

**TONOPAH TOWN BOARD
MEETING MINUTES
JANUARY 28, 2015
TONOPAH CONVENTION CENTER
301 Brougher Avenue, Tonopah, NV 89049**

Tonopah Town Board Chairman Horace Carlyle called the meeting to order January 28, 2015 at 7:00 p.m. Also present were Duane Downing, Tom Seley, Janet Hatch, and Doug Farinholt. Fifteen others were present. Chairman Carlyle led in the Pledge of Allegiance.

Daniel McArthur was on the phone during the meeting between 7:01 p.m. and 7:15 p.m.

The Town Board recessed to the Library Board of Trustees at 7:15 p.m. and reconvened as the Town Board at 7:30 p.m.

1. Public Comment

None.

2. Discussion, deliberation, and possible action to accept the Annual Audit for the Town of Tonopah/Tonopah Public Utilities for Fiscal Year 2013/2014 as presented by Daniel C. McArthur, Ltd.

Chairman Horace Carlyle explained that the order of the items needed to be changed as Daniel McArthur was waiting for a call from the Town Board.

Mr. Carlyle asked Daniel McArthur what recommendations he has for the Town Board and what actions they might have to take. Mr. McArthur explained that the Public Safety Tax is not included in the financial statement. He talked to the Department of Taxation and they believe this issue needs to be worked out between the County and the Town. He also talked to the County Administration and their position is that they are responsible to control the money. He contacted the District Attorney's office and talked to a contact. She stated that the Board has the ability to request an opinion from the DA's office, but that it was impossible to have an opinion by the end of January. Mr. McArthur noted that it was possible to get an extension for the audit until the end of February.

Daniel McArthur noted that he cannot issue a clean audit opinion at this point without a representation letter from the management. His understanding is that Town Manager James Eason and Administrative Supervisor Chris Mulkerns do not want to sign such a letter until the issue is resolved. If the Town filed the financial statement, the audit opinion would say that not all audit procedures were performed and that, as an auditor, he does not have an opinion about the financial statement.

Mr. McArthur stated that the Town has two options now. The Town can move forward and ask the Department of Taxation for a 30 day extension to get an opinion from the District Attorney's office. When the Town receives the opinion and it is not what the Town believes it should be, they can take it to the Attorney General. He noted that it might take a very long time to get a response from the Attorney General and that the Town has the responsibility to file the financial statement with USDA no later than March 31, 2015. He added that from a material point of view the audit is incorrect because the Public Safety Tax is not included. The second option would be to file the audit as is without the Public Safety Tax included in it. His recommendation was to choose the first option and make a decision when the Town receives the District Attorney's opinion. If the Department of Taxation does not give the Town an extension, he recommends having a Board meeting to make a decision.

Duane Downing recommended tabling this item, requesting an extension, and asking for an opinion from the District Attorney. Chris Mulkerns noted that James Eason was in Carson City to meet Bill Farrar, Budget Analyst at the Department of Taxation. Mr. McArthur pointed out that it has to be the Town Board asking for an opinion, not the Town staff. Chris Mulkerns noted that she will type a letter for the Town Board tomorrow and have Chairman Carlyle sign it.

Duane Downing motioned to direct Town staff to request an extension from the Department of Taxation to February 28, 2015 and also request a legal opinion from the Nye County District Attorney to interpret the meaning of "governing body" within the act and interpret section 17.2 of the Tax Act of 2007 regarding the reporting requirements to the State. Tom Seley seconded. No further discussion. Motion carried 5-0.

3. Review and approval of minutes, in context, from the regular meeting held January 14, 2015.

Duane Downing motioned to approve the minutes, in context, from the regular meeting held January 14, 2015. Janet Hatch seconded. No further discussion. Motion carried 5-0.

4. Deliberation, discussion, and possible action to authorize the request of 5/8ths Room Tax in the amount of \$1,493 from the Tonopah Middle School Booster Club for the purchase of T-shirts for the annual TMS Basketball Tournament held every February. These shirts are given to each basketball player and coaches.

Maggie Eason presented the request on behalf of the Tonopah Middle School Booster Club and the Boys' and Girls' Basketball Teams. She explained that the Club would like to give T-shirts to every player and all the coaches who participate in the TMS Basketball Tournament.

Clerk Tom Seley inquired how many participants are expected. Jill Katzenbach, teacher at Tonopah Middle School and member of the Booster Club, noted that eleven boys and girls teams have confirmed their participation. Administrative Supervisor Chris Mulkerns asked where the teams are from and Ms. Katzenbach explained they are from Eureka, Amargosa, Round Mountain, Beatty, Gabbs, Lund, etc. and that this event is a huge fundraiser for the Booster Club. Last year they made close to \$5,000. This money was used to fund sports and academics. Vice-Chairman Duane Downing inquired whether the shirts are ordered from the local store SafeTee Connections. Ms. Katzenbach explained that SafeTee Connections makes all their shirts and sweatshirts throughout the year, but that this order is too large for them to complete in time.

Duane Downing motioned to approve the request of 5/8ths of Room Tax in the amount of \$1,493 from the Tonopah Middle School Booster Club for the purchase of T-shirts for the annual TMS Basketball Tournament. Tom Seley seconded. No further discussion. Motion carried 5-0.

Michael Lach of North Tonopah Development stated that he would like to donate \$50 to the boys' team and \$50 to the girls' team for a free throw competition in which to count who can shoot the most free throws in one minute.

5. **Deliberation, discussion, and possible action to advertise the Town of Tonopah in the "Big Map", covering Western Nevada, Death Valley, and the Eastern Sierra. Advertising to include: the Town, the Tonopah Historic Mining Park, the Convention Center, the Tonopah Library, and Star Trails.**

Accounts Supervisor Becky Braska showed an edition of the "Big Map" as an example for the Town Board. She pointed out the Town's ad and what will be different this year. She stated that she will try to get some good pictures of the Convention Center and the Library before the due date of February 28, 2015. Ms. Braska pointed out that the price was adjusted down to \$1,345.

Duane Downing motioned to approve to advertise the Town of Tonopah in the "Big Map", covering Western Nevada, Death Valley, and the Eastern Sierra for the amount of \$1,345. Tom Seley seconded. No further discussion. Motion carried 5-0.

6. **Discussion, deliberation, and possible action to approve Tonopah Public Utilities Water System Master Plan as prepared by Shaw Engineering.**

Duane Downing motioned to approve the Tonopah Public Utilities Water System Master Plan as prepared by Shaw Engineering contingent upon adding a notation to the report reflecting inactive ERUs in the system. Tom Seley seconded. No further discussion. Motion carried 5-0.

7. **Discussion, deliberation, and possible action to approve/deny request from Tonopah Brewing Company to authorize a payment plan for the Tonopah Brewing Company to satisfy privilege fees payable to the utility.**

Chairman Horace Carlyle stated that this item had been on the agenda for the January 14, 2015 meeting. Duane Downing noted that he believes the Board has a better understanding now what ERUs are. Doug Farinholt agreed but added that he thinks it is still not clear what gallon amount an ERU equals to. Chris Mulkerns explained that problems with words and definitions will be resolved and that it might be better to call it a unit charge which is the word used in the Town Ordinance. She added that Joe Westerlund had done an evaluation of the Brewery so that the Town would know how many ERUs they would need. Doug Farinholt inquired whether this was done based on projected flow. Chris Mulkerns explained that it was done based on the type of business that they do and that the ordinance defines how to calculate ERUs based on how many tables, bathrooms etc. a business has. She noted that Joe Westerlund had visited two breweries in Reno to get information from them. Based on this research and the evaluation, the Town calculated how many ERUs they needed to allocate to the Brewery. As they might be bottling beer in the near future, a new evaluation will have to be done, which the owners of the Brewery were informed about. Duane Downing noted that the Clines, owners of the Brewery, are not disputing how much they have to pay, but are asking for a payment plan. Chris Mulkerns added that only the Board can approve such a request. Tom Seley stated that he understands that the owners want the Brewery to be able to stand on its own. Doug Farinholt voiced concerns about setting precedence if the wording is not clear.

Duane Downing motioned to authorize a monthly payment arrangement not to exceed 12 months. This action is only applicable to commercial customers within the defined redevelopment area as approved by this Board and the Board of County Commissioners. Tom Seley seconded. No further discussion. Motion carried 5-0.

8. Tonopah Development Corporation Report

No action taken by the Board.

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

Chris Mulkerns noted that James Eason was in Carson City for a class put on by Pool/PACT and that he was also meeting with Bill Farrar of the Department of Taxation.

Horace Carlyle stated that he thinks it is the Board's responsibility to be involved in the distribution of the Public Safety Tax. He added that he talked to the Chairman of the BOCC and that she will look into the matter. Mr. Carlyle explained he thinks a solution will be found just like with the road tax. Tom Seley agreed and added that he thinks it would make sense to have a memorandum of agreement which would let the Sheriff's Department decide what they do with their half, but the Town would decide how the Fire Department's half is spend. Horace Carlyle noted the Town should know how the money is being spent. Janet Hatch and Doug Farinholt agreed.

Duane Downing noted that the National 9 Inn had not paid the room tax. Chris Mulkerns pointed out the chart in the correspondence showing the yearly room tax collection broken down by months from the fiscal year 1998/99 until now.

Becky Braska explained that the Town's website is up and running with all the updates and changes. She asked to be informed of events that should be on the website to keep it current.

10. Public Comment

None.

11. 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.

12. 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.

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

14. Correspondence

E-mail from the Division of Tourism: Rural Grant Deadline, January 2015
Letter from James Eason to David Fanning, January 12, 2015
Beatty Town Advisory Board Meeting Agenda, January 26, 2015
USDA News Release: USDA Grant Funds Available for Rural Broadband, January 15, 2015
Round Mountain Town Board Meeting Agenda, January 27, 2015
Nye County Animal Advisory Committee Meeting Agenda, January 22, 2015
E-mail between Dan McArthur and Bill Farrar, January 15, 2015

E-mail from Bill Farrar, January 15, 2015
NyE Communities Coalition Newsletter, January 20, 2015
Nye County Water District Governing Board Meeting Agenda, January 26, 2015
Nye County BOCC Updated Meeting Summary, January 5, 2015
Nye County BOCC Meeting Summary, January 20, 2015
Open Meeting Law & Ethics Training Handouts: Ethics in Government, Open Meeting Law, Citizen to Leader, In Search of Civility, January 22, 2015
Letter from Becky Braska to Tonopah Senior Center, January 20, 2015
Tentative 2015 BOCC Meeting Schedule, January 23, 2015
Flyer for the 6th Annual NNSS Groundwater Open House and NSSAB Public Meeting, February 18, 2015
Aqua Zumba Instructor Certificate Christina Perry, January 25, 2015
Room Tax Collections FY 98/99 through FY 14/15
Round Mountain Town Board Special Meeting Agenda, February 2, 2015
Tonopah Room Tax Report for the Month of December 2014, collected January 2015

Chris Mulkerns referred to the letter from Becky Braska to the Senior Center and explained that Tonopah Public Utilities had received payments from the Senior Center today and informed them they needed to make payments towards the garden meter account. Becky Braska added that there had been a problem with checks lost in the mail and that the Senior Center did not know TPU had not received their payments.

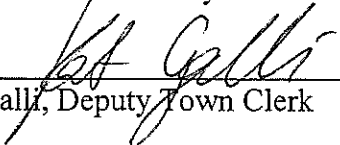
Horace Carlyle referred to the USDA News Release and stated that he thinks the Town of Tonopah should apply for the Rural Broadband Grant. He asked if the rural grant on tourism would be applicable to the Tonopah Historic Mining Park. Chris Mulkerns explained that the THMP Foundation had been taking care of matters like this in the past and that she would find out if they are interested in applying.

15. 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 5-0.

16. Adjourn The meeting adjourned at 8:02 p.m.

Minutes transcribed by:



Kat Galli, Deputy Town Clerk


Approved:



Horace Carlyle, Chairman




Duane Downing, Vice Chairman



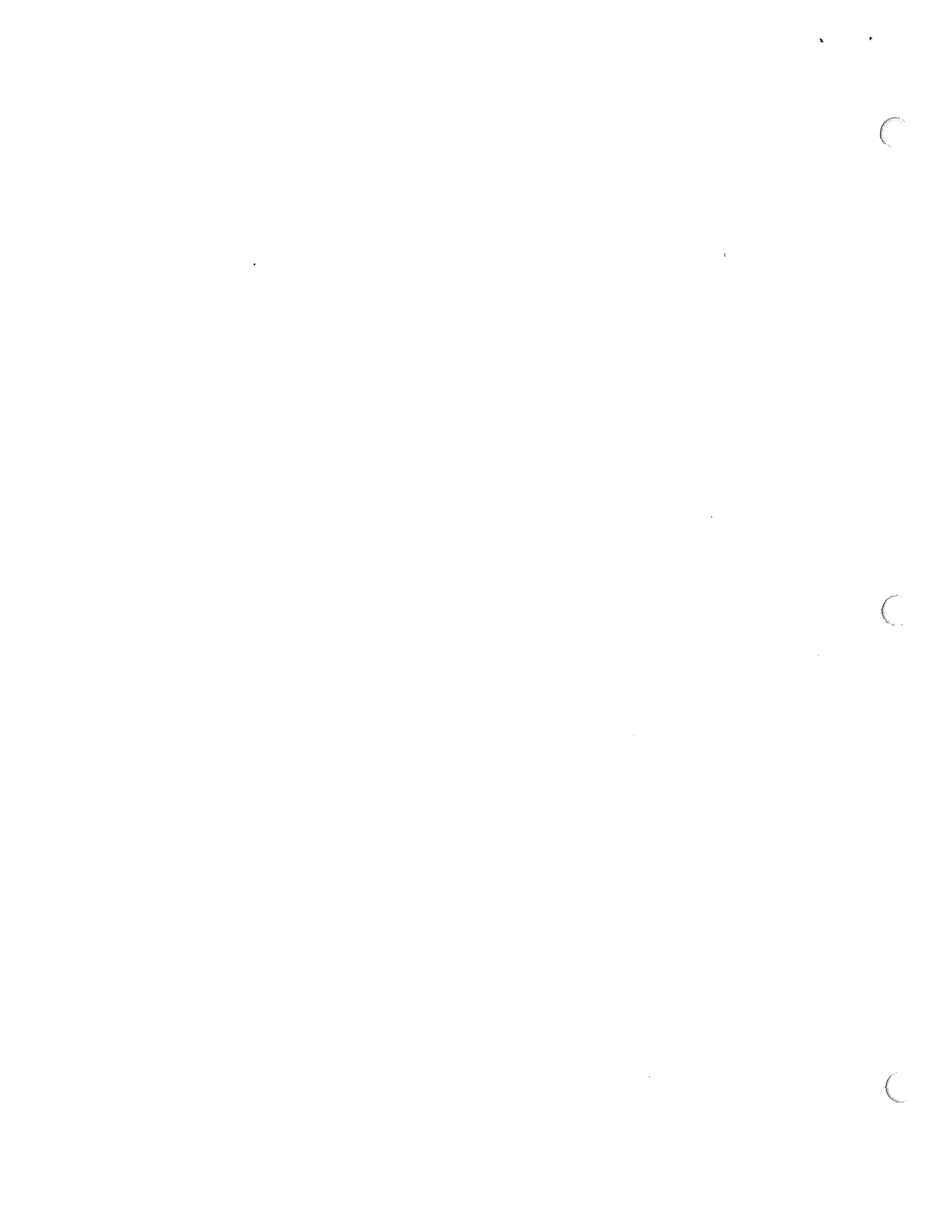
Tom Seley, Clerk



Janet Hatch, Member



Doug Farnholt, Member



**TONOPAH LIBRARY BOARD OF TRUSTEES
MEETING MINUTES
JANUARY 28, 2015
TONOPAH CONVENTION CENTER
301 Brougher Avenue, Tonopah, NV 89049**

The Tonopah Library Board of Trustees meeting was called to order January 14, 2015 at 7:17 p.m. by Tom Seley. Also present were board members Horace Carlyle, Janet Hatch, Duane Downing, and Doug Farinholt. Fifteen others were present.

1. Public Comment

None.

2. Review and approval of minutes, in context, from regular meeting held January 14, 2015.

Horace Carlyle motioned to approve the minutes, in context, from the regular meeting held January 14, 2015. Janet Hatch seconded. No further discussion. Motion carried 5-0.

3. Library Board Member's/Department Manager's Comments

Horace Carlyle stated he contacted the Demco representative about a follow-up and that he was told the representative had handed it off to another entity. Mr. Carlyle noted that he thinks the staff can look at furniture and upgrades themselves. Chairman Tom Seley stated that the Town should have Acting Librarian Dianne Ryals look into the matter. Mr. Carlyle explained that she has started taking her courses to become a Librarian and that he thinks she is interested in giving the Board recommendations.

Clerk Duane Downing voiced concerns about the unsecure Wi-Fi as people can use it for illegal actions. He noted the Wi-Fi should have a password so people from out of Town cannot park in front of the Library at night and use it. He recommends giving the password out to customers and having them sign for it. Administrative Supervisor Chris Mulkerns suggested asking Frontier to set the hotspot up with a password and having the Board sign an authorization to give it out to customers. She will have more information for the Board at the next meeting. Becky Braska proposed asking other libraries about their procedures. Michael Lach recommended having one password for the staff and one for customers. Account Supervisor Becky Braska noted that the staff already has a password. Doug Farinholt agreed asking other libraries would be a good idea and added that a filter what sites can be visited through the Wi-Fi might be useful.

4. Public Comment

None.

5. Correspondence

None.

6. Approval of vouchers for payment

The Board reviewed and signed the vouchers for payment. Duane Downing motioned to approve the vouchers as presented for payment. Horace Carlyle seconded. No further discussion. Motion carried 5-0.

7. Adjourn

Meeting adjourned at 7:30 p.m.

Minutes transcribed by:



Kat Galli, Deputy Town Clerk

Approved:

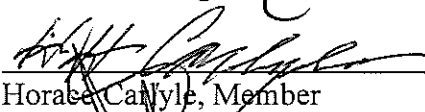


Tom Seley, Chairman


Janet Hatch, Vice-Chairman



Duane Downing, Clerk



Horace Carlyle, Member



Doug Farquhart, Member