

TONOPAH TOWN BOARD

MEETING MINUTES

AUGUST 22, 2012

Tonopah Town Board Vice Chairman Horace Carlyle called the meeting to order at 7:01 pm. Also present were Javier Gonzalez, Duane Downing, and Ron Kipp. Jon Zane was absent. There were three other people in attendance.

1. Public Comment

No action taken by the Board.

2. Review and approval of minutes from regular meeting held on August 22, 2012.

This item was tabled.

3. Approval of proposed amendments to Town of Tonopah Personnel Policy as recommended by Pool/Pact Human Resources in their annual update to personnel policies.

James Eason explained that the statement at the beginning was added for clarification. For future changes, "Manager" will be used so it will be inclusive. The beginning statement establishes the chain of command. He noted that this has been vetted with Shani Dues from Pool/Pact. The ten minute break has been increased to a 20 minute break. Chris Mulkerns explained that most of the changes dealt with consistency. James Eason pointed out that the requirement for a valid driver's license was moved from one section to another.

Duane Downing made a motion to approve the proposed amendments to Town of Tonopah Personnel Policy as recommended by Pool/Pact Human Resources in their annual update to personnel policies. Javier Gonzalez seconded. Motion passed 4-0-1 (Jon Zane was absent).

James Eason explained that volunteers are also covered by Pool/Pact.

4. Review, discussion, and possible decision and approval of agreement between Harber Company and the Town of Tonopah for construction of Tonopah Public Utilities Wells and Transmission Main Arsenic Mitigation Project

James Eason explained that this is the final housekeeping for the water project. He requested the Board select another signing authority in the event the Chairman is not available. Before any of the documents are signed, they will be vetted by Shaw Engineering first.

Horace Carlyle asked for clarification on Section 6.02B of the agreement. James Eason explained that he believes this is in reference to change orders. He explained that this is a standard document that has been vetted by USDA.

Duane Downing made a motion to approve the agreement between Harber Company and the Town of Tonopah in the amount of three million four hundred ninety-three thousand nine hundred seventy-two dollars for the construction of Tonopah Public Utilities Wells and Transmission Main Arsenic Project and authorizing the Chairman and/or Vice-Chairman Horace Carlyle to sign the agreement. Javier Gonzalez seconded. Motion passed 4-0-1 (Jon Zane was absent).

5. Review, discussion and possible decision and approval of agreement between J.A. Tiberti Construction Company, Inc. and the Town of Tonopah for construction of Tonopah Public Utilities reclaimed Water Treatment and Distribution Facilities

James Eason requested the Board name an additional signee. This is the final housekeeping for this project. He explained that the funding is there. Horace Carlyle noted that Section 7.01 Interest was not included in the prior contract. He wanted to know what the estimated cost would be and if this has been incorporated into the projected cost of the project. James Eason explained that this money is coming from NDEP, the State Revolving Loan Fund. He explained that this is a standard contract for the EPA and has been vetted through the State.

Duane Downing explained that if they payments to the contractor is delayed, the Town has to pay interest on the payment it was supposed to pay on-time.

Duane Downing made a motion to approve the agreement between J.A. Tiberti Construction Company, Inc. and the Town of Tonopah in the amount of one million eighty-seven thousand four hundred forty-eight dollars for the construction of Tonopah Public Utilities Reclaimed Water Treatment and Distribution Facilities and authorizing the Chairman Jon Zane and Vice-chairman Horace Carlyle to sign the agreement. Ron Kipp seconded. Motion passed 4-0-1 (Jon Zane was absent).

The Tonopah Town Board recessed to the Tonopah Library Board of Trustees at 7:18 PM.

The Tonopah Town Board returned at 7:28 PM.

6. Approval of proposed revised Sewer Capital Projects Fund (FY 12/13)

James Eason explained that this is coming out of the Beginning/Ending Fund balance. It will be moved into the Capital Projects budget. The listed items include a \$40,000 truck, the mapping system, the new flow meter for the treatment plant, and the difference for the Reuse Project.

Javier Gonzalez made a motion to approve the proposed revised Sewer Capital Projects Fund for Fiscal Year 2012/2013. Horace Carlyle seconded. Motion passed 4-0-1 (Jon Zane was absent).

7. Approval of proposed revised Five Year Capital Improvement Plan pertaining to Enterprise Fund

James Eason explained that Staff will be submitting this to Warner Ambrose at the Department of Taxation. Chris Mulkerns noted that it will also go to the Legislative Council.

James Eason explained that by NRS the Town is required to give a five year plan. Chris Mulkerns explained that initially the Town had submitted a \$70,000 plan. It is being revised to a \$192,000 plan for this year. It will be projected at \$25,000 the following years.

Duane Downing made a motion to approve the revised Five Year Capital Improvement Plan pertaining to Enterprise Fund. Ron Kipp seconded. Motion passed 4-0-1 (Jon Zane was absent).

8. Approve and sign budget transfers for Town of Tonopah and Tonopah Public Utilities FY 11/12 budget

Ron Kipp wanted to know what OPEB was. Horace Carlyle explained that it is the projected medical retirement. James Eason explained that there is a question regarding whether funding it is required or not. The Town has started to fund that. It is for current employees. The money goes into an account so when current employees retire, that is where the medical will be paid from rather than the General Fund.

James Eason explained that there are unfunded liabilities, including OPEB, accrued sick leave, and depreciation. The Town has a depreciation account on the Water/Sewer side. The Town is putting away for the pipeline, the water tanks, the treatment facilities, and the collection lines. He noted that the auditor's numbers will be different under the GASB accounting rules versus what is actually being done. He explained that under the State Revolving Loan Fund, the Town is required to put away for capital depreciation. That number has been accepted by both the accountant and USDA as an acceptable amount.

Duane Downing made a motion to approve the budget transfers for Town of Tonopah and Tonopah Public Utilities Fiscal Year 11/12 budget. Horace Carlyle seconded. Javier Gonzalez read the transfers into the record. Ron Kipp noted that this is the final budget for FY 11/12. Chris Mulkerns explained that the Town cannot end the year with negative amounts. The Town goes through this process of evening everything out to make sure there are no negative balances in any of the fund line items. James Eason noted that there will still be revenue coming in from Consolidated Tax. What money has not been spent carries forward into the budget for FY 12/13. The Town has given the State an estimate but it will not be final until the audit is complete. Motion passed 4-0-1 (Jon Zane seconded).

Transfer from Town Administration Salaries, Workers Comp, Travel/Training, and Training:

Account Number	Account Name	Move To	Move From
21101-10-21-02-5110	Salaries		15,000.00

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21101-10-21-02-5240	Workers Comp.		2,500.00
21101-10-21-02-5331	Travel/Training		500.00
21101-10-21-02-5335	Training		350.00
21101-10-21-02-5312	Office Supplies	2,500.00	
21101-10-21-02-5321	Ads	350.00	
21101-10-21-02-5361	Contracts	15,000.00	
21101-10-21-02-5341	Telephone	500.00	

Transfer from Fire Department Salaries and Workers Comp:

Account Number	Account Name	Move To	Move From
21101-30-21-28-5110	Salaries		4,825.00
21101-30-21-28-5240	Workers Comp		800.00
21101-30-21-28-5311	Operating Supplies	2,500.00	
21101-30-21-28-5331	Travel	75.00	
21101-30-21-28-7344	Water/Sewer	1,250.00	
21101-30-21-28-7343	Propane	1,800.00	

Transfer from Convention Center Group Insurance/Retiree Insurance and Power:

Account Number	Account Name	Move To	Move From
21101-90-21-86-5250	Group Insurance/Retiree Insurance		500.00
21101-90-21-86-7342	Power		11,600.00
21101-90-21-86-5110	Salaries	500.00	
21101-90-21-86-5311	Operating Supplies	11,600.00	

Transfer from Parks Water/Sewer and Equipment Repair/Maintenance:

Account Number	Account Name	Move To	Move From
21101-80-21-85-7344	Water/Sewer		100.00
21101-80-21-85-5354	Equipment Repair/Maintenance		200.00
21101-80-21-85-5311	Operating Supplies	100.00	
21101-80-21-85-7342	Power	200.00	

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Transfer from Ballfields Water/Sewer:

Account Number	Account Name	Move To	Move From
21101-80-21-87-7344	Water/Sewer		3,000.00
21101-80-21-87-5311	Operating Supplies	2,200.00	
21101-80-21-87-5354	Equipment Repair/Maintenance	800.00	

Transfer from Pool Salaries, Workers Comp, Medicare, Social Security, Training, Telephone, Power, Water/Sewer, and Propane:

Account Number	Account Name	Move To	Move From
21101-80-21-84-5110	Salaries		3,340.00
21101-80-21-84-5240	Workers Comp		1,200.00
21101-80-21-84-5220	Medicare		220.00
21101-80-21-84-5230	Social Security		850.00
21101-80-21-84-5335	Training		790.00
21101-80-21-84-5341	Telephone		120.00
21101-80-21-84-7342	Power		1,440.00
21101-80-21-84-7344	Water/Sewer		110.00
21101-80-21-84-7343	Propane		1,780.00
21101-80-21-84-5311	Operating Supplies	7,300.00	
21101-80-21-84-5352	Building Repair/Maintenance	400.00	
21101-80-21-84-5354	Equipment Repair/Maintenance	2,150.00	

Transfer from Mining Park Salaries and Group Insurance:

Account Number	Account Name	Move To	Move From
21101-80-21-90-5110	Salaries		11,000.00
21101-80-21-90-5250	Group Insurance		1,000.00
21101-80-21-90-5312	Office Supplies	4,000.00	
21101-80-21-90-5321	Advertising & Printing	2,000.00	
21101-80-21-90-5375	Unemployment Claims	2,000.00	
21101-80-21-90-5331	Travel	200.00	
21101-80-21-90-5341	Telephone	400.00	
21101-80-21-90-5352	Building Repair/Maintenance	400.00	
21101-80-21-90-5369	Ground Maintenance	3,000.00	

Transfer from Town Maintenance Salaries, Workers Comp, Travel/Training, and Training:

Account Number	Account Name	Move To	Move From
21101-10-21-20-5110	Salaries		3,000.00
21101-10-21-20-5240	Workers Comp.		600.00
21101-10-21-20-7344	Water/Sewer	400.00	
21101-10-21-20-5353	Vehicle Maintenance	3,200.00	

Transfer from TPU – Water Administration Group Insurance, Postage/Shipping, and Training:

Account Number	Account Name	Move To	Move From
21502-98-21-02-5250	Group Insurance		4,300.00
21502-98-21-02-5322	Postage/Shipping		1,000.00
21502-98-21-02-5335	Training		500.00
21502-98-21-02-5110	Salaries	2,000.00	
21502-98-21-02-5210	Retirement	200.00	
21502-98-21-02-5220	Medicare	100.00	
21502-98-21-02-5312	Office Supplies	700.00	
21502-98-21-02-5361	Contracts	2,800.00	

Transfer from TPU – Water Operations Salaries, Retirement, and Workers Comp:

Account Number	Account Name	Move To	Move From
21502-98-21-81-5110	Salaries		2,500.00
21502-98-21-81-5210	Retirement		1,500.00
21502-98-21-81-5240	Workers Comp.		2,500.00
21502-98-21-81-5311	Operating Supplies	5,000.00	
21502-98-21-81-5354	Equipment Repair/Maintenance	1,500.00	

Transfer from TPU – Water Distribution Power:

Account Number	Account Name	Move To	Move From
21502-98-21-81-7542	Power		1,000.00
21502-98-21-81-7517	Permit Fees	1,000.00	

Transfer from TPU – Water Transmissions Power:

Account Number	Account Name	Move To	Move From
21502-98-21-81-7642	Power		2,500.00
21502-98-21-81-7611	Operating Supplies	500.00	
21502-98-21-81-7643	Propane	2,000.00	

Transfer from TPU – Sewer Administration Workers Comp.:

Account Number	Account Name	Move To	Move From
21503-99-21-02-5250	Group Insurance		2,000.00
21503-99-21-02-5110	Salaries	500.00	
21503-99-21-02-5312	Office Supplies	1,500.00	

Transfer from Town Administration Salaries, Workers Comp, Travel/Training, and Training:

Account Number	Account Name	Move To	Move From
21503-99-21-82-5170	Overtime		2,500.00
21503-99-21-82-5210	Retirement		3,500.00
21503-99-21-82-5250	Group Insurance		1,500.00
21503-99-21-82-5311	Operating Supplies	3,500.00	
21503-99-21-82-5315	Vehicle Fuel	1,500.00	
21503-99-21-82-5354	Equipment Repair/Maintenance	2,500.00	

9. Tonopah Development Corporation Report

No action taken by the Board.

10. Public Comment

No action taken by the Board.

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

James Eason explained that the new AEDs are being installed at the Convention Center, Joe Friel, the Mining Park, the pool, both firehouses, the Town Office, and the Library. The protocol and policies have been put together. They will be checked once a month. All Town employees have received AED trained. Duane Downing wanted to know if staff has been CPR trained as well. James Eason explained that Staff has been both CPR and AED training. Chris Mulkerns noted that it is a bi-annual training. James Eason reiterated that these will be checked every month.

James Eason explained that this past weekend the Town held the DAR event, the blacksmithing event, the Tonopah/Goldfield Picnic, and the off-road races.

James Eason explained that there has been flooding from the street into the Convention Center. The Town will also be getting started putting the documents together for the roof. Nothing has changed on the Belvada. The well development is progressing. The pre-construction meeting for the Reuse will be held September 5 and the pre-construction meeting for the Pipeline will be September 6. The State Horseshoe Tournament is this weekend at Joe Friel.

James Eason explained that the Town has received a six month financial statement from the Community Foundation of Western Nevada in regards to the Tonopah Community Fund. The balance is currently \$97,617.03. The Town will receive a payment from Solar Reserve next month. Horace Carlyle wanted to know where Town funds were currently invested. James Eason explained that staff needs to speak with Chris Askins. The Town was going to put the funds into a holding account until that determination has been made. Horace Carlyle feels the Board needs to eventually adopt a longer term investment philosophy.

James Eason explained that when the Development Agreement was signed by Solar Reserve, they wanted to make a gift to the Town of Tonopah. The project is a three year project and they wanted to gift \$100,000 to the Town of Tonopah every year for a total of \$300,000. The Town set up an endowment outside of the Nye County Treasury for the funds. This endowment is a gift to the Town of Tonopah for the people of Tonopah. It has restrictions and can only be used for specific things. He noted that if the Pahrump Town Board is dissolved in November, they could potentially dissolve the Tonopah Town Board and make it an advisory board. If that happens, the BOCC makes the decisions on the budget. They would make the decisions regarding the endowment fund but they have to follow the restrictions. The money can only be spent for things and people in Tonopah. He explained that the Library Board elected to reestablish and refund the Gravilovich Trust.

James Eason explained that there is a gentleman who will be present at the next meeting to do a presentation on the Rural Medical Facility Investment and Improvement Act of 2012. They are hoping to have Town Boards and County Commissions support legislation to implement this act to help improve medical facilities in the community.

Ron Kipp noted that every day, there are at least eighty pigeons around his house. He noted that eighty pigeons can drop five pounds of feces a day. They have no reason to go anywhere because they receive food and water. He noted that he has looked at ordinances from other towns regarding fines for feeding the pigeons. He feels the pigeon control is a great thing. James Eason noted that the pigeon control program is very expensive but the company is licensed to do this.

Duane Downing noted that about a year ago he approached Town Staff regarding an ordinance for public urination and defecation. James Eason explained that if the Board is interested in pursuing both ordinances, they can be done together. Duane Downing noted that both of these ordinances fall under public nuisance so it would be much more streamlined to proceed with both together. James Eason explained that the locations used for the pigeons are all Town

property and include the Mining Park, the firehouse, Butler Park and Barsanti Park. Javier Gonzalez noted that an ordinance would work hand in hand with an abatement program. James Eason explained that there is a tremendous amount of property damage that occurs to commercial, residential, and Town property from the pigeons.

Javier Gonzalez noted that he has been approached about possibly getting painting done on some of the roads for walking paths. James Eason explained that the Board can make a recommendation to the Nye County Road Department regarding this. He also recommended bringing this issue up under Public Comment at the BOCC meetings.

Horace Carlyle noted that without some sort of population control, an ordinance for pigeons will not be as effective. James Eason explained that winter is the best time to put in control measures. Pigeons are a flocking creature and huddle together when it is colder. He explained that the controls are a process that have to happen every year for five to ten years.

12. 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.

13. 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.

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

This item was tabled.

15. 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.

16. 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.

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

This item was tabled.

18. Correspondence

Round Mountain Town Board Meeting Minutes – 07/24/2012

Endowment Fund Financial Statement and Letter – 08/08/2012

Nevada Business Journal: Rural Nevada – 08/01/2012

Round Mountain Town Board Meeting Agenda – 08/14/2012

Letter from T.G.'s Pest Control – 08/14/2012

Pahrump Town Board Meeting Agenda – 08/14/2012

Nye County Water District Governing Board – 08/20/2012

Nye County Board of Commissioners Meeting Agenda – 08/21/2012

Beatty Town Advisory Board Meeting Agenda – 08/22/2012

19. 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. Javier Gonzalez seconded. Motion passed 4-0-1 (Jon Zane was absent).

20. Adjourn

Meeting was adjourned at 8:32 pm.

Minutes transcribed by:

Approved:

Mariah Rivero

Jon Zane, Chairman

Horace Carlyle, Vice Chairman

Javier Gonzalez, Clerk

Duane Downing, Member

Ronald Kipp, Member