

**TONOPAH TOWN BOARD
AMENDED MEETING MINUTES
SEPTEMBER 24, 2014**

Tonopah Town Board Chairman Horace Carlyle called the meeting to order September 24, 2014 at 7:02 p.m. Also present were Duane Downing, Ron Kipp, Janet Hatch and Tom Seley. Chairman Carlyle led in the Pledge of Allegiance. There were eight others in attendance.

The Town Board recessed to the Library Board of Trustees at 7:35 p.m. and reconvened as the Town Board at 7:40 p.m.

1. **Public Comment.** None.
2. **Review and approval of minutes, in context, from the regular meeting held on September 10, 2014.**

Duane Downing motioned to approve the minutes, in context, from the regular meeting held on September 10, 2014 as presented. Janet Hatch seconded. No further discussion. Motion carried 5-0.

3. **WK Mining (USA) Ltd. to present their analysis of options for the supply of water to their Hasbrouck Mine Project, one such option being the supply of water to the Project by TPU.**

Sandy McVey, Chief Operating Officer from West Kirkland Mining handed out letters to the Board with a cost analysis of their options. WK Mining is exploring their options for obtaining water at Hasbrouck and Three Hills. WK Mining (USA) Ltd. would like to obtain the water from Tonopah Public Utilities if it is possible. Mr. McVey stated purchasing water from TPU would benefit the community by enhancing water distribution and upgrading the Town's infrastructure. When mining activities cease, WK Mining would then gift the water related infrastructure which would include the pipeline and right of way to the Three Hills deposit. The alternative to obtain water at these sites would be for WK Mining to sink a well.

Duane Downing asked if the Town had the capacity to supply that much water. Mr. McVey said from the meetings he has had with Paul Winkleman from Shaw Engineering, he believes the Town does have the capacity. Provided upgrades are made to pumps, VFD's and pipes. However, more study needs to be done.

Tonopah Public Utilities and the Town Board are waiting on a master water study from Shaw Engineering to be completed. Town Manager James Eason stated they should have that part of the study shortly. Shaw Engineering is also testing nitrate levels. Mr. Eason stated that the upgrades that are being discussed to provide WK Mining with water could elevate the nitrate levels so they will need to watch that closely.

Mr. Eason noted he had tried to have Tonopah included in a USGS study while he was at a Water Board Meeting to monitor and look at nitrate levels but that has not occurred.

Mr. Eason stated that before they can give WK Mining a definitive answer they need to make sure they are not jeopardizing anything with the Town's water supply.

Chairman Horace Carlyle stated the Town needed to be prudent with its water because of drought and other communities having water issues due to evaporation and pumping of groundwater. Mr. Carlyle was also concerned about over allocating water to one project then services could be denied to other projects. Mr. Carlyle explained that they had to look at longevity, sustainability and equal treatment to all developers.

4. **Deliberation, discussion and possible approval/denial to move 19.5 ERU's from APN#6-531-17 across Highway 95 to APN#6-531-26.**

Duane Downing motioned to approve moving 19.5 ERU's from APN#6-531-17 across Highway 95 to APN#6-531-26. Tom Seley seconded. No further discussion. Motion carried 5-0.

5. **Deliberation, discussion and possible approval/denial for TPU/Tonopah Town Board to direct TPU staff to compile an inventory of all ERU's sold as assigned to specific properties of service customer within TPU water service area. Each ERU or number of ERUs sold for each designated property or customer would include date ERU sold, price of each ERU which would clearly show ERU privilege fees paid for sewer, water or both. If no record exists that ERU privilege fees have been paid, TPU staff will notify the TPU governing board/Tonopah Town Board for review. The governing board/Tonopah Town Board is required not to discriminate while providing services based on the TPU Ordinance. TPU/Tonopah Town Board will have our designated auditor Daniel C. McArthur, Ltd. review the prepared inventory list of ERUs each fiscal year and review all changes in the inventory list and verify collected revenues are credited to the correct accounts. Daniel C. McArthur, Ltd. or designated auditor for fiscal year will report to the TPU/Tonopah Town Board any issues or recommended corrections.**

Horace Carlyle explained some of these things they have and some they will have which will be much more defined and a more up to date process based on the master water study that is being conducted by Shaw Engineering. Mr. Carlyle wanted to make sure they are being transparent and giving equal treatment to all. He stated some of these things may not be available based on historical past practice and some of these records go back 100 years.

James Eason explained that Shaw Engineering's master water plan will cover these issues when it is finished. He stated Joe Westerlund and Chris Mulkerns have compiled and given all the information regarding the ERU's to Shaw Engineering. Mr. Eason explained that most of their records start in 1979 and 1980, which was in correlation to the Town's growth. There were

some records prior to that but that is their main baseline. In 1981 & 1982 Tonopah was under water restrictions and could not sell additional ERU's until additional pipeline projects were done which tied to Anaconda. During that time there were upgrades for wells and such that changed the ERU count. In 2000 when they received their first loan from the USDA to upgrade water tanks and distribution in Tonopah, another reevaluation that was done at that time. Now that they have upgraded the system they have another reevaluation of the ERU's coming up. Shaw Engineering is currently verifying calculations all the way through the system such as holding capacity for tanks and what the fire flow requirements are throughout the community. When the report is finished the Town will know the additional capacity for water they have to sell, after they reserve a certain amount for fire flow and any conditions that may arise. Mr. Eason stated once all of this has been approved by the Board it will go to Daniel C. McArthur Ltd. for inventory as assets.

6. **Deliberation, discussion and possible action to:**

1. Set the date, time and location of a Public Hearing on Tonopah Town Ordinance TTO-13-05; and
2. Read the title of the bill into the record; a bill proposing to amend Title 22 of the Nye County Code by adding a new chapter 22.38 titled Off-Highway Vehicles, by adopting by reference Nevada Revised Statutes Sections 490.082, 490.083, 490.090, 490.120, 490.130 and 490.520(3), regulating the operation of off-highway vehicles; providing for the severability, constitutionality and effective date thereof, and other matters relating thereto.

Duane Downing motioned to set the Public Hearing for Town Ordinance TTO-13-05 on October 22, 2014 at 7:30 p.m. at the Tonopah Convention Center located at 301 Brougner Avenue, Tonopah, NV during the second Board Meeting in October. Tom Seley seconded. Motion Carried 5-0.

Town Clerk Ron Kipp read Title 22:

An ordinance enacting a revision and codification of the general ordinances of the Town of Tonopah, a bill proposing to amend Title 22 of the Nye County Code by adding a new Chapter 22.38 titled off-highway vehicles, by adopting by reference Nevada Revised Statutes sections 490.082, 490.083, 490.090, 490.120, 490.130 and 490.520(3), regulating the operation of off-highway vehicles; providing for the severability, constitutionality and effective date thereof, and other matters relating thereto.

7. Tonopah Development Corporation Report.

No action taken by the Board.

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

James Eason stated that on September 19, 2014 he attended a meeting with Chairman Carlyle, Board Member Tom Seley, Tim Coward and Wendy Seley from the BLM and Robert Adams from RAC. They had discussed a proposed route from possibly Pahrump to Tonopah and Pahrump to northern Nevada for ATV's. Mr. Eason explained that since Teresa Madsen is currently updating the Town's website, he would like to discuss with her a proposal to establish a map of the routes out to the desert that are within the Town's boundaries. This way riders are not encroaching on the BLM and their stewardship of the land. The Town has jurisdictional authority to show routes to the desert and other routes to locations such as towns in the surrounding area. This could be another aspect of tourism to bring people to Tonopah.

Horace Carlyle stated this is a great way to promote tourism in conjunction with their arrangement with the radio station KIBS and the revision of the website.

Tom Seley stated they need to work closely with Commissioner Wichman on the update of Battle Mountain district's resource and management plan and revision. This will help to ensure they can coordinate future planning work with the County on appropriate routes for OHV's and perhaps mountain bikes. Mr. Seley stated that Mr. Adams brought up the rails to trails scenario which could be a connector to Tonopah. Mr. Seley explained that Mr. Adams is a RAC representative who could coordinate Tonopah with the surrounding communities which could have a lot of benefits.

Mr. Eason discussed the appraisal of Dr. Dee's property. The appraisal was for \$13,000.00. Dr. Dee's had asked Mr. Eason to ask the Board if they would be interested in everything including the building. He would like to sell the whole site, which would require another appraisal.

Mr. Eason stated the Mining Park just received the color swatches for the outside of the Visitors Center. There is an event this weekend for the Geological Society at the Mining Park which the Foundation is putting on.

Mr. Eason explained that Rick and Donna Motis will be at the next Board Meeting with an agenda item proposal for a room tax grant to put the train at the Mining Park on a float representing Tonopah in the Nevada Day Parade in Carson City.

The Pool is officially closed and is currently being winterized.

Mr. Eason stated there will be a walk through on Thursday, October 2, 2014 at 10:00 a.m. for VFD's at Booster 2.

Mr. Eason noted the Board has a copy of the quote from Mammoth Mechanical for AC units at the Convention Center.

Horace Carlyle discussed the correspondence from Nevada Rural Water Association so the Board could get ideas of things that might be beneficial to them such as training. Mr. Carlyle stated they are required to have updated training. Mr. Eason stated they would discuss this with Nevada Rural Water to set up training.

Ron Kipp stated the KIBS staycation site looks good.

Duane Downing discussed the minutes from the last BOCC Meeting and the sales tax initiative that was adopted this year. He stated the numbers that were presented are not correlating with the numbers the Town has been given for the Fire Department. He wanted the Board to look at it to make sure Tonopah is being represented properly.

Mr. Downing stated they also brought up at the last BOCC Meeting the idea of closing the Tonopah jail. Mr. Downing explained that would have a huge financial impact on the town. Mr. Downing stated the jail has eleven employees and closing it would financially impact all the services in this town. Mr. Eason stated the Assistant County Manager Joni Eastley has been tasked with that responsibility and is working on it. Mr. Eason noted the whole community would suffer if the jail closes.

Mr. Eason stated that on Monday night, September 29, 2014 is WK Mining's open house and their mining tour is on Tuesday, September 30, 2014 at 9:00 a.m.

Michael Lach discussed doing a cost analysis of transporting criminals to jail.

Duane Downing excused himself from the meeting at 8:30 p.m.

9. **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.

10. **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.

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

No action taken by the Board.

12. **Correspondence**

Mammoth Mechanical Inc. Invoice, September 16, 2014
USDA Rural Development loan information, September 11, 2014
Nye County BOCC Agenda, September 16, 2014
Nye County Water District Governing Board Agenda, September 22, 2014
Beatty Town Advisory Board Meeting Agenda, September 22, 2014
Tonopah Tours and Presentations, September 18, 2014
Nye County BOCC Minutes, September 16, 2014
Nye County Animal Advisory Committee Agenda, September 24, 2014
Tentative Nye County BOCC Meeting Schedule, September 18, 2014
Pahrump Town Board Agenda, September 23, 2014
Round Mountain Town Board Agenda, September 23, 2014
OHV Meeting, Email, September 21, 2014
Nevada Rural Water Assoc., Roles and Responsibilities, September 23, 2014

13. **Public Comment**

Jess Rosner of Nye Communities Coalition stated there would be a stakeholders meeting on October 1, 2014 at 12:00 p.m. in the buckboard room at the Convention Center. On October 2nd and 3rd they will be teaching the mental health first aid class which will also be held at the Convention Center.

James Eason presented the Nevada State Mining Championship Plaque to the Board.

14. **Approval of vouchers for payment**

The Board reviewed and signed the vouchers. Tom Seley motioned to approve the vouchers as presented for payment. Janet Hatch seconded. No further discussion. Motion carried 4-0.

15. **Adjourn**


The meeting adjourned at 8:35 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