

**TONOPAH TOWN BOARD**  
**MEETING MINUTES**  
**AUGUST 26, 2015**  
**TONOPAH CONVENTION CENTER**  
**301 Brougner Avenue, Tonopah, NV 89049**

Tonopah Town Board Chairman Horace Carlyle called the meeting to order August 26, 2015 at 7:06 p.m. Also present were Tom Seley, Janet Hatch, and Duane Downing. Doug Farinholt was absent. Twenty-eight others were in attendance. Chairman Carlyle led in the Pledge of Allegiance.

Duane Downing was present after 7:08 p.m.

The Town Board recessed to the Library Board of Trustees at 7:42 p.m. and reconvened as the Town Board at 8:01 p.m.

1. Public Comment

Alisha Brown apologized for not being able to attend the last meeting. She stated that the Tonopah Trail Challenge had 34 riders and that they were able to double their donation to the Local Equine Assistance Network (L.E.A.N.). She added that the group also doubled what was earned at their raffle and that the Hope Floats Animal Foundation who did the BBQ at the event doubled their donations. Mr. Brown presented pictures and a buckle to the Board members.

Wayne Allen, CEO of Nye Regional Medical Center (NRMC), stated that he would like to give an update on the status of the hospital and clinic. He stressed that NRMC had a "major blow" last Friday with its closure. He emphasized that he believes it is just an opportunity for a new beginning. Mr. Allen explained that years ago a hospital meant long term care and that hospitals nowadays are not full anymore as there is outpatient care and patients do not need to be admitted. He added that smaller hospitals usually transport to bigger hospitals. He pointed out that communities need to have access to outpatient care. Mr. Allen noted that he has been having meetings in person and on the phone and that the progress was going nicely. He stated that there were "bright lights at the horizon" and that he hopes to have a new outpatient model in the next 30 to 60 days. He noted that the clinic will remain open until at least September 4 and that he hopes to keep it open longer to hand it open to a new partner.

Wayne Allen stressed that the closure of the hospital was very dramatic and caused a lot of pain for the employees. He emphasized that the staff was outstanding and that the closure of the hospital could be an opportunity for a new beginning. Mr. Allen explained that medical specialists are in short supply and they cannot be at every facility. He stressed that he cannot give more details, but that he is very hopeful that the hospital/clinic will reopen soon.

Chairman Horace Carlyle thanked Mr. Allen for his work and efforts. Mr. Allen stated that he was just one of the team who is committed to the right outcome. He clarified that

the closure of NRMC got a lot of people's attention who are now stepping up and trying to make partnership arrangements even though they did not want to do anything before.

Tom Seley thanked Mr. Allen for the update and pointed out that a lot of people came to the meeting to hear some news. Mr. Allen noted that he will continue to give updates at future meetings and keep the Town Board informed. He added that the hospital would like to establish a public forum to keep residents informed. He stressed that there will be a lot of discussions in the next 30 to 90 days. Mr. Allen pointed out that the County, the Governor and Senator Reid are trying to help.

Wayne Allen stated that he had recommended the closure of the hospital even though the notice was short because NRMC was running out of physicians. He explained that there needs to be an outpatient clinic in Tonopah as it will do the most good for the most people as insurances do not want patients to be admitted.

Vice-Chairman Duane Downing stressed that he thinks the closure of the hospital is horrible. He added that it will be fantastic if something can be done to reopen the hospital again. Wayne Allen explained that 53 employees are now out of jobs and that this is the business side of health care.

Town Manager James Eason asked Mr. Allen to discuss the licensure of the hospital. Wayne Allen explained that the hospital is licensed by the Department of Health as a 12 inpatient bed hospital. He pointed out that this was an important licensure. Mr. Allen noted that the hospital has not had 12 patients in a long time and that it was one or two patients a month. He emphasized that once a hospital closes, it usually loses its license right away. He pointed out that the State is making sure that the license stays active so that someone can take over the hospital. Mr. Allen stated that the license is still valid, even if it takes three to six months, and that this is a good safety net. He added that he does not anticipate that the hospital will continue doing inpatient care. Duane Downing asked whether this meant that the hospital can reopen. Wayne Allen affirmed this and stressed that this would be possible without having to bring the building up to code. He noted that if the building had to be brought up to code, it would cost between \$2 and \$4 million.

Tonopah resident Chuck Fox asked Mr. Allen how the hospital is going to deal with the debt. Wayne Allen explained that the details still need to be worked out as the hospital has about \$5.5 million debt, about \$4 million of which occurred when the hospital came out of bankruptcy in December 2014 and about \$1.5 million more debt incurred since then. Mr. Allen stated that the intent is to pay the debt off over time, maybe 10 to 20 years. He added that Nye County had created the Hospital District to collect taxes to help with the hospital debt. He stressed that that the debt will be paid off, not written off. Mr. Allen emphasized that a lot of the debt was incurred because physicians were not getting paid for over 3 to 6 months. He noted that the hospital owes one physician over \$110,000.

Tonopah resident Rhonda Link inquired what measures are in effect in case of a catastrophic emergency. Wayne Allen clarified that there are currently two physicians at the clinic and another physician Dr. Peterson in Town. He added that Nye County has Emergency Medical Services (EMS) staffed by volunteers, not physicians or paramedics. He stressed that the skill level of the volunteers is low. Duane Downing stated that EMS had released how emergencies will be handled with either ground transportation to other facilities or with a flight crew. Tonopah resident Becky Tisue added that there is one plane and two crews for lifeflight services. Wayne Allen noted that there are nine ambulances available between Tonopah and other communities. He emphasized that there needs to be a quick return for ambulances so that there is always one available. He added that there are two ambulances in Tonopah. Duane Downing stated that if there are multiple calls, ambulances will be brought in from Round Mountain or Goldfield.

Tonopah resident Pamette Heemstra asked whether EMS personnel were authorized to have someone flown out. Duane Downing explained that EMS personnel have been directed to authorize lifeflight if they determine that it is necessary. He added that prior to the hospital closing a physician had to make that decision. Chuck Fox noted that this possibly poses a liability for the EMS personnel to decide whether or not a person needs to have ground transportation or a lifeflight. Mr. Downing stated that there is a criteria list to help make the decision. Mr. Fox stressed that this would be a huge liability for the Sheriff's Office. Mr. Downing explained that this decision would fall on EMS. Mr. Fox stated that this was scary. Mr. Downing noted that everybody was working under good faith. Mr. Fox pointed out that he was worried about the personnel. Mr. Downing stressed that personnel will fly patients out in order to not take the risk of transporting them in an ambulance.

Tonopah resident Mark Kiburis stated that he had heard a rumor that former hospital owner Dr. Vincent Scoccia was a trustee on the 401K. He asked what else Dr. Scoccia still has control of. James Eason inquired whether Mr. Kiburis was talking about the 401K retirement plan which Mr. Kiburis affirmed. Mr. Eason stated that this was the first time he was hearing about this. He added that this would have to be referred to Nye County's counsel as, if true, it would be part of the lack of disclosure to the bankruptcy court. He noted that he would like to see this in writing to bring it to Nye County. Mr. Kiburis stated that it was a rumor he had heard and added that he was concerned that Dr. Scoccia would be involved after NRMC reopens. Wayne Allen pointed out that he will check into this matter the following day. He explained that the hospital's Human Resource officer was currently the representative for the retirement plans as this was common practice. Mr. Allen stressed that Dr. Scoccia was not on any bank accounts. He stated that the bank account was hacked a few weeks ago and that they do not know who it was. He pointed out that the hospital did not lose money and that the matter was turned over to the Federal Bureau of Investigation (FBI). Mr. Allen explained that he has been in business for 44 years and that Dr. Scoccia's business practices were "pathetic" and the worst he has ever seen. Mr. Allen stressed that Dr. Scoccia will not be associated with the

hospital and added that Dr. Scoccia's decision making was poor as he was out to make money and was able to prescribe medication.

James Eason explained that Nye County has foreclosed on all the hospital's assets. He noted that if the 401K is really an asset, Nye County will have that evaluated. He added that the hospital will not reopen under the same name as the name will be an asset of Nye County. Wayne Allen clarified that all assets of PrimeCare have been inventoried and will be given to the County. He stressed that the building has been secured and that all locks have been changed. He added that the Sheriff's Department is patrolling the property and that the drugs are inventoried and in safekeeping. Mr. Allen emphasized that they will ensure the building is turned over in good condition and ready for business.

Tonopah resident Deb Cobb asked how much of the debt would have to be repaid by Nye County residents. Duane Downing explained that all of it belonged to Nye County. Wayne Allen added that the Hospital District was created to help pay off the debt as all of it is the debt of the people in the taxing district's boundaries.

James Eason clarified that in 1999 the debt was over \$6 million and was paid off in 2008 with the help of the prior Hospital District. He emphasized that the current Hospital District was smaller. Wayne Allen stated that the hospital has been down this road too many times and that he hopes they are doing it right this time. He added that he thinks they have the right partners involved this time as they know how to run these kinds of facilities.

Shambra Jones of the Tonopah Salvation Army and Jess Rosner of the NyE Communities Coalition introduced themselves. Ms. Jones stated that the free summer lunch program was a success. She explained that the program had been sponsored by local groups and that locals helped prepare and serve the lunches. She pointed out that the lunches strengthened the togetherness of the children and volunteers alike. Ms. Jones named a few volunteers and stressed that they had 75 volunteers serving 1126 lunches. She added that they raised over \$3,414.18, spent \$2,338.03 and therefore have \$1,076.15 left to be used for next year to ensure the program can be continued. Ms. Jones named some of the donors and stressed that this program shows how the community can come together. Mr. Rosner handed out flyers about the program and gave pictures to the Board members and public.

2. Review and approval of minutes, in context, from the regular meeting held July 22, 2015.

Duane Downing motioned to approve the minutes, in context, from the regular meeting held July 22, 2015. Tom Seley seconded. No further discussion. Motion carried 4-0.

3. Review and approval of minutes, in context, from the meeting held August 12, 2015.

Duane Downing motioned to approve the minutes, in context, from the meeting held August 12, 2015. Tom Seley seconded. No further discussion. Motion carried 4-0.

4. Review and approval of minutes, in context, from the special meeting held August 19, 2015.

Duane Downing motioned to approve the minutes, in context, from the special meeting held August 19, 2015. Tom Seley seconded. No further discussion. Motion carried 4-0.

5. Discussion, deliberation and possible action to approve the use of the former TDC Offices located within the Old Firehouse for the C.O.W. Bus (Classroom on Wheels) Program for the Class Year 2015/2016.

Chuck Fox of the C.O.W. Bus stated that the program is presently using the Volunteer Fire Department's Station 2 for their preschool. He noted that they have been using the building for the past year and that the Fire Department needed the building back. He added that there were problems with the insurance. Mr. Fox explained that the reason the program was not actually using a bus was that the bus got vandalized and had to be refurbished.

Chuck Fox explained that the program started in 1957 in Tennessee. He noted that the C.O.W. Bus would drive to children that could not come to school to educate them and help them with their social skills. He stated that the local program is run through "Community Chest, Inc." in Virginia City which also funded them the previous year. He pointed out that the preschool had 12 children the previous year and 17 in the current school year. Mr. Fox emphasized that the program prepares the children for kindergarten.

Chuck Fox stated that it was suggested to him to evaluate using the Old Firehouse for the preschool. Mr. Fox noted that he thought "SafeTEE Connections" was utilizing the entire building. He added that he had talked to James Eason about the matter and was hoping that the Board allows the preschool to use the former TDC (Tonopah Development Corporation) Offices until the bus is ready. He stressed that the matter is urgent as the program promised they would be out of Station 2 by September 14, 2015. Mr. Fox pointed out that Ron Browning and Patty Winters of "SafeTEE Connections" do not have a problem with the program using the TDC Offices as all the rooms are separated. The only change that would have to be made would be to put a door back in the hallway to protect the store's property. Mr. Fox added that this would be a temporary solution and that he will come back before the Board to ask for permission to park the bus on Town property once the bus is ready to be used.

Chuck Fox explained that the C.O.W. Bus came to Tonopah two summers ago and was such a success that he and Dakota Blackburn were asked to continue the program. He

emphasized that kindergarten teachers in the past have said that they can tell the difference between the children who were in the program and the ones who were not. Mr. Fox stressed that the program was free.

Duane Downing asked how fast the Town can put a door in the hallway to separate the TDC Offices and the store. James Eason stated that this can be taken care of as soon as the Town has the Board's approval as the frame for the door is already there.

Horace Carlyle inquired whether the C.O.W. Bus was a non-profit which Mr. Fox affirmed. He added that Community Chest, Inc. is a non-profit. Mr. Carlyle noted that the supports the program and added that the Town should help with cost for lighting or heating.

Duane Downing motioned to approve the use of the former TDC offices located within the Old Firehouse to the C.O.W. Bus (Classroom on Wheels) program for the class year 2015/2016 with no charges. Janet Hatch seconded. No further discussion. Motion carried 4-0.

James Eason stated that he will contact the TDC to ask them to remove their property from the building. Joni Eastley noted that the former Chamber of commerce still has a lot of things in the rooms and added that she will help get the building cleaned out.

6. Discussion, deliberation and possible action to approve the use of the Tonopah Fair and Rodeo Grounds for the Tonopah Grange Program. Uses to include existing livestock structures and pens, and available land for the raising of livestock, poultry, and swine and for agriculture uses.

Chuck Fox and Deb Cobb introduced themselves. Mr. Fox read the Grange program information into the record (see correspondence). He noted that the Central Nevada Grange (CNG) was formed the night before as the fourth Grange in the State of Nevada. He explained that they had 25 people at their meeting who voted to name it Central Nevada Grange, not Tonopah Grange. He emphasized that this was a good decision as they just found out that the Round Mountain 4-H will not receive funding anymore. He stated that the CNG will reach out to them and groups in Beatty, Goldfield etc. to suggest joining the CNG.

Chuck Fox noted that Grange is agriculturally based and they would like permission to use the rodeo grounds for projects like raising livestock or growing things. He added that they might have the possibility of partnering with the Tonopah Brewing Company to grow hops.

Duane Downing asked what area at the rodeo grounds the group would be using. James Eason explained that it would be in the area set up for the master gardening program. Mr. Downing inquired whether the Town would be allocating more land to the group which

Mr. Fox denied. Mr. Downing noted that Grange would be using the same land that 4-H used to utilize. Mr. Fox stressed that Grange will not be taking any land from 4-H. He added that he had talked to Alisha Brown to coordinate their usage. He emphasized that Grange wants to encourage more use of the rodeo grounds and not take away from any other activities.

Chuck Fox stated that CNG already started organizing a soccer league in Tonopah and that they will be taking sign-ups the following week. He noted that he will be getting the insurance information to the Town Board. He pointed out that there are endless possibilities with Grange as they support the communities they are active in. Mr. Fox explained that Grange has deaf activities in which they teach sign language to the participants and the youth teaches the community in return. He emphasized that Grange is a neat organization as they operate on the local level and allow the local group to organize whatever activities or events they would like to have. He added that every Grange is different and are known to support families and communities. Deb Cobb noted that Tonopah only needed 13 people to charter a local Grange and they had 25. She added that they have already elected their officers.

Horace Carlyle inquired how the Board can structure the cost for CNG. Chuck Fox clarified that Grange is not a non-profit, but a fraternal organization. He stressed that CNG will gladly pay for events. Mr. Carlyle noted that if CNG needs support, to contact the Board. James Eason added that this would be the same as what has been approved for other organizations like the Cooperative Extension or 4-H by previous Boards. He pointed out that a schedule will be set up so that there are no conflicts.

James Eason stated that the Cooperative Extension lost funding through Nye County. He noted that there is a restructuring plan and that the Extension will be folded into CABNR (College of Agriculture, Biotechnology and Natural Resources). Deb Cobb stressed that this is typical in other counties as a result of funding cuts. She noted that Grange is hoping to keep youth, agriculture and families going. She added that the buildings were brought in by the Department of Parks and Recreation and donated by the Test Site. James Eason noted that this was when the BOCC made the final decisions for the Town of Tonopah.

James Eason stated that he believes the last event was held two years ago by 4-H. Deb Cobb noted that there was a fair in June of 2014. Mr. Eason pointed out that the greenhouse had been vandalized.

Duane Downing motioned to approve the use of the Tonopah Fair and Rodeo Grounds for the Tonopah Grange Program as listed through the Use and Maintenance Agreement contract as presented. Tom Seley seconded. Chuck Fox asked for the paperwork to be changed to Central Nevada Grange. No further discussion. Motion carried 4-0.

7. Discussion, deliberation and possible action to approve or deny a recycling program for the Town of Tonopah.

Petitioner Carl Zucchelli stated that he thought it would be easier to organize a recycling program in Tonopah. He noted that he had called Hoss Disposal to get prices and some kind of program, but they said that they do not offer a recycling program. He asked the Board whether the Town is committed to Hoss through a contract. James Eason explained that the Town just signed a franchise agreement for 5 years. Duane Downing pointed out that Hoss is not mandated by the State of Nevada to offer a recycling program. He added that these programs are expensive. Carl Zucchelli noted that he needs to find someone else to do the recycling program as there is no need to have all the trash going into the landfill.

James Eason emphasized that no fees from the garbage service in Town are going to the Town of Tonopah. He added that he thinks the City of Sparks is going to implement making residents have one extra bin. The fees for the program would be passed on to property owners or users. He noted that many cities already mandate recycling and impose the fees unto the users. He pointed out that Tonopah does not have this in their ordinance. He stressed that Tonopah does not mandate for everybody to have their trash collected at their house. Duane Downing stated that this would be costly to the end user. Tom Seley explained that he had to have three different bins for trash in Washoe County. Mr. Eason emphasized that having the bins and paying the fees is a requirement in those cities, whether you live in the house or not.

Tom Seley suggested Mr. Zucchelli check with the Town of Beatty to find out what they offer. He stressed that Mr. Zucchelli would have to organize the program on his own and that recycling usually is not cost effective. Duane Downing added that Tonopah residents should recycle, but that they would not want to pay for it. Mr. Zucchelli noted that a voluntary collection would be possible. Mr. Downing asked who would organize this. Mr. Zucchelli inquired whether he was allowed to organize it himself on a voluntary basis which Mr. Downing affirmed. Mr. Downing noted that there may be a lot of people who want to do it. Deb Cobb added that Grange could help with that project because they do community service. She added that CNG would be interested, but that Mr. Zucchelli would have to take the lead on the project.

8. Discussion, deliberation and possible action to approve or deny distribution of an information sheet to new and existing Tonopah Public Utilities (TPU) residential customers.

James Eason explained that Account Supervisor Becky Braska put this information sheet together to answer most of the common questions customers have. Ms. Braska stated that it covers a lot of questions she gets all the time, for new and existing customers alike. She added that it contains billing and contact information among a lot of other information.



Tom Seley said that he thinks it was a great idea. Ms. Braska noted that she will keep a stack available at the TPU office.

Tom Seley motioned to approve the distribution of an information sheet to new and existing Tonopah Public Utilities residential customers. Duane Downing seconded. No further discussion. Motion carried 4-0.

9. Discussion, deliberation and possible action to approve an advertisement to bid the Tonopah Public Utilities Relining of Certain Sewer Collection Lines located within the Town of Tonopah.

Utility Supervisor Joe Westerlund explained that Tonopah Public Utilities (TPU) was getting ready to do the slip-lining of the sewer lines. He noted that he had contacted four companies to get information on their products and that he also talked to Paul Winkelman about what products to use. He stated that he would like to put the bid out for 500 feet of relining and 200 additional feet on each one.

Joe Westerlund stressed that this will be a great contract as the CIPP (Cure in Place Pipe) process allows for the pipes to be repaired without having to dig the pipes out. He pointed out that digging pipes out in people's properties or under their houses would pose a lot of problems.

Joe Westerlund stated that the tank recoat project will take place the following year. He added that the tank dove will be the following week for three tanks.

Joe Westerlund explained that the first section of the relining project will be in the area of Rhines Trailer Court. He noted that based on what the bid comes back with, TPU will be going into each section that is highlighted on the map (presented during previous meetings). He stated that he hopes to get three sections done this year. Mr. Westerlund added that it would be great to get 2000 feet done as it would take six areas off the map, but he is hoping to get at least 1000 feet. Mr. Westerlund pointed out that this project will save call outs and therefore save TPU money.

Horace Carlyle asked what the capital projects budget was. Joe Westerlund answered that it was \$200,000.

Tom Seley inquired whether roots will be cleaned out. Joe Westerlund explained the relining process in detail. He pointed out that everybody he talked to said they have had no problems with the relining. He added that the lines are guaranteed to last for 50 to 100 years and should impede all root growth.

Tom Seley asked how long residents in the areas to be relined would have to be without sewer. Joe Westerlund clarified that sewer lines will be bypassed and guessed that it may

be four hours if customers do have to be shut off. He emphasized that this type of project poses a minimal intrusion.

Administrative Supervisor Chris Mulkerns explained that the advertising will be send to the local newspaper the following day to be published for three weeks.

Tom Seley stated that he sees only positive aspects in this project. Joe Westerlund stressed that it will improve the health of the Town.

Duane Downing motioned to approve an advertisement to bid for the Tonopah Public Utilities Relining of Certain Sewer Collection Lines located within the Town of Tonopah. Janet Hatch seconded. No further discussion. Motion carried 4-0.

10. Discussion, deliberation and possible action to approve proposed scope of work regarding Nye County Code 22.28 (Tonopah Town Ordinance) review and Inactive Services proposal as presented by Shaw Engineering.

James Eason explained that this was a request by the Town Board to Shaw Engineering to come up with a cost estimate to review the changes to the Tonopah Town Ordinance.

Horace Carlyle stated that he believes the Town/TPU may be better off having an attorney looking at the ordinance to draw a recommendation. He noted that TPU has a model of an ordinance in Esmeralda County recommended by Susan Dudley regarding inactive meters and stand-by fees. He added that TPU could possibly use the attorney recommended by Shaw Engineering for the MOU with WKM. He stressed that TPU might be able to save money that way. Mr. Carlyle emphasized that he would rather spend the money on rewriting the ordinance, not a survey.

Horace Carlyle suggested checking with Esmeralda County and the Nevada Rural Water Association to review the Ordinance and possibly get legal direction and comments through Shaw Engineering. Duane Downing pointed out that both tasks on the scope of work state to meet with legal counsel. He asked whether the proposal means that Shaw Engineering will review the ordinance and then meet with TPU/Town Board and legal counsel or whether Shaw Engineering will be working with legal counsel prior to contacting TPU/Town Board. Mr. Carlyle stated that this will depend on what the Board wants to do.

Horace Carlyle stressed that he has looked at other ordinances and found them to be “treading water”. He added that he believes TPU does not need a survey of 12 or 15 other utilities.

Tom Seley asked whether Mr. Carlyle wants the proposal to be amended to only look at Task 1. Mr. Carlyle stated that Task 1 would be his primary emphasis and depending and

whether Shaw Engineering has counsel that could recommend language needed. He added that he thinks the legal issues need to be stressed.

Janet Hatch stated that she was not sure if she was clear on what Mr. Carlyle wants. Horace Carlyle explained that the review of the Town Ordinance was his primary goal. He noted that the inactive meter issue comes second to him. He added that it goes with rewriting the Ordinance. He pointed out that he does not see the need of doing surveys as he already reviewed other ordinances and did not find them to be helpful in the matter. Duane Downing stressed that doing the survey was just one part of the scope of work. He pointed out that the Board can probably direct Shaw Engineering to not evaluate nine other utilities. He added that he agrees that the Town Ordinance should be rewritten to encompass the inactive meter issue. Horace Carlyle stressed that Chris Mulkerns has the Esmeralda County Ordinance and asked whether TPU needed to “reinvent the wheel”.

James Eason pointed out that this proposal was based on the Board’s requests. He noted that the proposal has two parts to it, the second part addressing evaluating the inactive meter service.

Horace Carlyle stated that he believes the scope can be slightly changed to have the primary emphasis on reviewing the Town Ordinance and then to review the Esmeralda County Ordinance and check with Nevada Rural Water Association. He noted that he thinks cost can be reduced this way.

Duane Downing asked whether it was better to table the item to get another scope of work. James Eason inquired what the Board would like to be included in the scope of work as Town staff was directed to obtain a proposal to review the ordinance and the inactive meter service. He explained that reviewing other ordinances in the area was meant to help the Board better understand other utilities so the Board can make their decisions regarding the changes in the Ordinance. He added that one change should be to add the resolutions that were made by previous Town Boards to the Ordinance as they are now listed at the back of the Ordinance which leads to confusion. He noted that another change would be to review the connection fees. Mr. Eason explained that John Collins is currently reviewing the rates. He added that another change could be to have a monthly rate for idle ERU’s or whether these will be forfeited after a certain time. He noted that another change could be how TPU calculates ERU’s. Mr. Eason stated that general language changes need to take place. He pointed out that the question is whether the Board wants to bring the Town Ordinance into compliance with other utilities that are much more stringent. He emphasized that Town staff cannot make these decisions; it is up to the Town Board to decide.

Horace Carlyle stated that he would like to proceed with Task 1 and have Task 2 modified. He noted that he has spent many hours reviewing other ordinances and did not find them to address the issue of inactive meters. James Eason explained that Dan Tarnowski of the Nevada Rural Water Association had stated that there are very few

utilities that have addressed this issue. Mr. Carlyle stressed he believes Esmeralda County has one of the better examples of how to address standby or inactive meters. He noted that former Boards have avoided this issue because it is confrontational.

Duane Downing suggested limiting the scope of work to surveying Esmeralda County and one other utility. Horace Carlyle proposed surveying Esmeralda County and consulting with Nevada Rural Water Association to see what examples they have. Duane Downing and Janet Hatch noted that this would be good. Mr. Downing noted that the scope of work could be approved with these amendments.

James Eason asked Paul Winkelman whether the changes were clear. Paul Winkelman stated that Shaw Engineering was here to serve the Board and do what they want them to do. He noted that they did the scope based on what was asked of them by the Board.

Duane Downing inquired whether changing line 2 of Task 2 to surveying Esmeralda County for their policies and procedures and handling the inactive water services would be feasible which Paul Winkelman affirmed. Horace Carlyle suggested also contacting the Nevada Rural Water Association. Tom Seley added that the only utility that imposes fees and sunsets is Clark County. He emphasized that they are very different from Tonopah. James Eason asked whether the Board wants Mr. Winkelman to change line item 2 in Task 2 to see what the reduction in charges would be. Duane Downing noted that he thinks the Board can move forward with the scope of work as it is written as it states "not to exceed \$30,000. Tom Seley agreed and added that he would rather have the contract number a little high in case "something comes up".

Paul Winkelman stressed that Shaw Engineering does not know how much work will be involved. He noted that they tried to be on the conservative side. He emphasized that none of this includes legal fees. Mr. Winkelman explained that Shaw Engineering thought that the document would have to go to the District Attorney (DA) or other legal counsel. James Eason noted that any proposed changes would have to be reviewed by the DA or legal counsel if the Town is allowed to hire somebody else.

James Eason asked Paul Winkelman is this change makes a material difference in the contract. Mr. Winkelman stated that contacting two entities instead of nine makes their life easier but probably does not make a big difference. He pointed out that Esmeralda County might not be comparable to Tonopah.

Duane Downing motioned to approve proposed scope of work regarding Nye County Code 22.28 review and Inactive Services proposal as presented by Shaw Engineering with noted change to Task 2 Line 2 to reflect as discussed with a dollar amount not to exceed \$30,000. Tom Seley seconded. James Eason asked the Board whether they would like to fund this out of the Town or TPU Professional Fees Fund. He added that the Board could use the TPU fund and use the Town Fund as a backdrop. Duane Downing suggested taking it out of the TPU fund. James Eason explained that historically TPU

used the Town's Professional Fees Fund. Chris Mulkerns clarified that there is enough money in the TPU Fund as the Board budgeted \$100,000 on the water side for professional services. No further discussion. Motion carried 4-0.

11. Discussion, deliberation and possible action to approve amendment to Shaw Engineering– Engineering Services Proposal – Water Capacity Study West Kirkland Mining – Three Hills and Hasbrouck Project.

Horace Carlyle stated that he supports this and that this is the cost of doing business.

James Eason noted that he would like to go over a few things. He explained that Paul Winkelman of Shaw engineering had been working on this agreement for West Kirkland Mining (WKM) so that the Town/TPU can move into next step, working on the Memorandum of Understanding (MOU). He stated that this will be on the next agenda so that the Board can get started on the MOU process. He clarified that there are four steps in this process:

Step 1:

Paul Winkelman's final study for WKM. The Town Board will have to address whether they want to use the maximum day demand, a middle ground, or the State standard as the Town's standard. Once this number is decided on and there are any changes to be incorporated into the Master Water Study, it has to be submitted to the State/NDEP for approval.

Step 2:

The Board will have to agree to a tentative list of the Town's MOU team. James Eason noted that Board members Horace Carlyle and Tom Seley, Town/TPU staff Chris Mulkerns and Joe Westerlund, Shaw Engineering staff, and a lawyer will be part of the MOU team. He added that about 80 to 90 % of the work was done with the study. Mr. Eason clarified that Chris Mulkerns had sent an e-mail to DA Angela Bello regarding whether the DA's office wanted to be the Town's attorney in this matter or whether the Town/TPU can hire outside counsel. She also contacted POOL/PACT to ensure that the Town/TPU is in compliance with the MOU.

Step 3:

James Eason explained that once the Town/TPU wants an attorney who drafts MOU's and is familiar with contract and water law. He noted that the Town/TPU has one attorney's contact information but is waiting for DA's approval first. Once the Town/TPU has the approval from the DA, they will have it on the agenda for the Town Board to approve. Mr. Eason stressed that costs for lawyer fees and additional engineering fees will have to be paid by WKM. He noted that WKM seemed taken aback to be required to pay attorney fees but accepted it at the end of the discussion with them. Mr. Eason explained that WKM prefers

having an agreement not to exceed a certain dollar amount. He noted that the Board will have to agree on that amount.

Step 4:

James Eason clarified that once the Board approves the attorney fee amount, they will receive a draft from Paul Winkelman of the Master Water Study to review and they can draft the MOU. Mr. Eason stressed that all legal negotiations will take place in Tonopah. He noted that because WKM is an international company, they fall under the rules of BAFTA (Baltic Free Trade Area). He emphasized that the Town/TPU will put in the contract that this will fall under the Fifth Judicial District in Nevada. He added that the last part of the process is to look at the timeline in order to get this process done as quickly as possible.

Paul Winkelman stated that the technical issues are easy and that the real work is for the attorney in the MOU process.

Duane Downing motioned to approve amendment to Shaw Engineering– Engineering Services Proposal – Water Capacity Study for West Kirkland Mining – Three Hills and Hasbrouck Project in an amount not to exceed \$15,000. Tom Seley seconded. No further discussion. Motion carried 4-0.

12. Discussion, deliberation and possible action to approve two new job descriptions titled Maintenance Utility Manager and Administrative Manager to be added to the current list of job descriptions for the Town of Tonopah and Tonopah Public Utilities.

Horace Carlyle stated that he supports this, but was not sure how the Town/TPU will establish the compensation. James Eason noted that he had a pre-meeting with Tom Seley and Horace Carlyle and that he would like to set up a time the following day to go over the items to discuss this matter in detail. Duane Downing stressed that he likes the idea of creating these positions, but the ultimate goal should be to replace the Town Manager. He added that this should be a short term solution. Mr. Eason agreed and emphasized that the staff also agrees. He pointed out both of these positions need to be modified regardless. Tom Seley stressed that the creation of these positions will help “clean up inadequacies” the Town has had. James Eason added that it will give the Board time to get organized.

Duane Downing noted that he would like everybody to get a raise, but this is not possible. He stressed that as the Board is putting more responsibilities on staff, they need to compensate them. James Eason pointed out that Chris Mulkerns has not been on salary even though she should have been. Mr. Downing noted that the new position will be a salary position. He asked Ms. Mulkerns and Mr. Westerlund whether they have evaluated these new positions which both affirmed.

Duane Downing motioned to approve two new job descriptions titled Maintenance Utility Manager and Administrative Manager to be added to the current list of job descriptions

for the Town of Tonopah and Tonopah Public Utilities as presented. Tom Seley seconded. No further discussion. Motion carried 4-0.

13. Tonopah Development Corporation Report

James Eason stated that the Town will be working with TDC and the Chamber of Commerce to clean up the former TDC offices for the C.O.W. bus to use.

Joni Eastley asked for this item to be taken off the agenda in the future as the TDC is not active in Tonopah anymore.

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

James Eason stated that Joe Westerlund will be ordering a new truck for Town maintenance staff member Manny Linares. He stressed that this will be the first new truck since 2004.

James Eason noted that the funding from Nye County for the health nurse has been eliminated. He explained that this affects the administrative assistant position and will eventually impact the community. He added that the funding for the Cooperative Extension has also been eliminated. Assistant County Manager Joni Eastley clarified that there will be a teleconference the following day with the State to discuss what the State can do. She noted that she will know more after. She explained that the Board of County Commissioners (BOCC) had voted to absorb these two into the general fund. James Eason stated that the BOCC has not acted on cutting the funding for the museums in the County. He stressed that the Central Nevada Museum in Tonopah has very limited funding. He added that he had not heard about cutting animal control yet.

James Eason emphasized that last year the voters of Nye County voted not to extend the Nye County School District bond. He noted that it is his recommendation to go after that tax rate the following year and capture it to put it back into the community. He stressed that this was not the opinion of the Town Board, but his own opinion. He noted that Nye County School District is not distributing the money collected in the community back to it and added that he believes it should be spend in Tonopah. Joni Eastley stated that the Board should start preparing that process right now and not wait until the following year.

James Eason clarified that the revenue from the Sales and Use Tax Act has not been deposited in the Town's account yet. He pointed out that the Nye County Sheriff's Department has already started funding positions out of that fund which is a violation of that Act. Duane Downing stated that these positions were approved over a year ago. Mr. Eason stressed that funding should be addressed or looked at by the Town Board. He noted that the Sheriff's Department or anybody else who wants to use the funds, needs to come before the Town Board to ask for approval. Horace Carlyle added that he had heard that the DA requested an opinion from the Attorney General (AG) about this matter.

James Eason emphasized that all these funds should go into an idle state until a determination has been made. He pointed out that this is why the Town has not spend any of these funds.

James Eason explained that the bid to replaster the pool needs to go out for the spring of 2016. He added that the Town has the have money for the project. He pointed out that the pool had a great season and is winterized.

James Eason stated that the Town Maintenance staff has been working on different events and has been doing a great job. He added that the buildings at the rodeo grounds got new roofs.

James Eason stated that he would like to thank everybody, especially the former Town Board for taking a chance on him. He also thanked the people of Tonopah for the opportunity to grow.

James Eason thanked the Town and Library staff for their work. He added that he would like to thank Susan Dudley for many years of mentoring. He thanked Chris Mulkerns and Joe Westerlund for everything every day. He stressed that he has faith that they can navigate the Town in his absence. Mr. Eason thanked TPU staff and Town Maintenance workers for all their hard work. He thanked Deputy Town Clerk Kat Galli and Tonopah Historic Mining Park Host and Pool Manager Christy Perry for all their work. Mr. Eason named former employees and thanked them for their work. He thanked all current and former Town Board members.

Tom Seley thanked James Eason for his work. He noted that he will miss his insight and knowledge of local history.

Duane Downing stated that he wants to make it clear that the Nye County personnel had set up an emergency plan/action plan in short notice. He commended them for their work and stated that he thinks there is a light at the end of the tunnel. He thanked Mr. Eason for his work and added that he is close to irreplaceable due to his level of dedication.

Janet Hatch thanked James Eason for his hard work.

Horace Carlyle referred to the letter by the Town of Beatty regarding planning and noted that the matter of planning needs to be watched by the Board. Joni Eastley explained that Beatty has two things confused. She stated that there is the Pahrump Regional Planning District and inside of that District there is a governing board. James Eason added that there was an ordinance change for anything older than 6 years. These houses cannot go into Pahrump right now. Ms. Eastley stated that it has been considered to impose that on the rest of the County.



Horace Carlyle pointed out that the National Nine had paid room tax. He asked whether they had paid the penalties. Chris Mulkerns stated that she did not have the information at this point. Mr. Carlyle inquired whether the Tonopah Motel was exempt. Ms. Mulkerns explained that she believes they are two month behind on their payments.

Horace Carlyle thanked James Eason for his work and asked for his number so he can get his expertise.

15. 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.

16. 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.

17. Discussion, deliberation, and possible decision on labor negotiations, issues and other personnel matters presented in the closed meeting.

No action taken by the Board.

18. Correspondence

Nye County Water District Governing Board Meeting Agenda, August 24, 2015  
E-mail from Chris Mulkerns regarding appraisal of vacant land, August 18, 2015  
E-mail from Chris Mulkerns regarding appraisal and purchase of vacant land,  
August 18, 2015  
Letter from Beatty Town Advisory Board to Darrell Lacy, August 17, 2015  
Nye County BOCC Meeting Agenda, August 18, 2015  
Beatty Town Advisory Board Meeting Agenda, August 24, 2015  
Letter from Chris Mulkerns to Kevin Haskew, August 21, 2015  
TPU Report for the period July 22 through August 26, 2015  
E-mail from Chris Mulkerns regarding appraisal of vacant land, August 20, 2015  
PERS News, Volume I, 2015  
Letter from Chris Mulkerns to Sandy McVey (WKM), August 24, 2015  
Tonopah Room Tax Report for the Month of July 2015, Collected August 2015  
Letter from Chris Mulkerns to Tim Coward (BLM), August 25, 2015  
2015 Tonopah Trail Challenge Results  
Grange Information Flyer  
Free Summer Lunch Program Summary

19. Approval of vouchers for payment.

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

20. Public Comment

Tonopah resident Jeff Galli thanked James Eason for all he has done over the years. He noted that some people might not realize how much Mr. Eason has done and how much knowledge Mr. Eason has on the history of the Town and legal matters. He wished him best of luck.

Tonopah resident Bruce Jabbour thanked James Eason for his work. He noted that he met Mr. Eason 5 years ago when he was in escrow with the Mizpah Hotel. He explained that Mr. Eason wanted to make sure that it was the right thing for him to purchase the hotel and that Mr. Eason wanted to make sure Mr. Jabbour was going to be successful. He noted that he wanted to thank Mr. Eason for all he has done and added that he knows this will be an impact on the Town and community.

James Eason thanked Diane Perchetti of the Convention Center for her work. He noted that the two have a very unique and special relationship.

James Eason thanked Mr. Galli and Mr. Jabbour for their comments. He thanked Debbie Cobb for many great years working together. He thanked Joni Eastley and stressed that he does not have enough words to begin to say thank you and express his gratitude for everything.


21. Adjourn


The meeting adjourned at 9:53 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**  
**AUGUST 26, 2015**  
**TONOPAH CONVENTION CENTER**  
**301 Brougner Avenue, Tonopah, NV 89049**

The Tonopah Library Board of Trustees meeting was called to order August 26, 2015 at 7:42 p.m. by Tom Seley. Also present were Janet Hatch, Horace Carlyle, and Duane Downing. Doug Farinholt was absent. Twenty-eight others were in attendance.

1. Public Comment

None

2. Review and approval of minutes, in context, from the regular meeting held August 12, 2015.

Duane Downing motioned to approve the minutes, in context, from the regular meeting held August 12, 2015. Horace Carlyle seconded. No further discussion. Motion carried 4-0.

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

Acting Librarian Dianne Ryals explained that she had sent Administrative Supervisor Chris Mulkerns a memo this week about purchases and that the Board members had gotten copies of this. She noted that she had updated numbers of what was spent and stressed that it was less than what was anticipated. She stated that everything was going well. Ms. Ryals added that electricians were ready to get started and that preparations were underway so the painters could start their work. She pointed out that everything that was purchased was approved in the budget in March.

Horace Carlyle asked Ms. Ryals to present to the public how the Historical Library will be used. Ms. Ryals explained that it will be turned into a business center and reference center. She noted that there will be a TV and a computer to use for businesses and that the public computers and reference material will be moved into the Historical Library so that there will be more room to expand the children's area. She stressed that she wants to cater to the children and encourage them to use the Library. She noted that there was a special story time on August 3 with 17 children attending. She added that the event raised \$120.00 to be donated to the C.O.W. (Classroom on Wheels) Bus Preschool. Ms. Ryals stated that it was wonderful program and that she hopes to host a program like that again the next year. Chairman Tom Seley emphasized that people probably do not realize what steps the Board has taken to bring the building back to use for the public. Dianne Ryals stressed that the building has a little over 800 square feet and that the Library will have a lot of room to expand.

Tom Seley asked whether there was an update on the purchase of the pot-belly stove. Dianne Ryals noted that it was still at seller Bill Tucker's place as there was no room to store it at the Library. She explained that the stove was going to be used as a decorative item and that Mr. Tucker has donated \$500.00 towards the restoration of the Historical Library. Mr. Seley added that the floor of the Historical Library will be restored and stressed that the Board and staff are trying to return the building to the ambience of the time period when it was first built.

4. Correspondence

Library Discussion Summary, August 17, 2015

5. Approval of vouchers for payment

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

6. Public Comment

None.

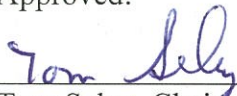
7. Adjourn

The meeting adjourned at 8:00 p.m.

Minutes transcribed by:

  
\_\_\_\_\_  
Kat Galli, Deputy Town Clerk

Approved:

  
\_\_\_\_\_  
Tom Seley, Chairman

  
\_\_\_\_\_  
Janet Hatch, Vice-Chairman

  
\_\_\_\_\_  
Duane Downing, Clerk

  
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Horace Carlyle, Member

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Doug Farinholt, Member