

**TONOPAH TOWN BOARD  
MEETING MINUTES  
OCTOBER 9, 2013**

Tonopah Town Board Chairman Horace Carlyle called the meeting to order October 9, 2013 at 7:16 p.m. Also present was Janet Hatch and Harvey Gonzalez. There were eight (8) others present.

The Town Board recessed at 7:17 p.m. to the Tonopah Library Board of Trustees and reconvened at 7:21 p.m.

Mr. Eason requested the Board skip to agenda item 3, a presentation by Eddie Hult, Director of Real Estate Operations for the Nevada Rural Housing Authority. No objections from the board. Chairman Carlyle allowed Mr. Hult to present.

**Public Hearings**

1. **Discussion, and deliberation to: 1) Adopt, amend and adopt, or reject Town of Tonopah Bill No. TTO-13-03; a Bill proposing to amend Title 22 of the Nye County Code, titled Tonopah, Chapter 22.21 titled Traffic Control and Parking by adding section 22.21.035 titled Adoption by Reference, to adopt by reference the Traffic Laws in Nevada Revised Statutes 484A, 484B, 484C, 484D and 484E; providing for the severability, constitutionality and effective date thereof, and other matters relating thereto.**

Chairman Carlyle opened the Public Hearing for Tonopah Bill No. TTO-13-03 at 7:40 p.m. Public Hearing held. No public comments. Chairman Carlyle stated the purpose of amending or adding the bill was to collect on possible fines. No action taken by the board. Public Hearing closed at 7:41 p.m.

2. **Discussion and deliberation to: 1) Adopt, amend and adopt, or reject Town of Tonopah Bill No. TTO-13-04; a Bill proposing to amend Title 22 of the Nye County Code by repealing Chapter 22.36 titled Motorcycles, and adding a new Chapter 22.36 titled Motorcycles and Similar Vehicles, by adopting by reference Nevada Revised Statutes Chapter 486 regulating the operation of motorcycles; providing for the severability, constitutionality and effective date thereof, and other matters relating thereto.**

Chairman Carlyle opened the Public Hearing for Tonopah Town Bill No. TTO-13-04 at 7:42 p.m. Public Hearing held. No public or board comments. Chairman Carlyle closed the public hearing at 7:43 p.m.

3. **Discussion and deliberation to: 1) adopt, amend and adopt, or reject Town of Tonopah Bill No. TTO-13-05: a Bill proposing to amend Title 22 o the Nye County Code by adding Chapter 22.38 titled Off-Highway Vehicles, by adopting by reference Nevada Revised Statutes Sections 490.082, 490.083, 490.090, 490.120, 490.130 and 490.520(3), regulating the operation of Off-Highway Vehicles; providing for the severability, constitutionality and effective date thereof, and other matters relating thereto.**

Chairman Carlyle opened the Public Hearing for Tonopah Town Bill No. TTO-13-05 at 7:44 p.m. Public Hearing held.

Public Comments:

Robin Rivero – Thanked the Town and staff for getting these ordinances together and putting out to the public to have a chance to change some things. Passing this ordinance would be great for two reasons. The current ordinance prohibits all off-highway vehicles (OHV) in the Town of Tonopah. The borders of the Town extend around Tonopah to the airport and up to Rye Patch. So even if OHV are off the paved roads and on the dirt roads, State Laws are still being violated. “That in itself is ridiculous because the desert surrounds us. The ability to enjoy the desert, without having to trailer my OHV two blocks makes it wonderful for myself and others.” Mrs. Rivero stated she realizes that some people are against OHV’s because of the abuse displayed by some. If this ordinance is not passed those individuals will still abuse this privilege. But it will allow those like myself who want to follow the law and still enjoy the desert.

Marlyse Richardson – Thanked the board for giving the opportunity to support this bill. Mrs. Richardson also supports this bill. Mrs. Richardson stated her family enjoys the desert using OHV’s. The current ordinance makes it harder. Therefore, she would also like the board to support this bill.

Wendy Seley – Thanked the board for having this ordinance which she wholly supports. Lands around Tonopah and public lands should be for our enjoyment and should be open for ATV use. Mrs. Sealy stated she herself does not own an ATV however she does own horses. She would like to encourage some sort of safety program where ATV and horses are on the same trails. Once again she feels this is a very good ordinance and strongly supports the passing of the ordinance.

Edlow Richardson - Also thanked the board for having this opportunity to speak on this ordinance. He is in support of this ordinance. He owns an OHV and takes his children out frequently. This ordinance would make it so much easier for him and his family to enjoy the desert. Mr. Richardson expressed that he really hopes the board supports and passes this ordinance.

Richard Richardson – Thanked the board for considering this bill. Mr. Richardson stated he lives east of Tonopah. All he has to do is drive across a county maintained dirt road to get to the desert. He has lived here since 1947. Previous boards had taken privileges away. He would appreciate it if the board would pass this ordinance so he can legally cross a thirty foot road.

Tom Seley – One aspect he recommends the board look at, he supports the ordinance because it takes a lot of stress off of people. The second is the Battle Mountain District is going through a land use plan revision process. He recommends the board stay on top of that so the access points coming off the Town of Tonopah match what the feds plan to do in the future. If the board gets in the process early, the board will have a voice in that and be able to meet everyone's needs in the County.

Robin Rivero asked if the Board would be going to the County Commissioners to get the paved roads open or is that up to the public? Mr. Eason advised that this item would be posted another 30 days. The first meeting in November would have each item. If passed they will be sent to the County Commissioners to proceed.

No further comments. Chairman Carlyle closed the public hearing at 7:55 p.m. Chairman Carlyle wanted to clarify the board is simply trying to adopt existing State Law. This will help law enforcement enforce these laws and he therefore personally supports this ordinance.

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1. **Public Comment.** None. No action taken by the Board.
  2. **Review and approval of minutes, in context, from the regular meeting held on September 25, 2013.**

Harvey Gonzalez motioned to approve the minutes, in context, from the regular meeting held on September 25, 2013 as presented. Janet Hatch seconded. No further discussion. Motion carried 3-0.

3. **Presentation by Eddie Hult, Director of Real Estate Operations for the Nevada Rural Housing Authority, 2013 Rural Housing Demand Study Summary and Creating a Community Housing Development Plan. No action taken by the Board.**

Mr. Hult stated, Nevada Rural Housing Authority is a quasi-government agency started by the Governor in 1973 and since now been associated to NACO and the Nevada League of Cities. The mission is to provide rural housing services to all communities in Nevada with the exception of Reno and the greater Las Vegas area. Mr. Hult stated he was here tonight to discuss a study started in July to determine how to help the workforce and housing issues in the smaller communities of Nevada. Approximately 15 communities are included in the study. Goals for the study are to take a real picture of what the priorities are in these communities for the next 20-30 years. October 21<sup>st</sup> through November 8<sup>th</sup> the study group will be in Town. This study will basically work through and by the end of December should be disseminated to each community. No funds are required by the communities.

4. **Review, discussion, deliberation and possible action regarding the permission for annual use of the Union Plaza parking lot for Christmas Tree Lighting celebration.**

Mr. Eason met with Susie Lieseke to discuss options for the Christmas Tree lighting. They are still reviewing options but one option is use of the Union Plaza Parking lot

Harvey Gonzalez motioned to grant permission for annual use of the Union Plaza parking lot for the Christmas Tree Lighting celebration. Janet Hatch seconded. No further discussion. Motion carried 3-0.

5. **Discussion, deliberation and possible action regarding a request to set a date, time and location for a Public Hearing on: Bill No. TTOI-13-06, Tonopah Town Ordinance No. 22.30; an ordinance enacting a revision and codification of the general ordinances of the Town of Tonopah. An Ordinance amending Nye County Code Title 22, titled Tonopah by adding Chapter 22.30 to make it unlawful to urinate or defecate on public property or in public view; to fix a penalty for the violation thereof; and other matters properly related thereto.**

Janet Hatch motioned to hold a Public Hearing on November 13, 2013, 7:30 p.m. at the Tonopah Convention Center, 301 Brougner Avenue, Tonopah, Nevada on Bill No. TTO-13-06, Tonopah Town Ordinance No. 22.30; an ordinance enacting a revision and codification of the general ordinances of the Town of Tonopah. An Ordinance amending Nye County Code Title 22, titled Tonopah by adding Chapter 22.30 to make it unlawful to urinate or defecate on public property or in public view; to fix a penalty for the violation thereof; and other matters properly related thereto. Harvey Gonzalez seconded. Mr. Eason advised this item was requested by the Nye County Sheriff's Department. No further discussion. Motion carried 3-0.

6. **Tonopah Department Budget Reports**

The board reviewed and had no questions.

7. **Tonopah Development Corporation Report.** None, no action taken by the board.

8. **Town Board Member's/Department Manager's/Nye County Commissioners Comments**

Mr. Eason advised the Town will be turning off the water to the Parks as winter is approaching.

Mr. Eason discussed the presentation by Eddie Hult from Nevada Rural Housing. Mr. Eason stated he felt the Town was fortunate to have been selected as one of the Mining Belt Communities included in this study.

The government shutdown has impacted the Phase II water project.

Chairman Carlyle thanked James Eason and the TPU Water Staff repairing several leaks that occurred over the weekend. Mr. Carlyle stated we have a great staff.

9. **Closure of meeting, pursuant to NRS 288.220 for the purposes of conferring with Town's Management Representative regarding labor negotiation issues, and other personnel issues.** No action taken by the board.
10. **Closed meeting, Pursuant to NRS 288.220 for purposes of conferring with Town's Management Representative regarding labor negotiation issues, and other personnel issues.** No action taken by the board.
11. **Discussion, deliberation, and possible decision on labor negotiations, issues and other personnel matters presented in the closed meeting.** No action taken by the board.
12. **Correspondence**

Memo – Nye County Airports – September 2013 Status Report  
Town of Tonopah – Report to the Nye County Treasurer September 2013  
Tonopah Room Tax Collection Report September 2013  
Flood Insurance Study

13. **Public Comment** None.

14. **Approval of vouchers for payment**

The board reviewed and signed the vouchers. Harvey Gonzalez motioned to approve the vouchers for payment as presented. Janet Hatch seconded. No further discussion. Motion carried 3-0.

15. **Adjourn** The meeting adjourned at 8:17 p.m.

Minutes transcribed by:

  
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Rebecca A. Braska, Deputy Town Clerk

Approved:

  
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Horace Carlyle, Chairman

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Duane Downing, Vice Chairman

  
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Ron Kipp, Clerk

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Javier Gonzalez, Member

  
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Janet Hatch, Member