

**TONOPAH TOWN BOARD
MEETING MINUTES
JUNE 24, 2015
TONOPAH CONVENTION CENTER
301 Brougner Avenue, Tonopah, NV 89049**

Tonopah Town Board Chairman Horace Carlyle called the meeting to order June 24, 2015 at 7:06 p.m. Also present were Tom Seley, Janet Hatch and Doug Farinholt. Duane Downing was absent. Fifteen others were in attendance. Chairman Carlyle led in the Pledge of Allegiance.

Item 3 was postponed for later in the meeting as Engineer Paul Winkelman was not able to attend the meeting sooner.

The Town Board recessed to the Library Board of Trustees at 7:32 p.m. and reconvened as the Town Board at 7:43 p.m.

1. Public Comment

Nye County Assistant Manager Joni Eastley stated that Nye County was working with Nevada Rural Housing Authority (NRHA) to construct an independent living facility for seniors 55 and older in Tonopah. Nye County is in the process of deeding the land to NRHA and NRHA is in the process of securing bridge funding. Ms. Eastley explained that NRHA had contacted a private company to help with the bridge funding. She added that she will be contacting as many people as possible age 55 and older to complete a brief questionnaire. She stressed that the questionnaire was confidential.

Alicia Brown noted that she will be hosting the "Tonopah Trail Challenge" for the fifth time at the rodeo grounds on August 8th. She explained that the event was a fundraiser for equine rescue groups. She pointed out that last year there were 47 riders at the event and they donated \$400.00. Ms. Brown stated that she was hoping to be able to make a \$2,000.00 donation this year as she is expecting more riders. She added that she had updated flyers for the board members as well as pictures of the buckles to be given away to the winners. Ms. Brown explained that she had sponsors for all eight classes in the event. She asked for a schedule to be discussed with the Team Roping Club so that riders would have time to practice. Chairman Horace Carlyle stated that he would like to have the Team Roping Club come before the Board to discuss the schedule. Tom Seley said that he would like to see more use of the rodeo grounds.

Cherry McLeod stated that she has dealt with the rodeo grounds and 4-H in the past and that scheduling would be easier if there was a committee. She stressed that the rodeo grounds could be more productive if it was handled right. Chairman Carlyle asked Town Manager James Eason of his opinion. Mr. Eason stated that he knows that a fair board used to be in existence and that he would ask Debbie Cobb about it.

2. Review and approval of minutes, in context, from the regular meeting held May 27, 2015.

This item was tabled.

4. Discussion, deliberation and possible decision to accept the renewal proposal from Nevada Public Agency Insurance Pool (POOL) and approval for payment from Fiscal Year 2005-2016 funds

Ken Eason of Eason Insurance introduced himself and Wayne Carlson of the Nevada Public Agency Insurance Pool (POOL). Mr. Ken Eason explained that the POOL helps in filling the gaps in the coverage for smaller cities by pooling the resources. He stressed that little towns can purchase an insurance that otherwise would not be affordable for them. Mr. Eason gave coverage examples and referred to the coverage summary. He noted that most of it was self-explanatory. Mr. Eason pointed out that the premium was down from last year and commended staff for educating the employees about safety. Horace Carlyle thanked Mr. Eason for his superb services and noted that he was an asset to the Town.

Wayne Carlson referred to the POOL brochure which highlights some of the services provided and pointed out the Ethics and Open Meeting Law training. He added that training was now available as e-learning. He explained that this was reducing problems with scheduling. Mr. Carlson noted that the available risk management grants were doubled to help fund training if needed.

Tom Seley motioned to accept the renewal proposal from Nevada Public Agency Insurance Pool (POOL) and approve for payment from Fiscal Year 2015-2016 funds in the amount of \$27,265.43. Janet Hatch seconded. No further discussion. Motion carried 4-0.

3. Discussion, deliberation and possible action to award bid for the Pump Station #2 and Well #9 Generator Project – Base Bid, or Base Bid plus Alternative #1, or Base Bid and Alternative #1 and #2 with funding in the amount of \$216,594.45 from USDA Rural Development Grant and balance of award amount to come from Tonopah Public Utilities Capital Replacement Fund; Authorize Town Board Chairman to execute the Notice of Award, Agreement, and Notice to Proceed

Paul Winkelman of Shaw Engineering noted that Tonopah Public Utilities (TPU) had received four good competitive bids. He explained that there were no mathematical errors, only some minor irregularities. Mr. Winkelman stated that Creekside Electrical was the low bidder for all three options. He explained what the three options include. Mr. Winkelman recommended choosing Creekside Electrical but stressed that it was up to the Town Board what they choose. Town Manager James Eason added that Town staff agreed with Paul Winkelman in moving forward with Creekside Electrical with all alternatives. He noted that the Town had the money to complete all projects. He added that the U.S. Department of Agriculture (USDA) had reviewed the bids and provided concurrence to move forward. Administrative Supervisor Chris Mulkerns noted that choosing all alternatives would mean a contribution from the Town of Tonopah of \$116,705.55.

Tom Seley motioned to award bid for Pump Station #2 and Well #9 Generator Project – for the Base Bid plus Alternative #1 and Alternative #2 with funding in the amount of \$216,594.45 from USDA Rural Development Grant and the balance to come from Tonopah Public Utilities Capital Replacement Fund in the amount of \$116,705.55 and authorize the Town Board Chairman to execute the Notice of Award, Agreement, and Notice to Proceed. Doug Farinholt seconded. No further discussion. Motion carried 4-0.

James Eason suggested taking the Board members out to the well fields once the project is started so the members can see the progress. He pointed out that TPU will have a backup for the well fields and booster so that in case of cyber-attacks, TPU can turn on water without computers if there was a power outage.

5. Discussion, deliberation and possible decision to purchase a back-up system for the current meeting recording system used by the Deputy Town Clerk. Purchase would include a second software license from JCG Technologies and a second laptop

Deputy Town Clerk Kat Galli stated that there have only been minor problems with the current recording system as the new laptop was purchased in January. She added that problems usually occurred when the laptop was not used for a few days and was updated as meetings were supposed to start. She pointed out that a back-up laptop that was not used on a regular basis would have the same problems, if not more problems. She suggested purchasing a hand-held digital recorder which could be used as a back-up and would be distinctly cheaper than a second set of recording equipment. Tom Seley asked whether Ms. Galli recommended buying a higher quality digital voice recorder. Chris Mulkerns noted that Ms. Galli had done some research on recorders with the necessary accessories like speakers for less than \$500.00. She stated that she agreed with Ms. Galli on the decision.

Tom Seley noted that he agrees that a digital voice recorder is the better choice. Horace Carlyle stated that there will not be a motion on the item based on the recommendations. He asked staff to prepare a new agenda item so the Board can proceed with the purchase of a digital recorder. Cindy Kaminski pointed out that the purchase would only be \$500.00 and that it was a petty cash purchase. James Eason stated that the item will be brought back to the Board.

6. Discussion, deliberation and possible action to enter into a memorandum of understanding with Beatty Water and Sanitation GID to allow both utilities to assist the other with emergencies, specialty equipment sharing, and/or assistance with situations that may require more manpower

James Eason explained that Utility Supervisor Joe Westerlund was working with Beatty so equipment can be borrowed and shared as not all entities have the money to buy everything. He noted that it would be a mutual agreement.

Tom Seley pointed out that TPU let Beatty use TPU's truck and in return got training from them on how to use the equipment. Horace Carlyle stated that he supports the

concept and asked whether there was a cap of what TPU will contribute. James Eason explained that this agreement was pertaining to equipment only. Chris Mulkerns added that this also included manpower. Mr. Eason suggested applying the rate sheets of the warren agreement and bringing the item back to the Board including a payroll agreement. Chairman Carlyle stated that this would be prudent. The Board members agreed.

7. Discussion, deliberation and possible decision to adopt a resolution to commence proceedings to initiate the annexation of the Tonopah Taxing District to include the boundaries of the Tonopah Library Taxing District, as authorized by NRS 269.650

James Eason referred to an e-mail received from Marla Zlotek of the District Attorney's (DA) office. He noted that he had referenced it at the special meeting on June 18, 2015. Mr. Eason explained that he had quoted the wrong NRS and that he and Chris Mulkerns had been working with Ms. Zlotek on the outline and process of the resolution. He asked the Board members if they had time to review the resolution. Horace Carlyle stated that he supports the resolution based on the recommendations of the DA's office. James Eason pointed out that if the resolution is approved, the next step would be to set a time and date for a public hearing. Tom Seley noted that he supported the resolution.

Tom Seley motioned to adopt a resolution to commence proceedings to initiate the annexation of the Tonopah Taxing District to include the boundaries of the Tonopah Library Taxing District, as authorized by NRS 269.650. Janet Hatch seconded. No further discussion. Motion carried 4-0.

8. Discussion, deliberation and possible action to 1) set date, time and location for a Public Hearing on Tonopah Town Bill No. 2015- : a bill proposing to adopt an ordinance that provides for the expansion of the Unincorporated Town of Tonopah boundaries to include the current boundaries of the area known as the Tonopah Library District, pursuant to NRS 296.650; 2) read the title of the bill into the record; and 3) direction to staff to send a copy of the proposed ordinance by certified mail, return receipt requested, to each owner of real property in the area proposed to be annexed, and post a notice of the proposed annexation on the Town of Tonopah website – tonopahnevada.com – pursuant to NRS 269.155

Doug Farinholt pointed out that notice of this has to be given in the newspaper. Chris Mulkerns clarified that this will happen automatically. Joni Eastley explained how the motion needed to be made and when the title of the bill needed to be read into the record.

Tom Seley motioned to set the date, time and location for the Public Hearing of Tonopah Town Bill No. 2015-01 for Wednesday, the 22nd day of July, 2015 at 7:15 p.m. at the Convention Center. Janet Hatch seconded. James Eason explained that if this passes at the Public Hearing, the Town will be sending the documents by certified mail to all parcel owners in the annexed area. He noted that there are about 250 parcels. Mr. Eason stressed that the Board can exclude everybody who wants to be excluded and that an official survey will be conducted. He added that once it passes, it has to be submitted to the Board of County Commissioners (BOCC). No further discussion. Motion carried 4-0.

Tom Seley read the title of the Bill into the record: Bill Number TTO-15-01, Tonopah Town Ordinance Number 22.02: An Ordinance enacting a revision and codification of the general ordinances of the Town of Tonopah, a Bill proposing to amend Title 22 Tonopah, of the Nye County Code by adding Section 22.02.010, annexing into the Unincorporated Town of Tonopah boundaries the area of the Tonopah Library District, consolidating the legal description of the entire Unincorporated Tonopah Town boundary; and providing for other matters properly relating thereto.

Horace Carlyle directed staff to send a copy of the proposed ordinance by certified mail, return receipt requested, to each owner of real property in the area proposed to be annexed, and post notice of the proposed annexation on the Town of Tonopah website - tonopahnevada.com - pursuant to NRS 269.155.

9. Deliberation, discussion and possible action to pursue legal action by requesting a legal opinion from the Nevada Attorney General pertaining to the opinion of the Nye County District Attorney dated May 11, 2015 which the Tonopah Town Board disputes and rejects the claim that the Nye County District Attorney, Angela A. Bello can impose fees for legal opinions requested by the Unincorporated Town of Tonopah. Should the Tonopah Town Board file an Integrity Complaint with the Nevada Attorney General for failure to provide mandated services to the Unincorporated Town of Tonopah/Town Board. District Attorney Bello is demanding monies for any opinions requested by the Tonopah Town Board which places the Town Board and the Unincorporated Town of Tonopah at great legal risk because DA Bello is refusing timely consultation and legal opinions/advice based on our status under NRS 269 – Unincorporated Town Law. The question is the language used selectively that an “exempted unincorporated” such as Amargosa, Round Mountain, Tonopah, and Pahrump have some mystical governing independence from the Nye County Commissioners as the governing body of Nye County.

Horace Carlyle stated that he put this on the agenda to enlighten the District Attorney (DA) that the Town Board would like to get an opinion. He would like the DA to allow the Town Board to go directly to the Attorney General (AG) to ask about a legal opinion about this matter because there is a conflict of interest. He noted that the DA is standing mute which is putting Tonopah in jeopardy in case of a prosecution. James Eason stated that he had spoken to the DA before the meeting and that she was going to ask the AG to clarify who is exempt and who is non-exempt. Horace Carlyle asked to have confirmation of the DA's request to the AG. He noted that the item should be tabled based on this information. Tom Seley pointed out that the letter dated May 11, 2015 from the DA “was very specific and basically said that she didn't have to do a whole lot for us”. He noted that he hopes the opinion from the AG will give the Town Board clarification.

10. Deliberation, discussion and possible action to notify Midway Gold at the following address: Midway Gold Corp., Point of Inverness, Suite 280, 8310 South Valley Highway, Englewood, Colorado (720) 979-0900, Attn: CEO/President Mr. William M. Zisch, of the interest and intent of West Kirkland Mining to secure “will serve” water application to support Hasbrouck mining site

Horace Carlyle disclosed that in October 2012 Midway Gold Corporation and the Town staff had agreed to maintain informal contact that would affect how TPU uses water. He noted that because of the discussions with West Kirkland Mining (WKM), this was placed on the agenda.

Tom Seley stated that he will not vote on this item because the backup included a letter addressed to him when he was still employed by the Bureau of Land Management (BLM).

Horace Carlyle noted that informing Midway Gold was a courtesy as they had allowed TPU to be on their right of ways. He added that he would like to keep a cordial relationship.

Tonopah resident Ed Tomany pointed out that Midway Gold had filed for Chapter 11 bankruptcy.

Tonopah resident Joni Eastley asked why the Town should worry about an “informal agreement?”. Chairman Carlyle stated that the Town had agreed to keep Midway Gold informed and that it was not a contract. Ms. Eastley stressed that if this agreement was not in writing or done in a public meeting, it was as if it did not happen. She pointed out that Chairman Carlyle was disclosing an ex parte communication.

Former Board member Cindy Kaminski asked whether the Town was informed of the Chapter 11 bankruptcy before it became public which Chairman Carlyle denied. Ms. Kaminski noted that it has been a problem in the past that Midway Gold did not always inform the Board of what was going on. She noted that everything the Board does is public and that Midway Gold can keep an eye on the agendas just like everybody else.

James Eason explained that he had informed Midway Gold’s attorney about the agenda item. Chris Mulkerns added that they were provided with the item and backup. Doug Farinholt stated that he sees no problem in sending a letter as a courtesy.

Doug Farinholt motioned to notify Midway Gold at the following address: Midway Gold Corporation, Point of Inverness, Suite 280, 8310 South Valley Highway, Englewood, Colorado, (720)979-099, Attention: CEO/President Mr. William Zisch of the interest and intent of West Kirkland Mining to secure a will-serve water application to support the Hasbrouck site. Janet Hatch noted that she was not sure whether this was necessary. Horace Carlyle noted that the Board is simply informing Midway Gold that this matter was discussed at a Board meeting. Janet Hatch seconded. She pointed out that Midway Gold has not disclosed their financial status to the Town Board. She added that she

understands Mr. Carlyle's concerns about right of ways. Ms. Hatch noted that she believes this is redundant. No further discussion. Motion carried 3-0. 1 abstention.

11. Deliberation, discussion and possible action based on Master Water Study TPU and "draft water capacity study to serve WKM" the Town Board establish TPU/Tonopah guidelines affecting multiple commercial or industrial connects/will serve units based on the limited numbers available for current and future developers. In addition, define current connects available for individual or residential units to be issued to any specific party or group pending adopting new TPU Ordinances

Horace Carlyle stated that he placed the item on the agenda because of staff discussions and added that he had questions about available Equivalent Residential Units (ERU's) in the draft study. James Eason explained that the draft study does not refer to available ERU's and that it was done based on a separate customer. He noted that it was evaluated what ERU's could be used beyond the current ones.

Engineer Paul Winkelman clarified the draft water capacity was in addition to the 3,333 ERU's that the water master plan identified for the 20 year growth of Tonopah. Horace Carlyle referred to page 3 of the draft study. He asked whether it was correct that there are 2,840 ERU's today. Mr. Winkelman explained that the 2,840 ERU's consist of the 2,339 currently in use and the 601 inactive ERU's. Mr. Carlyle asked how future ERU's are defined. Mr. Winkelman clarified that based on the Water Master Plan a population projection was done. He explained that Shaw Engineering projected a total count of ERU's of 3,333.

Horace Carlyle disputed that number. He noted that it was his understanding that the 493 ERU's for West Kirkland Mining (WKM) were contingent upon WKM doing at least 500 gallons per minute. Mr. Winkelman noted that the draft study was supposed to be for TPU's internal review only. He added that the growth projection calculated that 3,333 ERU's will be needed in the future. Tom Seley inquired whether TPU can provide those at this point which Mr. Winkelman denied. Mr. Seley asked what needed to be done to serve this number. Mr. Winkelman explained that the 47 capital improvements outlined in the Water Master Plan will have to be completed. He added that these projects total about \$7.5 million. Horace Carlyle stressed that TPU does not have any ERU's to sell besides the ones being used at this point. Mr. Winkelman stated that this is the case if TPU feels they have to provide the inactive ERU's. Mr. Carlyle emphasized that unless TPU can raise \$7.5 million to improve the infrastructure, they do not have any ERU's to sell.

Horace Carlyle disclosed that he, Mr. Seley, Mr. Eason, Mr. Winkelman and Sandy McVey of WKM had a meeting before regarding this matter to try to find the best solution. He explained that he and Mr. Seley have been authorized by the Town Board to function as a subcommittee. He noted that they have been trying to find a solution where TPU does not have to raise the fees for the customers.

Tom Seley stated that he was not sure where to go with the item at this point. Horace Carlyle explained that the TPU Ordinance reads that the Utility Manager or Operations Manager has the authority to issue a will-serve. James Eason stated that he wanted to clarify that it was the Town Board, not Mr. Eason himself, which gave the will-serve when WKM came before the Board. He added that the Board voted that after the water study was done, an additional study would be done on how WKM would impact TPU's system. He noted that at the meeting with John Collins the discussion about the ERU's came up again. Mr. Eason explained that in order for TPU to achieve providing 3,333 ERU's, TPU would have to spend \$7.5 million. He added that Paul Winkelman was informed to base his draft study about WKM on the 3,333 ERU's and to go beyond those. Mr. Eason stressed that Mr. Winkelman analyzed any possible scenario. Paul Winkelman pointed out that TPU does not have to do all projects to increase the capacity of the wells.

Tonopah resident Ed Tomany asked whether TPU needed to be prepared to serve the 601 inactive ERU's and whether these inactive ERU's needed to be counted into perpetuity. Mr. Tomany asked what the definition of inactive was. Doug Farinholt noted that this was one of the reasons why the Board thinks the Tonopah Town Ordinance needed to be updated. Horace Carlyle explained that there are inactive meters in existence which have not been used. But that these have the right to reconnect to the service. Ed Tomany asked whether it was fair to anybody that the inactive meters are available into perpetuity. James Eason stated that the recommendation from the USDA was to have a stand-by fee as the Ordinance does not say that the right to connect to the system has a sunset.

Former Board member Cindy Kaminski explained that when rate increases were applied in the past, it was decided that stand-by fees should not be implemented at the same time. She emphasized that with every tied-up ERU, the progress of Tonopah was tied up. James Eason gave the example of the Pocket Park which has more ERU's than needed as there used to be a hotel on the property. He noted that the ERU's are tied up as they are associated with this particular property. Mr. Eason emphasized that properties have a higher value when there are ERU's associated with it.

Tom Seley recommended coming back to this item once the Town Board has more information from John Collins. Horace Carlyle asked to have an item for the next agenda for another proposal from John Collins to include the work needed.

12. Deliberation, discussion and possible action Tonopah Town Board review of the “draft water capacity study to serve West Kirkland”. Based on the above study, TPU/Tonopah does not have current capacity to furnish the water needed for the initial Hasbrouck site the Three Hills site. Therefore, TPU/Tonopah will not furnish or sell connects per requests by WKM. The draft study does look at long-term infrastructure costs and developmental options that WKM could explore with TPU/Tonopah. However, all infrastructure costs to support their proposed projects would be borne solely by WKM. In addition, the discussed modifications of the TPU/Tonopah infrastructure would need extensive changes to meet possible EIS reviews and permitting; outside private parties agreement to secure lands and right of ways; multiple years time delay; and the expenditure of millions by WKM.

Horace Carlyle stated that he put this on the agenda to assist West Kirkland Mining (WKM) in trying to reach a productive agreement. He added that it would be helpful to have a memorandum of understanding.

Chief Operating Officer at West Kirkland Mining Sandy McVey noted that it was their approach to be good neighbors without any manipulations. He explained that WKM would like to buy water from Tonopah if possible. He stated that he was glad to hear the Board’s continuing good will and that WKM would like to continue the process. Mr. McVey explained that WKM cannot go into an agreement that is not “water tight” as they cannot go into a project that is at risk. He noted that WKM would like to work with Tonopah but pointed out that WKM has a Plan B in case they cannot depend on Town water. Mr. McVey referred to the 601 inactive ERU’s and stated that the likelihood of all of them being used up in the near future is very low. He noted that if TPU could make these available for WKM, they would understand that they would come second if the ERU’s are needed elsewhere. He asked for sufficient notice to be given in regards to supplying water to their sites so that WKM can revert to another alternative.

Tom Seley stated that he would not feel comfortable “gambling” to supply water to WKM. He noted that he will not be taken action on this item due to his work at the BLM.

Doug Farinholt emphasized that the cost to move forward would be a lot for the Town. He asked whether that would be negotiated or whether the Town would end up having to pay for everything. James Eason explained that it would be the Board negotiating the conditions, but per Town Ordinance, WKM would be responsible for the infrastructure and the Town would not be paying for anything. Mr. Eason added that if he was negotiating, he would follow the Ordinance as it is very clear on this matter. Mr. Eason stressed that the Town Board does not know what WKM is going to do and that the Board will have to negotiate this.

Tom Seley pointed out that the cost could go up if projects are done in the future. James Eason stressed that Tonopah has only paid for the contract to have the study done which was around \$7,000 and did not have any other cost so far. He added that if it was his decision, WKM would be paying for everything to come after this point.

Sandy McVey noted that WKM's letter last year stated exactly that. He added that he attached various spreadsheets. He explained that WKM allowed \$2 million for the upgrades to the Tonopah system up to the point of demarcation. He emphasized that if cost was higher, negotiation would be over if projects took too long and were too expensive. Mr. McVey stated he would like to work with engineer Paul Winkelman to find out if it was possible to supply water to the project without building anymore wells.

Tom Seley inquired how WKM can complete their environmental assessment with permitting for the BLM if they cannot state where their water will be coming from. Mr. McVey answered that they cannot and stressed that if this matter takes too long, WKM might have to go to Plan B. He stressed that delays are bad in gold mining. Mr. McVey pointed out that he brought the corporate presentation for all members and anybody interested.

Tom Seley asked whether WKM wanted water for their "Three Hills" location, their "Hasbrouck" location or both. Mr. McVey explained that WKM would like to use water from Tonopah for both projects, two years in Three Hills and six years in Hasbrouck.

Horace Carlyle stressed that the requested gallons a minute equal so much acre feet a year that TPU currently does not have the infrastructure to supply that. He stated that TPU has to be very careful how they use the water. He explained that if one considers the current heat wave, TPU has to be careful with their water in the next 20 years. Joni Eastley stated that she understands Mr. Carlyle's concerns. She noted that it seems to her that it is a win-win situation for everybody if WKM provides the infrastructure, but it adds value to TPU's infrastructure after eight years. She emphasized that the Board has an obligation to act in the best interest of the community.

James Eason asked Paul Winkelman what the perennial yield was of Ralston Valley. Mr. Winkelman replied that it was between 6,400 and 6,500 acre feet a year. Mr. Eason noted that TPU is permitted to use up to 4,100 acre feet of water a year. He stressed that during Tonopah's application for right of way, Tonopah was accused of having too much water. He asked Mr. Seley whether Midway Gold had a right of way in Belmont which Mr. Seley denied. Mr. Eason asked whether they have a patented ground in the area which Mr. Seley also denied. Mr. Seley explained that he believes they have control over one little area of land that they own the mineral rights to. Mr. Eason stressed that there are 600 acres of land in the area that the Town of Tonopah owns the mineral rights to. He pointed out that when he talked to Mr. McVey about TPU providing water, Mr. Eason asked to have WKM's attorney check TPU's vetted water rights. TPU does have the right to utilize 4,122 acre feet of water a year. Mr. Eason recommended hiring George Banish to reevaluate the water that the Town of Tonopah has. He noted that Midway Gold and the Town of Tonopah each have an application of more than 1,500 acre feet of water. Mr. Eason explained that when Midway Gold loses their permit to mine, Tonopah/Nye County will get it as they filed "on top of those". He noted that if Midway Gold finds ore where TPU's pipeline is, TPU has to move it. Horace Carlyle stated that the estimate of the perennial yield was an estimate and might not be correct. Mr. Eason stressed that as

long as the State Engineer does not conduct a new study, TPU has to go with that number. He noted that he believes the number is higher.

James Eason stated that if the Board wants to have every discussion in public instead of meetings beforehand, he would be happy to do it that way. Janet Hatch stressed that if the Board gets too many people involved in the discussions and not in a timely matter, they make it hard for people who want to develop. She added that she supports having the two members of the board involved in preliminary discussions. She thanked Sandy McVey for the information provided. James Eason emphasized that there cannot be more members involved in discussions outside of the regular meetings because the Board would be in violation of the Open Meeting Law. He stressed that this matter is costing people money as Mr. McVey came from Canada to attend the meeting. He added that TPU needs to be fair.

Cindy Kaminsky stated that James Eason is the Town's biggest asset. She asked the Board members to stop micromanaging everything. Ms. Kaminski added that everything should be taken care of before the meeting and that questions should be answered before the meeting. She asked the Board to let Mr. Eason do his job. She pointed out that Board meetings should not "drag on" past 10 p.m. and that Town staff had to be back at work at 8 a.m. Ms. Kaminski stated that the Town Board can make decisions based on what Town staff provides as they get paid to do the job. Chairman Carlyle disagreed and explained that the only way the Board can act was in an open meeting. Chuck Fox asked the Board what they have accomplished in the last three hours. Mr. Carlyle answered that he accomplished disclosure and discussion by the Board.

James Eason stated that he was fine with having open discussions. He added that if there was a misconception about the water that the Town of Tonopah is entitled to use, then it needs to be clarified. He added that he believes that nobody wants to put the water system at jeopardy. Mr. Eason asked the Board to inform him if they want to discuss everything during regular meetings instead of having one or two Board members being part of other meetings and discussion. He inquired what role the Board wants him to play and what role they want the Board to play. Horace Carlyle stated that he would prefer to continue working as before as most of the Board members do not have the time to attend meetings and discussions outside the regular meetings. Janet Hatch noted that she appreciates the discussions. She added that the more information she has, the better she can make decisions for the community.

James Eason asked the Board whether they want engineer Paul Winkelman to move forward with changes in the draft study and how they want Town staff to proceed. He added that if the Board does not want to take it to the next step, they are wasting everybody's time if they continue. Tom Seley asked Sandy McVey whether WKM would be willing to pay for the necessary infrastructure if it does not exceed a certain amount. Mr. McVey noted that the draft report does not provide any conclusions and that permitting issues with the BLM might occur if pipes have to go through their land. He added that if WKM needs to pay for Mr. Winkelman's work, they would be willing to. He stressed that if the process takes too long, WKM will have to revert to Plan B.

Chris Mulkerns suggested making a motion to set a date as a deadline to submit comments about the draft study. She proposed that WKM should pay for the Engineer's work once this step is completed. Paul Winkelman stated that once he gets comments from everybody, he can give the second draft to the Board members, Town staff and Sandy McVey. He will then have evaluated whether this project can be completed without adding a third well.

Tom Seley noted that it would be possible to discuss the matter at a workshop. Horace Carlyle asked whether the Board wanted to give direction to move forward in this matter. The Board members agreed that Paul Winkelman should continue making the necessary corrections in the draft study. James Eason asked when the Board wants to have the comments submitted. Mr. Carlyle stated that he would give them to Paul Winkelman by Monday the following week.

James Eason suggested having a workshop before the next regular meeting so that the Board can discuss the matter without being afraid of violating the Open Meeting Law.

Sandy McVey asked when all the data will be available to set a date for the workshop. Mr. Winkelman stated that he can have the study done within a matter of hours. Chris Mulkerns asked whether the study would be send to the Board only or also WKM. Horace Carlyle suggested having a special meeting. James Eason noted that once everybody has turned in their comments of the study, the Board can have a workshop and experts can be brought in to comment on the matter.

6. Tonopah Development Corporation Report

Joni Eastley stated that she renewed the filing with the Nevada Secretary of State as she and Cindy Kaminski were working on reinvigorating the organization.

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

James Eason noted that there will be Blacksmithing classes at the Tonopah Historic Mining Park the following weekend. He added that it was the first of three weekends classes will be held.

James Eason stated that the Judge's conference that was held in Tonopah was successful.

James Eason explained that the D.A.R.E. (Drug Abuse Resistance Education) program and the C.O.W. (Classroom on Wheels) bus will be using Joe Friel Sports Complex.

James Eason said that the Town was getting ready for the annual 4th of July celebrations.

James Eason stated that the annual Rotary Fishing Derby was a success.

James Eason explained that the Town of Tonopah will have a memorandum of understanding with the Town of Round Mountain regarding their swimming pool as they lost their pool operator. He noted that Tonopah Memorial Swimming Pool Manager Christy Perry had already talked with Round Mountain Town Manager Dan Sweeney.

Horace Carlyle asked whether there was more information of the Nevada Drought Forum which Mr. Eason denied.

Horace Carlyle inquired about the Nevada Electric Highway. James Eason explained that Assistant County Manager Joni Eastley had met with a representative from NV Energy. He added that Ms. Eastley will put the application together and that this matter will be on the next Town Board agenda. Tom Seley asked where the charging station is supposed to be located in Tonopah. Mr. Eason noted that the Pocket Park was an ideal location due to the close proximity to hotels, restaurants etc.

Tom Seley stated that he may not be able to attend the next Town Board meeting.

Tom Seley asked about customers using reuse water. James Eason pointed out that TPU had their first customer using reuse water.

13. 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.
14. 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.
15. Deliberation, discussion and possible decision on labor negotiations, issues and other personnel matters presented in the closed meeting. No action taken by the Board.
16. Correspondence

NV Governor B. Sandoval: Infrastructure Announcement, June 16, 2015

Nevada Drought Forum Schedule, June 17, 2015

Classroom on Wheels Flyer, June 2015

Nye County Water District Governing Board Meeting Agenda, June 22, 2015

Round Mountain Town Board Meeting Agenda, June 19, 2015

Beatty Town Advisory Board Meeting Agenda, June 22, 2015

Tonopah Senior Housing Project, June 2015

Water Pollution Control Permit, June 17, 2015

POOL/PACT Human Resources: 2015 Approved HR-Related Legislation

Bishop Tribal Council: Gimme Shelter Family Carnival, June 1, 2015

Tonopah Trail Challenge flyer and information, June 2015

POOL/PACT: What Membership Means

West Kirkland Mining: Corporate Presentation 2015

17. Approval of vouchers for payment

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

13. Public Comment


Chuck Fox thanked the Board and James Eason for the use of the fields for the Little League and Town staff for preparing the fields. He explained that the league had 156 kids signed up and had a pool party to conclude the season. He noted that it was a very successful season.

Mr. Fox noted that the sales people who go from door to door are "irritating" and that seniors get disturbed. He asked if it was possible to deny them their business license. Chris Mulkerns noted that the Town cannot do so.

14. Adjourn

The meeting adjourned at 11:07 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 Farinholt, Member

TONOPAH LIBRARY BOARD OF TRUSTEES
MEETING MINUTES
JUNE 24, 2015
TONOPAH CONVENTION CENTER
301 Brougner Avenue, Tonopah, NV 89049

The Tonopah Library Board of Trustees meeting was called to order June 24, 2015 at 7:33 p.m. by Tom Seley. Also present were board members Janet Hatch, Horace Carlyle, and Doug Farinholt. Duane Downing was absent. Fifteen others were in attendance.

1. Public Comment

None

2. Review and approval of minutes, in context, from the regular meeting held May 27, 2015.

This item was tabled.

3. Review and approval of minutes, in context, from the regular meeting held June 10, 2015.

This item was tabled.

4. Discussion, deliberation and possible action to accept the renewal proposal from Nevada Public Agency Insurance Pool (POOL) and approval for payment from Fiscal Year 2005-2016 funds.

Ken Eason of Eason Insurance explained that there were not any changes but a slight increase in the premium.

Janet Hatch motioned to accept the renewal proposal from Nevada Public Agency Insurance Pool (POOL) and approval for payment from Fiscal Year 2015-2016 funds in the amount of \$2,016.98. Town Manager James Eason explained that the premium was only for coverage of property, not Worker's Compensation. Horace Carlyle seconded. No further discussion. Motion carried 4-0.

5. Discussion, deliberation and possible action to authorize the purchase of a storage unit/container for the Tonopah Library.

Chairman Tom Seley inquired where the container will be set. Town Manager James Eason explained that it will be stored next to the Convention Center. He noted that employees will use the Town's flatbed trailer to transport books and furniture to the container to store while the Historical Library is being renovated. Mr. Seley pointed out that the Library had received three price quotes with "Hawthorne Recycling Metals Co." being the least expensive. He added that the container will be used while restoring the Historical Library and can be used afterwards for additional storage.

Janet Hatch motioned to authorize the purchase of a storage unit/container for the Tonopah Library in the amount of \$2,700.00. Doug Farinholt seconded. No further discussion. Motion carried 4-0.

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

Horace Carlyle stated that he was looking forward to renovating the Historical Library and making it useful. Janet Hatch pointed out that a temporary employee is sprucing up the buildings and painting. She thanked the Town staff for hiring a summer employee.

7. Correspondence

None

8. Approval of vouchers for payment

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

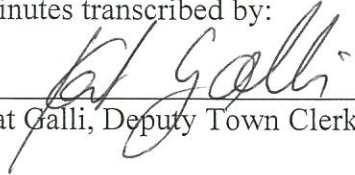
9. Public Comment

None

10. Adjourn

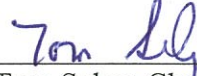
The meeting adjourned at 7:43 p.m.

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