

Regular Ely City Council meeting August 27, 2009.

RTC road funds, streets

1. RTC recommended \$ 400,000 of the annual budget this year for City streets. The County bought a road milling machine, and we partnered with the County to mill the 15th East and Park area and add enzymes. We paved the enzyme graded areas (including last year's 12th East experiment) with asphalt. Intermountain Slurry Seal was the only entity we found that had a contract (with Washoe County) that we could attach to. We sent Intermountain Slurry a contract to attach to the Washoe County contract, and they are slurry sealing in Ruth. They will be into Ely next week.

Railroad

1. Funding:
EDA grant for track renovation between McGill Junction and Warm Springs. This \$ 750,000 grant is City paid labor, not contracted out). 50% grant, and the match was the \$ 750,000 already paid for the purchase of the railroad. Mark is working on this with EDA. I am concerned that the EDA paperwork is completed and told Mark that.

NDOT grant for track repair.

There is about 1.7 million over 4 years, and the time has already started so we actually have access to around \$ 800,000 once the NDOT is able to administer the funds. NDOT has sent a contract, but we are thinking that the congress will pass the law that allows part of the money to be spent for purchase. The match for this grant is 5% or about \$ 90,000. The environmental will be complex and expensive. Apparently, the congressional bill that allowed us to use the money to pay off the loan has passed the congress, but there is a problem with the way the money can be used depending on how we purchased the railroad.

NDOT grant for McGill.

The railroad has a separate funding agreement with NDOT for around \$ 400,000 to repair the McGill Depot and adverse track. NDOT has cut a little out of the grant. I submitted the paper work for the larger project with the budget Mark gave me to NDOT. Mark still owes me the \$ 400,000 project budget. NDOT wants to combine this project with the track repair.

Orson crossing.

We bid the job, and Reck Brothers were the only bidder at \$ 55,850.

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6. ITEMS FOR DISCUSSION/ACTION ONLY OF THE ELY CITY COUNCIL.

1. City Council-City Clerk Alworth-Discussion/Action-Consideration to enter into a Memorandum of Agreement with the White Pine County School District for the lease of Broadbent Park. School District has been paying the City of Ely ten thousand dollars (\$10,000.00) per year since 2002.

Mayor Hickman stated I have spoken with Paul Johnson and he asked to have this tabled and allow for some negotiations first before making a decision because they feel they are not going to be using the field much as they have in the past and their use of the field has changed.

Councilman Meyer made the motion to table this agenda item.

City Attorney Briggs stated rather than tabling this item it may be as part of this agenda item to begin the process of entering into a Memorandum of Agreement is to set up a negotiation team.

Councilman Meyer amended his motion to begin the process of entering into a Memorandum of Agreement is to set up a negotiation team. Councilman DiCianno seconded the motion.

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Councilman Marich asked are we setting a committee now? From what we have been told as a Council as Elected Officials cannot negotiate unless in a public meeting so will the negotiating team be the City Clerk, City Treasurer, and the Parks Supervisor? I think we need to set that up now.

Councilman Bybee stated we know what our costs are and what we need and I think it is a matter of coming up with that figure and putting it out there. We received notice from them they were not happy with what they were paying and we have found out that they were paying a lot less than what it has been costing us right now; whatever we negotiate out, when it comes back to this Board, I cannot vote to lower costs when we are not even covering our expenses now. You know he makes its very clear every time we talk to him that it goes back from bitterness over the Council not waiving of the sewer & water connection fees on the new field up there at the High School.

Mayor Hickman stated yes, he even brought it up again with me.

Councilman Bybee stated so we were not able to do that for him and now they are looking for pay back in another area. I'm sorry he did not include the connection fees in his budget but I am tired of him trying to make it look like it was the City's fault; lack of planning on your part does not create a problem for me and that is my issue with this. I have heard talk that they want a daily fee well if they want a daily fee then we charged UNLV for 10 days and we charged them thirty-eight hundred dollars (\$3,800.00) so if they want a daily fee then it is three hundred eighty dollars (\$380.00) and that will cover our expenses. Jim put the paper work together for us last week and we all know our costs is going be twenty-one thousand dollars (\$21,000.00) and I think we need to have that amount in the contract for this agreement to be reasonable. Every time we work with any Government entity 'we cannot afford to subsidize the City; we realize the City does not have much revenue but we cannot subsidize the City'. Well that is right; the City does not get much revenue and we cannot afford to subsidize other Government agencies especially when they see a heck of a lot more funding than we see we cannot be carrying them on our back.

Mayor Hickman asked so if we pass this as it is, is the negotiation going to be like sending them the bill? Are we locking this price in?

Councilman Bybee stated I think we need to put together a contract that covers our costs and send it to them and they can chose to do what they like with it.

Councilman Meyer rescinded his motion. Councilman DiCianno rescinded his second to the motion.

Councilman Bybee made the motion to put together a new contract that covers our actual cost of twenty-one thousand dollars (\$21,000.00) per year or if they would rather go by a daily rate it would be three hundred eighty dollars (\$380.00) per day. Councilman Meyer seconded the motion.

Councilman Marich stated I disagree with those fees; I understand what our costs are but to justify that cost with the difference of usage of what UNLV gives on a daily basis versus what the Jr. High P.E. program may give or the Baseball team. I think the contract as it is, is fair and it may not cover our costs but this is a community support issue for me and I would be willing to extend the contract for ten thousand dollars (\$10,000.00) per year. I can't foresee doubling it to cover our full expenses and I cannot support three hundred eighty dollars (\$380.00) per day even though that is what we billed UNLV so I would like that on the record.

Councilman Northness stated I agree with Councilman Marich because the people that have kids in the Schools are also the residence of the City of Ely.

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Councilman DiCianno stated I think we need to go half of the rate as it stands right now. Right now we are locked in at ten thousand dollars (\$10,000.00) and I think we should cut that in half of that.

Councilman Bybee asked Councilman DiCianno do you mean go to five thousand dollars (\$5,000.00)?

Councilman DiCianno stated yes.

City Clerk Alworth stated I would have to officially say that is fiscally wrong!

Councilman Bybee stated that is outrageous! We know our expense is twenty-one thousand dollars (\$21,000.00), so how do we go from ten thousand dollars (\$10,000.00) to five thousand dollars (\$5,000.00)?

Councilman DiCianno stated we are going to loose the agreement and that is the bottom line.

City Clerk Alworth stated that is fine; there will be less of an impact on our park.

A discussion ensued.

Councilman Bybee stated I understand that budgets are strained for every agency and entity but I look at the dollars that come into the School District and not only do they see a heck of a lot more tax dollars and there is hardly a day goes by when I don't have at least somebody representing some school in my office with their hand out for a donation for something over and above my tax dollars I am spending several thousand dollars a year in donations to help other programs work for the schools and the City doesn't have that luxury; we have to cover our expenses with what monies we have coming in.

City Attorney Briggs stated I need to report that I am also the Attorney for the School District as well for the City and I will just put that on the record. My question is what expenses would we have if we would not otherwise have from the general public using the park because we don't charge the general public to use the park.

Park Supervisor Cracraft sated Junior High is going to be playing and practicing on our field and the High School still want to practice on a grass field sometimes as well as for baseball.

Councilman Bybee stated the difference between having ma and pa come down for a barbeque and an organized sports team, marching bands, and pick up trucks running back and forth hauling all the equipment beating the grass down and it takes a lot of work to cover the damage they do during the school year.

Mayor stated I agree with Marich that it is a big price hike and it is our local High School and UNLV has more money resources. I think we should come up with some figures and try to negotiate the terms.

Councilman Bybee stated there is a motion and a second on the floor and I call for the vote.

Mayor Hickman called for the vote.

The motion failed 2-Yes and 3-No.

Councilman Northness made the motion to appoint Cracraft, Alworth and Trask as the negotiating team with the School District. Councilman DiCianno seconded the motion.

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Councilman Marich I would like to ask the motion be amended to begin our negotiation prices to be no lower than ten thousand dollars (\$10,000.00).

Councilman Northness made the motion to amend his motion to include beginning our negotiation prices no lower than ten thousand dollars (\$10,000.00). Councilman DiCianno seconded the motion to the amendment.

The motion passed 3-Yes and 2-No.

2. City Council-Fire Chief Rivera-Discussion/Action-Consideration to advertise and sell to the highest bidder Engine 6 Fire Truck and Rescue 3 Fire Truck.

Councilman Northness made the motion to approve. Councilman Marich seconded the motion. The motion carried unanimously.

7. ITEMS FOR DISCUSSION/ACTION ONLY AS REQUESTED BY THE MAYOR.

1. Mayor Hickman-Discussion/Action-Consideration to allow the White Pine Chamber of Commerce to conduct a parade on September 18, 2009, for the Silver State Classic Challenge Parade of Cars. Parade will begin at 5:30 p.m. and last no longer than 6:30 p.m.

Councilman Bybee made the motion to approve. Councilman Meyer seconded the motion. The motion carried unanimously.

2. Mayor Hickman-Ernie Flangas with the White Pine Chamber of Commerce-Discussion/Action-Consideration to establish a date for a City wide clean-up program. Request also includes consideration to use City of Ely equipment and available manpower to transport non-household trash to the Regional Landfill.

There was no representation on this agenda item.

Mayor Hickman stated unless they have a date set then I don't see how we can approve this.

Councilman Marich stated I think they should consider this for next year; if there is going to be any available City manpower it would be when we have our Summer Helpers. We are a skeleton crew right now and there is no way we are going to be able to use our manpower now.

Councilman Bybee stated and we are in the middle of our street projects; it is just the wrong time.

Councilman Marich stated it is a great project if they draw it up for next year when we have the available manpower.

Councilman Meyer made the motion to quash this agenda item. Councilman Marich seconded the motion. The motion carried unanimously.