

TONOPAH TOWN BOARD
MEETING MINUTES
DECEMBER 14, 2016
Tonopah Convention Center
301 Brougner Avenue, Tonopah, NV 89049

Tonopah Town Board Chairman Duane Downing called the meeting to order on December 14, 2016 at 7:00 p.m. Also present were Vice-Chairman Tom Seley, Clerk Janet Hatch, and Board Members Jerry Elliston and Don Kaminski. Twelve others were in attendance. Chairman Downing led in the Pledge of Allegiance.

The items were taken out of order to accommodate petitioners.

The Town Board recessed to the Library Board of Trustees at 8:10 p.m. and reconvened as the Town Board at 8:33 p.m.

1. Public Comment

Chairman Duane Downing stated that two Board members are leaving the Board at the end of month and that the Board and Town would like to recognize the dedicated and fantastic service. He stressed that people have no idea how much work goes into being a Board member. He added that members are not compensated.

Chairman Downing presented Board member Janet Hatch with a plaque and noted that she had filled her late husband's position on the Board. He thanked her for her dedication.

Chairman Downing presented Board member Tom Seley with a plaque and noted that Mr. Seley was appointed to the Board. He added that he appreciates his time and service.

2. Review and approval of minutes, in context, from the regular meeting held November 23, 2016.

Tom Seley motioned to approve the minutes, in context, from the regular meeting held November 23, 2016. Janet Hatch seconded. No further discussion. Motion carried 5-0.

4. Discussion, deliberation and possible action to approve proposal from the Tonopah Historic Mining Park Foundation to perform work on the Silver Top Head Frame.

Foundation Trustee Douglas L. "Stretch" Baker explained that the Silver Top is in dire need of repair. He noted that there are issues with the foundation and rotting timbers. He emphasized that the Foundation already raised about \$100,000 and is looking for another \$50,000 to have the head frame repaired. He added that NV 150 has grant money available but the application has to be submitted by the end of the year. Mr. Baker stated that the Foundation is asking for permission to apply for the grant.

Mr. Baker stressed that he will donate his time like he has done in the past to run the crane to make the project happen.

Chairman Duane Downing inquired whether the grant match is \$150,000. Mr. Baker confirmed this and added that the Foundation has received two quotes for around \$300,000.

Vice-Chairman Tom Seley pointed out that this was one of the projects that has already been discussed by the Board previously. He noted that receiving grant funding would be fabulous.

Tom Seley motioned to approve the application for a grant of up to \$150,000 for the stabilization of the Silver Top headframe from NV 150. Jerry Elliston seconded. No further discussion. Motion carried 5-0.

3. Discussion, deliberation and possible action to accept the Annual Audit for the Town of Tonopah/Tonopah Public Utilities for Fiscal Year 2015/2016 as presented by Daniel C. McArthur, Ltd., CPA.

Auditor Daniel McArthur stated that one of his responsibilities is to make sure the Town follows accounting principles that are the same for all accountants and governments to follow across the country. He explained that estimates are sometimes performed such as the estimate for depreciation and the estimate for the retiree insurance. He pointed out that the Town has put money away in advance to cover that cost. He noted that the estimate for the pension is based on a percentage that is determined every two years by the State.

Mr. McArthur stressed that he believes the Town is in a good financial position as they have 2 years' worth of expenditure sitting in the ending fund balance.

Mr. McArthur pointed out that there has been an increase in the room tax revenue over the last several years.

Daniel McArthur clarified that there is public safety sales tax (PST) collections, one for the Fire Department, one for the Sheriff Department. The Town had received an opinion from the Attorney General (AG) that the revenue and expenditures need to be accounted for a little differently. The Town Board therefore created separate funds. He emphasized that there is a budget violation in the audit as there is a negative variance and this is a violation of the law. He explained that for the current fiscal year, this has been corrected as special revenue funds have been created.

Mr. McArthur stated that in order to spend the money from these funds, there is a requirement for the Town Board to authorize the expenditure. Per discussion with management and review of minutes, the expenditure was never authorized for the Sheriff Department and should therefore never have taken place. He added that money was spent in 2015 and 2016 as it was Nye County's interpretation that they did not need to ask the Town Board. He stressed that there should not have been any expenditure in 2016 after the Town and County received the opinion from the AG. He noted that due to personnel cost, the cost automatically came out of 2016.

Chairman Duane Downing explained that two people were hired with the authorization of the Board of County Commissioners (BOCC) at the end of 2014. In November of 2015, those two positions were eliminated because of the problems with this funding. After November of 2015, there were no personnel expenditures. Mr. Downing clarified that one position was for the Smoky Valley area, the other one for Tonopah. Auditor Daniel McArthur questioned whether the funding for the one position should have come out of Tonopah's PST fund. He added that no spending plan has ever been put before the Tonopah Town Board by the Sheriff's Department and he therefore put in his report that the expenditure may be deemed non-compliant. He explained that the law says the money has to be spent on Sheriff Department services. He asked whether the expense should be pushed back to someone else. He noted that one could argue that the expense until November of 2015 when the AG opinion was issued could stay.

Duane Downing noted that part of one position should have come out of the PST funds for Round Mountain. Mr. McArthur agreed.

Board member Jerry Elliston suggested finding out how exactly how the expenditure was accrued. Daniel McArthur clarified that there was nothing charged to Round Mountain by Nye County for any of those positions. He noted that he was under the impression that the officers were shared between Round Mountain and Tonopah. Duane Downing explained that the position could have been funded between Round Mountain and Round Mountain Gold who were willing to donate money to hire the position.

Daniel McArthur summarized that what he is hearing from the Board is that Tonopah is okay with this expenditure if it took place before November of 2015.

Duane Downing noted that the County should have taken a portion out of Round Mountain's PST fund.

Mr. McArthur stated that the Town Board has never approved this expenditure. As far as the financials are concerned, if the statement reflects that there was no expenditure after November 2015, the Town Board will accept the financial statement.

Board member Jerry Elliston asked whether Round Mountain spent any of their money from the PST fund to which Mr. McArthur replied that none of their money was spent.

Daniel McArthur proposed coming back to the next meeting. He will make adjustments and talk to the Round Mountain Town Board and the Sheriff. He stressed that he was not aware of the agreement with Round Mountain Gold.

Board member Don Kaminski asked if the Board agrees to pay both positions if the agreement with Round Mountain Gold did not go through. Duane Downing emphasized that this does not go with how the law allows for the money to be spend. Mr. McArthur pointed out that if the expenditure is the cost for two positions including wage, benefits, etc., then the cost is not bad.

Mr. McArthur noted that the Board cannot accept the audit report tonight as there are still questions. The Board will need to accept it at the next meeting.

Tonopah resident Cindy Kaminski stated that she does not agree with stating that the Town had a violation. Administrative Manager Chris Mulkerns clarified that this is more a matter of how the Town accounted for the money. Daniel McArthur added that the way the statute is written, the money was not spent out of the right fund. He stressed that his findings state that this fund is over budget, but the expense was authorized in the general fund; everything was done to fix this for the current fiscal year.

Daniel McArthur emphasized that the first step for expenditure to take place is for the Sheriff to come before the Town board. As this has never happened, the Town is out of compliance.

Duane Downing praised Town staff for being diligent at attempting to cover OPEB in the future. He noted that the Town has done everything they can do to ensure that benefit is still there for current and future employees. Mr. McArthur noted that the Town has saved up about 30% of the expected cost of \$373,000. He stated that this is great.

This item was tabled.

5. Discussion, deliberation and possible action regarding proposal of an ordinance of the Town of Tonopah, Nye County, Nevada, establishing rules and regulations for the Town Water, Sewer and Reclaimed Water Systems; Including but not limited to provision of minimum standards, requirement for applications for services, rates, billings and payments, collection policies, discontinuance and restoration of services, violations and penalties, and other matters properly relating thereto; Repealing and replacing any and all other ordinances in conflict therewith and other matters relating thereto.

Administrative Manager Chris Mulkerns explained that this is necessary to update the existing ordinance. She noted that this will be discussed at the public hearing. This item is to propose to move forward. She noted that she had a meeting with Nye County administration and the idea is to pull the Town ordinance from the Nye County Code and get the Town Ordinance codified alone.

Don Kaminski proposed an ordinance of the Town of Tonopah, Nye County, Nevada, a bill proposing to establish rules and regulations for the Town Water, Sewer and Reclaimed Water Systems; Including but not limited to provisions of minimum standards, requirement for applications for services, rates, billings and payments, collection policies, discontinuance and restoration of services, violations and penalties, and other matters properly relating thereto; Repealing and replacing any and all other ordinances in conflict therewith and other matters relating thereto.

6. Discussion, deliberation and possible action to approve Notice of Public Hearing to be published per NRS 269.155 regarding proposed ordinance of the Town of Tonopah, Nye County, Nevada, establishing rules and regulations for the Town Water, Sewer and Reclaimed Water Systems; setting date, time and place.

Chris Mulkerns stated that the date was discussed at the public workshop on November 17, 2016 so that attorney Steve Gross can attend. All members and the attorney will be available to attend the public hearing on January 12 at 7 p.m. at the Convention Center.

Don Kaminski motioned to set the time, date and location for the Public Hearing to January 12, 2017 at 7 p.m. at the Tonopah Convention Center to establish rules and regulations for the Town Water, Sewer and Reclaimed Water Systems. Jerry Elliston seconded. No further discussion. Motion carried 5-0.

7. Department Budget Reports

No comments.

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

Utility Manager Joe Westerlund stated that the sewer video on Main Street was completed the previous week. He explained that this is the first step of the relining project so that it can go out to bid for June and July of 2017. Vice-Chairman Tom Seley asked if there were any big surprises. Mr. Westerlund noted that there are several spots where the lines are not coming in level. He added that he needs to find out the cost and ways to fix that before the relining project. There are about 15-20 spots like that.

Mr. Westerlund noted that Harvey Park was prepped for the playground equipment installation. He added that some citizens already inquired as to why there is no equipment anymore. He pointed out that the public has been notified via the Town website and Facebook page. Joe Friel Sports Complex is in the process of deconstruction.

Chris Mulkerns explained that the Santa Crawl brought in about \$975 even though the participation was down from last year. The last two movie nights brought in about \$210 and the Ghost Walk about \$870. She emphasized that event organizer Shari Bombard is doing a great job.

Ms. Mulkerns stated that Best in the Desert Race Organizer Casey Folks had called her because he is planning on doing a "Tonopah 250" race. He will be coming before the Board as he is looking at hosting the event in October. He wants to use the Town parking lots, Convention Center, etc.

Ms. Mulkerns pointed out that Town employee Shari Bombard will be sending a letter to all groups, clubs, etc. to have all events in Tonopah listed on a master calendar so that events can be coordinated and conflicts can be avoided. Mr. Westerlund added that this could lead into great events if groups combine their events.

Ms. Mulkerns stated that the Tonopah Historic Mining Park will be closed December 24th, 25th, and 26th, 2016. She stressed that this was already announced and posted.

Ms. Mulkerns explained that due to the expiration of Janet Hatch's term on December 31, 2016 who served as the Clerk, staff is asking for Deputy Town Clerk Kat Galli to sign the business licenses until a new Clerk is voted on in January. She stressed that the Deputy Town Clerk has signed licenses in the past. The Board members agreed.

Ms. Mulkerns noted that 13 AED batteries need to be replaced and the Town received a quote of about \$13,000. She emphasized that the current batteries had to be replaced every 2 years, the new ones will last 4 years and will have a 10-year warranty. She pointed out that each Department has enough money in the budget to have the batteries replaced.

Ms. Mulkerns stressed that the Town received all grants the Town applied for through TravelNevada.

Jerry Elliston thanked Tom Seley and Janet Hatch for serving on the Board and noted that it was a privilege to work with them.

Janet Hatch noted that she is still hearing complaints about the garbage service in Town. Joe Westerlund stated that Hoss Disposal is trying to rectify the problem.

Ms. Hatch stated that she would like to promote helping or donating to the Salvation Army. She emphasized that the donations collected at this time of the year are helping throughout the entire year. She added that the community has been generous and that Shambra Jones has been working on getting grants. Ms. Hatch pointed out that the donations are staying in Town.

Duane Downing noted that he is noticing a lot of street lights that are out. Chris Mulkerns explained that staff reports all of them to NV Energy. She added that they said they are waiting on a shipment of parts.

Chris Mulkerns stated that there was a huge turnout for Santa and the 8th grade fundraising dinner. She explained that Joe Westerlund suggested drawing numbers as visitors come in so that they can eat dinner while waiting to see Santa.

9. 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.

10. 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.

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

No action taken by the Board.

12. Correspondence

Tonopah Solar Energy, Crescent Dunes Project Annual Compliance Report, November 10, 2016

Room Tax Collections for the Month of October 2016, Collected November 2016

Nye County BOCC Meeting Agenda, December 6, 2016

Town Collections, November 2016

Round Mountain Town Board Meeting Agenda, December 13, 2016

Convention Center Report, November 2016

Letter re: Master Event Calendar, December 12, 2016

Nye County BOCC Meeting Summary, December 6, 2016

Beatty Town Advisory Board Meeting Agenda, December 19, 2016

Overview of awarded grants from TravelNevada, December 2016

Duane Downing noted that he had been contacted about a letter of support for the Rural Desert Southwest Brownsfield Coalition for their grant application.

13. Approval of vouchers for payment

The Board reviewed and signed the vouchers. Tom Seley motioned to approve the vouchers as presented for payment. Jerry Elliston seconded. No further discussion. Motion carried 5-0.

14. Public Comment

Don Kaminski pointed out that the Rocky Mountain Elks Foundations Raffle will be held on Friday at 6 p.m. at the Banc Club. He added that they are giving away two rifles.


Jess Rosner of the NyE Communities Coalition stated that the Festival of Trees raised over \$1,000 to start the Tonopah Disaster Fund. He added that the Coalition hired two new employees. He noted that one position will be working with the youth in Town and he will give the Board more details in the future.

Cindy Kaminski thanked Janet Hatch and Tom Seley for their years of service. She emphasized that it is an unpaid position. She added that it was great having them and that she hopes to still have them involved.

15. Adjourn

The meeting adjourned at 9:14 p.m.

Minutes transcribed by:




Kat Galli, Deputy Town Clerk

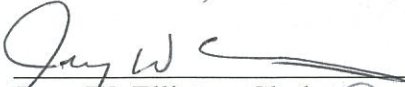
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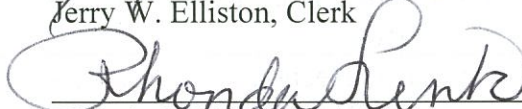
Duane Downing, Chairman



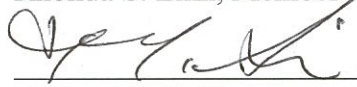
Don Kaminski, Vice-Chairman



Jerry W. Elliston, Clerk



Rhonda S. Link, Member



Michael Sain, Member

TONOPAH LIBRARY BOARD OF TRUSTEES
MEETING MINUTES
DECEMBER 14, 2016
Tonopah Convention Center
301 Brougner Avenue, Tonopah, NV 89049

Tonopah Library Board of Trustees Chairman Tom Seley called the meeting to order on December 14, 2016 at 8:10 p.m. Also present were Vice-Chairman Janet Hatch, Clerk Duane Downing, and Trustees Don Kaminski and Jerry Elliston. Twelve others were in attendance.

1. Public Comment

None.

2. Review and approval of minutes, in context, from the regular meeting held November 23, 2016.

Duane Downing motioned to approve the minutes, in context, from the regular meeting held November 23, 2016. Jerry Elliston seconded. No further discussion. Motion carried 5-0.

3. Discussion, deliberation and possible action to accept the Annual Audit for the Tonopah Library District for Fiscal Year 2015/2016 as presented by Daniel C. McArthur, Ltd., CPA.

Auditor Dan McArthur stated that he is giving the Library District a clean audit opinion. He added that the Library's financial position is looking great, there are no violations or compliance issues.

Mr. McArthur noted that he remembers years ago, when the Library District was dying financially, but now the District has 3 years' worth of expenditure in the ending fund balance.

Duane Downing motioned to accept the Annual Audit for the Tonopah Library District for Fiscal Year 2015/2016 as presented by Daniel C. McArthur, Ltd, CPA. Jerry Elliston seconded. No further discussion. Motion carried 5-0.

4. Discussion, deliberation and possible action to set fee schedule, create information sheet and rental form for the rental of the Historic Library.

Deputy Town Clerk Kat Galli noted that she placed this item on the agenda as a this is needed to rent the Historic Library. She explained that her suggested forms are based on what is currently being used to rent the Tonopah Convention Center. She pointed out that she believes some changes are needed such as equipment charges, deposit amount, etc. Chairman Tom Seley asked what kind of equipment the Library has. Acting Librarian Dianne Ryals stated that there is a TV and computers. She noted that other libraries charge a minimum fee to rent their building and/or equipment if it is not a community event. She stressed that she needs guidelines who to charge.

Clerk Duane Downing noted that he thinks if the TV is in building, there should not be a charge to use it. Ms. Ryals stated that she thinks \$25 is a reasonable fee to use the building for a meeting. She emphasized that other libraries say you cannot have birthday parties or other parties in the Library, only educational type events and/or meetings are allowed. Tom Seley noted that job interviews may be possible. Administrative Manager Chris Mulkerns stressed that the Library is under surveillance and that job interviews cannot be recorded.

Chairman Seley inquired about the deposit fee. Deputy Town Clerk Kat Galli explained that she left the deposit amount the same as what the Convention Center currently charges. She pointed out that the deposit fee covers possible cleanup charges for the big room in the Convention Center. She added that no deposit is charged for the small rooms and that so far there has not been any destruction in the Convention Center that would have had to be covered by the deposit. She emphasized that if there were damages the renter would get a bill. Acting Librarian Dianne pointed out that one has to consider people walking out with books. She stated that she thinks a deposit is needed because of the valuable items in the Historic Library. Duane Downing noted that he thinks it is standard to put a deposit down. Jerry Elliston stated that he believes the deposit amount is high for such a small building.

Chris Mulkerns suggested tabling this item to the first meeting of January for staff to discuss the details before bringing it back to the Board.

This item was tabled.

5. Library Budget Report

No comments.

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

Chris Mulkerns stated that the Library will be closed on Christmas Eve and New Year's Eve.

7. Correspondence

None.

8. Approval of vouchers for payment

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

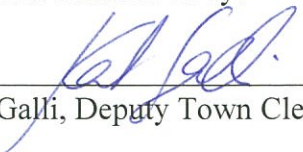
9. Public Comment

None.

10. Adjourn


The meeting adjourned at 8:33 p.m.

Minutes transcribed by:




Kat Galli, Deputy Town Clerk

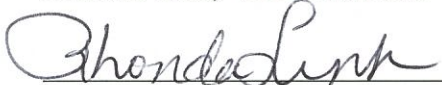
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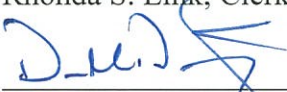
Don Kaminski, Chairman



Michael Sain, Vice-Chairman



Rhonda S. Link, Clerk



Duane Downing, Trustee



Jerry Elliston, Trustee

