

TONOPAH TOWN BOARD
MEETING MINUTES
SEPTEMBER 14, 2016
Tonopah Convention Center
301 Brougner Avenue, Tonopah, NV 89049

Tonopah Town Board Chairman Duane Downing called the meeting to order on September 14, 2016 at 7:00 p.m. Also present were Vice-Chairman Tom Seley, Clerk Janet Hatch, and Board Members Don Kaminski and Jerry Elliston. Ten others were in attendance. Chairman Downing led in the Pledge of Allegiance.

The Town Board recessed to the Library Board of Trustees at 7:18 p.m. and reconvened as the Town Board at 7:27 p.m.

1. Public Comment

Tonopah resident Horace Carlyle voiced concerns about the situation of the Fire Department in Town. He stressed that the Board received recommendations from the Fire Chief (for equipment to be purchased). Mr. Carlyle emphasized that if there was no Fire Department in Tonopah, one cannot get insurance for a house and cannot sell properties. He added that the Town would lose its unincorporated status.

Board Member Jerry Elliston asked to get the list Mr. Carlyle was referring to. Administrative Manager Chris Mulkerns clarified that the Town has already purchased most everything on that list.

2. Review and approval of minutes, in context, from the regular meeting held August 24, 2016.

Don Kaminski motioned to approve the minutes, in context, from the regular meeting held September 14, 2016. Jerry Elliston seconded. No further discussion. Motion carried 5-0.

3. Discussion, deliberation and possible action to approve use of the Tonopah Rodeo Grounds for the BLM Wild Horse Adoption to be held in September 2016.

Tim Coward, Tonopah Field Manager for the Bureau of Land Management (BLM) explained that the BLM has used the local rodeo grounds before and had a lot of participation. He noted that they have about 16 horses gathered right now and hope to get 20 adopted.

Mr. Coward explained that the BLM will set up their own corrals on September 19, 2016 and will have a viewing day on September 22, 2016. The adoption will take place on Saturday September 23, 2016. Board Member Jerry Elliston asked how many days the BLM plans to use the property. Tim Coward stated that they will clean up either Sunday or Monday. Don Kaminski inquired whether the BLM will provide feed and water which Mr. Coward affirmed. Board Member Tom Seley asked where the BLM will be getting the water from. Mr. Coward noted that they will get it at the Tonopah BLM office. Mr. Seley stressed that the fire hydrant at the office is not metered. Mr. Coward stressed that they use the metered water.

Duane Downing asked whether the event will affect the Town's insurance which Chris Mulkerns negated. She added that they are using the open space next to the arena. Tom Seley explained that the BLM is covered under government insurance.

Don Kaminski motioned to approve the use of the Tonopah Rodeo Grounds for the BLM Wild Horse Adoption to be held in September of 2016. Tom Seley seconded. No further discussion. Motion carried 5-0.

4. Discussion, deliberation and possible action to approve use of Jim Butler Park or Joe Friel Sports Complex for the Classroom On Wheels (C.O.W. Bus) Preschool for the school year 2016-17, and possibly school year 2017-18.

Karmin Greber introduced herself. She stated that she is the new teacher for the program. She thanked the Board for allowing the C.O.W. Bus to use Town property. She stressed that having a preschool is a much needed service and is free to the kids. Ms. Greber noted that the current agreement goes until September 26, 2016 and that the program is a nine months program with the option to go through the summer. She pointed out that she already has a waiting list and is hoping to get more hours approved.

Administrative Manager Chris Mulkerns noted that the program would like to renew the agreement for two years. Tom Seley inquired whether they will be using the Old Firehouse in the winter like in the previous year. Ms. Greber explained that they will be using the bus and that it will be a challenge to keep it climate controlled.

Board Member Don Kaminski asked how many hours the program is. Karmin Greber stated that she currently has nine hours a week and that she was allowed to split the class by age range. She currently has 20 children with 5 more on the waiting list, even though she has not advertised the program yet.

Chairman Duane Downing pointed out that the current insurance certificate expired. He recommended approving the agreement contingent upon providing a new insurance certificate and approving the two years contingent upon providing updated liability insurance every year.

Don Kaminski motioned to approve the use of Jim Butler Park or Joe Friel Sports Complex for the Classroom on Wheels (C.O.W. Bus) Preschool for the school year 2016-17, and contingent upon what we agreed to 2017-18. Jerry Elliston seconded. No further discussion. Motion carried 5-0.

5. Discussion, deliberation and possible action to approve or deny waiver of corral rental fees for the Tonopah Roping Club.

Jeanne Metzger introduced herself and noted that she and her husband were the main people who used to run the Tonopah Roping Club which is now no longer in effect. She explained that they used to have a Use and Maintenance Agreement, but they did not renew the liability insurance as it would have cost \$1,600 a year.

Ms. Metzger stated that the letters that were mailed to them were not mailed certified or return receipt requested. She stated that this was legally invalid. She said that Utility Manager Joe Westerlund informed her husband Mike that the three steers need to be

moved the day they needed to be moved. She emphasized that this was not enough proper notice and not in a certified letter. Ms. Metzger added that it is not feasible to load up the steers every time to rope. She pointed out that other arenas allow the steers to live at the arena.

Jeanne Metzger explained that they found out in August that POOL/PACT does not require insurance anymore as they were no longer the Team Roping Club, but part of Central Nevada Grange.

Vice-Chairman pointed out that he was concerned for the steers as he has seen them many times when they had no water and still had the horns wrapped. He stressed that this is not humane. Ms. Metzger stated that the steers are roped two times a day and that she will make sure everybody knows.

Mr. Seley inquired when the insurance lapsed and when the Team Roping Club became part of Grange. Administrative Manager Chris Mulkerns explained that when the Town voided the agreement, staff had a meeting in the office with her husband Mike. She emphasized that Mr. Metzger had a couple opportunities to move the steers or provide insurance. Then staff called Mr. Metzger and informed him he needed to move the steers or the Town would start charging him like they do for the corrals. In that phone call, Mr. Metzger agreed to these conditions.

Ms. Mulkerns stated that she had a phone call with Wayne Carlson of POOL/PACT who informed her that the Metzgers are considered members of the public and by default fall under the Town's insurance. She added that the Metzgers feel like they should not have to pay. Tom Seley stated that he feels they should pay for the time when the insurance lapsed until they were part of Grange.

Jeanne Metzger pointed out that they removed manure from stalls and stated that the stalls are used all the time without paying or cleaning.

Chairman Duane Downing noted that the agreement expired as soon as the insurance certificate expired. Ms. Metzger disagreed. She stated that the notice should have been sent properly. Mr. Downing pointed out that a condition of the agreement was not fulfilled and therefore the agreement was voided automatically. Chris Mulkerns added that Mr. Metzger was present at the Board Meeting where this was discussed and he was informed that if the insurance certificate was not provided, the agreement would be void.

Duane Downing suggested a compromise and asked Ms. Metzger what she would agree to. Jerry Elliston stated that he has a hard time believing that they were automatically under the Town's insurance. Chris Mulkerns clarified that this happens when it is public use, not an organized group.

Chris Mulkerns pointed out that Grange's agreement does not cover the arena, it is for the former 4-H area. The steers are right next to arena. She added that the Town would require agreements for events such as the rodeo, trail challenge, etc.

Jerry Elliston suggested waiving the fees as the matter was not handled properly.

Don Kaminski asked what would be done if somebody else wanted to come out and bring their animals. Joe Westerlund emphasized that there has only been one group that was interested in the last few decades. Once there are more groups, the Town would figure it out.

Chris Mulkerns stated that the Metzgers will continue to pay for water and electricity as discussed with them in a meeting the previous week. Jeanne Metzger asked for an adjustment to be made for the leak.

Duane Downing pointed out that the steers did not keep somebody from housing the horses in the stalls so the Town did not lose out on revenue.

Deputy Town Clerk Kat Galli apologized to the Board for not sending the notice by certified mail, return receipt requested. She noted that there have never been any issues with Use and Maintenance Agreements and she assumed the conditions were clear as Mr. Metzger had been in the office for a meeting with Chris Mulkerns and Joe Westerlund. Tom Seley stressed that the agreement provides for oral notifications.

Duane Downing suggested waiving the fees. Jerry Elliston proposed adjusting the language in the agreement to not include the verbal notification. Chris Mulkerns stated that this can be placed on a future agenda for decision.

Jerry Elliston motioned to waive the corral rental fees for Team Roping Club in the amount of \$420.00. Janet Hatch seconded. No further discussion. Motion carried 4-1.

6. Discussion, deliberation and possible action to authorize hosting a Tonopah Ghost Walk to be held on October 22, 2016 and to authorize hosting more Ghost Walks in the future, on a quarterly basis.

Shari Bombard stated that she would like to host a Ghost Walk where characters are set up at a few different places like the Mizpah Hotel, Tonopah Liquor Company, Clown Motel, cemetery, etc. to tell ghost stories. She noted that the organization would be similar to that of the Wine Walk sans the alcohol.

Ms. Bombard explained that she has been doing a lot of research and has lots of stories to tell as she is getting the history behind the stories.

Ms. Bombard noted that she would like to host the first Ghost Walk on October 22, 2016 and that she hopes to do this event on a quarterly basis. She added that she will “test” the event with locals and is hoping to be able to advertise it in the future to get people form out of town. She added that she will be charging \$5 a person to cover the cost.

Don Kaminski inquired whether the Town’s insurance will cover the event. Chris Mulkerns clarified that participants will sign a waiver.

Shari Bombard clarified that she plans on having “passports” for participants to complete so they can be part of the raffle.

Duane Downing asked what time of day the event will take place. Ms. Bombard stated that it will starts around 2:30 or 3 p.m. Mr. Downing replied that it would be better at

night. Ms. Bombard noted that she will look into that. Janet Hatch added that it would be fun to do the Ghost Walk in the dark. Jerry Elliston inquired where the money would go. Chris Mulkerns clarified that it will be deposited into the Tonopah Tourism Fund.

Janet Hatch motioned to authorize hosting a Tonopah Ghost Walk to be held on October 22, 2016 and to authorize hosting more Ghost Walks in the future, on a quarterly basis. Tom Seley seconded. No further discussion. Motion carried 5-0.

7. Discussion, deliberation and possible decision to adopt a resolution to commence proceedings to initiate the annexation of the Tonopah Taxing District to include an area within the Tonopah Library Taxing District, as authorized by NRS 269.650.

Chris Mulkerns explained that this will be the same process as the Board went through the first time. She noted that she would like to show the map of the district (see backup). Tom Seley stressed that this does not affect any private property owners. Tonopah resident Horace Carlyle asked who the property owners are. Kat Galli noted that she has a list available for him to review. Ms. Mulkerns reiterated what Mr. Seley said.

Joe Fallini stated that he was concerned and asked if this was going to affect the grazing in that area. Tom Seley explained that Wayne Hage currently has grazing areas in the current Town district. Duane Downing added that the Ordinance does not say that one cannot have grazing in the Town district. He stressed that grazing is currently taking place in the Town. Chris Mulkerns read the Animal Control Article of the Ordinance (22.32.310G) into the record:

“Livestock: No person shall keep any livestock on any parcel of land which is less than ten (10) acres in area, or within two hundred fifty feet (250’) of any residence other than his own...”

Joe Fallini stated that he wants a stipulation that grazing will be allowed in the Town district in the future. Chris Mulkerns explained that what is being proposed will not change this section of the Ordinance. Tom Seley stressed that the Town Ordinance does not stop grazing. Don Kaminski added that he would not vote on anything that would take the rights of the ranchers.

Horace Carlyle stated that he was “not here to oppose the proposition”, but he would like to let the Board know that it is his understanding that the District Attorney (DA) would not approve it again. He added that the Town Board was allowed to “walk even though we were guilty”. He stressed that Tonopah has a mutual aid agreement (MOU) with SolarReserve that the Town will not supply services into that area. Mr. Carlyle noted that he does not see a legal basis for this proposal without the DA’s opinion.

Chris Mulkerns clarified that there was an Open Meeting Law (OML) complaint because the Town did not follow the process correctly. She explained that the OML complaint was on something totally different and that there was no violation of the OML but a violation of the NRS. The Town Board repealed their decision and then started the process over. Ms. Mulkerns added that the Town had contacted the Board of County Commissioners (BOCC) to get their approval but they pulled it from the agenda because they do not need their permission. Ms. Mulkerns pointed out that staff had the process verified by the DA (see backup).

Chris Mulkerns explained that the mutual aid agreement states that the town will not be the first responder as SolarReserve is too far away. She pointed out that Nye County is an entity in this agreement and stressed that even though SolarReserve pays Nye County taxes, the agreement also states that SolarReserve cannot rely on Nye County in emergencies. Tom Seley stressed that the Town will come to their aid if the Town has the resources. Chris Mulkerns summarized that it is not true that MOU says the Town will never help.

Don Kaminski asked when Exhibit A will be changed. Chris Mulkerns stated that Surveyor Kevin Haskew will provide an amended map on Friday to take out the section of the Hage, Rhines, and Baker properties. Mr. Kaminski inquired whether Midway Gold will still be included which Ms. Mulkerns affirmed.

Tom Seley motioned to adopt a resolution to commence proceedings to initiate the annexation of the Tonopah Taxing District to include an area within the Tonopah Library Taxing District, as authorized by NRS 269.650. Jerry Elliston seconded. No further discussion. Motion carried 5-0.

8. Discussion, deliberation and possible decision to 1) Set date, time and place for a public hearing of Tonopah Town Bill No. 2016-04: a bill proposing to amend title 22 of the Nye County Code by adding Section 22.02.010, annexing into the Unincorporated Town of Tonopah boundaries an area within the Tonopah Library District, consolidating the legal description of the entire Unincorporated Tonopah Town boundary, authorized by NRS 269.650; 2) read title of the bill in the record; 3) direct staff to send a copy of the proposed ordinance by certified mail, return receipt requested, to each owner of real property in the area proposed to be annexed, and post notice of the proposed annexation on the Town website pursuant to NRS 269.155.

Chris Mulkerns stated that the proposed date would be October 12, 2016 which would allow for publication twice. The time would be 7:10 p.m. She clarified that the certified letters that will be mailed to all property owners in the district will include the proposed ordinance. She pointed out that she received a list of all property owners from the Assessor's Office. Tom Seley read the list into the record (see backup). Ms. Mulkerns added that she will include patented mining claims in her mailing.

Ms. Mulkerns clarified that the bill will be amended to describe what the Board discussed.

Don Kaminski motioned to set the date, time and place to October 12, 2016 at 1910 hours at the Convention Center, large room, for a public hearing of Tonopah Town Bill Number 2016-04. A bill proposing to amend title 22 of the Nye County Code by adding Section 22.02.010, annexing into the Unincorporated Town of Tonopah boundaries an area within the Tonopah Library District, consolidating the legal description of the entire Unincorporated Tonopah Town boundary, authorized by NRS 269.650. And as part of the motion, I direct staff to send a copy of the proposed ordinance by certified mail, return receipt requested, to each owner of real property in the area proposed to be annexed, and post notice of the proposed annexation on the Town website pursuant to NRS 269.155. Contingent upon the correction of the legal description in section 22.02.015. Janet Hatch seconded. No further discussion. Motion carried 5-0.

Clerk Janet Hatch read the title of the bill into the record:

An Ordinance enacting a revision and codification of the general ordinances of the Town of Tonopah, a bill proposing to amend Title 22 Tonopah, of the Nye County Code by adding Section 22.02.010, annexing into the Unincorporated Town of Tonopah boundaries a portion of the Tonopah Library District, consolidating the legal description of the entire Unincorporated Tonopah Town boundary; and providing for other matters properly relating thereto.

9. Department Budget Reports

Duane Downing asked why the water usage at the Convention Center was already at over 50%. Chris Mulkerns explained that there was a leaking toilet and urinal which have all been fixed. She stressed that the Convention Center will have enough within the budget to cover for the expense.

Duane Downing inquired about the cost for general insurance in TPU operations. Chris Mulkerns clarified that the Town/TPU paid the premium for the year. There will not be any additional cost unless there is a claim.

Janet Hatch asked about the room tax collections. Chris Mulkerns noted that they are usually about two months behind.

Duane Downing questioned why the Mining Park equipment repair and maintenance fund was so high already. Joe Westerlund noted that the Town purchased new lights. Chris Mulkerns added that staff possibly has to make some adjustments.

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

Duane Downing suggested scheduling a workshop as there are a lot of concerns in Tonopah. Chris Mulkerns proposed having in on a Friday to accommodate the Board Member's work schedule. She suggested Friday October 14, 2016 at 9 a.m. Ms. Mulkerns explained that staff can word the item to include anything like "current issues". Tom Seley added that he would like to follow up on items that have been going on for a while like the review of the Ordinance, sewer relining, etc. Janet Hatch noted that she would like to discuss the office relocation, ambulance service, fire department, etc.

Duane Downing pointed out that the Sheriff is looking at contacting the Town to set up an agenda item to request public safety tax funds.

Don Kaminski stated that he would like to invite everyone to the POW/MIA Remembrance Ceremony on Friday September 16, 2016 at 6 p.m.

Jerry Elliston pointed out that SolarReserve is having a luncheon on October 11, 2016. Chris Mulkerns noted that staff will post a notice of possible quorum.

Deputy Town Clerk Kat Galli pointed out that the Rotary Club of Tonopah will be hosting a bingo afternoon on Saturday September 17, 2016 at 4 p.m.

11. 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.

12. 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.

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

No action taken by the Board.

14. Correspondence

Letter from the Department of the Air Force, August 26, 2016

Room Tax Report for the Month of July 2016, Collected August 2016

Nye County BOCC Meeting Agenda, September 6, 2016

Letter from the Department of the Navy, August 25, 2016

Town Collections, August 2016

Beatty Town Advisory Board Meeting Agenda, September 12, 2016

Round Mountain Town Board Meeting Agenda, September 13, 2016

News Release West Kirkland Mining, September 1, 2016

Convention Center Report, August 2016

E-mail from Angelina Moore re: STAR Program, September 9, 2016

E-mail from SolarReserve re: Celebration of U.S. Clean Technology Advancement,
September 13, 2016

Room Tax Grant Project Completion Report: Tonopah Trail Challenge, September 1,
2016

Letter from Town Board to Casey Folks, Best in the Desert, September 14, 2016

Tom Seley noted that the public should attend the public scoping meeting so that they get feedback. He referred to the letter from the Navy and noted that they are proposing to expand.

15. Approval of vouchers for payment

The Board reviewed and signed the vouchers. Tom Seley motioned to approve the vouchers as presented for payment. Jerry Elliston seconded. No further discussion. Motion carried 5-0.

16. Public Comment

None.

17. Adjourn

The meeting adjourned at 9:11 p.m.

Minutes transcribed by:



Kat Galli, Deputy Town Clerk

Approved:

Duane Downing, Chairman



Tom Seley, Vice-Chairman



Janet Hatch, Clerk

Don Kaminski, Member



Jerry Elliston, Member

TONOPAH LIBRARY BOARD OF TRUSTEES
MEETING MINUTES
September 14, 2016
Tonopah Convention Center
301 Brougner Avenue, Tonopah, NV 89049

Tonopah Library Board of Trustees Chairman Tom Seley called the meeting to order on September 14, 2016 at 7:18 p.m. Also present were Vice-Chairman Janet Hatch, Clerk Duane Downing and Board members Don Kaminski and Jerry Elliston. Ten others were in attendance.

1. Public Comment

None.

2. Review and approval of minutes, in context, from the regular meeting held August 24, 2016.

Duane Downing motioned to approve the minutes, in context, from the regular meeting held August 24, 2016. Janet Hatch seconded. No further discussion. Motion carried 5-0.

3. Library Budget Report

Chairman Tom Seley noted that it is early in the fiscal year and everything is looking really good.

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

Administrative Manager Chris Mulkerns stated that the work at the Historical Library continues and is moving along very nicely. She noted that the crew is doing a spectacular job and will be done soon.

5. Correspondence

None.

6. 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 5-0.

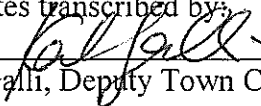
7. Public Comment

Joe Fallini stated that he was concerned because of the Town Ordinance and livestock grazing. He asked why the Library District was as large as it is. Tom Seley clarified that Nye County made this decision many years ago. Then the County asked the Town to take over the Library District. He emphasized that the Board had nothing to do with it. Administrative Manager Chris Mulkerns explained that the Library Board was formed in 1994.

8. Adjourn

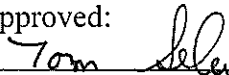
The meeting adjourned at 7:27 p.m.

Minutes transcribed by:

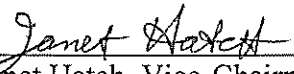


Kat Galli, Deputy Town Clerk

Approved:



Tom Seley, Chairman



Janet Hatch, Vice-Chairman

Duane Downing, Clerk

Don Kaminski, Member



Jerry Elliston, Member