

**TONOPAH TOWN BOARD
MEETING MINUTES**

SEPTEMBER 11, 2013

Tonopah Town Board Chairman Horace Carlyle called the meeting to order at 7:07 p.m. Also present was Ron Kipp, Janet Hatch and Harvey Gonzalez (arrived at 7:15 p.m.). Duane Downing was absent. There were two other people in attendance.

1. **Public Comment** None.
2. **Review and approval of minutes, in context, from the regular meeting held on August 28, 2013.**

Ron Kipp motioned to approve the minutes, in context, from the regular meeting held on August 28, 2013. Janet Hatch seconded. No further discussion. Motion carried 3-0.

3. **Discussion and possible decision and approval to award bid for construction of Tonopah Public Utilities Phase 2 Transmission Main Arsenic Mitigation Project contingent upon USDA RD and State Revolving Loan Program approval.**

Susan Dudley attended by telephone and presented a letter from Shaw Engineering regarding the Phase 2 Transmission Main Arsenic Mitigation Project. Ms. Dudley reported that Shaw Engineering reviewed ten bids received on September 5, 2013 and gave a summary of the bids. Shaw Engineering completed a bid tabulation sheet; all bids were reviewed for mathematical correctness and accuracy. No errors were noted and all bids appear to be complete. The apparent low bidder is JNJ Engineering & Construction (JNJ). JNJ is properly licensed in the State of Nevada. Shaw Engineering is familiar with JNJ as they were the Contractor that performed the sewer collection system rehabilitation project in Tonopah in 2005. Shaw Engineering confirmed with JNJ that they visited the site; their bid included and/or considered the rock conditions and difficult topography known to be present, the contract time and the requirements for DBE solicitations. Ms. Dudley further stated that JNJ listed Intermountain Electrical (IME) as the only sub-contractor in excess of 3%. IME is also properly licensed in the State of Nevada. JNJ stated that they will be using a subcontractor for quality control tests and possibly construction surveying. Shaw Engineering therefore, recommends awarding the project to JNJ Engineering & Construction for the base bid and plus additive alternate amount of \$3,664,450.00. The award should be contingent on Funding Agency approval and also that no formal protest will be filed per Article 24.06 contained in the Information for Bidders which allows for a formal protest within 5 days of this letter of recommendation.

Ron Kipp motioned to award bid for construction of Tonopah Public Utilities Phase 2 Transmission Main Arsenic Mitigation Project to JNJ Engineering in the amount of \$3,664,450 contingent upon State Revolving Loan Program approval and that no formal protests will be filed per Article 24.06 contained in the information to bidders which allows for a formal protest within 5 days of the date of Letter of Recommendation, dated September 10, 2013. Janet Hatch seconded. No further discussion. Motion carried 4-0.

Harvey Gonzalez arrived at 7:15

The Tonopah Town Board recessed to the Library Board of Trustees at 7:15 p.m. The Tonopah Town Board reconvened at 7:24 p.m.

4. **Discussion, deliberation and possible action regarding a request to set a date, time and location for a Public Hearing on: Bill No. TTO-13-03, Tonopah Town Ordinance No. 22.21.035: an ordinance enacting a revision and codification of general Ordinances of the Town of Tonopah: 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 sections 484A, 484B, 484C, 484D and 484E; providing for the severability, constitutionality and effective date thereof, and other matters properly relating thereto.**

Harvey Gonzalez motioned to schedule a public hearing, October 9, 2013, 7:30 p.m., at the Tonopah Convention Center, in Tonopah Nevada, to propose Bill No. TTO-13-03, Tonopah Town Ordinance No. 22.21.035: an ordinance enacting a revision and codification of general Ordinances of the Town of Tonopah: 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 sections 484A, 484B, 484C, 484D and 484E; providing for the severability, constitutionality and effective date thereof, and other matters properly relating thereto. Ron Kipp seconded. No further discussion. Motion carried 4-0

5. **Discussion, deliberation and possible action regarding a request to set a date, time and location for a Public Hearing on: Bill No. TTO-13-04, Tonopah Town Ordinance No. 22.36: an ordinance enacting a revision and codification of the general Ordinances of the Town of Tonopah, 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 properly relating thereto.**

Harvey Gonzalez motioned to schedule a public hearing, October 9, 2013, 7:30 p.m., at the Tonopah Convention Center, in Tonopah, Nevada, to propose Bill No. TTO-13-04, Tonopah Town Ordinance No. 22.36; 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, Regulation the Operation of Motorcycles, providing for the severability, constitutionality and effective date thereof, and other matters properly relating thereto. Janet Hatch seconded. No further discussion. Motion carried 4-0.

6. **Discussion, deliberation and possible action regarding a request to set a date, time and location for Public Hearing on Bill No. TTO-13-05, Tonopah Town Ordinance No. 22.38; a Bill proposing an ordinance enacting a revision and codification of the general ordinances of the Town of Tonopah; a Bill proposing to amend Title 22 of the Nye County Code by adding a new 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 properly relating thereto.**

Ron Kipp orally amended the agenda item to read as stated above. Rebecca Braska advised the Board that she had spoken with Deputy District Attorney Nathan Gent who advised that the Board was within the open meeting law to correct the mistake orally at this time.

Harvey Gonzalez motioned to schedule a public hearing, October 9, 2013, 7:30 p.m., at the Tonopah Convention Center, in Tonopah, Nevada, to propose Bill No. TTO-13-05, Tonopah Town Ordinance No. 22.38; a Bill proposing to amend Title 22 of the Nye County Code by adding a new 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 properly relating thereto. Mr. Carlyle requested Mr. Gonzalez amend his motion to include the language from Deputy District Attorney Gent as part of his motion. Janet Hatch seconded. Ms. Mulkerns stated if anyone has any input as to where to put the language from the Deputy District Attorney's office in the ordinance to let Town staff know within the next two days. No further discussion. Motion carried 4-0.

7. **Deliberation and possible action to request the Nye County Treasurer schedule a Show Cause Hearing for delinquent room taxes reflected on the August 2013 Tonopah Room Tax Report.**

Harvey Gonzalez motioned to direct staff to request the Nye County Treasurer schedule a Show Cause Hearing for National Nine delinquent room taxes reflected on the August 2013 Tonopah Room Tax Report. Ron Kipp seconded. No further discussion. Motion carried 4-0.

8. **Deliberation, discussion and possible approval of the 5/8th of 1% Room Tax Grant to advertise and promote the Tonopah Elks Lodge 3rd Annual Cow Pasture Golf Tournament.**

Harvey Gonzalez for the Tonopah Elks Lodge requested the board approve the 5/8th of 1% Room Tax Grant to advertise and promote the Tonopah Elks Lodge 3rd Annual Cow Pasture Golf Tournament. Mr. Carlyle asked if the T-Shirts would be advertising the Town in any way. Mr. Gonzalez said the T-Shirts will have the Town of Tonopah on the back of the

shirts. Mr. Carlyle stated the reason he asked was that in the past the room tax grant required advertising the Town in some fashion.

Janet Hatch motioned to allocate the funds to the Tonopah Elks Lodge 3rd Annual Cow Pasture Golf Tournament not to exceed \$1200. Horace Carlyle seconded. Harvey Gonzalez and Ron Kipp disclosed that they are Elk members and will gain no monetary value from this event. No further discussion. Motion carried 4-0.

9. **Deliberation and possible approval to participate and fund a thirty (30) second commercial spot, voiced by Terry Bradshaw for airings on the CNN Airport Network.**

Mr. Carlyle stated this would be for 20 gates, 2000 times 47 airports, the 30 second spot would be shown over 1,888,000 times which averages out to .0052 cents per airing.

Harvey Gonzalez motioned to participate and fund the thirty (30) second commercial spot, voiced by Terry Bradshaw for airings on the CNN Airport Network not to exceed \$9800.00. Janet Hatch seconded. No further discussion. Motion carried 4-0

10. **Tonopah Department Budget Reports**

Chris Mulkerns presented the current Tonopah Town Budget revenues and expenditures. Mr. Carlyle questioned the percentage of expenditures for the Parks, Maintenance, Sewer Treatment Plant, Water Operations, Sewer and Water sampling, Sewer Equipment Repairs and Maintenance. Ms. Mulkerns stated the expenditures for Parks and Maintenance are related to the extra watering at the Parks. Ms. Mulkerns said the Town has received numerous comments on how "good" the parks look this year. The expenditures for the Sewer Treatment Plant, Water Operations, Sewer and Water sampling and Sewer Equipment Repairs and maintenance are related to one time annual expenses.

11. **Tonopah Development Corporation Report.** No action taken by the board.

12. **Public Comment** None.

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

Mr. Eason was not in attendance but a report of items discussed at the BOCC Meeting held on September 3, 2013 was included in the Board packets.

The report stated the BOCC is considering a Hotel Ordinance requirement requesting a minimum of 100 rooms to have an unrestricted gaming license in Nye County.

A ½ cent sales tax was brought back to fund Emergency Service/Sheriff's Department. The distribution of the tax will be ¼ to Tonopah Fire and ¼ to the County Sheriff.

Robert Lewis is the new Planning Director for Nye County with authority over the entire County.

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.**

No action taken by the board.

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.**

No action taken by the board.

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

No action taken by the board.

17. **Correspondence**

Nye County Regional Economic Development Authority, September 9, 2013.

University of Nevada Cooperative Extension, August 8, 2013

Community Foundation of Western Nevada, August 26, 2013

New and Out of Business list August 2013

Town of Tonopah Treasurer's Report, August 2013

Joint Meeting of the Nye County Board of County Commissioners Agenda, September 3, 2013

Beatty Town Advisory Board Meeting Agenda, September 9, 2013

Water System Master Plan Update, September 2007

Community Partnership Program Nevada Homeowners Relief Program

City of Albuquerque, NM Pigeon Ordinance

Request for Review and Legal Opinion of proposed ordinance regarding making it unlawful to urinate or defecate on public property or in public view.

Email – Amy Fanning, Nye County Grant Administrator re: Nye County Regional Economic Development Authority.

No action taken by the board.

18. **Approval of Vouchers for payment.**


The Board reviewed and signed the vouchers. Harvey Gonzalez motioned to approve the vouchers for payment as presented. Ron Kipp seconded. No further discussion. Motion carried 4-0.

19. **Adjourn**


The meeting adjourned at 8:02 p.m.

Minutes transcribed by:

Approved:



Rebecca A. Braska, Deputy Town Clerk



Horace Carlyle, Chairman

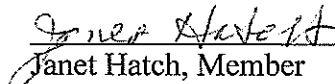


Duane Downing, Vice Chairman



Ron Kipp, Clerk

Javier Gonzalez, Member



Janet Hatch, Member