

TONOPAHO TOWN BOARD
December 14, 2022
MEETING MINUTES
Tonopah Convention Center
301 Brougner Avenue, Tonopah, NV 89049
6:00 p.m.

Vice-Chairman Jerry Elliston brought the Tonopah Town Board meeting to order on December 14, 2022 at 6:00 p.m. and led in the Pledge of Allegiance.

Present:

Clerk Marc Grigory
Member Duane Downing

Absent:

Chairman Don Kaminski
Member Zachary Newell

12 others were in attendance

1. Public Comment

Misha Allen with Ag Extension:

3rd game night – 40 participants

Soft launch babysitting program

Save the date - 2023 Career Fair at the high school; March 30th, 2023

2. Approval of the Agenda for the Tonopah Town Board Meeting held this day, December 14, 2022.

Agenda approved as submitted

3. Town Board Member's, Department Manager's, Nye County Commissioner's, Tonopah Main Street and Nye Communities Coalition Comments

Jeff Martin of Tonopah Historic Mining Park:

Weekend of November 11th Paranormal Investigation Event – 10 participants. Everybody had a great time.

Silver Top has joined the models' collection. Available for sale at the gift shop.

Collector tins also available.

Nathan Rosen; Desert Queen dump problem, water is seeping. Retaining wall possible.

Nevada State Railroad Museum contacted Mr. Martin – start smoothing over regarding Tonopah/Goldfield car; caboose or combination car. Tonopah Tidewater car was destroyed.

Town Manager Joe Westerlund:

Interbasin transfer temporary permit update.

Sierra Controls is wrapping phase I of upgrade to SCADA system

Love's is waiting on NDEP approval

Demographer's numbers out; number up to 2,170 people from 1,700

Waiting on awning shipment; Fairgrounds

Cheri Harper with Tonopah Main Street:
Santa Crawl; 88 attendees
Depot model coming out
Monday at 6:00 p.m. ARPA workshop

4. Discussion, deliberation, and possible action to approve meeting minutes, in context, from the November 9, 2022 and November 18, 2022 regular meetings.
Clerk Grigory motioned to approve meeting minutes, in context, from the November 9, 2022 and November 18, 2022 regular meetings.
Member Downing seconded.
No further discussion. Motion carried 3-0.
5. Discussion, deliberation and possible action to authorize recognizing Tonopah citizens with an "Outstanding Citizen Award" on an anytime during the year basis.
Town Manager Joe Westerlund presented.
Member Downing motioned to authorize recognizing Tonopah citizens with an "Outstanding Citizen Award" on an anytime during the year basis.
Clerk Grigory seconded.
No further discussion. Motion carried 3-0.
6. Discussion, deliberation, and possible action to approve memorandum of understanding between the Town of Tonopah and Tonopah Development Corporation dba Tonopah Main Street.
Cheri Harper with TMS made the following statement:

775-482-4017
TonopahMainStreet@gmail.com
www.TonopahMainStreet.com



112 St. Patrick Street
P.O. Box 82
Tonopah, NV 89049

December 14, 2022

Good evening. My name is Cheri Harper and I chair the Board of Directors for Tonopah Development Corporation, doing business as Tonopah Main Street. As you know, we are dedicated to, among other things, revitalizing the business climate and promoting economic growth in the town of Tonopah. I am appearing tonight in response to the item on your agenda concerning a Memorandum of Understanding between the Town of Tonopah and Tonopah Main Street. I'll provide a copy of my comments to town staff and ask that they be included verbatim with the minutes of this meeting.

As a nonprofit organization, we rely on financial support from our many sponsors, including the Town of Tonopah. We match and exceed the contribution from the town by conducting fundraisers and sales of items we produce. A significant portion of what we earn goes back to the Main Street businesses in the form of grants and various downtown beautification projects that help improve their curb appeal.

We believe strongly that our relationship with the Town of Tonopah is one of mutual dependency. In the absence of a chamber of commerce, you depend on the efforts of the hard-working Tonopah Main Street Board of Directors and our many volunteers to develop strategies that reduce storefront vacancies, improve downtown curb appeal so people's first impression of our community is a good one, and plan large events to encourage shoppers to visit businesses they may not have been to before. Your support demonstrates your commitment to local businesses, without whom our quality of life could not be maintained. In addition to your financial support, Tonopah Main Street depends on the town to provide on-the-ground support and services, should they be needed, to help ensure our success.

We experienced some bumpy roads with the town earlier this year when we were informed that our annual contribution would be reduced by the value you placed on the man hours involved in filling the planter reservoirs with water. As we explained, we understood and generally supported you "charging" us for this necessary work because, as you said, it needed to be done about every ten days. What we did not understand was why this was being done "to" us as opposed to being done "with" us. We were never told this was going to happen and understandably felt slighted and insignificant.

While we generally have no problem with MDUs and understand why and when they are needed, we believe this document and the way it was drafted to be punitive in nature. And, so there are no misunderstandings between our two organizations, I will outline in writing our concerns. These comments are based strictly on language in the MOU itself:

- The Town will begin "calculating and charging for in-kind donations and charged at the current loaded rate(s) and shall be considered as part of the Town's annual commitment." Because this is public information, we are well aware of which organizations, both for-profit and not-for-profit, to whom the Town is providing in-kind, financial, and/or staff support. Through records requests, we also know this requirement is not being imposed on any of them, either through formal or informal methods. In other words, there are no MDUs on file with any other organization, regardless of the level of funding and staff support you provide.
- The Town will support Main Street by "providing training and supervision when necessary." We're curious to know what training the town could provide concerning the National Main Street Four Point approach, the principles under which we operate, and under what circumstances supervision of our activities would be required.
- The Town will "allow Main Street to collect donations and hold fundraisers." We are a private, nonprofit organization that does not need permission to collect donations or hold fundraisers.



- The Town will "allow Main Street to raise additional funds through various events and by selling items displaying the Main Street logo." Again, we are a private, nonprofit organization that does not need permission to either hold fundraisers or create and sell various items displaying a logo for which we paid to have designed.
- The Town will "reserve the right to discontinue support of any Main Street activities at any time that come into conflict with the purposes and mission of the Town." This is an interesting requirement given that the Town is actually saying, by reserving the right to control our activities, that they are assuming total liability for any other activities the Town does not deem come into conflict with their purposes and mission.
- The Town is "reserving the right to inquire into Main Street Programs and Events at the Town's discretion." Please show us proof of which other organizations deriving funding or staff support from the town are being held to this standard.
- The Town is requiring that Tonopah Main Street "provide the town with a list of the Board of Directors, with titles and appointment dates" and "notify the Town of any changes to the Board of Directors as soon as the changes(s) occur." Please show us proof of which other organizations deriving funding or staff support from the town are being held to this standard.
- The Town is requiring that we "provide proof of compliance annually as to our non-profit status. Please show us proof of which other organizations deriving funding or staff support from the town are being held to this standard.
- The Town is requiring that Tonopah Main Street provide them with our Articles of Incorporation and adopted Bylaws. Please show us proof of which other organizations deriving funding or staff support from the town are being held to this standard.
- The Town is requiring that we "assume responsibility of administering all phases of the Main Street program and operations, including recruitment, hiring and supervising our personnel." Having successfully operated this organization for the past four years, this language is not only unnecessary, it is insulting.
- The Town is requiring that we provide them with "copies of annual Budgets, Annual Audits, detailed Quarterly and Annual accounting reports of Main Street Finances that shall include detailed deposits and expenditures and evaluations of programs and events held by Main Street throughout the year." Please show us proof of which other organizations deriving funding or staff support from the town are being held to this standard.
- The Town is requiring that we "permit the Town appointed representative to attend Main Street Board Meetings/Committee Meetings and function as a liaison between the Town and Main Street." Please show us proof of which other organizations deriving funding or staff support from the town are being held to this standard.
- The Town is requiring that, "should the Main Street Board disband for any reason," that any funds remaining after the payment of all obligations shall revert to the Town of Tonopah. The MDU refers to NRS 82.461, which sets forth no such requirement. Additionally, please show us proof of which other nonprofit organizations deriving funding or staff support from the town are being held to this standard.
- The Town is requiring that we cooperate with them "In Initiating and Implementing projects in support of the overall Mission of the Main Street program as may be determined by the Town." Please show us proof of which other organizations deriving funding or staff support from the town are being held to this standard.

775-482-4317
TonopahMainStreet@gmail.com
www.TonopahMainStreet.com



112 St. Patrick Street
P.O. Box 82
Tonopah, NV 89049

Mr. Chairman, on behalf of the Tonopah Main Street Board of Directors, we refuse to sign a document that by demonstration, we believe to be unfair, punitive in nature, and insulting. We realize the board may refuse to fund our program going forward, and that is their choice. We will simply increase our efforts to make up the lost revenue and communicate the reason for doing so with our supporters and the general public. Additionally, we have requested that an attorney review the document we are being asked to sign and have been informed that the Town does not have the legal right to impose any requirements on a private, nonprofit organization—whether they are providing financial support or not.

Despite our differences, we have appreciated the opportunity to work with town elected officials and staff on a program designed to improve the quality of life and business environment for Tonopah. We remain committed to this mission and intend to keep moving it forward. I appreciate the opportunity to share our concerns.

Cheri Harper
Chair
Tonopah Main Street

Ms. Harper stated that an MOU would be wonderful for POOL/PACT purposes but not to control their organization.

Ms. Braska: MOU was drafted by former Administrative Manager Chris Mulkerns and based on Nye County MOU for the Friends of the Belmont Court House as well as the National Main Street each with Nye County.

Due to Town contributions to the program, she stated that they would be derelict if they didn't request financial statements.

Free office space was removed, and worker's comp was added to the MOU.

Ms. Eastley stated that the language in this MOU is almost identical to the MOU with the Friends of the Belmont Court House with Nye County.

It is desirable for a non-profit organization because they have one purpose and that is to preserve, protect and restore a significant County asset.

Ms. Braska asked which entities they were referring to in their statement.

Ms. Eastley stated Senior Nutrition, Central Nevada Museum, Tonopah Historic Mining Park.

Ms. Braska stated that there are agreements and Ms. Eastley requested copies be provided.

Mr. Westerlund suggested coming up with a new agreement. Clerk Grigory suggested looking at other MOU's that are in place between other towns and Main Street organizations, if they're in place.

Ms. Eastley stated they did reach out to other Main Street organizations and none of them have MOU's with the town, city, or county in which they are located.

The exception is Gardnerville. They are an affiliated program. Gardnerville has a contract with the local Main Street to utilize town office space.

Ms. Harper stated they did request a project driven MOU for the watering of the plants.

Vice Chairman Elliston suggested a workshop after the first of the year.

Ms. Eastley stated she that she thinks she knows what the town needs and what TMS needs and is willing to draft something and present it at the workshop. It was discussed that would be a good beginning and something to work with.

Item tabled.

7. Discussion, deliberation, and possible action on Department Budget Reports.

Looked good per the Board.

8. Discussion, deliberation, and possible action on Department Staff Reports

Looked good per the Board

9. Correspondence

Tonopah partner party

Tonopah Coalition meeting

COVID/flu vaccines

Rhyolite Ridge quarterly newsletter

Nye County job postings

10. Approval of vouchers for payment.

The Board reviewed and signed vouchers.

Clerk Grigory motioned to approve vouchers as presented for payment.

Member Downing seconded.

No further discussion. Motion carried 3-0.

11. Public Comment

Jeff and Kat Galli:

Complaint about air adjustment and sound system; no access, at a recent event.
Snow removal issue.

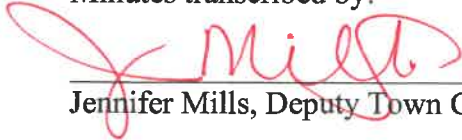
Joe Westerlund opened request for qualifications (RFQ) from eStudio; Houston TX.
Received unopened today.

Cheri Harper: thank you for allowing public comments happen. Where's the downtown
Christmas tree. Top bent; per Mr. Westerlund.

12. Adjourn.

Meeting adjourned at 7:13 p.m.

Minutes transcribed by:



Jennifer Mills, Deputy Town Clerk

Approved:



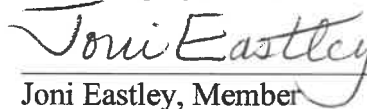
Don Kaminski, Chairman



Jerry W. Elliston, Vice-Chairman



Marc Grigory, Clerk



Joni Eastley, Member



Zachary Newell, Member

Tonopah Town Board Meeting Minutes
For meeting held: December 14, 2022

Approved at meeting held:
January 11, 2023

TONOPAH LIBRARY DISTRICT BOARD OF TRUSTEES
December 14, 2022
MEETING MINUTES
Tonopah Convention Center
301 Brougner Avenue, Tonopah, NV 89049
6:00 p.m.

Chairman Duane Downing brought the Tonopah Library District Board of Trustees meeting to order on December 14, 2022 at 6:49 p.m.

Present:

Clerk Marc Grigory
Trustee Jerry Elliston

Absent:

Vice-Chairman Don Kaminski
Trustee Zachary Newell

12 others were in attendance

1. Public Comment

None.

2. Approval of the Agenda for the Tonopah Library District Board of Trustees Meeting held this day, December 14, 2022.

Agenda approved as submitted.

3. Library Board Member's/Manager's Comments

Library employee Mike Sain:
Still looking for a librarian.

4. Discussion, deliberation, and possible action to approve meeting minutes, in context, from the November 9, 2022 and November 18, 2022 regular meetings and October 28, 2022 workshop.

Clerk Grigory motioned to approve meeting minutes, in context, from the November 9, 2022 and November 18, 2022 regular meetings and October 28, 2022 workshop.

Trustee Elliston seconded.

No further discussion. Motion carried 3-0.

5. Discussion, deliberation and possible action on the Library on Department Budget Report.

Looked good per the Board.

6. Discussion, deliberation and possible action on the Library Staff Report

Presented by Mike Sain.

7. Correspondence

None.

8. Approval of vouchers for payment.

The Board reviewed and signed vouchers.

Clerk Grigory motioned to approve vouchers as presented for payment.

Trustee Elliston seconded.

No further discussion. Motion carried 3-0.

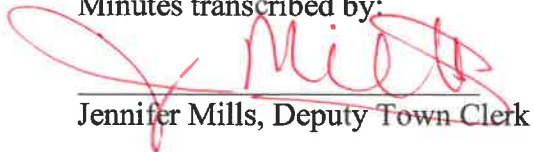
9. Public Comment

None.

10. Adjourn.

Meeting adjourned at 7:02 p.m.

Minutes transcribed by:


Jennifer Mills, Deputy Town Clerk

Approved:


Joni Eastley, Trustee


Don Kaminski, Vice-Chairman


Marc Grigory, Clerk


Jerry Elliston, Trustee


Zachary Newell, Trustee

Tonopah Library Board of Trustees Meeting Minutes
For meeting held: December 14, 2022

Approved at meeting held:
January 11, 2023