

TONOPAH TOWN BOARD

MEETING MINUTES

MAY 22, 2013

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

1. Public Comment

No action taken by the Board.

2(a). Review and approval of minutes, in context, from public workshop held on May 08 2013.

This item was tabled.

(b) Review and approval of minutes, in context, from regular meeting held on May 08 2013.

This item was tabled.

(c) Review and approval of minutes, in context, from budget hearing held on May 16, 2013.

Duane Downing made a motion to approve the minutes, in context, from regular meeting held on May 16, 2013. Javier Gonzalez seconded. Motion passed 3-0-1 (Ron Kipp was absent).

3. Review, discussion and possible decision to explore creating a Town ordinance designating all roads in Tonopah as public highways permissible for off highway vehicle use per NRS 490.100

Robin Rivero explained that there is already an existing Town Ordinance that probably needs to be addressed and updated. There is a provision in the current statute, NRS 490.090, where cities or counties can designate portions of the highways and highways include any road maintained by a public entity. She does not feel designating Main Street is a good idea. By law, off-highway vehicles are allowed to cross over the highways. She feels there should be some restrictions on Main Street where it would be safe for off-highway vehicles to cross. She noted that she did a rough update on the ordinance on how it could possibly read. By July 1st, everyone has to register their off-highway vehicles. She noted that she has already contacted Lorinda Wichman. The County has to accept the ordinance the Town provides and codify it and they will not approve any ordinance without the Town's blessing. Terry Rivero explained that the NRS requires helmets for all off-highway vehicles when driven on a highway.

Duane Downing noted that the registration requirement went into effect July 1st of last year for all new vehicles but all existing vehicles have until July 1st of this year to register. He noted that there is a current ordinance that prohibits off-highway vehicles from being ridden in Town. However, they are still driven in Town. This would be a way to start curbing this. He suggested restricting operation to licensed drivers only. He feels that the ordinance should also clearly state that any violation of the ordinance is a misdemeanor offence and it would be citable. Robin Rivero noted that she did the initial work on the ordinance and she is now passing it onto the Town to make any changes.

Terry Rivero noted that there really is no liability to the Town on this. The liability is on the operators. Robin Rivero explained that by the Town defining the rules and expectations and reinforcing the laws, it is taking the liability off the Town. Duane Downing explained that mopeds are 49 ccs or less and are authorized for any highway in the State of Nevada. They are not required to have registration or insurance. They are required to have a licensed driver. He noted that the off-highway vehicles will be covered under the same thing.

Javier Gonzalez noted that if the Town does this, he would like to see a fee to issue a sticker to show that individuals are authorized through the Town to ride these vehicles in the Town. Terry Rivero noted that there is no provision in the NRS for that. Duane Downing noted that the Town will need the District Attorney's opinion on whether or not the Town can charge an additional fee for a sticker from the Town. He explained that because the roads are owned by the County, the County will eventually come to the Town over the damage to the roads. James Eason recommended having the sticker and enforcement come from the Sheriff's Office so the money can go straight to the Nye County Road Department budget. The Town does not have the ability to go into a licensing process or inspection process. Robin Rivero explained that when the golf cart ordinance in Pahrump was originally passed, it fell back on the Assessor's Office to issue the permit and the money went where it was supposed to go.

Horace Carlyle suggested setting up a public workshop. He feels the Board needs to sit down and formally go over this ordinance. Terry Rivero noted that State Statute already allows highway crossings. Robin Rivero noted that crossing is allowed but driving up and down the state highways is not allowed.

Duane Downing explained that under the current Town ordinance, anyone riding on any street in Tonopah can be cited. This is something the Sheriff's Office has done their best to work with the people on. He noted that the ordinance specifies that no unlicensed vehicle is allowed. The new sticker is not a license it is just a registration sticker through the State. It does not give the owner or rider any rights or privileges.

Duane Downing noted that the current ordinance is in place. The Town is not moving to create an ordinance but update and ordinance. It will make it easier.

James Eason explained that the Board can set a workshop in the middle of a regular meeting before the agenda item. He noted that most of the work is done but there are a couple of things that need to be inserted. The Board can invite NDOT, the Sheriff's Office, the District Attorney,

and Nye County, including Commissioner Wichman. Duane Downing recommended extending the invitation to the Sheriff himself and if he cannot make it he can designate the area commander. James Eason explained that the Board can add their changes and submit the ordinance to the District Attorney along with the minutes. He noted that the Commissioners are still going to need to have a workshop on the roads as Nye County owns the roads.

Duane Downing explained that if nothing else is gone to the ordinance besides revamping 22.36.130 and eliminating sections G and section I, this does away with the problem and it would not be an enforceable thing to stop people from riding on the streets. He noted that section I specifically designates the horse corral area as off limits for all off-road vehicles yet everyone who owns horses rides off-road vehicles out there. In 1985, the problem out there was kids on motorcycles and people were upset about individuals riding motorcycles down there, tearing it up and scaring the horses.

James Eason noted that it would be as simple as stating all roads in the Tonopah Township excluding US 6 and 95. Duane Downing explained that there need to be designated crossing areas.

Duane Downing noted that anyone crossing Main Street besides at the designated crossing spots can be cited. He suggested getting with the courts and finding out what they would recommend for a citation amount. He also recommended making it a progressive thing.

Duane Downing made a motion to setup a workshop for June 12, 2013 at 18:00:00 to look into the further possibility of changing current Tonopah Town Ordinance 22.36.130. Javier Gonzalez seconded. Motion passed 3-0-1 (Ron Kipp was absent).

The Tonopah Town Board recessed to the Tonopah Library Board of Trustees at 7:37 pm. The Tonopah Town Board returned at 7:41 pm.

4. Discussion and possible approval to send a letter of support for Legislative Bill AB 231, a bill revising provisions regarding local governing bodies

Horace Carlyle wanted clarification on Section 1 of AB231. He wanted to know why an appointment would be made within 30 days of the closure of filing. James Eason explained that there would still be a six month period. Duane Downing explained that if the vacancy occurs before the 30 day period, the Board can appoint someone but if it occurs within 30 days, the Board will wait until the election.

Duane Downing made a motion to approve to send a letter of support for Legislative Bill AB231, a bill revising provisions regarding local governing bodies. Horace Carlyle disclosed that he already sent a letter supporting this. Javier Gonzalez seconded. Motion passed 3-0-1 (Ron Kipp was absent).

5. Tonopah Development Corporation Report

No action taken by the Board.

6. Public Comment

No action taken by the Board.

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

James Eason explained that the Town is getting ready for Jim Butler Days. The weather looks pretty decent. Paul Winkelman and Oz Wichman have been working the past couple of days in the field on the Water Project. They are looking at the conditions. There is a lot of rock and it will be a lot different than the previous phase. He noted that the Town is purchasing a new vehicle. He explained that he was approached about adding the possibility for another skate park made out of concrete. Horace Carlyle wanted to know what the liability on that would be. James Eason explained that it is covered under the Town's Pool/Pact coverage.

Duane Downing explained that the County has an ordinance, 10.04.010. It is a blanket ordinance where the County has adopted all of Chapter 484 of the NRS. Chapter 484 is all of the NRSs that cover traffic. It is common practice for Towns to do something similar to the County and actually adopt a town ordinance that adopts all of Chapter 484 in its entirety to town ordinance. It allows for the issuance of citations under town ordinance rather than County Code or NRS. He noted that Pahrump has a town ordinance that has adopted all of NRS 484. When citations are issued under town ordinance, a larger portion of the court fines are designated to the towns. It is a different way of divvying up the Court Fines. He noted that this is a very common practice in the State of Nevada and the NRS allows for it. James Eason suggested doing the workshop for this at the same meeting as the other town ordinance workshop.

8. 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.

9. 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.

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

This item was tabled.

11. Correspondence

Round Mountain Town Board Regular Meeting Minutes – 04/23/2013

Email Regarding Coyote Resources Development Plan for Tonopah – 05/09/2013

Pahrump Town Board Regular Meeting Agenda – 05/14/2013

EM News Flash: Groundwater Makes a Splash – 05/15/2013

Nye County Water District Governing Board Regular Meeting Agenda – 05/16/2013

Nye County Local Emergency Planning Committee Regular Meeting Agenda – 05/16/2013

Round Mountain Town Board Budget Hearing Agenda – 05/16/2013

Nye County Board of Commissioners Workshop Agenda – 05/17/2013

Nye County Board of Commissioners Regular Meeting Agenda – 05/20/2013

Round Mountain Town Board Special Meeting Agenda – 05/23/2013

12. 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 3-0-1 (Ron Kipp was absent).

13. Adjourn

Meeting was adjourned at 8:03 pm.

Minutes transcribed by:

Mariah Rivero

Mariah Rivero

Approved:

Horace Carlyle
Horace Carlyle, Chairman

Duane Downing
Duane Downing, Vice Chairman

Ron Kipp
Ron Kipp, Clerk

Javier Gonzalez
Javier Gonzalez, Member

Vacant
Vacant, Member