

**TONOPAH TOWN BOARD
MEETING MINUTES
JULY 2, 2014**

Tonopah Town Board Chairman Horace Carlyle called the meeting to order July 2, 2014 at 7:02 p.m. Also present were Duane Downing and Janet Hatch. Ron Kipp and Tom Seley were absent. Thirteen others were present. Chairman Carlyle led in the Pledge of Allegiance.

The Town Board recessed to the Library Board of Trustees at 7:48 p.m. and reconvened as the Town Board at 7:59 p.m.

1. **Public Comment.** None
2. **Review and approval of minutes, in context, from the regular meeting held on June 11, 2014.**

Duane Downing motioned to approve the minutes, in context, from the regular meeting held on June 11, 2014 as presented. Janet Hatch seconded. No further discussion. Motion carried 3-0.

Timed Item

James Eason explained four bids were received, one company pulled their bid. Out of the three, Creekside Electrical was the lowest bidder. The bids were sent to the USDA and they supported Mr. Winkleman's recommendation which was Creekside Electrical.

Duane Downing motioned to award bid for the Town of Tonopah/Tonopah Public Utilities – booster pump station #2 VFD replacement – PWP NY 2014-267 with funding to come from USDA RD grant funds to Creekside Electrical in the amount of \$104,500.00. Janet Hatch seconded. Motion carried 3-0.

3. **Presentation**

Celena Mock from Kinross/Round Mountain Gold presented Elise Salsbury the Smoky Valley Community Volunteer Hero Award along with \$1,000.00 for her service.

4. **Deliberation, discussion and possible action for Tonopah Public Utilities to pay Bonnie Brown for repairs and/or damage caused by sewage back up at the property located at 344 Belmont Avenue, Tonopah, Nevada**

Bonnie Brown was present with her daughter Stacey Pena. Ms. Brown brought pictures of the damages to her property. She stated her family has owned the property at 344 Belmont Avenue, Tonopah, Nevada for over 50 years and never had a problem until 2012. At that time sewage back up had come out of the clean out and spread across her yard. Tonopah Public Utilities went to her home, shoveled the sewage out of her yard, sprayed the yard to kill the germs and put down more sand to replace what they had shoveled out. Ms. Brown said she was told by Tonopah Public Utilities to cover the clean out so debris could not get in it. Ms. Brown said she

sealed the clean out with rubberized neoprene and clamps. She left town in November 2013 and did not return until the end of May 2014. When she returned the house had been flooded with sewage during her absence. Sewage had covered her floors, cabinets, bathroom and bathroom fixtures, the bedroom, it went through the floor to the foundation. She said it could possibly be fixed but you now need a crowbar to open the door. She called Tonopah Public Utilities at which time she was told if she had not sealed off the clean out the sewage would not have gone into her house. She said her yard would then have become a sewage dump. She stated Joe Westerlund of Tonopah Public Utilities had told her she would need to appear before the Board as she wants Tonopah Public Utilities to pay for the damage to her house. Ms. Brown felt something should have been done to fix the problem when it first occurred. Mr. Westerlund stated he had told Ms. Brown the clean out needed to be raised up and needed a proper cap on it. Ms. Brown said she was only told to cover it.

Chairman Carlyle asked Ms. Brown what the estimate of damages are. Ms. Brown said she has not been able to get a hold of a contractor to get an estimate.

Duane Downing read the Tonopah ordinance: 22.28.320 Regulations, which states "The utility will not be responsible for any loss or damage caused by any negligence or wrongful act of a customer or his authorized representative in installing, maintaining, operating or using any or all appliances, facilities or equipment for which sewer service is supplied. The customer will be held responsible for damage to the utility's facilities and other property resulting from the use and operation of appliances and facilities on the customer's premises, including the discharge of prohibited matter or the use of the utility's sewer system contrary to the provisions of this Chapter."

Ms. Brown asked why they did not continue to snake out the line when they knew there was a problem. Town Manager James Eason told her they did go snake out the line in 2012 when they were notified of a problem. He stated there were large trees on her property in which the roots were getting into her sewer lines. When Tonopah Public Utilities realized there was a sewage problem on her property in 2014 they tried to notify her with no response.

Ms. Brown stated she should have been told the line needed a special cap and not just to cover it up. Mr. Eason said it is a case of he said/she said and that it was simply a miscommunication. Ms. Brown said Tonopah Public Utilities should pay for the damages.

Duane Downing told Ms. Brown she would need to get an estimate of damages and come back before the Board. At that time the Board would review everything and decide what needs to be done. They could turn it over to Pool/Pact and if they determine that Tonopah Public Utilities is liable they will pay the claim, if they say Tonopah Public Utilities is not liable the Board has to go with that.

5. **Deliberation, discussion and possible action to adopt a resolution of the Tonopah Town Board for acceptance of the Tonopah Public Utilities Phase 2 transmission main arsenic mitigation project – PWP-NY-2013-253**

Janet Hatch motioned to adopt a resolution of the Tonopah Town Board for acceptance of the Tonopah Public Utilities Phase 2 transmission main arsenic mitigation project – PWP-NY-2013-253. Duane Downing seconded. Motion carried 3-0.

6. **Deliberation, discussion and possible action to approve 5/8ths Room Tax Grant to advertise and promote Tonopah Farmers Market in the amount of \$683.00**

Item tabled until July 9, 2014.

7. **Deliberation, discussion and possible action to approve Town of Tonopah/Tonopah Public Utilities Five Year Capital Improvement Plan – Fiscal Year 2014-2015**

Duane Downing motioned to approve Town of Tonopah/Tonopah Public Utilities Five Year Capital Improvement Plan – Fiscal Year 2014-2015. Janet Hatch seconded. Motion carried 3-0.

8. **Deliberation, discussion and possible action to approve Debt Management Policy and Indebtedness Report for the Town of Tonopah Fiscal Year 2014-2015**

Duane Downing motioned to approve the Debt Management Policy and Indebtedness Report for the Town of Tonopah Fiscal Year 2014-2015. Janet Hatch seconded. Motion carried 3-0.

9. **Deliberation, discussion and possible action to approve Schoeppner Shows request for use of the Joe Friel Sports Complex (specifically the parking area of the complex) for a carnival to be held July 24 – July 26, 2014**

James Eason explained this is the same carnival that came a couple years ago and the Use and Maintenance has been submitted to Pool/Pact.

Duane Downing motioned to approve Schoeppner Shows request for use of the Joe Friel Sports Complex (specifically the parking area of the complex) for a carnival to be held July 24 – July 26, 2014. Janet Hatch seconded. Motion carried 3-0.

10. **Tonopah Development Corporation Report** None.

11. **Town Board Member's/Department Manager's/Nye County Commissioner's Comments**

James Eason stated that during the June 25th non-meeting to open the bid, Eddie Hult did a presentation on Nevada Rural Housing. What they are looking at right now is senior living followed by multi-family and single family housing. These are the areas the needs assessment is focusing on.

Mr. Eason stated he had gone out to talk to Bonnie Brown as she was leaving and told her that he and Joe Westerlund would go look at the property on July 3, 2014. He wants to address the main

line that runs through her yard and figure out how to resolve that issue. They will put a plan together once they have a cost quote. He also wants to talk to Shaw Engineering to see if they could put together a diagram to show customers exactly what they need to prevent miscommunications in the future.

Mr. Eason said the Hospital is working on expanding the tax district to the boundaries of the Tonopah Library District to generate more revenue that would be pledged to paying off the Hospital debt.

Mr. Eason went over 4th of July events starting with the parade, swimming pool, and activities at Joe Friel.

Mr. Eason stated they have a community service worker at the Library doing maintenance work and weeding. The Convention Center is being painted, the gold room is done and they are working on the main room.

Chairman Carlyle asked if a decision had been made regarding the petition of the Federal Court Trustee. Mr. Eason stated there was an emergency motion and the judge asked to make her decision on July 7, 2014. The two decisions to be made are to keep Jerry Selig as the Hospital Administrator and if she will approve the debt financing.

12. **Closure of meeting, pursuant to NRS 288.220 for purposes of conferring with Town's Management Representative regarding labor negotiation issues, and other personnel issues.** No action taken by the Board.

13. **Closed meeting, Pursuant to NRS 288.220 for purposes of conferring with Town's Management Representative regarding labor negotiation issues, and other personnel issues** No action taken by the Board

14. **Deliberation, discussion and possible decision on labor negotiations, issues and other personnel matters presented in the closed meeting** No action taken by the Board.

15. **Correspondence**

Project completion report, Jim Butler Day Arm Wrestling, June 19, 2014

Nye County BOCC Meeting Summary, June 17, 2014

Nye County Water District Governing Board Meeting Agenda, June 23, 2014

Beatty Town Advisory Board Meeting Agenda, June 23, 2014

Tonopah Lions Club letter, June 20, 2014

Round Mountain Town Board Meeting Agenda, June 24, 2014

Mammoth Mechanical invoices, June 24, 2014

Nye County Board of Commissioners Agenda, June 17, 2014

Silver State Mainline Bus Schedule, June 24, 2014

Pahrump Daily Mirror newspaper article, June 19, 2014

Nye County Airports – June 2014 Status Report, June 27, 2014

Tonopah Room Tax Report for the month of May 2014, June 15, 2014

Pool/Pact Loss Run, July 1, 2014

Memo regarding Government Surplus Property, June 18, 2014
Nye Communities Coalition update, July 2, 2014

16. **Public Comment**

Jess Rosner was present from Americorp and gave an update on Nye County Communities Coalition. Their career connections division is providing services for both employers and job seekers. As part of their health and wellness division they now offer car seat checks and installations and have a limited number of no cost car seats for those who qualify. They are certified to teach 3 different smoking classes at no cost which is a 7 week program that will start on July 9, 2014. They are also trained to teach diabetes self management classes. That is a 6 week class free of charge that will start on July 16, 2014.

17. **Approval of vouchers for payment**

The Board reviewed and signed the vouchers. Duane Downing motioned to approve the vouchers as presented for payment. Janet Hatch seconded. No further discussion. Motion carried 3-0.

18. **Adjourn** The meeting adjourned at 8:56 p.m.

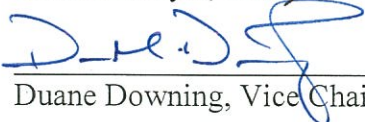
Minutes transcribed by:

Arlene Neiderman, Deputy Town Clerk

Approved:



Horace Carlyle, Chairman



Duane Downing, Vice Chairman

Ron Kipp, Clerk



Tom Seley, Member



Janet Hatch, Member