



CITY OF ELY

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

ELY MUNICIPAL UTILITIES BOARD REGULAR MEETING

June 12, 2025, 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 8:01 a.m., led in the Pledge of Allegiance, and asked for Roll Call.

Members present:

Chairman John O’Flaherty
Member Ken Ross
Member Tom Stagg
Member Kelly Jackson

Members absent:

Vice Chairman Dale Derbidge

City Officials and staff present:

Councilwoman Melody Van Camp
City Clerk Jennifer Lee
City Treasurer/HR Director Janette Trask
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: June 12, 2025, Regular Meeting

Print name below

Print name below

George Chachas
Janette Trask

2. PUBLIC COMMENT

George Chachas stated on your agenda item 3C-4 you are to consider the removal of past due utility fee penalties in the amount of \$5,114.24 from 2B First Street in McGill, Nevada, at the request of property owner, Chris Walker. I'm requesting a copy of the letter that was given to Mr. Walker, outlining the terms requested of him for consideration to write off penalties and interests on his property. I want to know, did he pay the total amount of \$7,416.97, so he could be considered, and then be eligible for a refund of \$5,514.24? On your agenda item 3C-5 you are to consider the removal of past due utility fee penalties in the amount of \$7,845.37 from 25 Sixth Street, McGill, Nevada at the request of property owner Jane Montgomery. I'm requesting a copy of the letter that was given to Ms. Montgomery, outlining the terms requested of her for consideration to write off penalties and interest on her property. I want to know if she paid the total amount of \$10,082.85 so she could be considered and then be eligible for a refund of \$7,845.37. I want to remind you again that I was made to pay the full amount on one of my properties in order to be considered, and only then was I given a refund for the difference. I'm still waiting for a copy of the letters that the City sent to Ralph Jones, Tina Templer, and Elaine Blackham. It appears the City is selectively enforcing the rules, regulations, and codes; the discrimination must stop. I would remind you again, you need to review the City's Title VI Plan which covers compliance with Federal anti-discrimination regulations. Your staff are blatantly and intentionally ignoring the law. Mr. Chairman, on your agenda item 3C-1 you are to consider a trade with White Pine County for water rights for APN 010-424-04 in exchange for 420.4-acre feet of water from the industrial water rights designation that the County has; that needs to be denied. The Golf Course can apply for water rights under a different category, not industrial. The City and County had better take a hard look at the cost benefit regarding the Golf Course. The Golf Course receives the lowest rate of all of those on the system. No one else receives that kind of consideration, and, in fact, you've even given them free water. You can't discriminate. Your accountants say you have to show the true cost of doing business, and you're not doing that.

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

A. CONSENT AGENDA

City Administrative Assistant Cobb stated I have listened to the zoom recording to transcribe the May 8, 2025 minutes and consent that the minutes reflect an accurate record of that recording.

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

Moved by: Member Ross Second by: Member Stagg Vote: Unanimous

1. Discussion/For Possible Action –Minutes.
 - May 8, 2025

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.

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City Clerk Lee read the following into the record:

From Kyle Tate <Kyle.Tate@us.kghm.com>
Date: Thu 6/12/2025 6:36 AM
To: Jennifer Lee <CityClerk@cityofelynv.gov>
Cc: Patti Cobb <AdminAssist@cityofelynv.gov>

Good Morning Jennifer,

I will not be available to attend today's utility board meeting. I am providing this email to serve as an update on "Old Business" Item B 1 Ruth Pit development and water mitigation efforts within the City of Ely.

Robinson currently has mining activities occurring across all three pits (Ruth, Liberty and Veteran). The following is a breakdown of freshwater dewatering efforts from the South Block:

Approximately 3,400 gpm is being pumped. Of that, 1,225 gpm is going into Gleason Creek and the rest is going to the Mill for ore processing. RW-7P is currently shut off to accommodate the drilling efforts that are underway for the deeper replacement well RW-7PR.

Please let me know if there are any questions or concerns.

Thanks,

Kyle Tate
Manager – Environmental Services



Robinson Mine
4232 West White Pine County Road 44
Ruth, NV 89319 U.S.A.
www.kghm.com

T +1 775 289 7113
C +1 406 925 3179
Kyle.Tate@us.kghm.com

C. NEW BUSINESS

1. Mayor Robertson – City Engineer Almberg – Discussion/For Possible Action – Recommendation to Approve proposed Golf Course Irrigation Water Rights terms, revised May 6, 2025, including for the City of Ely to lease at no cost portions of all Irrigation Water Rights to White Pine County associated with APN 010-424-04 for a total combined duty of 420.4 ac-ft/acre (AFA) to be used for irrigation on the Golf Course; in exchange, White Pine County shall deed 420.4 AFA from their Industrial Water Rights in Steptoe Valley to the City of Ely.

City Engineer Almberg stated this was in front of the County Commission yesterday and was approved to go to the next step. If the City Council approves it tonight to move forward, then we will work with the City and County attorneys to get an agreement written up. I was able to meet with some County officials, City officials, Jeremy drew the Water Resource Specialist that works for the County, and Chairman Cody Odgers of the Water Resources Committee as well. We took the bullet points that had been originally lined out for this project and added a few things. One of the things that was changed was based on Jeremy Drew's input that rather than deeding the City's water rights to the County, he thought it would be easier, cleaner, and less paperwork at this point in time, since they don't own the property is just make it a part of the lease, and that would prevent having to come in and file all the paperwork for conveyances, deeds, and everything associated with it. If the City does do a land swap or something and this land

ends up in the County's ownership, then at that time the paperwork can be taken care of. In the agreement we put in place to have the water rights coincide with the existing lease of that back nine. It is also proposed there be no additional cost to that lease for these water rights as a part of that lease. The other thing discussed was how we would handle the maintenance. The maintenance would be handled in the exact same way as the power bill, so that maintenance would just be spread according to the amount of use. The other thing suggested is since this is only going to be able to water a portion of the of the Golf Course, or the back nine is what I've been calling it, is that we would continue to provide the discounted rates for the watering of that front nine while the State Engineer's office continues to work through the protest of the original application which would allow them at that point to water the complete golf course. I have said that I would feel very comfortable presenting that option in front of you guys and I'm very supportive of it. If we continue with this agreement the County is actively moving forward and hopefully will have a well here pretty soon, so that again, at the beginning may only water half the Golf Course, but with the intention it will one day water the full Golf Course.

Chairman O'Flaherty stated you are referring to the back nine, but the water system is interconnected to both the front and back.

City Engineer Almberg stated it is, and so the County is able to manipulate their irrigation clocks, so when the pump is running only those holes are being watered.

Chairman O'Flaherty stated should the terminology be eighteen holes, not nine?

City Engineer Almberg stated no, because currently, with these water rights, the water rights only cover the back nine.

Chairman O'Flaherty asked what is the potential use from the City? I never knew the City to use any water from that well other than artesian purposes.

City Engineer Almberg stated the water rights that are associated with the well are for the Georgetown Ranch. The Ranch is going to need water out of that well as well. This will be a shared well through the agreement. I anticipate the Golf Course waters at night, and the Ranch waters in the day, because these water rights are actually for the Ranch and this portion that covers the back nine was part of the Ranch at one point. The Ranch doesn't necessarily need it today because of all the dewatering that the mine is doing, but as soon as the mine quits dewatering there will be no water reaching the Ranch, and so this is the only way that the Ranch will be able to continue to operate is by using our underground water rights to supplement their surface waters. The new well will be within 300 feet of the old well. This is how the Ranch and the Golf Course are going to survive in the future and the Golf Course is going back to how it was always watered, because it never was on the City system until the mine started to use water.

Chairman O'Flaherty moved to recommend approval of the proposed Golf Course Irrigation Water Rights terms, revised May 6, 2025, including for the City of Ely to lease at no cost portions of all Irrigation Water Rights to White Pine County associated with

APN 010-424-04 for a total combined duty of 420.4 ac-ft/acre (AFA) to be used for irrigation on the Golf Course; in exchange, White Pine County shall deed 420.4 AFA from their Industrial Water Rights in Steptoe Valley to the City of Ely. Member Ross seconded the motion. The motion carried unanimously.

2. Board Members – City Engineer Almberg – Discussion/For Possible Action – Recommendation to approve Nevada Department of Transportation’s (NDOT) Amendment No. 1 to Agreement No. R253-24-030 for the Adjustment of Utility Facilities Reimbursable to the State for Water Relocation.

City Engineer Almberg stated we currently have an agreement in place for the Aultman Street Project that's going on with NDOT. NDOT is installing all of our sewer and water utilities as a part of their project and going to reimburse us so we're not paying for one hundred percent of the utilities that are going out there. Some of our utilities are older than NDOT's right of way. When they have to be moved because of this project, NDOT pays for that move. We're getting roughly \$10 million worth of work done and we are only going to pay for \$5 or \$6 million. We have an agreement in place based on what the cost estimate was originally, and this amendment is the actual prices for doing the work. This is just upgrading that agreement to the true prices instead of an estimate.

Member Ross asked, “this will lock it in?”

City Engineer Almberg stated there will still be potential change orders, but this is just amending the agreement to the true cost.

Chairman O’Flaherty opened item number 3.

3. Board Members – City Engineer Almberg – Discussion/For Possible Action – Recommendation to approve Nevada Department of Transportation’s (NDOT) Amendment No. 1 to Agreement No. R254-24-030 for the Adjustment of Utility Facilities Reimbursable to the State for Sewer Relocation.

Member Ross moved to recommend approval of Nevada Department of Transportation’s (NDOT) Amendment No. 1 to Agreement No. R253-24-030 for the Adjustment of Utility Facilities Reimbursable to the State for Water Relocation. Member Stagg seconded the motion. The motion carried unanimously.

Member Ross moved to recommend approval of Nevada Department of Transportation’s (NDOT) Amendment No. 1 to Agreement No. R254-24-030 for the Adjustment of Utility Facilities Reimbursable to the State for Sewer Relocation. Member Stagg seconded the motion. The motion carried unanimously.

4. Board Members – City Clerk Lee – Discussion/For Possible Action – Recommendation to remove past due utility fee penalties up to the amount of \$5,514.24 from 2 B First Street, McGill, Nevada at the request of Property Owner, Chris Walker.

City Clerk Lee stated Mr. Walker paid fees in full on May 12, 2025 and is requesting a waiver of the penalties.

Member Ross moved to recommend the removal of past due utility fee penalties up to the amount of \$5,514.24 from 2 B First Street, McGill, Nevada at the request of Property Owner, Chris Walker. Chairman O’Flaherty seconded the motion. The motion carried unanimously.

5. Board Members – City Clerk Lee – Discussion/For Possible Action – Recommendation to remove past due utility fee penalties up to the amount of \$7,845.37 from 25 Sixth Street, McGill, Nevada at the request of Property Owner, Jane Montgomery.

City Clerk Lee stated fees were paid in full on May 22, 2025 in the amount of \$2,357.36 and is requesting a waiver of the penalties.

Member Ross moved to recommend the removal of past due utility fee penalties up to the amount of \$7,845.37 from 25 Sixth Street, McGill, Nevada at the request of Property Owner, Jane Montgomery. Chairman O’Flaherty seconded the motion. The motion carried unanimously.

4. CITY DEPARTMENT REPORTS

➤ **MEMBER JACKSON**

Member Jackson stated today is my first meeting. I work for Mount Wheeler Power and have been there nineteen years. I have been in Ely since 1994.

➤ **CITY CLERK**

City Clerk Lee stated Public Works Director Cracraft, City Engineer Almberg and I traveled to Carson City May 13th for the CDBG Allocation Meeting and GOED awarded us \$199,050 for the 7th Street Drainage Upgrade Project. EPA notified me May 20th that the deadline is June 15th to receive community grants by September 30th; I am almost finished with our East Ely Water Main application and have begun the Treatment Plant’s. NDEP notified me May 21st that the CAP grants will not be reviewed by The Board for Financing Water Projects until August 20th.

➤ **CITY ENGINEER**

City Engineer Almberg stated you can obviously drive by every day and see what’s keeping us pretty busy out there. It's a big project and it's going pretty well. We're always dealing with little things here and there. I think the contractor is doing a great job and it has been successful so far. We are also working on the Morley CDBG project with the sewer pretty much designed so we will be trying to get that on the street here shortly; a good portion of the water is designed. The water is a low-pressure area of town and so we're putting in a booster pump to help the pressures in that area. I had a conversation with the State and we're trying to see if we can phase the water portion of it where we build the water line and then come back in and build the booster pump as a separate project shortly thereafter, just because of timing issues, and construction issues, I think it would work better.

5. PUBLIC COMMENT

George Chachas stated ongoing concerns regarding information on who authorized the water crew to work on the sewer line at 785 Bell Avenue on April 19, 2025; the sewer problem he took care of at his residence located at 681 Parker; 582 North Highway 93 property hooking up to City sewer, water, and has not put in a fire hydrant; the drainage off of the Bath property draining onto his property at 622 High Street causing erosion; his request for a complete list of properties and individuals that the city has permitted and allowed to park RVs on the city lots and streets while living in them; and stated the selective enforcement and discrimination needs to stop.

City Clerk lee stated the next meeting will be July 10, 2025.

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 **8:31 a.m.**



Attest



Chairman

