

TONOPAH TOWN BOARD

MEETING MINUTES

NOVEMBER 28, 2012

Tonopah Town Board Chairman Jon Zane called the meeting to order at 7:00 pm. Also present were Javier Gonzalez, Duane Downing and Ron Kipp. Horace Carlyle was present via telephone. There were seven other people in attendance.

1. Public Comment

No action taken by the Board.

2(a). Review and approval of minutes from regular meeting held on October 10, 2012.

Javier Gonzalez made a motion to approve the minutes, in context, from regular meeting held on October 10, 2012. Horace Carlyle seconded. Motion passed 3-0-2 (Jon Zane and Duane Downing abstained).

(b). Review and approval of minutes from regular meeting held on November 14, 2012.

Duane Downing made a motion to approve the minutes, in context, from regular meeting held on November 14, 2012. Horace Carlyle seconded. Motion passed 4-0-1 (Javier Gonzalez abstained).

3. Review, discussion and possible decision on how to handle traveling vendors who may request to set up on Town property

James Eason explained that there are vendors who come through town occasionally outside of the normal holiday weekend events. During the non-holiday times, the Town needs to decide what to do with the vendors who want to set up on Town property. There is currently no policy in place. Jon Zane suggested looking at neighboring communities to see what they do. James Eason noted that vendors currently pay a business license fee and it is just a matter of location. Town staff is looking for direction from the Board on what to do.

Horace Carlyle wanted to know what the fee was. Javier Gonzalez noted that the only fee charged for the business license. Horace Carlyle wanted to know about the liability. Chris Mulkerns explained that one vendor who sets up in the Union Plaza Parking Lot provides the Town with a certificate of insurance while they are in town. Horace Carlyle wanted to know if every business was required to have liability insurance. James Eason explained that food vendors need to have a health permit. Chris Mulkerns explained that during holiday events, the vendors have been waived by previous Board actions. Staff is just asking about non-holiday times. Duane Downing wanted to know if it was possible to have the vendor sign a liability waiver when they get their license. Chris Mulkerns explained that it is not limited to just the vendor but their customers as well.

Horace Carlyle noted that a lot of the non-profit and volunteer organizations also participate in the same events as the vendors. He feels the Town may need to discriminate between for profit and non-profit. James Eason explained that the volunteers have always been waived by past Board action. The issue is with for profit vendors who have a State business license and go from one community to another. Javier Gonzalez explains that when vendors want to attend an event they have to sign up and pay a fee to set up at that event, which covers wear and tear, trash, utilities, etc. He feels the Town may need to look at charging a fee to set up on Town property. James Eason noted that the Board can limit vendors on Town property to only scheduled events.

Horace Carlyle wanted to know how many vendors were actually coming in each year who wanted to set up on Town property. Chris Mulkerns explained that it was maybe four or five a year. Horace Carlyle feels it is not worth the Town's liability risk to have them on Town property. Chris Mulkerns reiterated that the Town only has control over what happens on Town property. James Eason clarified that the Town of Tonopah does not accept any money during Jim Butler Days. If the Town were sponsoring and collecting fees, it would be the Town's responsibility to make sure that every vendor is in compliance. The Town does not have the resources to do that. The Board suspended the temporary business license fee for that specific weekend.

Duane Downing made a motion to limit traveling vendors setting up on Town property to only during sanctioned Town events during holidays with certain exceptions of people that have already been grandfathered into using Town property for that purpose. Horace Carlyle seconded. Motion passed 5-0.

4. Review, discussion and possible decision regarding Town taking over TDC

Heidi Bertolino explained that she was active in the TDC several years ago. It has been pretty inactive and the mission is outdated and needs refreshing. She feels that with a fresh mission or part-time employment it could be a very vital part of Tonopah's downtown revitalization efforts. She feels part of the reason TDC is still alive is because it is helping the Chamber of Commerce. She feels the Chamber of Commerce should be in the hands of the business owners and it should be up to them to keep it functioning. She does not feel the Town should adopt TDC. It would not be to the Town's benefit because of the work required to create the mission and getting it out to the people to get behind it. She feels the Board's efforts would be better spent helping the Chamber find someone to run it and give it back to the businesses to run.

Jon Zane explained that there has been inactivity with the TDC for several years. He feels the Town could assist in the process by putting TDC in the background and bringing the Chamber forward. Town businesses could still participate but there would be structure and a conduit. He feels it is time to bring it closer to the Town so it has some function and guidance.

Horace Carlyle feels that if the Town does not step in the TDC is done. He feels the TDC needs to nurture the Chamber of Commerce back to life.

James Eason explained that in past budget years, the Town has budgeted funding to outline this problem. He noted that the big question is if the businesses are interested in reorganizing the Chamber/TDC. He feels that, from a 501(c) 3 status, the TDC needs to be kept alive. Jon Zane noted that nationally, the Chamber is the conduit for businesses. James Eason does not feel that the TDC can survive on volunteers. Jon Zane feels that if businesses see the Town is involved, they may see that there is something going on.

Horace Carlyle feels that if the Board was to take the TDC, it would not preclude a partnership with the Chamber of Commerce.

This item was tabled.

The Tonopah Town Board recessed to the Tonopah Library Board of Trustees at 7:34 pm.

The Tonopah Town Board returned at 7:39 pm.

5. Review, discussion, and possible decision on how to proceed regarding the previous loan commitment and grant award received from USDA in connection with Tonopah Convention Center and State Bank & Trust Co. (Belvada) renovations project

James Eason explained that the Board needs to formally make a decision on the funding received from USDA.

Duane Downing made a motion to authorize Town staff to advise USDA by written communications that we are not going to accept the loan in the amount of \$1,453,000 or the grant in the amount of \$96,996. Javier Gonzalez seconded. Horace Carlyle requested that the Board add in to thank USDA for their diligent and close work with the Town to achieve the project. Duane Downing confirmed that Town staff will address that in the letter. Motion passed 5-0.

6. Review, discussion and possible decision regarding options proposed at 10/24/2012 Workshop to discuss Town of Tonopah Personnel Policy Section 7 - Benefits

James Eason explained that the Town received comments back from Pool/Pact on this item but staff has not had the chance to address formatting issues that were brought up.

This item was tabled.

7. Tonopah Development Corporation Report

Jon Zane explained that he has spoken with Joni Eastley about discussing what to do about the Chamber of Commerce and the TDC. He noted that he will inquire about the status of the 501(c) 3.

No action taken by the Board.

8. Public Comment

No action taken by the Board.

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

James Eason explained that this Friday, the removal of the asbestos on the Convention Center roof will begin. They will be done by Sunday and B & H will be here Monday morning. They will start removing any of the sheathing that has dry rot. They will start fixing the eaves and replacing the sheathing on the main roof that has damage. They will then put down the underlayment and put down the roofing.

James Eason noted that Thursday is the weekly progress meetings for the reuse and water projects. On the water project, they are in the well field. They should be through the well field by Friday. On the reuse project, they are currently constructing the chlorination building and setting vaults.

James Eason explained that Town maintenance is working on cleaning up different areas. The old firehouse has been painted with the silver alumi-coat. The swimming pool has been winterized. The Christmas tree has been decorated. The monument area by the VFW has been cleaned up. Maintenance is working on different areas of the Mining Park. The next phase is to clean out the Grizzly area where there has been a lot of pigeon damage. He noted that staff is getting ready to send out the business license notifications. The Town did have a meeting with the BLM about the next phase of the water project to get that started.

James Eason explained that he just signed a letter to the Department of Taxation. The Town should receive the audit February 28, 2013 and will start working on the next budget after the first of the year.

James Eason explained that next week is the Governor's Commission on Tourism and he is planning on attending. The Town just received the letter for a dollar amount for the roof inspector for the Convention Center.

10. 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.

11. 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.

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

This item was tabled.

13. 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.

14. 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.

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

This item was tabled.

16. Correspondence

Nye County Board of Commissioners Meeting Agenda – 11/20/2012

Round Mountain Town Board Meeting Agenda – 11/24/2012

Beatty Town Advisory Board Workshop Agenda – 11/28/2012

Beatty Town Advisory Board Meeting Agenda – 11/28/2012

Nye County Local Emergency Planning Committee Agenda – 11/29/2012

Nye County Park and Recreation Commission Teleconference Meeting Agenda – 11/30/2012

Nye County Water District Governing Board Meeting Agenda – 12/03/2012

EM News Flash – New Wells Provide Information on Groundwater at Pahute Mesa – 11/28/2012

State Public Retirement Plan Improves in 2012

17. 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 (Horace Carlyle was absent).

The Board returned to item 9.

18. Adjourn

Meeting was adjourned at 7:57 pm.

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Minutes transcribed by:

Mariah Rivero

Approved:

Jon Zane, Chairman

Horace Carlyle, Vice Chairman

Javier Gonzalez, Clerk

Duane Downing, Member

Ronald Kipp, Member