



# CITY OF ELY

501 Mill Street Ely, Nevada 89301  
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[Cityofelynv.gov](http://Cityofelynv.gov)

## ELY MUNICIPAL UTILITIES BOARD REGULAR MEETING

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

1. Chairman O’Flaherty called the special meeting of the Municipal Utilities Board to order at 8:02 a.m., led in the Pledge of Allegiance, and asked for Roll Call.

Members present:

- Chairman John O’Flaherty
- Vice Chairman Dale Derbidge
- Member Ken Ross
- Member Greg Rivero
- Member Sherrie Marquez

City Officials and staff present:

- Councilman Kurt Carson
- Councilman Jim Alworth
- City Clerk Jennifer Lee
- City Attorney Shain Manuele (Zoom)
- 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): none

### MUNICIPAL UTILITIES BOARD ATTENDANCE LIST

DATE: August 8, 2024, Regular Meeting

Print name below

Kyle Taylor  
Janet Campbell  
Jim Alworth  
George Chachas

Print name below

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## 2. PUBLIC COMMENT:

Jim Alworth stated I live at 805 Avenue I and I am here as a City Council Member. I respectfully request to have a few moments to address the Board on your first agenda item when it comes up for discussion and action.

George Chachas stated on your agenda item 3C-2 you're to consider the possible acceptance of the CDBG project on the Parker and Stevens Avenue Sewer Main Upgrade. Before you accept that project, I want to know what the timeframe is for paving the streets that were dug up to accommodate the project. I don't want to be left flat and neither do the neighbors because they're asking me. It appears the Reck Brothers are through with the project, but I don't see anything in regard to repaving the areas that were dug up. When time allows, I want to know.

## 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 Ross Vote: Unanimous

1. Discussion/For Possible Action –Minutes.

- May 9, 2024
- May 23, 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.

Environmental Manager Kyle Tate with Robinson Nevada Mining Company stated currently we have active mining activities occurring in both the Ruth and the Liberty Pit. As far as our dewatering efforts are concerned, within the south block aquifer we're pumping approximately 7,700 GPM from that well field and from that 7,700 GPM, we currently have a little over 1,100 GPM going down Gleason Creek and then the rest is returning to the mill for meeting the ore processing demand. RW7-P is currently delivering approximately 1,067 GPM into the City water system. The pilot hole was completed, and it was favorable. We did find a couple of different fracture zones where inflow of sufficient water was identified. Our consultant has worked up a preliminary design for a replacement well, and it is deeper and a little bit larger diameter well, but it is believed that it will fulfill the demands for the design.

Chairman O'Flaherty asked was 1,500 feet the actual depth you went with that well, do you know?

Environmental Manager Kyle Tate with Robinson Nevada Mining Company stated no, I think the design was down to 1,200 feet with a larger screen section.

Councilman Carson stated I would just like to thank Kyle for showing up. It's nice to have a representative from the Mine show up and talk to us.

### C. NEW BUSINESS

1. Councilman Carson – Discussion/For Possible Action – Approval of Waterworth Terms of Service Agreement for Utility Rate Management software at a \$7,480 annual cost.

Councilman Carson stated this looks like a really good tool for the staff to have to plan for the future and really help us zero in on our numbers with the utility rates and see what kind of projects we can and can't afford.

City Engineer Alberg stated I think this software could be a very viable tool for the City. It's forecasting software that takes our current financial situation, and we can apply our projects we want to go forward with and see how that is going to have an impact on us in the long term. We may be looking at projects today and everything looks kosher with what our current financial status is, but as it goes along you can start seeing trends showing we'd be fine now, but three years from now our cash flow is going to be tight, and we might have to make some adjustments. Obviously, this would mainly be a tool for the Treasurer, but some of the benefits would allow Jennifer and I an option when dealing with CDBG projects or earmarked projects that we have. We would be able to use the same software, and for lack of a better word, be able to overlay and manipulate it with a project we would like to see happen, and what it would cost without changing the main. The Treasurer would be the only one that could make true changes to it. There are other modules in there that are available such as water, wastewater, landfill, and streets; and each of those modules are a small upgrade based on our discussions. The question was asked, do we need to get these other modules now or could we get them once we are satisfied, this software works as we anticipate, and we see the benefit. If we wanted to step into those new modules, they would basically prorate it for how much time was left for the year. This is a yearly subscription. It's software that has the company back there supporting you with staff for technical support, to get this thing working and functioning, the way that you want it to be. There's quite a few other entities and municipalities our size that are using it all across the country and the paperwork shows their positive comments.

Chairman O'Flaherty asked do you feel this would be beneficial to you and your engineering capabilities?

City Engineer Alberg stated I do. I like the idea that we can project things from our side for future plans and engineering projects. Whatever improvements may be needed and what those impacts will be on the City without truly affecting the main model that the Treasurer has.

Member Marquez asked has anyone sat with somebody that is using this software?

City Engineer Almborg stated I have not talked to anybody that's actually using it. I'm sharing things from our conversations with the company.

City Clerk Lee stated, however, I'd like to say that B.J. and myself sat through two presentations with the Treasurer and the representative that is going to be presenting tonight to the Council.

Chairman O'Flaherty asked who is the biggest benefiter of this?

City Clerk Lee stated I would say all three departments frankly, because it gives me an idea when I'm seeing grant opportunities down the road to see what the timeline for implementation is and what will that do to us as far as a match with our other obligations. I can just look at a glance and have an idea whether it's a viable idea to present.

Councilman Alworth stated one of the things when I looked at this and it may be a minor thing. First of all, if you go to page seven, it's the memorandum that came from the City Treasurer. I state this because this was prepared on July 26<sup>th</sup> and we did not see it until August 2<sup>nd</sup>. That's the first time I've seen a memorandum from the Treasurer in that style without her initials on it. I've had thousands of memorandums from her and this memorandum, the way I read it, is a sales pitch by the City Treasurer and you can cut and paste from the next page on what they're proposing. There's no attachment about the sole source letter. That's why I was hoping the Treasurer would be here, so I could see if she actually pinned this, or they prepared it for her, and she just had to approve it. Again, I'm not against any progress. We've had an excellent history in the City of projecting repairs and it's working well. I have a question, which I wish the Treasurer was here, is this going to be compatible with Caselle, our billing system, because that works excellent? B.J. for the past several years has been having kids in the summer help with his GIS. Is the GIS Going to transfer into this, or is it going to be once again reinputting everything again; is it going to be a double entry type process? I mean to me, this is a great sales pitch, but we've been doing this business, the Utility Board and the staff, for many years and we're going to pay out that kind of money and then, okay, next, we want to do this, this and this. I challenge our City Engineer, why are we doing this? If the Treasurer was here, I would ask, are we financially in dire straits? Do we need to go to this step because we can't forecast well enough? Look at the money we've got set aside for this downtown project, all the sewer projects, all the grants that Jennifer and those folks work on that we're successful in more than ever. Why do we need to bring in somebody else to do the job that we've already been doing? They mentioned they have two hundred cities and towns across North America. How many cities and towns are in the United States folks? Another thing before we go forth with this, there's fourteen pages in this of legal descriptions stating you can't do this, and you can't do that. Our attorney has to read that. I don't think we're even close to discussing any of this. Another thing I have a problem with is our City letterhead design is on the front of it and on the second page. Do they have permission to use our letterhead on their documentation? I think the letterhead on the second page of the goals actually should have been put on top of Treasurer Trask's memo. Again, I don't know and that's why I wish she was here. She's got to start attending these meetings, so we can ask these questions. B.J.'s

comments are good, and I appreciate him; he's well respected, but there's a lot of unknowns. I think we need to look hard at this. Why change something if it's working good right now. I want to make sure that it is going to pass through our Caselle billing and works with the SCADA system. Those are my comments, and I'll relay these to the Council tonight. Thank you for your time, and I thank you for letting me speak.

George Chachas stated I'm not for this particular item at all. You have staff and your City policy says your Treasurer has to have a degree in accounting, which isn't happening. I don't know why we keep loading the City with software when for decades we've been able to forecast what's going on. Either that or something's falling through the cracks. And you people aren't paying attention. This program is not going to help you, and as a taxpayer I'm not going to stand for that. You either have people that know what they're doing, or they need to go, no more of this riff, raff, fluff stuff. This item needs to be denied.

Vice Chairman Derbidge stated I think Jim's got a lot of good points especially in integrating the systems and whether it's really going to affect our water rates. We don't have that many businesses that are metered and homes are not. Maybe it's a good idea, but like Jim said it is pretty quick if you have to decide tonight.

Member Ross stated I agree.

Chairman O'Flaherty stated I guess my comment would be if it's going to save the City money in engineering and is be beneficial to the engineering department that might allow less hours to be billed it might be good. My other concern is other utilities of our size, are they implementing this program and what success they have had with it. Personally, I would like to see a little more investigation into municipalities our size.

Member Marquez stated I think that we need to investigate their ability to help you if you have questions when they arise. That's always a promise, but it's not always beneficial.

Councilman Alworth stated sure it's not a lot of money, but let's just say if we go with this, spend the money and put it in place for one year, they make the changes and we don't like it and it doesn't work, what does the City do then?

Vice Chairman Derbidge moved to table the approval of Waterworth Terms of Service Agreement for Utility Rate Management software at a \$7,480 annual cost for continued research for the benefit to the City of Ely. Member Rivero seconded the motion. The motion carried unanimously.

2. Board Members – City Engineer Almberg – Discussion/For Possible Action - Acceptance of the following Community Development Block Grant (CDBG) project: Parker/Stevens Avenue Sewer Main Upgrade, PWP# WP-2024-141.

City Engineer Almberg stated this project is complete. It was a success. They actually went through the project very quickly with minimum impact on the neighborhood and the

neighbors down there; they did a great job. All the paperwork is in, and we have got everything taken care of. We just need to have the final project accepted as finalized and complete. To answer the question that was brought up in public comment; paving was not a part of that project. Those roads were basically just cold mix and so the City Street Crew has budgeted to cold mix over the top. I don't know exactly what date that will happen. I know right now they're working on Avenue G. My assumption is they should probably be down there in another couple weeks prior to the end of the month to repair those roads.

The project came in within the budget and there are no change orders on this project. I recommend finalizing and accepting this project as complete.

Vice Chairman Derbidge moved to recommend acceptance of the following Community Development Block Grant (CDBG) project: Parker/Stevens Avenue Sewer Main Upgrade, PWP# WP-2024-141. Member Ross seconded the motion. The motion carried unanimously.

3. Board Members – City Clerk Lee – Discussion/For Possible Action – Approval of Nevada State Public Works’ request for a one-year extension through August 16, 2025, of their sewer Will Serve for the East Ely Railroad Freight Barn.

City Clerk Lee stated they have had delays and need an extension.

Chairman O’Flaherty stated I don’t see an issue with it. We're hoping that the project does materialize, and I think any way that we can help it materialize would be beneficial.

Member Ross moved to recommend approval of Nevada State Public Works’ request for a one-year extension through August 16, 2025, of their sewer Will Serve for the East Ely Railroad Freight Barn. Member Marquez seconded the motion. The motion carried unanimously.

#### **4. CITY DEPARTMENT REPORTS**

##### **➤ CITY CLERK**

City Clerk Lee stated the Rural Community Assistance Corporation, which they've basically taken the place of Nevada Rural Water, have put us on the list to do a rate study and also to do an asset management plan for the City so that's in process.

➤ CITY ENGINEER

**City Council/Utility Board Report (8/8/24)**

- Parker/Stevens CDBG sewer project is complete and finalized to close out project.
- Working on Marley CBDG EA/SHPO.
- Working on the Wastewater CATEX.
- Working on City Slurry project.
- Bell Ave CDBG project pre construction meeting is complete.
  - Contractor can begin when materials arrive.
- Met with tribe about utility easements for all city utilities on their Pioche highway tribal lands.
  - Tribe is working through the BIA to get them completed.

**5. PUBLIC COMMENT**

George Chachas stated the City needs to reimburse me for the expenditure that I had to make to cure the sewer problem at 681 Parker Avenue. Your City Engineer and water/sewer personnel were present at the time of the problem. To date the city owes me \$17,389.48, which includes penalties and interest. I remind you that the city paid \$8,000 to extend a private sewer line on your last Murry Street Project done by the Reck Brothers, and you expended \$60,000 or more to extend the water line from the Love's area all the way to the Charter School, which is now owned by the Indian Colony. I want equal protection under the law. This matter has gone much too far and it needs to be addressed. I want to remind you that you also gave a \$4,000 right off to the owners of 790 Avenue I that used all the utilities. You haven't collected all the proper landfill fees from young Tom Bath when he bought the old Plaza Hotel. I paid in full when I bought the school, and I asked for equal consideration. Just what the heck is going on. There's still no progress to address the plugged drain between Napa and my property located behind the Washington Federal Bank Alley. This has been ignored for over two years. You guys, prejudice, or what?

Chairman O'Flaherty stated I find this letter that you wrote here a little bit erroneous. You say two water lines to lot one and lot two were actually taken out by the contractor when they were provided to the Washington Federal Bank. It was actually Sierra Pacific originally and I was the contractor on that, and I can guarantee you I didn't take any water lines out. You don't even have your facts right, George. All you do is try to benefit yourself.

Mr. Chachas stated do the job right or leave one of the two; I really don't care. I don't want to be negatively affected.

Chairman O’Flaherty stated I can tell you the Bell Avenue Project will be digging through that area, and it will be discovered that either a main went down that alley, or there won’t be a main.

Mr. Chachas stated they took my lines out John, and I want my lines put back in.

Chairman O’Flaherty stated you know what, George, there’ll be a T in that line, and we can verify that.

Mr. Chachas stated ongoing concerns regarding the drainage from the Bath property onto 7<sup>th</sup> Street; permitted RVs in the City and if they are paying utilities; and alleged discrepancies from the NDOT project on his property located at 729, 733, and 745 Great Basin Boulevard

City Clerk Lee stated the next meeting is scheduled for September 12, 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.**

  
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Vice Chairman

  
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Attest