

TONOPAH TOWN BOARD
MEETING MINUTES
JANUARY 27, 2015
Tonopah Convention Center
301 Brougner Avenue, Tonopah, NV 89049

Tonopah Town Board Vice-Chairman Duane Downing called the meeting to order January 27, 2015 at 7:00 p.m. Also present were Tom Seley and Janet Hatch. Doug Farinholt was absent. Eight others were in attendance. Vice-Chairman Downing led in the Pledge of Allegiance.

The Town Board recessed to the Library Board of Trustees at 7:15 p.m. and reconvened as the Town Board at 7:29 p.m.

1. Public Comment

None.

2. Review and approval of minutes. in context. from the regular meeting held December 9, 2015.

Tom Seley motioned to approve the minutes, in context, from the meeting held December 9, 2015. Duane Downing seconded. No further discussion. Motion carried 3-0.

3. Review and approval of minutes. in context. from the regular meeting held January 13, 2016.

Janet Hatch motioned to approve the minutes, in context, from the meeting held January 13, 2016. Tom Seley seconded. No further discussion. Motion carried 3-0.

4. Discussion, deliberation and possible action to approve/deny proceeding with the Javier "Harvey" Gonzalez Memorial Park Monument and authorize the Harvey Memorial Scholarship Walk on Saturday, April 30, 2016.

Town employee Christy Perry explained that she would like approval to order a bronze plaque for the cost of \$1,325, delivery cost included, with a warranty of one year and free lifetime refinishing. She stressed that the plaques are designed to last a lifetime. Joni Eastley and Stretch Baker are working with Dave Fanning to move the bolder to the park. She noted that she would like to have it placed at the horseshoe parking lot, visible from everywhere. The bronze plaque will be mounted onto the bolder. Ms. Perry added that two wooden signs will feature the Park's name and that she is hoping for community members to donate time and material to have these signs made.

Ms. Perry stated that she would like to host a Memorial Walk from Radar Road to the park. Registration for the walk will be around \$20 to \$25 depending on the cost for T-shirts and all proceeds will go to the Harvey Scholarship Fund. She noted that she had already contacted Bruce Jabbour of North Tonopah Development about parking on their property. Ms. Perry stressed that people who do not want to participate in the walk can just come to the Park's dedication and donate to the Harvey Scholarship Fund. Janet Hatch inquired whether the Scholarship Fund was the one of the Elks which Ms. Perry affirmed.

Christy Perry noted that she would like to keep the plaque unrevealed until the dedication. She explained that April 30, 2016 is the first date to have Harvey's family in Town. She added that Duane Downing agreed to do the dedication service and prayer.

Tom Seley asked whether it was possible to take the plaque off the boulder for cleaning. Christy Perry explained that the company will come to the location to take care of it. Administrative Manager Chris Mulkerns noted that this is the same process as with the monument in Barsanti Park.

Tom Seley motioned to approve proceeding with the Javier "Harvey" Gonzalez Memorial Park Monument for a cost of \$1,325 for the plaque to be mounted on the boulder at the park and authorize the Harvey Memorial Scholarship Walk on Saturday, April 30, 2016. Janet Hatch seconded. No further discussion. Motion carried 3-0.

5. Discussion, deliberation and possible decision to authorize and approve Resolution No. 16-01, authorizing the establishment of a special revenue fund to receive funds allocated per the Nye County Sales and Use Tax Act of 2007- Sheriff Department.

Chris Mulkerns explained that, based on discussions Auditor Dan McArthur had with the Department of Taxation, the Town has been asked to set up special revenue funds to accept the money. She added that the Department of Taxation reviewed the resolutions.

Tom Seley inquired whether the money will come directly to the Town or through Nye County. Dan McArthur explained that the State thinks it should go through the County's funds to the Town.

Duane Downing stated that as a Sheriff Department employee, he does not feel it is a conflict to vote on the resolution. But stressed that he will remove himself from this matter after the process.

Tom Seley motioned to authorize and approve Resolution No. 16-01, authorizing the establishment of a special revenue fund to receive funds allocated per the Nye County Sales and Use Tax Act of 2007- Sheriff's Department. Janet Hatch seconded. No further discussion. Motion carried 3-0.

6. Discussion, deliberation and possible decision to authorize and approve Resolution No. 16-02, authorizing the establishment of a special revenue fund to receive funds allocated per the Nye County Sales and Use Tax Act of 2007- Tonopah Fire Department.

Chris Mulkerns noted that the same applies as for the Sheriff Department Fund.

Tom Seley motioned to authorize and approve Resolution No. 16-02, authorizing the establishment of a special revenue fund to receive funds allocated per the Nye County Sales and Use Tax Act of 2007- Tonopah Fire Department. Janet Hatch seconded. No further discussion. Motion carried 3-0.

7. Discussion, deliberation, and possible action to accept the Annual Audit for the Town of Tonopah/Tonopah Public Utilities for Fiscal Year 2014/2015 as presented by Daniel C. McArthur, Ltd., CPA.

Auditor Daniel McArthur stated that he will briefly go over a few pages of the "Report on Financial Statements and Supplementary Information" (see backup).

Page 2: Independent Auditor's Report

Dan McArthur stressed that the financial statements are the responsibility of Town Management and that he is required to issue multiple opinions. Mr. McArthur noted that he is giving the Town/Tonopah Public Utilities (TPU) a clean audit opinion.

Mr. McArthur explained the role of the Governmental Accounting Standards Board (GASB).

Page 13: Statement of Net Position (Assets and Liabilities)

Dan McArthur explained why noncurrent liabilities need to be shown this way and stressed that all local governments need to show liability. He added that these numbers are estimates and might change in the future. Duane Downing asked whether the Town has control over these numbers which Mr. McArthur denied. Mr. McArthur noted that GASB requires these numbers to be in the financial statements. He pointed out that this could change from a liability to an asset in the future. Mr. Downing agreed and emphasized that the organization of NVPERS has changed.

Page 58: Major Fund- TPU Water Enterprise Fund, Comparative Statement of Net Position

Dan McArthur stressed that TPU has a plan to repay the debt.

Page 59: Major Fund- TPU Water Enterprise Fund, Schedule of Revenues, Expenses, and Changes in Net Position

Dan McArthur pointed out Restatement- GASB 68 and stated that TPU has to show it on the books as if it was always there. He noted that most water projects are completed and suggested budgeting at least \$325,000 for depreciation.

Page 62: Major Fund- TPU Sewer Enterprise Fund, Schedule of Revenues, Expenses, and Changes in Net Position

Dan McArthur stated that this should be raised by at least \$60,000 for depreciation. He emphasized that the funds are in good shape as far as TPU is concerned.

Pages 53-54: General Fund

Dan McArthur noted that cash flow has increased due to the fact that the fund balance increases in this fund. He pointed out that the total expenditures are less than half of the fund balance. He stressed that the Town is in a very good financial position, better than most local governments. He pointed out that some money was moved to the capital projects fund the previous year (operating transfers out).

Pages 72-73: Nonmajor- Public Safety Sales Tax Sheriff Special Revenue Fund

Dan McArthur noted that the resolutions that had to be approved at this meeting were due because of the opinion from the Attorney General (AG) from November 12, 2015. He explained that the Town had not accepted the financial statement for the 14/15 Fiscal Year because it was unclear where the funds should be. He added that the Town received an opinion from Terry Rubald of the Department of Taxation indicating that the money was the Town's money and should be in the Town General Fund, not a special revenue fund. The AG's opinion was that the Town Board should authorize expenditure of the money, not the BOCC. The money needs to be separated so it can only be used for its intended purposes, interest has to stay in the account it is earned in.

Dan McArthur pointed out that there was no authorized budget for this fund, but yet there was expenditures. He stressed that the Town Board did not make the decision to spend the money, but Nye County did. There is a budget violation of \$85,007. Mr. McArthur noted that he discussed this with the Department of Taxation and that he is of the opinion that this is not a violation as the Town did not have control over the money that was being spent. Duane Downing inquired what the expense was. Mr. McArthur noted that it was used for Sheriff Department personnel. Chris Mulkerns clarified that it was the Sheriff Department spending that money.

Pages 74-75: Nonmajor- Public Safety Sales Tax Fire Special Revenue Fund

Dan McArthur stated that this is the same as for the Sheriff Fund with the exception that there was no expenditure. He pointed out that the name of the funds will change according to the resolution made at this meeting.

Pages 87-89: Auditor's Comments

Dan McArthur explained that there is a requirement for the auditor to address several different issues inside the audit.

He pointed out that the Public Safety Tax is addressed and that he states that he thinks the Town did not violate law as they had no control of the money.

Dan McArthur noted that he believes this issue will be clearer in the future as there will be requirements on how the money can be spend. He added that the Town should report about the funds on a Town letterhead until they receive an official form on which to report the expenditures.

Duane Downing inquired whether funds can roll over to the following year which Mr. McArthur affirmed. Mr. McArthur stressed that the money cannot be used for anything other than what it is meant for. He noted that if the Sheriff comes before the Town Board and meets all requirements, the Town has no reason to deny the requests.

Daniel McArthur summarized his report by stating that the Town is in great financial shape.

Duane Downing asked how the Town is doing with its OPEB obligation. Mr. McArthur noted that he thinks the Town is in a great position and should be fine.

Tom Seley motioned to accept the Annual Audit for the Town of Tonopah/Tonopah Public Utilities for Fiscal Year 2014/2015 as presented by Daniel C. McArthur, Ltd., CPA. Janet Hatch seconded. No further discussion. Motion carried 3-0.

8. Discussion, deliberation, and possible action to set the date, time and place for the Town of Tonopah/Tonopah Public Utilities Fiscal Year 2016/2017 Budget Workshop(s).

Tom Seley motioned to set the date, time and place for the Town of Tonopah/Tonopah Public Utilities Fiscal Year 2016/2017 Budget Workshops- first Workshop: February 19, 2016 at 8:30 a.m. at the Tonopah Convention Center, second Workshop: March 25, 2016 at 8:30 a.m. at the Tonopah Convention Center. Janet Hatch seconded. No further discussion. Motion carried 3-0.

9. Discussion, deliberation and possible action to set the date, time and location for the first Town Board Meeting in April 2016.

Tom Seley motioned to set the date, time and location for the first Town Board meeting in April for April 12, 2016 at 7 p.m. at the Tonopah Convention Center. Janet Hatch seconded. No further discussion. Motion carried 3-0.

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

Deputy Town Clerk Kat Galli noted that the Town had advertised in the "Big Map" before and that she would like to change some of the pictures used for the advertising. Duane Downing asked whether the size would be the same as the year before which Ms. Galli affirmed. She added that the prices have not changed and is still \$1,345. Mr. Downing inquired whether funding will come out of Room Tax which Ms. Galli affirmed.

Tom Seley motioned to advertise the Town of Tonopah in the "Big Map", covering Western Nevada, Death Valley, and the Eastern Sierra. Advertising to include: the Town, the Tonopah Historic Mining Park, the Convention Center, the Tonopah Library, and Star Trails for a total of \$1,345 to come out of Room Tax Fund. Janet Hatch seconded. No further discussion. Motion carried 3-0.

10. Discussion, deliberation and possible decision to authorize and approve advertisement to bid the Tonopah Memorial Swimming Pool Replaster Project.

Chris Mulkerns noted that the advertisement was slightly changes in the formatting, not the content. She added that she has been in discussions with the company who did it originally and that they have given an estimate. Ms. Mulkerns explained that the funding for this project is available through the Capital Projects Fund. She recommended doing all projects at once instead of having alternate projects and stated that this would cost around \$180,000. Tom Seley emphasized that this is a reasonable investment considering the lifespan of the pool after being replastered.

Tom Seley motioned to authorize and approve advertisement to bid the Tonopah Memorial Swimming Pool Replaster Project. Janet Hatch seconded. No further discussion. Motion carried 3-0.

11. Discussion, deliberation and possible decision to approve Engineering Proposal from Shaw Engineering for ongoing engineering support services regarding West Kirkland Mining- Three Hills/Hasbrouck Water Capacity Study up to an amount not to exceed \$5,000.00.

Administrative Manager Chris Mulkerns refereed to Paul Winkelman's proposal and the commitment letter from West Kirkland Mining (WKM) to pay up to that amount in the backup. She explained that this is stemming from an e-mail from December 21, 2015 in which WKM was asking for clarification on a couple of items in the water study. TPU sent a letter stating that WKM's application had been voided because they did not go forward with it. If TPU was going to go forward with anything, WKM either had to provide a new application or pay engineering and attorney fees. Ms. Mulkerns stressed that WKM asked to be invoiced which TPU did for over \$26,000. She explained that TPU received the check the day before and that the money will go back into the funds it came out of.

Board member Janet Hatch stated that she was confused on the time schedule. Chris Mulkerns clarified that WKM's initial application is voided, Paul Winkelman indicated that he can answer the questions that WKM has. He stressed that if it goes beyond that point, TPU should require WKM to turn in a new application for service.

Tonopah resident and former Board member Horace Carlyle stressed that TPU has worked with legal counsel in the past and that he is alarmed as TPU was cautioned of this. Chris Mulkerns clarified that the attorney signed off on this.

Mr. Carlyle continued to voice concerns. Ms. Mulkerns tried to correct his statements.

Janet Hatch noted that she was concerned about an implied contract and international law and that she wants to make sure that TPU is acting within the guidelines.

Duane Downing asked whether WKM's application for water service has expired which Chris Mulkerns affirmed. She added that TPU sent them the notification in December of 2015.

Janet Hatch asked why TPU is doing work for WKM. Chris Mulkerns explained that TPU is not doing any work for them, the proposal is to have Mr. Winkelman answer questions about the water capacity study that has already been done. Ms. Hatch inquired whether this was a possibility for an implied contract. Ms. Mulkerns stressed that this was the same situation as before when the Town Board approved the scope of work to do the water capacity study even though WKM had not turned in their application at the time either.

Chris Mulkerns emphasized that Town staff does not have an opinion about this matter. She stressed that if the Board does not want to do this this way, staff can let WKM know the Board wants to see a new application for service. Duane Downing noted that he thinks TPU should have an application on file in order to comply with the ordinance.

Tom Seley stated that the question is how many gallons per minute WKM wants. Duane Downing pointed out that TPU needs to know the required peak demand.

Chris Mulkerns explained that if the Board requires an application, TPU has to respond to the application with a utility report signed by the Utility Manager. She asked Tom Seley if he would be willing to be involved like he has been in the past and whether he would want another Board member to be part of the "team". Mr. Seley stated that it would be good if there was a member who had the time to participate. Mr. Downing noted that his schedule will get better soon and that he will have time in the morning.

This item died for lack of a motion.

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

Janet Hatch asked if there was any news on updating the Town/TPU Ordinance. Chris Mulkerns explained that this is still being worked on and moving forward.

Chris Mulkerns referred to Joe Westerlund's utility report in the backup and noted that the final walkthrough for the project will be on February 1, 2016 and that Mr. Winkelman will be attending. She added that the 5th pay request is part of the vouchers tonight and that there will probably be one more.

Chris Mulkerns pointed out that the Board of County Commissioners (BOCC) will appoint a new Town Board member the following Tuesday and also discuss a professional agreement with Renown Health to reopen the local hospital. She noted that it will be an important meeting based on what happened at the meeting of the local finance committee.

Chris Mulkerns stated that she, Kat Galli and Christy Perry will be attending the Rural Roundup April 13th through 15th, 2016.

Chris Mulkerns noted that Christy Perry will be leaving Tonopah this summer. Her job will be posted the following week. Ms. Perry agreed to possibly stay until the end of June so there can be proper training.

Tom Seley inquired whether Creekside Electrical and Sierra Controls will be attending the walkthrough the following week. Chris Mulkerns stated that they will probably be on site, depending on the weather.

14. 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.

15. 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.

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

No action taken by the Board.

17. Correspondence

Death Valley National Park New Release, January 13, 2016
Nye County Water District Governing Board Meeting Agenda, January 25, 2016
Beatty Town Advisory Board Meeting Agenda, January 25, 2016
Letter from Nevada Department of Veterans Services, January 1, 2016
Round Mountain Town Board Meeting Agenda, January 26, 2016
Nye County BOCC Meeting Summary, January 19, 2016

18. Approval of vouchers for payment

The Board reviewed and signed the vouchers. Tom Seley motioned to approve the vouchers as presented for payment. Janet Hatch seconded. No further discussion. Motion carried 3-0.

19. Public Comment

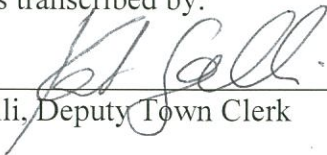
Horace Carlyle stated that all prior drafts By Shaw Engineering answer the questions that WKM might have and that the drafts address all possible scenarios of peak demand. He noted that he had been accused of trying to block the mine. Duane Downing stated that he had not heard anybody complain. Chris Mulkerns agreed. Mr. Carlyle responded that statements were made on Facebook.

Jess Rosner of the NyE Communities Coalition stated that they gave out 140 bags both in November and December and 104 bags in January as part of the "Plentiful Produce" program. He stressed that this required a lot of volunteer hours. He thanked the Town for letting them use the building for the distribution.

20. Adjourn

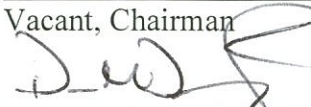
The meeting adjourned at 9:11 p.m.

Minutes transcribed by:




Kat Galli, Deputy Town Clerk

Approved:

Vacant, Chairman


Duane Downing, Vice-Chairman



Tom Seley, Clerk



Janet Hatch, Member

Doug Farinholt, Member



TONOPAH LIBRARY BOARD OF TRUSTEES
MEETING MINUTES
JANUARY 27, 2016
Tonopah Convention Center
301 Brougner Avenue, Tonopah, NV 89049

The Tonopah Library Board of Trustees meeting was called to order on January 27, 2016 at 7:15 p.m. by Chairman Tom Seley Also present were Janet Hatch and Duane Downing. Doug Farinholt was absent. Eight others were in attendance.

1. Public Comment

None.

2. Review and approval of minutes, in context, from the regular meeting held December 9, 2015.

Duane Downing motioned to approve the minutes, in context, from the meeting held December 9, 2015. Janet Hatch seconded. No further discussion. Motion carried 3-0.

3. Review and approval of minutes, in context, from the regular meeting held December 23, 2015.

Duane Downing motioned to approve the minutes, in context, from the meeting held December 23, 2015. Janet Hatch seconded. No further discussion. Motion carried 3-0.

4. Review and approval of minutes, in context, from the regular meeting held January 13, 2016.

Duane Downing motioned to approve the minutes, in context, from the meeting held January 13, 2016. Janet Hatch seconded. No further discussion. Motion carried 3-0.

5. Discussion, deliberation, and possible action to set the date, time and place for the Tonopah Library District Fiscal Year 2016/2017 Budget Workshop(s).

Administrative Manager Chris Mulkerns explained that she will receive the first numbers on February 16, 2016 and the Board could have the first workshop on February 19, 2016. She noted that the first budget workshop usually takes longer and added that the Board will have a new member. Duane Downing stated that the date would suit his schedule as he will be out of Town after that date. He asked whether 8 a.m. at the Convention Center would work. Chris Mulkerns suggested having the second budget workshop on March 25, 2016 after she will receive the abatement numbers.

Duane Downing motioned to set the date, time and place for the Tonopah Library District Fiscal Year 2016/2017 Budget Workshop- first meeting for February 19, 2016 beginning at 8 a.m. at the Tonopah Convention Center, second meeting for March 25, 2016 beginning at 8 a.m. at the Tonopah Convention Center. Janet Hatch seconded. No further discussion. Motion carried 3-0.

6. Discussion, deliberation and possible action to set the date, time and location for the first Library Board Meeting in April 2016.

Deputy Town Clerk Kat Galli explained that she and Chris Mulkerns will not be able to attend the meeting if it is held on the regular meeting date. Ms. Mulkerns added that the two will be attending the Rural Roundup April 13-15, 2016 and that they suggest having the meeting on April 12, 2016.

Duane Downing motioned to set the date, time and location for the first Library Board Meeting in April to April 12, 2016 at 7 p.m. at the Tonopah Convention Center. Janet Hatch seconded. No further discussion. Motion carried 3-0.

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

Chris Mulkerns pointed out that Acting Librarian Diane Ryals had received a letter from the State Historic Preservation Office (SHPO) stating that they allow all requests for changes.

Chris Mulkerns explained that the Town Office had a request from Nye County Accounting for the Board to sign a letter that utility bills can be paid before the actual Board approval in order to avoid shut-offs.

8. Correspondence

Letter from State Historic Preservation Office (SHPO), January 26, 2016

Deputy Town Clerk Kat Galli pointed out a clerical error on the numbering of the agenda.

9. Approval of vouchers for payment

The Board reviewed and signed the vouchers. Duane Downing motioned to approve the vouchers as presented for payment. Janet Hatch seconded. No further discussion. Motion carried 3-0.

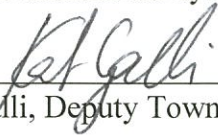
10. Public Comment

None.

11. Adjourn

The meeting adjourned at 7:29 p.m.

Minutes transcribed by:

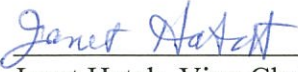


Kat Galli, Deputy Town Clerk

Approved:



Tom Seley, Chairman



Janet Hatch, Vice-Chairman

Duane Downing, Clerk



Vacant, Member

Doug Farinholt, Member