

CITY OF ELY

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

ELY MUNICIPAL UTILITIES BOARD REGULAR MEETING AGENDA

January 11, 2018 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 **8:04 a.m.**, led in the Pledge of Allegiance and asked for Roll Call.

Members present:

Chairman John O’Flaherty
Member Ken Ross
Member Paul Holdaway
Member Dale Derbidge

City Officials and Staff present:

Mayor Melody Van Camp
Councilman Kurt Carson
City Administrator Robert Switzer
City Treasurer Janette Trask
City Attorney Charles Odgers
City Water/Sewer Leadman Carl Siemer

Also in attendance: George Chachas and John Chachas.

2. PUBLIC COMMENT

George Chachas stated his ongoing concerns regarding utility billing being done by City Hall; billing mistakes; that a lot of the \$391,000.00 due in delinquent accounts are penalties/interest; the corner curbing/sidewalk without ADA access at 790 Avenue K; and the drainage on 7th street. At the last City Council meeting, Resolution 2017-14 was passed regarding increasing the rate on the Landfill; that can’t be justified. The City took \$400,000.00 out of your funds to help finance four different entities that didn’t have money. If you’re carrying that kind of a balance, you cannot, according to NRS, cannot carry that kind of funds and request a two percent (2%) increase. If you have a shortage on the water and the sewer, that’s one thing, but not on landfill.

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 Derbidge Second by: Member Ross Vote: Unanimous

1. Discussion/For Possible Action –Minutes.

- November 9, 2017
- December 14, 2017

Member Holdaway abstained from the December 14, 2017 Minutes, due to his absence.

B. OLD BUSINESS

1. Board Members –*Robinson Nevada Mining Company (RNMC)* representative – Discussion/For Possible Action – Update to the Utility Board on the *Robinson Nevada* Development, Ruth Pit Development and water mitigation efforts within the City of Ely.

A *Robinson Nevada Mining Company* representative was not present.

Chairman O'Flaherty stated Carl, I notice on your report there hasn't been any issues with any of the wells.

City Water Leadman Siemer stated no, there hasn't been. -6 and -7 are still running as they have been.

George Chachas asked at an earlier meeting there was a discussion that recovery of Murry Springs has gone from twenty-five years to a hundred years and there's going to be negotiation in regards to the impact from the mine; have you scheduled that?

Chairman O'Flaherty stated it is in the process.

C. NEW BUSINESS

1. Mayor Van Camp – Discussion/ For Possible Action – Approval to withhold overpayment by *Outwest Excavating and Grading* for the 2016 recycled metal payment received by the City of Ely, until the current metal pile at the Landfill is sold, for repayment, at no interest, from the City's portion of the proceeds earned from the first shipment of metal from the metal pile.

City Attorney Odgers stated the packet document includes the 2014 and 2016. The only thing we can discuss with this item is 2016. You can table this and put it back on the next agenda to include '14.

Member Derbidge moved to table this item. Member Ross seconded the motion.

Member Holdaway stated I am the owner of *Outwest Excavating*, so I'll be abstaining from anything pertaining to this item.

Member Derbidge's motion carried 3 to 0, with Member Holdaway abstaining.

2. Board Members – City Administrator Switzer – Discussion/For Possible Action – Review of survey report on sewer line in the 600 block of Parker Avenue AND *Alternative Service Concepts'* response to the re-submission of the claim on behalf of John Chachas and George Chachas for expenses incurred to unclog the sewer line at 681 Parker Avenue in July 2017.

City Administrator Switzer stated Mr. Chairman, as you know or as the board may know also as well, that the City Council wanted to reconsider this; we resubmitted the claim regarding sewer line blockage. One issue prominent in this discussion was the elevation or the slope, if you will, of the sewer line. So, we did go out and pothole the area and had *Basin Engineering* do the study for the . . . , to determine the slope on it. You have in your packet the results from *Basin Engineering* regarding that analysis.

Chairman O'Flaherty asked comments? I'm going to be abstaining from this, from comments on this particular item, since the last time I gave a comment I was turned into the Ethics Commission.

City Attorney Odgers stated no. What you need to do - you need - is you need to make the . . . no, that wasn't the . . . This is the disclosure, you still have . . . Can you make that . . .

Chairman O'Flaherty stated disclosure to?

City Attorney Odgers stated I want you to re. competition, but that has nothing to do with whether or not you should agree to the proposed resolution.

Chairman O'Flaherty stated I agree with you, Chuck and I disagree.

City Attorney Odgers stated okay.

Chairman O'Flaherty stated I will abstain since I may have a possible conflict of interest in this and my comments and my comments may be judged.

City Attorney Odgers stated alright. Now, Mr. Holdaway it will be up to you to take over.

Vice-Chairman Holdaway stated okay. Maybe B.J. can come and explain this, results of this to us.

City Engineer Almberg stated as Bob had explained, we were asked to go out and survey to determine the slope on that sewer line. With a formation of the City crews, Carl went out and potholed that location and we surveyed between the downstream manhole and the pothole location of where Mr. Chachas' service line comes in and that letter (appears below) is a result of those findings. I believe that slope is at a half a percent slope or a .52% slope and based on accepted standards that we use for design of sewer mains and such, two feet per second is the velocity that's required for a typical design situation. Four inch pipe at .52% slope ends up being 1.5 feet per second. The way that calculation works it's based on the pipe size and so actually, if it's a 6" pipe, it would be fine because it would be at half a percent, or not half a percent; it would be at two feet per second. That velocity changes for the same slope based on different diameters of pipe and so, the fact that it's only a 4" pipe at a half a percent slope is still the current velocity.



January 5, 2018

Mr. Robert Switzer
City Administrator
City of Ely
501 Mill Street
Ely, NV 89301

Re: Parker Street Sewer Main Slope

Dear Bob,


At your request, we surveyed the subject sewer main on January 3, 2018. The main was exposed by the City crews and the results of the survey results indicate the slope of the existing 4" sewer line to be 0.52%.

Per the Ten State Standards, "Policies For The Design, Review, And Approval Of Plans And Specifications For Wastewater Collection And Treatment Facilities 2014 Edition", all sewers shall be designed and constructed to give mean velocities, when flowing full, of not less than 2.0 feet per second, based on Manning's formula using an "n" value of 0.013. The sewer main in question would have a mean velocity of 1.5 feet per second.

Based on the minimum velocities of the existing sewer main and our discussions with yourself and Carl, it is our recommendation that sewer cleanout with a traffic rated lid be placed at the end of the 4" sewer main to allow access for routine maintenance.

If you need additional information regarding this matter, please feel free to call us at your earliest convenience. (775) 289-9800.

Sincerely,
BASIN ENGINEERING CORPORATION


Emil W. Almberg, Jr., P.E./P.L.S.
Principal

Vice-Chairman Holdaway stated so, it doesn't meet the requirements.

City Engineer Almberg stated it does not meet the requirements.

Member Derbidge asked how old it that? When was that sewer pipe put in there?

City Engineer Almberg stated that was . . . I think looking back at those records, I would guess in the early 1900's. It's pretty old. It's old.

Vice-Chairman Holdaway stated I think the Chachases have something.

Deputy City Clerk Lee stated Mr. Holdaway, could you please speak up?

Vice-Chairman Holdaway stated I'm sorry. Yeah. I think George and John have something to say about it. So, let's hear what they have to say.

George Chachas stated thank you, Mr. Chairman. That line was put in the late '50s. When my father bought the house down on 681 Parker, that home, maybe one other, was still on a septic system. That line there, the septic tank – whatever you want to call it – was in our back yard. That line was put in, I'm going to take . . . late 50's; it was not back in the 30's. We were the last home on that block to get sewage service and when it was put in, it was put in improperly. If you follow the calculations that the Engineer put in there, as that sludge builds up you don't have that flow; it goes from bad to worse because that sludge settles and it's blocking any kind of flow. In your letter here from a Jasmine Sanchez, they said both the City and Mr. Chachas indicated this being the first time that there's been a backup; that's not true. We've called more than once. Up the street from me is Sherrie Crow; she had a backup. If you looked at your records over the years, we've called before. We had trees in the yard. We cut the trees down. I had a cleanout in the basement, still had a problem. Then we put a cleanout by the fence line. On this particular situation right around the 4th of July holiday, I had a blockage. I asked Carl to go look at it, he reamed it; he said 'George, we pulled very little, maybe some floss, no loose . . . no nothing.' He says 'it's on your side'. Okay. We reamed it out. Nothing. My brother John went to *Bath Lumber* and we rented a sewer snake; he got nothing. Out of desperation, we hired a plumber; he got nothing and then we put in a third cleanout on the outside of the home. Still nothing and then I wasn't around, so I let my brother John finish from there, but there is no drop and as the sludge builds up in that pipe the normal, so-called, flow is gone. You have testimony from . . . B.J., did you see the sludge?

City Engineer Almberg stated I did.

George Chachas stated and so did Carl and so did my brother John. I did not. I was not there. I want my money back. It's your line.

Vice-Chairman Holdaway asked do you know how many houses are on that line?

George Chachas stated we're the last one, so I'm going to tell you it flows to the southeast. I don't know who else is on there. I have, or my family has, a couple of rental houses and I think we're tied into that. I believe Sherrie Crow's tied into that and the other people on Parker as you're heading in the opposite direction, upward direction. But we are the last house on that line.

Vice-Chairman Holdaway asked does anybody that you know besides Sherrie have struggles?

George Chachas stated I don't know. Your records would show that.

Vice-Chairman Holdaway stated John's saying 'yes'.

John Chachas stated yes. If I may approach, good morning ladies and gentlemen. My name is John Chachas. We own 672 Parker, 651 Parker, 681 Parker; those three homes are tied into that, into that line. Sherrie Crow and, I believe, the old . . . I can't remember her name, that owns a trailer is tied into that line; everyone of them has had to have the line reamed from the home out into the street because I personally have done it. I just don't understand how at this time . . . I . . . Let me back up. I read the adjuster's decision and I understand that. This isn't the responsibility of the insurance company. For a claim to be paid, the peril should be sudden and accidental. This is not sudden and accidental. This is a maintenance concern of the owner. The City of Ely owns that line, not John Chachas, not George Chachas. We took care of a problem. We paid for that problem and I am honorably asking that we be reimbursed for the expense incurred that wasn't our responsibility. B.J. now has proven that the design and possibly the installation is faulty, so we're going to have this problem again in the future. I'm not sure who told us to run a water hose through our line to just keep the sewer line clear. Does that make sense? Does anybody else have to do that? No. I'm glad we're not on a meter wasting water. That doesn't make sense. I'm not sure how this is going to be resolved with the design and the future of that line, but I'm here today to ask for reimbursement. Thank you.

Vice-Chairman Holdaway stated thank you, John. Well, it seems to me maybe the City has some liability, possibly, in that.

City Attorney Odgers stated Mr. Chairman, if I may. I have indicated to both *Basin Engineering* and Bob Switzer, the Administrator, that there is an argument to be made on both sides. One, that if what Mr. Chachas says is true and the City had knowledge, even though anybody that may have worked on that line no longer works for the City, there would be an issue, a potential issue of liability. That being said, we still have the issue and this is the contentious part, this is where Mr. Chachas and I are going to have a fundamental difference of opinion. The City never instructed *Ahlvers Plumbing* to open up the main. If the City never instructed *Ahlvers Plumbing* to open up the main, the City has no liability there. John Chachas or George Chachas or persons unnamed who gave Max the authority to open up the main are the ones that are liable for that. That being said, there may be room for negotiation and if this board and the City Council wish, I'll gladly step in with Mr. Ahlvers and have that discussion, but at this point I've not had that discussion with Mr. Ahlvers. Because the City did not authorize, based on my investigation, the opening of that main, neither through Mr. Switzer, not through Mr. AlMBERG, and not through Mr. Siemer.

Member Derbidge asked so isn't it a City regulation that to do that they have to have authorization from the City to open the main?

City Attorney Odgers stated they do and Mr. Ahlvers didn't pull an excavation permit or anything like it. So there are still issues brought to this and I understand Mr. Chachas, George and John – I don't know if I should say the Chachases; would that be a correct way, John - I don't know how to . . . I wasn't there, so all I can do is collect the data and bring it back to you. My investigation relative to the City's side of this was that there was no authorization provided by Carl, B.J. or Bob to authorize that excavation. No permit was pulled, so we have some issues.

Vice-Chairman Holdaway stated John?

John Chachas stated Mr. Chairman, may I address the board? He is mistaken. I did call Max Ahlvers to come to the job; he told me he needed to pull a permit. He called Carl – he just stepped out - and he got authorization. He knows better than to go into the City streets and dig them up without a permit. That permit was granted over the telephone. I was there. I heard it and I told Max to proceed.

City Attorney Odgers stated in lies the problem. The law requires you to draw an excavation permit from the City. Mr. Siemer does not have the authority . . .

Member Ross stated right.

City Attorney Odgers stated . . . apparent or otherwise, to grant somebody the authority to dig into the City streets.

John Chachas stated so much at a stop you can.

City Attorney Odgers stated Mr. Chachas, I did not interrupt you. I would appreciate the same common courtesy.

John Chachas stated yes, sir.

City Attorney Odgers stated in lies the problem and Mr. Ahlvers, who's done a boat load of work for the City, is well aware of those legal obligations. I understand Mr. Chachas' frustration. I'm not trying to beat him up; I know he thinks that's the case, but I need to be up front and provide you with all the facts, so you can determine if you want to pay and if you want to pay, how much you're going to recommend to the City Council to pay. If there's liability on the side of the City based upon something that Carl may or may not have done, which Carl has denied Mr. Chachas' claim, because I asked him specifically in front of witnesses whether or not he made such a statement and he said he did not. So, in lies the ultimate problem. Does the City have potential liability? Maybe, but at this point I can't tell you what that potential liability is because what Mr. Chachas is saying is different from what the evidence I have says.

Member Derbidge stated well, I think the City has rules not to mess with the utilities for a reason and if you violate them, that's on you. I mean, I've had . . . No. I had a contractor do some work for me, forgot to get an excavation permit and I got fined for it. It's no . . . What's the

difference? There is no difference. They just chose not to follow the rule, they got fined, that's on them and it's the same here.

Member Ross stated well, and this also opens up the future problems over this, calling up a plumber and that person doesn't get authorization.

Member Derbidge stated well, the City also has to have . . . It's not everyone that can – I might be speaking out of turn – but I think you have to have a special license or authorization from the City to do water/sewer work and it's not every plumber that can do that. That's the reason they want a permit to make sure licensed personnel are doing it. And that's granted through City Hall, not from an employee of the City.

George Chachas stated this was an emergency situation. This was over a holiday, we had family there. If we're going to do this permit thing, let me remind you of what happened to the Solo (?) home when the water line blew up. Did you folks pull the permit from the State authorizing to dig in the State highway?

City Attorney Odgers stated yes, we had to get it.

George Chachas asked before you dug up?

City Attorney Odgers stated yes, we actually did.

George Chachas stated no. You didn't do it. When that line at midnight or whatever it was . . . I'm going to check . . .

City Attorney Odgers stated okay.

George Chachas stated but there was no permit.

City Attorney Odgers stated the head of NDOT was there and we pulled that permit and did . . .

Member Ross stated special procedure because they actually, NDOT has to be . . .

George Chachas stated you can for other organizations. Other than that, we know better than to dig in there. The permission was given. The other one might have. It's just that simple.

Member Ross stated the problem with that thing is . . .

George Chachas stated if we're going to split hairs here.

Member Ross stated . . . the permit.

John Chachas stated I was given authority to . . .

Member Ross stated the problem in question is the permit because that's what we're looking at.

John Chachas stated Mr. Ahlvers told me that he would take care of that and because of the circumstances, he was going to call and he was given authority over the phone to dig up the street.

George Chachas stated he knows better. He's not going to violate the law.

Member Ross stated that is true.

Vice-Chairman Holdaway stated have you, had a chance to talk to Max?

City Attorney Odgers stated I have not. I've not been instructed to or requested to, so I've done the City side of the investigation relative to the City staff involved.

Vice-Chairman Holdaway stated I don't know. I guess I have mixed emotions because it was an emergency thing and I appreciate both sides.

Member Ross stated right.

Vice-Chairman Holdaway stated but I think until we get all the facts, including Max Ahlvers' side of the story, I think we should table this and let that . . . instruct the City Attorney to follow through with that.

George Chachas stated the permit is not the problem. The sewer line is the problem.

Vice-Chairman Holdaway stated that I understand and I emphasized that.

George Chachas stated okay. I want my money back. You folks caused the problem. The City caused the problem. It was improperly put in. Now, who got the permit to put that line in? It was not properly inspected. That's not on us. We paid for that. We expected a good job and we didn't get it.

Member Ross stated understood and I have a couple questions on that. Now, you're using the 2014 edition, B.J.? I'm sorry.

City Engineer Almberg stated yeah. That's just the current standards.

Member Ross stated and the house? Well, houses. How many houses are on that . . .

John Chachas stated on that line?

George Chachas stated that should be in your . . .

John Chachas stated three of ours. I don't know about any others and all three of them have had problems. That line was . . .

Member Ross asked built in the 1950s?

George Chachas stated no. That sewer was put in prior to that. We were the last house.

Member Ross stated right. The last house to be fixed.

George Chachas stated we were the last house to get on that line.

John Chachas stated and that line was reamed by the City three times before I tried reaming it and Max Ahlvers; that's five times trying to clear that line before he had to dig it up. What would you do in that situation?

Member Ross asked from the house to the sewer main?

John Chachas stated yes. From my cleanout, the cleanout that is on my property at the fence line I did it myself twice. Max did it off the line there. Carl had been there three times prior. It's full of sludge. The reamer just pushed right through it, no resistance. How could you tell? He couldn't tell that it was full of sludge until we broke it up and it just flooded the hole. I've got pictures of it.

Member Derbidge stated I think the problem is who can . . . is somebody else authorizing the expenditure of the City money and has authorization to spend, to contract the City?

City Attorney Odgers stated Mr. Switzer has authority from the City Council up to \$5,000.00 for an emergency situation, to do it. For example, I'll use . . .

Member Derbidge asked who else was . . .

City Attorney Odgers stated that's it.

Member Derbidge stated that's it.

City Attorney Odgers stated that's the direction.

Member Derbidge stated so . . .

City Attorney Odgers stated so here's, for example and Mr. O'Flaherty will attest to this, when the 6th Street water main . . ., 6th, Highway 6 . . .

City Administrator Switzer stated Highway 6.

City Attorney Odgers stated water main. Well, during the repeat, Mr. Switzer was called immediately, authorized the immediate repairs and he had to hire O'Flaherty because the City didn't have 16" couplers and things of that nature in order to stop your water and the threat. Contact was made with Mr. Switzer. Mr. Switzer's the one that authorized this, those types of emergency expenditures. In this case, Mr. Switzer was not in contact . . .

John Chachas stated twenty twenty hindsight . . . Excuse me. May I address the Board or do you still have the floor?

City Attorney Odgers stated no. I'm . . . Go ahead with what you want, John.

John Chachas stated twenty twenty hindsight. Do we want good will with the ratepayers, the taxpayers of this community that are invested, that trust City officials to cooperate and work hand in hand or throw them under the bus and make them resent having to deal with authority to fix a problem that was not our responsibility? Poor design. Poor installation. Sewer backup over a holiday weekend. I've got sewage backing up into my bathtub, in the toilets. I dealt with that. What would you do? Mr. O'Flaherty, what would you do?

City Attorney Odgers stated Mr. O'Flaherty is abstaining, so you can't ask him any questions.

John Chachas asked Mr. Derbidge, what would you do, if you had sewage backing up into your bathtubs over a holiday weekend? You've got guests in your house.

Member Derbidge stated I would call a plumber and if the plumber didn't proceed correctly, it's up to the plumber's responsibility, not the . . .

John Chachas stated the plumber did proceed . . .

Member Derbidge stated no. Will you let me to finish, John?

John Chachas stated I'm sorry. Excuse me.

Member Derbidge stated if the plumber didn't follow the rules, then he's stuck for the bill, not me and not the City because you can't have people spending the City's money without authorization.

John Chachas stated it would have been . . .

Member Derbidge stated you can't run any business that way. You can't have someone else spending your business' money without authorization.

John Chachas stated I understand that. Thank you. With that being said, instead of spending it on a holiday weekend to accommodate an emergency problem, we could have waited two or three days and spent it then. What's the difference? What's the difference? Do we have to go to court to resolve this issue? Do we have to go to court to resolve this issue? I don't think we should, but . . . Thank you, gentlemen.

Vice-Chairman Holdaway stated I have a question, John. Do you know if Ahlvers ever pulled a permit after the fact?

Member Derbidge stated you don't know.

John Chachas stated I just assumed when he got the ca . . ., when he made the call he did everything that he knew was the right thing to do. I've never gone through this before.

Vice-Chairman Holdaway stated right.

John Chachas stated I was desperate. I was frustrated. I needed help. So, I relied on the professionals. I'm not a plumber. I'm not a City employee. I'm a layman.

George Chachas stated if there was a break on the sewer line on our end that attached to the City's, it was our responsibility and I thought maybe that's what the problem was, but when it was dug up, it was not a break in the line. Part of our line at one time was clay; part of it was replaced, part of it was not. So, it was a possibility. If that's the case, then the full amount of the bill would have been on us, but that was not the case. You have a fault on your end. I brought before the City Council and the Utilities numerous times when someone hasn't pulled a permit or a building permit or a business license and they took care of it by shrugging it off. Now we want to split hairs? No. I'm not afraid of paying a fee. I told my brother, I says, 'Make sure you get an authorization to dig into that street or they're gonna come after us'. He says 'Don't worry. Max checked it out. We're okay.' I'm not the village idiot and I don't want to split hairs. I want this thing resolved. I could give you numerous items from encroachment to you name it and we're not addressing that folks and I consider that discrimination. I know we have rules and regulations

and we did our due diligence and now you're going to split hairs with a permit? And I honestly don't know if Max got it or not? The demanded we get the authorization over the phone and when he called back, sometimes you have to assume that it was properly done and when you have a situation like that, yeah, we proceeded. All I want is my money back. It was something that was not our fault.

John Chachas stated one last request. I would like this discussion provided to me verbatim. Will I be granted that request, for the record?

Deputy City Clerk Lee stated I can do that.

City Administrator Switzer stated yeah.

Deputy City Clerk Lee stated yeah.

John Chachas asked Mr. Chairman?

Vice-Chairman Holdaway stated absolutely.

John Chachas stated okay.

Member Derbidge stated I think that's a public record.

John Chachas stated thank you.

Member Derbidge stated that's a public record and you can get a copy of the tape also. My problem is was as I stated before is the City Council and any other government entity has rules and there's only a certain amount of people that can authorize the expenditure of the money. If it's Bob, if it's Carl, if it's the Mayor, if it's a City Councilman. I don't know what the rules are since I haven't been on the City Council for quite awhile. When I was on the City Council, that . . . we cannot approve a request like that. It had to go to somebody that can authorize the expenditure of the money and if that' not followed, then it goes back to me, the contractor. I think George and John's recourse is to the wrong people. It's not to us, It's to the contractor that did something without authorization. He's got to rectify it.

Member Ross stated I, I have to concur with that line of thought and based on that, we don't have that party here.

City Attorney Odgers stated correct.

Member Ross stated so, my motion is to table this until we have further

George Chachas stated it's your sewer line.

City Attorney Odgers stated which . . .

Member Ross stated whereabouts?

City Attorney Odgers stated what you may want to do is you may want to make a recommendation to the City Council that you direct me to speak with Mr. Ahlvers regarding this issue.

Member Ross stated that would be the move, is to direct the City Attorney to get with . . .

Member Derbidge asked is that a motion?

Member Ross stated yes.

Member Derbidge stated I'll second it.

Vice-Chairman Holdaway stated we have a motion and second. All in favor?

Member Ross voted Aye.

Member Derbidge voted Aye.

Chairman O'Flaherty stated abstain.

Vice-Chairman Holdaway stated the motion carried.

Member Ross stated thank you.

Vice-Chairman Holdaway stated I'll carry it back over to John.

4. CITY DEPARTMENT REPORTS

○ BOARD MEMBERS

Chairman O'Flaherty stated on the City Council agenda, I see Item No. 16: "Establishment of request for Elected and Appointed Officials and Staff to take potential engineering questions to the City Administrator"; I would like to see that tabled and put onto the Utility Board, since it does have a factor with us, and let us address that also. One other item I'd like to bring to your attention and this may involve you, Carl. I notice by the Murry Pump Station that NDOT has installed new drainage culverts.

City Water/Sewer Leadman Siemer stated yes, they did.

Chairman O'Flaherty asked do we have adequate drainage there to a drop inlet? It looked like that may be encroaching on the Murry Pump Station.

City Water/Sewer Leadman Siemer stated yeah, I brought that up to the other guy that worked with John Ogden; he's retired now. I was told by the contractor then that they were going to put rock and turn it towards the ditch, towards the north, but I haven't talked to anybody since.

Chairman O'Flaherty stated I see a potential problem there if it's not addressed.

○ CITY ATTORNEY

City Attorney Odgers stated we're continuing to file liens.

○ CITY ENGINEER

City Engineer Almborg stated we're finalizing our 15th Street Water Line and Aeration projects. On the Aultman Street project, we're coordinating regularly with NDOT. Next week we have a meeting on the grant we received for 11th street beautification.

5. PUBLIC COMMENT

George Chachas stated ongoing concerns regarding an unfinished valley gutter at Ruby and Orson; whether a backflow device was put on the RV park where Ely Ice was; an encroachment on Park Avenue and Avenue K; the 490 feet of Murry Street project pipe and that there's no justification for two percent (2%) on the Landfill.

City Attorney Odgers stated I'd like to address Mr. Chachas on Park and Avenue K; that has been surveyed by B.J. There is no encroachment and this has been provided to the Utilities Board and the City Council. If he continues to complain about it, I would request that next time you gavel him down.

6. ADJOURNMENT: THIS 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 **8:52 a.m.**

CHAIRMAN

ATTEST