

TONOPAH TOWN BOARD
MEETING MINUTES
MAY 9, 2018
Tonopah Convention Center
301 Brougner Avenue, Tonopah, NV 89049

Tonopah Town Board Chairman Duane Downing called the meeting to order on May 9, 2018 at 6:01 p.m. Also present were Vice-Chairman Don Kaminski, Clerk Jerry Elliston, and Board Members Roni Link and Mike Sain. Fourteen others were in attendance. Chairman Duane Downing led in the Pledge of Allegiance.

The Town Board recessed to the Library Board of Trustees at 7:29 p.m. and reconvened as the Town Board at 7:38 p.m.

1. Public Comment

Horace Carlyle noted that what the Town Board is dealing with is complicated. He wished them good luck on understanding the law and NRS.

Sheriff Wehrly passed out information to the Town Board and public (see correspondence) including the rebuttal to the statements made by Jim Marsh in the local newspaper the prior year regarding Jim Butler Days. The Sheriff explained the comparison of citations and traffic stops statistics for 2016 and 2017 and explained to the Board what the Sheriff's Office's plans are for 2018. Patrol Officer James McRae added that the Sheriff's Office did an operations plan for this year's festivities. He stressed that they will be using Tonopah staff this year. Sheriff Wehrly emphasized that the Board can contact her if they have any questions.

Joni Eastley noted that there were six Rotarians in the room and that Rotary had sent a letter to the Sheriff in 2017 regarding this matter to which the Sheriff had replied that she will meet with the Rotary Club. Ms. Eastley asked if the Sheriff was still planning on doing that. Sheriff Wehrly replied that she did not realize the letter was sent by Rotary, not the Town Board.

2. Announcements

Administrative Manager Chris Mulkerns pointed out that Hoss Disposal has a new local number.

Ms. Mulkerns explained that the pictures displayed in the meeting room are a traveling exhibit from the Nevada Arts Council that will be on display until August. She added that staff hopes to have more traveling exhibits in the future.

Ms. Mulkerns reminded everyone that the next Board meeting will be held at 4 p.m.

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

Vice-Chairman Don Kaminski congratulated Deputy Town Clerk Kat Galli and Tourism/Events Coordinator Shari Bombard for passing the grant writing class. He thanked them for what they do and bringing in hundreds of thousands of dollars. He added that the Town could not do a lot of the things they without this grant funding.

4. Review and approval of minutes, in context, from the regular meeting held April 25, 2018.

This item was tabled.

5. Discussion, deliberation and possible action to approve the use of the Joe Friel Sports Complex for the 2018 Coed Softball League.

Richelle Graf noted that the League would like to use Joe Friel Sports Complex like the year before. She noted that she and her husband took over the organization as Melissa Godfrey is pregnant and cannot do it this year. Ms. Graf presented the Board with the waiver they will have every participant sign and a copy of last year's insurance certificate. She noted that this year's certificate will be the same.

Chairman Duane Downing asked when they are starting. Ms. Graf clarified that they will start at the end of June after Little League is done. Deputy Town Clerk Kat Galli noted that they can start while Little League is still practicing as long as they coordinate their practices. Vice-Chairman Don Kaminski noted that the Town does not charge the League. Ms. Galli asked the Board to set the insurance limit so that she can add it to the agreement. Administrative Manager Chris Mulkerns noted that it should be the same requirement as last year which was \$1 million.

Board Member Roni Link asked if Ms. Graf will be posting the schedule for games. Ms. Graf replied that she can post it on social media.

Don Kaminski motioned to approve the use of the Joe Friel Sports Complex for the 2018 Coed Softball League, pursuant to the League obtaining the \$1 million liability insurance certificate, at no charge. Roni Link seconded. No further discussions. Motion carried 5-0.

6. Discussion, deliberation and possible action to authorize the request of 5/8ths of 1% Room Tax Grant Funds, Fiscal Year 2017/2018, in the amount of \$4,000.00 from the Jim Butler Days Committee to advertise and promote the 2018 Jim Butler Days events to be held May 21-28, 2018.

Joe Westerlund noted that he will be presenting on behalf of the Jim Butler Days Committee. He pointed out that the Committee combined their advertising efforts with the Rotary Club of Tonopah this year to advertise all events. Chairman Duane Downing noted that this makes it a lot more efficient. Board Member Mike Sain asked where the events will be advertised. Mr. Westerlund clarified that there will be radio advertising on KIBS, a large ad in the newspaper for two weeks, and the schedule will be printed in the newspaper as well.

Jerry Elliston motioned to authorize the request of 5/8ths of 1% Room Tax Grant Funds, Fiscal Year 2017/2018, in the amount of \$4,000.00 from the Jim Butler Days Committee to advertise and promote the 2018 Jim Butler Days events to be held May 21-28, 2018. Mike Sain seconded. No further discussion. Motion carried 5-0.

7. Discussion, deliberation and possible action to authorize the request of 5/8ths of 1% Room Tax Grant Funds, Fiscal Year 2017/2018, in the amount of \$4,020.77 from Bob Perchetti to advertise and promote the 2018 Nevada State Mining Championships to be held May 26-28, 2018.

Joni Eastley stated that she will be presenting this item as Bob Perchetti could not be present. She noted that the request is very straightforward. She pointed out that the big difference this year is that Grange is taking over the children's events. She added that Dacoda Blackburn has already been before the Town Board. Ms. Eastley explained that she hopes that they can "grow the future generations" for the mucking and drilling events.

Don Kaminski motioned to authorize the request of 5/8ths of 1% Room Tax Grant Funds, Fiscal Year 2017/2018, in the amount of \$4,020.77 from Bob Perchetti to advertise and promote the 2018 Nevada State Mining Championships to be held May 26-28, 2018. Mike Sain seconded. No further discussion. Motion carried 5-0.

Timed Item: Show Cause Hearing for Delinquent Transient Lodging Business License Tax owed by National Nine, pursuant to TTO 22.04.400.

Administrative Manager Chris Mulkerns noted that the owners of the hotel are not present. She added that the Deputy Town Clerk provided e-mails that were sent by the owner that they would make a payment, but the Treasurer's Office had not received anything by 5 p.m. Chairman Duane Downing noted that the e-mails were confusing and did not address the problem. Clerk Jerry Elliston asked how recently the e-mails were sent. Ms. Mulkerns clarified that it was sent the previous Friday. Durk Person asked how many months they owe. Deputy Town Clerk Kat Galli noted that she recalls that they owe for almost all of 2017 and two months of 2018.

Ms. Mulkerns explained that the ordinance allows for the Board to:

1. Continue the hearing until the next meeting,
2. Dismiss the order of show cause,
3. Revoke the business license until a certain time, or
4. Revoke the business license.

Chairman Duane Downing asked what staff is recommending. Vice-Chairman Don Kaminski inquired whether staff thinks they will make the payment if they are given more time. Ms. Mulkerns replied that she is unsure. She added that she thinks that if the Board decides to revoke the business license, the Town should put a lien against the property.

Board Member Mike Sain asked if they are currently open. Ms. Mulkerns clarified that the current owner is trying to sell the hotel. Clerk Jerry Elliston inquired if there is a way for the Town to enforce shutting them down. Ms. Mulkerns replied that she will contact the District Attorney's Office to get more information.

Horace Carlyle stated that he believes the best solution for the Town is to put a lien against the property so that the Town is secured, even if the property is sold.

Durk Pearson suggested the Town file a lis pendens with the Recorder's Office and a lien. He explained that this notifies a potential buyer that there is money owed. He emphasized that it appears they have not been paying for a long time. Chairman Downing asked how much they owe to which Ms. Mulkerns replied that she does not know as they have not been filing the required paperwork.

Joni Eastley pointed out that the Town Board can revoke the business license as the new owners would have to apply for their own license. Durk Pearson added that any buyer can pay the owing taxes. Ms. Eastley emphasized that the problem is that they are not reporting their income so the Town does not know what is owed. Mr. Pearson suggested having their tax records subpoenaed.

Vice-Chairman Kaminski asked what the status was about the other property they own, the Tonopah Motel. Ms. Mulkerns noted that she assumes the Treasurer will send a similar letter. Deputy Town Clerk Kat Galli pointed out that that property was under two owners and both owe room tax.

Chairman Downing stated that he thinks the Town Board should revoke the business license. He stressed that the owner did not even show up for the hearing.

Don Kaminski motioned, for the show cause hearing for delinquent transient business license taxes owed by National Nine pursuant to TTO 22.04.400, to take the following actions: revoke the business license, place a lien on the property for outstanding money that is owed to the Town, and file a lis pendens against the property. Jerry Elliston seconded. Duane Downing asked if the Board has to find them in delinquency. Chris Mulkerns explained that this action will be served to them in a letter tomorrow. No further discussion. Motion carried 5-0.

8. Presentation of the Tonopah Tourism Marketing Strategy 2017/2018.

This item was tabled.

9. Discussion, deliberation and possible action regarding upcoming Nye County Board of County Commissioners Public Hearing on Nye County Bill No. 2018-03: A Bill proposing to amend Nye County Code Title 17, Comprehensive Land Use Planning and Zoning, by adding Chapter 17.12 entitled Special Use Permits, which is scheduled for June 5, 2018 at 11 a.m. in Tonopah.

Durk Pearson noted that he has a few comments on the proposed special use permits (SUP). He stated that if you look at the details, you need a SUP for about everything you do. He emphasized that this allows tremendous unchecked discretion by bureaucracy and that there is a lot of vague stuff. He asked how much the cost of a permit would be and how long it would take to obtain one. He stressed that he knows of problems in Pahrump where permits for a fourplex were going to total \$40,000.

Horace Carlyle stated that the question is how the Town is going to respond to this proposed bill. He asked whether the Town Board will appear before the Board of County Commissioners (BOCC). He added that he has a feeling this is a done deal and Nye County wants the extra money.

Nye County Commissioners Lorinda Wichman emphasized that this is “not a done deal”. She explained that this item was placed on the BOCC agenda due to an issue in Beatty. Commissioner Wichman introduced the new Planning Department Director Brett Waggoner. She emphasized that this bill was in the works before he got the job. She stressed that unless there is a big change of heart from the Towns, she will do everything she can against implementing this bill. She added that neither she nor Mr. Waggoner are the ones pushing for this.

Brett Waggoner introduced himself and stated that he has been in Nye County a long time, but only working for Nye County for five months. He explained that SUP is a tool used in Pahrump. The rules for Pahrump are quite a bit stricter than what is being proposed for the rest of Nye County. He clarified that SUP usually apply for gaming or marijuana facilities. He noted that he has read all the letters from the Towns and understands the concerns. Mr. Waggoner added that he was involved in finalizing this draft as a tool to protect the residents and tried to limit it to larger scale businesses. Mr. Pearson voiced concerns and emphasized that he thinks this is not good for economic development in Tonopah. Commissioner Wichman stressed that there are certain laws in the State of Nevada that have to be followed whether the County has regulations or not. Mr. Waggoner added that there are building codes enforced by the State. Mr. Pearson argued that the County should leave it up to the State to check whether the codes and regulations are followed.

Mr. Waggoner noted that the cost is the SUP application fee. The cost only changes for marijuana facilities. He added that the department typically sets a 65-day timeframe on processing an application due to having to place an item on the BOCC agenda. He pointed out that the department will always try to process applications faster. The average time is about 45 days.

Vice-Chairman Kaminski asked if the SUPS’s only apply to new businesses which Mr. Waggoner confirmed. Mr. Waggoner clarified that the SUP’s are only supposed to apply to larger businesses when not addressed in the NRS or other rules.

Utility Manager Joe Westerlund asked if there will be a planning department staff member in Tonopah again. Mr. Waggoner stated that he would like to have one and that there is the possibility to have meetings with the Pahrump staff via videoconference.

Horace Carlyle pointed out that this could be beneficial if done right and that he is not completely against it.

Don Kaminski motioned to oppose Nye County Board of County Commissioners Public Hearing on Nye County Bill No. 2018-03: A Bill proposing to amend Nye County Code Title 17, Comprehensive Land Use Planning and Zoning, by adding Chapter 17.12 entitled Special Use Permits, which is scheduled for June 5, 2018 at 11 a.m. in Tonopah. Mike Sain seconded. No further discussion. Motion carried 4-1.

10. Discussion, deliberation and possible action to approve a request to Nye County Road Department/Public Works regarding a road work schedule for Nye County Roads in need of repair located in Tonopah.

Administrative Manager Chris Mulkerns noted that staff had a phone call from Stretch Baker of the Public Works Department who will meet with Town staff to establish a list of all the problem areas for submission to Pahrump.

11. Discussion, deliberation and possible action regarding a request to: 1) Set a date, time and location for a Public Hearing on Bill No. TTO 18-01, a bill proposing to amend Nye County Code Title 22, Tonopah, by adding Section 22.30 titled Marijuana Regulations, relating to the unlawful use of marijuana; and providing for the severability, constitutionality and effective date thereof; and other matters properly relating thereto; and 2) Read the title of the bill into the record.

Chairman Duane Downing explained that he had this item placed on the agenda as the NRS leaves a loophole for public use of marijuana. This ordinance would close those loopholes. He added that the use would only be legal in your private home or yard, not in a hotel.

Durk Pearson noted that he agrees with it but would like to suggest a few changes. He proposed excluding BLM land as the Township is large and smoking 10 miles outside of Town would not hurt anyone. He also suggested making it an infraction, not a misdemeanor. Administrative Manager Chris Mulkerns clarified that it is a misdemeanor per NRS. Chairman Downing explained that it is illegal to smoke marijuana on public land and that he does not want any misunderstandings that the Town is allowing the use on BLM land.

Don Kaminski motioned to set a date, time and location for a Public Hearing on Bill No. TTO 18-01, a bill proposing to amend Nye County Code Title 22, Tonopah, by adding Section 22.30 titled Marijuana Regulations, relating to the unlawful use of marijuana; and providing for the severability, constitutionality and effective date thereof; and other matters properly relating thereto to be June 13, 2018 at 6:10 p.m. at the Tonopah Convention Center. Mike Sain seconded. No further discussion. Motion carried 5-0.

12. Discussion, deliberation and possible action on Department Budget Reports.

No questions or comments

13. Correspondence

Nye County Board of County Commissioners Meeting Summary, April 17, 2018

E-mail from Bill Stremmel re: I-11 Reverse-Bifurcation, April 23, 2018

Letter from Tom Dahl, Nye County Public Works, to NDOT, April 30, 2018

Nye County Board of County Commissioners Meeting Agenda, April 30, 2018

Nye County Board of County Commissioners Meeting Agenda, May 1, 2018

Nye County Board of County Commissioners, Agenda Item Backup for Item 38, April 17, 2018

NyE Communities Coalition Tonopah Newsletter, May 2018

Beatty Town Advisory Board Workshop Agenda, May 14, 2018
Tonopah Room Tax Report for the Month of March 2018, Collected April 2018
Round Mountain Town Board Meeting Agenda, May 8, 2018
Nye County Board of County Commissioners Meeting Summary, April 30, 2018 and
May 1, 2018
Beatty Town Advisory Board Meeting Agenda, May 14, 2018
Nevada Division of environmental protection: Notice of Findings and Order No. 2018-
16, April 26, 2018
Backup provided by Sheriff Wehrly: Rebuttal Letter from Sergeant Downing, 2016/2017
Citations/ Traffic Stops- Jim Butler Days, Assignment List 2018

Duane Downing asked if the Town had received any correspondence from Hoss Disposal. Chris Mulkerns noted that the Town has received the insurance certificate and verbal confirmation of a performance bond. She noted that the Town is waiting to receive all documents and the plan of action. An item will be placed on the next agenda. Don Kaminski asked if the Town has been receiving any complaints. Ms. Mulkerns noted that the truck is down and that they have not picked up the trash for TPU for two weeks.

14. Approval of vouchers for payment.

Chris Mulkerns noted that the Town was reimbursed by POOL/PACT for the VFD issues at the well field.

The Board reviewed and signed the vouchers. Don Kaminski motioned to approve the vouchers as presented for payment. Roni Link seconded. No further discussion. Motion carried 5-0.

15. Announcements

Roni Link noted that the Northern Nye County Hospital District is having a logo contest and has been receiving some entries already.

16. Public Comment

Sheriff Wehrly asked the Board if there is a drug pickup program in Tonopah. Chairman Downing noted that the Sheriff's Office has one. Chris Mulkerns suggested to ask the local NyE Communities Coalition staff member Jess Rosner. Sheriff Wehrly explained that she would like to expand the current program but does not want to be in competition with any other local organizations.

17. Adjourn

The meeting adjourned at 7:49 p.m.

Minutes transcribed by:

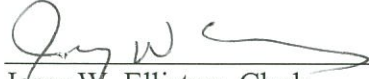
Kat Galli, Deputy Town Clerk

Approved:


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
MAY 9, 2018
Tonopah Convention Center
301 Brougner Avenue, Tonopah, NV 89049

Tonopah Library Board of Trustees Chairman Don Kaminski called the meeting to order on May 9, 2018 at 7:29 p.m. Also present were Vice-Chairman Mike Sain, Clerk Roni Link, and Trustees Duane Downing and Jerry Elliston. Fourteen others were in attendance.

1. Public Comment

None.

2. Announcements

None.

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

Acting Librarian Dianne Ryals noted that she attended the Library conference and got lots of good ideas about what libraries should be like in the future. She added that she found blueprints and renderings from 1997 before the building was built. She suggested the Board set up a workshop to discuss ideas for the Library expansion. Ms. Ryals added that she spoke to the architect from Aptus who will most likely visit at the end of May.

Administrative Manager Chris Mulkerns stated that she received a phone call from BEC Environmental that phase 2 of the environmental assessment for the building on the property next to the Library will happen soon.

Ms. Ryals pointed out that the plans she found were for a two-story building which would allow for additional parking on the adjacent property.

Chairman Don Kaminski asked if the gutters and fence have been ordered yet. Ms. Ryals clarified that staff did not want to make any changes on the property only to tear them down again if alterations are made.

4. Review and approval of minutes, in context, from the regular meeting held April 25, 2018.

This item was tabled.

5. Discussion, deliberation and possible action on the Library Budget Report.

No questions or comments.

6. Correspondence

None.

7. Approval of vouchers for payment.

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

8. Announcements

None.

9. Public Comment

None.

10. Adjourn

The meeting adjourned at 7:38 p.m.

Minutes transcribed by:

Kat Galli, Deputy Town Clerk

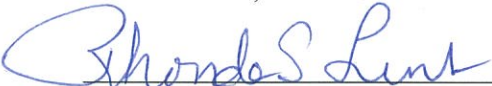
Approved:



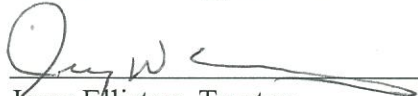
Don Kaminski, Chairman



Michael Sain, Vice-Chairman



Rhonda S. Link, Clerk

Duane Downing, Trustee


Jerry Elliston, Trustee