



CITY OF ELY

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

ELY MUNICIPAL UTILITIES BOARD REGULAR MEETING

March 14, 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 **8:00 a.m.**, led in the Pledge of Allegiance, and asked for Roll Call.

Members present:

- Vice Chairman Dale Derbidge
- Member Ken Ross
- Member Greg Rivero (Zoom)

Members absent:

- Chairman John O’Flaherty
- Member Sherrie Marquez

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: March 14, 2024

Print name below

George Chachas

Print name below

2. PUBLIC COMMENT

George Chachas stated on your agenda items 3C-4 through 3C-10 you are to consider the removal of past due penalty fees. I am not against those people getting the write off, but I want equal protection and consideration 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 \$1,875.31. 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. 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.

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

A. CONSENT AGENDA

City Administrative Assistant Cobb stated I affirm the February 8, 2024, minutes are an accurate and true reflection of the Zoom recording.

MOTION: Move to approve the Consent Agenda item 3A-1 Minutes.

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

1. Discussion/For Possible Action –Minutes.
 - February 8, 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, March 13, 2024 9:59 AM
To: Jennifer Lee
Cc: Kyle Tate
Subject: Utility Board Meeting- 03/14/2024

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 8,093gpm is being pumped, 2,415gpm is going into Gleason Creek and the rest is going to the mill for ore processing. RW-7P- is delivering 1,106gpm into the city water system.

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

Thanks,

Frederick

Frederick Parthey (PhD, PMP)
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Resources-North America Operations
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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 – Recommendation to submit a Preference Transfer Application to the Bureau of Land Management (BLM) for attachment of the City’s 1,675 Animal Unit Months (AUMS) to the 765-acre Agricultural Lease as base property.

Councilman Carson stated there were questions last meeting regarding the AUMs. City Clerk Lee reached out to the BLM and it was their recommendation that we attach all the AUMs.

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Member Rivero moved to recommend submitting a Preference Transfer Application to the Bureau of Land Management (BLM) for attachment of the City’s 1,675 Animal Unit Months (AUMS) to the 765-acre Agricultural Lease as base property. Member Ross seconded the motion. The motion carried unanimously.

2. 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 if the City’s AUM Preference Transfer Application is approved by the BLM and a different possible award recommendation if it is denied; proposed lease area is located in APN 010-42-006.

Councilman Carson stated I will be abstaining from this item tonight as the company I work for recently hired Betsy Vogler.

City Clerk Lee clarified the transfer has not been submitted as it has to be signed by the Mayor after the decision is made tonight. City Clerk Lee reviewed the proposed lease rates on the bid tab below:



CITY OF ELY

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

City of Ely
 Georgetown Ranch Agricultural Lease 765 Acres
 Bid Tabulation
 Term of the Lease shall be for five years

Bidder	Betsy K. Vogler	Marshall Red Angus Company
Proposed Lease Rate	\$15,000.00 a year \$11,300.00 with reduced AUMs	\$12,500.00 a year
Annual Cost-of-Living Increase	1.5% cost of living per year throughout the term of the lease.	none
Additional Proposals	Add two hundred acres and remove 65 acres North of 490	none

The City of Ely is an equal opportunity provider and employer.

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<p>How the acreage will be utilized, developed, and how the City water rights will be put to beneficial use.</p>	<ul style="list-style-type: none"> • Graze cattle and produce alfalfa • Water – to irrigate alfalfa 	<ul style="list-style-type: none"> • Graze Cattle • Water Utilization Plan
<p>Agricultural Bid states they will provide quarterly reports on the following:</p> <ul style="list-style-type: none"> • Weed abatement • Perimeter fence repair and replacement • Crops • Future Plans • Water update • Livestock number 	<ul style="list-style-type: none"> • Weed abatement addressed by applicant, Tri-County Weed, and Natural Resource Conservation Service with annual or bi-annual treatments. • Fencing – Perimeter fencing repair • Water – to irrigate alfalfa • Livestock number – 50 to 60 cattle 	<ul style="list-style-type: none"> • Rotational Grazing • Spot spraying by Tri-County Wee • Rebuild fences as necessary including Natural Resource Conservation Service (NRCS) grants • Water used for Pasture grass • Livestock number – 50 to 100 cattle
<p>Bid states that lessee will submit the required paperwork and payment to the BLM to utilize the Georgetown allotment grazing permit and provide proof to the City of payment to the BLM For the allotment annually</p>	<p>Proposal agrees to submit reports</p>	<p>Proposal agrees to submit reports</p>

Member Ross moved to recommend the bid be awarded to the highest bidder contingent on whether AUMs are awarded or not. Vice Chairman Derbidge seconded the motion. The motion carried unanimously.

3. Board Members – City Clerk Lee – City Engineer AlMBERG – Discussion/For Possible Action – Review of bids received for the construction of the Parker Avenue/Stevens Avenue Sewer Main Upgrade Project, PWP# WP-2024-141, with possible recommendation of award.

City Engineer AlMBERG stated this is our CDBG project we were awarded down in Central Ely and is a continuation of the upgrades we made a few years ago. The project consists of approximately three blocks. We received two bids on this project. The lowest bid for the project is \$577,210.00 from Reck Brothers LLC. This is \$79,410.00 over what we had anticipated with our CDBG project funds and our matching funds. In working with the City Treasurer, we do have the resources to be able to take on these additional funds to complete this project so that we can make full use of the funds that we received from CDBG. I recommend that we award this to Reck Brothers LLC, as the lowest and responsible bidder.

The bid tabulation is provided on the following page.

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Consulting Engineers & Land Surveyors

CITY OF ELY
 PARKER AVENUE / STEVENS AVENUE SEWER MAIN UPGRADE PROJECT
 PWP# WP-2024-141
 CDBG FUNDED PROJECT 22/PF/05
 BID OPENING & REQUIRED DOCUMENTS CHECKLIST

March 11, 2024

BID ITEMS CHECK LIST	RECK BROTHERS LLC	GREAT BASIN ENG. CONTRACTORS
BID PROPOSAL	YES	YES
BID BOND - CERTIFIED CASHIER'S CHECK - CASH	YES	YES
EXPERIENCE OF QUALIFICATIONS	YES	YES
DESIGNATION OF SUBCONTRACTORS	YES	YES
DESIGNATION OF SUBCONTRACTORS - 5%	YES	YES
DESIGNATION OF SUBCONTRACTORS - 1%	YES	YES
AFFIDAVIT OF NON-COLLUSION	YES	YES
E.E.O. CERTIFICATION - BIDDER / CONTRACTOR	YES	YES
E.E.O. CERTIFICATION - SUBCONTRACTOR	N/A	N/A
LOBBYING ASSURANCE - BIDDER / CONTRACTOR	YES	YES
LOBBYING ASSURANCE - SUBCONTRACTOR	N/A	N/A
DEBARMENT / INELIGIBILITY - CONTRACTOR / SUBCONTRACTOR	YES	YES
SECTION 3 CERTIFICATION - CONTRACTOR	YES	YES
SECTION 3 CERTIFICATION - SUBCONTRACTOR	N/A	N/A
SECTION 3 SAMPLE CONTRACTOR SECTION 3 PLAN	YES	YES
BUILD AMERICA BUY AMERICA CERTIFICATION	YES	YES
ADDENDUM-1	YES	YES

BASE BID BIDDING SCHEDULE	UNIT	AMOUNT	RECK BROTHERS LLC		GREAT BASIN ENG. CONTRACTORS	
			UNIT PRICE	BID AMOUNT	UNIT PRICE	BID AMOUNT
1 MOBILIZATION / DEMOBILIZATION	LS	1	\$ 5,000.00	\$ 5,000.00	\$ 39,900.00	\$ 39,900.00
2 18-INCH SEWER MAIN	LF	758	\$ 235.00	\$ 178,130.00	\$ 309.42	\$ 234,540.36
3 15-INCH SEWER MAIN	LF	10	\$ 450.00	\$ 4,500.00	\$ 808.73	\$ 8,087.30
4 10-INCH SEWER MAIN	LF	9	\$ 300.00	\$ 2,700.00	\$ 408.53	\$ 3,658.77
5 8-INCH SEWER MAIN	LF	401	\$ 200.00	\$ 80,200.00	\$ 187.53	\$ 67,179.53
6 48-INCH SEWER MANHOLE	EA	1	\$ 8,500.00	\$ 8,500.00	\$ 10,554.14	\$ 10,554.14
7 60-INCH SEWER MANHOLE	EA	5	\$ 11,200.00	\$ 56,000.00	\$ 16,328.35	\$ 81,831.75
8 60-INCH DROP-INLET SEWER MANHOLE	EA	1	\$ 14,000.00	\$ 14,000.00	\$ 16,720.34	\$ 16,720.34
9 CONNECT TO EXISTING MANHOLE	EA	4	\$ 5,500.00	\$ 22,000.00	\$ 4,624.46	\$ 18,497.84
10 4-INCH SEWER SERVICE	LF	638	\$ 175.00	\$ 111,650.00	\$ 172.43	\$ 110,030.34
11 LOCATE AND CONNECT SEWER SERVICE	EA	25	\$ 1,824.00	\$ 40,800.00	\$ 798.74	\$ 19,968.50
12 REMOVAL AND FILLING EXISTING MANHOLE	EA	3	\$ 2,800.00	\$ 8,400.00	\$ 2,482.06	\$ 7,446.18
13 REPAIR DAMAGED UTILITY	EA	10	\$ 1,100.00	\$ 11,000.00	\$ 2,315.77	\$ 23,157.70
14 PIT RUN GRAVEL BACKFILL	LF	1,200	\$ 15.00	\$ 18,000.00	\$ 108.88	\$ 128,232.00
15 TYPE II BASE	SF	5,800	\$ 2.85	\$ 16,530.00	\$ 5.58	\$ 32,364.00
OVERALL PROJECT BID PRICE				\$ 577,210.00		\$ 799,948.75

GREAT BASIN ENGINEERING CONTRACTORS

BID PROPOSAL ITEM NO. 9 SHOWS \$18,479.84 AND THE ACTUAL AMOUNT SHOULD BE \$18,497.84 PER THE UNIT COST. TWO NUMBERS WERE INVERTED IN THE BID PROPOSAL. A DIFFERENCE OF \$18.00.

Member Ross moved to recommend awarding the bid for the construction of the Parker Avenue/Stevens Avenue Sewer Main Upgrade Project, PWP# WP-2024-141 to Reck Brothers LLC. Member Rivero seconded the motion. The motion carried unanimously.

- Board Members – City Clerk Lee – Discussion/For Possible Action – Recommendation for approval to remove past due utility fee penalties up to the amount of \$3,140.19 from 23 Avenue F, McGill, Nevada at the request of Property Owner, Heather Hopewell.

Member Ross moved to recommend the approval to remove past due utility fee penalties up to the amount of \$3,140.19 from 23 Avenue F, McGill, Nevada at the request of Property Owner, Heather Hopewell. Vice Chairman Derbidge 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 \$18,352.35 from 16 Third Street, McGill, Nevada at the request of Property Owner, James J. Gubbine, Jr.

Member Ross moved to recommend the approval to remove past due utility fee penalties up to the amount of \$18,352.35 from 16 Third Street, McGill, Nevada at the request of Property Owner, James J. Gubbine, Jr. 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 \$6,991.67 from 8 Avenue J, McGill, Nevada at the request of Property Owner, Rachel Nardi.

Member Ross moved to recommend the approval to remove past due utility fee penalties up to the amount of \$6,991.67 from 8 Avenue J, McGill, Nevada at the request of Property Owner, Rachel Nardi. 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 \$ 6,817.39 from 4 Fifth Street, McGill, Nevada at the request of Property owner, Demetrios Mellos ET AL.

Member Ross moved to recommend approval to remove past due utility fee penalties up to the amount of \$ 6,817.39 from 4 Fifth Street, McGill, Nevada at the request of Property owner, Demetrios Mellos ET AL. 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 \$4,115.60 from 1536 E. 2748 N. Street, Ely, Nevada at the request of Property owner, Jessica Allen and Jamie wicks.

Member Ross moved to recommend approval to remove past due utility fee penalties up to the amount of \$4,115.60 from 1536 E. 2748 N. Street, Ely, Nevada at the request of Property owners, Jessica Allen and Jamie wicks. 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 \$4,038.72 from 15 Avenue K, McGill, Nevada at the request of Property owner, Robert N. Pratt.

Member Ross moved to recommend approval to remove past due utility fee penalties up to the amount of \$4,038.72 from 15 Avenue K, McGill, Nevada at the request of Property

owner, Robert N. Pratt. Member Rivero seconded the motion. The motion carried unanimously.

10. Board Members – City Clerk Lee – Discussion/For Possible Action – Recommendation for approval to remove past due utility fee penalties up to the amount of \$4,053.49 from 11 Avenue C, McGill, Nevada at the request of Property owner, Robert N. Pratt.

Member Ross moved to recommend approval to remove past due utility fee penalties up to the amount of \$4,053.49 from 11 Avenue C, McGill, Nevada at the request of Property owner, Robert N. Pratt. Member Rivero seconded the motion. The motion carried unanimously.

4. CITY DEPARTMENT REPORTS

➤ CITY PUBLIC WORKS DIRECTOR

City Public Works Director Cracraft stated we noticed the duck pond was using quite a bit of water, so we went over there to see what was going on and it is overflowing tremendously and has been for months. We found the float was sticking and the water was just flowing out. We shut the water off and found the water level dropped just below the rocks along the side, so we figured the leak has to be right in that area. The County went ahead and fixed the float issue and we have been monitoring it and reading the meter every day. Since the day the float was fixed it has gone through 494,477 gallons for an average of 33,000 gallons a day leaking out of the pond. I feel there is an issue there that needs to be addressed pretty quickly. We provide the water and split the bill with the County, but it is their responsibility. I have been told that it is a SNPLMA Project, and they are not allowed to work on it.

Member Ross asked City Attorney Cahoon, “Where do we go from here?”

City Attorney Cahoon stated my understanding is the County is working to get new contractors on those SNPLMA Projects. They have contacted the bond agency and have essentially told them that JCR is disqualified and cannot continue to do those projects, so there would be a need to hire a new contractor. I believe it's being worked on as far as they can go. I think it probably is correct, since this has become a bond issue, they can't really go in and fix anything.

Public Works Director Cracraft stated I disagree. In the pumphouse they have had numerous breaks and they have gone in and fixed them. If they can go in and fix that emergency, they need to fix this one because we cannot have water flowing, especially going into our summer season.

City Attorney Cahoon stated we can't really deliberate too much on a report item, but I can do my part and reach out to County Manager Mike Wheable and try to get an update and see what they can do.

➤ **CITY CLERK**

City Clerk Lee stated with Basin Engineering's help we got the Morley Project submitted for CDBG funding and we're not sure when their allocation meeting is going to be. It will either be the very end of the month or the first part of April; they're waiting for Federal funding.

➤ **CITY ENGINEER**

City Council/Utility Board Report (4/18/24)

- Received Landfill water monitoring results and completed quarterly report and submitted to NDEP for Approval.
- Had a great Trip to DC with the Mayor and council members to meet with our Nevada Delegation. Had a great conversation about the hurdles and slow process through EPA of the CATEX. I have been in email conversation this week on getting their assistance in streamlining the process.
- Working on next round of Earmark projects with Porter.
- Compiling past water use data for information and assistance with next round Earmark project.
- Aultman Plans into NDEP review.
- Water Dept building bid docs available on Monday.

5. PUBLIC COMMENT:

George Chachas stated you need to find out who inspected the duck pond. It isn't just the contractor's fault, the inspector failed. Mr. 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 the Garnett Mercantile; the two waterlines that were removed during the project on Bell Avenue that service his property and states he would like to have those put back and not at his expense; 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; and permitted RVs throughout the City and if they are paying utilities.

City Clerk Lee stated the next meeting is tentatively scheduled for April 11, 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 **8:29 a.m.**



Attest



Vice Chairman