

**TONOPAH TOWN BOARD
MEETING MINUTES
AUGUST 27, 2014**

Tonopah Town Board Chairman Horace Carlyle called the meeting to order August 27, 2014 at 7:03 p.m. Also present were Duane Downing and Janet Hatch. Ron Kipp and Tom Seley were absent. Chairman Carlyle led in the Pledge of Allegiance. There were ten others in attendance.

The Town Board recessed to the Library Board of Trustees at 7:17 p.m. and reconvened as the Town Board at 7:26 p.m.

1. **Public Comment.** None.
2. **Review and approval of minutes, in context, from the regular meeting held on August 13, 2014.**

Duane Downing motioned to approve the minutes, in context, from the regular meeting held on August 13, 2014 as presented. Janet Hatch seconded. No further discussion. Motion carried 3-0.

3. **Deliberation, discussion and possible action regarding any additions and/or deletions to the Nye County Comprehensive Economic Development Strategy Annual Report.**

Town Manager James Eason and Chris Mulkerns explained that the comments that had been made were incorporated into the questionnaire.

Janet Hatch motioned to accept the Nye County Comprehensive Economic Development Strategy Annual Report. Duane Downing seconded. Motion carried 3-0.

4. **Deliberation, discussion and possible approval/denial of Tonopah BLM use of Rodeo Grounds in September and October 2014 for purposes of wild horse adoption.**

Tim Coward was present from the Tonopah Bureau of Land Management. Mr. Coward explained to the Board the BLM is planning a wild horse roundup and would like to use the rodeo grounds to hold 10 to 15 yearlings for adoption. They do not have an exact date yet. The BLM will set up their own holding pens and use the arena for adoption purposes. The BLM hopes to have a good turn out to have all the yearlings adopted. They will advertise on their website and put up signs on the highways.

Deborah Brown was also present from the BLM office. She stated she would be overseeing a lot of what goes on at the rodeo grounds. Ms. Brown noted someone would stay there overnight to keep an eye on things. The Board gave Mr. Coward a copy of the Use and Maintenance Agreement for the rodeo grounds. Mr. Coward stated they also have one of their own which is not yet completed.

Duane Downing motioned to approve the Tonopah BLM use of the rodeo grounds in September and October of 2014 for purposes of wild horse adoption contingent upon the Use and Maintenance Agreement being accepted by Town staff. Janet Hatch seconded. Motion carried 3-0.

5. **Deliberation, discussion and possible approval/denial for the Tonopah Junior Football Association to use the Joe Friel fields for football practice.**

Matthew Roberts who is the President of the Tonopah Junior Football Association was present. They are requesting use of Joe Friel fields for football practice. He explained they teach children from kindergarten to 5th grade the game of football. Mr. Roberts stated they request a donation from the parents but it is not required. The Junior Football Association also receives donations from the community. All of the coaches and staff are volunteers. At present time they have 24 kids who have signed up. They are planning four games against Hawthorne with two games in Tonopah and two in Hawthorne. The Junior Football Association has their own insurance and will pay for the lights; they will also be responsible for the restrooms. Town Manager James Eason explained the water fees would be waived.

Mr. Eason stated Town staff will keep up the fields and if there are any issues such as gopher holes, the Town will get them fixed. Mr. Roberts noted that they used the Junior High field in the past and the fields at the Joe Friel complex are in much better condition than the one at the Junior High.

Duane Downing motioned to approve the Tonopah Junior Football Association to use the Joe Friel fields for football practice. Janet Hatch seconded. Motion carried 3-0. Town Board Chairman, Horace Carlyle and President of the Tonopah Junior Football Association, Matthew Roberts signed the Use and Maintenance Agreement.

6. **Deliberation, discussion and possible approval to request Nye County District Attorney Brian Kunzi review Nye County's Codification of Bill NO. TTO-13-03/Tonopah Town Ordinance NO. 22.21.035 for any possible error in codification or exclusion of the unincorporated Town of Tonopah, NV. The Tonopah Town Board requests that District Attorney Brian Kunzi make any necessary changes needed to implement the above.**

James Eason explained the memo from District Attorney Brian Kunzi. Mr. Eason stated as soon as the Town passed Bill No. TTO-13-03 it went into effect. The bill has not been enforced because there was a miscommunication between Town staff and the District Attorney. Horace Carlyle stated he would like that on record, so the District Attorney, Brian Kunzi joined the meeting by phone.

Mr. Kunzi stated there was no need for codification of Bill No. TTO-13-03. Duane Downing asked Mr. Kunzi for clarification if they use Ordinance No. 22.21.035 on citations. Mr. Kunzi replied they do not, they should use Bill No. TTO-13-03 on citations. Mr. Downing asked if Mr.

Kunzi has authorized the Sheriff to start enforcing the ordinance. Mr. Kunzi stated that he had and he had told the Sheriff to use Bill No. TTO-13-03 on citations.

No action was needed based on the explanation from the District Attorney clarifying the Sheriff's office should use Bill No. TTO-13-03 as the justification and authorization for citation.

7. Deliberation, discussion and possible approval to further the implementation of Bill NO. 2013-30/Nye County Ordinance NO.458. Needed coordinated assistance with NDOT and Nye County Public Works to get approval of road crossings and signage approved by both agencies. See attached letter dated February 11, 2014.

Mr. Carlyle asked Mr. Kunzi how the Town can get signage for the OHV crossings so people can operate their OHV's legally. Mr. Kunzi stated the Town does not have to have signage. Duane Downing stated that it was his understanding the Nevada Revised Statute makes it allowable for an off highway vehicle to cross a state highway at any location where visibility is good, provided they cross at a 90 degree angle and they have all the proper safety equipment; and asked the District Attorney if that was his understanding also. Mr. Kunzi replied that is correct.

Mr. Carlyle noted he wanted to make a comment as an individual Board Member while Mr. Kunzi was on the phone. Mr. Carlyle stated the Town has a major public health and safety issue on Slime Wash. Mr. Kunzi stated that Public Works is looking at it. Mr. Carlyle stated that several people have been working on this issue for years and he is concerned that eventually the highway is going to collapse. Mr. Carlyle noted a big concern is someone pulling over there in the dark, not realizing the drop off and rolling their vehicle.

Mr. Eason asked Mr. Kunzi for clarification that NDOT and Public Works are working on proposed crossings and from a law enforcement stand point in this area; many people are driving off road vehicles down the streets of Tonopah because they think this law is in effect. He wanted to know if this law is in effect and if law enforcement can issue citations for people not following the law. Mr. Kunzi replied that the statute is in effect and citations can be issued.

Duane Downing clarified with Mr. Kunzi that they can let people know this bill has been adopted but they have to follow the safety guidelines that have been put in place with this ordinance. Mr. Kunzi stated that is correct.

Robin Rivero was present and told Mr. Kunzi she had spoken with several County employees to get information as well as NDOT to find out exactly what they are requiring to move forward. Mr. Kunzi stated he would look into it.

The Town thanked Mr. Kunzi for his time and help clarifying these issues.

Duane Downing suggested the Town should take an ad in the newspaper to explain the ordinance to residents so people know what the restrictions are and to clear up any misconceptions they

may have. Mr. Carlyle asked Mr. Downing to work with James Eason and Robin Rivero to clarify the ordinance and present it to the public.

Duane Downing motioned that the Board authorize himself to work with Town staff and Robin Rivero to develop a letter of communication to be published in the Tonopah Times for a one month period of time. Janet Hatch seconded. No further discussion. Motion carried 3-0.

8. **Tonopah Development Corporation Report.**

No action taken by the Board.

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

James Eason stated that he and Chris Mulkerns had spoke with the representative of the property concerning Slime Wash as well as County staff and NDOT. They are working towards fixing the problems with Slime Wash and the erosion that has taken place during the last rains.

James Eason discussed the invitation extended by Sandy McVey of West Kirkland Mining. They are putting together a meet and greet with the Town of Tonopah and Esmeralda County on the 29th of September, 2014. They will also be doing a fieldtrip out to the project on September 30, 2014. Mr. Eason asked the Board if they could let him know who will be attending so he can give West Kirkland Mining a list and also to post a notice of possible quorum.

Mr. Eason stated the Brewery is opening this weekend.

Mr. Eason stated the back of the old firehouse is getting a paint touch up. The Mining Park is getting stucco and paint. The Mining Park is having a Civil War re-enactment this weekend. Family swim is done at the swimming pool due a lack of participants; but the morning exercise is still going. The Town maintenance crew has been mowing the parks.

The Town has decided not to move forward on the GSA buildings as they cannot use them for storage. Horace Carlyle asked the Town to send a thank you to Senator Reid and Congressman Horsford for their help. The Town still needs storage.

Joe Westerlund submitted a report to the Board on Bonnie Brown's house. Pictures of the uncovered underground pipes were passed around to the Board. The pipe had many roots inside of it; the pipe has been replaced and Mr. Westerlund stated she should not have any more problems with the pipe. James Eason stated they have documented all the tree root intrusions that were inside the pipe. The pipe has been completed; now they will wrap the pipe and put copper around the joints to keep the roots out. The Town is still waiting for an official report from Diane at ASC.

A sewer back up on Florence Street was discussed. Mr. Westerlund stated a crew member was up there and could not find it. Duane Downing stated it was running over the road. Horace Carlyle asked Mr. Westerlund to double check it. Mr. Westerlund said he would look into it.

10. **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.

11. **Closed meeting, Pursuant to NRS 288.220 for purposes of conferring with Town's Management Representative regarding labor negotiation issues, and other personnel matters presented in the closed meeting**

No action taken by the Board.

12. **Deliberation, discussion and possible decision on labor negotiations, issues and other personnel matters presented in the closed**

No action taken by the Board.

13. **Correspondence**

Nye Communities Coalition invitation/Cow Bus Info, August, 2014
Email from Community Foundation of Western Nevada, August 18, 2014
Nye County BOCC Meeting Agenda, August 19, 2014
Nye County Water District Governing Board Meeting Agenda, August 25, 2014
Beatty Town Advisory Board Meeting Agenda, August 25, 2014
Tonopah Historic Mining Park/Tours/Registration, August 25, 2014
Geological Society Meeting invite, August 25, 2014
Pahrump Town Board Agenda, August 26, 2014
Invitation from West Kirkland Mining, August 25, 2014
Nye County BOCC Meeting Agenda, September 2, 2014

14. **Public Comment** None.

15. **Approval of vouchers for payment**

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

16. **Adjourn**

The meeting adjourned at 8:28 p.m.

Minutes transcribed by:



Arlene Neiderman, Deputy Town Clerk

Approved:



Horace Carlyle, Chairman



Duane Downing, Vice Chairman



Ron Kipp, Clerk



Janet Hatch, Member



Tom Seley, Member