

TONOPAH TOWN BOARD

MEETING MINUTES

MAY 09, 2012

Tonopah Town Board Chairman Jon Zane called the meeting to order at 7:04 pm. Also present were Horace Carlyle and Duane Downing. Javier Gonzalez was absent. There were nine other people in attendance.

The Town Board passed on condolences to the family of Board Member Glenn Hatch.

1(a) Review and approval of minutes, in context, from regular meeting held on April 11 2012.

Mariah Rivero noted that Duane Downing, Javier Gonzalez, and Glenn Hatch were the Board members present for this meeting.

Horace Carlyle made a motion to approve the minutes, in context, from regular meeting held on April 11, 2012. Duane Downing seconded. Motion passed 2-0-1-1 (Jon Zane abstained and Javier Gonzalez was absent).

(b) Review and approval of summary, in context, from regular meeting held on April 25, 2012.

Duane Downing made a motion to approve the summary, in context, from regular meeting held on April 25, 2012. Horace Carlyle seconded. Motion passed 3-0-1 (Javier Gonzalez was absent).

(c) Review and approval of minutes, in context, from regular meeting held on April 25, 2012.

Duane Downing made a motion to approve the minutes, in context, from regular meeting held on April 25, 2012. Horace Carlyle seconded. Motion passed 3-0-1 (Javier Gonzalez was absent).

2. Public Comment

Doug Farinholt noted that he is representing the Change the World with Love Foundation. In conjunction with the Rotary Club, they recently hosted an evening. They are in the process of establishing a Sister Cities group in conjunction with Change the World with Love. He noted that he will be submitting a letter of friendship to the sister city of Nana Kenieba, Mali. He noted that the information in the letter will be forwarded to the Sister Cities Foundation in Washington, DC.

No action taken by the Board.

3. Possible approval of 5/8ths of 1% Room Tax Grant to advertise and promote the 41st annual Jim Butler Days Celebration.

Duane Downing noted that there was a change in the amount requested. The tri-fold brochures were added increasing the requested amount to \$1,585.05.

Horace Carlyle made a motion to approve the 5/8ths of 1% Room Tax Grant for the Chamber of Commerce, Tonopah for the Jim Butler Days in the amount of \$1,585.05. Bob Perchetti noted that it is the 42nd Annual Jim Butler Days Celebration. Horace Carlyle amended his motion to reflect the correction. Duane Downing seconded. Motion passed 3-0-1 (Javier Gonzalez was absent).

4. Discussion and possible approval of a request by the Tonopah Development Corporation to waive the temporary business license requirement for food and other vendors during Jim Butler Days.

Horace Carlyle feels that there is an issue with the way the request was written and the way it was presented on the agenda. Duane Downing noted that the backup contains an addition of waiving any fees associated with using Town property. James Eason explained that the Town has never charged any fees for using any property. He noted it is a point of clarification. Horace Carlyle noted that in the past the organization that runs Jim Butler Days did collect a fee. Bob Perchetti noted that they are waiving the fee this year.

Bob Perchetti noted that they do not have a chairman for vendors this year. He explained that he has taken over that part and has notified every food vendor that they need a health permit before they can serve food. James Eason explained that in the past the Town gave TDC permission to charge for Town property. The coordinator would designate spots for the vendors and would charge accordingly for those spots and the utilities if they assumed any use of them.

Cindy Kaminski explained that there was a resolution that the Town Board had given years ago stating that there would not be any fees charged for Jim Butler Days. James Eason explained that the Town is not charging anything for power and water because it is not providing power and water. He noted that the State Health Inspection is a function of the State.

Duane Downing made a motion to approve the request by the Tonopah Development Corporation to waive the temporary business license requirement for food and other vendors during the Jim Butler Days celebration. Horace Carlyle seconded. Motion passed 3-0-1 (Javier Gonzalez was absent).

The Board moved to items 8 and 9.

5. Review and possible approval of revised Town of Tonopah/Tonopah Public Utilities job descriptions.

Chris Mulkerns explained that this is all the job descriptions for Town and TPU employees. The ADA language was added in based on new requirements and advice from Pool/Pact. She explained that there is an actual definition and distinguishing characteristics. There is also a list of the essential functions of the job. The ADA portions covers the knowledge and abilities necessary for the job. James Eason explained that the reporting structure was also changed for every job description. All statutory requirements and changes have been included in the job descriptions.

Jon Zane wanted to know if there were any changes made that needed to be reviewed by the District Attorney's Office. James Eason explained that all the employment issues are handled by Pool/Pact. Chris Mulkerns explained that staff made sure every scenario was covered.

Horace Carlyle made a motion to approve revised Town of Tonopah/Tonopah Public Utilities job descriptions based on staff recommendation and reviewed by Pool/Pact. Duane Downing seconded. Motion passed 3-0-1 (Javier Gonzalez was absent).

6. Discussion and adoption of resolution 12-2 of the Town Board of Tonopah, Nevada establishing a Tonopah Convention Center Debt Service Fund.

Chris Mulkerns explained that this is the same format as approved for the Arsenic Debt Service Fund. The Board has to do a resolution for the Town to establish the actual fund with Nye County. This has been submitted to Warner Ambrose and Dan McArthur. She noted that the resolution was revised based on recommendations.

Duane Downing made a motion to adopt Resolution 12-2 of the Town Board of Tonopah, Nevada establishing a Tonopah Convention Center Debt Service Fund. Horace Carlyle seconded. Motion passed 3-0-1 (Javier Gonzalez was absent).

7. Discussion and possible decision to enter into agreement with Point and Pay E-Payment Services for Tonopah Public Utilities and Town of Tonopah customers.

Chris Mulkerns explained that the Town received a call from a customer who works at Nye County wondering why the Town was not using this. She explained that she went through a webinar with one of the salesmen. The system gives the Town the potential to offer online payments, e-checks, over-the-phone payments and face-to-face credit card payments. The Town receives two free card machines and there is no fee on the Town's part. The company will train staff via the internet. She explained that she has spoken to two individuals at Nye County regarding this system. One feels this system is great and has had no problems. The other individual has a few issues but they may be issues present with any company, such as customer error.

Horace Carlyle wanted to know what the cost of transactions would be. Chris Mulkerns explained that the Town has no dealings with any credit card companies. The company takes that on. She explained that the convenience fee will be between \$2.00 and \$3.00. This is the only fee and is passed on to the customer. She explained that the Town is not required to have the voice activation option, which allows the customer to make a payment over the phone using the recorded system. Customers will have to call the office to make payments over the phone.

Horace Carlyle asked for clarification regarding the e-checks. Chris Mulkerns explained that the customer will give their checking account information rather than their credit card information. At the end of the day there is a batch of all the transactions that happened on that day. The Town will see it real time. The money is not actually deposited into the bank account for 48 hours but the Town is guaranteed to get the money.

Jon Zane wanted to know where the Town's liability is if staff enters something wrong. Chris Mulkerns explained that staff will instantly know if something was entered wrong. James Eason explained that the Town will not keep any of the credit card information. Chris Mulkerns noted that when receipts print, it will only show the last four digits of the card number. Once the transaction is processed, all of the card information is out of the system. She explained that this system does accept debit/credit, Visa, Master Card, Discover Card, and American Express. If the customer does e-checks, there is still the possibility of encountering the NSF checks.

James Eason explained that the swipe machines will be in the office so the customer still has the option of coming into the office to pay. Chris Mulkerns explained that the contract allows the Town to cancel service at any time if necessary.

Horace Carlyle made a motion to enter into an agreement with Point and Pay E-Payment Services for Tonopah Public Utilities and Town of Tonopah. Duane Downing seconded. Duane Downing feels this is a great idea. It still leaves the option open to the customer to mail in or bring in a check if they do not want to pay the convenience fee. James Eason explained that with previous options explored, Discover and American Express were not part of the option. Motion passed 3-0-1 (Javier Gonzalez was absent).

8. Discussion and possible decision to establish the process for receiving money from TDC from the billboards and distributing said money to the Mural Fund.

Bob Perchetti explained that McDonald's Corporation has again agreed to pay \$400.00 per month for the backside of the Currant Creek billboard. He noted that TDC would like the Town to receive the money. James Eason explained that there are three steps to this process. The Town will receive the agreement between the TDC and the advertiser and will follow what is in the contract. He noted that TDC has already received the first check. The funds will be distributed half into the Mural Fund and half into the TDC account. He noted that this will be similar to how the Town handles functions for the Tonopah Historic Mining Park Foundation. He explained that at any time the Town Board or TDC may change the responsibilities, the distribution, or eliminate this function. He explained that the mural fund will have an annual revenue of \$2,400.00.

Horace Carlyle made a motion to approve the process as submitted by TDC to the Town of Tonopah for receiving money from TDC from the billboards and distributing said money to the Mural Fund. Duane Downing seconded. Motion passed 3-0-1 (Javier Gonzalez was absent).

9. Discussion and possible decision to use the 5/8ths Room Tax to rehab the Montgomery Pass and Currant Creek billboards, not to exceed \$5,000.

Bob Perchetti explained that the area around the billboard at Montgomery Pass needs to be cleaned. The mural on the front side is faded and needs to be replaced. TDC wants to sheet the back of the billboard and then sell it to someone in Bishop. He noted that the two Tonopah billboards need to be changed and a new message put up. They will be in vinyl.

James Eason explained that there is a room tax budget of about \$20,000 per year. He suggested approving this item but for the FY 12/13. He explained that TDC can get started on the leg work and come July 1, 2012, they can award the contract and get started. He noted that the vinyls are not that expensive but it is a matter of rehabbing the billboards structurally to make sure they can handle the vinyls.

Horace Carlyle feels the Town should be willing to adjust this amount based on information as they move forward. Bob Perchetti explained that it will take 20 sheets of 5/8ths plywood to sheet the backside of the billboard. James Eason explained that for the last billboard, including digging the holes, it was less than \$3,000.00. Bob Perchetti noted that this will be less because none of the poles on the billboard have to be changed out. James Eason noted that the \$5,000.00 limit was based on the price for a brand new billboard. He noted that TDC will be managing this.

Horace Carlyle made a motion to approve the 5/8ths Room Tax to rehab the Montgomery Pass and Currant Creek billboards not to exceed \$5,000.00. Duane Downing seconded. Motion passed 3-0-1 (Javier Gonzalez was absent).

The Tonopah Town Board recessed to the Tonopah Library Board of Trustees at 7:39 pm.
The Tonopah Town Board returned at 7:54 pm.

10. Tonopah Department Budget Reports

James Eason explained that the Town is looking at a \$3,500.00 purchase for the pool. He explained that all pools must have an ADA lift installed. There will also be a hit in maintenance for a new transmission for one of the trucks. Under administration, the Town will probably exceed the budget for contracts but there is enough money in administration to cover it. He noted that the Town will not have a good estimate on how much over that line item will be until the first part of June.

James Eason explained that he is waiting for a response from Dan McArthur regarding the OPEB requirement. He explained that this is not a funded mandate. It is just a projection. It is a good idea to fund it but it is not a statutorial requirement. Mr. McArthur does have to show it per GASB, but the Town is not required to fund it. He explained that OPEB is tied to the Public

Employees Benefits System. It is the insurance that is provided by the State of Nevada. The Town is not part of that plan but is part of the County plan. He noted that every year the Town funds its obligations for retiree benefits.

Horace Carlyle noted that in water revenue, the section for Miscellaneous is budgeted at \$10,000 but is only at 46%. Chris Mulkerns explained that this covers shut-off fees, NSF charges, processing fees, etc. She noted that TPU had to give back \$1,793 this month. Staff is looking into this with the billing company. James Eason explained that the Town has been able to identify some leaks that have reduced operating costs.

No action taken by the Board.

11. Tonopah Development Corporation Report

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 thanked Board Member Glenn Hatch for his dedication to the Town of Tonopah.

James Eason explained that there was a meeting on Tuesday May 8, 2012 regarding the Belvada. The first part of the project will be the clean up. It is EPA funding through Brownsfield that will be paying for that. He explained that the work identified in the Convention Center as cleanup will not be done internally until the add-alternates. There will be a bit for the asbestos removal on the roof. Depending on how much funding there is, the goal is to have 100% of the Belvada cleaned. This includes the pigeon clean up, the asbestos, the lead paint removal, and the fuel tank in the basement. This project will begin during the first part of June. After the abatement is completed, the plywood will go up in the windows to keep the pigeons out.

James Eason explained that the Town met with Paul Winkleman from Shaw Engineering for the water project. The Town should have final construction drawings within the next two weeks. They will then go to USDA for approval. The job will be bid in two different parts. The first part is the well drilling and the second will be the transmission line. He noted that no construction can be done on the pipe line until the end of the migratory bird season. The Town will also bid the effluent water project at the same time. The Town is looking at a September time frame to start construction.

James Eason explained that today was the last day for bids for the salvage. The bids will be opened at the May 23, 2012 Board meeting.

James Eason explained that on May 22, 2012, Sarah Adler, her new district manager, Cheryl Couch, and John Nelson will be in town along with USDA housing staff to kick off all of the work that is being done by USDA and the Town of Tonopah for both the pipeline and the Belvada project and to announce their new program. USDA is looking at people who are interested in building new homes in Tonopah and they will help fund them. There are two different types of criteria: low to moderate income and slightly above low to moderate income.

Horace Carlyle expressed concern over the lack of room tax from National 9. James Eason explained that under the Room Tax ordinance, the Town can ask for a full audit.

James Eason explained that every two weeks Nye County has an economic development meeting. He explained that videos through THS Visuals is something that could sit on the Nye County server for all of the communities in Nye County. He noted that the next step is to meet with Paula Borda in Elko County.

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

Digital Life Flyer

THS – Visuals: Motion Picture Production Facilities Information

Round Mountain Town Board Meeting Minutes – 04/24/2012

Nye County Board of Commissioners Meeting Agenda – 05/01/2012

Nye County Parks and Recreation Commission Teleconference Agenda – 05/04/2012

Nye County Airports April 2012 Status Report – 05/04/2012

Pahrump Town Board Meeting Agenda – 05/08/2012

Round Mountain Town Board Meeting Agenda – 05/08/2012

Beatty Town Advisory Board Meeting Agenda – 05/09/2012

21. Approval of Vouchers for Payment

The vouchers were reviewed and all were signed by Board members. Horace Carlyle made a motion to approve the vouchers as presented for payment. Duane Downing seconded. Motion passed 3-0-1 (Javier Gonzalez was absent).

22. Adjourn

Meeting was adjourned at 8:56 pm.

Minutes transcribed by:

Approved:

Mariah Rivero

Jon Zane, Chairman

Horace Carlyle, Vice Chairman

Javier Gonzalez, Clerk

Duane Downing, Member