



CITY OF ELY

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

ELY MUNICIPAL UTILITIES BOARD REGULAR MEETING

February 8, 2024, 8:00 a.m. – Ely Volunteer Fire Hall – 499 Mill Street – Ely, Nevada

1. Vice Chairman Derbidge 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:

Vice Chairman Dale Derbidge
Member Greg Rivero (Zoom)
Member Sherrie Marquez

Members absent:

Chairman John O’Flaherty
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): Danielle Trujillo, and Scott Trujillo.

MUNICIPAL UTILITIES BOARD ATTENDANCE LIST

DATE: February 8, 2024

Print name below

George Chachias
Janet Voulans

Print name below

2. PUBLIC COMMENT

George Chachas stated on your agenda items 3C-3 through 3C- 9 you are to consider recommending approval to remove utility fee penalties for individuals. 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, the principal and penalty amount as instructed in the letter received from City Clerk Jennifer Lee, dated November 25, 2019, and yet to date, the City is billing me for \$1,947.81. The City to date has failed to reimburse me for the overpayments that I made 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 Hotel at the same sale, that's discrimination. I remind you again, the City gave property owners of 790 Avenue I a \$4,000.00 or more write off when they used all the utilities. I think it was seven years they had not paid, and you claim the justification on an employee error. I want to remind you that federal law prohibits discrimination in any federally funded or assisted public utility and cannot selectively enforce the law. The City must be compliant with federal law in particular, the age of Discrimination Act of 1975; the Americans with Disability Act of 1990; and the Civil Rights Act 1964, Title 6. I paid that money and asked you numerous times to look at the billing as it seems incorrect. I have never had that water turned on and I have paid the utility fees from the landfill from day one, including what was there prior.

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 Marquez Vote: Unanimous

1. Discussion/For Possible Action –Minutes.

- January 11, 2024

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 into the record:

Jennifer Lee

From: Frederick Parthey <Frederick.Parthey@us.kghm.com>
Sent: Wednesday, February 7, 2024 1:05 PM
To: Jennifer Lee
Cc: Kyle Tate
Subject: Utility Board Meeting - 02/08/2024

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 8,111gpm is being pumped, 2,843gpm is going into Gleason Creek and the rest is going to the mill for ore processing. RW-7P+ is delivering 1,123gpm into the city water system.

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

Thanks,

Frederick

Frederick Parthey (PhD, PMP)
Senior Manager Environmental
Resources North America Operations
T +1 775 289 7040
C +1 775 293 5261
frederick.parthey@us.kghm.com



Robinson Mine
4232 West White Pine County Rd 44
Ruth, NV 89319 USA
www.kghm.com

C. NEW BUSINESS

1. Councilman Carson – Discussion/For Possible Action – Review of bids received for a five-year agricultural lease of 765 acres in the Georgetown Ranch, with possible award recommendation; proposed lease area is located in APN 010-42-006.

Councilman Carson stated there are some questions regarding the AUMs. I guess I am a little confused about the two different proposal amounts and maybe we need to have B.J. and Leo look into this further.

City Clerk Lee stated the interesting thing is that in the past the Georgetown Ranch has been leased for approximately fourteen hundred acres, but in reality, the Landfill and the Wastewater Treatment Plant are part of that. If that needs to be cleared up with the Bureau of Land Management (BLM) then that is just making it more accurate. Betsy Vogler on her proposal stated her proposed lease rate is \$15,000.00 a year. This lease rate is contingent upon full use of the BLM's Georgetown Grazing Allotment. In the event the full allocation of AUMs on the BLM grazing permit cannot be transferred to

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her due to a base property discrepancy, her proposed lease rate will be \$11,300.00 per year. I don't know if the Board would want to table this so we could find out if that's going to be an issue or not. It really shouldn't be an issue, because the property that would be utilized is the same that's always been utilized, but that would be up to the BLM. These proposals were just received yesterday. Even though Councilman Carson so badly wanted apples to apples, we don't get apples to apple on these agricultural leases. You'll see. Mr. Marshall's proposal is yet very different again even though we have certain stipulations.

Member Marquez moved to table review of bids received for a five-year agricultural lease of 765 acres in the Georgetown Ranch, with possible award recommendation; proposed lease area is located in APN 010-42-006. Vice Chairman Derbidge seconded the motion. The motion carried unanimously.

2. Councilman Carson – Discussion/For Possible Action – Review and possible recommendation to approve Service Agreement for D-3 Water Operator Services between the City of Ely and Raul Naranjo.

Councilman Carson stated Raul started about 10 years ago part-time. He does a great job and really keeps everybody on task out at the lab and helps out with the water and sewer site too. I was always kind of a fan of trying to find somebody in-house to do this, but they're very expensive and we can't find anybody to come to Ely. Raul has been a lifesaver and I have no problem with this contract.

City Attorney Cahoon stated the contract lays out the services that will be provided with an increase in compensation. I have no issues with this contract.

Member Marquez moved to recommend approval of the Service Agreement for D-3 Water Operator Services between the City of Ely and Raul Naranjo. Vice Chairman Derbidge 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 \$4,968.39 from 40 Avenue C, McGill, Nevada at the request of Property Owner, Mark Drain.

Member Marquez moved to recommend approval to remove past due utility fee penalties up to the amount of \$4,968.39 from 40 Avenue C, McGill, Nevada at the request of Property Owner, Mark Drain. 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 \$4,279.65 from 58 Fourth Street, McGill, Nevada at the request of Property Owner, Aron Huntington.

Member Marquez moved to recommend approval to remove past due utility fee penalties up to the amount of \$4,279.65 from 58 Fourth Street, McGill, Nevada at the request of

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Property Owner, Aron Huntington. Member Rivero seconded the motion. The motion carried unanimously.

5. Board Members – City Clerk Lee – Discussion/For Possible Action – Recommendation for approval to remove past due utility fee penalties up to the amount of \$3,153.40 from 39 Sunshine Street, Ruth, Nevada at the request of Property Owner, Rick and Kathy Humphery.

Member Marquez moved to recommend approval to remove past due utility fee penalties up to the amount of \$3,153.40 from 39 Sunshine Street, Ruth, Nevada at the request of Property Owner, Rick and Kathy Humphery. Member Rivero seconded the motion. The motion carried unanimously.

6. Board Members – City Clerk Lee – Discussion/For Possible Action – Recommendation for approval to remove past due utility fee penalties up to the amount of \$7,658.91 from 10 Fourth Street, McGill, Nevada at the request of Property Owners, Marie and David Morris.

Member Marquez moved to recommend approval to remove past due utility fee penalties up to the amount of \$7,658.91 from 10 Fourth Street, McGill, Nevada at the request of Property Owners, Marie and David Morris. Member Rivero seconded the motion. The motion carried unanimously.

7. Board Members – City Clerk Lee – Discussion/For Possible Action – Recommendation for approval to remove past due utility fee penalties up to the amount of \$832.42 from 13 Juniper Street, Ruth, Nevada at the request of Property Owners, Keith and Karl Hardy.

Member Marquez moved to recommend approval to remove past due utility fee penalties up to the amount of \$832.42 from 13 Juniper Street, Ruth, Nevada at the request of Property Owners, Keith and Karl Hardy. Member Rivero seconded the motion. The motion carried unanimously.

8. Board Members – City Clerk Lee – Discussion/For Possible Action – Recommendation for approval to remove past due utility fee penalties up to the amount of \$2,423.37 from 355 S. Silen Avenue, Baker, Nevada at the request of Property Owner, Tammy Thomas.

Member Marquez moved to recommend approval to remove past due utility fee penalties up to the amount of \$2,423.37 from 355 S. Silen Avenue, Baker, Nevada at the request of Property Owner, Tammy Thomas. Member Rivero seconded the motion. The motion carried unanimously.

9. Board Members – City Clerk Lee – Discussion/For Possible Action – Recommendation for approval to remove past due utility fee penalties up to the amount of \$12,918.99 from 26 Third Street, McGill, Nevada at the request of Scott Trujillo.

City Clerk Lee stated he is requesting a penalty of \$12,918.99 be waived. I do have to say this isn't without precedent. Before the Council put in place the requirement that the Council approve these if there was a lien, they had approved for either the city attorney or the city clerk to waive penalties if principal was paid, and I did that on the Town and Country Motel for Mr. Chachas, and it was approximately that amount.

Member Marquez moved to recommend approval to remove past due utility fee penalties up to the amount of \$12,918.99 from 26 Third Street, McGill, Nevada at the request of Scott Trujillo. Member Rivero seconded the motion. The motion carried unanimously.

4. CITY DEPARTMENT REPORTS

➤ **CITY CLERK**

City Clerk Lee stated we've been working on our income surveys for CDBG grants. The Morley applications look really positive. We're hoping to get a few more surveys for the Central Ely drainage Project. The application is due next Friday.

➤ **CITY ENGINEER**

City Engineer reviewed the following report:

City Council/Utility Board Report

- Bell Avenue Water (CDBG) Review Comments almost ready to go Back to NDEP for Approval.
- Stevens/Parker Sewer (CDBG) finalizing and ready for the street next week.
- Got encouraging email from EPA that we may be hearing about our CatEx soon.
- Assisting Jennifer with next round CDBG Applications.
- Now that we got a better understanding of the process through EPA, working on SHPO to complete CatEx for East Ely Waterline.
- Working on next round of Earmark projects with Porter.
- Compiling past water use data for information and assistance with next round Earmark project.
- Finalizing Aultman Plans based on our NDEP review of Bell Avenue. This will hopefully shorten the review time for this project. Due date for these to NDOT within the week.
- Water Dept building bid docs.
- Road Mile Certification to NDOT, ready for next City Council meeting

5. PUBLIC COMMENT

George Chachas stated ongoing concerns regarding his request for reimbursement for the sewer problem he took care of at his property located at 681 Parker Avenue; the upgraded water line the City paid for on the property from Love’s to the charter school and states that should have been the responsibility of the developer; his concern of the City paying to reroute a private sewer line during phase III of the Murry Street project; the drainage from the Bath property onto his property at 622 High Street; the alleyway between his property and Napa having a problem for over a year and wants that rectified as he is unable to get in there and do maintenance; questioning RVs that have been permitted in the City and if they are paying utilities; 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.

City Clerk Lee stated the next meeting is scheduled for March 14, 2024

6. ADJOURNMENT: THE MEETING MAY BE ADJOURNED BY APPROPRIATE MOTION OF THE MUNICIPAL UTILITY BOARD

Vice Chairman Derbidge adjourned the regular meeting of the Municipal Utilities Board at **8:26 a.m.**



Attest



Vice Chairman

