

TONOPAH TOWN BOARD
MEETING MINUTES
APRIL 22, 2015
TONOPAH CONVENTION CENTER
301 Brougher Avenue, Tonopah, NV 89049

Tonopah Town Board Chairman Horace Carlyle called the meeting to order April 8, 2015 at 7:01 p.m. Also present were Duane Downing, Janet Hatch, and Doug Farinholt. Tom Seley was absent. Twenty-two others were in attendance. Chairman Carlyle led in the Pledge of Allegiance.

The Town Board recessed to the Library Board of Trustees at 8:37 p.m. and reconvened as the Town Board at 8:42 p.m.

Jennifer Brown, U.S. Fish and Wildlife Service, and Tracy Kipke, Nevada Department of Wildlife, were on a conference call with the Town Board from 7:06 p.m. to 7:28 p.m.

1. Public Comment

None.

6. Discussion, deliberation and possible action to direct staff to provide comments as discussed during this action item to Nye County Planning Department, as requested by April 30, 2015, regarding Nye County's proposed 2012 Building Code Adoption and Special Use Permits as proposed in Bill No. 2015-01 – a Bill proposed to amend Nye County Code Title 17, and Bill No. 2015-02, a Bill proposing to repeal Nye County Code Chapter 15.17, and amend Nye County Code Chapter 15.16.

Chairman Horace Carlyle noted that the Board would like to make the public aware of their opinion about this matter and hear the public's opinion and therefore changed the order of the items. He stated that he thinks the proposal for the special use permit is disastrous and would "kill" any economic development outside of Pahrump. He noted that the document is contradictory and can be misused at the will of one person, the Planning Director. Mr. Carlyle pointed out that the north of Nye County generates 50% of the revenue and that imposing these regulations would reduce the revenue. Vice-Chairman Duane Downing stated that he believes the regulations do not make sense. He added that they will affect the entire County and that he is against it. Mr. Downing pointed out that the code needs to be amended. Doug Farinholt agreed with Mr. Downing and noted that the code needs to be more specific. Duane Downing replied that the code is too specific and can be misused. Janet Hatch stated that the Bill is a noose and will "kill" the County if it is implemented. She added that if the northern part of the County is "killed", Pahrump will lose the "subsidy" from the north. Ms. Hatch explained that she would like to make it easy for developers to come to Tonopah and does not see how these regulations would benefit the Town. She noted that modernizing what is being done would make sense, but not in the way the County is trying to do it.

Town Manager James Eason recommended giving the Town staff direction to write a letter of protest stating why these regulations would be detrimental to the Town of Tonopah. He explained that Beatty had e-mailed Chris Mulkerns about the matter and they are opposed to it. Mr. Eason noted that certain businesses are targeted with this Bill and that it is not fair. He stated that the 2006 building code was already implemented and that the County does not need new regulations as it will hinder economic development.

Chairman Carlyle explained that Jennifer Brown was waiting for a call from the Town Board regarding agenda item 4, so he would move to that item and revisit item 6 after the call.

4. Discussion, deliberation and possible action to allow Rockwood Lithium, Inc. to release small numbers of healthy, native waterbirds at Sportman's Park.

Duane Downing asked Jennifer Brown at what point the Town of Tonopah could be held liable for the maintenance of the animals. Ms. Brown referred to the letter she sent to the Town stating that Tonopah would not be held liable for deaths of birds. She pointed out that she had the letter reviewed by their office of law enforcement. Doug Farinholt inquired whether the Town will have to deny access to the park for the public. Ms. Brown explained that releasing the birds will not limit recreational use of Sportsman's Park. She added that no endangered species will be released and referred to the minutes of the April 8, 2015 meeting. She noted that the situation with the tortoises mentioned during that meeting was a different one as they are an endangered species. Janet Hatch stated that she felt a peace of mind of reading the letter from Ms. Brown. She noted that she appreciates the information and that she is in favor of releasing the birds. James Eason suggested adding into the motion that the Town will not accept endangered species, that recreation will not be limited and that the agreement can be terminated at any time. Horace Carlyle stressed that mining is the heritage of Tonopah and that he supports helping Rockwood Lithium as they provide jobs. He added that no new species will be introduced and that Sportsman's Park is not the only depository.

Janet Hatch motioned to allow Rockwood Lithium, Inc. to release a small number of healthy, native waterbirds at Sportsman's Park with no threatened or endangered species and no hindrance to recreation, to remain open 365 days a year. Duane Downing seconded. No further discussion. Motion carried 4-0.

Horace Carlyle noted that Ms. Brown will receive the minutes for the meeting. Ms. Brown stated that she will amend her letter to include the conditions of the Board and thanked the Board for their support of the matter.

6. Discussion, deliberation and possible action to direct staff to provide comments as discussed during this action item to Nye County Planning Department, as requested by April 30, 2015, regarding Nye County's proposed 2012 Building Code Adoption and Special Use Permits as proposed in Bill No. 2015-01 – a Bill proposed to amend Nye County Code Title 17, and Bill No. 2015-02, a Bill proposing to repeal Nye County Code Chapter 15.17, and amend Nye County Code Chapter 15.16.

Joni Eastley, 30 year resident of Central Nevada, noted that she speaks as a citizen of Tonopah, not as a County employee. She stated that when she was a Commissioner, she always asked herself these three questions: Is it constitutional? Is it necessary? Can we afford it? Ms. Eastley explained that if one question was answered with a no, she did not vote for the item. She quoted the cover letter of the proposed bill and asked the Board to present examples of why these regulations do not make sense to the BOCC (Nye County Board of County Commissioners).

Brett Perchetti stated that the ordinance is vague and asked whether the code is for commercial buildings only. Horace Carlyle noted that the regulations can be applied to anything. He added that the State of Nevada can require the Town of Tonopah to conform to NRS. He stressed that the Bill is micromanaging and destroying any development. Brett Perchetti inquired what was asked of the Town Board. Mr. Carlyle replied that the County wants the towns to accept the regulations.

James Eason explained that if these codes pass, bars have the same requirements as brothels. Bars in Town would have to be 1,500 feet away from any public places such as parks and churches and would have to provide adequate parking. He stressed that Tonopah was designed around horses, not vehicles, so the layout of the Town is different. He added that the Board agrees with the State's regulations, but not with the new regulations from the County. Brett Perchetti stated that he disagrees with Pahrump mandating this. He noted that people have to have building permits to receive loans and that it is inevitable that the Towns have to comply with the codes to a certain extent. Mr. Carlyle read out what the code will pertain to and stressed that there is not one area that the County would not be able to control or deny. He pointed out that an inspector would have to be paid for by the customer and that it would be very expensive due to travel time and cost. He stressed that this would destroy development.

Chuck Fox stated that he agrees with Mr. Perchetti. He noted that the NRS is in place and everybody follows it. Mr. Fox said that the planning in Pahrump failed as the Town is unorganized. He added that he thinks the County Commissioners do not care about the rural areas and asked the Town Board what voice they have. Horace Carlyle explained that the Board has the right to express their opposition, but that the regulations could be imposed upon the Town of Tonopah. He stated that if the Towns go into an economic decline, he hopes that the State will take over. Duane Downing stressed that the Board was elected to represent the public and that if the public opposes these changes, the Board opposes. He pointed out that the BOCC may not listen to the Town Board. He explained that he believes rules are needed, but not in the way they are proposed by the BOCC. He added that Nye County does not have the money to implement the code. Mr. Fox asked whether it was possible to ask the BOCC to adopt the 2012 standard. James Eason clarified that the County is updating their codes to adopt the 2012 code. He pointed out that building codes have always been in place, mandated by the State of Nevada. He emphasized that it does not make sense to apply what works in Pahrump to all other rural areas. Mr. Fox asked when this matter will be discussed by the BOCC. Mr. Eason stated that the BOCC will have to have a workshop.

Suzi Doran, resident of Tonopah, asked whether it is possible to divide the County to "get rid of" Pahrump. She inquired whether County lines can be redone to merge with Esmeralda County.

Sandy Harmon read a letter by Trish Rippie, local realtor, who could not attend the meeting. Please see correspondence for the full letter. He also read a letter by himself that is also included in the correspondence.

Albert Bradshaw suggested getting legal consultation to set up a strategy to prevent the implementation of the code from happening.

Richard Weathers read letters from Fred and Nancy Cline, owners of the Mizpah Hotel and the Tonopah Brewing Company, and Ramsey Cline, manager of the Longshot Bar inside the Mizpah Hotel. Please see correspondence for both letters.

Sandy Shakocins read a letter that is included in the correspondence.

Dirk Pearson, resident of Tonopah for 24 years, pointed out that the NRS lists who needs a special use permit and that it is much shorter than what the BOCC wants to implement. He explained that certain special use permits such as for fireworks factories are sensible, but that hotels and motels should not require a special use permit. He noted that the State does not require special use permits for most locations and questioned why the County wants to require them. Mr. Pearson pointed out that Section K of the Bill is about business permits and that it is

unreasonable to have to have building permits for repairs or modifications. He stressed that such regulations will destroy Tonopah as people cannot afford to have an architect draw plans. Mr. Pearson stated that new jobs come from small businesses and that these small businesses cannot afford to comply with the code as the County proposes. He pointed out that the Director of Building can require special use permits from just about anybody and that that would be a disaster for Tonopah. Mr. Pearson explained that he had bought a lot of houses in Tonopah that were not habitable at the time. He had invested a lot of money to rent them. With more regulations, he could not have done this. Mr. Pearson added that he can charge more rent in Tonopah than in Pahrump and that he has a waiting list for his properties in Tonopah while his properties in Pahrump sometimes stand vacant. He noted that Pahrump destroyed small businesses with their regulations and that therefore people do not have jobs and cannot afford to pay rent. Mr. Pearson stated that there are too many buildings in Tonopah that will never be brought up to code and that Tonopah will turn into Detroit.

Bruce Jabbour pointed out that many people will be directly impacted by the code if it passes. He implored everyone in attendance to be present at the next BOCC meeting to voice their opinion. He stated that he will help carpool to Pahrump if necessary. Mr. Jabbour stated that the regulations are appalling and will be a disaster for Tonopah. He added that he appreciates what the Town Board will do.

Duane Downing motioned to direct staff to provide the comments that were made here today and also the Board's strong opposition to the Nye County Planning Department by April 30, 2015 regarding the Nye County's proposed 2012 Building Code Adoption and Special Use Permits as proposed in Bill No. 2015-01 – a Bill proposed to amend Nye County Code Title 17, and Bill No. 2015-02, a Bill proposing to repeal Nye County Code Chapter 15.17, and amend Nye County Code Chapter 15.16. Janet Hatch seconded. No further discussion. Motion carried 4-0.

Horace Carlyle suggested Tom Seley help compile comments to present to the BOCC. James Eason explained that the minutes from this meeting and the public's comments and letters will be presented to the BOCC.

2. Review and approval of minutes, in context, from the regular meeting held April 8, 2015.

Duane Downing motioned to approve the minutes, in context, from the regular meeting held April 8, 2015. Janet Hatch seconded. No further discussion. Motion carried 4-0.

3. Review and approval of minutes, in context, from the budget workshop held April 1, 2015.

This item was tabled.

5. Discussion, deliberation and possible action to approve the Nevada Department of Veterans Services (NDVS) Nevada 150 Sesquicentennial Tour Art Exhibition and Loan Agreement to exhibit the "Always Lost: A Meditation on War" Memorial at the Tonopah Convention Center Friday, May 22, 2015 through Friday, June 12, 2015.

James Eason pointed out that POOL/PACT had already reviewed the contract. Horace Carlyle noted that the Convention Center will not receive a rental fee for the exhibition. Janet Hatch stated that she was glad to have the exhibition in Tonopah.

Duane Downing motioned to approve the Nevada Department of Veterans Services Nevada 150 Sesquicentennial Tour Art Exhibition and Loan Agreement to exhibit the "Always Lost: A Meditation on War" Memorial at the Tonopah Convention Center Friday, May 22, 2015 through Friday, June 12, 2015. Janet Hatch seconded. No further discussion. Motion carried 4-0.

7. Tonopah Development Corporation Report. No action taken by the Board.

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

James Eason asked whether everybody has had a chance to review the report from Joe Westerlund, Utility Supervisor, and whether the Board wanted to have anything else in the report like the spreadsheets for the arsenic levels. Horace Carlyle stated that he is very satisfied with what he has received from Mr. Westerlund.

James Eason pointed out that he, Christy Perry and Kat Galli had attended the Rural Roundup, a tourism conference put on by the Nevada Commission on Tourism. He noted that a lot of people from Tonopah had attended this year's workshops. He stated that it was a great conference with remarkable speakers and that Tonopah was mentioned a lot. Bruce Jabbour of North Tonopah Development said that it was the 25th Rural Roundup which was started by Larry Friedman, Assistant Director of the Nevada Commission on Tourism, and that it was held in Tonopah in its 4th year. He explained that he had talked to Mr. Friedman about what it would take to get the Rural Roundup to Tonopah again. He stressed that it is a great marketing tool and a very meaningful conference.

James Eason stated that the Tonopah Memorial Swimming Pool will open on May 26, 2015 if everything goes as planned. He noted that he had received a call from a contractor about resurfacing the pool in the fall. Mr. Eason added that Christy Perry is in the process of getting certified to be a lifeguard instructor and that Tonopah has not had that in 26 years.

Mr. Eason explained that the Mizpah collar at the Tonopah Historic Mining Park will get repaired through donations and that it will be a two to three week project. He added that he would like to do a meet and greet with the Foundation.

Mr. Eason noted that the Town is getting ready for Jim Butler Days. He said that there are still problems with gofers in the Town parks. He pointed out that ads for temporary workers for the parks, the Mining Park and the Pool will be in the newspaper this week.

Joe Westerlund stated that hydrants from the 40's are being replaced with new hydrants. He noted that only two hydrants are left to replace and that after that all hydrants will be exercised and repaired and will only need small repairs in the near future. Mr. Westerlund added that the hydraulic model will have to be updated by the engineers as a 6" line was listed as an 8" line in the maps for Tonopah. He stressed that because of the way they were replacing the hydrants, water did not have to be turned off to the hospital where they were replacing one of the hydrants. James Eason pointed out that the volume and flow will increase because the hydrant at the hospital is now on a 6" line, not a 4" line.

James Eason stated that he and Chris Mulkerns will attend a POOL/PACT training on Thursday and Friday the following week.

Mr. Eason noted that the Town had received an e-mail from Bill Farrar of the Department of Taxation who recommended removing the half cent sales tax from the Town's budget. Mr. Farrar

had been instructed by Terry Rubald to inform all entities except for Nye County to remove the sales tax until the matter is resolved. Duane Downing asked whether the Town can file the audit now. Mr. Eason stated that they will wait until they receive a ruling.

Janet Hatch thanked the public for attending the meeting, the Board members for working as a team and the Town staff for being proactive to make Tonopah a community people want to live in.

Horace Carlyle suggested making sure that the item regarding the building codes and special use permits will be on the BOCC agenda for the first meeting of the month so that people from Tonopah can attend.

9. 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.

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

E-mail from Wayne Allen, April 8, 2015

Round Mountain Town Board Meeting Agenda, April 14, 2015

Beatty Town Advisory Board Workshop Agenda, April 21, 2015

Nye County BOCC Meeting Agenda, April 21, 2015

Project Completion Report Tonopah Middle School Booster Invitational Basketball Tournament, April 13, 2015

Nye County Water District Governing Board Workshop & Meeting Agenda, April 27, 2015

Beatty Town Advisory Board Meeting Agenda, April 27, 2015

Nye County BOCC Meeting Summary, April 21, 2015

E-mail from Beatty Town Office/Chris Mulkerns, April 22, 2015

Letter from Trish Rippie, April 22, 2015

Letter from Sandy Harmon, April 2015

Letter from Nancy and Fred Cline, April 22, 2015

Letter from Ramsey Cline, April 22, 2015

Letter from Sandy Shakocins, April 21, 2015

E-mail from Bill Farrar, April 21, 2015

13. Approval of vouchers for payment

The Board reviewed and signed the vouchers. Duane Downing motioned to approve the vouchers as presented for payment. Janet Hatch seconded. No further discussion. Motion carried 4-0.

14. Public Comment

Nick Bradshaw asked whether the Annual Fishing Derby will still be held at Sportman's Park which the Board affirmed. He noted that the migratory birds will not come near the park with kids around.

Kat Galli, Deputy Town Clerk, pointed out that the Town had purchased a portable stage for events as approved by the Board during the last meeting. She added that the price was lower than approved.

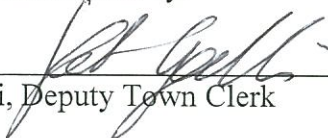
Bruce Jabbour suggested informing Beatty, Round Mountain, Gabbs and other communities about the proposed building codes and special use permits and have members of the public attend the BOCC meeting.

Joni Eastley advised the Board to present a map of Tonopah to the BOCC to show them real life examples of how the 1,500 feet radius would affect businesses in Tonopah if a bar had to be that far away from any public place. She added that the same goes for little towns like Belmont and Manhattan. James Eason noted that Round Mountain has a bar and a gold course next to a daycare.

15. Adjourn

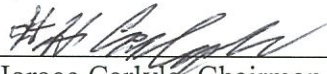
The meeting adjourned at 9:10 p.m.

Minutes transcribed by:



Kat Galli, Deputy Town Clerk

Approved:



Horace Carlyle, Chairman

Duane Downing, Vice-Chairman



Tom Seley, Clerk



Janet Hatch, Member



Doug Farnholt, Member

**TONOPAH LIBRARY BOARD OF TRUSTEES
MEETING MINUTES
APRIL 22, 2015
TONOPAH CONVENTION CENTER
301 Brougher Avenue, Tonopah, NV 89049**

The Tonopah Library Board of Trustees meeting was called to order April 22, 2015 at 8:37 p.m. by Janet Hatch. Also present were board members Horace Carlyle, Duane Downing and Doug Farinholt. Tom Seley was absent. Twenty-two others were in attendance.

1. Public Comment

None.

2. Review and approval of minutes. in context. from the regular meeting held April 8, 2015.

Horace Carlyle motioned to approve the minutes, in context, from the regular meeting held April 8, 2015. Duane Downing seconded. No further discussion. Motion carried 4-0.

3. Review and approval of minutes. in context. from the budget workshop held April 1, 2015.

This item was tabled.

4. Library Board Member's/Department Manager's Comments

Horace Carlyle noted that he and Diane Ryals, Acting Librarian, will start looking at the flooring inside the historical library the upcoming Saturday. Janet Hatch mentioned that computer classes free of charge had started. Town Manager James Eason stated that he and Chris Mulkerns, Administrative Supervisor, had talked to Ms. Ryals who pointed out that she will take pictures of some unsafe conditions in the historical library.

5. Correspondence

None.

6. Approval of vouchers for payment

The Board reviewed and signed the vouchers for payment. Duane Downing motioned to approve the vouchers as presented for payment. Horace Carlyle seconded. No further discussion. Motion carried 4-0.

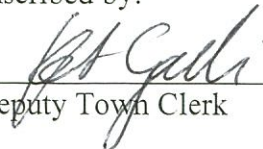
7. Public Comment

None.

8. Adjourn

Meeting adjourned at 8:42 p.m.

Minutes transcribed by:

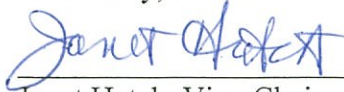


Kat Galli, Deputy Town Clerk

Approved:



Tom Seley, Chairman



Janet Hatch, Vice-Chairman

Duane Downing, Clerk



Horace Carhyle, Member



Doug Farinholt, Member