

TONOPAH TOWN BOARD

MEETING MINUTES

OCTOBER 26, 2011

Tonopah Town Board Chairman Jon Zane called the meeting to order at 7:02 pm. Also present were Horace Carlyle, Glenn Hatch, and Duane Downing. Javier Gonzalez was absent. There were twelve other people in attendance.

1(a). Review and Approval of Minutes from Regular Meeting held on October 12, 2011.

Horace Carlyle made a motion to approve the minutes, in context, from regular meeting held on October 12, 2011. Duane Downing seconded. Motion passed 3-1-1 (Javier Gonzalez was absent).

(b) Review and Approval of Minutes from Workshop held on October 18, 2011.

Horace Carlyle made a motion to approve the minutes, in context, from workshop held on October 18, 2011. Duane Downing seconded. Motion passed 3-1-1 (Javier Gonzalez was absent).

2. Presentation of Plaque to one (1) Retired Town Employee Honored for Her Years of Service.

This item was tabled.

3. Approval of Shaw Engineering's Proposal to Provide Administrative Type Support as Required for Tonopah Arsenic Project.

James Eason explained that this is an agreement to continue the work Shaw is doing right now on the water project until the rest of the funding comes in once the Town receives the EA and the Notice to Proceed on the project.

Duane Downing made a motion to approve the Shaw Engineering proposal to provide administrative type support as required for the Tonopah Arsenic Project. Glenn Hatch seconded. Horace Carlyle asked if the amount should be included in the motion. Jon Zane asked if the amount was going to be solid. James Eason confirmed. Duane Downing noted that the monthly fee was clearly stated in the contract. Motion passed 4-0-1 (Javier Gonzalez was absent).

4. Approval to Surplus and Dispose of Town of Tonopah and Tonopah Public Utilities Inventory Deemed to be Incapacitated or Out of Service by Staff.

James Eason explained that everything on the list given to the Board is the electronics, including mice, monitors, old recording systems that no longer work, etc. These will be disposed of with an outfit in Carson City. They will wipe the hard-drives and return a certificate stating that. It is just a matter of transporting them.

James Eason explained that the other list contains the Ward School Bus. The Town does not own this; Nye County does. The Town owns the second bus, a 1976 GMC Transit bus. He noted that Nye County has been notified of the other school bus. The third list shows two TPU trucks stored at the lower bone-yard at the Mining Park. There are also pool heaters, an old Convention Center ice maker, and an old yard machine, the cover, the stand, the old heater that was under Suma, the swamp cooler, and miscellaneous items of scrap metal. The Town is requesting to have those items removed from inventory. The process would be to notify local salvage business to come and give proposals to remove the items from the property. There was a pre meeting earlier in the day with those licensed businesses. They were taken around to the two bone-yards at the Mining Park, the Convention Center to look at the bus, the open land full of metal at Joe Friel, and Rye Patch.

Jon Zane asked about the funds derived from this. James Eason explained that the funds would have to go into miscellaneous and, depending on where the items came from, the money would be distributed accordingly to the correct account.

Horace Carlyle made a motion approve to liquidate/sell surplus and dispose of Town of Tonopah and Tonopah Public Utilities inventory deemed to be incapacitated or out of service by staff. Duane Downing seconded. James Eason explained that he will get with Joe Westerlund to finalize a list to send out to those licensed businesses and ask them to bid on any items. Motion passed 4-0-1 (Javier Gonzalez was absent).

6. Discussion, Deliberation and Possible Decision to Enter into Contract with FacilityDude.com for One Year of Utility Trac Plus™.

Mariah Rivero explained that the Town was contacted by Evan Johnson with FacilityDude. Currently, the utility bills are entered into spreadsheets. This program would allow the Town to track the utility bills. It allows for benchmarking and allows for tracking power usage. It can reveal areas for possible energy savings. The program will flag anything unusual, from missing to very high bills. She explained that the company currently has funding through Johnson Controls so the Town has the option of trying this program free for the first year with no obligations. The program would allow the Town to better track energy costs in light of the current projects.

Duane Downing asked what the cost was for the second year. Mariah Rivero explained that the cost is based on the number of meters, about eighty for the Town. The cost would be about \$1,915 per year. She explained that normally there is a quickstart costs. Without the Johnson Controls funding, the cost for the first year would be about \$3,478 and about \$2,200 per year after that. She note that Nye County has approved to start using this same program. There is lifetime unlimited support and training and the company has offered to input the past two years of billing history.

Duane Downing asked what the track record was for the company. Mariah Rivero explained that she was able to get in touch with the Desert Research Institute. They are in their second year of using the program. She noted the Institute feels that this may be beneficial for the Town with all

the projects currently going. She noted that the company is based out of North Carolina and there are a lot of hospitals, schools, etc. that do use the program.

James Eason explained that the recommendation is to try this for a year. Duane Downing feels that this is a good idea as long as there is no obligation. Horace Carlyle feels that the Town needs to start evaluating the program after nine months for cost savings, reduction of man-hours, simplification of record keeping, etc. rather than right at the one year mark.

Mike Truesdell asked if the Town would be able to tie in if there are buildings on a control system where it can monitor which items use power or if it is just based on the bills. Mariah Rivero explained that it is just based on bills. James Eason explained that the Town does not currently have that capability. Mariah Rivero explained that the program does tie into the local weather to remove that as a factor. Because the program does flag unusual bills, it provides the possibility for catching mistakes or problems.

Horace Carlyle made a motion to approve entering into a contract with FacilityDude.com for one year of Utility Trac Plus™ at no cost to the Town of Tonopah to track utility usage on Town properties; estimated renewal for the second year would be \$1,915 if we choose to renew. Glenn Hatch seconded. Duane Downing clarified that the Town will evaluate the program after nine months. Motion passed 4-0-1 (Javier Gonzalez was absent).

The Tonopah Town Board recessed to the Library Board at 7:21 pm.

The Tonopah Town Board returned at 7:27 pm.

5. Discussion and Possible Decision Regarding Purchase and Implementation of iWEB MS AP inHANCE Small Business Software.

Chris Mulkerns explained that the TPU billing software is from Harris. She noted that both she and Mariah Rivero participated in the webinar for this add on to the billing system. The company has offered to install the software. On the Town website there would be an icon for accessing the billing registration and payment system. She noted that the customer would have to do the registration themselves but once they are registered they can access their utility bill account. They can see where they are at, how much they owe, their past due amounts, etc. They would then be able to pay their bill via credit card. She explained that the Town can add all four major credit cards but the costs do increase with the number of credit cards. The customer also has the option of paying by echeck, or a check that comes directly out of their checking account. This part of it is one dollar per transaction that TPU can either absorb or pass onto the customer. This would be noted on the screen when the customer goes to pay. They have the option of accepting it or not accepting it. If they do not accept it, they do not have to continue through with the process and can mail a check or come into the office.

Chris Mulkerns explained that the credit card merchant Harris recommended is pricey. Harris recommended them because this merchant is familiar with the system. The company's proposal states that if in three months the Town is not doing a minimum of 250 transactions per month,

the Town will be charged \$250.00. She explained that there is a very high possibility that the Town will not be doing 250 transactions per month. She noted the Mining Park Foundation uses Merchant Services through Nevada State Bank. At the most, the Mining Park is charged \$50 or \$60 per month. Their monthly fee, on top of the transaction fee, is \$25.00. She has requested information for this service from Nevada State Bank. She noted that Visa will not allow entities to charge users a fee. The Town will have to absorb the fee for Visa. Each card has its own rules.

Chris Mulkerns explained that with inHANCE Small Business, the identity theft issue is not the Town's liability. The Town never sees any of the credit card information. The biggest advantage is the convenience for customers. People would now have the opportunity to pay with a credit card over the phone or come into the office and pay with a credit card. She explained that there are some setup costs and it will add \$160.00 per year to the annual support costs for the billing system but the support is available 24/7. Mastercard and Visa would probably be fine but if that is not an option for people, they can have it taken directly out of their checking account. James Eason explained that this would be a cost savings for bill processing. Chris Mulkerns explained that this is a real time transaction. When the payment is made online, it goes into the billing screen. At the end of the day, Joann Jose would close out the cash and checks and then do a second close out for the online payments. She explained that once the customer is registered, they can go online and see everything about their account.

This item was tabled.

7. Discussion and Possible Decision to Approve Memorandum of Understanding with Tonopah Solar Energy, LLC.

James Eason explained that there was a letter submitted by the DA's office to Solar Reserve. The Town is still under a tight time frame but the extension has been pushed out. He noted that the Town has received the comments from Daniel McArthur. He noted that he was able to contact Western Nevada Community Foundation, a foundation in Northern Nevada that handles endowments. They are the third party discussed at the special meeting. He noted that Mr. McArthur feels that the Town can handle the money just fine through the Treasurer's office. James Eason explained that he still has to run the changes through the District Attorney's office. Technically Solar Reserve could put the funding into an account with a third party or submit it directly to the Town.

This item was tabled.

8. Discussion and Possible Decision to Advertise in Civil Air Patrol Magazine: Silver Wings Over Nevada.

James Eason explained that last year the Town advertised in the magazine and they have submitted an application again this year to advertise. He noted that there is no way to track the benefit to the Town. Jon Zane noted that Civil Patrol is looking to do something real estate wise in Tonopah because there is interest to have property so the north and south can meet between the different wings.

Horace Carlyle noted that some of the revenue from the ad would go to support the Civil Air Patrol.

Horace Carlyle made a motion to advertise in the Civil Air Patrol Magazine: Silver Wings Over Nevada for 1/12 of a page for \$195.00. Glenn Hatch seconded. Duane Downing noted that he would like to up the ad to 1/9 of a page. He noted that for \$50.00 more, the Town would get a little more space and the Civil Air Patrol would get a little more support. Horace Carlyle amended his motion to go for the 1/9 page at \$245.00. Glenn Hatch seconded. Motion passed 4-0-1 (Javier Gonzalez was absent).

9. Discussion and Possible Decision to Advertise in Wild West Magazine and/or American History Magazine.

James Eason explained that an individual representing Wild West Magazine came to Tonopah. He will be doing a feature in regards to mining and would like to feature a story on the Mining Park and advertise the Mining Park. Mr. Eason noted that the demographics are representative of who the Town is trying to go after and who visits the Mining Park.

Horace Carlyle noted that the ad is pricey. James Eason explained that the issue dates run January/February, March/April, etc. He explained that the ad he recommends is \$800.00 at 15% off. The recommendation is the 1/6 page for six times per year. The recommendation is to advertise in just the Wild West. Duane Downing noted that the magazine has done several features on Tonopah in the past.

Horace Carlyle asked where the funding is coming from. James Eason noted that the funding is coming from room tax but he cautioned the Board not to spend too much money because it is the beginning of the year and there are still major events towards the end of the fiscal year, including Jim Butler Days. He explained that the reason these ads are before the Board is because they are being funded out of room tax and all room tax decisions have to be made by the Board. Chris Mulkerns explained that the Town has spent around \$5,000 from room tax. She noted that the phone for the reader board also comes from room tax. James Eason explained that if the Board wants to up an ad they can and depending on the budget, staff can make the determination if it needs to go down. Horace Carlyle explained that 1/3 of a page six times a year is \$1,577 compared to 1/6 of a page at \$838. Chris Mulkerns explained that the Town budgeted \$32,000 for FY 10/11 and spent around \$20,000.

Duane Downing made a motion to authorize Town Manager James Eason to advertise in Wild West Magazine for an ad in the magazine to run six times for a cost not to exceed \$1,577.00. Horace Carlyle seconded. James Eason noted that the Town will advertise the Mining Park. The ads put together for Nevada Magazine would be used to advertise the Mining Park for Wild West and the ad for the Civil Air Patrol would be the one from last year. Bobby Jean Roberts asked if the Town will reap that money back. James Eason noted that it is hard to track that. He noted that this is coming out of the 5/8ths Room Tax portion, which is directed towards advertising.

Bobby Jean Roberts noted that the room tax when it first went into effect was seed money for advertising for Tonopah events. After a certain time those events were supposed to be budgeting their own money to cover those things. She wanted to know if this is still seed money or if the Town ever plans for the Mining Park to be paying for its own advertising. James Eason explained that the Rotary event approved at the last Board meeting would fall under the seed money category, as well as the Tonopah Chuckers and Jim Butler Days. He noted that the Mining Park is owned by the Town and it is a General Fund item. There are two entities, the Town and the Foundation, that are applying for grants. The Mining Park is like the Convention Center and the Town can use this fund to advertise. Horace Carlyle noted that each of the events the Board funds brings in additional room tax money or maintains the room tax money.

Bobby Jean reiterated that she wanted to know if the room tax money was supposed to be used for seed money. She wanted to know if the Mining Park was putting aside money for advertising so they could take on some of these things. James Eason explained that the fund can be used for both seed money and advertising. He noted that Mining Park and Convention Center are both funded out of the Town General Fund. The three main tax revenue are room tax, consolidated tax, and property tax. The intent of the Convention Center was to have room tax support the Convention Center and parks. Room Tax has never supported the Convention Center or the Parks and they have always been subsidized by the Town General Fund. He noted that the Town does budget money under the Convention Center budget and the Mining Park budget for advertisement but that usually covers the phone book advertisements or posters. He noted that for the larger advertisements, traditionally the Town Board has always used the room tax as a funding mechanism. He explained that the items funded out of the 5/8th room tax are the reader board, seed money for events, such as the Chuckers, and advertisements.

Motion passed 4-0-1 (Javier Gonzalez was absent).

10. Discussion and Possible Decision to Accept and Implement Mining Park Project – Chris Bramwell and Joni Eastley.

Joni Eastley explained that on Friday October 21, the project became a pending project conditional on approvals from the State Historic Preservation Office after she met with them. The project was born from a desire to have a permanent competition area for the annual mining events at the Mining Park. The Foundation has worked to refine and improve the event. It has brought more visitors into Town. The Foundation wanted to have a permanent competition area. The premise is to frame in the competition area. There are boxcars that were surplus at the Test Site and the Mining Park Foundation took twelve of them. Three of those boxcars would be placed in a horseshoe shape in front of the trestle and a concrete pad will be poured. This is where the competition will take place. She explained that the Foundation is trying to find one of the old observation towers. This is where the timers and announcers will sit. A boardwalk will be in front of the boxcars. The doors on the front of the boxcars will be taken off and wooden bleachers will be built for spectators to sit on. This protects spectators from the elements and keeps them out of the sun. When it is hot, the back doors can be opened to allow for a breeze.

James Eason explained that the additional building is one Davie Manhire is willing to donate. Joni Eastley explained that Chris Bramwell drafted the entire project. James Eason explained that the building would be used for the blacksmithing events held at the Mining Park. He noted that there are people who come from all over California and Nevada for the blacksmithing. The intent for the events area is to move all of the mining events over. The way Mr. Bramwell has designed this is as an outdoor events areas, where the Town can hold Chautauquas, stargazing, little concerts, etc. He explained that all of the material is either donated or already available. The State Historic Preservation Office does have the CCNRs over the Mining Park and they have to review everything that happens up there because the Town has taken money from them to restore the buildings. Joni Eastley explained that the building for the blacksmithing shop is the building located on the M & K Property. She noted that she has already spoken with Dave Fanning, the Nye County Public Works Director. They are willing to help relocate that building and some of the boxcars. She explained that the Foundation is going to give the County some of the boxcars in exchange for the work. Jon Zane asked how many people would fit in the boxcars. Joni Eastley explained that there are a number of things the State Historic Preservation Office needs to approve. They have specific concerns about the visual impact of an area like this and what it would do to the overall historical integrity of the Mining Park.

James Eason explained that this is a new project. It has no history with the park. He explained that this would be a new site outside of the overall facilities that are up there and the original intent of the park. He explained that the Board is being asked to review and approve the concept. It is all tentative and conditional upon SHPO. Joni Eastley explained that this does not adhere to Department of Interior standards and might be considered an adverse impact to the property. That is all part of the CCNRs. James Eason explained that historically this area was always a lay-down yard for the mining activities. It has always been open.

Joni Eastley explained that there was a really big safety concern about where the competition area is now. People park and walk everywhere. There really needed to be a way to funnel pedestrian traffic in and out of one area and force parking in one area. A portion of the sides of the blacksmith shop would be removed and replaced with carriage doors that could be opened up to foot traffic. One half of the building is designed to be a working blacksmith shop. The other side of the building is designed as a blacksmithing interpretive area. There have already been individuals donating historic blacksmithing items that either came out of this camp or other mining camps around Nevada and California.

Duane Downing explained that if the Board approves the concept and SHPO denies access to the Mining Park for this project, the concept can still be used elsewhere. James Eason explained that the front of the boxcars will lift up and be held in place so there could be three sets of bleachers in there. The doors on the backside of the boxcars would remain for fresh air and an emergency escape.

Joni Eastley explained that there was a big presence of railway lines in Tonopah and they want to be able to duplicate some of the logos for those rail lines and mount them on the boxcars.

Horace Carlyle asked what kind of funding was necessary. Joni Eastley explained that they were not sure yet because they are still talking about different issues, such as the railroad tie fencing. She noted that the representative from SHPO felt that the proposed fencing would be too confusing culturally for people to walk onto the property and see the railroad tie fencing when historically the Park was for mining. The only thing that would be permitted to go around the events area is chain link fencing. The funding for fencing for this project, as for the other fencing, comes from Nevada Division of Minerals. Joni Eastley explained that most of the materials, including the boxcars and the blacksmithing shop, were donated. The Foundation is bartering for labor and there are a lot of volunteers lined up who wish to help on the project. She noted that what they would be spending money on is the wood for the boardwalk. James Eason explained that there is funding under the Mining Park Capital Projects Fund.

Duane Downing made a motion to accept and approve the conceptual project for the Mining Park for implementation after approval from SHPO. Horace Carlyle seconded. Motion passed 4-0-1 (Javier Gonzalez was absent). James Eason

11. Tonopah Development Corporation Report

Joni Eastley explained that there are a couple of property cleanups going on but there is nothing finalized with those yet.

No action taken by the Board.

12. Public Comment

No action taken by the Board.

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

James Eason explained that the Town is still working on the Visitor Center. Maintenance is putting on the finishing touches of stain. Reno-Tahoe Paint Mart donated the stain. Maintenance will be installing the Plexiglas and coverings per Clair Blackburn's recommendations. As for the additional solar panels and the wind turbine, the Town has not yet had a chance to get up and take the base off. The Town is going to look at possibly expanding solar panels. Horace Carlyle noted that he has a safety concern on the wind turbine because it has blown off several times and is twenty to thirty feet in the air. James Eason noted that the turbine is fiberglass. What is unique about the concept is that when the sun is not shining the wind is usually blowing so there is a balance of power. He feels that the real benefit of the site is that it can be remotely monitored. Duane Downing noted that the problem with the original wind turbine is that it was not maintained and that is why it failed the way it did. James Eason explained in the future there will be a maintenance program on the building. He noted that the lights had been shut off and the batteries were getting supercharged and that is why they failed.

James Eason explained that there was a paranormal group at the Mining Park last weekend. He explained that on Thursday October 27, there will be an event with NCOT where fifteen German

bikers will come through Tonopah to do a fan tour. They will tour the Mining Park and are staying at the Mizpah. On the 31st of October and the 1st of November, there is another photographer coming down to do shoots on the Mining Park and Tonopah.

James Eason explained that most of the winterizing for the pool has been finished. He explained that the water project is moving forward. The Town is still working on the EA and by the end of December and the first quarter of 2012, the Town should be ready to go out for bid for the reuse project. He noted that the Town had a meeting with Aptus on Tuesday October 25 and it is moving forward with that project.

Jon Zane asked about the two injured firemen. James Eason explained that one just had smoke inhalation and is fine. The other fireman turned out fine and is back home.

Jon Zane asked if a letter from the Board to SHPO expressing its approval of the project at the Mining Park would help. James Eason explained that the Town will provide a copy of the minutes from this meeting if necessary but SHPO has their guidelines they have to follow. Joni Eastley explained that she really tried to express the safety factor with SHPO and that is what the Town is going to have to do with the majority of this project and really document the safety factor. She noted that the Town is very interested in and committed to historic preservation. It is not just preserving buildings but preserving the history of things. She noted that the competition showcases the historic methods of getting silver. She noted that instead of the railroad tie fencing, SHOP is proposing four foot chain link because it will be low impact and it already matches what is there. She explained that they are going to stress the safety and the fact that every year the event gets bigger.

Joni Eastley noted that Parks and Recreation has money left over and they have already advertised in the newspaper for Parks and Recreation grants.

14. Closure of Meeting, Pursuant to NRS 288.220 for purposes of conferring with Town's Management Representative regarding labor negotiation issues, and other personnel issues.

This item was tabled.

15. Closed meeting, pursuant to NRS 288.220 for purposes of conferring with Town's Management Representative regarding labor negotiation issues, and other personnel issues

This item was tabled.

16. Discussion deliberation, and possible decision on labor negotiations, issues and other personnel matters presented in the closed meeting

This item was tabled.

17. Closure of meeting pursuant to NRS 241.015(2)(b)(2) for purposes of conferring with legal counsel regarding potential or current litigation

This item was tabled.

18. Closed meeting, pursuant to NRS 241.015(2)(b)(2) for purposes of conferring with legal counsel regarding potential or current litigation

This item was tabled.

19. Discussion, deliberation and possible decision on conference with legal counsel regarding potential or current litigation presented in the closed meeting

This item was tabled.

20. Correspondence

Nye County Board of Commissioners Meeting Agenda – 10/18/2011

Nye County Resolution No. 2011-107 – 10/18/2011

Nye County Board of Commissioners Teleconference Meeting Agenda – 10/24/2011

Nye County Water District Governing Board Meeting Agenda – 10/24/2011

Pahrump Town Board Meeting Agenda – 10/25/2011

Round Mountain Town Board Meeting Agenda – 10/25/2011

Beatty Town Advisory Board Workshop Agenda – 10/26/2011

Beatty Town Advisory Board Meeting Agenda – 10/26/2011

Board of County Commissioners Meeting Agenda – 11/01/2011

James Eason explained that the Board has Nye County Resolution No. 2011-107. He noted that the article in last week's newspaper stated that the Town owns the Belvada. Mr. Eason explained that the Town does not own the Belvada. The Town has applied to the BOCC which in turn has petitioned the Treasurer to go through the process of the 90-day notification.

21. Approval of Vouchers for Payment

The vouchers were reviewed and all were signed by Board members. Duane Downing made a motion to approve the vouchers as presented for payment. Horace Carlyle seconded. Motion passed 4-0-1 (Javier Gonzalez was absent).

22. Adjourn

Meeting was adjourned at 9:00 pm.

Tonopah Town Board Meeting

October 26, 2011

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Minutes transcribed by:

Mariah Rivero

Approved:

Jon Zane, Chairman

Horace Carlyle, Vice Chairman

Javier Gonzalez, Clerk

Glenn Hatch, Member

Duane Downing, Member