

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

#3

AGENDA ITEM:

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

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 and minutes from the April 24th Board meeting (item 6(c)).

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: Pat Gall

5.12.17
Date

BILL NO. 2016-xx

NYE COUNTY ORDINANCE NO. _____

SUMMARY: 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; and providing for the severability, constitutionality and effective date thereof; and other matters properly relating thereto.

Comment [LWI]: You may also want to consider adding language that would require a performance bond if the enterprise is not completed and abandoned.

TITLE: 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; 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;

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:

Chapter 17.12 SPECIAL USE PERMITS

17.12.010 SPECIAL USE PERMITS – PURPOSE AND INTENT

A. INTENT—GENERALLY.

- 1. The intent of this section is to establish land use and permitting requirements applicable to certain types of land uses, as authorized by Nevada state law, for all areas within Nye County.

2. A special use permit is a grant of authority under the terms of this chapter from and by the Board of County Commissioners to an applicant for the use of property in the manner set out in the grant of a special use permit. Uses or occupancies requiring special use permits, and the type of special use permit required in each instance, are set out in the regulations in this chapter.

3. In addition to the listing of such uses, the Board of County Commissioners intend that the requirements established in this chapter shall be used to direct deliberations upon applications for the approval of special uses. It is the express intent of the Board to delineate the areas of concern connected with each special use and to provide standards by which applications for such use permits shall be evaluated. The decisions can include special conditions of approval tailored to the specific impacts from the proposed activity such as per Additionally, for any use listed herein which requires a Special Use Permit and is located within the Pahrump Regional Planning District, the requirements applicable to the PRPD shall apply and shall supersede any requirements contained in this Chapter if more stringent.

B) Special Use Permit: It is intended that special use permits shall be required when certain uses are likely to have adverse effects on adjacent and local properties, the community as a whole or County services or infrastructure. The following uses shall require a Special Use Permit:

1. Airports and related uses:

- a. Public or Private Airports and related aviation facilities; Airfields; Airstrips
- b. Any use of land or buildings within 3 miles of an airport runway

2. Animals:

- a. Animals, Special Conditions; Exotic Animals
- c. Intensive animal feeding operations; feed lots

3. Commercial Uses:

- a. Medical Marijuana Establishments (see Nye County Code Chapter 17.06 "Medical Marijuana Establishments")
- b. Correctional Facilities; Prisons, Jails, and related facilities
- c. Shooting Ranges (Outdoors)

4. Industrial Uses:

- a. Any industrial use located within a designated wellhead protection area or within a flood zone.
- c. Asphalt and Concrete Batch Plants (not required for temporary uses of less than 9

months duration)

- c. Automobile Wrecker/Salvage Yards/Junkyards
- d. Heavy Manufacturing/Heavy Industrial Uses: Hazardous Materials: Manufacturing, processing, transfer, or storage of explosives, chemicals, matches, oxygen, paint, plastics, fireworks, etc.
- e. Mining operations: milling, ore dumps, quarries, gravel/sand pits, rock crushing, smelting operations
- f. Public or Private landfills, storage, consolidation, importation, transfer, or processing of waste materials.
- g. Slaughterhouses

5. "Projects of Regional Significance" shall require a special use permit.

Definition of "Projects of Regional Significance": Any proposed project which would create:

- a. 100 vehicle trips per day or more, or
- b. 20 or more employees, or
- c. 20 or more residential housing units, or
- d. 50 acre-feet or more of annual water usage (excluding agricultural uses)

6. Utility Projects:

- a. Transmission Lines: aboveground electric transmission lines operating at 200 kilovolts or higher (see Nye County Code Chapter 17.10 "Aboveground Utility Projects")
- b. Utility Projects (Major): Sewer/Wastewater plants, Water, Gas, Electric, major utility projects
- c. Energy Facilities: Fracking: for multiple wells in a drilling program; Geothermal; Solar projects

C. Uses Not Listed: ~~In those instances where a requested use is not listed above,~~ The Planning Director may determine whether the requested use is allowed as a permissive use or if the use requires a special use permit. The applicant may appeal the decision ~~to the Board of County Commissioners~~ if the Planning Director makes an administrative decision that a specific use requires a SUP.

D. Special Use Permits Decided By Board: The Board of County Commissioners shall be solely responsible for decisions on all applications for special use permits, however, it is intended that when a Special Use Permit is proposed for property which is located within ~~the boundaries~~ or in close proximity of a town, the applicable Town Board shall be afforded the opportunity to review the proposal and provide comments and recommendations to the Board of County

Commissioners, prior to making any final decision upon an application. The Board shall handle all applications according to the

provisions of this chapter, and may make referrals to other agencies, bodies, departments or officers, for review, analysis, or technical findings.

E. Hearing Notice: Upon the filing of a complete application for a special use permit, the Planning Department shall:

1. Set a date and time for public hearing on the matter not to exceed sixty five (65) days after filing of the application. The Planning Department shall review the application and shall determine what, if any, other materials are required and referrals to make to other agencies, bodies, or officers, for review, analysis, or technical findings.
2. The Planning Department shall give notice setting forth the time, place and purpose of such hearing in accordance with Nevada Revised Statutes 278.315.
3. If a Special Use Permit is proposed for property which is located within ~~the boundaries~~ or in close proximity of a town, the Planning Department shall provide notice of the proposal to the applicable Town Board. The notified Town Board, at their discretion, may review the proposal and may provide comments or recommendations to the Board of County Commissioners. If a Town Board reviews a Special Use Permit application and provides comments in writing to the Planning Department prior to any established deadlines, the Town's comments shall be transmitted to the Board of County Commissioners and shall be considered by the Board during its deliberation towards making any final decision on the application.

F. Hearing: The Board shall hear and consider evidence and facts from the testimony of any person at the public hearing, or shall consider written communications from any person relative to the application. The right to present such evidence shall not be denied because of nonrequirement of notification as stipulated in this section.

G. Action by the Board: The Board shall take one of the following actions on an application for approval of special use permits:

1. Approval of the application, as submitted.
2. Approval of the application, with conditions and safeguards attached; such conditions and safeguards shall be for the protection of the public health, safety, morals and general welfare.
3. Disapproval of the application.

H. Appeal: Any applicant or other person aggrieved by a decision of the Board may appeal in accordance with Title 16 of this code.

I. Time Requirements To Be Specified In Conditions On Special Use Permits: Limitations On Extension: In granting any special use permit, the Board may, as a condition, specify a reasonable limitation of time within which action under such special use permit shall be begun or completed, or both. Failure to meet such time limitation shall result in cancellation of the special use permit unless, upon application to the Board and on due cause shown, the Board shall extend the time limitations originally set. Application of such extension shall be filed not less than thirty (30) calendar days prior to the date of expiration.

J. Renewal Procedures For Special Use Permits Which Require Renewal: Prior to the expiration of a special use permit, the permit holder shall, within sixty (60) days of expiration apply for renewal of the permit. If the applicant fails to apply for the renewal, it shall expire and the use shall be removed or discontinued. To apply for renewal, the applicant shall provide to the Planning Department, on forms and in a manner prescribed by the Planning Department, the following:

1. A renewal application;
2. A signed statement indicating that conditions of the original approval have not changed;
3. Renewal fee, if applicable; and
4. Any additional requirements as outlined in the specific standards for individual special uses.

When the applicant has supplied all necessary information the Planning Department shall set a date and time for public hearing and a "Notice Of Public Hearing To Consider A Request For A Renewal Of A Special Use Permit" shall be issued in accordance with this section.

K. Building Permits. Any property owner or authorized agent who intends to construct, enlarge, alter, repair, or change the occupancy or use of a building or structure or to cause any such work to occur for any non-residential use which requires a Special Use Permit, shall obtain the required building and construction permits from the building and safety department.

L. Planning Review Required. For areas outside of the Pahrump Regional Planning District, a planning review (PR) application shall be submitted to the Planning Department or its authorized assignee prior to the construction of any building or garage, including the placement of a mobile or manufactured home, and any construction that involves modification or expansion of an existing building, or prior to establishing any other land use which may not require a building permit. A planning review application approval is valid for one hundred eighty (180) days from the date of approval, and expires after one hundred eighty (180) days if work is not commenced for the proposed use or plan of development for which the planning review was obtained. The Planning Director may extend a planning review application not more than one time for an additional one hundred eighty (180) days for good cause shown. Upon the issuance of a building permit or approval to construct from other federal, state or county agencies the planning review shall track along the same expiration time frames and policies as the building permit or other approval.

M. Relation Of Special Use Permits To Building Or Occupancy Permits And Uses Not Requiring Building Or Occupancy Permits: Where building or occupancy permits are required by other codes or ordinances of the county, no such building or occupancy permits shall be issued where this chapter requires special use permits unless and until any and all such special use permits required have been obtained. Where uses or occupancies do not require building or occupancy permits, but are otherwise subject to the requirements of this chapter, no such use or occupancy shall be initiated or maintained unless and until any and all special use permits required herein, in relation thereto, have been obtained.

N. Special Use Permits To Be Issued Or Disapproved In Accordance With Procedures, Standards, And Requirements Of This Chapter: Special use permits relating to this chapter shall be required only where specific provision therefor is made by this chapter. No application for a special use permit shall be accepted or approved unless specific provisions for the particular special use permit appear in this chapter.

1. Special use permits shall be issued or disapproved only in accordance with the procedures, standards, and requirements of this chapter. Where the Board find that applications for special use permits demonstrate that general and special standards and requirements for such permits are met, the Board shall issue such permit, subject to conditions and safeguards, as deemed necessary by the Board or as required in the particular circumstances of the case and as authorized and limited by this chapter.
 2. Where applications for special use permits indicate that actions proposed therein, or the manner in which they are proposed to be conducted, do not meet the standards and requirements of this chapter, and could not practically and reasonably be made to do so by attachment of conditions and safeguards so authorized and limited, such applications and permits shall be denied.
- O. General Findings For Making Determinations: The Board shall review the particular facts and circumstances of each proposal in and shall find adequate evidence showing that the proposed use:
1. Will be harmonious with and in accordance with the general objectives or with any specific objectives of the Comprehensive/master plan of current adoption, and this chapter;
 2. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area;
 3. Will not be hazardous or disturbing to existing or future neighboring uses;
 4. Will be a substantial improvement to property in the immediate vicinity and to the community as a whole;
 5. Will be served adequately by essential public facilities and services, such as highways, streets, police and fire protection, drainage structures, refuse disposal, or schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such service;
 6. Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community. This finding should be made with the support and concurrence of the closest affected community;
 7. Will not involve uses, activities, processes, materials and equipment, and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glares or odors;
 8. Will be consistent with the intent and purposes of this chapter.
- P. Applications For Special Use Permits, Generally: Except when specifically set out otherwise in this chapter, applications for special use permits shall be filed with the Planning Department, which is charged with responsibility for their receipt, fee collection, processing and distribution.
- Q. Applications For Special Use Permits; When Filed; Who May File: Special use permit applications may be filed only by the property owner, its formally designated agent with power of attorney, or a lessee with formal and sufficient consent of the property owner, and applications may be made only for special use permits specifically authorized or required by this chapter.

← No Employee in Tonopah.

- R. Application Forms; Supplementary Materials: Applications for special use permits shall be made on forms provided for that purpose, and shall be accompanied by such plans, reports, or other information, exhibits, or documents as may be reasonably required to make the necessary findings in the case.
- S. Application Forms; Materials That Are Required: Where applicable to the activity or development for which a special use permit is requested and where necessary to a decision on the application for a special use permit, all applications shall provide the following:
1. A completed proper application form as provided by the Planning Department.
 2. The name, address, and phone number of the applicant or its agent with power of attorney, and owner's written, notarized approval if property ownership is other than the applicant.
 3. The legal description and physical address of the property of the proposed activity.
 4. A conceptual site plan shall be required for all special use permit applications, which shall be submitted with the Special Use Permit application.
- T. Application Forms; Materials That May Be Required For All Special Use Permits: Where applicable to the activity of development for which a special use permit is requested and where necessary to a decision on the application for special use permit, any of the following elements may be required:
1. Statement describing in detail the character and intended use of the development or activity.
 2. General location map, showing relation of the site or activity for which the special use permit is sought to major streets, schools, existing utilities, shopping areas, important physical features in and adjoining the project or activity and the like.
- U. Application Forms; Completion Before Processing: For purposes of establishing time limitations on processing, no application shall be deemed to have been filed unless and until the application shall have been completed, and all plans, reports or other information, exhibits, or documents required by this chapter shall have been provided, and all fees, due at the time of filing, shall have been paid.
- V. Application Forms; Supplementary Materials: During processing of any application, if it is determined by the Board that additional information is required to make the necessary findings bearing on its approval, disapproval, or conditions and safeguards to be attached, such information may be requested. Failure to supply such supplementary information may be used as grounds for disapproval of the permit. Such supplemental information shall be supplied at least ten (10) working days prior to hearing on the application.
- W. Planning Department Report Required: As appropriate to the nature of the permit involved and the particular circumstances of the case, the Planning Department shall report to the Board on the following standards in addition to any other standards and requirements set forth concerning the kind of permit being considered:
1. Ingress and Egress: The adequacy of ingress and egress to the property and structures and uses thereon, with particular reference to automotive and pedestrian safety and convenience, traffic

flow and control, and access in case of fire or other emergency, shall require the approval of the local fire department.

2. Off Street Parking And Loading: Due consideration shall be given to off street parking and loading facilities as related to adjacent streets, with particular reference to automotive and pedestrian safety and convenience, internal traffic flow and control, arrangement in relation to access in case of fire or other emergency, and screening and landscaping. Any proposed on-street parking areas shall require the approval of the Public Works Director.
3. Refuse And Service Areas: Due consideration shall be given to the location, scale, design, and screening of refuse and service areas; to the manner in which refuse is to be stored; to the manner of refuse collection, deliveries, shipments, or other service activities, in relation to the location and nature of uses on adjoining properties; and the location and character of adjoining public ways; and shall be approved by the local solid waste disposal authority.
4. Lighting: Due consideration shall be given to the proposed lighting for the premises, with particular reference to traffic safety, glare, and compatibility and harmony with adjoining and nearby property and the character of the area; and shall be compliant with nationally recognized dark-sky standards, any exceptions must be approved by the Planning Director.
5. Utilities: Due consideration shall be given to utilities required, with particular reference to availability and capacity of systems, location of connections, and potentially adverse appearance or other adjoining and nearby property and the character of the area; and shall require the approval of the applicable utility service provider.
6. Drainage: Due consideration shall be given to provision for drainage, with particular reference to the effect on adjoining and nearby properties and on general drainage systems in the area; and shall comply with the requirements contained in Nye County Code Chapter 15.12 "Flood Damage Prevention."
7. Roads: Due consideration shall be given to **compliance with NCC 12.12 and/or** the provision of paved, double layer chip sealed, or roads treated with a dust palliative.

X. Control Of Potentially Adverse Effects Generally: In addition to consideration of detailed elements indicated above, as appropriate to the particular kind of permit and the circumstances of the particular case, due consideration shall be given to potentially adverse effects generally on adjoining and nearby properties, the area, the neighborhood, or the county, of the use or occupancy as proposed, or its location, construction, design, character, scale or manner of operation. Where such potentially adverse effects are found, consideration shall be given to special remedial measures appropriate in the particular circumstances of the case, including screening or buffering, landscaping, control of manner or hours of operation, alteration of proposed design or construction of buildings, relocation of proposed open space or alteration of use of such space, or such other measures as are required to assure that such potential adverse effects will be compatible and harmonious with other development in the area to a degree which will avoid substantial depreciation of the value of nearby property.

Y. Conditions And Safeguards: The Board shall have authority to attach to the grant of any such special use permit such conditions and safeguards as may be necessary for the purposes of this chapter in the particular case. Such conditions and safeguards, if attached to grant of the special use permit, shall be based upon and consistent with the general standards, and considerations and

standards applicable to the kind of special use permit involved as set out in this chapter, and to other provisions relating to the particular kind of permit. The requirement for any such conditions or safeguards shall be supported by stated reasons therefor, based upon such consideration and standards, and no such condition or safeguard shall establish special limitations or requirements beyond those reasonably necessary for the accomplishment of the purpose for which attached. Failure to comply with conditions and safeguards, when attached to a grant of a special use permit, shall be deemed a violation of this chapter. Unless a different time period is specified, all Special Use Permits shall expire three (3) years following approval if the use has not commenced.

Z. Compliance With Conditions: Responsibility of Applicant to Submit Written Report: The responsibility for compliance with any conditions or safeguards attached to a granted special use permit shall lie with the applicant. For all approved special use permits, the applicant shall submit a written compliance report to the planning department not later than six (6) months following the issuance of the special use permit, outlining the status of compliance with any such conditions or safeguards attached to the granted special use permit. Thereafter, the applicant shall submit annually a written compliance report to the planning department outlining the status of any conditions or safeguards attached to the granted special use permit.

AA. Modifications In Approved Special Uses: The Board must approve any modifications in approved special uses.

BB. Withdrawal Of Application For Permit: Effect Of Withdrawal: An application for a special use permit may be withdrawn by the applicant at any time prior to decision without limitation on resubmittal. Any required processing fee is nonrefundable.

CC. Actions Following Decisions On Special Use Permits: Following decisions on special use permits, the following actions shall be taken:

1. Notification Of Applicant In Cases Of Approval: Where special use permits are approved, with or without conditions and safeguards, a copy shall be transmitted by the Board to the applicant within five (5) working days of the decision.
2. Notification Of Applicant In Cases Of Disapproval: Where applications for special use permits are disapproved, applicants shall be so informed by the Board in writing, within five (5) working days of the decision, with a summary of the reasons therefor and notice that complete records on the case are available in a location specified, and are public records.
3. Notification Of Affected County Agencies In Cases Of Approval: Where special use permits are approved, with or without conditions and safeguards, affected agencies or officials shall be informed by the Board within five (5) working days of the decision by copy of the permit, including any conditions and safeguards attached thereto. As appropriate to the circumstances of the case, upon such notification, such agencies or officials shall proceed to decide matters concerning any building permit, occupancy permit, or other action dependent upon issuance of the special use permit, without further action by the applicant therefor, and shall perform their duties with regard to administration, inspection, or enforcement in the case.
4. Notification Of Affected County Agencies In Cases Of Disapproval: Where special use permits are disapproved, affected agencies or officials shall be informed by the Board within five (5) working days by copy of notification provided to the applicant.

DD. Permits To Apply To Property, Not Person: When granted, a special use permit, together with any conditions or safeguards attached thereto, shall apply to the land, structure, or use for which it was issued, and shall not apply to a particular person. The use shall be allowed to continue should the property transfer into different ownership.

EE. Cessation Of Use: A special use permit shall automatically expire and become null and void without further action if, after construction the use has been completed or the use commenced, the use is relocated to a different parcel or location. Additionally, a special use permit shall automatically expire and become null and void without further action if, after construction the use has been completed or the use commenced, the use is discontinued or ceases for twelve (12) months or more on the parcel or location where the use was being conducted, or twenty four (24) months or more if the building or structure in which the use was being conducted has been damaged or partially destroyed by fire, flood, wind, or other calamity. A use is considered to have been discontinued if any required licenses or permits for the use have expired. If reconstruction has commenced within one year of the fire, flood, wind, or other calamity, the conditional use permit shall not expire, providing reconstruction is continuous and building permits do not expire.

FF. Previously Disapproved Or Withdrawn Special Use Permit Applications: An application for a special use permit which was the subject of a previously disapproved application which proposed the same use on the same property that has been previously disapproved or withdrawn after notices have been sent, shall not be accepted until the following periods have elapsed from the date of disapproval or withdrawal:

1. After the first disapproval or withdrawal: Six (6) months.
2. After the second or a subsequent disapproval or withdrawal: Eighteen (18) months.

The time periods described in subsections FF1 and FF2 of this section shall not become effective if, after consideration of the timing and circumstances of the disapproval or withdrawal, the Board specifically disapproved the application or approved the withdrawal without prejudice.

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 _____, 2016.

Proposed on the ____ day of _____, 2016

Proposed by: Commissioner _____

Adopted on the ____ day of _____, 2016

Vote: Ayes: Commissioners:

 Nays: Commissioners:

 Absent: Commissioners:

BY: _____
Frank Carbone, 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 Brougner 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 Stary 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:



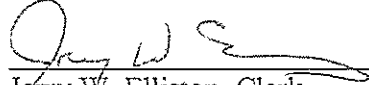
Kat Galli, Deputy Town Clerk

Approved:



Duane Downing, Chairman

Don Kaminski, Vice-Chairman



Jerry W. Elliston, Clerk



Rhonda S. Link, Member

Michael Sain, Member

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