

TONOPAH TOWN BOARD

MEETING MINUTES

SEPTEMBER 12, 2012

Tonopah Town Board Vice Chairman Horace Carlyle called the meeting to order at 7:00 pm. Also present were Javier Gonzalez, Duane Downing, and Ron Kipp. Jon Zane was absent. There were eight other people in attendance.

1. Public Comment

Craig Conover, an authorized dealer for ADT, explained that ADT has the ability to pay for about \$1,500.00 worth of equipment in a home in trade for doing some advertising by putting a sign in front of the home. They have already taken care of about 23 homes in Tonopah. James Eason explained that the Town is looking at security options for Town facilities. Craig Conover explained that there is a difference between the business and home. In the home you can have a 2-way voice over cell. It has an amplified microphone and speaker phone. If there is a problem, they can provide a verified response to the police. The system has cell backup built in so it can communicate via cell towers. On the business side, the system will have cell primary but will not have the two-way voice over. The system can be as simple or complex as you want. There can be different keycodes assigned to individuals or buildings. James Eason wanted to know if there were cameras associated with the system. Craig Conover explained that the system is tied to the cell service and because the cell service is the way it is, there are no cameras associated with the system. He noted that it needs 3G or 4G service and it has to be AT&T. The system can be customized up to a seven-point system in the home. There is a \$99.00 activation fee for the home that can be waived. For businesses, it is a \$199.00 activation fee that cannot be waived. But seven points can be put in the business, ADT pays for. This covers three doors, a motion sensor, and a key remote, or three doors, a motion sensor, and a smoke detector. There are a lot of options. Anything over the seven points is normally \$100 per point, but for the advertising customers they can do it for \$75.00 per point. With cell-prime, for businesses the monthly fee is \$44.99 and for a home with a two-way voice over cell it is \$47.99. There is an option for using the landline and the monthly fee is \$42.99. James Eason explained that something like this is what the Town is looking at for at the Mining Park. Duane Downing noted that the Town can always look at some sort of stand-alone video surveillance. Craig Conover explained that this system is a point-of-entry system.

No action taken by the Board.

2(a) Review and approval of minutes, in context, from regular meeting held on August 08, 2012.

Duane Downing made a motion to approve the minutes, in context, from regular meeting held on August 08, 2012. Horace Carlyle seconded. Motion passed 4-0-1 (Jon Zane was absent).

- (b) Review and approval of minutes, in context, from regular meeting held on August 22, 2012.

Duane Downing made a motion to approve the minutes, in context, from regular meeting held on August 22, 2012. Horace Carlyle seconded. Motion passed 4-0-1 (Jon Zane was absent).

3. Discussion, decision, and possible approval of 5/8ths of 1% Room Tax Grant to advertise and promote the Tonopah Elks Annual Cow Pastures Golf

Dustin Bayne explained that they are asking for the grant to help offset the cost of advertisement and promotion for the Cow Pastures Golf Tournament, which helps raise money for project Safe Haven for battered and abused children. The amount requested is \$1,276.00 and the total project cost is \$2,700.00.

Javier Gonzalez, Duane Downing, and Ron Kipp disclosed that they are all members of the Elks Lodge but do not benefit from this event. Ron Kipp further disclosed that he does chair the committee for the event.

Duane Downing made a motion to approve the 5/8th of 1% Room Tax to advertise and promote the Tonopah Elks Annual Cow Pasture Golf in the amount of \$1,276.00. Horace Carlyle seconded. James Eason disclosed that he is also a member of the Elks Lodge. Motion passed 4-0-1.

4. Review, discussion and possible decision to support “The Rural Medical Facility Investment and Improvement Act”

This item was tabled.

5. Discussion and possible decision regarding amendments to Section 7 – Benefits – Town of Tonopah Personnel Policy

James Eason explained that the Town has not yet heard back from Pool/Pact so the recommendation is to table this item. Horace Carlyle wanted to know what the change of language is. James Eason explained the language added. The language still needs to be vetted by Pool/Pact. The Personnel Policy adopted previously stated clearly that benefits in the future may go away. He explained that this is being changed so it does not allow someone who worked a few years at another agency to come in, put in a few years with the Town, and retire under PERS. The next language covers full-time employees hired after a certain date. The Town cannot deny retirees continued participation in the plan but the Town does not have to pay for the full coverage. Horace Carlyle wanted to know if it was possible to make approval conditional on approval by Pool/Pact. Duane Downing explained that he would prefer tabling this item until the language is set. Javier Gonzalez wanted to know if there could be a cap set. James Eason explained that the Board may have to make the decision to set caps in place for how much the Town contributes to healthcare. This item was tabled.

6. Review, discussion and possible decision to provide comments on and/or a letter of support for the Draft “Community Source Water Protection Plan for Public Water Systems in Nye County, Nevada”

John Yvon explained that the purpose of the document is to delineate a source water protection area for community wells, identify potential contaminates and to manage the contaminants to insure sustainable water sources into the future. The process had six steps and public participation was highly encouraged throughout the process. Development began February 22, 2010 when NDEP requested participation from the Nye County Water District. The first step was to recruit members to the planning team. The planning team met in Tonopah, Beatty and Pahrump and oversaw the development of source water protection area maps, a contaminant source inventory, management strategies and action plan, and a work plan. The Tonopah Well system sits in Ralston Valley. There is a potential contaminant source to the north. It lies just outside the source water protection area and is only one of two potential contaminant sources. The other source is Highway 376. Neither contaminant source was considered an immediate threat to the well system.

The work plan outlines proposed implementation activities. The Town can seek to obtain or apply for funding individually, as a coalition with other communities or on a county-wide basis. In order to apply for NDEP funding, implementation activities or projects need to be part of a State endorsed water protection plan. All of the work plan elements are to be completed as resources permit. Endorsement of the plan does not obligate the Town or the Utility to complete any or all of the work plan items. Some of the work plan items include continued identification of potential contamination sources, public education efforts, groundwater monitoring or coordination with first responders.

The public education plan targeted two audiences with the target audience being community leaders, advisory boards, and governing boards. The secondary audience is water system operators and users. The plan seeks to get people to ask questions about source water protection, including why it is important to protect drinking water at the source and what possible contaminates are in the water. The plan also has tools to help deliver the message.

The next steps in moving the plan forward are to continue presenting the plan to various boards and the Nye County Water District, soliciting comments from the boards and District, and incorporating them into the plan. Once the comments are incorporated, the plan needs to receive approval from the water district and the BOCC. After that, BEC will seek State endorsement of the plan. Once the plan is endorsed, BEC will begin to implement the work plan and public education plan as well as continuing to update and maintain the plan.

James Eason explained that with the new arsenic mitigation plan, the two threats to the Town's water system are lessened even more. The new site is above the one potential site and the traffic on the Belmont road is minimal compared to Highway 376. John Yvon explained that most transportation ways are considered a risk in case of spills. Duane Downing noted that the highway is the main transportation way for Round Mountain Gold. James Eason explained that this area has previously been designated as the Town's well head protection zone. The only other

smaller risk may be a possible septage contamination from the two domiciles out there. He noted that once the water project is done, the Town will expand the protection zone further to the northeast.

Duane Downing made a motion to approve a letter of support for the draft "Community Source Water Protection Plan for Public Water Systems in Nye County, Nevada." Javier Gonzalez seconded. Motion passed 4-0-1 (Jon Zane was absent).

7. Presentation, discussion and possible decision to enter into a contract with BEC Environmental, Inc. (BEC) for economic development and related services in the amount of \$10,000. Activities under this contract will be conducted from August 1, 2012 through July 31, 2012

Eileen Christensen explained that, starting in 2007, BEC has previously had a couple of contracts with Nye County that were strictly focused on economic development. Most of the efforts were to pursue the renewable energy industry as a form of diversification in the County's economy. BEC was also asked to write several grants, pursue specific developers, do developer workshops, and help identify opportunities for the County to expand revenue generation potential through leases and opening of new businesses. BEC started off with a contract amount and were able to demonstrate a 270% return on the investment that the County made.

BEC establishes a list of metrics, things they believe need to be evaluated. If a service is going to be provided, there needs to be some measurement of success. If BEC is able to obtain a contract with the Town, they would do the same thing. Much of the funding that came out they tried to tie to hard numbers. They also leverage resources. They were able to use some of the Brownfields funding the County received to help complete the Comprehensive Economic Development Strategy. The Nevada Division of Environmental Protection provides grants on a state-wide basis.

Eileen Christensen explained that everyone who pays federal income tax provides funding to the federal government. The government distributes that money among different programs. Those programs then allocate funding for projects. What makes a community successful in obtaining the grant is their willingness to accept that funding, with the understanding that much of the funding provided from the grants comes from the community. The Governor's Office of Economic Development recently put out an RFP for communities to apply for funding through the State program. BEC helped Nye County obtain that funding to form NCREDA (Nye County Regional Economic Development Authority).

Eileen Christensen explained that BEC is requesting funding from Tonopah, Pahrump, Nye County and NCREDA to support economic development initiatives going forwards.

Javier Gonzalez wanted to know where the funding will come from. James Eason explained that the funding will come out of Contracts. Chris Mulkerns explained that this could also be split with TPU.

Horace Carlyle explained that the Tonopah Airport is a great economic resource. He wanted to know if it would be possible going forward to develop a plan of coordination or development to get some sort of growth at the airport. James Eason explained that under the miscellaneous section of the proposal there are two areas he would like BEC to focus on. One is the Tonopah Airport. The leases out there for the solar were a direct result of BEC's work. A different variation is to request a certain amount of acres from the BOCC so the Town can develop an industrial park, where the Town issues the leases and promotes the development out there. The other option is to address the long term housing needs of the Town, to bring in a developer, and look at the land the Town has. The phase one has already been done on all of the parcels owned by the Town.

Eileen Christensen explained that BEC facilitated the four leasing options with different solar companies at the airport. In order to grow the airport, the infrastructure needs to be beefed up. Currently, the transmission is insufficient to support a number of different companies BEC would like to pursue.

Javier Gonzalez made a motion to enter into a contract with BEC Environmental, Inc. for economic development and related services in the amount of \$10,000; activities under this contract will be conducted from August 1, 2012 through July 31, 2012. Duane Downing seconded. Motion passed 4-0-1 (Jon Zane was absent).

Javier Gonzalez noted that the motion was for services to begin August 1, 2012 but it is already September and well past that date. Eileen Christensen explained that they will start billing from the time of approval of the contract forward and will not bill prior to the date of signature of the contract.

The Tonopah Town Board recessed to the Tonopah Library Board of Trustees at 7:51 pm. The Tonopah Town Board returned at 8:01 pm.

8. Discussion, decision and possible approval to send a letter to State Manufactured Housing stating the need for part-time/additional inspectors due to the growth Tonopah and Central Nevada are experiencing

James Eason explained that during the 1980s through 2000 there was a representative living in Tonopah who did inspections for manufactured housing on a contract basis. When he retired, those duties were assumed by representatives from Las Vegas, Carson City, or Elko, depending on the geographical location. From 2000, there has not been a lot of growth until recently. There is a need for some type of part-time inspection in Central Nevada to inspect new manufactured homes or relocation of manufactured homes into the community.

Duane Downing made a motion to approve to send a letter to State Manufactures Housing stating the need for part-time/additional inspectors due to the growth Tonopah and Central Nevada are experiencing, and authorizing Horace Carlyle to sign the letter. Javier Gonzalez seconded. Motion passed 4-0-1 (Jon Zane was absent).

9. Discussion, decision and possible approval to send recommendations to the Nye County Board of Commissioners for future land use at the Tonopah Airport

James Eason explained that there have been requests to expand the residential area at the airport. At one time it was larger and there was a subdivision approved out there. There are currently four residential units, not including the refinery and the terminal airport. Those four residents reside in the area approved for the subdivision. The BOCC is asking for the Board's input on whether they would like to see more residential units out there or leave it as commercial or light industrial and manufacturing.

Duane Downing wanted to know if the residential area referenced is the Airport Estates. He feels that this is what that area should be used for. James Eason explained that the problem is that no one can buy the land, they can only lease from Nye County. He explained that the lease lengths of the residences out there now vary. Javier Gonzalez wanted to know what the County would be willing to do if the Board recommended turning it back into residential. James Eason explained that from a staff standpoint, the recommendation is to not pursue residential at the airport because of the lease and infrastructure issues associated. The Town is limited from a water standpoint and there are no adequate fire flows. This would create two residential communities making it harder for law enforcement and fire crews to respond. The ISO ratings will also be higher out there. There is sewer and water infrastructure in the ground that TPU maintains and putting in residential units out there will increase call volumes. Solauro, who is developing out there, is responsible for all of their infrastructure upgrades. TPU will accept them as long as they are built to TPU's standards. He explained that his recommendation is to not promote residential living out there. If residential needs to go out there, it should only be on a temporary basis. The current agreements will be honored but future residential development out there will not be promoted. Horace Carlyle suggested the Board follow the staff recommendation.

James Eason explained that TPU is limited with the sewer treatment facility located at the airport. Increasing the residential at the airport would exceed the 90,000 gallon permit for the treatment plant. If TPU exceeds that, a new facility will have to be built.

Duane Downing made a motion to approve to send recommendations to the Nye County Board of County Commissioners for future land use at Tonopah Airport as suggested by Town staff to honor the four current residential agreements that are out there but for future use to be industrial, commercial, or manufacturing based. Ron Kipp seconded. Motion passed 4-0-1 (Jon Zane was absent).

10. Discussion and action necessary to notify all parties of the public health, safety and welfare issues with the drainage waters emptying into the channel north of Tonopah adjacent to Highway 95. The above includes asking all involved parties to correct the above public safety issues

Horace Carlyle feels the drainage area could damage the sewer system and undermine the highway. James Eason explained that TPU does watch the sewer pipe that runs down there. The area that was exposed in the past TPU did concrete over but the area that was not exposed was

not concreted. That area has now been exposed so TPU will need to concrete over the exposed area. The next area of concern is the erosion in the NDOT right-of-way. He noted that Dave Fanning has been working with NDOT on this issue. There are three right-of-way issues down there, NDOT, Nye County, and private property. The goal would be to pipe the majority of the ditch past the first sewer line. The second plan is to concrete encase the other section of the pipe.

Duane Downing wanted to know who would pay for and fix the problem. Horace Carlyle noted that the County and NDOT will do most of the work. James Eason noted that the letter should have been addressed to Dave Fanning. James Eason explained that TPU has a right-of-way for the sewer pipes to be there. Duane Downing wanted to know who was responsible for the discharge line in the ditch. James Eason explained that this is a question that needs to be vetted between Nye County and the State of Nevada. Horace Carlyle does not feel the Town is currently liable.

James Eason suggested the Board recommend that staff provide a copy of the minutes to Dave Fanning and the Regional Transportation Board and write a letter in support of Mr. Baer's response and any work he is doing and ask for clarification.

Javier Gonzalez made a motion to direct staff to provide a copy of the minutes along with a letter on the topic that was just discussed concerning the health, safety and welfare issues with the drain waters emptying into the channel north of Tonopah adjacent to Highway 95 and that the Board agrees with the letter about the work but need clarification. Horace Carlyle asked that the BOCC be notified as well. Javier Gonzalez amended his motion to include the BOCC. Horace Carlyle seconded. James Eason clarified that staff would send a letter to notify the BOCC and Dave Fanning of the health, welfare and safety issue associated with Slimewash and that we support any effort that they and NDOT are working on to eradicate that problem in the community. Motion passed 4-0-1 (Jon Zane was absent).

11. Tonopah Department Budget Reports

Javier Gonzalez noted that there was no Room Tax listed for the Mizpah. Duane Downing wanted to know what the exempt portion of the room tax for Humbug Flats is. James Eason explained that those are the long term living units with stoves in them.

James Eason explained that the three buildings the Town will be discussing with ADT are the Convention Center, the Mining Park, and the Town Office. He explained that there is a camera at the Mining Park. Javier Gonzalez explained that there are good quality standalone systems available at Costco or Best Buy. Duane Downing explained that the combination of the ADT monitoring with the standalone system is ideal. If someone does break into the building, there is an immediate response. Horace Carlyle feels that on the long-term basis it would be nice to have both systems. Javier Gonzalez explained that the video is housed in house so if there is a break in and no quick response, the break in is not discovered until the next day or Monday and they have already found and taken the tape. Duane Downing explained that the systems with remote DVRs are 15-20 times more expensive than in house. No action taken by the Board.

12. Tonopah Development Corporation Report

No action taken by the Board.

13. Public Comment

No action taken by the Board.

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

James Eason explained that both pre-construction meetings for both projects were held last week. The submittals have been submitted to Shaw Engineering and are being vetted and approved before going to USDA and State Revolving Loan Fund. Hydro is done drilling the wells. The bid for the Convention Center will be in the paper tomorrow. The Belvada is slowly being secured. Horace Carlyle wanted to know if staff had any idea on what was going to happen with the building. James Eason explained that when all options are available, they will be presented to the Board. The existing lights there were utilized and one new light was added. The flooding issue was solved by fixing the hole cut for the water line. The holes left by the broken purple glass are being cemented.

15. 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.

16. 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.

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

This item was tabled.

18. 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.

19. 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.

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

This item was tabled.

21. Correspondence

Round Mountain Town Board Meeting Minutes – 08/14/2012
Round Mountain Town Board Meeting Agenda – 08/28/2012
Round Mountain Town Board Meeting Cancellation – 08/28/2012
Pahrump Town Board Meeting Agenda – 08/28/2012
Nye County Local Emergency Planning Committee Meeting Agenda – 08/30/2012
Nye County Board of Commissioners Meeting Agenda – 09/04/2012
Nye County Airports August 2012 Status Report – 09/04/2012
United States Nuclear Waste Technical Review Board Letter – 09/07/2012
Round Mountain Town Board Meeting Agenda – 09/11/2012
Pahrump Town Board Meeting – 09/11/2012
Beatty Town Advisory Board Meeting Agenda – 09/12/2012
Nye County Local Emergency Planning Committee Special Meeting Agenda – 09/13/2012
Letter form Department of the Navy – 08/30/2012

22. 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. Javier Gonzalez seconded. Motion passed 4-0-1 (Jon Zane was absent).

23. Adjourn

Meeting was adjourned at 8:57 pm.

Minutes transcribed by:

Mariah Rivero

Approved:

Jon Zane, Chairman

Horace Carlyle, Vice Chairman

Javier Gonzalez, Clerk

Duane Downing, Member

Ron Kipp, Member