

**TONOPAH TOWN BOARD
MEETING MINUTES
FEBRUARY 11, 2015
TONOPAH CONVENTION CENTER
301 Brougher Avenue, Tonopah, NV 89049**

Tonopah Town Board Chairman Horace Carlyle called the meeting to order February 11, 2015 at 7:00 p.m. Also present were Duane Downing, Tom Seley, and Doug Farinholt. Janet Hatch was absent. Nine others were present. Chairman Carlyle led in the Pledge of Allegiance.

The Town Board recessed to the Library Board of Trustees at 7:16 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 regular meeting held January 28, 2015.

Tom Seley motioned to approve the minutes, in context, from the regular meeting held January 28, 2015. Duane Downing seconded. No further discussion. Motion carried 4-0.

3. Review and approval of minutes, in context, from public workshop held January 27, 2015.

Vice-Chairman Duane Downing referred to the e-mail from Deputy Town Clerk Kat Galli stating that the minutes for the workshop were not completed yet and tabled the item.

4. Discussion, deliberation, and possible action to approve or deny request by NyE Communities Coalition's Methodologies Project Show to use the Mining Park Theater for a performance on (or around, if theater schedule does not permit) March 14, 2015.

Laura Oslund of the NyE Communities Coalition explained that they would like to use the Tonopah Historic Mining Park Theater for a performance. They are aware that they will incur costs for personnel and electricity. The Methodologies Project does peer-to-peer trainings for the youth such as skits. The topics are positive messages about drugs, bullying, drinking and driving etc. The performance will be free to attend. Ms. Oslund has talked to Christy Perry, Mining Park employee, about dates and as of now, that date is available.

Tom Seley inquired whether the theater was big enough for the anticipated amount of people which Ms. Oslund affirmed. James Eason asked what time period the performance will be. Ms. Oslund answered that they will make whatever time is available work for them.

Chairman Horace Carlyle suggested having no charge for the Coalition which the other members agreed with.

Duane Downing motioned to approve the request by NyE Communities Coalition's Methodologies Project to use the Mining Park Theater for a performance on (or around) March 14, 2015 at no charge. Tom Seley seconded. No further discussion. Motion carried 4-0.

5. Deliberation, discussion to set the date, time and place for the Town of Tonopah/Tonopah Public Utilities FY 15/16 Budget Workshop.

Chairman Horace Carlyle asked not to have a meeting on a Monday.

Administrative Supervisor Chris Mulkerns explained that the Town will receive the preliminary package from the Department of Taxation to use as base numbers to work with on February 17, 2015. The final revenue projection will be available March 15, 2015. Ms. Mulkerns suggested having two budget workshops, one before the Board receives the final numbers and one after, as to be able to discuss things in detail and since Doug Farinholt is a new board member. Duane Downing agreed with her and stated that he thinks the Board will have a better idea of the numbers that way. Ms. Mulkerns added that the Board will obtain the abatement numbers on March 25, 2015. Town Manager James Eason suggested having the workshop in the morning and explained that it will probably take about three to four hours. Duane Downing suggested March 4, 2015. Deputy Town Clerk Kat Galli pointed out that all rooms at the Convention Center are booked for that day. Acting Librarian Diane Ryals proposed having the workshop at the Library. Chris Mulkerns pointed out that the tentative budget has to be filed by April 15, 2015.

Duane Downing motioned to set the Town of Tonopah/Tonopah Public Utilities FY 15/16 Budget Workshop first one to be March 4, 2015 beginning at 8:30 am, tentatively to be held at the Tonopah Public Library, and second meeting for April 1, 2015 at 8:30 am, tentatively to be held at the Convention Center. Tom Seley seconded. No further discussion. Motion carried 4-0.

6. Discussion, deliberation, and possible action to approve following the recommendation of Bill Farrar, Budget Analyst, Department of Taxation, listing options to resolve the issue regarding the Nye County Sales and Use Tax Act of 2007.

Chairman Horace Carlyle asked Town Manager James Eason to give an update on where the Town stands with this matter and explained that the Town staff has a recommendation on how to move forward. James Eason referred to the e-mail from the Department of Taxation and explained that he had met with Bill Farrar of the Department of Taxation. Mr. Farrar had outlined three options for the Board, one of which was sending a letter to the District Attorney which the Board has already done. This letter was to ask the District Attorney's office to recuse themselves from this matter as they represent Nye County, the Town of Tonopah, and all other unincorporated towns listed in the 545 2007 State Act. Mr. Eason explained that the he had this item put on the agenda to recommend contacting Terry Rubald, Deputy Executive Director, Division of Local Government Services, Department of Taxation, to see if she will make a decision or refer the Town Board to the Attorney General's office or to the Board of Local Finance for a final determination.

Duane Downing asked what brought this issue to the Board's attention originally. Mr. Eason explained that the Board asked in October of 2014 where the half cent sales tax money was when the Nye County Sherriff's office was proposing to hire new Deputies. Initially, the Board of County Commissioners said there was not enough money to fund positions in the north, but they funded positions in the south. He added that last year about this time, the Board was given numbers by Susan Paprocki, Secretary-Treasurer of the Nye County Water District Governing Board, seeing how much money the Town would anticipate for the budget. The Town was waiting to see if the funds were correctly set up with Nye County. Mr. Eason added that the funds were held by the Treasurer's Office, but not distributed into the Town's account numbers. The Town waited for the audit to be finished and asked where the money was. The question was also brought up by the auditor Daniel McArthur as he has to report where that money goes. As

he and the Town reads the law, the Town of Tonopah is the governing body of the Tonopah Taxing District and the Town is responsible for all reporting of money collected and spent. Duane Downing noted that the Town has never been able to utilize the money for the Tonopah Fire Department even though the Town had a line item for that money. James Eason added that there may be a technicality as the BOCC may not have the right to authorize the Sheriff's Department's side of it within the Town of Tonopah.

Horace Carlyle referred to the County Sales and Use Tax Act of 2007 and stated that it is the Board's duty to work out a resolution. He added he believes it is possible to establish a memorandum of understanding. Mr. Carlyle noted the Town needs to be proactive in this matter. Tom Seley stated he thinks it should be possible to have a memorandum of agreement in which the Board agrees that the Sheriff's Department gets half of the money and the Town decides how the Fire Department's half is spent.

Duane Downing motioned to approve moving forward with the steps outlined by the Department of Taxation in e-mail dated January 28, 2015 in regards to obtaining a ruling on the half cent sales tax issue. Tom Seley seconded. No further discussion. Motion carried 4-0.

7. **Deliberation, discussion to request an amendment to Shaw Engineering's contract to request a proposal that would cover a scope of work to review TPU/Tonopah Utility Ordinance to recommend needed changes in language or organization to support updated rate analysis needed to implement upgrades defined by the Tonopah Water System Master Plan and Wastewater Collection System PER Update. The above scope of work would include any recommended changes in the above Ordinance needed to implement TPU policies per current NRS, NAC or NDEP regulations.**

Horace Carlyle stated that he did not get the proposal he wanted to have and that he wants to table this item. James Eason pointed out that this item is to request a proposal and that the Town needs the proposal first in order to make any amendments to the contract with Shaw Engineering. Mr. Carlyle stated that he had looked at other town ordinances compiled by Mr. Eason and that some of those deal with connect charges and give better defined ways to evaluate what the rates are and what they are based on. He noted that the Board has to justify the rates according to NRS, and that the Board has to be proactive about how rates can be minimized or distributed. In his opinion, the Board in the past has progressed based on priorities. Now the Board has the Water System Master Plan and is looking at a significant amount of recommended projects and dollar costs. He does not think there is a way to increase rates to pay for these projects. He added he does not want the Town of Tonopah to have to raise their prices like the Town of Goldfield did. James Eason explained that Manhattan's rates went up over 300% and customers discontinued having service. Their monthly prices are now around \$80 to \$90. Horace Carlyle emphasized that customers who discontinue service do not pay anything for doing so. James Eason explained in detail the situation in the Pahrump Basin which has an over-allocation of paper water rights.

Horace Carlyle asked the Board members for support in requesting a proposal to cover a scope of work. He sees potential for conflict if the impact for customers is not minimized.

Duane Downing motioned to request a proposal that would cover a scope of work to review the TPU/Tonopah Utility Ordinance that would recommend any changes to support updated rate analysis needed to implement upgrades defined by the Tonopah Water System Master Plan. Tom Seley seconded. No further discussion. Motion carried 4-0.

8. Department Budget Reports

Horace Carlyle asked Chris Mulkerns about the consolidated tax. She explained that it usually takes about two months to get the money and that the Town has been receiving about \$25,000 to \$26,000 a month. Mr. Carlyle wanted to know what the consolidated tax was last year as he thinks it will be under the projected number this year. James Eason stated that the total collection of consolidated tax was \$308,000 for the fiscal year 2013/2014. Mr. Carlyle noted that the Nye County BOCC has talked about the consolidated tax dropping substantially. James Eason explained that Nye County has had two major hits, one being Walmart in Pahrump which overpaid taxes and the other being the decline in the Solar Reserve.

Horace Carlyle noted that the Board has to think about the reorganization cost of Nye Regional Medical Center. He stated that he is concerned about how the Town projects the revenues as compared to expenses in the next few years.

9. Tonopah Development Corporation Report

No action taken by the Board.

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

James Eason informed the Board members that letters will be send out to people who are advertising their business on Facebook to let them know they need a business license for the Town of Tonopah. He explained that the Town has received complaints about this issue.

Mr. Eason pointed out the room tax collection comparison compiled by Chris Mulkerns which was in the Board's correspondence for the last meeting.

Mr. Eason stated that High School principal Al Eiseman will come before the Board at the next meeting to ask the Board to let the school use the baseball and softball fields. The Town will be sending out the request for the backstops at the fields.

Mr. Eason noted that the Board will be discussing the capital improvement plans at the Budget Workshop and asked the members to think about any ideas or projects they would like the Town to work on. He added that it has been brought up by Chairman Carlyle that the Town/TPU needs to work on the infrastructure of water and sewer. He referred to the letter from "J&J" offering TPU to purchase a water pipe. Mr. Eason recommended not purchasing the pipe as TPU has no place to store it. Historically, TPU has bought pipe and could not use it, so it becomes a stranded asset.

James Eason explained that Deputy Town Clerk Kat Galli and Account Supervisor Becky Braska will be setting up a Facebook account for the Town of Tonopah/TPU and that there will be a link on the website to get to the Facebook page. Kat Galli noted that the page would be for informational purposes, to contact people who are advertising their business without having a business license, and that people will not be able to post on the page.

James Eason pointed out that all the Board members have a binder with ordinances, resolutions etc. to bring everybody up to date. He added that the water conservation plan needs to be updated every five years and that the Town is now in the 5th year. He asked the Board members to turn any changes in to the Town staff. Chris Mulkerns noted that approving the conservation plan will

be on the next agenda. James Eason added that another item on the agenda will be approving the emergency turn-on/shut-off agreement by property managers or contractors that is in the correspondence for review by the Board. This agreement is for after hours only and TPU has to be informed of the shut-off.

James Eason explained that the night watchman at Rye Patch informed Joe Westerlund that there were people trying to pull the gate down. It took 45 minutes to get a call back from dispatch. Mr. Eason pointed out that the response time in emergencies is too long which Duane Downing agreed with. Mr. Eason added that there has been vandalism at Sportman's Park. Duane Downing explained that the Sherriff's Department is aware of the problems and is working on the issue.

Duane Downing noted that Public Works is monitoring traffic around the parks in Town as preparation for a speed reduction in those areas. Horace Carlyle added that David Fanning, Public Works Director, explained that the District Attorney's office has sent out easement right-aways for slime wash that may be approved. Duane Downing stated that DOT has made a huge improvement in the slime wash area.

Joe Westerlund informed the Board that he will be presenting bigger projects to them on a regular basis. He noted that TPU has put in a new fire hydrant at Bella Vita Salon. There are still a few repairs to be done regarding the fire hydrants, but TPU took care of most of them last year. Mr. Westerlund added that two TPU employees are training for distribution 2 and are scheduled to test at the Nevada Rural Water Conference in March. If they pass, TPU will have two distribution 2 and two distribution 3 employees. Once they are done with this training, TPU will get them trained for wastewater operator 1 so that TPU will have three wastewater operator 1 employees. Joe Westerlund explained that he will be receiving a quote regarding the update of the pressure stations as outlined by the Water System Master Plan. He added that TPU employees will learn how to repair clay valves because the length used in Tonopah is not produced anymore. TPU has to have that length for fire protection. Joe Westerlund will be trained to cut down the pipe in the pressure stations.

Joe Westerlund added that a power strike took out the programming of the VFDs at Booster 2 a few weeks ago. The will probably be fixed on February 18, 2015 and it should be under warranty.

In regards to the Budget Workshop, Joe Westerlund mentioned that he has a list of reline jobs. TPU has maps showing pipeline sizes and they know which ones are full of roots. Mr. Westerlund will get exact distances on the lines and calculate how much each section would cost to get fixed at a rate of about \$70 per linear foot. He will prioritize each section based on the ability to get to the line and clean it. Horace Carlyle inquired how that price compares to conventional repair. Joe Westerlund explained that TPU is doing it this way for lines that they cannot get to because they are on someone's property or under buildings. The cost of relining is cheaper than digging up pipes. Mr. Westerlund explained that the maps have not been accurate in the past and that TPU employees often ran into unforeseen problems such as having electrical lines with the water and sewer lines. Relining is a cleaner way to repair the pipes. Mr. Carlyle inquired whether TPU has surge protectors assisting Booster 2. James Eason stated that that was what was hit in the power strike. Mr. Westerlund added that they are built into the Booster Pumps and also in the well field. Mr. Eason stated that he thinks NV Energy has a grounding problem because they changed from a Delta grounding configuration to a Y configuration. Mr. Carlyle asked whether NV Energy can be held accountable for the damage. Joe Westerlund stated that he has submitted a claim. Chris Mulkerns explained that it was denied. Joe Westerlund told the local employees of NV Energy to call him when power is shut off or turned

on so that he can shut off the pumps in the meantime. James Eason stated that he had talked to an expert who will write a letter to submit to the POC because this problem affects the entire Town of Tonopah. Horace Carlyle and Tom Seley emphasized that they will support the Town in this matter.

Tom Seley reminded the Board members of the Nevada Nuclear Security Site Groundwater Open House in Beatty on February 18, 2015.

James Eason stated that Daniel McArthur has just called him. Mr. McArthur has spoken to Angela Bello, Nye County District Attorney, and has explained the situation about the sales and use tax to her. He recommends holding off on sending a letter to her until Friday to give her a week to respond. Mr. Eason asked the Board members whether they want to change the motion made earlier in the meeting. Horace Carlyle stated he would rather move forward and have another meeting if necessary. The other Board members agreed with him.

Kat Galli pointed out that she has put an overview of monthly town collections in the packets and will continue to do so every month. She added that she separated the collections for the Convention Center by rentals and by the Town's Fitness program.

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

Nye County BOCC Meeting Agenda, February 3, 2015

State of Nevada Division of Environmental Protection: No Further Action Determination for a Release of a Hazardous or Regulated Substance to Paved Surfaces, January 23, 2015

Nye County Airports- January 2015 Status Report, January 29, 2015

Tonopah Convention Center Report for January 2015, February 2, 2015

Letter from Bill Farrar to Horace Carlyle, January 29, 2015

E-mail from David Fanning, February 3, 2015

E-mail from Bob Foerster, January 30, 2015

Nye County BOCC Meeting Summary, February 3, 2015

Beatty Town Advisory Board Meeting Agenda, February 9, 2015

Round Mountain Town Board Meeting Agenda, February 10, 2015

State of Nevada: A Report to Our Citizens for FY Ended June 30, 2014

E-mail from JNJ Engineering Construction, Inc., January 6, 2015

Emergency Water Meter Turn On-Turn Off

Tonopah Public Utilities Water Conservation Plan, February 10, 2015

NyE Communities Coalition Newsletter, February 9, 2015

Nye County BOCC Meeting Agenda, February 17, 2015

Horace Carlyle stated that he will put an item on the next agenda recommending sending a letter to Senator Harry Reid thanking him for PILT (Payments in Lieu of Taxes) and other things he has done for the State. He added that Senator Reid went out of his way to help the Town in restructuring the hospital. James Eason asked what it was that Senator Reid did for the hospital. Mr. Carlyle referred Mr. Eason to the letter he gave him previously and added that Senator Reid reviewed the claim submitted to the Court to reorganize Nye Regional Medical Center and to endow Dr. Vincent Scoccia and all his corporations property rights which would have precluded any reorganization to avoid bankruptcy. Mr. Eason stated that Senator Reid's office did not want to get involved in the matter and that it was Attorney Talitha Gray Koslowski of Gordon Silver who did just that. Mr. Carlyle disagreed with him. Mr. Eason added that PILT does not come to the Town of Tonopah. Tom Seley noted that a letter might be a good gesture as PILT benefits the County. Mr. Eason agreed.

15. Approval of vouchers for payment

Duane Downing inquired whether the Town has looked into other propane companies besides Suburban Propane. Chris Mulkerns explained that changes might be made in June and that the Town is on the contract with the County. James Eason added that the Town will have to exchange tanks if they change the propane provider.

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

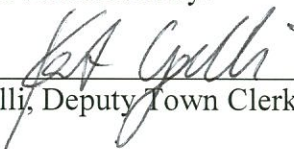
16. Public Comment

None.

17. Adjourn

The meeting adjourned at 8:56 p.m.

Minutes transcribed by:

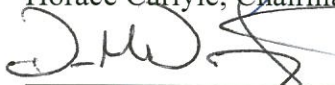


Kat Galli, Deputy Town Clerk

Approved:



Horace Carlyle, Chairman




Duane Downing, Vice-Chairman



Tom Seley, Clerk



Janet Hatch, Member



Doug Faehnolt, Member



**TONOPAH LIBRARY BOARD OF TRUSTEES
MEETING MINUTES
FEBRUARY 11, 2015
TONOPAH CONVENTION CENTER
301 Brougher Avenue, Tonopah, NV 89049**

The Tonopah Library Board of Trustees meeting was called to order February 11, 2015 at 7:16 p.m. by Tom Seley. Also present were board members Horace Carlyle, Duane Downing, and Doug Farinholt. Janet Hatch was absent. Nine others were present.

1. Public Comment

Jess Rosner of the NyE Communities Coalition pointed out the dinner at the Mizpah the following day which was part of the customer service training. A ticket costs \$40 and all money collected will be donated equally to the Senior Center and the CYAC.

2. Review and approval of minutes, in context, from regular meeting held January 28, 2015.

Duane Downing motioned to approve the minutes, in context, from the regular meeting held January 28, 2015. Horace Carlyle seconded. No further discussion. Motion carried 4-0.

3. Deliberation, discussion to set the date, time and place for the Tonopah Public Library District FY 15/16 Budget Workshop.

Duane Downing motioned to set two budget meetings for the Tonopah Public Library District FY 15/16 Budget Workshop, first one to be March 4, 2015 to take place after the Town of Tonopah/Tonopah Public Utilities Budget Workshop, and the second one to be April 1, 2015 to take place after the Town of Tonopah/Tonopah Public Utilities Budget Workshop. Horace Carlyle seconded. No further discussion. Motion carried 4-0.

4. Deliberation, discussion to approve sending a request to Frontier to add a WPA key to the current Wi-Fi account (hotspot) to be distributed to patrons of the Library upon request.

Administrative Supervisor Chris Mulkerns explained that she had talked to Frontier and they said they can set up a WPA key which requires a password which could be distributed to the patrons of the Library.

Duane Downing stated that he thinks it would be good to have a user agreement, asking patrons for their name and address, that patrons have to sign in order to receive the password to use the Wi-Fi. This might not stop people from doing something illegal but at least it is some kind of control. Acting Librarian Diane Ryals stated that she would like to have the computer usage connected to the member card. Town Manager James Eason explained that the Town is required to let patrons use the computers as they were financed by a grant. Deputy Town Clerk Kat Galli asked whether Ms. Ryals would be required to check IDs when she gives out the password. Ms. Ryals explained that she makes copies of patrons' IDs when they sign up for a library card and that she would do the same for the user agreement.

Doug Farinholt inquired whether the hotspot can be unplugged after hours to avoid misuse of the Wi-Fi after hours which Chris Mulkerns affirmed. James Eason explained that the Wi-Fi was left open after hours intentionally as the Library only has limited opening hours.

Duane Downing expressed concerns about certain individuals using the Wi-Fi. He explained that it has happened in Tonopah three times that people have used the hotel Wi-Fi to visit illegal sites. The authorities cannot track it past the hotel to find the person who used it. Tom Seley suggested setting up the Wi-Fi with a password now and reconsidering shutting the hotspot off after hours in the future if necessary.

Horace Carlyle motioned to request Frontier to add a WPA key to the current Wi-Fi account (hotspot) to be distributed to the patrons of the Library upon request. Duane Downing seconded. No further discussion. Motion carried 4-0.

5. Library Budget Report

Chairman Tom Seley noted that the Library is in good shape financially.

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

None.

7. Correspondence

None.

8. Approval of vouchers for payment

The Board reviewed and signed the vouchers for payment. Horace Carlyle motioned to approve the vouchers as presented for payment. Duane Downing seconded. No further discussion. Motion carried 4-0.

9. Public Comment

None.

10. Adjourn

Meeting adjourned at 7:40 p.m.

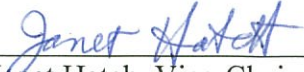
Minutes transcribed by:

Kat Galli, Deputy Town Clerk

Approved:




Tom Seley, Chairman




Janet Hatch, Vice-Chairman



Duane Downing, Clerk



Horace Carlyle, Member



Doug Farinholt, Member

