

TONOPAH TOWN BOARD

MEETING MINUTES

JANUARY 11, 2012

Tonopah Town Board Chairman Jon Zane called the meeting to order at 7:29 pm. Also present were Horace Carlyle, Javier Gonzalez, Glenn Hatch, and Duane Downing. There were three other people in attendance.

The Tonopah Town Board recessed to the Tonopah Library Board at 7:30 pm.
The Tonopah Town Board returned at 7:46 pm.

1 (a). Review and approval of summary from regular meeting held on November 09, 2011.

Horace Carlyle made a motion to approve the summary, in context, from regular meeting held on November 09, 2011. Glenn Hatch seconded. Motion passed 3-0-2 (Javier Gonzalez and Duane Downing abstained).

(b) Review and approval of minutes from regular meeting held on November 09, 2011.

Horace Carlyle made a motion to approve the minutes, in context, from regular meeting held on November 09, 2011. Glenn Hatch seconded. Motion passed 3-0-2 (Javier Gonzalez and Duane Downing abstained).

(c) Review and approval of minutes from regular meeting held on December 28, 2011.

Duane Downing made a motion to approve the minutes, in context, from regular meeting held on December 28, 2011. Horace Carlyle seconded. Motion passed 4-0-1 (Jon Zane abstained).

2. Public Comment

No action taken by the Board.

3. Approval of Amendment #4 to the Shaw Engineering Agreement – Amendment to include increase in contract to cover the cost of an Archaeologist to monitor soil sampling as required by BLM and additional work for Interflow Hydrology.

James Eason explained that the Town received the right-of-way on December 30, 2011 upon certain stipulations that have to be met. This is one of the stipulations. In order to continue with the, Earth Sciences will have to come down to do the geotechnical work. This is under the Shaw agreement. While completing the geotechnical work, an archaeologist needs to be present to make sure that no artifacts are dug up or disturbed while doing the soil sampling.

Javier Gonzalez made a motion to approve Amendment #4 to the Shaw Engineering Agreement – Amendment to include the increase in contract amount to cover the cost of an archaeologist to monitor soil sampling as required by BLM and additional work for Interflow Hydrology for the amount of Item 1. \$900.00, Item 2. \$2,800.00 for a total amount of \$3,700.00 of the increase. Horace Carlyle seconded. Motion passed 5-0.

4. Approval of Tonopah Public Utilities Collection Policy for Water and Sewer Services.

James Eason explained that in order to move forward with the water project and receive the funding, the Town, under USDA's review, has to go through the policies to make sure that we are in compliance. He noted that the collection policy did contain some inconsistencies. This has been reviewed by USDA and is acceptable.

Horace Carlyle feels there should be more clarification regarding billing payment. He noted that payment is due the first day after the 17th day. He noted that in the past the post-mark has been considered the legal date of delivery. Chris Mulkerns noted that this has never been the case with TPU. Horace Carlyle feels that the present language has not legally specified that delivery by mail after the 18th is a delinquency. Chris Mulkerns reiterated that if a payment is not received by the 18th it is a penalty. Duane Downing suggested adding "Bills are due and must be received by the 18th of each month after which a 10% penalty is applied pursuant to the ordinance." Horace Carlyle feels a location should be specified. He feels the policy has not named a specific legal point of payment. Javier Gonzalez clarified the new language.

Duane Downing made a motion to approve the Tonopah Public Utilities Collection Policy for Water and Sewer Services with the one change of the wording in billing period will now read, "Bills are due and payable and must be received by the 18th day of each month at the TPU office." Javier Gonzalez seconded. Motion passed 5-0.

5. Approval of Engagement Letter to hire Swendseid & Stern as Bond Counsel for services related to an Interim Debenture Bond Closing and Revenue Bond Closing on the Tonopah Arsenic Water Project.

Javier Gonzalez wanted to know what the hourly rate is. Chris Mulkerns explained that the letter contains a ballpark figure for each section. James Eason explained that this company was used for the sewer project and the past water project. He noted that they are providing the bridge financing for the water project.

Horace Carlyle made a motion to approve the engagement letter to hire Swendseid & Stern as Bond Counsel for services related to Interim Debenture Bond Closing and Revenue Bond Closing on the Tonopah Arsenic Water Project. Glenn Hatch seconded. Motion passed 5-0.

6. Approval of Engagement Letter to hire Swenseid & Stern as Bond Counsel for services related to an Interim Debenture Bond Closing and Revenue Bond Closing on the Tonopah Convention Center Project.

James Eason explained that this is for the Convention Center Project. It is the same company and the same process.

Horace Carlyle made a motion to approve the engagement letter to hire Swenseid & Stern as Bond Counsel for services related to an Interim Debenture Bond Closing and Revenue Bond Closing on the Tonopah Convention Center Project. Glenn Hatch seconded. Motion passed 5-0.

7. Tonopah Department Budget Reports

Horace Carlyle asked if the budgeted interest is going to be earned. Chris Mulkerns explained that it is not showing up in the County system yet. Javier Gonzalez asked about the court fines. James Eason explained that this issue has not been resolved yet. They are in the auditing process.

James Eason explained that there will be a bill tonight for floor paint for the Mining Park. The floor is being prepped. It will be etched to clean it and repainted. The paint is about \$1 a square foot but has a life span of about 25 years. He explained that the line item for grounds maintenance will probably be overdrawn in the coming months. Chris Mulkerns noted that there is money in the department that can be moved around.

Duane Downing suggested that in the coming budget the Town should start looking at video surveillance systems for the Mining Park, Convention Center, and Town Office. He explained that it is a good deterrent. He explained that it may be around \$5,000 for the Convention Center, \$1,500 for the Town Office, and about \$5,000 for the Mining Park. Jon Zane explained that there can be a wireless system and the cost is for the amount of service received. Duane Downing noted that a 16-camera system is between \$3,500 and \$5,000. It comes with a one Teradyne drive memory system. The cameras are all motion-operated and it is on a continuous loop. When it gets filled up, it will go back and start re-recording. It gives about 30 days of coverage. James Eason suggested sending out a proposal and naming multiple sites. Duane Downing noted that the systems can be linked to one server. He noted that with all of the new systems, the system can be accessed from any location.

James Eason explained that the Town is looking at finding some sort of tablet that the Board could receive the agenda directly on. For those who do not wish to use the tablet, they can still receive the paper copy. He explained that this would save time and money for the copier and paper. Javier Gonzalez explained that by going to the manufacturer, a discount may be available. James Eason explained that this technology will be changing with each Board member. He explained that the Town does not currently have a central server.

No action taken by the Board.

8. Tonopah Development Corporation Report

No action taken by the Board.

9. Public Comment

No action taken by the Board.

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

James Eason explained that he will be meeting with the State Water Engineer on Friday at 1:30 pm to discuss the filings for the water applications. He explained that Horace Carlyle signed for the right-of-way for the Town of Tonopah on December 30, 2011. Currently, the Town is looking at starting actual construction on the water project in August.

James Eason noted that the Convention Center Project is also progressing. Aptus is moving along with the design. He noted that the Town has not yet taken possession of the Belvada as the 90 notice is not up yet.

James Eason explained that the swimming pool expenses will be higher this year. There are ADA compliance issues that the Town has to come into affect with. He noted that the leak at the pool will be addressed and the filter media will be changed out.

Duane Downing noted that several years ago there were complaints about no streetlights at the entrance to the Tonopah Apartments. James Eason explained that the Town of Tonopah pays for streetlights. Sierra Pacific is not really inclined to put any more streetlights in and it would be something the Town would have to pay for. He explained that when that property was developed, neither Nye County or NDOT required that intersection to be lit. Horace Carlyle suggested speaking with Dave Fanning regarding the right-of-way. James Eason explained that the actual encroachment is NDOT.

Horace Carlyle asked if the Town was going to join the High Desert Resource Conservation and Development Council. James Eason recommended not joining. He noted that they already show the Town as a member and most of the grant funding goes south.

Horace Carlyle noted that the due date for the Financial Disclosure Statement is soon.

James Eason noted that there was a sage-grouse scoping meeting on Monday. The purpose was to discuss the BLM's plan for the sage-grouse because of the possibility of it being an endangered species. He noted that there will be impacts to ranching in the area as well as impacts to mineral, oil, and gas leases. Entire areas could be shut down to future development.

James Eason explained that the solar project has topped out from a concrete standpoint and they are going to start on the steel portion. There will be another workshop for employment purposes and informing people what is going on with the project.

James Eason explained that on Friday, the Town will be filing protests to the Gary Snow applications listed in the paper. There were applications filed in the Ralston Basin for water. The Town protests anybody who applies for water in the Ralston Valley. There is a well head protection area designated by the State of Nevada as the primary source for the Town of Tonopah's drinking water. The applications were filed verbatim on existing infrastructure. Chris Mulkerns explained that there is a voucher to the State Engineer for \$550.00. It is \$25.00 per protest and the Town is protesting all 22 applications.

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

Hi Desert Resource Conservation & Development Council, Inc. – 12/27/2011

Round Mountain Town Board Regular Meeting Minutes – 12/27/2011

Letter from Nevada Secretary of State – 12/30/2011

Email from Nye County Clerk – 01/05/2012

Nye County Airports: December 2011 Status Reports – 01/06/2012

Scoping Meetings Start Planning Process for Sage-Grouse – 01/06/2012

Strategic Plan for Nye County – 01/09/2012

Round Mountain Town Board Regular Meeting Agenda – 01/10/2012

Pahrump Town Board Regular Meeting Agenda – 01/10/2012

Beatty Town Advisory Board Meeting Agenda – 01/11/2012

Beatty Town Advisory Board Meeting Agenda – 01/13/2012

Nye County Parks & Recreation Commission Teleconference Meeting Agenda – 01/20/2012

Nye County Board of Commissioners Meeting Agenda – 01/17/2012

18. Approval of Vouchers for Payment

Mariah Rivero explained that the signature sheet is split into Town of Tonopah and TPU. They are further separated out into departments. There is a total for each department. Some departments are not shown as there were no charges for that time period.

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

19. Adjourn

Meeting was adjourned at 8:56 pm.

Minutes transcribed by:

Approved:

Mariah Rivero

Jon Zane, Chairman

Horace Carlyle, Vice Chairman

Javier Gonzalez, Clerk

Glenn Hatch, Member

Duane Downing, Member