

TONOPAH TOWN BOARD  
PUBLIC WORKSHOP MINUTES  
MAY 19, 2017  
Tonopah Convention Center  
301 Brougner Avenue, Tonopah, NV 89049

Tonopah Town Board Chairman Duane Downing called the public workshop to order on May 19, 2017 at 9:00 a.m. Also present were Clerk Jerry Elliston and Board Members Roni Link and Mike Sain. Vice-Chairman Don Kaminski was absent. Five others were in attendance. Chairman Duane Downing led in the Pledge of Allegiance.

1. Public Comment

Duane Downing noted that there is the possibility of a memorial stone dedication at the Tonopah Sheriff's Office over Jim Butler Days weekend. If it will be held that weekend, it will be in the early morning so it does not interfere with events. The memorial stone is for the eight fallen officers in Nye County since 1867.

2. Discussion, deliberation regarding the bill proposing to amend Nye County Code Title 17, Comprehensive Land Use Planning and Zoning, by adding Section 17.04.820 relating to standards for placement of Manufactured Homes within Nye County and compliance with NRS 278.02095.

Sean Harmon noted that he has a statement from Trish Rippie who has been a real estate agent in Tonopah for 39 years. He read the statement into the record (see backup). He added that there are a lot of abandoned old homes that are in bad condition in Tonopah. He emphasized that he believes moving a 15-year-old single-wide trailer into Town will not negatively affect the property values in Tonopah. He stated that he hopes the Town Board will oppose the imposition of this ordinance in the non-zoned areas of Nye County. Mr. Harmon added that the Nye County Commissioners might take the Town Board's opinion into consideration if a letter was sent stating how the Town views the proposed standards.

Clerk Jerry Elliston asked Mr. Harmon if he would want any restriction for the Town of Tonopah or none at all. Mr. Harmon explained that a lot of residents of Tonopah appreciate that there are currently no regulations for Tonopah. He added that he thinks manufactures homes older than from 1980 should not be allowed as these tend to have problems with the electric wiring, etc. He stressed that some lots in Tonopah are only 20 feet wide and that one can only fit a single-wide trailer on these lots. He added that most trailers nowadays are over 900 square feet.

Durk Pearson stated that he and his wife have lived in Tonopah for 26 years. He provided the Board and public with letters from Tom Hurst and Sandy Shakocius who were unable to attend (see backup). Mr. Pearson clarified that when he and his wife moved to Tonopah in 1991, the Town had a population of 12,500 instead of 2,500. He stressed that if a Town has less than 2,500 residents, a lot of services or businesses go away. He pointed out that if the local grocery store had to close, all residents would have to drive 225 miles roundtrip to Bishop, California to get groceries. He emphasized that low-income housing is needed in Tonopah for those residents who provide necessary services

in Tonopah. He stated that 1980 is a decent cut-off day for manufactured homes. He suggested that it be allowed for any electrician to check the necessary hook-ups so that residents do not have to pay for an inspector to come from Pahrump as this would unnecessarily increase the cost.

Mr. Pearson pointed out that he and his wife own multiple lots in Tonopah, but that they are running out of houses that can be rehabbed. He stated that Tonopah is in a much worse situation than the City of Detroit. He clarified that Detroit has 25% unoccupied houses that cannot be repaired while Tonopah has 38%. He emphasized that there is a housing shortage in Tonopah and that he has a waiting list for people who need a house. He noted that a 1980 manufactured home is better than an old house that was in a way that it could pose a hazard if someone lived in it. Mr. Pearson stressed that a newer manufactured home cost upward of \$60,000 and is too expensive for most landlords as residents cannot afford a high rent.

Jerry Elliston noted that he believes that the requirement needs to be that a licensed electrician checks the hook-ups. He stated that there are no licensed electricians in Nye County. He added that propane hook-ups should be checked as well. Durk Pearson clarified that the local propane companies check the hook-ups themselves. Sean Harmon stated that there are usually certifications that can be obtained to do such work. Chairman Duane Downing added that he knows of electricians in Town and said the Town Board should find out what is required for them to be able to do inspections.

Jerry Elliston referred to the overview sheet provided by Administrative Manager Chris Mulkerns showing requirements in other towns and counties such as Wells, Churchill County, etc. and noted that he believes that the Town could add a variance that allows for certain manufactured homes on narrow lots. Durk Pearson pointed out that some lots have odd shapes and that it should be left up to the owner what size manufactured home to move onto the lot. Mr. Elliston explained that he had a lot of discussions about this matter in the last few weeks with residents of Tonopah and that while a lot of them share the same opinion as Mr. Pearson not to have any regulations, there are others who believe that there should be some regulations. He added that this could be decided on a case by case basis. Duane Downing emphasized that these regulations are proposed by Nye County, not the Town of Tonopah. He noted that the Town Board is trying to find the best solution.

Board Member Roni Link noted that her friends live in a fifth wheel on a very well-kept lot and she asked if setting up a fifth wheel would still be allowed under this regulation. Chris Mulkerns clarified that this regulation would only apply to "new installations", not existing structures. She added that the regulation only applies to manufactured homes, not RV's.

Durk Pearson asked the Town Board to not require having a foundation for the manufactured home. This decision should be left to the owner.

Chris Mulkerns pointed out that the current Town Ordinance specifies a lot size of at least 50x80 feet.

Utility Manager Joe Westerlund explained that the Manufactured Housing Division (MHD) requires a safety inspection for all manufactured homes which is currently performed by a local licensed contractor. He added that NV Energy requires homes to be from 1978 or younger in order to turn electricity on to the house. He noted that Tonopah Public Utilities (TPU) will not turn the water on to a house until the house passed the inspection through MHD.

Duane Downing summarized that the public opinion is for Tonopah to have a variance. He noted that the Town Board has to contact the Nye County Board of Commissioners (BOCC) to ask them to exclude Tonopah from the regulations. Joe Westerlund pointed out that there are a few regulations wanted by the Town such as the 1980 limit to make homes safe.

Chris Mulkerns clarified that as the Town currently does not have any regulations, the County and State rules automatically apply. In order for the Town to have rules other than Nye County, the Town Board has to inform the County of what regulations the Town wants. Duane Downing stated that the variance needs to say that the Town of Tonopah requires a manufactured home to be from 1980 or newer.

Jerry Elliston suggested setting a size requirement. Nancy Rippie asked why this is needed. She noted that most newer manufactured homes probably are larger than older homes. Duane Downing proposed the Town set the size of 12x60 feet. Joe Westerlund pointed out that there are "tiny houses". Mr. Downing replied that these are classified as RV's. Mike Sain clarified that some are not RV's as they are installed on the lot. Ms. Rippie questioned why anyone would want to prevent a single-wide trailer to be moved onto a lot. Mr. Downing answered that he believes a single-wide trailer next to one's property decreases the value. Sean Harmon agreed as property values are determined by many factors including the neighborhood. Ms. Rippie noted that she believes this only applies in Pahrump, not Tonopah. Mr. Elliston pointed out that this rule does not apply to mobile home parks. Mr. Downing suggested requiring a square footage of at least 600 for any manufactured home. Mr. Westerlund emphasized that the Town Board can decide this on a case by case basis if someone comes before the Board asking for a variance. Mr. Elliston proposed setting a certain percentage of the lot can only be covered in order to allow parking on the property and for the home not to be right on the property line. Ms. Mulkerns suggested setting how many feet a home has to be away from the property line. Ms. Link stressed that this is important for fire protection. Mr. Pearson added that there are requirements as to how far a propane tank has to be away from the home.

Duane Downing summarized that the requirements for a manufactured home should be:

- It has to be from 1980 or younger.
- It has to be at least 600 square feet.
- It has to be set back a certain distance from the street and property lines.

Mr. Elliston noted that he believes the Board should require an inspection. Ms. Mulkerns stressed that this is a requirement by the State and is already being conducted. Mr. Elliston stated that he would like to see one of those inspection records to see what is being inspected. He added that if the electric and propane companies inspect the hook-ups, the liability would be on them.

Mr. Downing asked if the Board wants to cover rules for “tiny homes”. Mike Sain stated that he does not believe this will be a problem in Tonopah. Mr. Harmon stressed that the Board would first have to define what a tiny home is. Mr. Elliston emphasized that he believes the County should take the lead on this matter as they did with manufactured homes.

3. Discussion and deliberation regarding the bill proposing to amend Nye County Code Title 17, Comprehensive Land Use Planning and Zoning, by adding Chapter 17.12 titled Special Use Permits.

Sean Harmon stated that he believes special use permits are not a good idea for Tonopah. He stressed that Tonopah would probably welcome any new business regardless of how many employees they will have. Adding restrictions for these businesses will possibly cause some to not consider Tonopah as their business location. Mr. Elliston suggested making the rules less restrictive so that a business such as a fast food restaurant would not have to come before the Town Board, but if a business were to do something extremely out of the ordinary, they would have to come before the Board. He added that nobody wants a hog farm next to a park in Town. Mr. Harmon emphasized that this would fall under zoning that Tonopah does not have. Ms. Mulkerns added that there are restrictions in the Town Ordinance as to where farm animals can be housed.

Mr. Harmon noted that he believes the Board is trying to fix a problem that does not exist. He added that this should be discussed if it ever became a problem. He pointed out that the Board is speculating as to what potential problems might be. Ms. Mulkerns emphasized that the authority currently lies with the BOCC, the Town Board can express their opinion, but the BOCC does not have to follow the direction of the Town Board.

Mr. Downing pointed out that he feels this regulation is detrimental to the Town of Tonopah and that he welcomes any business that is willing to come to Tonopah. He emphasized that there are rules in place to prevent certain things from happening and that he thinks the Town Board should tell the BOCC that this should not apply to the Town of Tonopah. Ms. Link agreed.

Joe Westerlund emphasized that a lot of business owners do not realize there are rules in place already such as fire protection or “call before you dig”. He added that some business owners are surprised when they find out that they do have to follow the State rules in Tonopah. Mike Sain stressed that some people do not care what the rules or ordinances are until they get caught violating them.

Mr. Elliston stated that he believes it is not a bad thing to have some regulations in place and to voice the Town's opinion to the BOCC. Mr. Harmon pointed out that the problem is that BOCC does not have to listen to the Town Board. Durk Pearson emphasized that the higher the uncertainty, the less likely someone is to undertake an enterprise. He added that he believes this is not needed as Tonopah has existed for 117 years just fine without it. Mr. Harmon noted that he opposes these regulations as he believes once some regulations are set, they usually become more and more restrictive.

Chris Mulkerns explained that this ordinance is currently in place for the Pahrump Regional Planning District and that the County is suggesting to apply this to all of Nye County. She pointed out that if this goes through the public hearing process without opposition, it will apply to all of Nye County. Roni Link asked if it is a possibility to add language that this only applies to communities with a certain number of residents.

Durk Pearson stated that he feels the reason for implementing these regulations for the entire County is that the County needs to collect more revenue as there is not enough growth in Pahrump to cover the cost for the personnel in the Planning Department. He added that if the Town Board allows these regulations to be implemented, there will be others to follow. He emphasized that these regulations will cost businesses and cause delays for them. He stressed that this will be economically damaging to Tonopah and that the Town Board should ask the BOCC to exempt Tonopah from these regulations. Roni Link agreed.

4. Discussion and deliberation regarding the form of Use and Maintenance Agreement, specifically Section 17-Insurance.

Chris Mulkerns explained that the backup provides guidelines from the Town insurer POOL/PACT (Nevada Public Agency Insurance Pool) listing how much liability insurance should be required for what kind of event. She emphasized that she does not know why they no longer recommend a \$3 million liability insurance. She pointed out that \$1 million would cover everything other than high risk events such as a rodeo. He stated that rodeo organizer Manuel Souza has a \$5 million liability insurance anyway. Ms. Mulkerns clarified that it is the Board's decision how much coverage they want to require. Duane Downing asked what the current requirement is. Ms. Mulkerns stated that it is \$3 million. She explained that a lot of local organizations have voiced concerns about this requirement as the cost for this coverage is substantially higher than for a \$1 million coverage.

Sean Harmon asked what happens if somebody dropped the insurance from \$1 million to \$300,000 and the lawsuit was for half a million dollars. Ms. Mulkerns clarified that the Town will require a waiver to be signed, per POOL/PACT recommendation. Mr. Harmon voiced concerns about dropping the insurance limit as lawyer fees and medical bills are usually high. Durk Pearson agreed and noted that he believes requiring a \$3 million liability insurance is good for the Town. He added that the Town does not want to discourage people from using the parks for events such as a family reunion due to requirements. Ms. Mulkerns clarified that the requirements only apply to organized

events, not family reunions, etc. She added that the Town's insurance is for \$10 million and will cover everything. Requiring insurance from the organizer gives additional coverage to the event. Mr. Pearson asked if hosting an art exhibit at the Convention Center would require insurance from the organizer which Ms. Mulkerns denied. Mr. Elliston pointed out that the list from POOL/PACT does list events such as a family reunion or art shows as examples. Ms. Mulkerns explained that these events are covered under the Town's insurance. When requiring insurance from an organized event, it means that the event insurance would have to pay first in case of an incident, not the Town insurance. Mr. Downing emphasized that this requirement protects the Town as these events take place on Town property.

Ms. Mulkerns noted that that this matter will be on the next regular agenda for the Board to decide what the requirements should be. She added that POOL/PACT recommends requiring at least \$ 1 million liability insurance and requiring more for special events. She pointed out that the Board could choose to go lower than \$ 1 million.

Mr. Elliston asked how this requirement would be worded in the Use and Maintenance Agreement. Ms. Mulkerns suggested using the POOL/PACT chart as a reference while making the decision.

5. Public Comment

Sean Harmon stated that he appreciates what the Town Board is doing. Durk Pearson agreed. Jerry Elliston noted that he appreciates their input.

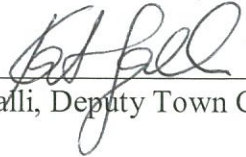
Mr. Harmon noted that construction for additional solar plants might take place over the next few years. He asked if the Board will be addressing housing issues. He pointed out that there used to be an active housing community by the airport. Mr. Elliston inquired whether it has been announced where the plants will be build. Chris Mulkerns clarified that it has only been announced that they will be built in Nye County. Mike Sain stated that these kinds of projects are not started without federal support. He questioned that the current administration will support solar energy projects. Mr. Elliston replied that when an open house was held at the current solar plant, they announced that future plants would not be federally funded, but private industry. Mr. Pearson noted that this would mean they could build regardless of the administration. Roni Link added that there is the possibility for a project at the airport as well.

Roni Link asked whether there are meetings regarding the highway. Joe Westerlund clarified that there have not been any meetings yet. Ms. Link pointed out that the project is supposed to start in 2019 and take the highway from four lanes down to three. Duane Downing stated that the Board has discussed this matter before and has decided to meet with the State.

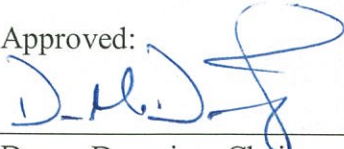
6. Adjourn

The meeting adjourned at 10:28 a.m.

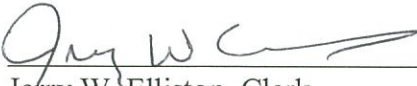
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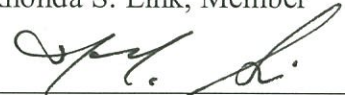
  
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Kat Galli, Deputy Town Clerk

Approved:

  
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Duane Downing, Chairman

  
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Don Kaminski, Vice-Chairman

  
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Jeffrey W. Elliston, Clerk

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Rhonda S. Link, Member  
  
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Michael Sain, Member

