

INFORMATION FOR THE MAY 19, 2017
TONOPAH TOWN BOARD PUBLIC WORKSHOP

#2

AGENDA ITEM:

Discussion and 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 the standards for placement of Manufactured Homes within Nye County and compliance with NRS 278.02095

PETITIONER: (Include Name, Address, Phone Number, E-mail)

Chris Mulkerns, Administrative Manager
Joe Westerlund, Utility Manager
P.O. Box 151
Tonopah, NV 89049
775.482.6336/6643

BACKGROUND OF ACTION ITEM REQUESTED:

See attached proposed bill, minutes from the April 24th Board meeting (item 6(b)), and a copy of NRS 278.02095.

FISCAL IMPACT:

To be determined.

Please note: Due to posting requirements, all agenda items must be turned in by 12:00 noon five working days (Wednesday) prior to the day of the scheduled meeting or by 12:00 noon six working days (Tuesday of the prior week) if a holiday falls prior to the meeting.

NOTE: (The days in parentheses are for regular scheduled Town Board meetings which fall on the second and fourth Wednesday of each month)

In order to facilitate the review and consideration of an agenda item presented to the Tonopah Town Board, please include all documents or any relevant material or information with your request.

Chris Mulkerns
Signature (required)

5/12/17
Date

Request taken by: Kat Fall

5.12.17
Date

BILL NO. 2015-11

NYE COUNTY ORDINANCE NO. _____

SUMMARY: A Bill proposing to amend Nye County Code

Title 17, Comprehensive Land Use Planning and Zoning, by adding Section 17.04.820 relating to the standards for the placement of Manufactured Homes; and providing for the severability, constitutionality and effective date thereof; and other matters properly relating thereto.

TITLE: A BILL PROPOSING TO AMEND NYE COUNTY CODE TITLE 17, COMPREHENSIVE LAND USE PLANNING AND ZONING, BY ADDING SECTION 17.04.820 RELATING TO THE STANDARDS FOR THE PLACEMENT OF MANUFACTURED HOMES; AND PROVIDING FOR THE SEVERABILITY, CONSTITUTIONALITY AND EFFECTIVE DATE THEREOF; AND OTHER MATTERS PROPERLY RELATING THERETO.

WHEREAS, pursuant to NRS 244.119, the Nye County Board of Commissioners (Board) is authorized to amend the Nye County Code; and

WHEREAS, pursuant to NRS 278.020, for the purpose of promoting the health, safety and the general welfare of the residents of Nye County, the Board is authorized and empowered to regulate and restrict the improvement of land and to control the location and soundness of structures; and

WHEREAS, any such regulation, restriction and control must take into account the potential impairment of natural resources and the total population which the available natural resources will support without unreasonable impairment; and

WHEREAS, the Board finds these changes to be appropriate and an improvement to the regulations;

NOW, THEREFORE, the Board of County Commissioners of the County of Nye, State of Nevada, does hereby adopt, promulgate and order compliance therewith within Nye County, the following amendments and regulations:

NYE COUNTY CODE TITLE 17 IS HEREBY AMENDED AS FOLLOWS, with Deletions shown in strike-through red font, and additions and modifications shown in underscored blue font:

17.04.820: MANUFACTURED HOMES:

A. Requirements:

1. Intent: Manufactured homes and factory built homes installed within the PRPD Nevada County must comply with the requirements of Nevada state law unless an exception is specified in this ordinance or a variance/waiver is granted under the terms of this ordinance.

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2. Manufactured homes placed in PRPD Zoning Districts RE-1, SE-1 and smaller (except the an approved MH Parks Zoning District or subdivisions which have been designed and/or designated for manufactured homes with alternative standards approved by the RPC and memorialized in CC&Rs and/or park rules) must be:

a. Permanently affixed to the lot and converted to real property through the Assessor's Office; and

b. Manufactured within the 6 years immediately preceding the date on which it is affixed to the lot; and

c. Have exterior siding and roofing which is similar in color, material and appearance to the exterior siding and roofing primarily used on other single-family residential dwellings in the immediate vicinity of the manufactured home; and

d. Consist of more than one section; and

e. Consist of at least 1,150 square feet of living area; and

f. Must be installed on an approved permanent foundation with perimeter supporting wall in compliance with Nevada Manufactured Housing Division Standards and exterior backfilled to within 12 inches of the floor elevation.

3. Manufactured homes placed in the RE-2 Zoning District and larger parcel sizes must be:

a. Permanently affixed to the lot and converted to real property through the Assessor's Office; and

b. Consist of at least 1,150 square feet of living area; and

c. Must be installed on an approved permanent foundation with perimeter wall exterior backfilled to within 12 inches of the floor elevation.

d. An Administrative Variance to a. and c. may be granted for elevated (above-ground) installations only in FEMA designated flood zone areas, areas of poor soils, or rough terrain where a standard permanent install is not practical; and

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e. Manufactured within the 10 years immediately preceding the date on which it is affixed to the lot;

f. For homes manufactured more than 10 years and up to 20 years preceding the date on which it is affixed to the lot, an Administrative Variance may be granted if the home meets the following requirements: 3:12 roof pitch with minimum 6 inch overhang and architectural roof shingles; dual pane windows; in-swing exterior doors; 2 x 6 wall construction; the home must have fresh paint; and the roof and all mechanical

systems must be inspected and approved to be in good working order to the standard it was constructed:

g. The installation of any manufactured home more than 20 years old shall require the approval of a Waiver from the Planning Commission:

4. Manufactured Homes placed in areas outside of the PRPD must comply all state minimum requirements (2a to 2 f) unless a variance is granted by the applicable Town Board, Town Advisory Committee or for areas outside a town boundary the Board of County Commissioners.
5. Under no circumstances shall the placement of a pre-HUD manufactured home be allowed (factory-built homes produced prior to the June 15, 1976 U.S. Department of Housing and Urban Development manufactured home construction standards).
6. These regulations do not apply to manufactured homes installed within mobile home parks or designated manufactured home subdivisions where alternative standards are approved by the Planning Commission or in an approved Special Plan of Development. These alternative standards must be specifically approved by RPC, Town Board or BOCC if no RPC or Town Board available for any mobile home park or subdivision.
7. All MH installations must be in accordance with Nye County, Federal and State of Nevada regulations, inspected by appropriate government agency and have the Installation Label placed in the window prior to occupancy.
8. A MH owner can request a waiver from soils reports and engineered pad design from Nye County Building and Safety by using an approved alternative design and signing the appropriate waiver request affidavit.

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Comment [LL1]: Does this need to be notarized and recorded?

SEVERABILITY. If any provision of this ordinance or amendments thereto, or the application to any person, thing or circumstance is held to be invalid, such invalidity shall not affect the validity or provisions or applications of the ordinance or amendments thereto which can be given effect without the invalid provisions or applications, and to this end the provisions of this ordinance and amendments thereto are declared to be severable.

CONSTITUTIONALITY. If any section, clause or phrase of this ordinance shall be declared unconstitutional by a court of competent jurisdiction, the remaining provisions of this ordinance shall continue in full force and effect.

EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after passage, approval, and publication as required by law, to wit, from and after the ___ day of _____, 2015.

Proposed on the ___ day of _____, 2015.

Proposed by: Commissioner _____.

Adopted on the ___ day of _____, 2015

Vote: Ayes: Commissioners:

Nays: Commissioners:

Absent: Commissioners:

BY: _____
Lorinda Wichman, Chairman
Nye County Board of
County Commissioners

ATTEST: _____
Sandra "Sam" Merlino
Clerk and Ex-Officio
Clerk of the Board

TONOPAH TOWN BOARD
MEETING MINUTES
APRIL 24, 2017
Tonopah Convention Center
301 Brougher Avenue, Tonopah, NV 89049

Tonopah Town Board Vice-Chairman Don Kaminski called the meeting to order on April 24, 2017 at 7:00 p.m. Also present were Clerk Jerry Elliston and Board Members Roni Link and Mike Sain. Chairman Duane Downing was absent. Twelve 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 8:45 p.m. and reconvened as the Town Board at 8:54 p.m.

The items were taken out of order to accommodate petitioners.

1. Public Comment

Tonopah resident Cindy Kaminski stated that she had a phone call from Jim Marsh in regards to item 6 in which he voiced his concerns about the proposed ordinances.

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

None.

3. Review and approval of minutes, in context, from the regular meeting held March 22, 2017.

Jerry Elliston motioned to approve the minutes, in context, from the regular meeting held March 22, 2017. Roni Link seconded. No further discussion. Motion carried 4-0.

4. Review and approval of minutes, in context, from the budget workshop held March 31, 2017.

Jerry Elliston motioned to approve the minutes, in context, from the budget workshop held March 31, 2017. Roni Link seconded. No further discussion. Motion carried 4-0.

5. Review and approval of minutes, in context, from the regular meeting held April 12, 2017.

This item was tabled.

7. Discussion, deliberation and possible action to approve funding request for rehabilitating the billboard owned by Tonopah Development Corporation located at Montgomery Pass.

Bob Perchetti introduced himself and noted that he was the Convention Center Director from 1968 until 1994. He explained that sometime in the 1970's, he wanted to advertise Tonopah as a central location on billboards. A few billboards were installed at different locations. The one located at Montgomery Pass needs to be repaired and a new message needs to be installed as the current one is faded. He pointed out that Schat's Bakery from

Bishop, California is willing to rent the backside of the billboard for \$2,500 a year. He added that the Chamber of Commerce and Tonopah Development Corporation used to charge \$400 a month.

Clerk Jerry Elliston asked who will perform the repair work. Vice-Chairman Don Kaminski inquired whether the conservation crew could do it. Administrative Manager Chris Mulkerns and Utility Manager Joe Westerlund stated that they will discuss this. Mr. Perchetti noted that he was thinking about contacting Wade Barton to do the sign as he does a good job. Tonopah resident Durk Pearson offered to use his land by Sodaville to put up new billboards.

Bob Perchetti stressed that he is hoping to keep the cost down. Jerry Elliston asked whether the expense will be paid for out of the 5/8ths room tax fund. Ms. Mulkerns stated that it could be paid out of the mural fund. Don Kaminski suggested paying the repairs out of mural fund and the sign out of the 5/8ths room tax fund. Mr. Westerlund added that if the bucket truck is needed to repair the billboard, the repairs will have to wait until July 1 when the new fiscal year starts. Mr. Perchetti clarified that he has extension ladders that can be used for the repair.

Don Kaminski pointed out that he likes the slogan "middle of everywhere" which could be used on the billboard. Mr. Perchetti suggested having solar lights in the future so that the sign is visible at night. Board Member Mike Sain asked whether it paid off in the past to have billboards to which Mr. Perchetti replied that he believes it did.

Jerry Elliston motioned to approve the funding request up to, but not exceeding \$5,000 for the rehabilitation of the billboard owned by the Tonopah Development Corporation located at Montgomery Pass, the maintenance cost will come out of the mural fund and the banner will be paid for out of the 5/8ths room tax fund. Mike Sain seconded. No further discussion. Motion carried 4-0.

6. Presentation by Nye County Planning Department on the following topics:

a) Shooting Competition on County Land near Tonopah Airport

Darrell Lacy, Planning Department Director, introduced himself and explained that he has been approached to help with the organization of a shooting competition to be held in Tonopah. He stressed that he is working with the Sheriff Department. As it is difficult to have permits approved on BLM land, the competition will take place on Nye County land by the airport. He noted that they are still working out details. The event will take place in August and he is hoping to draw additional visitors to Tonopah with this competition. Clerk Jerry Elliston pointed out that it is a three-day event. Mr. Lacy added that if the event works well, it will turn into an annual event. Vice-Chairman Don Kaminski noted that he would like to see what kind of backstop will be used.

Jerry Elliston asked what the Town has to do with the event. Mr. Lacy stated that he is only asking for suggestions from the Town. Tonopah resident Durk Pearson stated that he believes it is a great idea and great publicity for the Town. He suggested sending flyers out to advertise it. Tonopah resident Cindy Kaminski noted that she is surprised that the Sheriff is not presenting this event and added that she believes other events should be planned for the same weekend to keep visitors busy. She stressed that she would like to get the contact information for the organizer. Mr. Kaminski suggested having vendors. Chris Mulkerns noted that the Town will be hosting the Starry Nights Arts Festival on the same weekend. Mr. Lacy asked if there are mobile food vendors which Deputy Town Clerk Kat Galli confirmed. Mr. Kaminski suggested the group should apply for a 5/8ths Room Tax Grant to advertise the event. Ms. Mulkerns noted that staff will supply Mr. Lacy with all necessary information.

b) Proposed Mobile Home Ordinance to comply with NRS 278.02095

Darrell Lacy stated that the Nevada Revised Statutes (NRS) require this ordinance and it was brought to the attention of the department that Nye County does not have an ordinance regarding this matter. He noted that the NRS says a mobile home can only be up to 6 years old when installed. Tonopah resident Durk Pearson stressed that this is optional for counties with a population under 45,000. Mr. Lacy stressed that if Nye County does not have their own regulation, then the 6-year rule applies. He added that there has to be some kind of an ordinance and that he wrote the draft to where the Town Board can set their own standards for Tonopah.

Don Kaminski asked what the definition of a mobile home was. Mr. Lacy clarified that a mobile home is the same as a manufactured home. He emphasized that this regulation does not apply for a mobile home park. Board Member Mike Sain inquired whether this regulation would apply to ranches as well. Mr. Lacy explained that it is different zoning. He stressed that the County would like to give flexibility to the Towns and that the majority of the regulations apply to Pahrump. Tonopah resident Cindy Kaminski asked if the person wanting to install a mobile home would have to go before the BOCC after the Town Board to which Mr. Lacy replied that after the Town Board approves an installation, it will go to the Planning Department that permits it. Jerry Elliston inquired whether this will have to be decided on a case by case basis. Mr. Lacy stated that the Town Board can either approve it on a case by case basis or set a certain standard. Chris Mulkerns clarified that the process currently is that Town staff refers customers to the NRS and Planning Department before letting them hook up utilities.

Durk Pearson asked whether item 4 was deleted as it is in red. Mr. Lacy clarified that everything in red and blue was added. He noted that this proposed ordinance will go before the BOCC. Mr. Pearson stated that he thinks this should not apply to all of Nye County as people cannot afford to build houses in Tonopah because they cannot afford to pay a contractor. He emphasized that any manufactured home from the last 30 years is way better quality and easier to heat than an older house with newspaper for insulation. He stressed that there are a lot of people in Tonopah who make less

than most people in the U.S. He suggested to only apply this ordinance in Pahrump to keep things affordable and to fill the properties that are only 25 foot wide. He pointed out that for a Town to work, you have to have affordable housing for all levels of income. Darrell Lacy stressed that the way the NRS is written, if the proposed ordinance was only for Pahrump, the NRS would apply to the rest of Nye County. He is trying to give all Towns flexibility.

Mr. Lacy noted that who wrote the ordinance was Jerry Shelty. Tonopah resident Bruce Jabbour stressed that he knows Mr. Shelty who owns a manufactured home company in Pahrump. He noted that if this passed, any manufactured home company would benefit from this. Mr. Jabbour emphasized that this ordinance is cost prohibitive as Tonopah residents would have to pay at least \$58,000 for a new manufactured home, at least \$8,000 to transport that home to Tonopah, and about \$10,000 to have it set up. It would cost about \$76,000 for a newer home; this would not even include the land. Lower income residents would not be able to afford housing and would not be able to live in Tonopah. Therefore, this ordinance does not make sense for Tonopah. Mr. Lacy pointed out that even in Pahrump, one is allowed to install homes up to 20 years old. He added that Mr. Sheltie attended a lot of the meetings in Pahrump and informed the Department that most homes built after 1995 are built to a better standard.

Mr. Jabbour stressed that comparing Tonopah to another community which is not like Tonopah does not make sense. He emphasized that Tonopah is unique. Ramsey Cline added that the ordinance the way it is written applies minimum requirements to all Towns. He questioned why it does not simply say the standards do not apply to all Towns. Mr. Lacy stressed that this is why the Town Board will be given the ability to decide on a case by case basis.

Don Kaminski asked what the process is to submit changes. Mr. Lacy clarified that changes should be sent to the planning department in writing so they can revise the draft. He stressed that he would like to see some vacant homes filled again; the Town could grant a blanket variance. He noted that the Town of Pahrump said the older homes have to be at least painted before they can be installed. Jerry Elliston stated that he sees the value in this.

Tonopah resident Cindy Kaminski stressed that Tonopah is a historic town and that there are a lot of places where this ordinance would hinder development as the lots are too small and a lot of houses are less than 1,150 square feet. She emphasized that Tonopah is different from Pahrump. She added that a letter was sent in 2007 informing all owners of manufactured homes about the NRS. Don Kaminski suggested having a workshop to get community input on this matter. He noted that the Board could handle this on a case-by-case basis.

Joe Westerlund asked if a new staff member will be hired for the Tonopah Planning Department. Mr. Lacy noted that there is the possibility to video conference from the Administration Department.

Durk Pearson read a letter from Trish Rippie into the record (see backup).

Don Kaminski proposed scheduling a workshop to get public involved and give comments to Mr. Lacy.

c) Proposed Special Use Permit Ordinance

Darrell Lacy explained that having special use permits does not mean that someone cannot do something, it just means they need to come before the Board of County Commissioners (BOCC). Don Kaminski asked if Nye County will allow the Town to do variances on this matter as well. Mr. Lacy stated that a special use permit is a case-by-case decision; if the town had comments, the county would consider it. Tonopah resident Cindy Kaminski pointed out that the BOCC has the ultimate decision and does not have to listen to what the Town Board says.

Joe Westerlund asked what the permit fee is. Mr. Lacy replied that it costs \$350.00 plus fees to pay for the cost of publications, etc.

Durk Pearson referred to Section "k" and pointed out that this will apply to all businesses in Tonopah. Tonopah resident John McCormick emphasized that the cost for construction will not just be the \$350 permit fee, but inspector fees, delays due to notices, etc. Mr. Lacy stressed that this will only be the case if a project is considered a special use project. He added that he believes the parameters have to be reconsidered if Tonopah has so many new businesses with 20 employees and over 100 vehicle trips. Mr. McCormick pointed out that the Mizpah Hotel owners Fred and Nancy Cline have invested millions of dollars into the hotel with little return and should not be delayed more or pay more. Mr. Pearson added that he wants to continue investing in the Town.

Tonopah resident Ramsey Cline stated that regulating what someone can do on their own property is against his beliefs. Mr. Lacy replied that he would like feedback from the Town and residents where to draw the line when to require a special use permit. Mr. Cline suggested only requiring it for public and federal land.

Chris Mulkerns asked if this will be on the BOCC agenda which Mr. Lacy confirmed. He added that the best opportunity to make changes is before.

Durk Pearson read a letter from Trish Rippie into the record (see backup).

Tonopah resident Bill Bunting questioned construction on historic buildings. He explained that the plan is to refurbish the Belvada and asked where this project would fall. Mr. Lacy noted that the main focus of the ordinance was on new construction and that the language needs to be changed so that it only applies to new buildings.

8. Discussion, deliberation and possible action to authorize the request of 5/8ths Room Tax Grant Funds in the amount of \$1,779.40 from Jim Butler Days Armwrestling to advertise the 2017 Nevada State Pro-Arm.

Event organizer Joe Westerlund noted that he is requesting \$1,779.40 to advertise the event. He pointed out that he attached receipts with his request, but is aware that he will not get reimbursed until after the event due to the new regulations. He explained that the funds will be used for radio advertising and that everything that is printed or t-shirts will have Tonopah written on it. Don Kaminski emphasized that the arm-wrestling is a big event and has a big draw for outside visitors.

Roni Link motioned to authorize the request of 5/8ths Room Tax Grant Funds in the amount of \$1,779.40 for the Jim Butler Days Armwrestling to advertise the 2017 Nevada State Pro-Arm. Jerry Elliston seconded. No further discussion. Motion carried 4-0.

9. Discussion, deliberation and possible action to approve grant matching expenditure for a Tourism Marketing Grant Application through TravelNevada.

Deputy Town Clerk Kat Galli showed this year's tourism guide and explained that this is the second year the Town of Tonopah is advertising in the guide. She stated that the guide is printed 250,000 times and distributed to everyone who requests this from TravelNevada, every advertiser in the State of Nevada, and at every tourism convention. She stressed that she believes it is money well spent. This year's ad is located under the annual events list so everyone can see Tonopah's ad. She added that Tonopah's efforts to promote stargazing are in line with the State's efforts to advertise the same. She noted that the Town will hopefully establish a stargazing site soon.

Ms. Galli noted that the ad costs \$3,850 and if the grant is received, the Town will only pay 50% of the cost. She pointed out that the Town has received grant funding for this ad the last two years and she stressed that she is confident that the Town will receive the funding again. Don Kaminski asked if the Town's cost would be paid out of the 5/8ths room tax fund which Ms. Galli confirmed. Chris Mulkerns suggested approving the full amount in case the grant is not awarded. Ms. Galli clarified that the expense will be paid out of the following fiscal year. Due to deadlines, she has to apply for the grant during the first grant cycle. Mr. Kaminski stated that he believes the advertising is worth it even if the Town does not receive grant funding. He added that Tonopah needs to get their name out.

Jerry Elliston motioned to approve the grant matching expenditure in the amount of \$3,850.00 for the Tourism Marketing Grant Application through TravelNevada. Roni Link seconded. No further discussion. Motion carried 4-0.

10. Discussion, deliberation and possible action on Department Staff Reports:

a) Town Administration: Town Collections for the Month of March 2017

Chris Mulkerns stated that the Town and TPU office moved into the new office. She emphasized that staff has received nothing but good comments from customers. Roni Link asked if Mr. Westerlund will be on Main Street as well. Ms. Mulkerns clarified that his office will remain at the old office location.

b) Convention Center: Usage for the Month of March 2017

Chris Mulkerns explained that she and Mr. Westerlund walked the Convention Center with an audio/visual company so they could get a proposal. She noted that she would like to have approval of the installation on the next agenda for Board review. She pointed out that it will cost about \$112,000, but everything would be taken care of. She noted that the money is available. Don Kaminski asked if this proposal includes audio/visual in all rooms which Ms. Mulkerns confirmed.

c) Parks: Clean-up of parks, removing trees, sidewalk repair at Barsanti Park

Joe Westerlund noted that he took Tell Sallee of NV Energy to Jim Butler Park to see how to move the power line to place the playground equipment in compliance with POOL/PACT regulation. He stated that one tree will have to be cut down and that a new power box and LED light will have to be installed. The light will be replaced by NV Energy.

Mr. Westerlund stated that one tree at Harvey Park and one tree at Barsanti Park were removed. The sidewalk at Barsanti Park was replaced.

d) Pool: Preparing for season

Chris Mulkerns pointed out that the advertising for the lifeguard position is in the newspaper and that staff can hopefully conduct interviews soon. She added that all repairs were completed at the pool.

e) Joe Friel Sports Complex: Repair of fence, gopher control

Joe Westerlund stated that the poles that were blown over by the wind were replaced. Some more supporting will be conducted. He added that the batting cage was repaired by the baseball coaches.

f) Tonopah Historic Mining Park: Painting of Visitor Center, roof repair

Joe Westerlund stated that the Mining Park visitor center was painted on the inside per request of the Foundation. He explained that it is a better color to display exhibits.

He added that the crow's nest was fixed. One building was unstable, but was stabilized by the maintenance crew.

- g) Events: Great Tonopah Muckout – Town Cleanup Day
April 29, 2017
Open House/Park Dedication/BBQ postponed until the
summer

- h) Tonopah Public Utilities: System update

Joe Westerlund explained that the construction crew at the Sundowner Motel hit a main line on Easter weekend. He pointed out that they were working without calling 811 before they began work. Mr. Westerlund had to take samples to Reno.

Mr. Westerlund noted that the chlorine tank was repaired and that one side of the airport was flushed. The jetter truck was not fixed properly and will be taken back for repairs. He added that a lot of sewer line replacements and water leaks occurred in the past month.

Mr. Westerlund stated that the bid for the sewer slip line went out. He and Ms. Mulkerns will have a walkthrough with NDOT. Chris Mulkerns added that the advertising will run for three weeks with the deadline being May 11th. The bids will be opened publicly that day. The award of the bid can take place at the May 24th meeting. Don Kaminski asked how long the project will take. Ms. Mulkerns clarified that it will only take two months and will be paid for out of the current and the following fiscal year.

11. Correspondence

Northern Nye County Hospital District Board of Trustees Meeting Agenda, April 20, 2017

Beatty Town Advisory Board Meeting Agenda, April 24, 2017

Nye County Board of County Commissioners Meeting Summary, April 18, 2017

Room Tax Collection for the Month of March 2017

Letter from No to Abuse re: Foster Care Awareness Day, April 7, 2017

Deputy Town Clerk Kat Galli referred to the letter about the foster care awareness day and noted that an information expo and a dinner will be held on May 6th. She encouraged everyone to attend even if they are not interested in becoming a foster parent. Chris Mulkerns added that staff was thinking of donating a Polaris tour and a free family swim pass for the raffle for this event.

12. 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.

13. Public Comment

Roni Link stated that she spoke with a physician in Pahrump if he would be interested in coming to Tonopah. This physician may be interested and also knows three additional physicians who would be interested in coming to Tonopah. She added that REMSA wants to come to Tonopah. She pointed out that she developed a power point presentation as she wants an emergency room and fully operational hospital.

Cindy Kaminski encouraged everyone to read the NRS that were brought up under item 6.

14. Adjourn

The meeting adjourned at 9:28 p.m.

Minutes transcribed by:



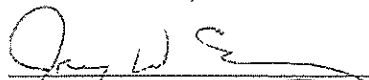
Kar Galli, Deputy Town Clerk

Approved:




Duane Downing, Chairman

Don Kaminski, Vice-Chairman



Jerry W. Elliston, Clerk



Rhonda S. Link, Member

Michael Sain, Member

C.

C.

NRS 278.02095 Manufactured homes: Inclusion in definition of “single-family residence”; governing body to adopt standards for placement outside mobile home park; surrender of certificate of ownership of certain manufactured homes to Manufactured Housing Division; limitations.

1. Except as otherwise provided in this section, in an ordinance relating to the zoning of land adopted or amended by a governing body, the definition of “single-family residence” must include a manufactured home.

2. Notwithstanding the provisions of subsection 1, a governing body shall adopt standards for the placement of a manufactured home that will not be affixed to a lot within a mobile home park which require that:

(a) The manufactured home:

(1) Be permanently affixed to a residential lot;

(2) Be manufactured within the 6 years immediately preceding the date on which it is affixed to the residential lot;

(3) Have exterior siding and roofing which is similar in color, material and appearance to the exterior siding and roofing primarily used on other single-family residential dwellings in the immediate vicinity of the manufactured home, as established by the governing body;

(4) Consist of more than one section; and

(5) Consist of at least 1,200 square feet of living area unless the governing body, by administrative variance or other expedited procedure established by the governing body, approves a lesser amount of square footage based on the size or configuration of the lot or the square footage of single-family residential dwellings in the immediate vicinity of the manufactured home; and

(b) If the manufactured home has an elevated foundation, the foundation is masked architecturally in a manner determined by the governing body.

↪ The governing body of a local government in a county whose population is less than 45,000 may adopt standards that are less restrictive than the standards set forth in this subsection.

3. Standards adopted by a governing body pursuant to subsection 2 must be objective and documented clearly and must not be adopted to discourage or impede the construction or provision of affordable housing, including, without limitation, the use of manufactured homes for affordable housing.

4. Before a building department issues a permit to place a manufactured home on a lot pursuant to this section, other than a new manufactured home, the owner must surrender the certificate of ownership to the Manufactured Housing Division of the Department of Business and Industry. The Division shall provide proof of such a surrender to the owner who must submit that proof to the building department.

5. The provisions of this section do not abrogate a recorded restrictive covenant prohibiting manufactured homes, nor do the provisions apply within the boundaries of a historic district established pursuant to NRS 384.005 or 384.100. An application to place a manufactured home on a residential lot pursuant to this section constitutes an attestation by the owner of the lot that the placement complies with all covenants, conditions and restrictions placed on the lot and that the lot is not located within a historic district.

6. As used in this section:

(a) “Manufactured home” has the meaning ascribed to it in NRS 489.113.

(b) “New manufactured home” has the meaning ascribed to it in NRS 489.125.

(Added to NRS by 1999, 3464; A 2001, 1119, 1964, 2007, 2334, 2011, 1176)

NRS 384.005 Establishment of historic district by city or county.

1. Any county or city may establish a historic district, the boundaries of which do not include the Comstock Historic District, for the purpose of promoting the educational, cultural, economic and general welfare of the public through the preservation, maintenance and protection of structures, sites and areas of historic interest and scenic beauty.

2. Before establishing any historic district, the board of county commissioners of a county or the governing body of a city shall hold a public hearing after giving notice of the time and the place of the hearing in a newspaper of general circulation in that county or city. The notice must be published once a week for 3 consecutive weeks and include the purpose of the hearing and the boundaries of the proposed district. At the hearing any person may appear in support of or in opposition to the establishment of the proposed district.

3. Within 15 days after the hearing, the board or governing body shall:

- (a) Establish the historic district and fix its boundaries; or
- (b) Determine not to establish the historic district.

4. If the historic district is established, the board or governing body may adopt any ordinances it determines are in the best interest of the historic district in accordance with the purposes expressed in subsection 1. An ordinance establishing a historic district must:

(a) Contain criteria which substantially achieve the preservation and rehabilitation of buildings of historic significance to the district; and

(b) Provide for a designated review board with the power to review proposed alterations to structures within the district.

5. This section is not intended to discourage the exploration, development or extraction of mineral resources.

(Added to NRS by 1979. 643; A 1989. 22)

NRS 384.100 Establishment of historic district in designated area: Procedure; alteration of boundaries; house trailer, mobile home or recreational vehicle prohibited; exception.

1. The Commission shall establish an historic district in such portions of Storey and Lyon counties as it may designate as provided in NRS 384.010 to 384.210, inclusive, embracing an area within which historic structures, sites and railroads relating to the Comstock lode and its history are or were located.

2. Before establishing the district, the Commission shall hold a public hearing after giving notice of the time and place of the hearing in a newspaper of general circulation in each county a portion of which is located within the proposed district.

3. The notice must be published once a week for 3 consecutive weeks and must include the purpose of the hearing and the boundaries of the proposed district.

4. At the hearing any person may appear in support of or in opposition to the establishment of the district.

5. Within 15 days after the hearing the Commission shall:

- (a) Establish an historic district and fix its boundaries; or
- (b) Determine not to establish an historic district.

6. If an historic district is established, notice thereof must be given by one publication in a newspaper of general circulation in each county a portion of which is located within the district.

7. The Commission may alter or change the boundaries of the district by following the same procedure as provided in this section for the establishment of a district.

8. After an historic district is established, no house trailer, mobile home, or recreational vehicle may be placed or established in any area within the district, unless the Commission and the board of county commissioners in the appropriate county, by agreement, permit the establishment of a trailer overlay or the location of a mobile home park within the district, upon a finding that such action is needed and that it would not conflict with the historic aspect and character of the affected area.

(Added to NRS by 1969. 1636; A 1971. 285; 1973. 672; 1979. 640; 1981. 1949)

NRS 489.113 "Manufactured home" defined.

1. "Manufactured home" means a structure which is:

- (a) Built on a permanent chassis;
- (b) Designed to be used with or without a permanent foundation as a dwelling when connected to utilities;
- (c) Transportable in one or more sections; and

(d) Eight feet or more in body width or 40 feet or more in body length when transported, or, when erected on-site, contains 320 square feet or more.

2. The term includes:

(a) The plumbing, heating, air-conditioning and electrical systems of the structure.

(b) Any structure:

(1) Which meets the requirements of paragraphs (a), (b) and (c) of subsection 1, and with respect to which the manufacturer voluntarily files a certification required by the Secretary of Housing and Urban Development and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. §§ 5401 et seq.; or

(2) Built in compliance with the requirements of chapter 461 of NRS.

3. The term does not include a recreational park trailer.

(Added to NRS by 1983, 775; A 1995, 2601; 2001, 1726)

NRS 489.125 “New manufactured home,” “new mobile home,” “new travel trailer,” “new manufactured building,” “new commercial coach” and “new factory-built housing” defined. “New manufactured home,” “new mobile home,” “new travel trailer,” “new manufactured building,” “new commercial coach” or “new factory-built housing” means a manufactured home, mobile home, travel trailer, manufactured building or commercial coach or factory-built housing, respectively, which has never been sold at retail or occupied either before or after sale for the purpose intended by the manufacturer and has never been registered with or been the subject of a certificate of title issued by the appropriate agency of authority of any other state, the District of Columbia, any territory or possession of the United States or any foreign state, province or country.

(Added to NRS by 1975, 1571; A 1977, 1454; 1983, 778; 2009, 1903)