

TONOPAH TOWN BOARD
MEETING MINUTES
JULY 11, 2018
Tonopah Convention Center
301 Brougner Avenue, Tonopah, NV 89049

Tonopah Town Board Vice-Chairman Don Kaminski called the meeting to order on July 11, 2018 at 6:00 p.m. Also present were Clerk Jerry Elliston and Board Members Roni Link and Mike Sain. Chairman Duane Downing was absent. Eleven others were in attendance. Vice-Chairman Don Kaminski led in the Pledge of Allegiance.

The Town Board recessed to the Library Board of Trustees at 7:21 p.m. and reconvened as the Town Board at 7:25 p.m.

1. Public Comment

Horace Carlyle noted that he is concerned about the Board and what they know and do not know. He said that he saw some activity at the old Midway Gold site and that the rumor is that Tonopah still opposes it. He stated that the Town had extensive negotiations with Midway Gold. He stressed that the only reason TPU does not have to treat their water supply for nitrates or arsenic is due to Midway Gold. He added that Midway Gold gave the Town right-of-ways for five miles and allowed TPU to develop Wells 9 and 10. He encouraged the Board to be part of the negotiations.

Becky Braska noted that she has a get-well card at the TPU Office for the public to sign until July 18th.

Ms. Braska stated that she has tickets for the rodeo for sale at the TPU Office.

Jess Rosner of the NyE Communities Coalition provided multiple flyers to the Board and public in attendance (see correspondence).

Roni Link stated that she attended the Coalition's meeting and heard about a free training about how to administer an overdose drug (see correspondence). The training will include what symptoms are a sign of an opioid overdose. She added that she met with the home healthcare service staff which will take a lot of pressure off the EMS volunteers as people can be seen at home.

Becky Braska noted that the Town is hosting a blood drive on July 26th.

Mike Sain said that he heard the bus service between Reno and Las Vegas is being canceled.

Don Kaminski asked for a moment of silence for Chairman Duane Downing.

2. Announcements

None.

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

None.

4. Review and approval of minutes, in context, from the regular meeting held June 27, 2018.

This item was tabled.

5. Discussion, deliberation and possible action to send a letter of support to the Tonopah PTA to move forward with their plan to better the safety of Tonopah students by making Tonopah a K-12 School.

Kristy LaBelle of the Tonopah PTA asked the Town Board Members if they had any questions about the backup that was provided by the PTA.

Clerk Jerry Elliston asked if it is the PTA recommending a K-12 school for Tonopah which Ms. LaBelle confirmed. She added that the PTA plans to attend the School District meetings in July and August, as well as every meeting throughout the school year, until the District takes action.

Mr. Elliston noted that the backup states that the PTA suggests to combine the Middle and High School. Ms. LaBelle clarified that this is a temporary solution until the District builds a new school. She pointed out that it could be years until this happens. She emphasized that the PTA has worked with the principal on this plan. She clarified that the Middle and High School would have their own wings and would be on different bell schedules.

Board Member Roni Link asked if the PTA has checked into using Silver Rim again. Ms. LaBelle answered that it is difficult to get information from the School District on this matter.

Ms. Link inquired whether this plan is a result of the lack of ADA compliance at the current Middle School. Ms. LaBelle replied that this suggestion is due to many complaints that parents have brought forward. She pointed out that the PTA has pulled all their information from District meeting minutes. She stressed that the current campus is not safe as it is open for anyone to access. She added that there was a bomb threat before summer break during which the Middle School and office were on lockdown, but the Elementary School children were on the playground and parents were walking on and off campus.

Mr. Elliston asked if the PTA had a sample letter. Ms. LaBelle replied that they do not have a sample letter of support but can prepare one for the next Town Board meeting.

Ms. LaBelle noted that another program the PTA would like to implement is the “Watch D.O.G.S.” (Dads of Great Students). She explained that fathers are typically less involved at the school. Ms. Link asked if someone from the community could volunteer for this program even if they do not have children in school. Ms. LaBelle noted that the PTA would pay for fingerprinting, shirts, etc.

Jerry Elliston motioned that the Town Board offers support to the Tonopah PTA to continue research and develop options to bring to the community for improvements of the School District. Roni Link seconded. Deputy Town Clerk Kat Galli noted that she will provide Ms. LaBelle with a transcript of the motion. No further discussion. Motion carried 4-0.

6. Discussion and deliberation on North Tonopah Development’s request to discuss the delay in approving one (1) ERU water and sewer hookup.

Tom Smith, Michael Lach, and Bruce Jabbour introduced themselves.

Mr. Smith explained that North Tonopah Development (NTD) applied for a water and sewer connection for one ERU (Equivalent Residential Unit) on June 12, 2018 for a new production facility. He noted that they only have about one household need of water. He added that when they delivered the application they were informed that TPU would possibly need the maximum 30 days for the review of the application as they would have to send it to the engineer. He stated that on June 21st they received a letter from TPU that they needed more than the maximum 30 days as TPU needed to have a review by the State Fire Marshal to look at fire code compliance. Mr. Smith asked if the extended review is something normal for the Town of Tonopah and why the fire marshal is involved at this level. He stated that the fire code compliance is a process they have to go through and does not require TPU’s authorization or inspection. He added that he feels that they are put at double jeopardy as their application is being delayed due to a fire code review that is not even in the mandate of TPU. Mr. Smith noted that Utility Manager Joe Westerlund met with them prior to giving them the letter and informed them that it has been decided that they were not going to allow anymore development where their housing facility is currently located. Mr. Smith stated that when they asked who made that decision, Mr. Westerlund replied that it was an internal decision. Mr. Smith stressed that this was the first time they heard of this and that they would like to understand if that is a Town policy and whether it has been discussed. He pointed out that it was not discussed with them. Mr. Smith emphasized that today is the 30th day since they submitted their water & sewer application and that they would like to at least have their ERU approved or denied and their septic hookup approved or denied. He added that they have submitted their plans to the State Fire Marshal and that he does not understand the need for the double oversight of their project.

Michael Lach noted that Mr. Smith asked a lot of questions. He asked if it is standard that it takes longer than 30 days to approve a single ERU. Clerk Jerry Elliston questioned whether it does make a difference that their application is a commercial one, not a residential. Utility Manager Joe Westerlund replied that this does not make a difference. He added that TPU will approve or deny their application after TPU staff meets with the State Fire Marshal.

Mr. Westerlund pointed out that he has a response from Engineer Paul Winkelman. Mr. Westerlund stressed that the first time he heard about the cannabis project was on June 11, 2018. He noted that he has been on the water board for a long time now and that getting a cannabis project approved usually takes a long project, but that he only has 30 days to review everything. Michael Lach stated that their project is a production facility and that the water board never denied anybody an application. He stressed that nothing goes on with water at a production facility and that staff will only be washing their hands and using the bathroom. Mr. Westerlund asked what is being done at a production facility. Mr. Smith clarified that they do extraction. He asked what that has to do with the water and sewer hookup. Mr. Westerlund replied that it matters to TPU what goes down the drain. He suggested he reads Engineer Winkelman's comments. He emphasized that TPU has not slowed the production down at all as their project is almost finished. Mr. Smith stated that Mr. Westerlund said to them that if they were in Clark County they would be stopped from continuing. Mr. Westerlund replied that this statement was due to previous projects where he had told them they needed a contractor and that they were not to get into the manholes, but he came back two days later and they had two 19-year-olds who were not confined-space trained who busted the bottom of the manhole out.

Mr. Westerlund read part of a 16-comment letter from Engineer Paul Winkelman (see backup). He added that Mr. Winkelman will prepare a response to NTD. Mr. Lach pointed out that he believes consulting with the Engineer should fall within the 30 days that TPU has to respond to an application. Mr. Westerlund replied that TPU did respond to them within 30 days. Mr. Smith argued that the TPU Ordinance states that the customer will get a response within 30 days. He stressed that NTD did not get the Engineer's response. Mr. Westerlund stated that he did not get the comments from Mr. Winkelman until the day before the meeting.

Mr. Westerlund asked what NTD's plan is for fire protection. He emphasized that when NTD turns on their fire hydrant, it drops everything on that system to 10 psi. He read NAC 445A.6711 which states that "1. A distribution system must be designed to maintain: (a) A minimum pressure of 20 psi at ground level for all service connections during all conditions of fire flow...". Mr. Westerlund stated that the pressure was tested with Mr. Lach present and it drops below the required pressure. Mr. Smith questioned if Mr. Westerlund understands the codes and noted that N.F.P.A. 1442 that uses a different calculation applies to rural areas. Mr. Westerlund explained that if a system drops below the 20 psi, the Bureau of Safe Drinking Water requires that a boil water notice is issued. He stressed that anytime someone connects to the hydrant on their property, the system

drops to 10 psi. Mr. Smith argued that this is not true. He added that he believes the engineering is false and the pressure is much higher the further you go up the line.

Mr. Smith noted that when Mr. Westerlund talked to them, he told them his concern was that they could not use a hydrant across the highway. He questioned what that has to do with Mr. Westerlund's mandate. He stated that Mr. Westerlund is not the fire code compliance officer in the Town of Tonopah, much less Esmeralda County. Mr. Westerlund stressed that it will be the Tonopah Volunteer Fire Department who responds to an incident and who will shut down the highway. Michael Lach responded that they have addressed these questions with the appropriate parties. He added that they talked to Tonopah Fire Chief Elliott and CAA. Mr. Lach asked Mr. Westerlund if he had talked to the State Fire Marshal Chief Bart Chambers. Mr. Westerlund replied that he talked to Mike Anderson who spoke with the Chief and noted that the Chief had stated he is only interested in fire flow, he does not care about safe drinking water regulations, etc. Mr. Lach stated that they met with Chief Chambers and the Sheriff of Esmeralda County today and discussed all these issues and were told that NTD has taken care of everything. He stressed that they know what they have to do to get their buildings done. He questioned who decided that NTD will not be developing anything else on the other side of the highway. Mr. Westerlund stated that former Town Manager James Eason made that decision four years ago and that he agrees with his decision. Mr. Westerlund explained that there was an agreement that NTD would put in a 6-inch line to loop the system. Mr. Lach argued that there never was such an agreement.

Mr. Lach stated that marijuana is not "new" but has been around since 2014/2015 when people were starting to get their licenses for production or cultivation. He emphasized that nothing goes into the water at a production facility as everything comes into the place and then is extracted.

Clerk Jerry Elliston asked who owns the hydrant and distribution line. Mr. Smith replied that NTD owns them and that the meter is at the Sierra Vista area. Mr. Elliston pointed out that their lines connect to TPU's system.

Mr. Lach stressed that the Esmeralda Sheriff says shutting down the highway is not a problem. They met with the State Fire Marshal and he also says it is not a problem. Mr. Lach noted that he is sure the Town Board understands that growth is a good thing. He stated that he believes the way this is being handled is completely discriminatory. He said he wants to know how everyone else's application for an ERU is being handled. Mr. Lach noted that he thinks they are being harassed.

Board Member Roni Link asked if the property in reference is in Esmeralda County which Mr. Lach confirmed. She asked why he feels he is being discriminated against or harassed. Mr. Lach replied that Ms. Link needs to look at the history of when they built their last building. Ms. Link pointed out that she would like to know what Mr. Lach's grounds are for harassment now. Mr. Lach stated that his grounds are that "someone who is not authorized to slow up your growth or stop anything you are doing is attempting to

do so". He pointed out that they have to wait until July 27th to hear back from what Mr. Westerlund will be discussing with the State Fire Marshal. He stated that other people are not treated that way and that they are not told to stop building. Ms. Link asked if Mr. Lach had documentation to prove his allegations which Mr. Lach confirmed. Ms. Link added that she would like to see the support documentation. Mr. Smith pointed out that they are curious to see if other people in the TPU system are treated the same way. Mr. Westerlund emphasized that nobody else in the TPU system drops to 10 psi when a fire hydrant is turned on. He added that while Mr. Smith says there is another rule for water pressure the Nevada Bureau of Safe Drinking Water says the NAC Mr. Westerlund quoted is what applies.

Mr. Westerlund read part of NAC 445A.67115 that states that "a fire hydrant must not be connected to a water main or water service lateral that does not have a sufficient capacity for fire flow". Mr. Smith replied that adding a fire hydrant would not have any impact on the water system that would change what is already there. He pointed out that there are already three fire hydrants there. Mr. Smith added that what they are proposing does not impact TPU any differently than what is already there. Mr. Westerlund stated that a continuous wrong does not make it right. He added that it was proposed in the past that an extended line would be put in to loop into the current line. He noted that this would take care of the pressure problem. Mr. Lach stressed that during the proposals in the past, former Town Board Chairman Horace Carlyle stated that he did not want TPU to have the liability and proposed putting in a meter at the top. Mr. Lach stressed that the line was never supposed to be looped and is irrelevant to what is being talked about now. He stated that it is not only the NAC that applies. He noted that they could put in a 30,000-gallon storage tank in that would supply enough water and that flow does not matter to the State Fire Marshal.

Mr. Westerlund stated that he was not going to rush into a decision in less than 30 days without TPU's engineer looking into the matter. He emphasized that he trusts what the engineer says. Mr. Smith asked if Mr. Westerlund thinks that the TPU Ordinance is flawed and does not give him enough time to answer. Mr. Westerlund replied that it normally is enough time. Mr. Smith stressed that he thinks the State Fire Marshal does not have anything to do with sewers or a single ERU. He added that a technical review should have been complete within 30 days. He pointed out that he contacted Mr. Westerlund via e-mail about the project before June 12th as he wanted to ask about the specifics of the grease trap but did not get a response from Mr. Westerlund. He stated that Administrative Manager Chris Mulkerns replied and pointed out that an application needs to be filled out for TPU to review. He emphasized that NTD is only trying to move forward.

Board Member Mike Sain stated that if one hydrant exists at the property already and they tie into that one he thinks there is no reason to not tie another hydrant into it. Jerry Elliston stressed that if Mr. Sain does not know the laws and codes, he needs to be careful what he says. He added that Mr. Sain should make clear that this is his personal opinion, not that of the Town Board. Mr. Sain noted that it is his personal opinion.

Jerry Elliston stated that the Town Board is not qualified to make a decision on the ERU, etc. He noted that the issue is that you are feeling harassed. He said that he thinks the Board needs to talk to legal counsel and figure out how to deal with this matter. He stressed that they will not change what Mr. Westerlund has done as he is doing his job, unless they find otherwise. He asked if they felt this was fair. Mr. Lach replied that he thinks it is and wanted to let the Board know that the reason they are not being approved is due to TPU waiting for a meeting with the State Fire Marshal. Mr. Elliston stressed that if TPU's engineer is making recommendations then the Board needs to evaluate his analysis as they hired him to protect TPU's system. He noted that this is a long-term problem that needs to be resolved. He added that they made their position very clear.

Vice-Chairman Don Kaminski noted that NTD proposed adding another hydrant. He asked if that is strictly to make water available in case of a fire. Mr. Lach explained that it is a 75 to 90-foot difference and that they are not sure if it is necessary so it is being worked out right now. Mr. Kaminski asked Mr. Westerlund if this water pressure problem is an existing problem that needs to be addressed which Mr. Westerlund confirmed. Mr. Kaminski noted that whether TPU issues an ERU or not there still is a problem. He asked how issuing the ERU would affect the problem. Mr. Westerlund explained that the 10-psi problem will still exist. He added that if there is another law that he is not aware of he will present this to the Bureau of safe Drinking Water. Mr. Smith stressed that the pressure issue is on their property, not in TPU's system. He added that there are lots of ways to solve this problem, i.e. not opening the fire hydrant all the way.

Ms. Link pointed out that she thinks the Town Board is not against growth in Tonopah but needs to be careful when dealing with water that affects other people in Tonopah.

Mr. Westerlund stated that he will get the comments from Engineer Paul Winkelman to the Town Board and NTD. He stressed that he wants Tonopah to grow but feels that the low pressure is a problem. Mr. Lach replied that he thinks Mr. Westerlund does not understand what they need to do for storage of water. He stated that Mr. Westerlund is not a building inspector or fire marshal and does not need to worry about any of these issues. Mr. Westerlund pointed out that he needs to see that they are signed off before they can turn on the water. He added that he has talked to State Fire Marshal staff member Albert Ruiz who had told him that what is planned at NTD is not legal. Mr. Smith replied that Mr. Ruiz was at their property today and does not have a problem with their plans.

Deputy Town Clerk Kat Galli noted that she has nothing to do with TPU, but checks state licensing, contractor's licenses, health permits, etc. before she issues a local business license. She added that she feels the Town is being extra safe making sure that businesses comply with all laws so that Tonopah customers can be sure everything is taken care of. She pointed out that while this has nothing to do with TPU, she believes it is similar process.

Roni Link stressed that water is a precious commodity and the Board wants to protect their people. She asked if NTD would allow for staff to meet with the State Fire Marshal on July 27th to resolve this issue. Mr. Smith asked for all other issues that the State Fire Marshal is not involved in to be resolved prior to the meeting, such as the ERU and sewer. Mr. Westerlund stated that he will get the Engineer's notes to them.

7. Discussion, deliberation and possible action to authorize an additional signatory on the Town and TPU Nevada State Bank Checking Accounts.

Deputy Town Clerk Kat Galli explained that the current signors are Administrative Manager Chris Mulkerns, Utility Manager Joe Westerlund, and Chairman Duane Downing. An additional signor is needed as Chairman Downing is currently not available and in case Chris Mulkerns or Joe Westerlund are not in Town, another Board Member would be needed to sign checks, etc. Staff would prefer a Board Member that is in Town most of the time. Board Member Roni Link volunteered.

Jerry Elliston motioned to authorize the additional signatory Roni Link on the Town and TPU Nevada State Bank Checking Accounts. Mike Sain seconded. No further discussion. Motion carried 3-0, 1 abstention. Vice-Chairman Don Kaminski thanked Ms. Link for volunteering.

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

Deputy Town Clerk Kat Galli noted that the budget report is for June in the prior fiscal year. She pointed out that there will be a few more bills that will come out of that fiscal year. She stressed that those line items that went over budget for that fiscal year were expected to go over budget and have been adjusted for the new fiscal year. She added that the Town is expecting grant reimbursements. Ms. Galli stated that the Sheriff PSST fund went over budget again and that she will contact Nye County to find out why. She explained that the Board will approve the budget transfers either at the next meeting or at the first meeting in August.

9. Correspondence

NyE Communities Coalition Tonopah Newsletter, July 2018
E-mail from Ana Navarro, NDOT, re: Response to Questions Posed to the State During the 6/13/18 Public Meeting, July 2, 2018
Beatty Town Advisory Board Meeting Agenda, July 9, 2018
Nye County Board of County Commissioners Meeting Summary, June 27, 2018
Pictures of the new rescue truck, July 2018
Nye County Board of County Commissioners Meeting Agenda, July 3, 2018
Tonopah Room Tax Report for the Month of May 2018, Collected June 2018
Thank you e-mail from Gina Croft, June 30, 2018
Round Mountain Town Board Meeting Agenda, July 10, 2018
Nye County Board of County Commissioners Meeting Summary, July 3, 2018
Youth Summer Snacks Flyer, June-July 2018

REST (Respite Education and Support Tools) Flyer, July 18, 2018
Budgeting & Savings Workshop Flyer, July 18 & 25, 2018
Credit, Debt, and Risk Management Workshop Flyer, July 18 & 25, 2018
Northern Nye County 3rd Annual Social Services Fair Flyer, July 27, 2018
Living Well, Nutrition and Life Skills Education Flyer, August-September 2018
Free Remote Area Medical Clinic Flyer, October 5-7, 2018
Job Readiness Workshop Flyer, July 2018
NyE Communities Coalition Orientation Workshop Flyer, July 2018
Free Training on Naloxone Flyer, August 1, 2018

10. Approval of vouchers for payment

Utility Manager Joe Westerlund stated that the Town is waiting for the permit to have the heater installed at the pool.

The Board reviewed and signed the vouchers. Jerry Elliston motioned to approve the vouchers as presented for payment. Roni Link seconded. No further discussion. Motion carried 4-0.

11. Announcements

Roni Link asked if the Town was ready for the rodeo to be held this weekend. Utility Manager Joe Westerlund replied that everything is ready. He noted that there was a question about a water truck. Don Kaminski added that the person who used to own the water truck sold it and the organizers were wondering if the Town had one. Mr. Westerlund replied that the Town does not own a water truck. Jerry Elliston pointed out that the organizers are talking to Nye County and the State to find out if they can borrow a truck from them. Mr. Westerlund stated that the bathrooms are cleaned and that the stalls will be ready as well.

Vice-Chairman Don Kaminski asked whether the Town has received the reimbursement for hosting the Rural Roundup yet. Deputy Town Clerk Kat Galli confirmed this and added that the Town will probably get reimbursed for the other grants later as everything is delayed at TravelNevada due to the unexpected passing of Rural Programs Manager Kari Frilot.

12. Public Comment

Jess Rosner stated that the Rotary Club of Tonopah will be meeting Sunday at noon to welcome the essay contest winner who wrote about the Clown Motel. Don Kaminski added that there will also be a dinner/luncheon at the Mizpah Hotel.

13. Adjourn

The meeting adjourned at 7:32 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

TONOPAHLIBRARY BOARD OF TRUSTEES
MEETING MINUTES
JULY 11, 2018
Tonopah Convention Center
301 Brougner Avenue, Tonopah, NV 89049

Tonopah Library Board of Trustees Chairman Don Kaminski called the meeting to order on July 11, 2018 at 7:21 p.m. Also present were Vice-Chairman Mike Sain, Clerk Roni Link, and Trustee Jerry Elliston. Trustee Duane Downing was absent. Eleven others were in attendance.

1. Public Comment

None.

2. Announcements

None.

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

None.

4. Review and approval of minutes, in context, from the regular meeting held June 27, 2018.

This item was tabled.

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

Deputy Town Clerk Kat Galli pointed out that only two line items went over budget on the Library side. Postage went over as books are mailed to other Libraries and the books budget went over. Ms. Galli pointed that the Library is required to spend a certain portion of their revenues on books. She noted that the Board will approve budget transfers at one of the next meetings.

6. Correspondence

None.

7. Approval of vouchers for payment.

The Board reviewed and signed the vouchers. Jerry Elliston motioned to approve the vouchers as presented for payment. Roni Link seconded. No further discussion. Motion carried 4-0.

8. Announcements

None.

9. Public Comment

None.

10. Adjourn

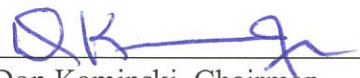
The meeting adjourned before 7:21 p.m.

Minutes transcribed by:




Kat Galli, Deputy Town Clerk


Approved:



Don Kaminski, Chairman

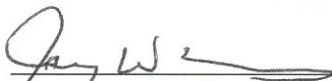


Michael Sain, Vice-Chairman



Rhonda S. Link, Clerk

Duane Downing, Trustee



Jerry Elliston, Trustee