

TONOPAH TOWN BOARD
SPECIAL MEETING MINUTES
January 24, 2020
Tonopah Convention Center
301 Brougner Avenue, Tonopah, NV 89049
9:00 a.m.

Tonopah Town Board Chairman Don Kaminski brought the meeting to order on January 24, 2020 at 9:00 a.m.

Also present were:

Vice Chairman Jerry Elliston
Clerk Marc Grigory
Member Mike Sain

Absent:

Member Duane Downing

10 others were in attendance

Chairman Don Kaminski led in the Pledge of Allegiance

1. Public Comment

None.

2. Discussion, deliberation, and possible decision to require mandatory trash service for every resident/property owner within the Town of Tonopah

Chairman Kaminski stated he wanted this item on the agenda due to the prior contractor and their lack of taking care of the waste disposal. He stated there was a problem with trash piling up and that making trash pick up mandatory may be the solution. Also to help out who comes in to bid and is awarded the contract.

Vice Chairman Elliston stated the problem is bigger than that and that's why we're here. He stated the Board really wants to hear how it effects the people.

He stated some communities have adopted a mandatory trash service. He went on to explain how it may benefit the public.

He stated there is a problem of people dumping their trash in the desert and the problem doesn't seem to be getting any better.

He stated if someone doesn't have an opportunity to take their trash to the dump then it piles up and becomes a health issue.

Member Sain stated he is not for mandatory collection. He stated he has taken his own trash for years due to problems in the past with Hoss. He stated he has talked to some others who take their own trash and they have voiced they are against a mandatory collection, because they want to take their own trash. Member Sain said to Vice Chairman Elliston he doesn't know where he is seeing all the trash in the desert, although he knows Dynamite Road has been a problem over the years, but virtually nowhere else. He said in California it was a problem, mainly because the dump charged people to bring the trash out there.

To avoid the charge they dumped the trash in the desert.

He also brought up the extra cost of mandatory trash service and how some are on a fixed income.

The rest of the Board agreed that was a good point, the extra cost for those on a fixed income.

Clerk Grigory stated he was leaning towards making it mandatory but stated that was a point he didn't think about. He stated a lot of people got used to taking their own trash to the dump because of the service from Hoss and felt this was a way for the Town to stay on top of the new company to ensure they're doing their job.

Tonopah resident Horace Carlyle addressed the Board.

He stated it is punitive the way it is structured based on if you're a property owner what can be done to you; for example a lien put on your house.

He stated we need to preserve our Town's public health and safety and welfare.

He had concerns about the structure if they decide to do this.

In his opinion this should be done through the utility company.

He inquired the boundaries of the Town and stated they're not the utility.

The boundaries, he stated, are the taxing district, 600 square miles.

If they're going to do it, he stated, it needs to be in conjunction with the utility.

Utility should bill and work with the contractor and then it's clean.

He stated he's not lobbying for anyone but if they're going to do it set it up like an enterprise fund just like the utility.

He stated the Town of Tonopah is not the utility district and they may be opening themselves up for a lawsuit.

Tonopah resident Joni Eastley was neutral on the point.

She stated they are breaking a law, maybe. A law that is not on the books; the law of unintended consequences. She is concerned for Mr. Truesdell.

She is afraid by adopting an ordinance that forces everybody in town to subscribe to a trash service that "it is going to ultimately hurt Mike." There may not be that many companies who have Tonopah in their sites. But if they know they are guaranteed 1200-1300 customers they will come out of the woodworks and they will be bidding against him.

Vice Chairman Elliston stated it is their job to get a fair and competitive contract for the Town of Tonopah.

Tonopah resident Durk Pearson stated he and his wife have been residents for 29 years and that he felt the Board is doing a good job.

He expressed this would be a huge mistake.

He inquired about items 3 and 4; are those to be talked about separately. Chairman Kaminski stated yes.

He stated this is something worthy of San Francisco. He thinks there were a lot of people who moved to Tonopah because they didn't want to live in a place like San Francisco.

He suggested they make an ordinance for those people making the garbage removal their responsibility.

He stated they are basically giving a monopoly license to whoever is selected by the competitive bidding as the garbage pickup guy to rip off everybody for whatever they want. He also stated no company would dare bid on a contract with a fixed 10 year price.

His suggestion: "pass an ordinance making people responsible for doing something about the trash they accumulate. Specific to health and safety."

He reiterated the imposition of an extra cost on the families of Tonopah.

Tonopah resident and TPU employee Becky Braska also addressed the Board. Administratively, she stated, it would be difficult at the very least. Unless the Town was providing the service she doesn't think it is reasonable to include it into the water bill. She agreed with Member Sain and Mr. Pearson regarding the people on fixed incomes. She stated the yearly increase on the sewer and water hurts them, she gets comments all the time regarding that increase. She researched municipalities with such service and 80% of them provide the service and they're not contracted out. She went on to say that municipalities that did contract out had employees working in that office and would address issues with the trash. It was stated that the County has a nuisance ordinance and that things like the trash piling up can be addressed through that. Ms. Braska stated that she has been told that once the contract is awarded they (some of the public/water customers) may be more inclined to sign up for service. Vice chairman stated that when Hoss left and trash was left everywhere that the county wasn't enforcing the ordinance. Ms. Mulkerns explained that a resident would have to file a complaint with the County.

There was discussion of other towns and cities that have mandatory trash pickup and the one that was closest in size to Tonopah was Hawthorne. Ms. Mulkerns stated that is run by the town of Hawthorne.

Mike Truesdell of Mike's Rubbish stated it would be a nightmare for two organizations to manage the trash, for the town and the contractor to do it.

He would like to see more people have trash service but not really sure if it should be mandatory.

He stated he thinks the contract is great because it helps manage the cost.

Mr. Truesdell reiterated Ms. Braska's statement regarding once a contract is awarded more people may be inclined to sign up for service.

He also stated; "making it mandatory would probably piss off more people than help."

Chairman Kaminski inquired of Ms. Mulkerns if a price was dictated in the RFP.

She stated included in the contract documents is a customer cost. Whoever is bidding has to fill in all the blanks.

It was also stated that after 6 months the franchisee could request of the Board an increase in the cost.

Chairman Kaminski stated he is leaning toward not imposing the mandatory service.

He stated, instead, to utilize the County nuisance ordinance or provide a Town ordinance.

Member Sain agreed with Chairman Kaminski.

There was discussion why no one ever filed complaints before, some thought it was difficult to do.

Ms. Eastley stated that no one filed a complaint with the Clerk's Office. She also stated it wasn't just individuals that can file but local governments as well could file a complaint.

She stated a Town Board decision could be made to file a complaint against properties they felt were a public nuisance due to garbage.

The complaint is filed with the Clerk's Office then it goes before the Board of County Commissioners to examine the evidence presented. If the decision is made that it is a public nuisance that effects a wide variety of people then they can force the property to be abated and that is done through the District Attorney's Office.

Penalties are assigned if the person does not take care of the nuisance.

It was inquired by the Board if unmaintained household trash could be considered a health risk, Ms. Eastley stated yes. Due to attracting rats. Rats carry disease.

Mr. Pearson agreed with Ms. Eastley. He stated he feels the Board should try that process first and if that doesn't work then consider doing something else.

He stated there is no due process with this potential ordinance. With the County's ordinance there is.

Clerk Grigory suggested this is something they could revisit in 6 months to a year with more information and the new contract in place.

Chairman Kaminski stated the item will die for lack of motion also negating item number

3. Discussion, deliberation and possible decision to set date, time and place for a public hearing regarding: Bill No. TTO-20-01, Tonopah Town Ordinance No. 22.24: an ordinance enacting a revision and codification of the general Ordinances of the Town of Tonopah. An Ordinance amending Nye County Code, Title 22, Tonopah, by amending Chapter 22.24 providing for the storage and collection of other disposal of garbage, trash and other refuse within the Town of Tonopah

This item was negated due to item 2 to dying for lack of motion.

4. Discussion, deliberation, and possible action to approve Request for Proposal documents; and authorize advertisement for an exclusive franchise for the collection and disposal of solid waste within the Town of Tonopah beginning July 1, 2020

Chairman Kaminski stated the Board heard from Ms. Mulkerns on why they should have an RFP out and inquired if anyone had questions for her.

Ms. Mulkerns stated that if anyone in the audience wanted the backup that went out it didn't include the section of 'customer service' and that was now available.

Mr. Carlyle stated that if the contract was awarded to another provider that if the Town could encourage the new provider to maybe acquire some the equipment so that he won't go bankrupt.

Chairman Kaminski inquired of Ms. Mulkerns if legally they could get involved.

Most likely they can not.

Mr. Pearson stated the contract "is pretty darn well written." He pointed out he is not a lawyer and that the contract is possibly not without flaws.

He also stated that no contractor will accept this contract as written due to item 7, renegotiation of service rates.

He went on to explain his view on that.

Ms. Mulkerns explained the item to the Board.

Vice Chairman Elliston stated if no one wants to bid the contract as written they will rewrite the proposal.

Vice Chairman Elliston motioned to approve Request for Proposal documents; and authorize advertisement for an exclusive franchise for the collection and disposal of solid waste within the Town of Tonopah beginning July 1, 2020.

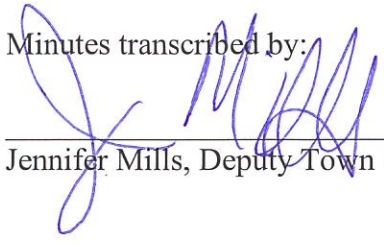
Clerk Grigory seconded.

No further discussion. Motion carried 4-0.

5. Adjourn

Meeting adjourned at 10:00 a.m.

Minutes transcribed by:

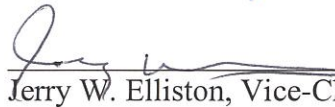


Jennifer Mills, Deputy Town Clerk

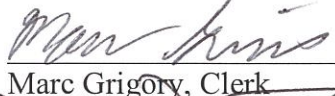
Approved:



Don Kaminski, Chairman



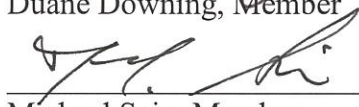
Jerry W. Elliston, Vice-Chairman



Marc Grigory, Clerk



Duane Downing, Member



Michael Sain, Member

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Approved February 26, 2020