

TONOPAH TOWN BOARD

MEETING MINUTES

JULY 24, 2013

Tonopah Town Board Chairman Horace Carlyle called the meeting to order at 7:00 pm. Also present was Duane Downing, Ron Kipp, and Harvey Gonzalez (Mr. Gonzalez attended via teleconference at 7:30 pm.) There were twelve other people in attendance.

1. Public Comment

Robert Shane O'Donnell discussed issues with dust control on the lot across from his home. Mr. O'Donnell stated he is getting his stuff together to put this issue on the August 14th Town Board Agenda. Mr. O'Donnell stated that either the Nye County Road Department of the Town of Tonopah has illegally dumped on this property. Mr. O'Donnell said the Town Board is his first avenue to resolve this issue.

No action taken by the Board.

2. Review, and approval of minutes, in context, from regular meeting held July 10, 2013

Duane Downing motion to approve the minutes, in context, from the regular meeting held July 10, 2013. Ron Kipp seconded. No further discussion. Motion carried 3-0-1 (Harvey Gonzalez was absent).

3. Review, discussion and possible decision to grant permission to Tonopah Softball Association to use the Joe Friel Sports Complex.

Mr. Eason asked if the Board had any questions regarding the Use and Maintenance Agreement. Mr. Carlyle asked if the fields are safe and do the fields meet the standards of the people requesting to use the fields. Ron Lowndes said the fields do meet the Softball Association's needs. Mr. Lowndes requested permission to use the Joe Friel Sports Complex the months of August and September by the Tonopah Softball Association. Mr. Lowndes asked if the Association was required to obtain permission to advertise for the league. Mr. Eason stated that the Association does not have to obtain permission to advertise. Mr. Eason further stated the Tonopah Softball Association is responsible for providing a Certificate of Insurance for the Tonopah Softball Association and schedule of games to the Town office.

Duane Downing motioned to grant permission to the Tonopah Softball Association to use the Joe Friel Sports Complex as indicated by contract. Ron Kipp seconded. No further discussion. Motion carried 3-0-1 (Harvey Gonzalez was absent).

The Tonopah Town Board recessed to the Tonopah Library Board of Trustees at 7:14 PM.
The Tonopah Town Board reconvened at 7:22 PM.

4. Consideration and approval of an Ordinance authorizing the issuance by the Unincorporated Town of Tonopah, Nevada, Water Revenue Interim Debenture, Series 2013; providing the form, terms and conditions of the debenture, the security therefor, the sale thereof; providing for adoption as if an emergency exists; and providing other details in connection therewith.

Susan Dudley presented via teleconference. Ms. Dudley asked if the board had the required four members to vote present. At this time, the board did not have four members present therefore items 4 and 5 were tabled until later in the meeting.

Mr. Gonzalez was connected via telephone at 7:30 p.m. The Board returned to items 4 and 5.

Susan Dudley, via teleconference; Ms. Dudley stated at the June 26 Regular Meeting the Board selected Zion Bank to proceed with the interim financing for Phase II of the water project. Before the Board tonight is the Bond Ordinance. The Bond Ordinance sets forth the terms and conditions of the issuance of a bond to be sold to Zion Bank. The terms listed in the ordinance are the same as the proposal received from Zion's Bank which includes a loan in the amount of one million four hundred and forty four thousand dollars with a fixed interest rate of 1.95% for a term not to exceed eighteen months. The term also calls for interest paid semi-annually and principal due at maturity. The terms also include this is a bank qualified tax exemption. Which means the Town cannot borrow more than ten million dollars within a calendar year during the term of the loan. There is a closing fee in the amount of six thousand dollars which will be deducted from the Town's first draw. The first draw will be in the amount of fifty thousand dollars. There is also a paying agent fee of one thousand dollars. Zion's Bank will purchase this bond issue subject to a USDA commitment letter that they would close on the revenue bond and there will be a bond to USDA using their money to pay Zion Bank off. We do have a confirmation, as of yesterday from USDA that letter will be provided to Zion Bank tomorrow morning following the Board's approval of the Bond Ordinance. In order to meet the time period of the RFP and insure the interest rate of 1.9% the board is unable to comply with the normal ordinance requirement. Therefore, Ms. Dudley requested the Board propose and pass the ordinance in one reading. The ordinance will then be published in the newspaper for two weeks. NRS§269.155 and NRS§350.579 gives the board authority to by-pass the normal ordinance requirements. Ms. Dudley advised the board if they take this action tonight it must be in two steps, the ordinance must be proposed and approved.

Duane Downing made the following statement:

I, Duane Downing, propose and make a motion to approve and pass Ordinance No. TTO-13-02, Bill No. TTO-13-02 entitled an ordinance authorizing the issuance by the Unincorporated Town of Tonopah, Nevada, Water Revenue Interim Debenture, Series 2013; providing the form, terms and conditions of the debenture, the security therefor, the sale thereof; providing for adoption as if an emergency exists; and providing other detail in connection therewith. Mr. Carlyle requested clarification that the Ordinance and the Bill are both TTO-13-02. No further discussion. Ron Kipp seconded. Motion passed 4-0 (Harvey Gonzalez voted via teleconference).

5. Discussion, decision and possible approval to advertise the bid for Tonopah Public Utilities Phase Transmission Main Arsenic Mitigation Project with funding to come from USDA RD Loan and Grants, State Revolving Principal Forgiveness Loan and Tonopah Public Utilities Grant Depreciation Capital Replacement Fund.

Susan Dudley presented via teleconference. Following when the Board received a commitment from USDA and State Revolving Loan the Board authorized Shaw Engineering to proceed with the design and preparation of bidding documents. The preliminary plans and specifications along with the contract documents have been circulated for review. With the completion of the design it became apparent that the engineers estimate exceeded the estimate used which was based on the previous PER. Three million six hundred three thousand two hundred and seventy eight dollars (\$3,603,278.00) was for construction; Five hundred and one thousand four hundred and thirty one dollars (\$501,431.00) in contingency. The Board packet included the revised estimate from Shaw Engineering. The total of the base and alternate bid is four million one hundred seven thousand nine hundred and seventeen dollars (\$4,107,917.00). Ms. Dudley advised the Board could commit up to three hundred thousand (\$300,000) from the Grant Depreciation fund for contingency items if needed.

Duane Downing motioned to advertise the bid for Tonopah Public Utilities Phase Transmission Main Arsenic Mitigation Project with funding to come from USDA RD Loan and Grants, State Revolving Principal Forgiveness Loan and Tonopah Public Utilities Grant Depreciation Capital Replacement Fund. Ron Kipp seconded. No further discussion. Motion passed 4-0 (Harvey Gonzalez voted via teleconference).

Harvey Gonzalez timed out at 7:47 p.m.

6. Review, discussion and possible decision to grant permission to Wayne Yeager and Terry Yeager to make improvements to the Fairgrounds.

Mr. Eason reported that Wayne Yeager approached Mr. Eason and requested that in the back area of the fairgrounds he be allowed to put in a deep pit for cooking to be used by the Senior Center and different events at the fairgrounds, i.e., 4H. It would be a vault dug into the ground and sealed with a steel lid and a lock to prevent unintended access. Mr. Eason then reported that Terry Yeager asked if they could use the back area of the fairgrounds outside of the fence as an area for kids to paintball. Mr. Eason advised Mr. Yeager that the area needed to be kept clean. Mr. Carlyle questioned the Town's liability regarding volunteer labor. Mr. Eason advised that volunteers are covered under Workers' Compensation and POOL/PACT. Mr. Downing emphasized the need to stress that the area be kept clean.

Duane Downing motioned to grant permission to Wayne Yeager and Terry Yeager to make improvements to the Fairgrounds as discussed. Ron Kipp seconded. No further discussion. Motion carried 3-0-1. (Harvey Gonzalez was absent).

7. (a) Discuss proposal regarding Radar Road Lift Station Improvements and possible easement granted for gravity line installation. Reference letter to Tonopah Public Utility

dated June 9, 2013.

(b) Discuss purchase of water ERU's for North Tonopah Development plans.

Mr. Eason requested that items 7 (a) and (b) be tabled until the August 14, 2013, Regular Town Board Meeting. The Board tabled items 7(a) and 7(b).

8. Review, discussion and possible decision to approve the Reader Board Advertising Agreement.

Mariah Rivero discussed a fee schedule and application and the reserved frame breakdown. The board discussed non-profit use of the board. Ms. Rivero advised that there will be seven frames reserved for the Town, five frames will be reserved for the non-profits and eight frames will be available for paid advertising. When frames are not in use by a specific group, the frame can be available for paid, non-profit or town use as needed. The Board thanked Ms. Rivero for her hard work on the project.

Duane Downing motioned to approve the Reader Board Advertising agreement as presented. Ron Kipp seconded. No further discussion. Motion carried 3-0-1 (Harvey Gonzalez was absent)

9. Review and approve budget transfers for Town of Tonopah/Tonopah Public Utilities Department Budgets for FY 2012-2013.

Chris Mulkerns discussed and reviewed budget transfers and Fiscal Year End 2012-2013 expenditures.

Duane Downing motioned to approve the budget transfers for the Town of Tonopah/Tonopah Public Utilities Department budgets for FY 2012-2013 as presented. Ron Kipp seconded. No further discussion. Motion carried 3-0-1. (Harvey Gonzalez was absent).

10. Tonopah Development Corporation Report

No action taken by the Board.

11. Public Comment

No action taken by the Board.

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

James Eason reported that Mariah Rivero picked up the Town Ford Explorer.

Discussed agenda item number 5 and going to bid. Advertisement will go out per schedule as of this time on the 30th of July, 2013.

James Eason thanked Mariah Rivero for everything she has done, she has been a great addition to the team and she will be greatly missed.

Mr. Eason advised he will not be here for the August 14th meeting as he will be on vacation that week.

Mr. Carlyle questioned the issue regarding the issue on dust control. Mr. Eason noted that the board has been provided with the Nye County Sanitation Ordinance, as well as a copy of the complaint that was issued to the Nevada Division of Environmental Protection (NDEP). Nye County is addressing the complaint. When Mr. Westerlund returns from leave, Mr. Eason stated that the Town will inquire about the "leak" further. Mr. Eason recommended the Board allow Nye County address this issue because this is a Nye County Ordinance. Mr. Eason stated he will inquire with the County Manager as to the direction the County intends to take.

13. 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.

14. 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.

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

This item was tabled.

16. Correspondence

Nye County Board of Commissioners, Joint Meeting Agenda – July 16, 2013
Nevada State Emergency Operations Center Situation Report #1 - July 17, 2013
Review of Alternative Criteria for DWSRF Additional Subsidy – July 2013
Email with attachments from Shane O'Donnell – July 17, 2013
Beatty Town Advisory Board Community Center Kitchen Workshop Agenda – July 22, 2013
Beatty Town Advisory Board Meeting Agenda – July 22, 2013
Pahrump Town Board Agenda - July 23, 2013
Round Mountain Town Board Regular Meeting Agenda – July 23, 2013
Nye County Animal Advisory Committee Regular Meeting Agenda – July 25, 2013
Nye County Water District Governing Board Regular Agenda – July 29, 2013
Nye County Board of Commissioners, Joint Meeting Agenda – July 29, 2013

17. Approval of Vouchers for Payment

The vouchers were reviewed and all were signed by Board members. Duane Downing motioned to approve the vouchers as presented for payment. Ron Kipp seconded. No further discussion. Motion passed 3-0-1. (Harvey Gonzalez was absent).

18. Adjourn

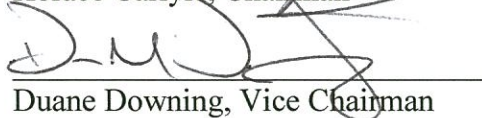
Meeting was adjourned at 8:27 pm.

Minutes transcribed by:

Approved:


Rebecca A. Braska


Horace Carlyle, Chairman


Duane Downing, Vice Chairman

Ron Kipp, Clerk


Javier Gonzalez, Member

Vacant, Member