of Ely, the Porter Group and the EPA on procuring Community Grants for water infrastructure projects identified as Congressionally Directed Spending (CDS) and Community Project Funding (CPF) item in Appropriations Acts via the U.S. Environmental Protection Agency (EPA).
- **For the Fiscal Year (FY) 2022 and 2023 there are 1,198 CDS/CPF drinking water, wastewater, stormwater infrastructure, and water quality protection projects nationwide.**
Of these projects 23 are in the State of Nevada.
Of those the City of Ely has 2 projects eligible for funding.
- **2022 Central Ely Sewer Upgrade (FY 2022) became a federal law 3/15/22: appropriation amount is \$3,300,000**
- **October 2022: Community Grants 2022 Implementation Guidance Released (Central Ely Sewer Upgrade Project)**
 - **Pre-Award Cost Reimbursement for FY 2022 Projects are addressed in this document. Pre-award costs incurred on or after October 1, 2021 would be considered eligible for Reimbursement.**
- **December 2022: A form was provided for CATEX application with some initial guidance but final determination guidelines had not been determined as the EPA was negotiating with NEPA over guidelines for utility projects. We were directed to apply however determination guidelines for the EPA were going to be a work in progress and final CATEX decisions would not be made until they had clear cut guidelines in place. This could take some significant time as they worked with NEPA to establish these guidelines.**
- **December 19, 2022: A CATEX (Categorical Exclusion) form was completed for the Central Ely Sewer Upgrade and submitted to the EPA, along with relevant supporting project documents. If the proposed project is eligible for this determination an Environmental Impact Statement or an Environmental Assessment would not be necessary.**

1070 E. Aultman Street • Ely, Nevada 89301 • (775) 289-9800

Municipal Utilities Board – Regular Meeting – January 11, 2024

- **Lower East Ely Water Mains Upgrade (FY 2023) became a federal law 12/29/22: appropriation amount is \$2,430,000**
- **March 2023: Decision was made to hold off on Lower East Ely CATEX until further information regarding CATEX determinations was established and Central Ely project CATEX determination was made.**
- **March 29, 2023: BE staff began the first of EPA Grants Training Webinar Series. (What to Expect When You're Expecting a Grant)**
- **April 2023: Official Community Grants Program Final Implementation Guidance 2023 is released. (Lower East Ely Water Mains Upgrade)**
 - **Pre-Award Cost Reimbursement for FY 2023 Projects are addressed in this document. Pre-award costs incurred on or after October 1, 2022 would be considered eligible for Reimbursement.**
- **May 11, 2023: City of Ely submitted a request that the EPA waive the non-federal cost share for the City's FY 2022 CDS/CPF for the Central Sewer Upgrade. Based on review of Cost Share Waiver Criteria A-1 from the FY Community Grants Program Final Implementation Guidance**
- **July 31, 2023: Notified that the EPA had assigned a Program Officer (Jessica Durst) to our grants. She reviewed the previous environmental documentation that the City of Ely had provided and stated that we were well on our way to a CATEX approval.**
- **August 29, 2023: City of Ely receives official notification from the EPA that they are granting a waiver to the cost sharing requirement to provide non-federal funds for both the Central Ely Sewer Upgrade Project and the Lower East Ely water Mains Upgrade Project.**
 - The dollar amount waived for the Central Ely Sewer Upgrade Project is \$825,000.
 - The dollar amount waived for the Lower East Ely Water Mains Upgrade Project is \$607,500.
- **September 5, 2023: Project Officer (Jessica Durst) and Steven Smith (EPA) confirmed in an email that while there is not a rule that the EA/CATEX be completed prior to submitting the applications the EPA strongly requests that the EA/CATEX be completed prior to submitting the application packages.**

The reasons given for this are as follows: First being the fact that it can take a great deal of time to complete this process and we cannot award funds before its complete. The application package is a much less weighty and time-consuming process by comparison. Second, if you were to submit the application package before all of your NEPA/CATEX is complete and there was a departure from your estimate, requiring additional survey or NEPA work, this would affect your budget and in turn would require a lengthy correction process. Steve Smith reiterated both points and referred to both the FY 22 and FY 23 Community Grants Program Final Implementation Guidance, bottom of numbered p. 9 under item #3 indicating a complete application should be submitted "Upon completion of an environmental review under NEPA...". While not a requirement, following this guidance is both logical and efficient, for the reasons Jessica stated
- **October 5, 2023: Responses to 4 additional questions from the EPA consultant were provided to the EPA Project Officer, Jessica Durst.** (Note: that these responses/answers were repeating information that was provided in the project description and the CATEX forms previously completed.)
- **October 13, 2023: the EPA Program Officer informed the City of Ely and Basin Engineering that a minimum section 106/SHPO consultation will be a requirement even with a CATEX decision that would result in other NEPA EA requirements being waived. This information was attained after Basin Engineering provided responses (October 5th, 2023) to a request for further information needed to move the NEPA CateX process forward**
- **October 19, 2023: the completed SHPO / 106 documentation for Central Ely Sewer was sent to the EPA in support of a CATEX (Categorical Exclusion) decision regarding an EA (Environmental Assessment) for this project.**
- **November 1, 2023: A response from the EPA Project Officer was received regarding SHPO documentation provided. The documentation was forwarded to their Environmental consultant ERG for review. (ERG is the EPA's NEPA consultant, they review SHPO/106 documentation as well as EA's for the grant projects**

Municipal Utilities Board – Regular Meeting – January 11, 2024

- **November 2023: SHPO/Sect. 106 application process for the Lower East Ely Water Mains Upgrade** was started after the EPA determination was made that SHPO/Sect. 106 would be a minimum requirement for Community Grants programs even with a successful CATEX decision.
- **January 10, 2023: Program Officer** responded to an email sent on 1/09/2024 enquiring about the status of the SHPO / 106 review the City of Ely had submitted. She stated that she had not heard back from ERG (consultant) as of yet, but she would reach out to see if she can engage them directly. Previously on November 28th, 2023 she stated in an email that ERG had developed a backlog of work during the time in the fall when their contract lapsed.
- **Next Steps: Upon approval of CATEX / SHPO-Tribal status** apply for award through Grants.gov, Design Project, Prepare and Release Construction Bid documents and Construct.

Sincerely,
BASIN ENGINEERING CORPORATION

Emil Alnberg

Emil W. (B.J.) Alnberg, Jr., P.E./P.L.S.
Principal

5. PUBLIC COMMENT

George Chachas stated you're not allowing public comment on agenda items as they were presented as you have in the past and I'd like to know why. Mr. Chachas stated ongoing concerns regarding his request to expose the metal drain behind Washington Federal by his property as the drain is plugged; 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 the Garnett Mercantile; his request for a copy of the permit the City had to obtain to dig into the street at the intersection of Aultman Street and Ely Avenue to conduct the water or sewer line repair on March 5, 2023; 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 for the sewer problem he took care of at his property located at 681 Parker Avenue.

City Clerk Lee stated the next meeting is scheduled for February 8, 2024

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 8:37 a.m.

Janifer Lee

Attest

Dale Ruby

Vice Chairman

