

TONOPAH TOWN BOARD

MEETING MINUTES

MARCH 27, 2013

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

1. Public Comment

Raymond Jensen expressed his displeasure at Nye County renting out the Old Firehouse to private enterprise. He does not feel this is right and feels there are plenty of vacant buildings on Main Street. He does not feel the tax payers should be subsidizing private enterprise. He noted that he spoke with Mr. Eason who informed him this was done under an NRS but feels the NRS was used out of context. He believes the building should have been put on the auction block and gone back on the tax rolls. If there is no use for the building, he wanted to know why the Town was building offices in there and renting them out. He feels the County staff should not be using their time and taxpayer money to remodel the building as they have other obligations, such as maintaining the parks. He feels the Board should reconsider.

No action taken by the Board.

2(a). Review and approval of minutes, in context, from budget workshop held on March 07 2013.

Duane Downing made a motion to approve the minutes, in context, from budget workshop held on March 07, 2013. Javier Gonzalez seconded. Motion passed 4-0.

(b) Review and approval of minutes, in context, from regular meeting held on March 13 2013.

Duane Downing made a motion to approve the minutes, in context, from regular meeting held on March 13, 2013. Javier Gonzalez seconded. Motion passed 3-0-1 (Ron Kipp abstained).

3. Review, discussion and possible approval of 5/8ths of 1% Room Tax Grant to advertise and promote the 43rd Annual Jim Butler Days Celebration

Bob Perchetti explained that there was a meeting at lunchtime today and there were about 12 people present. They will be chairs of events for Jim Butler Days. There are a few things that will probably not be held but the major events are already started. There will be a parade, a band and a street dance.

Ron Kipp noted that in the past, Butler Days has not been well attended. He wanted to know if they were seeing an increase in attendees. Bob Perchetti explained that there were some great years where there were as many as 3,000 people on Main Street. It went down but it is coming back. He noted that they have to get posters made and they advertise around the State. They have had issues with some vendors and the mess but the Committee voted to charge every vendor \$50.00 for set up and clean up.

Joe Westerlund explained that last year there was no committee and it makes a difference. Everyone in the committee has done Jim Butler Days stuff before so it should run smoothly. Bob Perchetti noted that they will meet again on April 10th.

Javier Gonzalez wanted to know if the vendors will be responsible for their own trash service. Bob Perchetti explained that the \$50.00 fee will go toward trash and cleaning up the mess. Javier Gonzalez wanted to know if they would be getting their own trash bins. Joe Westerlund noted that the vendors filled up the trash bins for surrounding business owners. Bob Perchetti explained that they can get the bins. He noted that the vendors with the toys will not be allowed to bring in the toy guns this year.

Duane Downing wanted to know if the amount requested is consistent with the request last year. James Eason noted that it is less.

Duane Downing made a motion to approve the 5/8ths of 1% Room Tax in the amount of \$1,585.00 to advertise and promote the 43rd Annual Jim Butler Days Celebration. Ron Kipp seconded. Motion passed 4-0.

4. Review, discussion and possible approval of 5/8ths of 1% Room Tax Grant to advertise and promote the 2013 Tonopah Speedway season.

Robert Otteson explained that this year is the 30th Anniversary for the Tonopah Speedway. There is a brand new board and new people. They are trying to make it a lot nicer and do things a little differently. They are trying to bring in a lot more cars from surrounding areas.

Ron Kipp noted that there are two small signs and a large sign listed. He wanted to know if those would be used year to year. Jay Silas explained that Duffy Otteson found an individual who will do new vinyl signs at a reduced cost to replace the small signs. The large sign is the one at the Speedway. The individual will do the sign for just the cost of materials. Duffy Otteson explained that there is a 6 year guarantee on the signs.

Jay Silas explained that if everyone shows up who said they would, this should be a pretty good season with the new classes. Duffy Otteson explained that the new classes include a West Coast Super Street Class and an IMCA Class, which is a nationally sanctioned racing club. There are 68 cars between Tonopah, Pahrump, Mojave, and some of the California tracks.

Duane Downing wanted to know if the Board did anything with the Speedway last year. James Eason explained that it has been about three years. Duane Downing noted that the total cost of

the project is \$3,000 but they are only requesting \$1,975. Jay Silas explained that some of that will be funded by them.

Duane Downing made a motion to approve the 5/8th of 1\$ Room Tax in the amount of \$1,975 to advertise and promote the 2013 Tonopah Speedway season. Javier Gonzalez seconded. Motion passed 4-0.

The Tonopah Town Board recessed to the Tonopah Library Board of Trustees at 7:18 pm. The Tonopah Town Board returned at 7:24 pm.

5. Review, discussion and possible decision to appoint independent auditor for Fiscal Year 2012/2013

Duane Downing made a motion to appoint Daniel McArthur and Associates as the independent auditor for Fiscal Year 2012/2013. Javier Gonzalez seconded. Motion passed 4-0.

6. Discussion and decision authorizing resolution to accept the Tonopah Public Utilities Well and Transmission Main Arsenic Mitigation Project – PWP-NY-2012-284

Horace Carlyle wanted to know if the Town received the substantial completion. James Eason explained that the Town did the final walkthrough yesterday. There is a punch list that still needs to be completed on a number of items. This item is the substantial completion and Staff is asking that it be approved tonight contingent upon receiving the Engineer's Certificate of Completion and granting the Chairman the authority to sign and finalize the completion of the project once the Town Office has received the certificate.

Duane Downing wanted to know what the arsenic levels will be once this is implemented. James Eason explained that currently the blended average is 3. Once Wells 5-8 are brought online Friday, the blended average should be between 5 and 6. Duane Downing noted that the access covers for the valves are really easy to open and tamper with. Joe Westerlund noted that they are all screwed down now.

James Eason explained that before the engineer can sign off on anything, the funders have to approve the project. USDA and State Revolving Loan Fund have both signed off.

Duane Downing made a motion authorizing Resolution 13-04 to accept Tonopah Public Utilities Well and Transmission Main Arsenic Mitigation Project – PWP-NY-2012-284 contingent upon Engineers Substantial Completion Certificate and authorizing the Town Board Chairman to sign the resolution once received. Javier Gonzalez seconded. Ron Kipp noted that there is a Scribner error that should be fixed. It says October 1,2102 but should be 2012. Motion passed 4-0.

7. Review and approve form of Tonopah Public Utilities Service Application for reclaimed water for construction

Chris Mulkerns explained that this is on the Reclaimed Water Project. It is the application for service that users will have to complete. They will provide a deposit and TPU will provide them with cards they would then use at the facility. This is how TPU will bill them. James Eason explained that the form has been reviewed and approved by NDEP and the State.

Ron Kipp noted that there is a Scriber error under Processing Fee. There is a word that needs to be taken out.

Javier Gonzalez made a motion to approve the form of Tonopah Public Utilities Service Application for reclaimed water for construction with the noted correction. Duane Downing seconded. Motion passed 4-0.

8. Discussion and deliberation to schedule a workshop to continue sewage improvements defined by Facility Plan for Wastewater Collection, Treatment, and Effluent Disposal dated 2-2003 Job #20738, by Ecologic Engineering, LLC to continue replacement as designed by Shaw Engineering, 12/2005.

Horace Carlyle noted that there was a discussion about this at the budget workshop. He feels it would be beneficial to go back and look at some historical items and what the construction projects were in the past and what they are based on. Most of the infrastructure for water and sewer was placed in the ground in the early 20th Century with very little replacement or updating. The first known update of any significance was when prior Boards engaged Walters Engineering to do a PER. It started in the late '90s and was pretty well put together by February 07, 2000. It shows that there is 139,200 linear feet of sewer lines. He is not aware of any significant sewer line replacements prior to 2000. In 2007/2008, 16,000 linear feet of sewer pipe was replaced. The Walters PER called for the replacement of 55,000 linear feet.

Horace Carlyle feels there is a misconception about not needing sewage fees, cutting back sewer fees, or paying off debt. He feels the Board has a major job to continue what prior Boards set the foundation for. The Board in 2007/2008 structured the sewer collection fees so the Town can continue this work. He noted that the Wastewater Treatment Plant was an installment because the Town was out of compliance with NDEP. They gave the Town an extension to start on the project to rehab the sewer lines.

Horace Carlyle noted that Mrs. Dudley has been instrumental in structuring the financing and making recommendations to the Board. TPU has funds to do something. He noted that she contributed substantially to all of the water projects, including getting the cooperation and support of the federal and state agencies, which has been beneficial to the Town. He would like to have the Board see if Mrs. Dudley will agree to do the planning stage of this financially. He noted that on the last water project, it was just Phase I, but Mrs. Dudley managed to get Phase II and Phase III.

Horace Carlyle explained that to have a productive workshop, he feels the Board needs Mrs. Dudley's work. He explained that when the Town did the project for the drying beds at the Airport, Mrs. Dudley constructed a revenue producing device based on at least \$0.10 per gallon to work on sewage. He noted that there are also funds in the sewer account.

Duane Downing suggested tabling this item until the Board could decide on a date for the workshop.

This item was tabled.

9. Discussion and deliberation to consider the use of the Old Firehouse equipment section as a Town Office and offices for TPU and to remove the old Town Office and place enclosed car ports to accommodate TPU equipment storage or use the GSA buildings for TPU if acquired.

Horace Carlyle explained that the Town has done a lot of constructive work on the Old Firehouse. By doing the work, the building is now functional. He noted he has been concerned for a number of years over where the existing Town Office is. He feels the Old Firehouse would be a great opportunity depending what the cost is. James Eason noted that during the budget workshop he should have the quote for the roof. Duane Downing wanted to know what the staff thinks about trying to utilize this. James Eason suggested scheduling a workshop.

This item was tabled.

10. Review, discussion and possible decision to request a legal opinion from our attorney of record, Mr. Brian Kunzi – Nye County District Attorney regarding any and all Nevada Revised Statutes or State and County Administrative Codes that pertain to the duties of the Nye County Treasurer and Nye County Board of Commissioners to provide the Town of Tonopah with timely financial information and reports pertaining to the financial assets held in trust which would include all income distribution and record of expenses incurred.

Horace Carlyle noted that the second request to the Department of Taxation was turned down. NRS 354.280 defines the Treasurer's duty to submit certain reconciliations and NRS 354.310 defines the penalties of not fulfilling these commitments. NRS 354.474 states that this is also applicable to local governments. He noted that the Town has had very limited information on finances. He feels the Board should request an opinion from the District Attorney.

Javier Gonzalez made a motion to request a legal opinion from our attorney of record, Mr. Brian Kunzi – Nye County District Attorney regarding any and all Nevada Revised Statutes of State and County Administrative Codes that pertain to the duties of the Nye County Treasurer and the Nye County Board of Commissioners to provide the Town of Tonopah with timely financial information and reports pertaining to the financial assets held in trust which include all income and all income distribution and record of expenses incurred. Duane Downing seconded. Motion passed 4-0.

11. Tonopah Development Corporation Report

Bob Perchetti explained that the new mural at Montgomery Pass is almost completed. The back has been sheeted. It advertises Tonopah's two main assets: the Tonopah Mining Park and the Central Nevada Museum. He has spoken with the marketing director of the Native American Casino in Bishop. TDC is trying to lease the backside of the billboard to them. Duane Downing noted that the billboard is a little turned if you are going west. Bob Perchetti noted that TDC does have a lease with McDonald's for the billboard at Currant Creek, but they have stopped paying. He noted that the mural is for the McDonald's in Ely and has nothing to do with the McDonald's in Tonopah. Duane Downing wanted to know if there was a possibility of building a wedge onto the backside of the billboard at Montgomery Pass to turn it.

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

Lorinda Wichman explained that it works really well for her when people in the community speak with her. She noted that she was at the Round Mountain Town Board meeting last night and they are in the same position as the Town. They have also received a letter denying the second extension. Round Mountain contacted Warner Ambrose and they were informed that the denial letters were sent out to make a statement. She feels that the County is in this position because of uneducated voters. She encouraged the voters to look into the backgrounds and qualifications of candidates.

James Eason explained that last Thursday Staff did the walkthrough and punch-list for the Convention Center. There are a couple of outstanding issues, including gutters, which need to be addressed. The Town is awaiting the Certificate of Warranty from the roofing manufacturers for the flat areas. Once that is received and the gutters have been installed, staff will sign off the final completion for the Convention Center roof project. He explained that the funders, engineer, resident inspector, TPU Staff, Harbor, and Town Board members were out at the water project yesterday to walk through it. Sierra Control is still out there adjusting things.

James Eason explained that the Town met with Cheryl Couch from USDA yesterday to do the audit. She reminded the Town that the loan for the Convention Center is still out and the Town is still open to take money on the Convention Center and that project. James Eason explained that the comments on the sidewalks went to Nye County and Dave Fanning has sent the drawings back to fix the lip. The culvert for the slimewash will be in Nye County's budget for next year.

Horace Carlyle wanted to know if there was something the Town could put in the office for Congressman Horsford to make it more attractive. James Eason suggested Mr. Carlyle meet with

him, Chris Mulkerns, and the Congressman's aid at 10:00 tomorrow and ask him how he feels about the office.

Ron Kipp asked about the gutters by the Convention Center kitchen. James Eason explained that the Town is waiting to see the costs on that. He requested a gutter over the entrance to the kitchen that attaches to the side wall, then out to the street.

James Eason explained that he has been in discussions with Assistant County Manager Joni Eastley. The Board received the book on the Campbell and Kelly Foundry at the last meeting. He noted that there is still some funding left and the Town has been in discussions regarding working jointly with Nye County and the Central Nevada Museum to do a history of the water of Tonopah.

Horace Carlyle noted that the Town has received additional information from Community Foundation of Western Nevada regarding the Edward Jones Advisory Solutions and the Presidio Group. This gives the Town more information on how Town funds are invested in the Foundation and the returns.

James Eason explained that for Phase II of the water project, Greg Bigby has already surveyed the right-of-way. The archaeologist will be onsite the first part of April walking the project. The biologist will be onsite mid-May and June. Dennis Keeley, who will be doing the geotechnical work, will be onsite April 15, 2013. The drawings for the design will be available mid-May. The Town will be looking to go out to bid June/July timeframe and turning dirt end of August, beginning of September.

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. Correspondence

State of Nevada: A Report to Our Citizens – 06/30/2013

- Nevada Commission on Tourism: Nevada Tourism Insight – March 2013
- State of Nevada Department of Taxation Letter Regarding Town Audit Extension – 03/12/2013
- State of Nevada Department of Taxation Letter Regarding Library Audit Extension – 03/12/2013
- BEC Environmental, Inc.: Change Order 1 – 03/14/2013
- Round Mountain Town Board Regular Meeting Minutes – 03/12/2013
- Nye County Board of Commissioners Meeting Agenda – 03/19/2013
- BEC Environmental, Inc. Quarterly Progress Report 2 – 03/20/2013
- Nye County Water District Governing Board Regular Meeting Agenda – 03/25/2013
- Beatty Town Advisory Board 2013/2014 Budget Workshop – 03/25/2013
- Beatty Town Advisory Board Regular Meeting Agenda – 03/25/2013
- Nye County Board of Commissioners Teleconference Meeting – 03/26/2013
- Round Mountain Town Board Regular Meeting Agenda – 03/26/2013
- Pahrump Town Board Regular Meeting Agenda – 03/26/2013
- Letter from Nye County Planning – 03/26/2013
- Nye County Animal Advisory Committee Regular Meeting Agenda – 03/28/2013

18. 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.

19. Adjourn

Meeting was adjourned at 8:29 pm.

Minutes transcribed by:

Approved:

Mariah Rivero

Horace Carlyle, Chairman

Duane Downing, Vice Chairman

Ron Kipp, Clerk

Javier Gonzalez, Member

Vacant, Member