

# TONOPAH TOWN BOARD

## MEETING MINUTES

JULY 27 2011

Tonopah Town Board Chairman Jon Zane called the meeting to order at 7:01 pm. Also present were Horace Carlyle, Javier Gonzalez, Glenn Hatch, and Duane Downing. There were ten other people in attendance.

1. Review and Approval of Summary from Regular Meeting held on July 13, 2011.

Duane Downing made a motion to approve the summary, in context, from regular meeting held on July 13, 2011. Javier Gonzalez seconded. Motion passed 5-0.

2. Ex Parte Communications and Conflict of Interest Disclosure Statements

Horace Carlyle explained that he contacted the Attorney General's office regarding this particular item. He received a response on Monday July 25, 2011 from Deputy Attorney General Ken Mancher. Mr. Mancher's opinion is that this item does not meet the standards of the Open Meeting Law because it is not connected to a specific item. He noted that any party can file an objection to this item.

Jon Zane noted that this is the first time he has seen this item on the agenda. James Eason explained that he requested this item to be on the agenda to allow Board members to disclose to the public if they have any potential conflicts of interest. This would eliminate the need to disclose any conflicts of interest for every agenda item. He noted that he used the Nye County Water District Board as a reference for this agenda item. He explained that Mr. Carlyle has done some additional research and there have been some rulings from the Supreme Court. The recommendation is to remove this item for now. He did ask that Board members disclose any possible conflicts of interest before each agenda item. This same item will also be removed from the Library Board Agenda.

Joni Eastly explained that the Nye County Commissioners also include this item on their Planning agendas. She explained that ex parte communications are communications made to influence a decision making official off the record and out of the presence of other parties, such as colleagues or staff members. It is specifically designed to address those communications with somebody who could influence the decision on a specific item. She explained that if a final decision is based on or could be significantly influenced by matters an individual board member is aware of that the rest of the Board is not aware of, the action the Board takes could be invalidated.

James Eason explained that there are Board members who are receiving direct emails from Midway. Jon Zane disclosed that he has received emails from the secretary of a law firm. Joni Eastly noted that these are the types of emails she sends directly to the District Attorney without

responding. Jon Zane noted that he did not respond to the emails. James Eason explained that if the Town ever sits down to finalize an agreement with Midway, these communications will have to be disclosed. This statement offers protection.

3. Approve and Sign Budget Transfers in Town of Tonopah and Tonopah Public Utilities FY 10/11 Budgets

Transfer from Town Administration Workers Comp:

Account Number	Account Name	Move To	Move From
770-7822-519-23-01	Workers Comp		554.00
770-7822-519-26-01	Social Security	554.00	

Transfer from Town Fire Salary and Wages:

Account Number	Account Name	Move To	Move From
770-7836-532-11-01	Salary and Wages		11500.00
770-7836-532-24-03	Retiree Insurance	500.00	
770-7836-532-31-15	Vehicle Fuel	500.00	
770-7836-532-47-01	Telephone	300.00	
770-7836-532-47-06	Water/Sewer	500.00	
770-7836-532-47-07	Propane	1200.00	
770-7836-532-51-02	Equip. Repair/Maint.	8500.00	

Transfer from Town Convention Center Power:

Account Number	Account Name	Move To	Move From
770-7852-592-47-05	Power		6150.00
770-7852-592-11-01	Salary and Wages	2000.00	
770-7852-592-25-01	Medicare	50.00	
770-7852-592-47-07	Propane	4100.00	

Transfer from Town Pool Salary and Wages:

Account Number	Account Name	Move To	Move From
770-7857-583-11-01	Salary and Wages		650.00
770-7857-583-25-01	Medicare	500.00	
770-7857-583-47-07	Propane	150.00	

Tonopah Town Board Meeting

July 27, 2011

Page 3

Transfer from Town Mining Park Workers Comp:

Account Number	Account Name	Move To	Move From
770-7863-589-23-01	Workers Comp		4067.00
770-7863-589-25-01	Medicare	561.00	
770-7863-589-26-01	Social Security	506.00	
770-7863-589-37-03	Unemployment Claims	2000.00	
770-7863-589-47-01	Telephone	500.00	
770-7863-589-47-06	Water/Sewer	500.00	

Transfer from Town Maintenance Medicare:

Account Number	Account Name	Move To	Move From
770-7871-519-25-01	Medicare		200.00
770-7871-519-26-01	Social Security	200.00	

Transfer from Tonopah Public Utilities Water Administration – Retiree Insurance and Contracts:

Account Number	Account Name	Move To	Move From
780-8022-519-24-03	Retiree Insurance		2625.00
780-8022-519-35-01	Contracts		350.00
780-8022-519-11-01	Salary and Wages	2625.00	
780-8022-519-25-01	Medicare	200.00	
780-8022-519-31-01	Office Supplies	150.00	

Transfer from Tonopah Public Utilities Water Operations – Overtime:

Account Number	Account Name	Move To	Move From
780-8072-519-11-18	Overtime		2200
780-8072-519-11-19	Shoe Allowance	200.00	
780-8072-519-31-11	Operating Supplies	2000.00	

Transfer from Tonopah Public Utilities Water - Power:

Account Number	Account Name	Move To	Move From
780-8074-519-47-05	Power		2000.00
780-8074-519-47-07	Propane	2000.00	

Transfer from Tonopah Public Utilities Water Wells - Power:

Account Number	Account Name	Move To	Move From
780-8076-519-47-05	Power		300.00
780-8076-519-31-11	Operating Supplies	300.00	

Transfer from Tonopah Public Utilities Sewer Administration – Retirement, Insurance, and Postage:

Account Number	Account Name	Move To	Move From
781-8022-519-22-01	Retirement		2000.00
781-8022-519-24-01	Group Insurance		1000.00
781-8022-519-31-05	Postage/Shipping		2000.00
781-8022-519-11-01	Salary and Wages	5000.00	

Transfer from Tonopah Public Utilities Sewer Operations – Salary and Wages:

Account Number	Account Name	Move To	Move From
781-8072-519-11-01	Salary and Wages		2132.00
781-8072-519-31-15	Vehicle Fuel	2000.00	
781-8072-519-47-01	Telephone	132.00	

Transfer from Tonopah Public Utilities Treatment Plant – Power:

Account Number	Account Name	Move To	Move From
781-8075-519-31-11	Power		2500.00
781-8075-519-39-13	Sample Monitoring	1000.00	
781-8075-519-59-53	Permit Fees	1500.00	

Duane Downing made a motion to approve the budget transfers for the Town of Tonopah/Tonopah Public Utilities FY 2010/2011. Horace Carlyle seconded. Motion passed 5-0.

4. Approval of 5/8ths of 1% Room Tax Grant to Advertise and Promote the “2011 Tonopah Horseshoe Chuckers” – Ken Jose

Ken Jose, on behalf of the Tonopah Chuckers, requested the Town Board help promote and sponsor the state horseshoe tournament. He noted that there was a tournament earlier in June and there were between 20 to 25 horseshoe throwers. They are usually 45-50 throwers at the state tournament and they are anticipating twice that many. He explained that one of their members is a veteran that lost his legs. He has been rehabbing for about a year. He will be recognized in

Hawthorne the second week of August and they would like to do some sort of recognition at the state tournament.

Jon Zane Asked what dollar amount was awarded last year. James Eason informed the Board that they were awarded \$600 last year. Javier Gonzalez noted that they are asking for \$700 this year. Jon Zane asked about the rules on this sort of grant. James Eason informed the Board that traditionally the Board awards a dollar amount less than the previous year. There was one occasion where the Board awarded more funds than the previous year. Javier Gonzalez clarified that part of the funds for the Special Momentous Award was for the individual being honored. James Eason explained that the increase in award costs can be attributed to the increase in the number of participants.

Javier Gonzalez made a motion to approve the 5/8ths of 1% room tax grant to advertise and promote the "2011 Tonopah Horseshoe Chuckers" not to exceed \$700. Horace Carlyle seconded. Motion passed 5-0.

5. Approval to Accept the USDA Letter of Conditions and Granting the Chairman the Authority to Sign all Necessary Loan and Grant Obligating Documents

James Eason explained that the Board had a sample of the letter of conditions. He noted that the Town is still waiting on a dollar amount from USDA. They should be coming in around August 3, 2011 or August 4, 2011. He noted that on July 27, 2011, the Town was awarded \$1,060,000 from the State Revolving Loan Fund which funded Priority 1. The application to USDA will fund Priorities 2 and 3. What the Town is not yet sure on is what the total loan amount will be and what the total grant amount will be. In preliminary discussions, he noted that Cheryl Couch was talking about possibly \$4 million in loan and \$2 million in grant. He explained that this item grants the chairman the authority to immediately sign the letter of conditions once the numbers have been received so the Town can move forward with the loan process.

Horace Carlyle made a motion to accept the USDA letter of conditions and granting the chairman the authority to sign all necessary loan and grant obligation documents. Javier Gonzalez seconded. Motion passed 5-0.

6. Review, Discussion and Possible Approval of Entering into an Agreement with Aptus Architecture for the Design and Construction Phase of the Convention Center Project, with Funding to Come from the Special Capital Projects Fund

James Eason request this item to be tabled.

7. Discussion and Possible Approval to Submit an Add to Nevada Magazine for the September/October 2011 Nevada Silver Trails Issue

James Eason explained that the September/October issue of *Nevada Magazine* will focus on the Nevada Silver Trails, which Tonopah is a part of. The Board needs to decide if it would like to advertise in this issue. He noted that there are two ads that have run in the past, one advertising

the Mining Park and the other advertising the Mining Park and Starry Nights. If the Board decides to advertise, he recommends staying between ¼ and ½ page and choose which ad it wants to run.

Jon Zane asked if it was possible to do both ads at a ¼ page each. James Eason suggested possibly approving a dollar amount and allowing him to figure out how to run both ads. He noted that there may be an additional cost. *Nevada Magazine* has already given the Town a break on the ½ page add. He suggested the Board provide a preference in case only one ad is allowed because of limited space.

Horace Carlyle made a motion to advertise with the *Nevada Magazine* on the basis of Nevada Silver Trails with two ads not to exceed \$2,750 granting James Eason the discretion to structure it for the best deal. Duane Downing seconded. Motion passed 5-0.

#### 8. Tonopah Development Corporation Report

Joni Eastly handed the Board a copy of the new brochure and explained that it is a walking tour map of Tonopah. The funds for this were provided through a Nevada Commission on Tourism grant. Ted Faye put together the brochure. She explained that recently, TDC received another Nevada Commission on Tourism grant for \$4,500. This will be a companion to the walking tour map. Ted Faye will create a series of short videos of each of the subjects in the map. Those videos will be uploaded to a YouTube.com site called Tonopah Tours. She noted that they want to apply for another grant for a webpage. The webpage will contain all of the sites with a short description matching the map with links that will go directly to the video.

Joni Eastly explained that the most recent appraisal for the HUD house came in at \$39,000. This has been the income project for TDC. The agreement they had with Nye County is that the County would put the money up front to purchase materials so TDC could rehab the home. When the house is sold, TDC will reimburse the County for the materials and appraisals. She noted that when TDC applies for money from NCOT, they have to spend those funds before they are reimbursed. Duane Downing asked if it has been advertised what the appraisal on the house is. Joni Eastly explained that it was in the legal notices in the bids.

Horace Carlyle noted that if things do not go the way they should for TDC, he would urge them to come to the Town Board with a proposal on how it can help. Joni Eastly explained that they are grateful for the help the Board has already given them.

No action taken by the Board.

#### 9. Public Comment

Mike Farris, on behalf of Tonopah Farmer's Market, expressed a concern over the parking at the Pocket Park. He noted that a number of individuals have questioned whether the street in front of the New Firehouse is a public street or a private street. He questioned whether that many parking spaces could be blocked off. At the first market, the police were called regarding the parking. He

explained that the curb was painted red but the lines were painted white and feels that the white lines still indicate free parking. He noted that in Clark County, red lines are used to indicate no parking. He noted that there are also no signs indicating that there is not parking there. There are twelve designated slots in front of the building and thirteen beside the building. He explained that none of the lines are painted red to designate no parking. As he understands the street is still a public street and would like someone to check on whether or not all of that could be cordoned off if there is already parking for the fire department. He feels this is a power struggle. He feels there is a win-win situation. The first four or five slots across from the front doors could go to the EMTs and make sure they are painted red and posted. He feels that the one spot where there are stairs should not be a parking spot but should be a corridor to the stairs. He feels the rest of the spots should be free for anyone to park in.

No action taken by the Board.

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

Joni Eastly explained that the Town and Nye County are going to be hosting a public meeting on Wednesday August 3, 2011 in the Convention Center from 6:00 pm to 8:00 pm. They will be introducing Solar Reserve who will be presenting information on opportunities for service. She and James Eason will be talking specifically about some of the elements in the development agreement and how those components will affect the Town and its citizens.

James Eason explained that there will be a Notice of Possible Quorum for the meeting. The first part of the agenda will be Solar Reserve explaining the project. Following Solar Reserve will be ACS Cobra, the contractor, talking about their plan of development and job opportunities. The meeting will move on to the impacts to the community followed by a segment by Nevada Small Business to provide people with opportunities if they want to start a business. Another aspect they will focus on is the closure of the project after construction. Following that will be a question and answer segment. At the end there will be a 45 minute segment where individuals are able to talk with different individuals. He noted that there is the potential for about 21 projects that could impact Tonopah in the next two years. Joni Eastly noted that some of the projects are significant and will bring several hundred people to town.

Joni Eastly noted that she will be in Carson City on Thursday August 4, 2011 at the two hour hearing on the Solar Reserve tax abatement request. Nye County will not take a position of protesting the tax abatement. She noted that Solar Reserve will provide reasonable mitigation for their impacts. They will have to build and maintain roads they may need. They will also maintain emergency services on site. James Eason explained that there were metrics built into the development agreement where if they exceed a call volume of 10% based on historic averages, they will be responsible for the added burdens to those services. The Town is a secondary support role for the project.

Joni Eastly noted that at the last BOCC meeting, they adopted an ordinance creating the elected Town Board of Amargosa.

James Eason noted that the conditional use permit was issued by the BLM to start the Solar Reserve project. They will start surveying and doing some site work next month. He noted that he and Joe Westerlund, along with Paul Winkleman and Dwight Smith, were in Carson City before the Board for Water Finance regarding the funding from the State Revolving Loan Fund. The Town was awarded \$1,060,000 to offset the total project cost. This is a principle forgiveness loan. He noted that on Thursday July 28, 2011, he, Susan Dudley and Joe Westerlund will be in Hawthorne for a meeting with Midway to discuss a few right-of-way issues.

Horace Carlyle noted that last year, Board members participated in the Midway Gold conversations. He feels that the new Board members should participate and think about how they want to handle the ongoing issues. He feels that eventually there may need to be a water resolution. He noted that he was involved in the December 14, 2010 meeting with Midway. He feels that the MOU helped expedite the water project.

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.

This item was tabled.

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

This item was tabled.

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

This item was tabled.

14. Closure of meeting pursuant to NRS 241.015(2)(b)(2) for purposes of conferring with legal counsel regarding potential or current litigation

This item was tabled.

15. Closed meeting, pursuant to NRS 241.015(2)(b)(2) for purposes of conferring with legal counsel regarding potential or current litigation

This item was tabled.

16. Discussion, deliberation and possible decision on conference with legal counsel regarding potential or current litigation presented in the closed meeting

This item was tabled.



17. Correspondence

Nye County Board of Commissioners Meeting Agenda – 07/19/2011

NNSS Cleanup Sites Get More Bang for the RA Buck! – 07/19/2011

Nye County Board of Commissioners Teleconference Meeting Agenda – 07/26/2011

Pahrump Town Board Meeting Agenda – 07/26/2011

Round Mountain Town Board Meeting Agenda – 07/26/2011

Beatty Town Advisory Board Meeting Agenda – 07/27/2011

18. Approval of Vouchers for Payment

The vouchers were reviewed and all were signed by Board members. Duane Downing made a motion to approve the vouchers as presented for payment. Glenn Hatch seconded. Motion passed 5-0.

19. Adjourn

Meeting was adjourned at 8:39 pm.

Minutes transcribed by:

Approved:

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Mariah Rivero

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Jon Zane, Chairman

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Horace Carlyle, Vice Chairman

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Javier Gonzalez, Clerk

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Glenn Hatch, Member

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Duane Downing, Member